



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 6 JULY 2016 AT 1.00 PM

COUNCIL CHAMBER - THE GUILDHALL - FLOOR 2

Telephone enquiries to Joanne Wildsmith 0239283 4057

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Planning Committee Members:

Councillors Frank Jonas (Chair), Scott Harris (Vice-Chair), Jennie Brent, Yahiya Chowdhury, Ken Ellcome, Colin Galloway, Lee Hunt, Hugh Mason, Steve Pitt and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Steve Hastings, Suzy Horton, Stephen Morgan, Gemma New, Darren Sanders, Lynne Stagg, David Tompkins, Tom Wood and Rob Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826

AGENDA

1 Apologies

2 Declaration of Members' Interests

Planning Applications

3 **16/00085/FUL - Former Kingston Prison Milton Road Portsmouth PO3 6AS - Redevelopment of former prison comprising: part demolition and conversion of listed buildings to provide 73 dwellings and commercial unit (within class A1 or class A3); demolition of non-listed structures;**

construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St. Mary's Road; and provision of car parking and associated landscaping and other works (report item 1) (Pages 1 - 82)

- 4 16/00086/LBC - Former Kingston Prison Milton Road Portsmouth PO3 6AS - Demolition of listed engineering/workshop building, part demolition and conversion of listed prison buildings (with associated internal and external alterations) to provide 73 dwellings and a commercial unit and part demolition of listed prison wall (report item 2)**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

PLANNING COMMITTEE 6 JULY 2016

1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

INDEX

Item No	Application No	Address	Page
01	16/00085/FUL	Former Kingston Prison Milton Road Portsmouth PO3 6AS	PAGE 3
02	16/00086/LBC	Former Kingston Prison Milton Road Portsmouth PO3 6AS	PAGE 62

FORMER KINGSTON PRISON MILTON ROAD PORTSMOUTH PO3 6AS

REDEVELOPMENT OF FORMER PRISON COMPRISING: PART DEMOLITION AND CONVERSION OF LISTED BUILDINGS TO PROVIDE 73 DWELLINGS AND COMMERCIAL UNIT (WITHIN CLASS A1 OR CLASS A3); DEMOLITION OF NON-LISTED STRUCTURES; CONSTRUCTION OF FIVE BLOCKS OF BETWEEN THREE AND SEVEN STORIES TO PROVIDE 157 DWELLINGS; PART DEMOLITION OF LISTED PRISON WALL AND FORMATION OF NEW VEHICULAR ACCESSES TO MILTON ROAD AND ST MARYS ROAD; AND PROVISION OF CAR PARKING AND ASSOCIATED LANDSCAPING AND OTHER WORKS

Application Submitted By:

Nathaniel Lichfield & Partners

On behalf of:

City & Country Residential Limited

RDD: 19th January 2016

LDD: 20th April 2016

The following report is supported by a confidential appendix addressing exempt matters.

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application include whether there is a need for a prison, whether the site is suitable for residential development, the relationship of the proposal with neighbouring properties, the impact of the proposals on heritage assets, whether the proposal is viable and deliverable, what public benefits are associated with the proposal and how the proposal would affect the local highway network.

The site

The proposal is for the redevelopment of the former HMP Kingston which closed in 2013. The site was purchased together with three other former Ministry of Justice sites by the applicant, City and Country. The site is grade II Listed and with the exception of a car park to the north adjacent to Bowler Avenue, and is bounded by a flint faced wall over 5 metres high. The site contains the original radial plan prison buildings and gatehouse complex. There are a number of buildings, additions and structures which date from the 1960's and 70's and were carried out by the Home Office/Ministry of Justice when the site was operational. The site is bounded to the west by the main railway line onto and off Portsea Island beyond which is Kingston Cemetery, a Registered Historic Park. Opposite the site on the southern side of St Marys Road is the Grade II Listed former Union Workhouse that has been converted to flats.

The Listing

Prior to the disposal of the site by the Ministry of Justice English Heritage (now Historic England) reviewed and amended the listing description to explicitly differentiate those buildings and structures included and excluded from the listing.

The Listing summarises the former HMP Kingston as including the principal prison building, comprising a series of radiating cell blocks executed in a robust, polychromatic, idiom; the

boundary wall; and the entrance complex comprising gate tower, Chief Warder's and Governor's houses and detached gate piers, executed in a decorative castellated style; surrounding the site is the imposing flint and brick wall. It was built 1874-77 to the designs of George Rake. The early-C20 engineers' workshop, which includes earlier fabric to the north and west, is included in the listing but is of lesser special interest.

The reason for the listing as Grade II is given as:

- * Architectural interest: comprised of both decorative castellated and robust polychromatic components, the buildings form a striking architectural ensemble with a high quality of design and detail, and a craftsmanly use of materials;
- * Planning interest: the prison was the last of 19 radial plan prisons to be built between 1842 and 1877;
- * Level of survival: aside from the loss of original ancillary buildings on the site, the distinctive architectural character, fabric and plan-form of the prison remains unusually intact.

The listing includes a detailed description of the exterior and interior of the historic prison buildings.

Exclusions from Listing

The following structures are explicitly excluded from the listing, or declared not of special architectural or historic interest:

- the three-storey workshop building connected to the west end of C-wing;
- the canteen, library and -chapel block, with walkway connecting to the main prison building, and adjoining boiler house, to the north of the rotunda; the detached visits block to the north-west of D-wing;
- the first-floor extension of B-wing and the attached basketball court to the south of B-wing; the southern east-west range of the engineers' workshop and stores;
- the external stair to the north of A-wing;
- the late-C20 extensions flanking the west face of the gate tower; and
- the late-C20 walls adjoining the original gate piers to the front of the site.

Proposal

This application seeks planning permission for a residential development comprising 230 dwellings and the creation of a small commercial unit within Class A1 or Class A3. The proposal is to bring inactive heritage assets back into use and contribute to meeting local and strategic housing need and objectives. The development proposes a long term use of a vacant brownfield site, regenerating the area and helping to address housing delivery target in the city. The development would promote new housing through conversion of the prison buildings and redevelopment of previously developed land.

The proposal can be separated into two main elements; the conversion of the radial prison building and gatehouse to create 73 new homes ; and, construction of five new residential blocks ranging in height between three and seven storeys creating 157 homes.

The proposal also includes:

- a small commercial unit within Class A1 or Class A3 within the converted prison;
- the demolition of all non-listed structures within the site;
- the part demolition of the listed prison wall and the formation of new vehicular and pedestrian accesses to Milton Road and St Marys Road; and
- the carrying out of hard landscaping to provide of car parking and access and associated soft landscaping and other works.

The proposed 230 flats would comprise 7 studio units (all within the converted buildings), 83 one-bedroom flats (39 as part of the conversion and 44 new build), 120 two-bedroom flats (19 conversion and 101 new build), and 20 three-bedroom flats (8 conversion and 12 new build).

The proposed new build flatted blocks would be in the form of linked pairs with a height difference of a storey between each pair. With the exception of 'Block N', which would be sited on the former car park adjacent to Bowler Avenue, the blocks would be built within the prison walls around a 'green' which would be retained within the centre of the site. The tallest of the proposed new build blocks would be seven storeys and 22 metres to their highest point. The lowest of the new build blocks would be that built outside the wall fronting Bowler Avenue which would have a height of 7 metres.

The proposed materials include the use of brick and flint, reflective of the existing fabric, within the main façade elements on the new buildings. Brick work is proposed to complement the weathered brick in terms of colour and texture. The appearance and materials of the new build elements are proposed to reference, and contrast original fabric without challenging the existing buildings.

The proposed development will include a range of communal and private amenity spaces. Overall, the proposed development will provide 2,585sqm of private amenity space in the form of garden terraces and podiums and 3,730sqm of public open space. In addition, the proposed new build homes will also have access to private balconies.

The application proposes two new vehicular access points on St Mary's Road and Milton Road and to keep the existing gatehouse access but for entry purposes only. Two new pedestrian accesses are proposed to facilitate safe entry into the site for pedestrians and cyclists using the proposed new pedestrian crossing on St Mary's Road and a pedestrian crossing access to the south of the gatehouse.

It is proposed that 300 car parking spaces be provided within the prison boundary wall and 31 spaces outside of the wall on Milton Road. These spaces will be spread across the site in the form of covered and external surface parking and undercroft parking. A total of 428 cycle parking spaces would be provided across the site in several locations. These would be covered, secure and easily accessible. The landscaping and public realm includes the provision of 40 visitor cycle spaces.

The application is accompanied by a comprehensive suite of supporting information which includes the following documents: Planning Statement, Design and Access Statement, Heritage Impact Assessment, Transport Assessment, Townscape & Visual Impact Assessment and Viability Review.

A phasing plan has also been submitted indicating that the development would be carried out in four phases each of approximately 12 months duration and comprising the following:

- Phase 1: Formation of new accesses and site compound. Conversion of A and E Wings and the Gatehouse complex to provide 39 flats and the commercial unit;
- Phase 2: Conversion of B and C wings and construction of Block J (in south west corner of site) to provide 69 flats;
- Phase 3: Conversion of D Wing and construction of Blocks K and L (in north-west corner of site) to provide 86 flats; and
- Phase 4: Construction of Blocks M and N (inside and outside walls adjacent to Bowler Avenue and Milton Road) to provide 36 flats.

The proposal is accompanied by an offer of a range of community benefits which are described and discussed in the comments section of the report.

The application has been submitted following an extensive pre-application discussion and public consultation including a number of events carried out the applicant on site.

Planning History

The planning history of the site is confined to those alterations to the former prison carried out post June 2006 when crown immunity from planning law was removed. None of the works carried by the Home Office or Ministry of Justice are considered relevant to the determination of this application.

Prior to the submission of this application the applicant formally requested the Local Planning Authority undertake a screening opinion to confirm whether there would be the requirement for an Environmental Impact Assessment in respect of the proposed scheme to be carried out. Following an assessment of the likely impacts of the proposal in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 it was confirmed that the proposal would not be classed as an EIA development under the EIA Regulations and that an Environmental Impact Assessment would not be required.

A corresponding application for listed building consent has been submitted and appears elsewhere on the agenda.

Prior to its disposal of the site the Planning Service were involved in the preparation of a planning brief in 2013, so as to support the disposal of the site by the Ministry of Justice and enable a scheme to come forward.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS11 (Employment Land), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS24 (Tall buildings).

There are a number of Supplementary Planning Documents covering various matters relevant to the proposal including Tall Buildings, Parking Standards, Sustainable Design & Construction, Housing Standards, Solent Special Protection Areas, Air Quality & Pollution and Achieving Employment and Skills Plans. .

National Planning Policy Framework

Paragraph 6 sets out that the "purpose of the planning system is to contribute to the achievement of sustainable development". Paragraph 7 sets out that "there are three dimensions to sustainable development: economic, social and environmental" goes on to highlight the social role as including "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment" and the environmental role as "contributing to protecting and enhancing our ... built and historic environment".

Paragraph 9 identifies that "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to): replacing poor design with better design; and widening the choice of high quality homes.

Paragraph 11 reaffirms that "Planning law [Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990] requires that

applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".

Paragraph 14 makes it clear that at the heart of the NPPF is a presumption in favour of sustainable development, for decision making this means approving development proposals that accord with the development plan without delay.

The following paragraphs of the National Planning Policy Framework are relevant to the proposal and should also be considered when determining this planning application:

- 17 Core planning principles for decision making
- 32 Transport Statements and Assessments
- 35 Development designed for sustainable transport
- 36 Travel Plans
- 49 Housing applications considered in the context of the presumption in favour of sustainable development
- 56 Good design is indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Encouraged to regard design review panels and their comments
- 96 New development should minimise energy consumption
- 128 Describing heritage assets
- 129 Significance of heritage assets
- 131 Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable; and the desirability of new development making a positive contribution to local character and distinctiveness
- 132 Significance and harm to heritage assets
- 134 Harm weighed against public benefits
- 140 Benefits of enabling development outweighing disbenefits
- 173 Ensuring viability
- 190 Pre-application early engagement
- 197 Presumption in favour of sustainable development
- 204 Planning obligations and conditions used to make development acceptable

Reference is also made to relevant sections of the National Planning Practice Guidance including:

Air quality;
Conserving and enhancing the historic environment;
Design;
Health and wellbeing;
Housing- Optional Technical Standards;
Noise;
Open space, sports and recreation facilities, public rights of way and local green space;
Planning obligations;
Travel plans, transport assessments and statements in decision-taking;
Use of Planning Conditions;
Viability;
Water supply, wastewater and water quality.

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

CONSULTATIONS

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- o encroach onto Network Rail land
- o affect the safety, operation or integrity of the company's railway and its infrastructure
- o undermine its support zone
- o damage the company's infrastructure
- o place additional load on cuttings
- o adversely affect any railway land or structure
- o over-sail or encroach upon the air-space of any Network Rail land
- o cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance - The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage - No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding - Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor

must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing - In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting - Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration - The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebрина"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Vehicle Incursion - Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset

Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats and Species Regulations 2010 (as amended)

The Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Chichester and Langstone Harbours Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as the Chichester and Langstone Harbours Ramsar site¹, and is also notified at a national level as Langstone Harbour Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Chichester and Langstone Harbours SPA/Ramsar: No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites, and has no objection to this aspect of the application.

Langstone Harbour SSSI: No objection - no conditions requested

This application is in close proximity to the Langstone Harbour Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual

species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Southern Gas Networks

Please find an extract from our mains records of the proposed work area enclosed for your guidance. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see our low/medium/intermediate pressure gas main near your site.

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to our pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

Southern Electric

No response received

Southern Water

Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission.

"Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and

approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable." We suggest the following informative: 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk'.

Alternatively if the existing development discharges foul and surface water to the existing surface water system, then a discharge from the site may be permitted if limited to the existing discharge rate. If the applicant wishes to investigate this option, the applicant will be required to provide under Section 106 of the Water Industry Act a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Any excess of surface water should be attenuated and stored on site. Where flow attenuation is proposed and the sewerage in question is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the facility.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of

the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water." Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk".

Portsmouth Water

No response received

Hampshire Fire & Rescue Service

Building Regulations: Access for Firefighting - Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service - Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations. Fire and Rescue Services Act 2004 - The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Access for High Reach Appliances - High reach appliances currently operated by the Hampshire Fire and Rescue Service exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows.

Structures such as bridges, which a high rise appliance may need to cross, should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building. Water Supplies - Additional water supplies for firefighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.

Sprinklers - Hampshire Fire and Rescue Service (HFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:-

- Protect Life;
- Protect Property, Heritage, the Environment and our Climate;
- Help promote and sustain Business Continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can add significant benefit to the structural protection of buildings from damage by fire.

HFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact on the wider community.

Fire fighting and the Environment - Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Fire Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

Further guidance on preventing pollution can be found in the following Environment Agency publications:

- a) Managing Fire Water and Major Spillages: PPG18

b) Pollution Incident Response Planning: PPG21

c) Controlled Burn: PPG28

Timber Framed Buildings - These types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites' provides guidance on this issue and is available from <http://uktfa.com/> This guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2). Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN1-902790-32-4), are available for purchase from the FPA (www.thefpa.co.uk) and from Construction Industry Press (www.cip-books.com)

Crime Prevention Design Advisor

Having considered the application I have the following comments to make with reference to crime prevention.

The proposal creates a number of accommodation blocks, to provide for the safety of residents and visitors I recommend:

- a. All communal access doors should be third party certificated to LPS 1175 SR2
- b. Each accommodation block should be fitted with an audio visual access control system
- c. All ground floor glazing should incorporate a pane of laminated glass to BS EN356:2000 class P1A

The site itself has a clearly defined boundary, with a small number of access points. The proposal creates a new pedestrian access within the perimeter wall at the south eastern corner of the site. The proposed access links two car parks (one within and one without the walls), there is very little natural surveillance of this area which increases the vulnerability of the car parks to crime. To reduce the vulnerability of these car parks I recommend that this access is omitted from the final scheme; if this is not desirable the access should be fitted with an access controlled gate that provides for access and egress by residents only.

There is an element of undercroft parking within the proposal. There is very little natural surveillance of these parking spaces and therefore, to reduce the vulnerability of these spaces to crime I recommend that closed circuit television cameras are deployed within these spaces. Each accommodation block has a cycle store, generally these stores are large and with external access. To provide for the security of the cycles the cycle stores should be sub divided to provide smaller stores and access should be from within the accommodation blocks. Care should be taken with the planting to ensure that it does not obscure the natural surveillance across the site.

An appropriate level of lighting should be provided throughout the development.

Highways Engineer

Initial response

I have reviewed the transport assessment dated January 2016 produced by Phil Jones Associates in the context of the previously considered transport assessment scoping report and write to confirm my findings.

The proposal is for the redevelopment of the former HMP Kingston to provide up to 230 apartments. Access is proposed via new junctions off the A288 Milton Road and St Mary's Road with residents able to use either point of access.

Overall the approach to assessing the likely transport impact associated with the proposed development is reasonably robust although as the application stands I must recommend refusal on the following grounds:

- o The transport assessment does not consider access to recreational opportunities and it is not clear whether or not such opportunities will be accessible sustainably.
- o The proposed Toucan crossing of St Mary's Road does not comply with the relevant design standard expressed in LTN 2/95 and as a consequence is not considered a safe solution to facilitate pedestrian and cyclist crossing of St Mary's Road which is considered essential to make this site accessible.
- o The assessment of the performance of Milton Road roundabout is not sufficiently robust there having been no validation of the model to ensure that it reflects actual junction performance as was required in the response to the scoping document.

- o The proposed improvement to mitigate the highway safety and capacity concerns arising from the increased use of the Milton Road Roundabout have not been assessed through either a validated traffic model or a stage one safety audit and these may not provide a safe solution to the identified difficulties.
- o The proposed development would have a severe traffic impact on the operation and performance of the signal controlled junction at St Mary's Road / Fratton Road and does not propose any improvement to mitigate that.
- o The travel plan does not determine or set targets in respect of the number of car trips generated by the development nor details specific remedies in the event that these are not achieved as was required in response to the scoping document.

I would make the following specific observations:

Non-Technical Summary

Site Context: This section provides an overview of the accessibility of the site by different modes of transport which are described factually. The second paragraph of this section seems incomplete with the final sentence tailing off mid-stream when describing the site environs.

Development Access Proposals: Access for all modes of travel is proposed via new junctions off the A288 Milton Road and St Mary's Road. This is contrary to saved policy DC26 of the 2006-2011 Local Plan which seeks to prevent new accesses to roads forming part of the strategic highway network. A case for relaxation of this policy is made later in the report although I do not find this compelling rather the critical consideration is the impact of the development traffic on the operation and performance of the local highway network.

The internal layout of the site is constrained due to the retention of historic prison buildings although adequate width of access is proposed for refuse vehicles and emergency services. Parking facilities for both vehicles and cycles are proposed which meet the PCC parking standards.

Development Traffic Impacts: The traffic impact has been modelled on the Milton Road roundabout and Fratton Road / St Mary's Road junctions. The network was found to be congested at peak periods with the degree of congestion being worsened by the development impact. The transport assessment contends that the relative impact of the development is less than 5% and therefore does not justify the provision of significant junction improvements. Whilst I agree that the development cannot reasonably be required to resolve the existing difficulties within the local network given the existing congestion even a relatively small increase in movements can have a material and severe impact in terms of congestion. In that light the development should be required to bring forward capacity improvements such that the traffic conditions are not materially worsened by the proposal, i.e. where the development impact causes the capacity of a specific junction to be exceeded. As the application stands I would raise an objection to the granting of planning consent on this basis as the capacity improvements proposed have not been tested through a validated model which reflects actual junction performance as was required in the response to the scoping document or been considered through a stage 1 safety audit.

Off-Site Highway Works: The transport assessment envisages specific improvements for pedestrians and cyclists in the immediate environs of the site to provide a footway on the northern side of St Mary's Road, signal controlled crossing of St Mary's Road and minor alterations to the approaches to St Mary's roundabout. The effect of these proposals on the local traffic conditions is considered later in the report.

Introduction:

The TA introduction explain the purpose, format and structure of the report. At paragraph 1.2.5 it explains that 'This TA seeks to demonstrate that the development site is well located in terms of the access to local facilities and transport opportunities and as such will enable trips by sustainable travel modes.' It seems implicit in this statement that the Transport Assessment has been written to make a case for the development rather than as an objective assessment of the transport impacts which raises some doubt over the reliability of the assessment.

Policy Context:

This section summarises the relevant planning NPPF elements and area specific policies in so far as they relate to transport issues although does not consider mode specific planning guidance such as LTN1/04 - 'Policy, Planning and Design for Walking and Cycling'. As a consequence this section cannot be considered to summarise the relevant planning policy

guidance comprehensively. The assessment of compliance against the planning policies is considered within the later sections of the transport assessment.

Baseline Traffic Conditions:

This section reasonably describes the local highway network and sets the development proposal in context although does not consider the baseline traffic conditions which are detailed in the traffic impact assessment section of the report.

The Transport Assessment seeks to rely on guidance provided in the 2000 IHT publication 'Guidelines for Providing for Journeys on Foot' to establish the acceptability of walking distances although does not reference the subsequent DfT publication LTN1/04 - 'Policy, Planning and Design for Walking and Cycling' or accessibility distance criteria considered appropriate in the PCC Parking Standards & Transport Assessments SPD adopted in 2014. The latter of these defines specific criteria to establish whether or not a development within the city will be considered highly accessible and as a consequence justify a potential case for a reduction in parking standards.

Local bus services in the vicinity of the site are summarised and the transport assessment reports two services towards the city centre operating at 10 minute frequencies and three services operating at 30 minute frequencies. At paragraph 3.4.10 it is suggested that this demonstrates that the site is highly accessible by public transport although this does not meet the criteria for such defined in the PCC Parking Standards & Transport Assessments SPD. Whilst I would not therefore agree that the site is highly accessible by public transport sufficient to justify a relaxation of the parking standards, the level of accessibility by public transport is not so poor as to justify a reason for refusal of the application on those grounds.

Accessibility by train is also considered with Fratton station found to be 1.5km distant. Whilst this exceeds the acceptable walking distance it is sufficiently proximate to make cycling a reasonable alternative.

Analysis indicates that walking distances for most purposes fall between the desirable and acceptable ranges for walking. Employment, retail, education and health opportunities were found in sufficient proximity to make cycling a reasonable alternative where the acceptable walking distance is exceeded. However inherent safety issues were found at the St Mary's Road / Milton Road roundabout which would dissuade people from cycling and the uncontrolled crossing opportunities on St Mary's Road do not provide adequate facilities for pedestrians. Resolution of these would be necessary to establish that the site is reasonably accessible by non-motorised modes of travel.

This section does not consider access to recreational activities which should be clarified to inform consideration of the application

Proposed Development:

This section describes the proposed access arrangements in detail and makes a case for relaxation of saved policy DC26 of the 2006-2011 Local Plan which seeks to prevent new accesses to roads forming part of the strategic highway network. The substance of that case is that such an access arrangement will reduce the impact of the development on both the safety and capacity of the highway network by approximately 50% at the St Mary's Road/Milton Road roundabout and consequently the provision of such accords with the policy intention. Whilst the creation of an additional access to St Mary's Road as proposed would reduce the impact of the development, never the less the development would introduce additional traffic into an already congested part of the network via this junction contrary to the policy intention. The quantum and impact of that is considered in the Traffic Impact Assessment section of the Transport Assessment.

Details of the specific access designs are considered in the Highway Design Proposals and Mitigation Works section of the Transport Assessment.

Parking provision for both vehicles and cycles is proposed in accordance with the standards for residential development established in PCC Parking Standards & Transport Assessments SPD. Space for manoeuvring within the site is constrained by the retention of historic prison buildings although adequate width of access is proposed for refuse vehicles and emergency services.

