

PLANNING COMMITTEE

3 FEBRUARY 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>

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**LAND AT ST JAMES HOSPITAL (FORMERLY LIGHT VILLA AND GLEAVE VILLA)
LOCKSWAY ROAD SOUTHSEA PO4 8LD****CONSTRUCTION OF TWO-AND THREE-STOREY DWELLINGS COMPRISING 14NO 4-BED HOUSES, 12NO 3-BED HOUSES, 2NO 2-BED HOUSES AND 2NO 1-BED FLATS WITH ASSOCIATED ACCESS ROADS, PARKING, CYCLES STORES, OPEN SPACE AND LANDSCAPING WORKS****Application Submitted By:**

Matplan Limited
FAO Mr Matthew Utting

On behalf of:

Crayfern Homes Limited

RDD: 22nd December 2014

LDD: 24th March 2015

On 13th January 2016 the Planning Committee considered the following report for the proposed development. The Committee RESOLVED that the application be deferred for the following reasons:

- To allow for a briefing for committee members on the viability assessment.*
- Further details to be provided on the traffic assessment process, capacity of junctions and how TRICS data is obtained.*
- Further information about air quality*

The Committee Member Briefing has been scheduled and will have taken place by the time of 3rd February 2016 Planning Committee meeting, where a further Member update can be tabled in relation to the proposal.

SUMMARY OF MAIN ISSUES

The main issues are whether;-

- i. The development is acceptable in principle
- ii. The design and appearance of the development would relate appropriately to its surroundings having regard to tree cover,
- iii. The proposals would harm the setting of the nearby listed buildings
- iv. The development would provide a satisfactory standard of living environment for future residents including the provision of a landscaped setting and amenity areas,
- v. The development makes adequate provision for the transport needs of future occupiers,
- vi. The development is viable and can provide and deliver adequate community benefits including affordable housing,
- vii. The development would make adequate provision for mitigation in relation to impacts on the nearby Special Protection Area and potential threatened species.

The site

This application relates to the north-east part of the grounds of St James Hospital. The Hospital covers an extensive area of land between Locksway Road to the south, Mayles Road to the west, the University playing fields to the east and an area of more recent housing development served by Edenbridge Road to the north. The site includes the original hospital building situated in the north-west quarter, a number of satellite buildings within the north-east quarter, open

space in the south-west quarter and residential development and the Harbour school site in the south-east quarter. The main hospital building is a Grade 2 Listed Building of high architectural merit, with a Grade 2 Listed Chapel building to the east. Distributed throughout the site are circa 1000 trees, the majority of which are protected under Tree Preservation Order 177 and contribute to the parkland setting characteristic of the hospital.

The application site comprises the area of land bounded by comparatively modern housing to the north, an extended Villa [now known as Baytrees] and associated grounds to the west, the University playing fields to the east and the retained Mental Health Campus to the south. The site contains a number of trees mainly within the eastern part and adjacent to the site boundaries.

Proposal

The applicant seeks full permission for the construction of thirty dwellings comprising two- and three-storey buildings, served by an extension of Lapwing Road, with associated car parking and landscaping works. The layout of the site provides for a group of six two- and three-storey houses on the eastern