Scant consideration is given to the accessibility of the site within this section which only considers the journey distances and bus frequencies rather than the suitability of those routes to provide for the likely modal choice by residents of the development. Whilst the journey distances seem reasonable the uncontrolled crossing facilities on St Mary's Road and inherent safety

issues for cyclists at the St Mary's Road / Milton Road roundabout would dissuade people from cycling and the uncontrolled crossing opportunities on St Mary's Road do not provide adequate facilities for pedestrians. Resolution of these would be necessary to establish that the site is reasonably accessible by non-motorised modes of travel.

Trip Generation:

Trip rates have been derived from the TRICS dataset applying filters to consider privately owned flats in groups of at least 20 units in sub-urban locations excluding sites in Greater London and Ireland. That level of filtering provides 8 sites ranging in development quantum from 20 to 102 flats and finds a daily vehicular trip rate of 2.866 movements per dwelling between 0700 and 1900. The am peak occurs between 0800 and 0900 and the pm peak is observed between 1700 and 1800.

Whilst the quantum of development at each of the surveyed sites is significantly less than the proposed development, the peak periods correspond well to those observed on the city network and I am comfortable that the derived trip rates form a reasonable assumption to inform the transport assessment.

These rates have been factored using the journey to work modal split proportions found in the 2011 census to establish the likely multi-modal trip generation. I am satisfied that this is a sound approach to determine the likely number of trips likely to be generated by the development by mode.

This section includes a comparison of the likely trip rates which would have been associated with the prison compared with the proposed development. Both of the comparator prisons are located in areas with comparatively poor accessibility and an assumption is made that the former HMP Kingston staff are also likely to have travelled unsustainably. I do not find that assumption credible given the close proximity of residential accommodation to the site and consider that the comparison over estimates the number of vehicle trips which would have been associated with the former use. This comparison should not be relied upon to inform assessment of the proposed development.

Traffic Impact Methodology:

Trip distribution has been determined based on 2011 census data and using the workplace zone for residents from the Portsmouth 014 MSOA. Assignment to routes is determined using Arc GIS software with trips reassigned to individual accesses to reflect the most proximate site access. I am comfortable with this approach which was agreed in response to the scoping study report.

A threshold of 30 two way trips through a junction has been applied to determine those junctions which would be subject to capacity assessment. This reflects the threshold suggested in the Guidance for Transport Assessment (2007) which has now been superseded. Whilst I am comfortable that threshold is reasonable to establish the likelihood of development traffic having a significant impact on the operation of links and junctions in a largely free flowing state, it was explained in response to the scoping study that much smaller increases to traffic flows can have a material and severe impact within networks which are operating at or close to capacity. This area of Portsmouth the road network suffers significant congestion during peak periods and it would be more appropriate to consider a threshold of a 2% increase in any turning movement to determine the likelihood of the proposal having a material impact on the operation of the network. As a consequence a capacity assessment should be provided for junctions which are found to experience an increase in any turning movement of more than 2%. This is unlikely to extend the scope of the surveys and/or assessment proposed although the impact should be clarified.

Traffic impact assessments have been undertaken for a 2016 base year and 2021 future year with and without development. The response to the scoping study also requested that transport assessment also consider the position at the end of the current Portsmouth Plan in 2027 reflecting the respective land allocations although such an assessment has not been reported in the transport assessment.

To establish the background traffic growth the TEMPRO growth factors have been applied with specific local development sites also taken into account as was required in the response to the scoping study report.

I am satisfied that the applied growth from 2015 to 2021 provides a robust assessment of the likely traffic conditions in the baseline assessments.

Traffic Impact Assessment Results:

The traffic impact assessment findings for the site access junctions, Milton Rd roundabout and the signalised junction at St Mary's Rd / Fratton Road are detailed in this section of the report. The site access junctions are found to operate well within capacity with very limited queuing during peak periods.

The findings from the modelling of the Milton Road roundabout junction do not reflect the observed performance of the junction during peak periods. This performance has sought to be replicated in a sensitivity test by restricting the flow of traffic on Milton Road South by 50vph to simulate the impact of a queue. The Transport Assessment reports that video survey observations indicate that the queuing on Milton Road south behaves as a 'rolling queue' and that the vast majority of the traffic observed to be entering the roundabout is able to exit if slowly. As a consequence the sensitivity test results are not felt to be representative of the situation throughout the peak hour. However this conflicts with the reported findings of the video survey at paragraph 9.5.2 which reports 'Traffic blocking back from the hospital junction further south along Milton Road'.

I am puzzled to find that the performance of the junction is predicted to improve between the 2015 baseline and the 2021 baseline in the sensitivity test on both Langstone and St Mary's Road with no physical improvement being brought forward to the junction yet increased traffic volumes on the network. The Transport Assessment should provide a commentary to explain this finding together with validation of the model to ensure that it is fit for purpose. As the modelling stands I am not satisfied that this has been validated against the observed traffic conditions in the base case and cannot be relied upon to predict the likely future performance of the junction. Validation may require consideration of the downstream junctions where the operation of those is found to have an impact of the performance of the roundabout.

Both modelled scenarios find very that the development traffic has very limited impact to the Ratios of Flow to Capacity for each of the approach arms generally although Baffins Road does experience a significant increase in queue length and delay in each scenario. The Transport Assessment does not consider this impact to be 'severe' that being the test prescribed in the NPPF necessary to justify a reason for refusal on those grounds. I take a contrary view and consider the increase in delay experience by traffic on that arm of between a fifth in the am peak and a third in the pm peak (both approximating to an increase in delay of about 10 seconds in the best case) to be a severe impact. In that light the development should be required to bring forward capacity improvements such that the traffic conditions are not materially worsened by the proposal. As the application stands I would raise an objection to the granting of planning consent on this basis as the capacity improvements proposed have not been tested through a validated model which reflects actual junction performance as was required in the response to the scoping document or been considered through a stage 1 safety audit.

The analysis of the predicted performance of the signal controlled St Mary's Road / Fratton Road junction indicates that the effect of the development in 2021 will case the degree of saturation on St Mary's Road to exceed 100% (100.8%) in the am peak hour. Queue lengths on St Mary's Road and Fratton Road (north) are predicted to increase by 11-12% in both the am and pm peak periods. The total delay through the junction is found to increase from 41.9 to 49.7 PCU/Hr (15.7%) in the am peak and from 39.4 to 44.3 PCU/Hr (11%) in the pm peak. Whilst this impact is not considered 'severe' in the transport assessment given the proportional increases in delay and exceedance of absolute capacity I find this impact to be severe. In that light the development should be required to bring forward capacity improvements such that the traffic conditions are not materially worsened by the proposal. This junction has previously been optimised, operates MOVA software and has limited scope for improvement. As the application stands I would raise an objection to the granting of planning consent on the basis of this impact.

Pedestrian and Cycle Access Assessment:

The assessment of pedestrian and cycling accessibility has identified the limited secure crossing opportunities of St Mary's Road for. The application proposes provision of a signal controlled crossing for these modes immediately to the west of the proposed site access to St Mary's Road between the right turn lanes for the site access and Whitcombe Gardens. This arrangement does not comply with the relevant design criteria which requires a 20m distance between junctions and such crossings. This issue is raised in the safety audit submitted as an appendix to the transport assessment although is dismissed in the designers response as being older

guidance. This is the current guidance and if a safe crossing facility for pedestrians and cyclist cannot be provided in a convenient location which complies with the current design guidance then the accessibility and safety of the development would be compromised sufficient to justify refusal of the application. We have installed crossings at less than 20m junction separation in the past but these have usually been mitigated by the installation of an inductive loop over the side road that prevented the crossing phase from turning green when a vehicle was detected waiting. This is considered a suitable measure where we have a single access that doesn't fall far below the 20m, but the layout proposals for this development has two access and two right turn pockets in the immediate vicinity. It is considered that there is simply too much scope for conflict here to provide a safe crossing facility.

Whilst this section references 'improvements to local cycle infrastructure' it does not identify what these are nor does it specifically refer to the difficulties experienced by cyclist at the Milton Road roundabout raised in the response to the scoping study report or referenced in the non-technical summary to the transport assessment. Given the distance to some of the local facilities and consequent reliance on cycling to deliver an accessible solution it is essential that this barrier to cycling is resolved.

Highway Design Proposals and Mitigation Works:

Internal site layout and traffic circulation: The internal vehicular routes are not intended to be adopted as public highway and will remain privately maintainable. I am satisfied that these largely reflect the design requirements of Manual for Streets (MfS) and Manual for Streets 2 (MfS2) with adequate space for manoeuvring. I am satisfied that there are no grounds for objection to the development from a highway perspective on the basis of the internal access arrangements.

Site Access Junctions: Given the private nature of the development proposal and intention to dissuade through traffic I am satisfied that the design of the site access arrangements are appropriate for the scale of the development are in general compliance with the relevant design standards and provide appropriate visibility reflecting the observed traffic speed as required in MfS2. The inclusion of a physical barrier at the proposed exit to Milton Road to help dissuade through traffic is a helpful addition to the on-site traffic management.

Stage One Road Safety Audit: Such an audit has been undertaken to consider the proposed access arrangements although the scope of this should be extended to include the proposed improvements to the Milton Road roundabout. The audit identifies a number of minor issues which I am satisfied can be addressed at the detailed design stage although does identify a departure from standard which cannot be resolved in respect of the distance between the site access / Whitcombe Gardens and the proposed toucan crossing. LTN 2/95 requires a minimum distance of 20 m between junctions and such crossings and this is not achievable. I disagree with the designer's response to the effect that the design guidance is out of date and that the need to locate the crossing on the pedestrian desire line out-weighs the safety risks. St Mary's Road is a distributor road forming part of the strategic highway network. LTN 2/95 is the relevant current guidance and if a crossing facility for pedestrians and cyclist cannot be provided in a convenient location which complies with the current design guidance then the accessibility and safety of the development would be compromised sufficient to justify refusal of the application. As the application stands I must recommend refusal on this basis.

Pedestrian and Cycle Provision: The proposed provision of a footway/cycleway on the north side of St Mary's Road to link between the proposed Toucan crossing and Milton Road is an essential addition and provision should be made to link this to the pedestrian / cyclist access to the site in the south west corner.

Milton Road Roundabout: The scheme to improve Milton Road roundabout is helpful in both safety and capacity terms and would largely resolve my concerns regarding the severity of the delay predicted to occur on Baffins Road in the absence of such an improvement. Having said that this scheme has not been considered through a stage one safety audit which should be required in support of the proposal

Travel Plan:

The submitted travel plan sets the context for the document by reference to the relevant planning policy background and specifically references the requirements for travel plans established in the PCC Parking Standards and Transport Assessments SPD.

It largely draws from and reproduces elements of the TA to describe the local highway network and sustainable travel opportunities

The travel plan details a number of smarter and physical measures with indicative baseline mode share proportions drawn from the census data, and gives examples of mitigation measures which could be considered in the event that the targets were not being achieved. Unfortunately it does not set actual targets for sustainable or car travel.

The primary interest of the authority is to ensure that the vehicular movements predicted and used to inform the transport assessment on which the case for the development was made are not exceeded and where possible reduced over time. As a consequence the travel plan should both determine and set targets in respect of the number of car trips generated by the development and detail specific remedies in the event that these are not achieved. It is important that this is in place for use by the appointed travel plan co-ordinator once they are in post. As was advised in response to the scoping study the targets should reflect the trip rate assumptions made to inform the assessment of network capacity i.e. 2.866 movements per dwelling between 0700 and 1900. This can easily be monitored by deploying an automatic traffic counter at the site access and should be considered annually for a period of 5 years post occupation or until those movement rates are maintained consistently.

As is detailed in the Parking Standards and Transport Assessments SPD the council will require a financial contribution towards assessing the monitoring of the plan of £5,500 for the initial 5 year period with a proportional increase should that period need to be extended.

Further response

I have reviewed the transport assessment addendum received on 6th May 2016 but dated 9th March 2016 produced by Phil Jones Associates and write to confirm my findings.

The addendum responds to the key issues arising from the initial transport assessment identified in my memorandum of 19th February 2016. Overall I am satisfied that the off-site highway improvements proposed will mitigate the development impact and would raise no objection to the granting of planning consent for the proposal subject to:

- o Securing the implementation of the proposed off-site highway improvements prior to occupation of the development through either a S106 agreement or Grampian style condition (NB implementation of these will require a separate S278 agreement with the authority to undertake works on the highway which will require commuted sum payments for the future maintenance of certain elements of the improvements);
- o The submission and approval of a construction management plan prior to the commencement of development; and
- o Securing the development, implementation and monitoring of the submitted travel plan (as amended by the addendum to the transport assessment) through a S106 agreement which provides a £5000 contribution to fund the council's oversight of the travel plan performance for the initial 5 year period with a proportional increase should that period need to be extended.

I reproduce the key issues arising from the initial transport assessment below and provide commentary on the resolution of these through the addendum to the transport assessment:

Issue 1: The transport assessment does not consider access to recreational opportunities and it is not clear whether or not such opportunities will be accessible sustainably.

The addendum to the transport assessment locates recreational facilities in relation to the proposed development site and establishes isochrome travel maps to explain the accessibility of these by Walking and cycling modes. I am satisfied that, once public transport connections are also taken into account, the development will have reasonable sustainable accessibility to recreational facilities.

Issue 2: The proposed Toucan crossing of St Mary's Road does not comply with the relevant design standard expressed in LTN 2/95 and as a consequence is not considered a safe solution to facilitate pedestrian and cyclist crossing of St Mary's Road which is considered essential to make this site accessible.

The addendum proposes retaining an uncontrolled pedestrian crossing facility on St Mary's Road between the right turn lanes for the site access and Whitcombe Gardens whilst relocating the proposed Toucan crossing to the east of the proposed access where there is sufficient junction separation to allow such a crossing to be installed in compliance with the relevant design standard. The Toucan crossing would provide an improved pedestrian crossing close to

the roundabout for use by all pedestrians with a proposed break in the prison boundary wall at the southeast corner providing a direct link from the development to the crossing. The uncontrolled crossing between the two right turn lanes incorporates a pedestrian refuge which will improve safety for those pedestrians who chose to access the development at the main vehicular access to St Mary's Road. I am satisfied that these facilities will make safe provision for pedestrians and cyclist to cross St Mary's Road to access the development. Issue 3: The assessment of the performance of Milton Road roundabout is not sufficiently robust there having been no validation of the model to ensure that it reflects actual junction performance as was required in the response to the scoping document.

The addendum to the transport assessment has revisited the sensitivity testing of the Milton Road roundabout model and increased the restriction applied to the Milton Road south exit to better reflect the observed

Contaminated Land Team

Having reviewed the application and given the scale and sensitive nature of the of the proposed development, together with the former use of the northern part of the site as a brick field with associated clay pit (potentially infilled), conditions are required.

Please note that a LUE report has previously been provided for this site in order for the developer to pass on information held by the Contaminated Land Team for this site to their chosen environmental consultant for use in any desk study report produce.

Leisure/Arb Officer

A site visit was undertaken on Monday 08 February, the weather conditions were cloudy with heavy showers and gale force winds.

Observations

The contents of the Arboricultural Survey and Arboricultural Impact Assessments dated January 2016 are accepted and agreed.

Groups G1 - G6 are on PCC owned and managed land.

Group G7 is located in the footpath of Milton Road, as a consequence these trees are managed and maintained by Colas under the PFI agreement.

G13 is adjacent to the mainline railway and outside the prison perimeter

T1 and T2 are outside the prison wall and visible from St Mary's Road, both are of poor form.

The remainder of the tree stock within the perimeter wall is mainly ornamental cherry, none of the trees within the prison are of sufficient quality to favour retention over the development proposal.

The landscape proposals feature extensive tree planting which far outweighs the proposed removals and adds significantly to the greenscape of the area.

Recommendations - From an arboricultural standpoint the application be granted.

Conditions

1. The applicant submit a detailed landscape and landscape management plan taking into account the following:

a. The guidelines in Trees in Hard Landscapes: A Guide for Delivery be adopted to ensure success of proposed planting schemes;

I. Tree planting is to be undertaken following subsoiling and soil decompaction in specifically constructed planting pits using soil engineered to promote healthy root growth. Tree planting pits are to be inter connected utilising perforated pipe in order to assist infiltration of excess surface water.

II. Tree planting pits in and adjacent to areas intended for parking and highway are to incorporate "Silva Cell" type modular reinforcement creating an underground frame that can bear traffic loads and in addition offers freely rootable space that allows urban trees to grow, catchment of excess (rain)water and a large absorption capacity by uncompacted soil within the cell.

III. Trees adjacent to road ways and parking areas are to be protected by the use of substantial tree guards to prevent vehicle damage until established.

IV. Kerbs and hard surfaces be adapted to assist collection and infiltration of surface water runoff into tree pits.

V. Co-location of services where possible to minimise risk of encroachment by roots.

b. All planting is to be undertaken in accordance with the recommendations within BS 8545

Trees: from nursery to independence in the landscape - Recommendations.

Head Of Public Protection

Road Traffic and Rail Noise

RSK have carried out a noise assessment on behalf of the applicant at the above location. The report illustrates that the buildings on the Northeast of the site (adjacent to Milton Road) and the West of the site (adjacent to the rail line) are subject to the highest levels of noise.

Habitable rooms will require a high specification of double glazing to achieve a sound reduction level of not less than 38dB in order to protect the proposed occupants from rail and traffic noise. At this point the applicant has not provided details of the glazing being installed in the new blocks. To ensure that the noise levels in habitable rooms are within recommended guidelines (BS8233:2014) I would suggest the following condition:

A scheme for insulating the building against external noise shall be submitted to the local planning authority for approval before the construction of the building commences. The scheme approved by the local planning authority shall be implemented before the first occupation of the building and thereafter maintained.

Windows would need to remain closed to attain the internal levels as given in BS8233:2014 and an alternative means of ventilation would need to be installed. In order to achieve the internal noise levels and because the windows cannot be relied upon for ventilation I would recommend that the following condition is applied:

a) The scheme shall include details of the ventilation system proposed (including self-noise and sound reduction index) together with evidence that it is suitable for the noise levels expected at the façade.

b) The scheme shall include details showing the location the ventilation system and the rooms served.

Plant Noise and A1/A3 Use

At this stage there is insufficient information on the plant/equipment that will be installed for the building services or the commercial premise. To ensure that noise from any proposed plant or equipment does not cause a loss of amenity I would recommend the following condition:

Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any observed adverse effect levels due to the operation of the plant shall be implemented and retained.

As the classification for the commercial premise has been given as A1/A3, there is a likelihood that it could become a restaurant or café. Dependent upon the type of food that will be served it is possible that cooking odours could cause a loss of amenity to the residential accommodation. Therefore upon the commercial premise being classified as an A3 use I would recommend the following condition.

Prior to the commencement of the A3 use, equipment shall be installed to suppress odour and fumes emitted from cooking operations at this premise. Details of the proposed equipment shall be submitted to the local planning authority prior to installation for approval. Approved equipment shall thereafter be installed and maintained in accordance with the manufacturer's recommendations.

Cemeteries Manager

No response received

Environmental Health

PCC Public Protection appraised the air quality impact assessment carried out by RSK Environment Ltd associated with the proposed development of the former Kingston Prison site to accompany the planning application.

The assessment methodology was carried out using a dispersion modelling assessment of the operational phase air quality impacts associated with existing and proposed road traffic following the latest guidance on local air quality management and development control.

The assessment covered nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) as key air pollutants of concern for the operational phase.

The potential air quality impacts at receptor locations during the operational phase of the development was quantified comparing three scenarios in accordance with the prescribed approach in the DEFRA's LAQM (TG9) using an advanced dispersion modelling software, ADMS-Roads, and hourly sequential meteorological

data:

1. Base case scenario representing the .existing. air quality situation in 2015;
2. Future base case. scenario with committed development traffic in 2023
3. Future with development scenario with proposed development and committed development traffic in 2023.

After a thorough check of the methodology and data used in the assessment we can confirm that the conclusions reach by the by RSK Environment Ltd's air quality consultant are acceptable. Hence the predicted long and short term NO₂ and PM₁₀, at all the assessed receptors and for all modelled scenarios, would not exceed the relevant air quality objectives and that on the basis of the dispersion modelling, all receptors are predicted to experience a negligible impact on air quality as a result of development, as per the IAQM-EPUK guidance criteria.

Archaeology Advisor

Looking at the plans of the proposed development it is clear that some of the former prison wings are intended to be refurbished to the extent that much of the original internal character of these structures will be lost, while some of the wings will actually be shortened. While the redevelopment is a positive move that will improve the site and the area in general it is also an opportunity to record these changes so that the original features intended for removal may be preserved by record. In this respect it would be a good thing to record those aspects of the proposed development that would remove, erode or hide those elements, features and layout that reflected the original philosophy and function of the prison.

Waste Management Service

Vehicle dimensions

Discrepancies in vehicle dimensions used in plans - please adjust swept path analysis to accommodate actual PCC/Biffa vehicle measurements below:

Block N waste storage and collections

The application documents do not seem to show swept path analysis for waste collections from Block N (adjacent to Bowler Avenue), or show where waste storage areas will be for this building. We will need to see this incorporated into the plans.

o If Block N is to have its own bin shed, collections will need to be carried out from Bowler Avenue, which would require:

- o Dropped kerb of 6 feet in length for safe manoeuvring of bins to collection vehicle
- o Double yellow lines next to dropped kerb to ensure clear access

Road surfaces - RCV needs to traverse

- o Paving type 1: entrances (natural stone paving)
- o Paving type 2: Entrance courts (natural stone setts)
- o Paving type 4: streets (asphalt with exposed aggregate chippings)

Internal access roads will need to be able to withstand regular usage by vehicles weighing in excess of 27 tonnes. Recommend road surfacing used on all swept path analysis routes is strong enough to withstand such weights, or PCC/Biffa will accept no liability for damage and will require written consent confirming this prior to commencing waste collections

Trees

Overhanging tree branches risk damaging RCV chassis and extremities (lights, cameras, etc.) - recommend appropriate species of trees planted, at adequate distances from collection vehicle route to ensure there will be no overhanging branches less than 5 metres above the collection vehicles' route, even when allowing for ongoing growth of trees in future years.

External bin areas

Bin areas on east of site and south west corner of site:

o Will these be in bin sheds? If not, we recommend they are (with number combination locks, plumbing for cleansing, etc.) in order to discourage fly-tipping, avoid improve appearance of area and reduce the risk of nuisance odour.

o Limited space to manoeuvre bins between parked cars - risk of causing damage - recommend:

- o Pathways for bins away from parked cars to be built across grass areas; or
- o low walls or Sheffield hoops around to be installed around edges of parking bays to physically prevent moving bins from coming into contact with parked cars and avoid cars overhanging bays and obstructing routes between bin sheds and collection vehicle

New bin sheds under flats

- o 'L' shaped bin sheds - will require unnecessary twisting and turning to pull communal bins in and out. Recommend square or rectangular shaped bin sheds with double doors that open directly out with straight access to the collection vehicle - with no supporting pillars obstructing routes
- o Plans show supporting pillars spaced 2.5 metres apart. Pillars should be no closer together than 2.5 metres, and should not be located in front of, or close to doors
- o Recommend at each bin shed:
 - o one internal entrance for flats
 - o double doors for external collection crew access
 - o doors to open outwards, and have fixings to stay open whilst bins are moved in and out of bin store
 - o sacrificial metal boards installed to avoid damage to internal walls and inside of doors being caused by protruding lifting bars on communal bins. Lifting bars are fitted to bins at a height of 1.17 metres, so the horizontal centre of sacrificial boards should be at this level, and at least 300mm in height;

Neighbourhood recycling points

- o No location identified in plans for neighbourhood recycling point in order for residents to recycle additional items not collected in the communal flats recycling scheme.
- o PCC will require location to be identified and agreed for:
 - o 1,280 litre glass recycling Eurobin (no lid), housed in fixed 'street' enclosure with glass apertures - enclosure dimensions (cm): 182.5 (height), 147.6 (width), 128.5 (depth)
 - o Textile bank - dimensions (cm): 186 (height), 125 (width), 186 (depth)
- o PCC waste team recommend bin area to south of site next to St Mary's Road access is increased in size to accommodate glass and textile bank
- o containers can be supplied by PCC, or purchased directly from manufacturers (subject to approval of meeting required specification PCC waste inspectors)
- o developers required to cover cost of containers and any additional installation costs (if applicable)

Waste from commercial unit(s)

Trade waste from any business(es) operating from commercial unit(s) in the development will need to arrange their own separate collection of refuse and recycling with a commercial waste company - as Biffa's domestic contract with PCC is for domestic waste only. Containers for trade waste collection should be stored close to the commercial units, away from bins stores for domestic waste.

Further information

The developer should refer to the council's waste container provision and guidance document online at for further comprehensive information

Landscape Group

Thanks for arranging site access for us yesterday, it was fascinating to visit the prison, and useful to visualise how the new development will sit within the prison walls and relate to the existing building. I think it's going to be tight, a fair amount to fit on the site, but it's been put together and researched well. I think the architects and landscape architects should be commended for their proposals, the richness of the landscape scheme alone should provide a really high quality living environment in what would otherwise be a rather forbidding site. I expect the devil will be in the detail, and what will be retained from these proposals without being watered down through value engineering and construction procurement.

There are a good number of proposed trees and planting beds, internally and externally, to provide a greener street environment along St Mary's and Milton Road. The new openings through the walls will help it feel a little more permeable. There is a good attention to SuDS, and considerate treatment of hard paved areas to distinguish parking bays, driveways, footpaths etc. We've looked through the townscape & visual impact assessment and agree with the conclusions drawn, that the new buildings shouldn't have too detrimental of an impact, they should improve on the current views of the buildings that rise above the wall. Whilst I appreciate that there may be some local objections from residents to the 6 or 7 storey buildings, I don't think they are particularly damaging, and with new tree growth in time they should be softened. I also appreciate that some people may object to the modern style of the architecture, but I think it

will add strength to provide a contrasting contemporary robustness to the historic nature of the prison.

Ecology

Initial Response

The application is supported by a Preliminary Ecological Assessment (The Ecology Partnership, January 2016).

In summary, the Preliminary Ecological Assessment is not sufficient in detail to allow the Local Planning Authority to assess potential impacts on bats and bat roosts with regard to the on-site buildings. Bats are protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended) (commonly referred to as the Habitats Regulations).

In assessing whether the proposed development is likely to result in a breach of the Regulations, sufficient information is required on the buildings to be affected. Although the potential for the building to support roosting bats has been considered by the submitted Preliminary Ecological Assessment, this is based on a site survey which experienced significant limitations in accessing areas of the site potentially suitable for roosting bats. The assessment of external features of this large and complex network of building was limited by the survey being conducted from ground level. Identified internal void areas could only be accessed in limited areas. These limitations are not acknowledged by the report, but it does include statements such as (Section 3.7) "There may be gaps between the roofing and wall material that could be exploited and through which bats could gain access to any possible voids, however this was difficult to assess from ground level. One or two gaps were seen in tiles on the roof of void 3, however they could not be fully assessed".

In these circumstances, where a building offers potential to support roosting bats and (for low potential buildings) it has not been possible to fully inspect all potential roost features, further Phase 2 surveys would be recommended by industry good practice guidelines. In this case, the report suggests that the buildings may have features suitable for roosting bats and that these were not inspected during the survey. Further survey effort will therefore be required which should either confirm that bats are not present or not affected, or, if present and likely to be affected, identify the nature and scale of impacts in terms of species, numbers and roost status / use. This will help the planning authority assess the likelihood of the work breaching the Regulations.

Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development. Although not included in the redacted Preliminary Ecological Assessment summary, biological records from Hampshire Biodiversity Information Centre would suggest that this site is a recorded bat roost. It is therefore considered likely that bats are present and likely to be affected by the proposed development, including those areas to be converted as well as demolished.

Additional information on the buildings and their potential to support nesting birds - specifically Schedule 1 species - should be provided as part of any additional assessment of roof features. In assessing the impact of the development on designated sites, it is noted that the development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

To address this issue, Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £174 per new dwelling for the SRMP. Further response following submission of additional information

Head Of Community Housing

We understand that the developer has stated that there will be no affordable provision as it is not viable. Presumably this will be tested as currently the planning application does not comply with Planning Policy and there is a considerable demand for affordable housing, particularly rented affordable housing. Below is our response worded on the presumption that an application of this nature attracts a requirement for 30% of the homes to be affordable. If the required number of homes are not provided then a smaller number might be considered or else a commuted sum payment as financial contribution towards future Affordable Housing Development in the city.

Some of the original buildings are to be retained as they are listed and so the development will be part conversion, part new build.

In regards to the existing buildings being converted, the flats seem to be of a suitable size, with the majority of the flats having generous space standards although in a lot of cases minimal or no storage space apart from the wardrobes in the bedrooms. We would suggest then that any affordable provision be in the new build blocks.

Within the proposed scheme there will be the following:

New Build Conversion

43 x 1 bed flats 46 x 1bed flats = total of 89 one bed flats

102 x 2 bed flats 23 x 2bed flats = total of 125 two bed flats

12 x 3bed flats and 4 x 3 bed flats = total of 16 three bed flats

This gives a total of 157 new build flats on the development and 73 converted flats in the existing buildings to be retained. A grand total of 230 flats

The 30% provision for affordable housing would therefore be 69 units. Pro-rata this would work out at 27x 1 bed units, 38x 2 bed units and 4x 3bed units.

In regards to the new build part of the development: the Kitchen/Dining/Living room areas in the flats with two and more bedrooms would need to meet requirements for separate or alcove type kitchens to allow for safety gates if required, as the open plan kitchen facilities are just lined along one or two walls. The internal layouts would need to be amended to accommodate these requirements.

We cannot see any provision for any type of flat for disabled use for which this area has a high demand. On a development of this size at least one or two full wheelchair user compliant flats should be provided and that would mean designing a flat (preferably 1x 1bed and 1x 2bed flat) with a larger floor area than is presently in the design.

We would need to consult with the Registered Provider when agreed regarding the tenure mix. At this stage we cannot state exactly what the tenure mix will be until we have a Registered Provider (RP) involved. From a Housing Enabling perspective Affordable Rent and Low Cost Home Ownership homes would be needed but we will need to negotiate with the RP to agree the exact affordable tenure split.

Historic England

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Highways Contractor (Colas)

There will have to be a Section 278 for the new entrance in St Marys Road and can the drop crossing in Milton Road be removed

Coastal And Drainage

In reference to section 9.4.3 - given the age of the site it is likely the existing drainage works in a combined manner, as suggested in the Flood Risk Assessment. This would not be applicable for reuse, except in terms of foul drainage only. In line with Portsmouth City Council planning policy, surface water will need to be separated out from the existing combined network, and any future

foul network, until outside the site boundary. At this point they may join at a single point, or separate points, into the existing combined sewer.

There are no surface water sewers shown in the area, meaning the entire local network is combined with the most likely outflow for the site being the aged brick egg trunk sewer running south along Milton Road, fed either directly or indirectly. This is also the thinking within the Flood Risk Assessment. Any saving of flow in these sewers is of benefit to the flood risk of the city.

The Drainage Team supports the proposal to reduce surface water flows from the site by 20%, after 1/100 yr event with 20% climate change

The Drainage Team supports the proposal for investigation of infiltration rates for the site at detailed design stage, together with investigation of ground water levels

The Drainage Team supports the proposed layout as per figure 7 of FRA

The Drainage Team is happy to offer help to refine and comment on the detailed drainage design when further information is available, and subject to Southern Water's comments. Good to see the SuDS element is being followed up.

Design Review Panel

The proposal was considered at the pre-application stage by the Hampshire Design Review Panel who offered the following comments:

Conversion of the listed building - The strategy by the architects was considered to be generally appropriate, subject to the challenges posed by the internal experience and the alterations to the fenestration. It was felt that the options for the duplex units at the end of wings needed to be handled carefully. There is no objection to the proposed removal of the later 'modern' blocks.

Design Strategy for New Build - The Panel considered that there were several approaches open to this site including courtyards, tighter pattern of streets etc and that the concentration on the preferred option of a 'marginal' development in close relation to the wall, as opposed to any other options was disappointing. Except to the rebuilding of Block B, it rather left the listed building isolated.

The Problem of the Wall - The high perimeter wall can be seen as an opportunity. There would appear to be a number of approaches which require further investigation. Besides the marginal approach as adopted by the architects, is it not possible to use the wall as part of any design? Is it possible to relate any design options, or integrate to the wall? A different approach could be taken depending on which section of the wall. For example, at present one's the relationship with the wall depends upon whether one is on the inside or the outside. Certain sections (e.g. main external public views) may be considered more important and limited in terms of interference, whereas other sections could be treated differently. Viewing buildings over the wall in different forms could offer a degree of interest and variety.

The Panel recognised that this was a challenging project and acknowledged the work done to-date by the architects. The Panel concluded and made the following suggestions.

Outside versus inside relationship - It would be useful to have more information on the relationship of the site and development to the outside, the neighbourhood. There are a limited number of particular images at present when viewed from the outside – basically an 'enclosed site' with only a glimpse of the interior when approaching over the railway bridge.

Relationship of the new buildings to the existing and the boundary wall - The proposed form of the new blocks appears to be rather limited, being confined to just five and six storeys which appear 'stumpy' in places. Part of this visual problem is the regimentation of the blocks dotted around the perimeter, with little effort being made to relate to the wall in particular. Perhaps a more varied and flowing arrangement be considered, which would vary the height when viewed from the outside as well? The blocks could be taller in places e.g. along the north boundary? Thus, it is felt that more could be done in respect of the relationship with the wall. At present there is just one approach of a margin of buildings with car perimeter access and car parking along the outside. Perhaps certain sections of wall are more sacrosanct than other sections and a different design approach to housing development could be adopted? Further thought should be given to the new blocks and the relationship with the wall and the uniqueness of the site.

Treatment of Elevations - At present the proposed treatment of the new blocks lack adequate vertical stratification and it was felt that there was not adequate variation in treatment of the facades, particularly at critical changes in orientation as one moved above the datum of the wall.

Some variation and modulation to elevations could provide a better backdrop to the listed buildings.

Residential Typography - At present this is limited to the conversion the existing buildings and new flats, which limits the design options, as well as the opportunity for integration with the neighbourhood. This site is perhaps located too far from the city centre to attract young professional types and could just become a retirement or 'gated' development. Whereas it has the potential as a 'safe site' for families and a better mix could ensure the basis for a stronger community as part of the locality? The approach to the conversion of the existing listed buildings appears appropriate, although Block B looks as though it could be extended.

Setting - The site has some interesting smaller spaces as well as the one large sports area. It was felt that although the present layout 'steps back' from the listed buildings due to the margin approach to the new development, any new landscape design is limited in its the scope.

REPRESENTATIONS

68 objections have been received from local residents, Councillor Sanders and the Portsmouth Society on the following grounds:

- 230 units an overdevelopment of site;
- proposal ugly and at odds with historic prison buildings;
- loss of privacy;
- loss of light and overshadowing;
- flat roofed design not in keeping with existing buildings or local area;
- site should be used for alternative purposes e.g. hotel, museum, school or city farm;
- houses should be built on Bowler Avenue;
- increased noise and disturbance;
- impact on local infrastructure;
- medical and educational facilities overstretched as is;
- impact on safety of highway users;
- increased traffic problems, especially at St Marys roundabout;
- increased pollution;
- lack of attention of energy conservation;
- number of units should be reduced to increase green space within development;
- social housing should be provided;
- listed wall should not be altered;
- access onto St Marys Road dangerous;
- seven stories out of keeping with existing buildings and local area;
- inadequate parking;
- impact on existing local residents through increased demand for parking in locality.

A petition with 361 signatories has been received objection on the grounds of increased congestion on Baffins Road roundabout, exacerbation of parking problems, design and scale out of keeping with area and unsympathetic to listed prison buildings and impact on properties in Whitcombe Gardens.

One representation has been received in support of the proposal.

COMMENT

The main issues to be considered in the determination of this application include whether there is a need for a prison, whether the site is suitable for residential development, the relationship of the proposal with neighbouring properties, the impact of the proposals on heritage assets, whether the proposal is viable and deliverable, what public benefits are associated with the proposal and how the proposal would affect the local highway network.

Principle

The site was closed by the Ministry of Justice in 2013 and together with three others (Dorchester, Gloucester and Shepton Mallet) was sold to the applicant. The age and nature of the prison buildings are such that they were not considered suitable for continued use as a prison. It is clear that there is no demand for the site as a prison or any comparable use. It is considered that the site, due to its size and significance, should be considered as a strategic opportunity site for the city and that the principle of it being developed is acceptable.

A further principle is the retention of the listed assets that are of historic, architectural, social and cultural importance. The site contains a number of modern, utilitarian structures that are not listed and it is accepted as a principle of the re-development of the site that these should be removed. .

The proposed part six and seven storey buildings would meet the definition of a tall building as set out in Policy PCS24 and the associated Tall Buildings SPD. The site falls outside the 'areas of opportunity' identified in the SPD. It is considered that the principle of locating tall buildings on the site is acceptable subject to design, siting and details. The submitted Planning Statement includes a 'Tall Buildings Statement', with the Design and Access Statement and Townscape and Visual Impact Assessment both including supporting information. None of the key sites or strategic views identified in the SPD would be affected by the inclusion of tall buildings on this site therefore this is considered to be in principle acceptable.

In arriving at the proposal the applicant has explored many alternative uses for the site, including a hotel (as with the former prison in Oxford) and a museum. Through the pre-application process it was considered that a residential led scheme for the site would be acceptable in principle, and the level of the commercial element could also be considered subject to details.

The proposal has through an iterative design process responded to the above identified principles and the scheme is acceptable for consideration for planning permission.

Design

The planning application is supported by a Design and Access Statement (DAS) which explores the adaptive re-use of the existing buildings, the new apartment buildings, and the number of dwellings, design typologies, building heights, access points and landscaping. The DAS iterative process takes the complexity of the site and arrives at the scheme which forms the planning proposal. There are key design elements which are assessed in this report including the site layout and permeability, and the new build elements both inside and outside of the prison walls.

The planning application is supported by a Townscape and Visual Impact Assessment (TVIA) which provides an analysis of the surrounding urban context. A number of agreed viewpoints are presented with the propose development imposed, enabling an assessment of the impact of the proposal in relation to nearby development and the wider townscape. The key visual impact element which is assessed in this report is the height and siting of the tall buildings in relation to their surrounding context.

The proposal as submitted includes changes to the pre-application scheme made in a direct response to comments made by the Design Review Panel. These changes include greater variation in the height of the new build blocks within the walls, the reduction in height of blocks fronting Milton Road and the removal of a new block from the south-east corner of the site.

Site Layout

The applicants vision for the site is to effect the beneficial repair and re-use of the former Kingston Prison by: understanding the historical significance of the city, site, existing buildings and immediate urban context; utilising this knowledge to achieve an appropriately sensitive restoration and residential conversion of a heritage asset; in order to achieve the above explore introducing new residential buildings within the prison walls; achieving a density of development appropriate to sustainable living and, thereby, generating a significantly increased level of vitality, interest and pedestrian flow to the site.

The DAS explains the principles of development were framed by the following criteria:

- Analysis of the observations listed in the Heritage Assessment Report and archive drawings will determine the optimum scheme for re-use of, and interventions within the historic buildings.
- The relationship between new and existing buildings and the landscape setting within the wall is considered important in terms of place-making and enhancing the character -of the overall site.
- Apartment sizes will be determined to some extent by the constraints of the buildings themselves; generous apartments are welcomed.
- Levels of natural daylighting and facilitating natural ventilation are to be maximised. Single aspect designs for new dwellings are to be avoided.
- Designs for the conversion of the prison buildings should be guided by a desire to achieve compliance with the energy performance and acoustic standards set out in the Building Regulations, although it is understood that the buildings will dictate the extent of enhancement that can reasonably be achieved.
- An appropriate and compliant strategy for servicing buildings (deliveries, bin storage, cycle storage, site management) must be developed.

The DAS has presented the applicants vision and the proposed plans reflect the development principles set out above.

The proposal has sought to balance the preservation of the character of the buildings with the changes required to accommodate new uses. The proposal has regard for the listed heritage assets in arriving at the proposed adaptive re-use scheme.

This is reflected in the layout of the development with the retention of the heritage assets and then identification of options in terms of the siting of new buildings. Of all of the options examined the proposed scheme is considered to be the most responsive to the site geometry, maximising landscaping and access, being reflective of a walled garden design.

The DAS recognises that once inside the walls, the grain of the site is very different to that of the surrounding streets. In contrast to the mat of densely packed two storey terrace housing, the prison buildings are much larger. When the later development is stripped away, the old buildings sit as a unified whole, with the rotunda and ventilation chimneys creating a building range of significant scale. In their original setting the buildings are surrounded by large areas of open space bounded by the perimeter walls.

Based on the analysis presented in the DAS, the proposed layout is considered to be an acceptable outcome for the redevelopment of the site. The proposed site layout enables site permeability with access proposed through the existing gatehouse, new vehicular and pedestrian access from St Mary's road, new exit only access to Milton Road, and new pedestrian access to Milton Road. Whilst this arrangement could give rise to concerns from a crime prevention perspective, the internal areas would generally be subject to a good level of natural surveillance which would mitigate the potential for crime or anti-social behaviour.

The internal layout and configuration of the dwelling units is a grid design which is reflective of the former cells. This is considered to be an acceptable design outcome.

The master planning process detailed in the DAS was explored through the pre-application process with officers. The applicant undertook pre-application public consultation events which also presented this master planning work. The key issues which emerged from the consultation were:

- an understanding of where new site access points should be located;
- encouragement to demolish the former workshop building to west of site; to create smaller footprint new buildings ('blocks' rather than 'terraces');
- maximising landscape space around core historic buildings; and
- the 'Walled garden' option was generally preferred, subject to development of access, parking and design of new building.

Pre-application consultation with Historic England (HE) raised an option which was examined, that being keeping a free view down the internal face of the prison walls. This option was discounted through the design process so as to create an open landscaped core within the development.

It is considered that the design and layout of the proposal has been shaped through the consultation process and is an acceptable design outcome.

New build inside walls

The masterplan option analysis exercise and the selection of a perimeter-based development of new 'mansion block' apartments evolved into the current proposal which takes the form of a series of four multi storey blocks (labelled J, K, L, M) situated adjacent to the west, north and north east walls respectively. These blocks would make use of space currently occupied by a 1970s workshop building (J block at the south west of the site) and the former sports pitch on the north of the site (blocks K, L and M). Their storey heights would be as follows: J block - (north) 6 storeys, (south) 7 storeys; K block - (north) 7 storeys, (south) 6 storeys; L block - (west) 6 storeys, (east) 3 storeys; and M block - (north) 4 storeys, (south) 3 storeys.

The proposal includes elements of raised terrace that would bridge the space between the rear of some of the blocks and the walls and cover what would otherwise be open parking. The terraces would generally be used to provide private amenity space for some of the flats. The length of terrace adjacent to the walls would amount to approximately 90 metres, out of a total wall length of approximately 550 metres (16.5%). It should be noted that the majority of the southern and eastern boundaries would be free of development with views being improved and enhanced by the removal of existing buildings in the south-east corner of the site. This will allow uninterrupted views down these parts of the walls to be retained.

The proposed new build blocks would be located around 5 metres from the wall. A series of timber decks or 'terrace gardens' would also be erected at first floor height across parts (but not all) of the rear of the blocks. At the pre application stage the extent of the proposed decking was considerably greater than when finally submitted. In terms of the scheme overall, and is relatively modest. The decks would extend from the rear of the blocks, spanning the 5m distance to the wall, but importantly would not physically touch it. The relatively limited extent of the decking would also provide an ability to view (unimpeded) more of the rear face of the prison wall. In the context of the scheme overall, I consider the impact of the terrace gardens would be relatively low.

The HIA suggests that "the presence of the railway line and mature vegetation in the cemetery beyond offers an opportunity to accommodate taller development (6 storeys) without a high degree of anticipated visual impact". The railway line and trees do provide a degree of separation and screening respectively. In the case of the tree cover this is subject to seasonal change. In the autumn and winter much more of the prison (the west facing part of its wall, and any existing and new development projecting above the wall) would be highly visible when

viewed from the cemetery. The absence of a continuous level of substantial cover (as would be present in the spring and summer) undermines to some extent the strength of this argument as a justification for taller development on this part of the site. However, the absence of immediate adjoining residential use makes the siting of these taller buildings acceptable.

The DAS explains that new buildings have been designed to break up the overall massing and impact on the site; new apartment buildings have been split into paired blocks, accessed by a glazed circulation core. The central glazed core provides visual permeability, with views through to the perimeter wall behind and landscape beyond the site. The relationship between new buildings and landscape has also been carefully considered to ensure new buildings do not become monolithic and 'heavy' at ground level – such as external terracing to bridge the gap between rear of building and perimeter wall, and the colonnading at the front of the buildings. The form of the new buildings has been driven by the footprint and plan form generated from the internal arrangements of proposed residential units and associated communal spaces. The form has also been considered as part of the massing and elevational studies for the development. Form of the buildings is based around a clear ground level 'podium' which relates to the perimeter wall; a middle section of masonry skin within a clearly described framed structure, with a varied roof height and profile which breaks up visual impact.

The plan form or footprint of the proposed new buildings takes the form of two adjacent blocks slightly offset against one another, linked by a central core. The HIA notes that the "plan form of the new buildings will reflect that of the historic cellblocks"... the positioning and massing of the new buildings enables views to remain and to be focused on the gable end, hub and towers of the main cell block. The palette of materials and the regularly spaced windows make reference to the prison blocks".

Whilst at face value, the plan form of the blocks respond to the prison wings, they are 18 metres wide as opposed to 14.5 metres. The difference in the width of the prison wings to the new build would not be perceptible by occupiers or visitors to the site due to the scale of the site. When taken in combination with their height, the new blocks would have a greater sense of mass when compared with the wings, it is not considered that this would be significant and would not result in the existing wings being visually overwhelmed.

The DAS highlights the significant design work that has been invested to develop the design and planning of the new apartment buildings. In particular, the following key developments have been incorporated:

- Articulation of building plan and breaking up of overall massing.
Several iterations of the original design for mansion blocks at different lengths along perimeter wall developed into an intermediate, linear planned 'liner building' design that sat closer to the wall; linear planning subsequently rotated into paired, smaller building footprints, linked by a transparent stair link to allow more views through to the inside face of the perimeter wall and wider views into and out of the site.
- Using a link element between the paired apartment buildings allows the plan to crank around the irregular line of the wall and make the relationship with landscape design inside the site more consistent.
- Internal planning of the new buildings allows for better coordination of apartments and coordinated structural and services design.
- Likely methods of construction to new buildings to be load-bearing masonry for buildings up to 3-storey, framed construction for taller buildings; layouts planned around structural grid and undercroft car parking arrangements.
- The relationship between the new buildings and the perimeter wall was developed to allow terraces to be included for first floor apartments; these are situated at a height that allows the top of the wall to act as the balustrade to external terraces.
- Design of new buildings developed to incorporate balconies and elevational treatments using brick infill to pre-cast frame structure, over a flint podium level as per earlier material studies.

- Proposed new building in the southeast corner of the site have been omitted to minimise visual impact on the gatehouse and views from the east.
- To compensate for loss of southeast building and reduction in heights of selected buildings, apartment buildings on western side of site will increase in height to 6 storeys over parking (7 storeys total).

Through the design process it became apparent that a consistent height across the new build elements, so as to not trigger the Tall Building SPD height of 20 metres, would result in a greater site coverage and footprint of development without the interest and character that this site demands. Different heights of new buildings were developed and tested in pre-application consultation and as part of the emerging LVIA work. The two-storey context to the neighbouring residential areas suggested that new buildings to the north and east of the site (facing Bowler Avenue and Milton Road respectively) should be lower to provide an appropriate gradation of heights across the east-west and north-south site sections.

The boundaries to the south and west (St Mary's Road and Kingston Cemetery/railway line) were not immediately bounded by houses, creating an opportunity for taller buildings in these locations, subject to TVIA issues.

Within the context of the site, Blocks J, K and the western part of L are relatively high, being six and seven storeys (at 19 and 22 metres), when compared to the historic prison buildings (12.5 metres) and wall (6 metres). The height of block M which faces Milton Road would at three and four storeys (10.5 and 13.5 metres) be significantly lower than the other blocks within the walls and when combined with the proposed building setback of 27 metres to Milton Road and Bowler Avenue, appropriately relate to the streetscene. It is the upper floor of blocks J and K and part of L that would trigger the development being assessed as 'tall buildings'.

The maximum (7 storey) height of blocks J and K would be approximately 22 metres and would step down to a height of 6 storeys (18 metres) adjacent to C wing. At this height they would exceed the height of the prison wall by 14.5 metres (17.5 metres in the case of the 7 storey elements). They would also exceed the height of the ridge of C wing's roof by 4.5 metres. The 7 storey element of J and K blocks would also exceed the height of the prison chimneys (the tallest elements of the historic prison) by approximately two metres. For comparison the existing workshop building has a height of 17 metres.

To assist with the assessment of these height elements the TVIA has provided views from Kingston Cemetery and Whitcombe Gardens, with the proposed development imposed. This assessment tool demonstrates that while the tall building elements exceed the ridge height of C wings roof, this is only one part of the new build element. On this basis it cannot be concluded that an adverse impact would result from the height of the tallest elements across the site. The variation in heights helps to alleviate any impression that the new build is impacting on the historic assets.

The rationale provided by the applicant for the inclusion of 'tall buildings' is considered to demonstrate a logical design development that has had proper regard to the conflicting constraints of the site. As such it is considered that the construction of tall buildings on this site has been properly justified and is acceptable in principle.

The scale of blocks J, K (and to a lesser extent L) relative to the prison walls is significant. Whilst they are not large enough to 'miniaturise' the walls, they are sufficiently large to create a contemporary architectural juxtaposition to both the historic wall and prison buildings. The striking difference in height and scale would apply when viewed within the site and externally from Kingston Cemetery.

J block in particular would also due to its height, mass and siting, form a particularly prominent feature in views from the surrounding area, along St Mary's Road and west from the St Mary's Road roundabout.

By comparison with the other new build blocks on site, the scale and height of block M is more modest however is designed to respond to the existing prison wings rather than taking design reference to the existing properties on the eastern side of Milton Road. Block M would impact on the ability to view and appreciate elements of the roofscape of the historic prison hub and wings, particularly in close quarter oblique views south down Milton Road. It must be noted that these views are already impacted by existing non original buildings. Block M would be 5 and 8 metres taller than the prison wall, and therefore would through its height and introduction of contemporary architecture impact on the unaffected dominance of the prison wall in this location. The development seeks to address the public highway and provide openings through design into the site, changing the nature of the use.

It should perhaps be noted that there are examples elsewhere in the city, such as at Gunwharf Quays, which have resulted in the creation of a similar relationship between an existing historic wall and large scale new build development. As the prison site has historically been contained within a wall, the opening up of the site and contemporary designed blocks have the effect of enlivening the appearance of the development whilst not overwhelming the main prison buildings.

The former workshop building is a large and unattractive 3+ storey utilitarian block situated on the south west corner of the prison site. Constructed of concrete panels with a standing seam metal roof it has a rectilinear footprint of some 56 metres by 12.5 metres. The workshop has a poor relationship in terms of its scale, proximity and appearance with the historic buildings of the prison in general and C wing in particular. In terms of its relationship with the prison it does not set an especially positive precedent.

The workshop building would be demolished and replaced by J block. Despite different shaped footprints, their overall size would be similar. As the HIA acknowledges J block would be taller. It would also be sited roughly 20 metres further south, bring about the opportunity to open to view the western end of C wing from the listed cemetery. The applicant has argued, with some merit that re-exposing the end of the wing would offer some benefit in terms of the view of the prison from the adjacent cemetery.

The new build blocks have a strong contemporary character. Their form is crisp and clean, their central cores and recessed ground and top floors notwithstanding, they would not, given their size, have a high degree of articulation. Nevertheless the offset rhythm of the window openings, in combination with the range of materials and distribution of vertical 'mullion' elements, would provide some variation to the facades. The adoption of a modest set back and related 'colonnade' to the top floors is welcome as a means to mitigate the high level bulk of the blocks. Whilst it would break up the uniformity of the facades the colonnade features would limit the contribution of the set-back top floor to reducing the perceived height and scale of the blocks.

A suggested palette of material is provided within the DAS. The proposed materials respond to the site's character including the use of flint at ground floor level, redolent of the surface material of the perimeter wall, with upper floors clad in brickwork matched to tone and texture of existing brickwork in the perimeter wall and historic buildings. The submission gives an indication of the finished appearance of the blocks in terms of materials and detailing. Flint faced concrete blocks are proposed for ground floors clearly responding to the flint treatment on the outer face of the prison walls. In combination with the proposed use of painted timber doors, this is considered a positive aspect. The choice of brick for any infill panels would be a key factor in the extent to which the blocks complement their surroundings. A grey/buff facing stock brick is proposed which may be acceptable and could be controlled by condition. The quality, detailed appearance of the proposed materials, and the attention to detail and finesse of the finished design for the blocks will be a crucial factor in the success of the blocks. Similarly this too could be controlled by condition.

The relationship of the blocks to the historic prison and walls is relatively tight, juxtaposing scale and design. The relationship of Block J and K to the historic wall and prison buildings brings a new enlivened appearance which reflects a managed change rather than a pastiche of the buildings on the site.

Alongside the planning application is the Listed Building Consent application which assesses the harm the proposed development would cause to listed assets. The nature of developing within the curtilage of a listed building is that harm would arise, however this is balanced against the conservation benefits within the scheme through the demolition of unsympathetic elements such as the existing workshop and other mid twentieth century additions to the site. The harm arising from Blocks J and K would be high and from Blocks L and M moderate. The aggregate harm from the new build blocks combined would be high but not substantial. On this basis the Listed Building Consent application recommends support for the proposal, and on design grounds it is considered that the planning proposal is acceptable.

It is noted that both development within the setting of the prison, and the adoption of a contemporary approach to the architecture deployed are consistent with the concept of conservation. Conservation contrasts with preservation. Implicit within it is an acceptance both of managed change and of an architectural approach which may depart from the replication or 'pastiche' of existing/surrounding buildings on a site. Overall it is considered that the approach taken is appropriate and can be supported in the context of this site.

New build outside walls

Located on what is currently a car park (a use it has had since the 1970s), the Block N would sit adjacent to and be physically connected to the north elevation of the prison wall. The nature and impact of the intervention on the wall is addressed in the corresponding application for Listed Building Consent.

The HIA cites the presence of an earlier building on the site (which historic mapping indicated was there until the 1970s), the low townscape quality of the car park and its absence of 'place' as justifications for the proposal in terms of heritage impact.

This three storey (11 metre high) block would introduce a new building that addresses the public highway, visually opens up the site, defining the changed use and reducing the dominance of the prison wall in this location. The block would exceed the height of the wall by around 5 metres providing a transition from the taller buildings when compared to the existing homes in the area. Through the proposed building lines of 8 metres to Milton Road (which is to the existing wall) and 3 metres to Bowler Avenue, this Block appropriately addresses the streetscene and is complimented by a strong landscaping design. The proposal follows the line of the existing wall and would project beyond or into the established Milton Road streetscene. The proposed building does not seek to reflect the existing homes in the area, rather articulates the transition of design across the site, reflecting the change of use.

The Listed Building Consent application addresses in full the potential for harm that arises from Block N and in conclusion recommends that on balance the proposal can be supported. With Block N sited on the north east corner of the site, the building would present itself in views south down Milton Road (this part on Milton Road is one-way (northbound) for vehicular traffic). The block would remove the ability to view the northern wall of the prison and in part elements of the prison's historic roofscape over the walls.

From Bowler Avenue, the wall is overwhelmingly the dominant foreground feature in views south. The Townscape and Visual Impact Assessment TVIA prepared for the applicant acknowledges that the proposal would have a major impact on views from Bowler Avenue. Block N would eliminate views of the wall for the majority of properties along Bowler Avenue and Bowler Court.

The HIA acknowledges that the proposed block would produce an adverse impact on the setting of the gaol, "even though it only affects a small part of the whole". The height and massing of Block N together with its siting and resultant loss of the ability view the north-east corner and much of the northern elevation of the prison wall, when combined with the invasive nature of the wall openings are considered to represent a high degree of harm. This harm is however not considered to be substantial and the Listed Building Consent assessment recommends a favourable conclusion.

In planning terms, the heritage aspects of the proposal are a planning consideration however not in isolation of the urban design opportunities which Block N can potentially bring. The Block has not been unsympathetic in its reference to the existing streetscene and through its proposed building lines, three storey design, fenestration detail and strong landscaping scheme brings about a positive design outcome for the locality.

Conversion of Retained Prison Buildings

The predominantly residential conversion of the main prison building and gatehouse complex would involve a range of external alterations which differ in terms of their scale and impact depending on which element of the existing buildings are being altered.

The residential conversion of the former prison buildings will necessitate alterations to the existing built fabric, both internally and externally. Externally the most obvious alteration will be to the existing pattern of fenestration through the introduction of new openings and the enlargement of existing ones. The alteration with greatest impact would be the enlargement (lowering) of existing window openings and the wholesale replacement of the existing prison windows with alternatives of a more 'domestic' appearance and character.

The proposed alterations to existing windows would be carried out in a symmetrical pattern to retain a sense of order and rhythm as would be expected in any institutional building of this age. The alterations themselves would entail the dropping of the existing stone cill to increase the depth of the window to match that of the original larger windows within the wings. The submitted details indicate the existing brick detailing would be replicated with the windows being framed in dark grey powder coated aluminium with a pattern of glazing bars which would be appropriate for an institutional building of this era. It is considered that in design terms the proposed alterations represent an appropriate and acceptable solution to the need to improve the habitability of the former cells.

The proposal includes replacing the existing rooflights in the principal wings with new rooflights and adding a series of new rooflights to each of three main wings. These new rooflights would be located below the existing rooflights and would be smaller than the existing rooflights, below which they would sit. The plans suggest that a conservation 'Victorian style' rooflight, split by a single centrally aligned glazing bar, would be utilised. Fitted flush/below the plane of the roof this style of light is recommended for historic buildings. The purpose of the lights would be to bring light to proposed new rooms created in the high level 'clerestory' roof spaces within each wing to make them habitable. This element of the proposal is considered acceptable in design terms.

The proposal would involve the demolition and removal of a number of unsympathetic post war extensions and additions which individually and collectively detract from the character and special architectural interest of the listed building. The removal of these accretions would be positive in both heritage and wider design terms. The proposal would also entail the removal of security fencing, lighting and other modern additions which are of very little architectural merit, which too would be beneficial to the appearance and setting of the site.

The largest scale alteration to the retained prison buildings would be to B-Wing, the ground floor of which is an original part of the building whose fabric and appearance match the rest of the building. Originally single storey and used as the prison infirmary, it has was in the late 1960's/early 1970's the subject of major works of alteration and extension resulting in its

enlargement both upwards and outwards. The proposal involves a major 'rationalisation' of the wing including the removal of the large gym at the end of the wing, the metal clad first floor and the 'linking element' connecting the original historic remnants of B wing with the rotunda. The elements of the building to be removed are of little or no architectural or historic merits whose appearance is utilitarian and unsympathetic to the character of the older parts of the prison. Their loss would therefore be positive in both heritage and wider design terms.

The result of the demolition and removal work would be a structure of single storey height, shortened to its original length to which it is proposed to add a contemporary two storey addition above. This would result in B Wing being the only part of the original buildings to incorporate both historic fabric and a substantial element of modern fabric.

The submitted plans show the two-storey addition would essentially be a plain unornamented box built over the retained ground floor. The external finish of the proposed extension submitted elevations would use materials to complement the new build towers within the prison wall. The applicant has indicated that stylistically the new build element would be a 'pared down' version of the new build blocks proposed whose appearance would offer a strong contrast with the architecture of the prison. The extent of the contrast would be ameliorated through the use of materials whose colour and texture are complimentary. The extent of the contrast would give the proposal a somewhat 'placed' (as opposed to bespoke) character in relation to the surviving elements of the wing underneath.

The scale of the proposed extension which would give B Wing an overall height of 10.5 metres would sit below the level of the main wings and the rotunda. In the context of the site overall and in particular the rotunda and principal wings the scale and height of the extension to B Wing is considered acceptable.

The proposed extension to B Wing would represent an enhancement over its existing unsympathetic appearance. In Listed Building terms the construction of a replacement extension is considered acceptable in principle. The detail of the proposed extension is considered appropriate in heritage terms and would preserve the features of special architectural or historic interest for which the ground floor of B Wing is listed. The extension would also represent a benefit to the appearance of the site as a whole but also to the setting of the historic elements.

The element of the original buildings that is most visible from outside the site is the Gatehouse complex which includes the former Governors and Chief Warders houses. The gatehouse combines the appearance of a buttressed historic church tower, with a medieval fortification with detailing that includes a castellated roofline and cruciform slit windows. The scale of the structure is imposing and is finished to a high standard using robust materials giving it an intimidating appearance. The gatehouse complex is a particularly important element of the site in that it mediates between the public and 'private' realms.

Externally alterations would largely be restricted to the removal of unsympathetic and intrusive extensions to the rear and side (south) of the building. These alterations would enhance the appearance of the buildings themselves as well as the wider site and are considered to be a positive aspect of the proposals in both heritage and wider design terms. The improvement of the appearance of the Gatehouse complex which includes alterations to the boundary treatments would represent a gain in urban design terms and would positively enhance the townscape of the locality.

Landscaping

The application is accompanied by a detailed landscaping scheme supported by a comprehensive explanation of its basis within the DAS. The landscape concept on which the proposals are based is inspired by the 'Walled Garden'. The strong radial geometry of the existing prison building and the commanding presence of the perimeter walls provide the opportunity to create a series of special landscape spaces and develop a unique landscape

identity for the site inspired by a traditional walled garden. The intention is to create a distinctive layout and language of planting, gardens, paving and seasonal change to evoke the idea of living in a walled garden. The DAS sets out that the 'Walled Garden' concept would respond to the character and heritage, creating memorable spaces framed against the Grade II listed perimeter walls, provide a positive contribution to the historic fabric and local context, create a central garden square and a series of courtyard garden rooms within a garden and enhance the biodiversity and nature conservation within the site creating a sustainable legacy.

The DAS also explains the strategic use of hard and soft landscaping to create circulatory routes through the site and to create a series of garden areas with a hierarchy of accessibility without fences or walls. The landscaping would also be used to frame and soften parking areas with hard surfacing materials being chosen to complement the existing building materials while being durable and having a timeless appearance.

The landscaping of the site has been considered as an integral part of the design evolution of the proposed development. The landscaping scheme relates not only to planting but to hard surfaces and means of enclosure. The proposed planting would provide a high quality living environment in what would otherwise be a rather forbidding site. The proposals include the planting of a substantial number of trees both inside and outside of the walls. The tree planting scheme outside the walls would enhance the streetscene along St Mary's and Milton Roads and contribute to softening the harsh appearance of the prison wall. Along Milton Road this will involve the addition of 11 trees and along St Marys Road 14 trees which will be a positive addition in these locations.

The proposal includes a variety of hard surfaces treatments distinguishing parking bays, driveways and footpaths. The level of detail shown and included with the application is commendable and serves to demonstrate the high quality nature of the development proposals.

The main frontage of the site outside the walls adjacent to the roundabout is currently enclosed by a timber fence set above and within a relatively modern wall. The St Marys Road boundary of the site outside the walls is proposed to be delineated by metal railings of a more appropriate form. The proposed landscaping of the site outside the walls would enhance the public realm as well as the setting of the prison as a heritage asset. The combination of new soft landscaping, better quality hard surfacing and more sympathetic means of enclosure contribute to the high quality nature of the proposals and are indicative of the quality of the development in urban design terms.

It should be noted that the area of land to the north-west quadrant of the roundabout falls outside the application site and is in the ownership of the City Council. Separate to this planning application, the applicant is in discussion with Property Services about taking on the management of this land from the City Council, with a view to enhance and improve the external landscaping, maintenance and management of the land as part of the scheme. This is considered to represent a public realm improvement that would be of benefit to the site and wider community. The applicant has set out the proposed improvements for the land, including pathway, benches and bins, with the level of the financial investment being in the order expected for the proposed improvements.

The application site also includes a strip of land outside the wall adjacent to number 2 Bowler Court and between the wall and the railway line. The land would be included within the external areas whose appearance would be improved as part of the wider landscaping proposals and also retained to provide access to the exterior of the wall and to the railway line where required.

Commercial unit

The proposal includes a 39 square metre commercial unit located at the rear of the gatehouse complex, orientated towards the clock tower at the end of E Wing. Permission is sought for the use of this space for purposes within Class A1 (a shop) or A3 (a café/restaurant). Having regard to the size of the unit proposed it is considered that the principle of being provided is acceptable.

Whilst the inclusion of the commercial unit is speculative, in that no end user is identified, the applicant advises that this element is included in response to the feedback from the community consultation events. The submitted planning statement sets out that "an area of outdoor seating for users to enjoy the setting of the surrounding heritage assets is also proposed as part of the public realm proposals". The application confirms that "the café use would be available to residents of the development and the general public who will have access into the site from the Gate House".

The inclusion of an element of commercial floorspace is welcomed, with its modest scale being considered to complement the proposed wider residential development of the site. Having regard to the location of the commercial unit within a listed building which would otherwise contain residential accommodation it is considered necessary and appropriate that conditions be imposed to control and limit the use for heritage and amenity reasons.

Transport

The planning application is accompanied by a Transport Assessment (TA), the extent and scope of which was agreed at pre-application stage. A draft Travel Plan has also been submitted. The DAS proposes the retention of the gatehouse as a primary means of access into the site for pedestrians and vehicles. Early masterplan proposals suggested that access into the site could also be made from Bowler Avenue. This was not supported at public consultation and not pursued. New vehicular access points into the site are proposed at St Mary's Road and Milton Road. These new access points will require removal of one bay of brickwork in the perimeter wall at each location. The detailed transport assessment which accompanies his application also demonstrates the acceptability of this proposal in relation to impact on existing traffic movement and capacity.

The proposed access on St Mary's Road will be for entrance and exit of the site, and the proposed access on Milton Road will be exit (left-turn) only. Restrictions will be made on vehicular traffic, including a drop bollard on the exit to the site on Milton Road to ensure the site is not used as a rat run and short-circuit to the St Mary's Road/Milton Road roundabout. In addition to the proposed vehicular entrances through the existing wall, two smaller openings for pedestrians are proposed to allow access and circulation within the site. These are situated on St Mary's Road, adjacent to the proposed pelican crossing, and also to the southeast corner, to allow pedestrians to enter site from the adjacent public open space and car parking area outside the perimeter wall to the south of the gatehouse. As an associated issue, a further opening to the existing wall is proposed to allow vehicular and pedestrian access to the apartment building facing Bowler Avenue.

The proposal includes access for all modes of travel from the A288 Milton Road and St Mary's Road. These two roads are both identified as primary distributor routes in the map associated with saved Policy DC26 of the Portsmouth City Local Plan 2001-2011 Local Plan. The formation of these new accesses would be contrary to saved policy DC26 which seeks to prevent new accesses to roads forming part of the strategic highway network. Whilst the TA includes a justification for a relaxation of this policy, the critical issue is considered to be the impact of the proposed development on the operation and performance of the local highway network.

The applicants case for setting aside saved Policy DC26 is that the proposed access arrangements would reduce the impact of the development on both the safety and capacity of

the highway network by approximately 50% at the St Mary's Road/Milton Road roundabout and consequently that the proposal would accord with the aim and objective of the policy. It is accepted that the proposed creation of an additional access to St Mary's Road would reduce the impact of the development. However the proposal itself would introduce additional traffic into an already congested part of the network via this junction contrary to the policy intention. Subject to the detailed consideration of the traffic impacts of the proposal, it is considered that the introduction of new access points to St Mary's and Milton Roads would not prejudice the aims or objectives of saved Policy DC26.

Traffic Impact & Mitigation

The traffic impact has been modelled on the Milton Road roundabout and Fratton and St Mary's Road junctions. The modelling is considered to be an accurate representation of the current situation and takes into account an appropriate level of future traffic growth.

The modelling demonstrates that the network was found to be congested at peak periods with the degree of congestion being worsened by the impact of development. The TA contends that the relative impact of the development is less than 5% and therefore does not justify the provision of significant junction improvements. Whilst the development cannot reasonably be required to resolve existing difficulties within the local network, given the existing congestion even a relatively small increase in movements can have a material and severe impact in terms of congestion.

In recognition of this, the application includes proposals to improve the highway safety and capacity of the Milton Road roundabout. The proposals include alterations to the roundabout, the widening of the southern exit of the roundabout on Milton Road and an extension of the queuing lanes from the St Mary's Hospital access to improve the discharge rate at the Milton Road south exit.

The scheme to improve Milton Road roundabout is helpful in both safety and capacity terms and would largely resolve the concerns of the Highway Authority regarding the severity of the delay predicted to occur on Baffins Road in the absence of such an improvement. The modelling indicates that the queue length on Langstone Road would increase by 5 vehicles in the morning peak period with the St Marys and Milton Road arms being unaffected. Significant improvements are predicted on the Baffins Road arm where queue lengths would be reduced by 26 vehicles in the am peak and 17 vehicles in the pm peak leading to a proportional reduction in delays. It is therefore considered that the impact of the development on the performance of the Milton Road roundabout is appropriately mitigated by the proposed improvements.

The modelling indicates that the traffic light controlled junction between St Mary's Road and Fratton Road would operate within capacity during peak period. It is considered that the development would not have a material impact on the operation of this junction.

Parking & Accessibility

Parking provision for both vehicles and cycles is proposed in accordance with the standards for residential development established in PCC Parking Standards & Transport Assessments SPD. Space for manoeuvring within the site is constrained by the retention of historic prison buildings although adequate width of access is proposed for refuse vehicles and emergency services.

The TA makes reference to and summarises local bus services that operate in the vicinity of the site and identifies two services towards the city centre operating at 10 minute frequencies and three services operating at 30 minute frequencies. The TA suggests that this demonstrates that the site is highly accessible by public transport, although it does not meet the criteria for such defined in the adopted Parking Standards & Transport Assessments SPD. It is therefore not agreed that the site is highly accessible by public transport sufficient to justify a relaxation of the parking standards. It must however be recognised that the level of accessibility by public

transport is not so poor as to justify a reason for refusal of the application on those grounds. Accessibility by train is also considered with Fratton station found to be 1.5 km distant. Whilst this exceeds the acceptable walking distance it is sufficiently proximate to make cycling a reasonable alternative.

Pedestrian and Cycle Access

The analysis in the TA indicates that walking distances for most purposes fall between the desirable and acceptable ranges for walking to employment, retail, education and health facilities. These are located close enough to the site to make cycling a reasonable alternative where the acceptable walking distance is exceeded. The TA identifies inherent safety issues at the St Mary's Road / Milton Road roundabout which would dissuade people from cycling with the uncontrolled crossing opportunities on St Mary's Road not providing adequate facilities for pedestrians.

The assessment of pedestrian and cycling accessibility has identified the limited secure crossing opportunities of St Mary's Road for users of these modes of transport. The application initially proposed the provision of a signal controlled crossing for these modes immediately to the west of the proposed site access to St Mary's Road between the right turn lanes for the site access and Whitcombe Gardens. That arrangement would not comply with the relevant design criteria which requires a 20 metre separation distance between junctions and such crossings. During the lifetime of the application amended proposals have been submitted that would provide an uncontrolled pedestrian crossing facility on St Mary's Road between the right turn lanes for the site access and Whitcombe Gardens with the proposed Toucan crossing being relocated to the east of the proposed access where there is sufficient junction separation to allow such a crossing to be installed in compliance with the relevant design standard.

The Toucan crossing would provide an improved pedestrian crossing close to the roundabout for use by all pedestrians with a proposed break in the prison boundary wall at the southeast corner providing a direct link from the development to the crossing. The uncontrolled crossing between the two right turn lanes incorporates a pedestrian refuge which will improve safety for those pedestrians who chose to access the development at the main vehicular access to St Mary's Road. It is considered that the amended proposals would make safe provision for pedestrians and cyclist to cross St Mary's Road to access the development.

The proposed provision of a footway/cycleway on the northern side of St Mary's Road to link the proposed Toucan crossing and Milton Road is an essential addition and provision should be made to link this to the pedestrian / cyclist access to the site in the south west corner.

Travel Plan

The submitted travel plan sets the context for the document by reference to the relevant planning policy background and specifically references the requirements for travel plans established in the Parking Standards and Transport Assessments SPD. It largely draws from and reproduces elements of the TA to describe the local highway network and sustainable travel opportunities.

The travel plan details a number of smarter and physical measures with indicative baseline mode share proportions drawn from the census data, and gives examples of mitigation measures which could be considered in the event that the targets were not being achieved. An addendum to the Travel Plan includes a specific commitment to introduce automatic traffic counters at each of the vehicular accesses to the development to monitor trip rates and introduce further measures to promote sustainable travel use in the event that either the driving mode share is not reduced by at least 10% within 5 years of the plan being introduced or in the event that the total trips generated by the site exceed the forecast level of trips as specified within the Transport Assessment.

Transportation Conclusion

It is considered that the proposed off-site highway improvements would mitigate the impact of the development on the safety and convenience of existing and future users of the surrounding highway network. Indeed the proposed mitigation measures are likely to improve the current situation for pedestrian and cyclists. The proposed internal site layout, parking provision and facilities for cycle storage are all considered acceptable. The off-site highway improvement works can be secured through a legal agreement together with the development, implementation and monitoring of the submitted travel plan and a financial contribution for its monitoring. The submission and approval of a construction management plan can be secured through the imposition of a planning condition.

Housing Density, Need & Mix

The housing density of the proposed scheme is 87 dwellings per hectare which is within the density ranges established in Policy PCS21. The applicant argues that density is considered to be appropriate for the site given that it will be a self-contained development, due to the prison walls, and therefore, there is scope for a different approach to be taken from the character of the area outside of the prison walls. The proposals are considered to sit comfortably in relation to the site's townscape context and do not give rise to any unacceptable impacts in terms of residential amenity. The site has reasonable public transport links given its proximity to local bus services and Fratton train station and is close to a range of local amenities and services including public open space at Kingston Park and nearby retail and leisure facilities. This accords with the approach in the NPPF (paragraph 34) which directs higher density residential development to locations that benefit from the use of sustainable transport. The development will make the most effective and efficient use of a brownfield site, will deliver a viable scheme, in the context of the site's heritage constraints, and will make a significant contribution towards meeting housing need on a limited supply of land in the City.

The density of the scheme is considered to be appropriate for this well designed scheme that would meet many of the appropriate policy requirements. The proposed development would optimise the delivery of housing on previously developed land and enhance the viability of the site to maintain the long-term future of the designated heritage assets.

Policy PCS19 promotes a mix of family and larger homes with a target of 40% provision where appropriate and subject to both the character of the area, the site and viability of a scheme. The proposed scheme proposes 7% family homes across the site with the majority of homes being 1 and 2 bed. The supporting documents submitted with the application suggests that the proposed residential mix reflects the character of the surrounding area which is predominately family homes and an identified opportunity to provide a mix of home sizes within the area to improve housing choice. There is limited opportunity for the conversion of the listed prison building to provide homes larger than two bedrooms due to the cell layout of the prison wings. The scheme is able to deliver four three bed homes within the prison wings due to the ability to create duplex units through the conversion of space within the roof voids. Provision of 12 three bed homes is proposed within the new build blocks. There is an identified need in Portsmouth for quality one and two bed homes. The housing supply also needs to meet the demand for family homes.

Overall, it is considered that the residential mix for the site will provide a range of dwelling sizes within the converted prison buildings and new build blocks suitable and consistent with the character of the site and the wider locality.

Policy PCS19 seeks to secure 30% affordable housing on sites where there is a net increase of 15 or more homes and with a tenure mix of 70% social rented and 30% intermediate homes. Policy PCS19 recognises that there may occasionally be specific circumstances which would render it unviable if the required amount and type of affordable housing is provided. This

approach is set out Paragraph 173 of the NPPF which identifies that development should not be subject to obligations and policy burdens that their ability to be developed viably is threatened.

A policy complaint proposal providing 30% affordable housing would on a pro-rata basis equate to 69 flats comprising 27 one bed, 38 two bed units and 4 three bed units. Of these one or two flats should be for disabled use for which this area has a high demand. In terms of tenure, the greatest need would be for Affordable Rent and Low Cost Home Ownership properties. This part of the city does have a considerable demand for affordable housing and where viability is an issue a lesser number of on-site units or a commuted sum towards providing affordable housing elsewhere in the city should be explored. It is on this basis that it is proposed to include within a section 106 agreement a viability review mechanism so as to ensure where total scheme viability improves that an appropriate provision or commuted sum is secured.

The viability review mechanism would focus on changes in the construction costs which the viability has reliable upon, and the potential uplift in value based on the disposals and potential for greater returns. The viability review mechanism is proposed to be timed 3-6 months prior to the commencement of Phase 3, looking forward to the remaining 122 units to be delivered.

Where there are scheme viability improvements it is proposed that the improvement is equally shared so as to incentivise both parties, with the Council's share being reflected in a commuted sum.

The proposal will make a positive contribution to the housing stock and supply in the city and having regard for the viability appraisal that accompanied the scheme, it is considered there is benefit in supporting the proposal and a departure from the policy.

The applicant acknowledges that the viability information presented represents the current position and that the changes over time could increase the viability of the proposal. To ensure that any improvement in viability can be captured and if appropriate a contribution towards affordable housing secured, the applicant has agreed to an additional reassessment of the scheme viability if the development does not commence within one year following the grant of planning permission.

Environmental Considerations

Air Quality

The application is accompanied by an Air Quality Impact Assessment. The assessment methodology was carried out using a dispersion modelling assessment of the operational phase air quality impacts associated with existing and proposed road traffic following the latest guidance on local air quality management and development control. The assessment covered nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) as key air pollutants of concern for the operational phase. The potential air quality impacts at receptor locations during the operational phase of the development was quantified comparing three scenarios representing the base case scenario representing the existing air quality situation; a future base case scenario with committed development traffic in 2023; and a future with development scenario with proposed development and committed development traffic in 2023.

The methodology and data used in the assessment have been thoroughly assessed with the Head of Public Protection concluding that the predicted long and short term NO₂ and PM₁₀, at all the assessed receptors and for all modelled scenarios, would not exceed the relevant air quality objectives and that on the basis of the dispersion modelling, all receptors are predicted to experience a negligible impact on air quality as a result of development.

Noise

The application is accompanied by a Noise Assessment which has assessed in particular the impact of road and rail noise on the proposed residential development. The Assessment illustrates that the buildings on the north-east of the site (adjacent to Milton Road) and the west of the site adjacent to the rail line) would be subject to high levels of noise. In order that an appropriate degree of amenity is provided for future occupiers, habitable rooms will require a high specification of double glazing to achieve a sound reduction level of not less than 38dB in order to protect the proposed occupants from rail and traffic noise. Furthermore noise levels are such that windows would need to remain closed to attain a recognised standard of internal noise levels. As a result an alternative means of ventilation would need to be provided. This is considered to be an acceptable solution. It is considered that both of these issues can be addressed through the imposition of suitably worded planning conditions.

Contaminated Land

The northern part of the site was formerly used as a brick field with an associated clay pit that has potentially been infilled. Given the proposed residential nature of the development proposed it is considered that planning conditions be imposed to secure a staged assessment of any risk and to secure mitigation if required.

Ecology

The application is supported by a Preliminary Ecological Appraisal prepared by The Ecology Partnership (dated January 2016) which has assessed the impact of the development in relation to bats as well other protected species and habitats. The PEI concludes that the site is of limited ecological value but has the potential to contain bat roosts within existing buildings.

In relation to the sites potential value to bats, in accordance with Article 12 of the EU Habitats Directive, when adopting a precautionary approach, if there is likelihood that 'disturbance' may occur which in this case there is, the derogation tests must be undertaken as follows.

Reasons for Overriding Public Interest

There are a number of benefits that the proposal would generate for local communities and the surrounding area. This is principally through the safeguarding of the long-term future of the listed assets and the provision of housing.

No Satisfactory Alternative

This report concludes that there is no satisfactory alternative for this site, as no long term use of the site is not a sustainable option.

Maintaining a Favourable Conservation Status (FCS)

In order to assess whether the FCS test is met with regard to bats, the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. The Council's Ecologist has had regard to the ecological submissions and recommends a condition seeking to further strengthen ecological provisions through the implementation of a LEMP, mitigating impacts within the development. A further condition is also to be imposed requiring a pre-commencement inspection so as to ascertain that there have been no changes on the site and that there are no bats present. Works are also to be undertaken in accordance with the Ecology Report recommendations. It is therefore considered that a Favourable Conservation Status can be maintained.

Conclusion

If members conclude that the benefits of approving the proposal on this site outweigh the potential for harm, subject to the incorporation of conditions in line with recommendation, it is considered that (a) the impact upon ecology is low and (b) this application satisfies the statutory derogation tests.

Sustainability

The applicant has submitted a 'Sustainability Statement' in support of the application. The statement highlights the brownfield urban location of the site and that the reuse of existing buildings is the most sustainable form of new development. The reuse of existing building saves the energy and resources required to demolish them and to construct a replacement. The conversion of the listed prison buildings would result in them having a sustainable long term future. The applicant highlights that the site is well located and connected by bus services, cycle links and is close to local amenities.

The statement makes reference to the proposed use of a range of sustainable drainage systems which would enhance water quality, have additional amenity and biodiversity benefits and address points raised in representations. The landscape proposals include extensive tree planting across the site of mixed species would add to the landscape character, biodiversity and amenity value of the site. The applicant states that the proposals will enhance the biodiversity and nature conservation within the site, creating a sustainable legacy. The SUDS would be privately managed as part of the contract for the residential estate.

The statement notes that the proposed buildings would adopt an efficient approach to the heating, servicing and cooling by designing to reduce the energy consumption. The statement highlights the proposed use of photovoltaic panels to the new-build apartment blocks which would be hidden behind the parapet roofs. The applicant has confirmed that the proposal will meet the retained requirements of policy PCS15 in regard to reducing demand of energy use and increased water efficiency.

The conversion of the listed buildings would be less 'sustainable' than the new build blocks in terms of their energy use and efficiency, however their reuse represents a saving of the energy and resources embodied within them and those that would be used in their removal if they were not retained. The new build blocks would need to comply with the Building Regulations which have been amended to require a greater degree of energy efficiency.

Amenity - Impact on neighbours

The proposed redevelopment of the site will result in the area changing with the comings and goings being more residential in nature. Some aspects of the development are screened by the existing wall, with other elements of the development appearing above and beyond the walls. As a result the proposal has the potential to impact on the occupiers of neighbouring properties in three main locations. These are properties in Bowler Avenue to the south, properties on the eastern side of Milton Road and properties in and around Whitcombe Gardens (including Owen House).

Bowler Avenue

The impact on residents of Bowler Avenue would be from both the new build element (Block N) proposed outside the walls on the former car park and new build Blocks K and L in the north-west quadrant of the site.

Block N would be three-storey in scale and take up most of the car park that currently sits outside the walls. At its closest point Block N would be 12 metres from the front elevation of properties on the northern side of Bowler Avenue (it should be recognised that this distance is comparable to the front-to-front separation distance between most terraced streets within the city). To the west there would be a separation of 19 metres from the front elevations of properties in Bowler Court. Block N would rise to a height of 11 metres. The proximity of Block N to properties in Bowler Avenue would have an impact on the outlook for occupiers, changing

from an open car park and wall to the proposed three storey building. Whilst these properties face the prison wall, they do so with a separation distance of 35 metres by virtue of the car park. Properties in Bowler Avenue have a south facing aspect and with the 12 metre separation will still have access to light, however the amenity of the streetscene will change. Private open space to the rear, northern side of these properties will not be affected.

During construction of Block N the occupiers of neighbouring properties in Bowler Avenue will experience the inconvenience and impact of living close to a development site. However it is inconceivable that the former car park outside the walls would not be developed as part of any wider redevelopment of the prison site. This part of the site lends itself to a domestic scale residential development, an obvious alternative being two-storey dwellings of a traditional design with a pitched roof. Such an alternative development would have a similar overall height to that proposed and have similar impacts on amenity.

Whilst it is accepted that Block N will result in a perceived loss of light and change of outlook, it is not considered that this harm would be so significant in the context of the overall development that it would justify the refusal of this application.

Block L would be built 11.5 metres south of Bowler Court and be a part three, part -six storey building. The three storey element (10 metres in height) would be to the south of the flank elevation of the end of Bowler Court with the six storey element (19 metres in height) being south of the carriageway and garages. As a result of this orientation positing behind the prison wall Block L is not considered likely to have a significant impact on the living conditions of residents of either Bowler Court or Bowler Avenue.

The north elevation of Block K would be located 40 metres south (and to the side of) of the rear gardens of properties in Bowler Court. This part of Block K would be seven storeys in height (22 metres). Having regard to the extent of the separation distance it is considered that Block K would not have a significant impact on the living conditions of residents of Bowler Court.

Milton Road

The dwellings on the eastern side of the southern part of Milton Road would be from Blocks N (outside the walls) and M (behind the walls). No's 131 to 137 would face Block N at a distance of 24 metres. This level of separation and west to east orientation is such that it is considered that the impact of Block N would not be significant. The tree planting proposed in this location is considered to have a positive impact on the streetscene in this location.

Block M would be a part three, part four storey building separated from properties in Milton Road by a minimum of 27 metres and the retained prison wall. It is therefore considered that Block M would not have a significant impact on the residential amenities if the occupiers of properties in Milton Road.

Whitcombe Gardens

The most affected properties in Whitcombe Gardens would be numbers 1 to 4 which are bungalows with north facing rear gardens. These dwellings are separated from the prison by the former workhouse wall, St Marys Road and the prison wall. The building to building separation is 33.5 metres. The northern outlook of these properties is dominated by the existing workshop building which has a height of 17 metres. This would be removed and replaced by Block J which would be a part six, part seven storey building. The element closes to Whitcombe Gardens would be seven storeys which at 22 metres would be 5 metres taller than the existing workshop building.

Block J would also be 10 metres closer to the prison wall than the existing. Having regard to the north facing aspect of the affected properties it is considered that any loss of light would not be significant. Whilst there would be an increased sense of enclosure created by the distant views

of Block J, this needs to be considered in the context of the existing arrangement with two substantial walls, St Marys Road separating the two, and the workshop building. In this context it is considered that any increased neighbourliness would not be so harmful to justify the refusal of this application. Furthermore it is considered that the separation distances involved are such that the proposal would not result in any significant harm from direct overlooking or loss of privacy.

Owen House is a four-storey block of flats located on the eastern side of Whitcombe Gardens with an aspect to the north which faces the site. Owen House is separated from the existing prison wall by St Marys Road at a distance of 38 metres and is 45 metres from the closest building which is the part of the B Wing to be removed. The closest part of the proposed new build elements to Owen House would be the extension above the original element of B Wing. Whilst this element of the proposals would be 3 metres taller than the existing structure, it would be set 12 metres further away than the existing. The overall separation distance between Owen House and B-Wing as proposed would be 50 metres. Such a degree of separation, across a main road and over the wall is considered to be acceptable such that it would not result in any significant harm to the residential amenities of the occupiers of Owen House from overlooking or loss of privacy.

Living conditions for future occupiers

The NPPF seeks the provision of quality homes which is echoed in Policy PCS23 of the Portsmouth Plan which promotes the provision of a good standard of amenity for future residents. The existing prison cells are lit by small high level windows which provide some natural light but very little outlook. The cells contrast with the main atrias of the principle wings which are well light by large rooflights and have a feeling of openness created by the triple height spaces within. Clearly any flats created by adapting the cells will require alterations to the fenestration to create living conditions that are not oppressive or have a feeling of confinement. A simple way to create high quality living conditions is to add bigger windows to allow natural light into the former cells and to give occupiers an outlook.

As discussed elsewhere in this report the altering of the existing pattern of fenestration to the principle wings gives rise to harm to some of the key architectural features of the historic buildings. The proposed alterations to the windows would be limited to providing each habitable room (living and bedrooms) with one larger opening. This is considered to represent an appropriate balance between preserving the historic fabric and creating dwellings that are fit for purpose.

The layout of the main prison building creates unusual spaces, especially where the radial wings junction with the rotunda. In these areas outlook is restricted by the presence of other parts of the building. In other situations such a restricted outlook would not be considered as providing an acceptable standard of accommodation, however not using these spaces as habitable accommodation would represent an inefficient use of the building. In the particular circumstances of this site the proposals are considered to be capable of support.

The nature of the existing historic buildings are such that they make providing a high quality residential conversion a significant challenge. The proposed layout represents a well thought out response to the constraints of the site with a responsive design that would provide 73 new flats within the historic buildings.

The listed prison wall also impacts upon the quality of the accommodation being provided in some of the new build flats. To enable a degree of space to be retained and restored around the historic buildings, the proposed new build blocks would be located around the periphery of the site and around the inside of the walls. Whilst such a layout results in the setting of the main prison being enhanced it is to the detriment of the outlook from a number of the flats which would have habitable rooms whose outlook would be towards the wall at a relatively short distance. It should

however be noted that most of the flats are dual aspect and as such would have a much better outlook in another direction. Any flats at second floor level or above would have views out over the wall and would be unaffected by it. Having regard to the benefit in heritage terms of maximising the separation between the new buildings and the retained historic buildings it is considered that the impact of the prison wall on approximately 12 of the new build flats is an acceptable compromise.

The proposals would also provide private amenity space for the new flats and a large amount of communal open space available to all residents of the development. The development would also provide cycle storage, waste and recycling facilities as required by the Waste Management Service.

Impact on other Heritage Assets

As well as being a designated heritage asset in its own right, the Prison lies close to other heritage assets such that the proposal has the potential to affect the setting of these assets. These are the Grade II Listed former Union Workhouse, now St Marys House and Kingston Cemetery which is a Grade II Registered Historic Park. The Cemetery also contains other Listed structures including the chapels and gates. This section addresses the potential for harm to these assets.

St Marys House

The former Portsea Island union workhouse (constructed 1845) and associated buildings have been converted (in 1990) into flats. An imposing classically inspired building, its front range retains the original character of the building. It has however been subject to both external and internal alteration as part of its residential conversion. The building's architectural quality and its historic role as the city's workhouse give it an appreciable aesthetic, historic and communal value. The change which has taken place on the site justifies an assessment of medium significance. This level of significance is agreed by the applicant and LPA.

The former workhouse itself is located approximately 35 metres south of the southern wall of the prison, although it should be noted that only the western half of the building's facade actually faces the prison. The workhouse site is bounded by a substantial historic brick wall along much of its northern boundary. In addition to the wall (which is lower than the prison wall) the building is also screened by a range of planting including a significant number of mature trees. The principle opening in the wall aligns with the portico of the main building and is set back and flanked by two small unoccupied historic lodge buildings (also listed grade II) which act as meeting rooms for residents.

When viewed from the former workhouse, the historic wall and prison roofscape, (including the later workshop and unsympathetic first floor to B wing, are significant features. The visibility of these elements is dependent on the extent of seasonal foliage cover, and location within the workhouse site.

The presence of the workhouse predates the prison by some 30 years. The two sites are nevertheless archetypal Victorian institutions and in this sense they complement one another. The prison has been a feature in the setting of the former workhouse for almost 140 years. Whilst it is reasonable to assert that it is not conventionally attractive, and it has clearly been subject to change, its longevity and familiarity within the streetscape mean that changes to the prison do impact on the setting of the workhouse.

No development is proposed on the southern part of the prison site that would extend its footprint beyond the prison wall. In this sense the workhouse's relationship to the prison would not alter. Despite this the proposed new tree planting along St Mary's Road, the new vehicle and

pedestrian openings and J block would (where visible), alter the appearance of the prison from the workhouse.

The vehicle opening would be positioned opposite the western wing of the workhouse. It may, depending on tree cover, afford residents of parts of the upper floors of the building views through the wall. The taller new build blocks around the periphery of the wall would also become features within the setting of the workhouse. By virtue of its 7 storey height, scale, corner location, and proximity to the wall, J Block would also have an impact on the setting of the workhouse. The presence of Owen House adjacent to its north west corner does however screen the workhouse (particularly its western wing) from the impact of J Block.

It is considered that given the distance between the prison and the main workhouse building, and the extent of screening provided by the workhouse wall, the planting within its grounds, and the position of Owen House, that the impact and harm of the proposal to the former workhouse would be modest. This assessment is at odds with the applicant's contention, as expressed in the HIA which suggest the effect of change would be neutral.

Cemetery

Kingston Cemetery is one of only three registered historic parks/gardens in the city of Portsmouth. A Burial board cemetery, the site was opened in 1856 to deal with victims of a Cholera epidemic in the city. Planned and formally laid out by George Rake (the architect responsible for the prison) the cemetery is an attractive historic space, with mature trees that define and bound the edges and principal paths within the site and make a strong contribution to the asset.

It should be noted that only the southern third of the cemetery (adjacent to the prison) is listed. In addition a number of separately listed (and locally listed) buildings sit within the registered part of the cemetery, these include: The walls and gate piers of the cemetery (grade II listed). The elaborate Lych Gate marking the entrance to the cemetery from St Mary's Road (grade II listed). The east and west chapels at the centre of the cemetery (grade II listed), and the HMS Racer and Steam Engine Makers Society Memorials, elaborate stone monoliths which are also both listed at grade II in their own right. The cemetery lodge is locally listed.

The cemetery is attractive and is one of a limited number of high quality greenspaces within the city. The conscious design of the place (derived from its layout and the selection of tree species that frame and define the space and the paths within it), give the site a high degree of aesthetic interest. This has been enhanced by the maturity of the trees and the architectural quality and visible age (patina) of the buildings and other structures within the cemetery. The site is not historically unique but nevertheless does also have a high historical and communal value, derived from its illustrative value as a major example of a Victorian cemetery (clearly expressing the city's response to cholera and the treatment of the deceased), and its emotional significance to a large number of the city's residents. Overall these factors give the site a high significance.

The cemetery is a large space in which the prison walls, and its roofscape (including the unattractive workshop building) are, depending on one's location within the cemetery, a prominent features in views to the east. The size and height of the prison totally screen views beyond the cemetery, making it (with seasonal variations in tree cover) a dominant feature on the eastern flank of the cemetery. The edge of the cemetery is lined with tall mature trees and other lower planting which screen it from the railway line and prison beyond. It is important however to note that even in high summer when foliage cover would be at its greatest extent, glimpses and more significant gaps in the cover make it possible to see elements of the prison from the cemetery. Seasonal changes result in the much fuller exposure of the prison in autumn and especially winter. However this should be considered having regard to the location of the rail line, creating a sense of separation between the cemetery and prison site.

The 'The Townscape Visual Impact Assessment' (TVIA) submitted with the application assesses the view from Kingston Cemetery, and the view from the cemetery (near the chapels) as of medium and low susceptibility to change respectively. Correspondingly, the HIA classifies the value of the views available from the cemetery (views 9 and 10) as of low-moderate significance. A footnote in the HIA (at p.69) records that at the pre-application stage officers did not agree with this assessment and indicated that the significance of the view and impact resulting from the proposal should be considered higher. This view has not changed with the view of the prison from the Cemetery being considered as being of some significance.

The 'Assessment of Effects on Visual Receptors' in the TVIA describes the potential impact of blocks J, K and L as of minor essentially localised change overall. The nature of the effect of the blocks, and their significance are described as low beneficial and minor beneficial respectively. The submitted plans demonstrate that, in contrast with the existing view, the scale, height and location of Blocks J and K would make them a very prominent feature in views east out of the cemetery.

The height of Blocks J and K lead to the Blocks being visible for a combined length of around 90 metres which equate to just over half of the total length of this elevation of the prison wall. The HIA suggests that this reconfiguration would 'reinststate' 1877 views of the prison from the cemetery. Whilst the more southerly location of the block would reveal the western end of C wing (which is currently hidden) which should be regarded as a positive, the wing would become framed by two very substantial blocks. As such the view from the cemetery would replicate the view available in the 1870's, to only a very limited degree, the impact of the new blocks acts a substantial balance to the positives associated with the re-exposure of C wing. It must however be recognised that the existing building to be removed is of a utilitarian appearance not enhancing the historic prison buildings.

In light of this, but also having regard to the degree of separation between the two assets generated by the railway line, the current impact of the workshop, it is considered that the level of harm resulting to the setting of the cemetery would be moderate.

On-site Open Space Provision

Policy PCS13 requires the provision of on-site pocket parks on development sites of 50 dwellings or more to a standard of 1.5 hectares per 1,000 population or 15 square metres per person. Further guidance is provided in the Housing Standards SPD which provides details of average household sizes based on the 2001 census.

The residential population of the proposal is likely to be 390 people, which equates to a requirement of 5,850sqm of open space. The application proposes 3,730sqm of high quality public open space in the form of a range of garden and pocket spaces to the north of the radial prison building and within the 'armpits' of the prison wings. The submitted landscape scheme outlines in detail how these spaces have been designed to respond to local and historic characteristics of the former prison as well as including areas of informal children's playspace. In addition to this, the scheme includes 2,585sqm of amenity space for residents in the form of private gardens and podium terraces. The scheme therefore would result in a shortfall in on-site public open space of approximately 2000 square metres.

Given the self-contained nature of the site and its heritage assets and its proximity to a range of nearby public open spaces including Kingston Park, Baffins Ponds and Tamworth Park, it is considered that the on-site shortfall in provision could be off-set by a financial contribution to enhancing existing public open space facilities at Kingston Park.

The deficit in on-site open space provision is recognised by the applicant who proposes to address the shortfall in two ways. Firstly the area of Council owned land would be landscaped and managed as part of the development site thus enhancing both its setting and improving the

environment of the streetscene to the benefit of existing residents. Secondly a financial contribution would be made to enhance the existing facilities in Kingston Park which would support with the aims of the Fratton Big Local Initiative and provide benefit to both future and existing residents.

The timing of the provision of the off-site open space payment would be phased to align with the phase of the development which relates to the shortfall in onsite open spaces based on the populations of the site. As this would be midway through phase three, it is considered that suitable S106 trigger could be secured for the payment of the sum prior to the commencement of phase four.

Community Benefit/Viability

Benefits

The applicant has provided the following summary of social and economic benefits which they believe would result from the proposal:

1. Delivery of 230 new homes contributing towards the housing needs of Portsmouth.
2. Resultant significant capital investment including spending on building materials and labour/professional fees associated with the design, development and construction.
3. The creation of full and part time employment on site in the proposed commercial unit and through ongoing site maintenance and estate management.
4. Job creation during the demolition and construction phase.
5. Additional local expenditure from the new residents and employees.
6. Redevelopment of a well-known local landmark, enhancing the profile of the area and boost investment confidence.
7. The creation of new areas of public open space for the enjoyment of both residents and the local community.
8. Provision of Community Infrastructure Contribution and s106 Contributions and other s278 highway related benefits commensurate with the implications of the development.

Viability

Paragraph 173 of the NPPF recognises that "pursuing sustainable development requires careful attention to viability and costs in ... decision-taking" It continues by making clear that "to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

The Planning Practice Guidance confirms that "the NPPF policy on viability applies also to decision-taking". The Guidance advises that "viability can be important where planning obligations or other costs are being introduced" and that "in these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development". The guidance sets out that "where the viability of a development is in question, LPAs should look to be flexible in applying policy requirements wherever possible".

In the context of making a decision on an individual planning application the guidance makes it clear that "where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary" and that "this should be informed by the particular circumstances of the site and proposed development in question".

The Guidance makes it clear that for a site to be viable, the value generated by its development must exceed the costs of developing it and also provide sufficient incentive for the land to come forward and the development to be undertaken. This incentive is a combination of the profit that can be realised and the risk associated with the development. Both elements are crucial in establishing a basis on which a development can be funded and thus enable it to be carried out.

National guidance advises that "where an applicant is able to demonstrate to the satisfaction of the LPA that the planning obligation would cause the development to be unviable, the LPA should be flexible in seeking planning obligations". This is particularly relevant in the context of affordable housing which is generally the greatest planning obligation sought in housing developments. The guidance makes it clear that "these contributions should not be sought without regard to individual scheme viability" and that "the financial viability of the individual scheme should be carefully considered".

The development of the site would require works that would not normally be associated with a residential development. These abnormal costs include the removal of over 2 kilometres of razor wire, the removal of a number of large buildings and the making good of many unsympathetic alterations to the retained historic buildings. The conversion of the main prison building will require extensive alterations that would need to be undertaken in a sensitive and sympathetic manner and will incur greater costs than that that would be associated with the conversion of an unlisted building. The conversion of any building also presents a greater level of uncertainty and risk which the developer has through investigations sought to manage, limit and control, however the proposal will require specialist skills for all of the conversion and making good elements which bring about higher costs. The developer is taking on these risks and has designed a proposal which will secure a level of return enabling them to engage in this complex project.

The viability appraisal that was submitted with the application was prepared by BNP Paribas. This has been assessed and reviewed by Savills to assist in the consideration of the planning application. In reviewing the work that BNP Paribas undertook, Savills have examined the scheme value, the development costs, the abnormal costs, the finance costs and the developer's profit.

A housing market review was undertaken having regard for the sales and asking prices of other developments across the city so as to establish the scheme value. The construction costs have been separately provided and reviewed as part of the assessment process.

Having regard for all of the facts Savills provide the following conclusion to the assessment: "we have compared the resulting Residual Land Value to our Site Value Benchmark to ascertain whether there is a deficit or surplus against our Benchmark. The scheme would only be considered commercially viable in development viability terms, if the Residual Land Value was in excess of the Site Value Benchmark. In this case the Residual Land Value generated by the proposed development is significantly less than the Site Value Benchmark. Overall we therefore consider that the proposed scheme currently demonstrates an inherent lack of viability and cannot afford any affordable housing contributions".

The applicant has suggested that in order for the value of the development to be increased to a level where affordable housing could be sustained the number of units proposed would need to be increased by around half. These additional units could only be created by a more intensive development within the walls. This would require either a much greater built footprint or an increase in height (or a combination of both). In either case an increased quantum of development would be likely to give rise to a significantly greater degree of harm to the setting of the listed assets and local residential amenity. The constraints of the site are such that the benefits of providing affordable housing would potentially be at a much greater cost in heritage and local amenity terms.

The payment of financial contributions can be phased to secure the timely implementation of planning obligations without requiring the burden of an unnecessary upfront payment.

Interpretation space

The proposal includes the provision of an interpretation area within the former vehicle trap under the gatehouse. This would serve as a reminder of the history of the site and provide a facility for visitors, new residents and existing residents to understand and appreciate the history of the site.

Access to site

The proposed residential development would result in the provision of limited public access into what has historically been a secure and enclosed site with no access to the general public. Following the proposed development non-residents would be able to access the area within the wall and be able to view the scale and extent of the historic prison buildings. Whilst there would be no access to the buildings themselves, the ability to view the principal wings and rotunda as a whole represents a positive aspect of the proposal.

Local Finance Considerations

It should be recognised that the proposed development would result in the payment of a substantial amount of monies through the Community infrastructure Levy and the New Homes Bonus. In this instance it is considered that such a 'local finance consideration' should be given little weight as these payments are not considered necessary to make the development acceptable in planning terms.

SPA Mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(230 \times £176) = £40,480$. The applicant has indicated a willingness to provide SPA mitigation in this way. Consequently it is considered that, subject to securing appropriate mitigation in accordance with the SPD, there would not be a significant effect on the SPAs.

Other Matters

In addition to the issues raised in individual representations, a petition has been received objecting on four main grounds. Firstly the proposed highway improvement works to the roundabout would result in an improvement to congestion in Baffins Road. Secondly the proposal would comply with the requirements of the Council's adopted Parking Standards SPD. Thirdly and with regard to the impact of the proposed new build on the listed buildings, the proposal is considered capable of support in heritage terms. Finally the impact on the proposal on properties in Whitcombe Gardens has been fully assessed with the amenity section of the report addressing these concerns.

Education

The development is anticipated to generate 23 children based on PCC child yield formula in the now superseded Planning Obligations SPD (2008). In terms of education provision, this equates to 13 primary school age and 10 secondary school age based on the split set out in the Planning Obligations SPD.

The site is located in close proximity to Langstone Primary School, Westover Primary School and Newbridge Junior School. Whilst there is pressure on local schools, the School Capacity and Number on Roll from School Capacity Survey Summer 2015 and the Council's School Organisation Plan 2013-18 (2015) Summary update identify some capacity within some of these schools and proposed expansion plans to meet capacity demands. The additional 13 primary school age children would be capable of being accommodated within the current and future identified primary school place capacity.

There are two secondary schools, Miltoncross Academy (of which the site is within the catchment area) and Portsmouth Academy for Girls within walking distance (650 metres) of the site. Priory School in Fratton is accessible via public transport. The Council is currently looking at how secondary school capacity can be increased in Portsmouth as an insufficient capacity is identified by 2018/19. Any financial contribution towards education from the site would be facilitated through the Council's Community Infrastructure Levy.

Health

There are five medical practices located within a kilometre of the site, all of which are currently accepting new patients. As the current provision of health services appears to have capacity, it is considered that the needs of new residents of the proposal could be accommodated by existing facilities.

Matters raised by Consultees

Southern Water and Hampshire Fire and Rescue in their consultation responses refer to matters that are dealt with under the Building Regulations. These issues can be brought to the applicant's attention through informatives to ensure they are properly dealt with. Network Rail in their consultation response raise a number of issues relating to developing adjacent to a railway line. The applicant is aware of this issue which is considered to be a civil matter.

Conclusion

Planning obligations

The following planning obligations have been offered by the applicant:

- SPA Mitigation of £40,480 (£176*230 flats);
- a viability reassessment if the development does not commence within one year of a permission;

- a viability reassessment in the event the scheme does not commence in 12 months from granting planning permission and at the commencement of phase 3 with a proportion of any uplift in value to be paid as a construction towards the off-site provision of affordable housing;
- a financial contribution towards the upgrade of facilities in Kingston Park;
- the preparation and implementation of a travel plan associated with the proposed development;
- a financial contribution towards travel plan monitoring; and,
- an Employment and Skills plan to cover the construction phase of the development.

These planning obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development. As such they meet the tests set out in paragraph 204 of the NPPF and in the CIL Regulations.

In addition to the proposed obligations it is considered that conditions can secure an acceptable outcome for the site.

The scheme before the Council has been arrived at through extensive community consultation and pre-application work. The applicant's design team have re-shaped the proposal, capturing community comments and the comments from Council's Officers and the Design Review Panel. The design of the scheme has embraced the opportunity of the complex listed buildings and juxtaposed the new and contemporary to bring about a scheme that would provide the new residents with all the amenities that are reasonably expected in a sustainable development. Nearby residents will experience changes with the former Prison being an occupied site, with new patterns of movement and activity commensurate with a residential use.

Having regard to all of the information that has accompanied the proposal it is considered that these scheme can be supported and that there are no outstanding policy matters that have not been addressed, managed by way of condition or ensured through an s106 Agreement.

RECOMMENDATION A: that delegated authority be given to the Assistant Director of Culture and City Development to grant Conditional Planning Permission subject to the prior completion of legal agreements pursuant to S106 of the Town and Country Planning Act 1990 to secure planning obligations and subject to the following conditions

RECOMMENDATION B: That delegated authority be given to the Assistant Director of Culture and City Development to add and amend conditions where necessary

RECOMMENDATION C: That delegated authority be given to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution

Conditions

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: **** **.

REASON: To ensure the development is implemented in accordance with the permission granted.

3) The development of the site shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the deals shown on the Phasing Plan (reference 0330-KIN-100-Rev B and dated 14-06-2016).

REASON: To ensure the provision of public realm and highway works and the timely restoration of the listed building in accordance with policies PCS7 and PCS23 of the Portsmouth Plan.

4) No works pursuant to the construction of the new build blocks hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;

and, unless otherwise agreed in writing by the LPA,

c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

REASON: In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) No phase of the development hereby permitted shall be occupied or brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

REASON: In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

6 a) Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office, contractors parking area and any temporary traffic restrictions) has been submitted to and approved in writing by the Local Planning Authority.

b) The approved plan shall be implemented and maintained until the development is complete.

REASON: To minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.

7 a) The construction of any phase of the development hereby permitted shall not commence until a schedule and samples of all external facing and roofing materials to be used for the new buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

b) The development shall thereafter take place in complete accordance with the agreed materials and details.

REASON: To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.

8 a) The construction of any phase of the development hereby permitted shall not commence until a schedule and samples of all surface treatments and finishes, hard landscaping and floorscape treatments around the site have been submitted to and agreed in writing by the Local Planning Authority.

b) The development shall thereafter take place in complete accordance with the agreed materials and details.

REASON: To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.

9 a) The construction of any phase of the development hereby permitted shall not commence until the detailed constructional design of key architectural features such as eaves, balconies, entrances, windows/doors at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details.

REASON: To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.

10) No part of any phase of the development hereby permitted shall be occupied until boundary treatments relating to that phase have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials / finishes of any boundary treatment or other gate / fence / railing / barrier / bollard or similar means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority.

REASON: To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.

11 (a) Development shall not commence, unless otherwise agreed in writing by the Local Planning Authority, until details of (i) the proposed means of foul and surface water sewerage disposal, (ii) the measures to be undertaken to protect any existing public sewers infrastructure, and (iii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) No part of the development shall be occupied until the drainage works referred to in (a) above have been carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the aims and objectives of the NPPF and policy PCS12 of the Portsmouth Plan.

12 (a) The construction of any phase of the development hereby permitted shall not take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed landscaping scheme for the external areas, which shall specify species, planting sizes, spacing and density / numbers of trees / shrubs to be planted; the phasing and timing of planting; a detailed scheme of ground preparation and maintenance for planting areas, and provision for its future maintenance has been submitted to and approved by the Local Planning Authority in writing.

(b) The works approved shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

REASON: To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF

13 a) Development shall (unless otherwise agreed in writing by the Local Planning Authority) not commence until details of biodiversity enhancements in the form of a Landscape and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall subsequently proceed in accordance with the Landscape and Environmental Management Plan approved pursuant to part a) of this condition.

c) The enhanced habitats shall be thereafter be maintained and retained in accordance with the Landscape and Environmental Management Plan approved pursuant to part a) of this condition.

14 a) Development shall not commence until a pre-commencement updating survey for protected species has been undertaken by a suitably qualified ecologist and the results submitted to the Local Planning Authority.

b) The development shall, unless otherwise agreed in writing by the Local Planning Authority, proceed in accordance with the measures set out in the supporting ecological information.

REASON: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

15) None of the residential accommodation hereby permitted with habitable rooms facing the railway line, Milton or St Marys Roads shall be occupied, until they have been insulated against external noise in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.

REASON: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

16) The retail unit hereby permitted shall be closed to and vacated of customers between the hours of 10 pm and 8 am the following day.

REASON: To protect adjoining and nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.

17) Prior to the installation of any fixed air conditioning, refrigeration or extraction plant associated with the retail unit hereby permitted, a scheme for protecting residential premises from noise generated by any such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the plant or equipment being brought into use and thereafter maintained.

REASON: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

18) Prior to the installation of any kitchen extraction system associated with the retail unit hereby permitted, details of measures to abate and disperse odours and fumes emitted from cooking operations shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to the extraction system being brought into use and thereafter maintained.

REASON: To prevent the emission of odours which could affect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.

19) The car parking spaces shown on the approved plans shall be surfaced, marked out made available for use before the first occupation of that phase of the development and shall thereafter be retained for car parking purposes.

REASON: In the interests of highway safety in accordance with policy PCS23 of the Portsmouth Plan and the Car Parking Standards SPD.

20) No part of any phase of the development hereby permitted shall be occupied until secure cycle storage facilities serving that phase have been provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

REASON: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

21) No part of any phase of the development hereby permitted shall be occupied until the facilities for the storage of refuse and recyclable materials serving that phase have been provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

REASON: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

22) No part or phase of the development hereby permitted shall be occupied until the following highway improvement measures have been completed:

* the installation of a Toucan crossing to St Marys Road;

* the installation of an uncontrolled crossing between the new access to St Marys Road and Whitcombe Gardens;

* the improvement of the Milton and St Marys Road roundabout and approaches thereto;

* the provision of a footway to the northern side of St Marys Road.

REASON: To secure the package of off-site highway improvement works required to mitigate the highway impacts of the development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

23) The development hereby permitted shall not be occupied until i) a dropped kerb serving new access onto Milton Road and St Mary's Road have been provided and ii) any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway

REASON: In the interests of enhancing the safety and convenience of users of the adjacent highway.

24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 16 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

REASON: To ensure these prominent buildings and their roofscape remains free of visual clutter and to reduce the impact to nearby heritage assets by any subsequent alteration or addition in accordance with policy PCS23 of the Portsmouth Plan.

25) Development of any phase of the development hereby permitted shall not commence until the applicant has secured the implementation of a programme of archaeological recording and assessment for that phase in accordance with a Written Scheme of Investigation that shall be submitted to and approved in writing by the Local Planning Authority. The assessment should take the form of a Level 2 record of any features within the prison building that may be removed, eroded or hidden by the proposed development that would help to explain and reflect the original philosophy and function of the building. The sports field should be assessed by means of trial trenching within the footprints of the proposed houses and access roads. This trial trenching should aim to establish the extent and depth of any past clay extraction activity and establish the presence or absence of any as yet unrecorded archaeological features or deposits in areas unaffected by extraction.

REASON: To record the original features and character of the prison building that would otherwise be lost through development and to assess the extent, nature and date of any

archaeological deposits that might be present within the sports field and the impact of the development upon these heritage assets.

26) Development of any phase of the development hereby permitted shall not commence until the applicant has secured the implementation of a programme of archaeological mitigation of impact for that phase, based on the results of the trial trenching in the sports field, in accordance with a Written Scheme of Investigation that shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

27) Following the completion of all archaeological work reports shall be produced in accordance with an approved programme (including where appropriate historic structural analysis, post excavation assessment, specialist analysis, publication of work and public engagement) that shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

28) The development shall not be fully occupied until the interpretative area to be located in the gatehouse has been provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The interpretative area shall thereafter be retained.

REASON: To provide a publicly accessible record of the history and evolution of the sites heritage in accordance with the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

Informatives

This permission should be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) dated **/**/2016.

The applicant's attention is drawn to the corresponding Listed Building consent (reference 16/00086/LBC) and the associated conditions.

The applicant is advised that the works associated with the creation of the access and egress arrangements hereby permitted and the off-site highway works required to mitigate the highway impact of the development will require an agreement under S278 of the Highway Act 1980.

The applicant is reminded that bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist. Birds nests, when occupied or being built, also receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

The applicant's attention is drawn to the advice and comments offered by Network Rail in their consultation response of 8th February 2016.

The applicant's attention is drawn to the advice and comments offered by Hampshire Fire and Rescue Service in their consultation response of 9th February 2016.

The applicant's attention is drawn to the advice and comments offered by the Hampshire Constabulary's Crime Prevention Design Advisor in their consultation response of 17th February 2016.

The applicant's attention is drawn to the advice and comments offered by the Council's Public Protection Service in their consultation response of 18th February 2016.

The applicant's attention is drawn to the advice and comments offered by Southern Water in their consultation response of 19th February 2016.

The applicant's attention is drawn to the advice and comments offered by Southern Gas in their consultation response of 16th June 2016.

The applicant's attention is drawn to the advice and comments offered by the Council's Waste Management Service in their undated consultation response.

FORMER KINGSTON PRISON MILTON ROAD PORTSMOUTH PO3 6AS**DEMOLITION OF LISTED ENGINEERING/WORKSHOP BUILDING, PART DEMOLITION AND CONVERSION OF LISTED PRISON BUILDINGS (WITH ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS) TO PROVIDE 73 DWELLINGS AND A COMMERCIAL UNIT AND PART DEMOLITION OF LISTED PRISON WALL****Application Submitted By:**

Nathaniel Lichfield & Partners

On behalf of:

City & Country Residential Limited

RDD: 19th January 2016

LDD: 16th March 2016

SUMMARY OF MAIN ISSUES

The main consideration in respect of this application is the impact of the proposed alterations on the special architectural and historic interest of this Grade II Listed Building.

The site

The application site comprises the site of the former HMP Kingston which closed in 2013. The site was purchased together with three other former Ministry of Justice sites by the applicant, City and Country. The site is grade II Listed and with the exception of a car park to the north adjacent to Bowler Avenue is bounded by a flint faced wall over 5 metres high. The site contains the original radial plan prison buildings and gatehouse complex. There are a number of much later buildings and structures most of which date from the 1960's and 70's and were carried out by the Home Office/Ministry of Justice when the site was operational. The site is bounded to the west by the main railway line onto and off Portsea Island beyond which is Kingston Cemetery which is a Registered Historic Park. Opposite the site on the southern side of St Marys Road is the Grade II Listed former Union Workhouse that has been converted to flats.

History of the Prison

Kingston Prison was built 1874-77 to the designs of local architect, George Rake (d.1883), to replace the Portsmouth Borough Gaol in Penny Street. The site lay to the north of the Portsea Island Union Workhouse, which has been converted to flats, with the railway line and Kingston Cemetery to the west. Rake is also believed to be the architect for Kingston cemetery gateway and chapels (listed Grade II).

Kingston was the last of a group of 19 radial-plan prisons erected between 1842 (Pentonville) and 1877, when the Prison Act received royal assent (coming into force in April 1878). Under the act, local authorities' obligations with respect to prisons ceased, and became the responsibility of the Home Secretary. The substantial cost of Kingston, built just prior to the act, was therefore borne locally, but almost immediately the prison was taken under national control. When it first opened the prison could accommodate 104 men and 52 women, all in separate cells, with one of the main wings being designated for female prisoners. There were a number of subsidiary buildings on the site which have since been lost. These included a debtors' prison, which extended west from the boundary wall behind the Governor's house, various workshops for carpentry, smithery etc., and a wheel-house for the treadwheel.

The prison was closed between October 1931 and early 1933 and subsequently held preventative detainees. These, under the 1908 Prevention of Crime Act, were habitual criminals, who had spent three terms in prison since the age of sixteen and who persisted in leading a dishonest life, and who thereby might receive an additional term of five to ten years' preventive detention. During the Second World War it was used as naval detention quarters. In 1948 it opened as a recall centre for Borstal detainees, and from 1969, it operated as a training prison for male prisoners serving life sentences. In 2003 the prison became a more general category B and C prison, and closed in 2013.

The Listing

The Listing summarises the former HMP Kingston as including the principal prison building, comprising a series of radiating cell blocks executed in a robust, polychromatic, idiom; the boundary wall; and the entrance complex comprising gate tower, Chief Warder's and Governor's houses and detached gate piers, executed in a decorative castellated style; surrounding the site is the imposing flint and brick wall. It was built 1874-77 to the designs of George Rake. The early-C20 engineers' workshop, which includes earlier fabric to the north and west, is included in the listing but is of lesser special interest.

The reason for the listing as Grade II is given as:

- * Architectural interest: comprised of both decorative castellated and robust polychromatic components, the buildings form a striking architectural ensemble with a high quality of design and detail, and a craftsmanly use of materials;
- * Planning interest: the prison was the last of 19 radial plan prisons to be built between 1842 and 1877;
- * Level of survival: aside from the loss of original ancillary buildings on the site, the distinctive architectural character, fabric and plan-form of the prison remains unusually intact.

Description of the Listing

The prison is constructed of massed concrete, faced with snecked Plymouth blue stone rubble, flint, red and blue Stourbridge brick, and Bath stone ashlar dressings. The roofs are slated with stone and blue brick chimney stacks. Windows are generally multi-pane steel casements.

The prison has a radial plan, with five wings (A-E) arranged around a central octagonal, top-lit rotunda. Three of the five wings are near-identical cell blocks, arranged in a Y-shape (on a horizontal axis) around the rotunda. The arms of the Y are the south-east A-wing and north-east D-wing, and the tail of the Y is the west C-wing. Between A- and D-wing is E-wing, originally housing a chapel on the first floor, with offices beneath. To the south-west, between A- and C-wing, is B-wing: built as a single-storey wing (originally the infirmary), it has now been extended upwards. The first floor extension of B-wing is not of special architectural or historic interest and as such is specifically excluded from the Listing.

To the north of the prison building is a large open space, originally a garden, more recently used as a football pitch. The whole site is surrounded by a high brick and flint wall, with the main entrance built into the wall to the east. The entrance complex comprises a gate tower with flanking gate houses, originally for the Governor (that to the south) and Chief Warder (that to the north).

The listing includes a detailed description of the exterior and interior of the historic prison buildings

Exclusions from Listing

The following structures are explicitly excluded from the listing, or declared not of special architectural or historic interest:

- the three-storey workshop building connected to the west end of C-wing;
- the canteen, library and -chapel block, with walkway connecting to the main prison building, and adjoining boiler house, to the north of the rotunda; the detached visits block to the north-west of D-wing;
- the first-floor extension of B-wing and the attached basketball court to the south of B-wing; the southern east-west range of the engineers' workshop and stores;
- the external stair to the north of A-wing;
- the late-C20 extensions flanking the west face of the gate tower; and
- the late-C20 walls adjoining the original gate piers to the front of the site.

Proposal

This application seeks listed building consent for the following works associated with the proposed residential conversion of the former HMP Kingston:

- The demolition of listed engineering/workshop building in the south-east corner of the site;
- The part demolition and conversion of listed prison buildings through various internal and external alterations to provide 73 dwellings and a commercial unit; and
- The demolition of parts of the listed prison wall to create vehicular and pedestrian accesses to St Marys Road, Milton Road and the former car park fronting Bowler Avenue.

Planning History

The planning history of the site is confined to those alterations to the former prison carried out post June 2006 when crown immunity from planning law was removed. None of the works carried by the Home Office or Ministry of Justice are considered relevant to the determination of this application.

A corresponding application for planning permission that also includes the construction of new build blocks of flats within the site has been submitted and appears elsewhere on the agenda.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan include: PCS23 (Design and Conservation).

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

CONSULTATIONS

Historic England

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation - This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

The Victorian Society

Thank you for consulting the Victorian Society on this application, which was discussed by our Southern Buildings Committee at its most recent meeting. We are broadly supportive of the proposals which present an appropriate reuse of the historic prison buildings. However, there are two important elements which, if finessed, would make this a commendable scheme befitting of the prisons listed status.

The treatment of the fenestration when converting historic prison buildings for new uses is always going to be one of the most contentious issues. The small, stocky size of the openings is very evocative of the buildings intended use and altering them will radically change the character of the elevations and therefore diminish the significance of the heritage asset. However, the need to enlarge some openings is of course an appreciable necessity, so it is the manner in which this is done that is the crux of the proposals.

We largely agree with the preferred option of dropping the sills in this application, with the introduction of small panes of glass. Our concerns relate chiefly to the irregularity of the proposed window pattern, and the amount of windows that are altered. To keep any sense of order and rhythm in the elevations, which is clearly integral in their current form, there must be regularity in the window pattern which is considerably varied across the A, C & D wings as proposed. An ABAB pattern would be an obvious solution (A = unaltered, B = sill lowered), though this presents too great a loss of the characterful, squat windows which are so important. We would prefer to see an AAB pattern, which would result in a critical mass of the smaller windows ensuring the robust and imposing character of the elevations is retained. This would present a level of harm to the listed building that is not unsatisfactory.

Secondly, the landscaping at the main entrance is also an area which could be enhanced and it is not entirely clear from the application what is proposed here. Originally, metal railings are likely to have been provided and a historic photograph of c.1903 submitted in the application appears to show railings, though it is difficult to make out what the arrangement was exactly. The existing boundary walls, including the masonry and timber fence and blue brick walls in front date from the post-war period and do not constitute a very dignified approach to such a fine entrance building. Further research may be required in order to establish a suitable replacement but in any case there is the opportunity to drastically improve the streetscape as well as the listed building by reinstating something more appropriate and at a relatively insignificant cost considering the extent of development proposed.

We were offered the opportunity to comment on pre-application proposals by the Council, when we would have been pleased to offer this advice, but for whatever reason we were not given this opportunity. Whilst we would have preferred to raise our concerns earlier, there is still the opportunity to improve the scheme and we would welcome the chance to comment further should these important revisions be made.

Conservation Officer

This report incorporates the technical assessment from the Council's Conservation Officer.

REPRESENTATIONS

45 objections have been received from local residents and Councillor Sanders on the following grounds:

- 230 units an over development of site;
- proposal ugly and at odds with historic prison buildings;
- loss of privacy;
- loss of light and overshadowing;
- flat roofed design not in keeping with existing buildings or local area;
- site should be used for alternative purposes e.g. hotel, museum, school or city farm;
- houses should be built on Bowler Avenue;
- increased noise and disturbance;
- impact on local infrastructure;
- medical and educational facilities overstretched as is;
- impact on safety of highway users;
- increased traffic problems, especially at St Mary's roundabout;
- increased pollution;
- lack of attention of energy conservation;
- number of units should be reduced to increase green space within development;
- social housing should be provided;
- listed wall should not be altered;

- access onto St Mary's Road dangerous;
- seven stories out of keeping with existing buildings and local area;
- inadequate parking;
- impact on existing local residents through increased demand for parking in locality.

It should be noted that most of the issues raised in the objections relate to matters that will be addressed separately in the assessment of the planning application, and that this report will focus on those grounds which relate to the proposed works to the listed building.

One representation has been received in support of the proposal.

COMMENT

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty on the Local Planning Authority when considering applications for development which affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

This application seeks listed building consent for various works associated with the proposed residential conversion of the former HMP Kingston which can be split into three elements: i) the demolition of listed engineering/workshop building in the south-east corner of the site; ii) the part demolition and conversion of listed prison buildings through various internal and external alterations to provide 73 dwellings and a commercial unit; and iii) the demolition of parts of the listed prison wall to create vehicular and pedestrian accesses to St Mays Road, Milton Road and the former car park fronting Bowler Avenue.

The following assessment will focus on each of these elements in turn.

Demolition of the listed engineering/workshop building

Located adjacent to the gatehouse, the north gable of this building is clearly visible on entry into the prison forecourt. Externally it is finished in the same stone as the prison. The applicants Heritage Impact Assessment (HIA) suggests that this element may have been part of the historic debtor's prison. The building is included in the list description, but is recognised therein as being of lesser special interest. This building is the only structure on site with an appreciable element of 'historic' (or at least visually complementary) fabric that the applicant seeks to demolish.

An external and internal inspection has confirmed that despite the suggestion or implication from the surviving element of external walls that the building may be historic, the great majority of its external envelope and 100% of its interior fabric are certainly not historic. This includes the interior walls behind the stone, which a site inspection confirmed are of concrete block construction.

The building shares the utilitarian 'character' of the prison, its appearance however is much more workaday. With the exception of the modest elements of older external wall, it is considered reasonable to assert that the structure's architectural and historic interest is low. The applicant's finding that overall the building is, despite its listed status, of low significance is accepted and agreed.

Support for the removal of a listed building, however limited its significance, must not be given lightly. Despite the assertion that it has low architectural and historic interest, it does nevertheless incorporate some older fabric and stands as evidence of the site's evolution over time, and is not devoid of any significance.

Any assessment of harm hinges fundamentally on the significance of the 'older' stone element of building. In the context of the structure overall it is modest. Its provenance is also uncertain; it may be a surviving element of the debtor's prison or more prosaically a later exercise (re)using

stone to harmonise the appearance of the gable end and a small part of the northern flank wall with the rest of the prison. The loss of the more modern elements that have been added to the building would result in a very low degree of harm. The removal of the older stone elements would result in a higher level of harm which could be classified as moderate, and less than substantial, due principally to its relatively modest extent but also to a lesser degree to its uncertain age.

The building, due to its size and siting, does not lend itself to conversion or reuse in the context of the proposed residential development of the site.

Having regard to the technical assessment of this element of the proposed development, and the above significance assessment of the fabric that would be removed, it is concluded that the harm that would result from the demolition of the listed engineering/workshop building is of a level and degree that can be supported.

The findings of the Council's Conservation Officer do not raise any conflict with the findings of the applicant's Heritage Impact Assessment, or consultees for listed building consent.

Part Demolition and Conversion of listed prison buildings to form 73 dwellings

The predominantly residential conversion of the main prison building and gatehouse complex would involve a range of internal and external alterations which differ in terms of their scale and intrusiveness depending on which element of the existing buildings are being altered. To facilitate a proper assessment of the extent and impact of the proposed works the various elements have been separated into the following areas, each of which will then be considered in turn:

- i) Alterations to fenestration;
- ii) Demolition and making good;
- iii) Rotunda and principal wings (A, C &D);
- iv) B Wing;
- v) E wing; and
- vi) Gatehouse complex (including former Governors and Chief Warders houses).

i) Alterations to fenestration

The residential conversion of the former prison buildings will necessitate alterations to the existing built fabric, both internally and externally. There are two fenestration elements which are the focus of this assessment, the windows, and the rooflights.

The windows in the principal wings would be the subject of significant alteration. Alterations to the windows are proposed as they are not, by nature of the previous use, of a residential design or size. The windows to cells are relatively small and set at a high level, restricting both access to light and outlook.

The horizontal rhythm of the existing pattern of windows would be maintained. Despite the presence of openings which have already been dropped (in particularly to A wing), the 'vertical' rhythm of the windows would be radically altered. Whilst some effort has clearly been made to ensure a consistent pattern within the elevations this change would be highly noticeable.

The degree of alteration can be quantified by expressing the proportion of windows to be altered against the total number of existing openings. In A wing the number of openings to be altered would be 40% rising to around 45% in C and D Wings. These figures are indicative of a high degree of change. The applicants assertion that the legibility of the elevations would be 'preserved', is unconvincing. Only a limited number of original openings would be retained though which it would be possible to interpret the historic appearance of the prison. To clarify, the limited extent of their survival is not considered to constitute an act of 'preservation'.

The window designs are a more 'traditional' Victorian multipane design reminiscent of windows seen on large Victorian military and industrial sites. This style of window responds to the grid pattern in the current windows, albeit that the panes would be significantly larger and essentially domestic in their appearance. It is clearly the case that residential conversion of the prison, and therefore its future use, could not be secured without changes to both the size of many of the window openings, and the design and appearance of the windows within those openings.

In light of this it must be accepted that changes to both the openings and the windows is unavoidable. Indeed the principle of their enlargement and replacement is considered to be acceptable.

To enable high quality homes, an aspiration of the NPPF and Policy PSC23, the proposal incorporates alterations to the fenestration. The submitted HIA (pg. 92) makes clear that 'to create liveable accommodation within the building some external fabric will have to be altered'. The alteration with greatest impact externally would be the enlargement (lowering) of existing window openings and the wholesale replacement of the existing prison windows with alternatives of a more 'domestic' character.

Through consultee response the Victorian Society advise that they agree with the preferred option of dropping the cills in this application, with the introduction of small panes of glass. Their concerns relate to the irregularity of the proposed window pattern, and the amount of windows that are altered. To keep any sense of order and rhythm in the elevations they would have preferred to have every third window altered, thereby retaining a mass of smaller windows, reflecting the historic fabric / use.

The enlargement of window openings at the Grade I listed former Oxford Prison is cited as a precedent for the approach that would be adopted here. The HIA indicates that enlargement would be achieved in the 'traditional way' by removing the existing cill, extending the opening and refitting the original or a replica'. It suggests that the alterations would therefore follow 'an existing tradition', preserve the legibility of the elevational intentions of the architect and maintain the rhythm of the openings. The applicant concludes that the variation in height would have a minor adverse impact on an asset of high significance, which would produce a slight adverse effect without mitigation.

It must be note that historically there has been a degree of alterations to the windows in the main building including evidence of the enlargement of original small openings to match originally larger openings. It must also be recognised that the current steel and acrylic high security windows, despite their 'authentic' appearance complementing the Victorian character of the building, are not original fabric. Their architectural and historic interest, (and therefore their significance) is considerably lower than if they had been original.

Changes to the detailed appearance of windows are the most common and perhaps the easiest way to impact on the 'special architectural and historic interest' (significance) of a listed building. A number of possible window designs for the prison wings were discussed and elevation drawings presented at the pre-application stage.

The window details submitted with the application adopt the dropping of the cill approach. This would entail the dropping of the existing stone cill to increase the depth of the window to match that of the original larger windows within the wings. The submitted details indicate the existing brick detailing would be replicated with the windows being framed in dark grey powder coated aluminium with a pattern of glazing bars which would be appropriate for an institutional building of this era.

From the extensive elevation drawings an assessment has been undertaken of the impact of the proposed windows, in terms of changes to the size of existing openings and pattern and rhythm within the elevations. Information in the form of profile/section drawings and statements clarifying the method/process of installation have not been provided. These can be secured as

part of a post determination process whereby the impact and degree of harm, as a result of the installation process, can be managed to preserve the prison as a heritage asset.

It must be acknowledged that there is a degree of uncertainty around the detailed appearance of replacement/new windows in the historic prison and gatehouse complexes generally. However the conservation centric approach which the applicant has consistently highlighted through their engagement and promotional material, in combination with the example of other large scale schemes they have delivered elsewhere in the country suggests they are likely to provide a window solution that can be considered sympathetic and appropriate in terms of detailed design and method of installation.

Having regard to the foregoing it is considered that the harm to the significance of the prison is likely to be high but less than substantial. It is considered that details of the replacement glazing and altered window openings could be controlled through the imposition of suitably worded conditions.

The comments of the Victorian Society are noted, in particular their view that a greater percentage of the original windows should be retained. Whilst a lesser degree of alteration would reduce the level of harm and preserve more of the character of the original prison building, this needs to be weighed against the need to create a good quality residential living environment for future occupiers.

As previously acknowledged there is a need to facilitate a decent standard of habitable accommodation. However it is clear that the alterations would result in the removal of a significant quantity of original historic fabric (the wall below the existing high level openings). Notwithstanding the likely re-use of some or all of this material elsewhere on the site, its loss in situ would cause quite high degree of harm to the significance of the asset.

Having regard to the foregoing it is considered that overall the enlargement and replacement of the windows would result in modest but less than substantial harm to the significance of the asset.

The proposal includes replacing the existing rooflights in the principal wings with new rooflights to match. In addition a series of 10 new rooflight openings are proposed, 5 for each roof slope of the 3 main wings (30 in total). These new rooflights would be situated below the existing rooflights when viewed on the elevation.

Their dimensions are similar but slightly smaller to the existing rooflights, below which they would sit. The plans suggest that a conservation 'Victorian style' rooflight, split by a single centrally aligned glazing bar, would be utilised. Fitted flush/below the plane of the roof this style of light is recommended for historic buildings. The purpose of the lights would be to illuminate new rooms created in the high level 'clerestory' roof spaces within each wing. Without light, these spaces would be uninhabitable.

The number of proposed new rooflights is high, and would not typically be encouraged or supported in a more traditional residential historic building. The new openings would necessitate the removal of the current (non-original) reconstituted slate roof covering and would represent a prominent and appreciable departure from the current appearance of the roof.

Historic photographs presented in the HIA confirm that rooflights have been present on the wings certainly since 1909. Significantly they also confirm that the number of rooflights has been subject to change over the last 100 years both decreasing and increasing in number over time.

Balanced against the harm from introducing the rooflights is the desire to make best use of the roof void and through the creation of habitable spaces. It is through the introduction of the large number of new rooflights that harm arises to the significance of the prison. This is an element of the conversion to residential use which requires consent and it is considered that the harm while being significant is not substantial and would not warrant refusal of the consent.

ii) Demolition and making good

The proposal would involve the demolition and removal of a number of unsympathetic post war extensions and additions which individually and collectively detract from the character and special architectural interest of the listed building. The removal of these accretions would be positive and enhance the setting of the main prison buildings.

The process of the removal of these elements would re-expose currently concealed masonry. This fabric may be original and unaltered, altered (through for example the 'chipping' of the masonry face and/or the addition of render), or be non-original. Where the extension walls, floors and roofs have physically joined with the original masonry it is possible that more invasive change (cutting or channelling) may have taken place.

Plan annotation for the scheme as a whole indicates that exposed masonry would be 'restored ... to match existing'. The current condition of much of this hidden fabric is inevitably unknown. Despite this it is possible for the applicant to provide an assessment (or at the minimum) an indication of the extent of making good they believe would be required, and an indication of the method and process they intend to take. The applicant has not submitted these details; however these can be secured post determination of this application.

Some of the areas which will require making good (for example the rotunda, Gatehouse and B wing) are in prominent locations and would become highly visible elements of fabric.

In pure conservation terms it could be expected that matching materials (Plymouth stone etc.), bonding pattern ('snecked') and method of pointing would be utilised. This approach would be characterised by a careful attention to detail, replicating the historic approach and techniques, and integrating repair work effectively with original fabric. It is considered that this approach should be adopted on all areas of the historic prison and gatehouse buildings where 'making good' is necessary.

The overall scale of the site and development and the degree of architectural coherence of the existing buildings demand the use of replacement materials and detailing using techniques that match the existing. This would ensure a consistency and uniformity of appearance across the site and avoid the potential for incongruous, unsympathetic or lower quality repairs which would erode the 'special architectural interest' of the site.

It is known that a limited supply of Plymouth stone is stored and available on site and that the dropping of window openings and other alterations would provide a further stock of original material. This is a positive given the level of making good which could be required. The lack of clarity or detail regarding the applicant's intentions with regard to this aspect of the scheme raises some concern, in particular around the availability of a sufficient stock of the key facing material- Plymouth stone, and an intended approach should the available stock be insufficient.

Given the potential stock of the required material and ability to secure the most appropriate method statement, it is considered that the proposed demolition and making good would have a positive impact on the retained principal buildings and that suitably worded conditions could be imposed to secure the use of appropriate materials, finishes and methods of working.

iii) Rotunda and principal wings

In terms of their length and scale, A, C and D wings are the largest original elements of the prison. They have a 'cathedral like' quality, with the internal space and the effect of their internal lighting being impressive. The absence of substantial alteration to the interior of these wings, in combination with their scale gives full expression to the character and nature of incarceration in a Victorian prison.

Upon entry through the gatehouse A and C wings flank the more visually prominent (but shorter and more embellished) E wing. These elements of the prison all share the same materials and design approach. In addition to the gatehouse and all of the other historic areas of the prison, the applicant's assessment that they have a high level of architectural, historic and communal interest, equating to a high level of significance overall for this element of the asset is accepted and agreed.

The removal of security fencing, lighting and later extensions, all of which are of very little architectural merit, would be beneficial to these elements of the site and their setting.

The level of change to the appearance of the elevations, in combination with the removal of fabric, would result in harm to the significance of all three of the prison wings. Given the very limited extent of alteration which has already occurred to both elevations of C wing, and the north-west elevation of D wing, the impact and harm would be particularly high on these parts of the building.

The proposed residential conversion would involve cells and elements of the atria being altered to create self-contained flats. This process would require the removal of some walls between the cells, and the infilling of parts of the atria to provide further accommodation.

The HIA indicates that "walls between cells will be removed only where necessary to create liveable areas, with a number of cell walls retained to maintain the legibility of the cellular nature of the prison". Without the removal of a significant proportion of the walls, it is absolutely clear that the residential conversion of the prison could not take place.

Demolition/removal plans make clear that the extent of existing walls to be removed is relatively high. Study of the basement, ground and first floor plans for A wing for example, indicate that of a total 260 metres of internal wall length (dividing the cells), 150 metres would be removed. This equates to a loss of 57% of this element of fabric.

The internal cell walls are of course an original historic feature of the prison. Their presence makes the tight cellular nature of the prison's structure clear. It must be accepted that the extent of their removal would be harmful to the significance of the asset. When balanced against the overarching need to secure a viable new use for the prison and in so doing secure its future, it is considered that the level of harm would be moderate.

The HIA (p.92) confirms that "Cell door openings will be retained for continued use as doors or retained as features in rooms so as to allow the Pentonville layout to be appreciated in plan". During pre-application discussions on site, the applicant confirmed their intention to remove the existing cell doors. Making good of the subsequent door openings was also discussed. It was agreed, (and the submitted plans confirm) that the doorways to be blocked up would be infilled with masonry. The plans also confirm that the historic curved/chamfered doorway profiles of the cells would remain fully exposed and visible.

As an illustration of the extent of the alteration proposed, of the 75 current openings within the three floors of A wing, 40 would be blocked up as part of this scheme. This equates to 57% of the existing openings being closed.

Unlike the historic period doors still present in Oxford prison, and the closer example of historic doors in the Dockyard Cell Block, the existing doors at Kingston are certainly not original or even historic; their appearance suggests they were probably installed in the 1970s/80s. As such their removal would not harm the historic significance of the asset. Despite this it remains the case that the cells would have had doors and their loss and the subsequent 'bricking up' of the openings would eliminate this typical characteristic of a prison. In this sense the loss of the doors, and the subsequent making good of the openings (using masonry) would cause a degree of harm to the architectural significance of the asset. In light of the non-historic nature of the doors, the survival of some of the openings (with new replacement doors), the preservation of

the profiled curved doorways, and the relatively modest extent of the alteration within the context of the building overall, it is considered that the level of harm to the overall significance of the asset would be low.

The HIA indicates that new decking and extended balustrades will be added to the cast iron balconies of the atria in order to meet health and safety requirements. This will involve fixings into the atrium walls but the new work will be carefully detailed to emphasise the original balustrade which have set on them the city crest.

Changes to the balustrades in the building have been the subject of pre-application discussions, (without a settled design approach being identified by the applicant). Significant gaps do exist within the railings (sufficient for example to allow a small child through). The purpose of the changes would be to increase the height of the balustrade (by approximately 100mm), and 'close' the gaps in the railings, thus making them building regulations compliant.

Nearly all of the railings have the appearance of being historic fabric. Closer examination however reveals this not to be the case. A significant proportion, (possibly over 50%), are non-original, (their appearance only replicating the original). The city crest (original examples in cast metal or replacements in fibre glass) are an attractive and significant feature which 'localise' the interior of the prison. They are present within the centre of almost all spans.

Despite their mixed age, the balustrades and crests remain a prominent feature within the atria of the prison. The appearance particularly of the oldest balustrades is sensitive to even minor change, and must be given very careful consideration. It is considered both reasonable and appropriate for the applicant to 'enhance' the safety of the railings. A precedent for this can also be found with the Oxford prison conversion. In light of this, the principle of making alterations to the railings is considered appropriate and acceptable.

To date no detailed solution to deal with this issue has been formally suggested. However informal discussions have covered the fixing of vertical/horizontal railings, and or clear panels to the front of (or 'in-front' of) the railings. From a conservation perspective a solution which results in very little or no change to the existing fabric and (visually at least) retains the openness of the railings would be the most appropriate. As such the mounting of a clear glass or lightweight clear polymer mounted in front of the railings and terminating a modest height above the height of the current handrail is likely to be the most sensitive approach.

The proposals also involve the removal of approximately 30 metres of balustrade from C wing, and internal staircases in C and D Wings.

Altering the balustrades to make them safer, despite being reasonable in principle, would result in a modest degree of harm to this part of the asset. The removal of a section of balustrade (at first floor level within C wing), (even though non original) would also result in the loss of an element of fabric whose appearance deliberately replicates the original, and would also give rise to a modest degree of harm.

The HIA makes clear that the rotunda and its visual connection with most of the atria will also be retained. The rotunda, with the exception of alterations to an existing opening at ground floor to its north elevation, would essentially remain unaltered.

In the case of A wing, the plans confirm the applicant's stated intention to conserve the full length of this major wing of the prison. Its impressive sense of scale, light and openness would be retained, providing an ongoing ability to fully appreciate its authentic character as an original element of a prison. Discussions at the pre application stage secured a commitment by the applicant to retain A wing in this condition. This wing would face the new entrance to the rotunda and would afford occupiers and visitors the ability to appreciate an 'un-truncated' view down its entire length. This is considered to be a particularly 'conservation positive' aspect of the scheme.

It would preserve the interior space of the wing, retaining and revealing its authentic character as a prison wing.

In C wing, the floor void currently surrounded by the balustrade would be infilled with a new insulated steel and timber structural deck. The ground floor would be truncated by almost its entire current length (13 cells) to accommodate 7 self-contained dwelling units. In addition the end of the wing would be truncated by 5 cells depth at first and second floor levels, and terminated by a new firewall. This part of the wing would accommodate 3 new dwellings across both floors. At the extremity of the wing it is also proposed to infill a more modest existing floor void. The historic balustrading around the former opening would however be retained.

The extent of infilling and enclosure to this wing would be substantial. At first floor level the visible length of the wing would be foreshortened by roughly one third. Any view down the wing at ground floor level would disappear entirely. It would remain possible to appreciate less than two thirds of the current extent/volume of this wing. This level of change would alter the character of this wing radically. Whilst it would still be possible to appreciate the height of the atrium, its length, scale and openness would be significantly eroded. The harm resulting to this part of the asset from the proposal must be balanced against the greater survival (unaltered) of A wing, (and therefore the ability to appreciate the full length of at least one wing). The need to accommodate a high level of change in order to secure the conversion and subsequent longer term future of the prison must also be borne in mind. In light of these factors, it is considered that the level of harm caused to the significance of this aspect of the prison interior would be relatively high.

The alterations to D wing and their impact would be similar to that of C wing. The end of this wing would be truncated by at least 5 cells depth. For similar reasons to those set out in the comments for C wing, it is considered that the harm caused to the significance of this part of the prison would also be relatively high.

iv) B Wing

A substantial element of the ground floor of B wing is an original part of the building whose fabric and appearance match the rest of the building. Used as the prison infirmary, the HIA confirms that some of the original internal layout (including an internal spine wall which divided the male and female parts of the wing) survives. The applicant has assessed this part of the prison as having high significance. I agree with this. The historic element of B wing is of high architectural, historic and communal interest, corresponding to a high level of significance for this part of the asset overall.

B wing was originally single storey. From the late 1960's/early 1970's it was the subject of major works of alteration/extension. As the plans and HIA make clear, a major 'rationalisation' of the wing is proposed. The work would involve the demolition/removal of: the large gym at the end of the wing; the metal clad first floor; and the 'linking element' connecting the original historic remnants of B wing with the rotunda.

The gym and first floor are of little or no architectural or historic significance, although evidence of the evolution of the site over time their appearance is utilitarian and unsympathetic to the character of the older parts of the prison. Their loss would therefore be beneficial to the asset. The fabric which links the hub and wing appears externally to be non-original.

There is an internal 'spine wall' to the ground floor that is likely to be historic. The proposal would result in the removal of an 8m section of this wall. In addition, what must once have been the external walls of the corridor linking the hub and wing would also be demolished. In light of the relatively limited extent and low architectural interest of the historic fabric that would be removed, it is considered that the level of harm caused to B wing by the range of works to remove later accretions would be low.

As a result of this fabric removal a clear gap (visual break) would be introduced between the projecting remnant of the rotunda, and the 're-exposed' ground floor 'rear' wall of B wing. These elements, in particular the three storey link to the rotunda, would need to be sympathetically made good.

With the link removed, the 'stub' or remnant projecting from the rotunda, would form a visually prominent element in views north west and north east from the southern part of the site. It would potentially also be visible through the proposed new vehicle access to St Mary's Road. The projection is constructed of stone, the scale of the end wall which would be exposed suggests that it should be 'repaired and reinstated' using stone that matches the existing, detailed and laid in the same snecked pattern. The same solution should also (if necessary) be adopted for the re-exposed ground floor north and south walls of B wing.

The result of the demolition and removal work would be a structure of single storey height, shortened to its original length. It is proposed to add a contemporary two storey addition to this structure, which would result in B Wing being the only part of the original buildings to incorporate both historic fabric and a substantial element of modern fabric.

The submitted plans show the two-storey addition would essentially be a plain unornamented box built over the retained ground floor. The submitted elevations are unannotated with CGI renderings suggesting the appearance of the elevations would complement the new build towers within the prison wall. There is a paucity of information in regard to their detailed appearance in terms of materials and finishes, with this being a matter for assessment as part of the planning application.

Within the context of the site overall and in particular the rotunda and prison wings the scale and height (10.5 metres) of the proposal is acceptable. It is likely that historically the height of this wing never matched the others. The proposal would be approximately 0.5 metres taller than the adjacent projection from the rotunda, but between 1.5 and 2 metres lower than A wing). The proposed extension responds to the prevailing height of the prison wings, and in terms of these parameters offers an acceptable fit and balance to the existing built form.

Nevertheless it is considered that the proposed extension to B Wing would represent an enhancement to the existing unsympathetic appearance of B wing. The overall degree of benefit cannot be quantified due to the lack of detail on its finished appearance. However suitably worded conditions could be imposed as part of any planning permission to secure appropriate and sensitive detailing of the proposed alterations.

v) E wing

The HIA (pg.109) makes clear that E wing would be retained and repaired. This wing aligns with and faces the gatehouse and is therefore a particularly prominent part of the prison on entry to the site. In common with the other historic elements of the prison, and for reasons already explored in the relevant sections above, E wing has a high degree of architectural interest. In combination with the historic and communal interest of the prison site overall this equates to a high level of significance for this part of the asset.

In common with the other wings of the prison, intrusive elements attached to and within the setting of the wing, including security fencing, lighting and utilitarian later additions would be removed as part of the scheme. These changes would enhance the legibility of the wing and the prison overall, and be beneficial to the asset.

In addition to these enhancements other external and internal works of a similar nature to those outlined for the other wings of the prison are also proposed, these include: the lowering of some cills to create larger windows (particularly at basement, but also at second floor level); the replacement of existing with new windows to the same pattern as elsewhere on the prison; and the removal of cell cross walls across all floors, but especially in the basement.

These alterations (particularly the lowering of window openings) would result in the removal/loss of original historic fabric (that has architectural and historic interest). It is therefore considered reasonable to assert that this aspect of the scheme would cause harm to the fabric (and therefore the significance) of this part of the asset. However in contrast with A, C and D wings, the majority of windows in E wing are already significantly larger (presumably because it was the former chapel). It is also the case that the number of windows to be altered/dropped in this wing would be proportionally much lower, and in the case of the basement windows on a much less obvious part of the building. It is therefore considered that the harm caused by this aspect of the work would be relatively low.

As elsewhere the principle of replacing the existing (non-original) high security windows with a more domestic alternative is acceptable, however precise details relating to their appearance and method of installation would need to be secured by way of condition.

Internally the work would also result in the removal and replacement of an existing but non original 1970s/80s staircase of low significance with a new stair (details of which would need to be confirmed).

The proposals would also create a double height space at second floor level, exposing the currently concealed historic timber roof beams within what was originally the prison chapel. In terms of scale and impact this work would be the most significant internal intervention in the fabric of E wing. It would appear that the exposure of the roof timbers could be an act of restoration/reinstatement. Whilst this would result in the loss of the current ceilings separating the second floor from the roof which is likely to be non-original fabric (and has been subject to alteration through the installation of steel security bars within the roof void) its harm would be low. Exposing the striking and impressive roof timbers would facilitate appreciation of this element of the prison's fabric, and is considered to be a positive aspect to this element of the proposal.

The ground floor of E wing has a number of doors (and door openings) whose design departs from the standard 'flat door head' typically found throughout the prison. A series of pointed 'gothic' style openings can be found on doorways coming off the central corridor within the wing. The sectional drawings indicate some of these openings would be blocked up but the pointed arches retained. Although a subtle detail within the context of the scheme overall this must be regarded as a positive. A number of 'pointed' doors also survive along this corridor. These are original, interesting, and attractive elements of fabric and should be retained in situ.

The ground floor of the east elevation (facing the gatehouse) would be altered by the conversion of the central window opening to a door. This would be a restoration of an original access point to the prison. The level of alteration required would be modest, (the dropping of the cill a short distance, and the insertion of a new door within the opening). Given the nature of this change, it is considered that this alteration too would be beneficial to the asset.

The historic stone spiral staircase within the clock tower, which links the basement with the roof of the tower, would be retained. The conversion process would result in two maisonettes adjacent to the tower. Internally, the basement and ground floors within unit 'EG02' would be linked by the spiral staircase. An infill would be inserted to the staircase to physically separate this flat from the one above (E102). The plans indicate that the first floor flat 'E102' would also have access to the tower, (but only at first floor level). The top of the tower (including the clock mechanism) would only be accessible through unit 'E102'. Access to and responsibility for the clock has not been confirmed and as such it is unlikely that the continued winding of the clock mechanism could be secured.

vi) Gatehouse complex

The prison's architect (George Rake) clearly had an interest (common in the mid/late Victorian period) in medievalism. The gatehouse combines the appearance of a buttressed historic church tower, with a medieval fortification. This is strongly expressed in its detailing: castellated roofline, ersatz machicolations and cruciform slit windows. In common with many other Victorian prisons the approach adopted goes significantly beyond that necessary to meet the purely functional needs of a gaol. The scale of the structure is imposing (without being overwhelming). Constructed and finished to a high standard using robust materials, its appearance and ambience chimes with expectations of an intimidating entrance to a Victorian gaol.

Historically the structure is a particularly important element of the site in that it mediates between the public and 'private' realms. All visitors were funnelled through this set piece which set the scene and tone for the architecture revealed beyond the gate. In addition to the historic and communal interest of the prison site overall, the gatehouse complex has a high level of architectural interest. This equates to a high level of significance for this part of the asset.

Although less invasive than proposals for other parts of the site, a high number of changes/alterations are still being proposed for the gatehouse complex which includes the much altered (internally) former governors and Chief Warders houses. It is perhaps an important note that the level and extent of the changes proposed to this part of the site would, in the context of a more modest domestic scale application, be considered extensive. It must also be recognised that the gatehouse complex has over time been the subject of fairly major internal alterations that has resulted in the loss of almost all architectural features of any significance.

In principle the removal of the intrusive and utilitarian extensions made to the rear and side (south) of the building would be a positive. The HIA indicates that the facades will be consolidated and made good, that: "the windows will be replaced and the surrounds made good", and that 2 new window openings would be made at first floor level, three doors replaced with windows and a new opening created on the west wall of the Governor's House.

The annotation on the submitted drawings indicates that the existing windows in the gatehouse complex would be removed and replaced with "new glazed windows to fit". The drawings indicate replacement windows whose configuration matches the existing. Their detailed design has not however been provided. It is therefore unclear what their method of opening would be, whether double glazed units are sought, and if so their thickness, and the subsequent dimensions/profile of any new frames and their impact on the appearance of the building. The method of removal and installation and subsequent impact of this process on the stone mullions/window surrounds is also unclear/ unknown.

The ideal solution for the gatehouse, and one which we would encourage, would be a restoration of the original windows. This should be based on original drawings and or historic photographs of the gatehouse, and should replicate the method of opening and appearance of the original windows. This can be secured by way of a suitably worded condition.

In light of the absence of information regarding the detailed appearance of the windows and their method of installation, and the process/method of making good following the removal of fabric (as discussed elsewhere in this report), it is not considered possible to fully interpret the overall impact of the proposed works to the gatehouse complex.

However when the positive impact of the removal of later unsympathetic extensions is taken into account, it is considered that the likely overall impact of the proposal can at this stage only be considered neutral. There is the potential for the overall works to be considered as being positive, subject to the detail of various elements of the alterations to the external fabric of the buildings. Suitably worded conditions could be imposed to secure appropriate and sensitive detailing of the proposed alterations.

The demolition of parts of the listed prison wall to create vehicular and pedestrian accesses to St Marys Road, Milton Road and the former car park fronting Bowler Avenue

The existing Prison walls define the essence of a prison and its purpose of incarceration. The retention (to the maximum extent possible) is from a conservation/heritage perspective essential to allow this key aspect of the site's history to continue to be read and interpreted. The walls which extend to over half a kilometre in length, date to 1877 are of high quality construction of blue brick with flint infill panels to the external face only. The applicant's assessment that they have a high significance is accepted and agreed.

The submitted HIA confirms that with the exception of the alterations proposed, the remaining fabric of the walls amounting to over 90% of its length would remain unaltered.

The wall currently contains a single opening at the Gatehouse through which all prisoners, staff and visitors would have entered the prison.

A number of openings are proposed, the largest of which would be a 'T' shape cut out of the north east section of wall close to the junction of Bowler Avenue with Milton Road. At ground floor level one span section between the wall piers would be removed, providing vehicle access via an undercroft to a parking area beneath proposed flats on Bowler Avenue. Above this three spans would be removed (a length of approximately 17.5 metres), providing first floor deck access between the rear of the Bowler Avenue units and the former prison grounds. In addition another much more modest opening (1.5 metres by 2.1 metres) would be made at first floor level within an adjacent 'panel' of the wall.

In addition, two new vehicular, and further two pedestrian access points would be cut into the walls, one of each to St Mary's Road and Milton Roads respectively.

The nature and extent of these openings was the subject of discussion at pre-application stage. Whilst a rationale for the openings has not been provided in the HIA, it is clear that the vehicular access points would facilitate access for large service vehicles such as removal trucks, fire engines and waste collection vehicles, and ease internal circulation for vehicles generally, but also enhance the accessibility, permeability and visibility of the interior of the site.

The new vehicle openings would be achieved by complete removal of one wall 'panel' between the existing buttressed piers. There would be no arch above the opening, which the HIA argues would have a 'highly negative impact on visual perception of the wall'.

The Milton Road opening would have dimensions of 5.3 metres in width to the 5.8 metre height of the wall with the St Mary's Road opening would being roughly square at 5.2 metres wide and high. The pedestrian accesses would be much more modest in size. The St Mary's Road opening (located adjacent to the vehicle access) would measure 1.3 wide by 2.3 metres high. The Milton Road pedestrian opening would be located approximately 90 metres south of the vehicle access point and would be 1.4 metres wide by 3.0 metres high.

It is acknowledged that the width of the new openings would give flexibility to vehicle movements across the site, from a conservation perspective the extent of fabric loss and change to the character and appearance of the historically significant wall would be appreciable. The integrity of the historic wall would be eroded, its original function lost and the interior exposed to external view, an outcome totally inconsistent with its historic use as a prison. The opening up of views into the site and of the historic buildings can be considered as something of a positive.

The amount of wall lost in percentage terms would be relatively modest, however the new openings would be a tangible expression of the changing use and evolution of the site. It is

considered that the size and prominence of the openings would result in harm to the significance of the asset, but the level of harm would moderate but less than substantial.

Conclusion

Listed Building Consent is required for three elements of the proposed development of the Kingston Prison complex. This report has addressed the technical assessment of these elements and an assessment of whether the proposed works would result in harm and to what degree. Weighed into the balance of the assessment is the public interest benefit of the proposal, the re-use of the complex and wider public benefits that may result. The requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must also be considered.

As set out in the assessment of the various elements of the proposal there are aspects that would be beneficial to the asset and its setting. These include (but are not limited to) the retention of A-Wing at its full length, the retention of balustrading to first floor walkways, the exposure of the original roof trusses to E-wing, the removal of a large number of unsympathetic post war buildings/extensions and extensive internal security fencing. Where positive changes are proposed, their impact is acknowledged throughout this assessment report.

There are also a number of aspects that are harmful to the significance of the asset. These include alterations to the fenestration in the main principle wings and the removal of a substantial amount of internal cell walls. Whilst these are accepted by the applicant, it is considered that not all conclusions made within the HIA can be agreed with in terms of the degree of harm.

The degree of alteration to the prison wall has been minimised to allow the overwhelming majority of the all to be retained in its original condition and appreciated as such from both outside the site and from inside the walls. The listed engineering/workshop building proposed to be demolished is of low significance and as such its removal would result in a low degree of harm.

When considered overall the proposal would cause harm (of varying degrees) to nearly all of the assessed elements of the asset. In recognition of this the cumulative impact of the scheme is considered to be quite high. This contrasts with the applicants assessed impact as neutral or slightly beneficial to around half of the different elements considered.

The lack of any objection to the principle of the residential conversion of the prison from statutory consultees is noteworthy as it offers an implicit agreement to a degree of necessary alteration to the listed buildings to facilitate a new use.

There were 45 representations received relating to this Listed Building Consent application. Where relevant the concerns raised in regard to the impact on the listed building have been addressed fully in the technical assessment provided within this report. The other issues raised are matters to be considered within the associated planning application.

Despite the relatively high cumulative and individual levels of harm that have been attributed to the scheme, the overarching need to secure the re-use and subsequent ongoing maintenance of the historic prison buildings and walls must also be borne in mind when considering the appropriateness of the scheme. When re-use of the site is considered alongside the other (more modest) heritage benefits and the harm that would result, on balance it is considered that the proposal would result in less than substantial harm to the asset.

Paragraph 134 of the NPPF states 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, including securing its optimum viable use".

It is clear that the site has no future for its original use or other comparable end uses. The proposed works associated with the conversion are considered to be necessary to facilitate sufficient return to safeguard the long-term future of the prison buildings. It is therefore considered that there are sufficient public benefits associated with the proposal to outweigh the less than substantial harm identified. As such the scheme is capable of support in conservation/heritage terms and is recommended for approval with conditions to be imposed to secure the appropriate use of materials and methods of work and repair.

RECOMMENDATION: that Conditional Listed Building Consent be granted subject to the following:

Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:
**** * .
- 3) a) Development shall not commence until details of precautions to be undertaken to secure and protect the interior and exterior features against accidental loss, damage, or theft during the execution of authorised works on site have been submitted to and approved in writing by the Local Planning Authority before the relevant works are carried out.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
c) No protected features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings and details or with the prior written approval of the Local Planning Authority.
- 4) a) The relevant works shall not commence until details, to include the extent, materials (including samples of the type, texture, profile, finish bonding pattern, mortar and method of pointing) and method of all external and internal works of making good to the main prison building (including A, C, D & E Wings and the rotunda) have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 5) a) The relevant works shall not commence until a detailed scheme (to include the provision of sample panels on site) of the proposed methods of cleaning the brick and stone of the retained listed buildings has been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 6) a) The relevant works shall not commence until details (to include a clear illustration at a scale of 1:5 of the proposed opening method, ironmongery, surface finishes, beading and glazing and a method statement relating to both the removal of the existing windows and installation of replacement) of all new and replacement windows, including full size samples have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7) No part of the relevant part of the listed buildings shall be occupied until any existing windows to be retained have been repaired or altered in accordance with a detailed scheme (to include the proposed opening method, ironmongery and surface finishes and if appropriate samples)

that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

- 8 a) The relevant works shall not commence until full details (to include materials, architectural detailing finishes and cross sections) of the proposed level changes and external accesses to the rotunda have been submitted to and approved in writing by the Local Planning Authority
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 9 a) The relevant works shall not commence until details of all works to the roof of the main prison building (including any repairs and full detail of new and replacement rooflights) have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 10 a) The relevant works shall not commence until full details (to include all external materials, windows, doors, mortar, bonding pattern, method of pointing, finishes, features and detailing) of all works to B Wing including all making good following part demolition and new build elements have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 11 a) The relevant works shall not commence until full details (to include all external materials, windows, window design and detailing, doors, mortar, bonding pattern, method of pointing, finishes and detailing) of all works to the gatehouse complex (including the former Governors and Chief Warders Houses) including all making good following part demolition and replacement doors and windows have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 12 a) The relevant works shall not commence until full details (including method of demolition and details of making good) of all alterations to and new openings in the listed prison wall have been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 13) No part of the relevant wing of the main prison building shall be occupied until the retained railings, balustrades and staircases have been altered and finished in accordance with a detailed scheme (to include details of alterations to and method of fixing of new fabric to the railings and adjacent flooring) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.
- 14) No part of the relevant wing of the main prison building shall be occupied until all new external doors have been altered and finished in accordance with a detailed scheme (to include materials, ironmongery and surface finishes) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.
- 15) No part of the relevant wing of the main prison building shall be occupied until all internal doors and doorways have been altered and finished in accordance with a detailed scheme (to include new doors, making good and surface finishes) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.
- 16 a) No part of the relevant wing of the main prison building shall be occupied until all alterations to the existing fabric of that wing of the building have been completed and

finished in accordance with a detailed scheme (to include method of removal, and subsequent making good and finished appearance) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

b) No part of the relevant wing of the main prison building shall be occupied until all new fabric of the building (to include walls floors, ceilings and staircases) has been constructed and finished in accordance with a detailed scheme (to include method of construction, making good and finished appearance) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

17) No part of any of the listed buildings or structures shall be painted unless details of the new external paint scheme (to include paint type, texture and colour) has been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

18 a) If during the course of works, any hidden historic features are revealed, they shall be retained in situ and any work potentially impacting on such features or their setting halted and the Local Planning Authority shall be notified immediately.

b) Works shall not restart until provision shall be made for the retention, salvage or proper recording of any such hidden features has taken place in accordance with a scheme that shall be agreed in writing by the Local Planning Authority.

19) No new plumbing, soil stacks, flues, vents, ductwork or rainwater goods and soil pipes shall be fixed on the external faces of the listed structures unless shown on the drawings hereby approved or as otherwise may be agreed in writing by the Local Planning Authority.

20) No new grilles, security alarms, lighting, cameras, display screens, signage or other appurtenances shall be fixed on the external faces of the listed structures unless shown on the drawings hereby approved or as may be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

The reasons for the conditions are:

1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.

2) To ensure the development is implemented in accordance with the permission granted.

3-20) To protect the special architectural and historic interest of the Grade II Listed former Kingston Prison in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.

Assistant Director of Culture and City
Development
27 June 2016

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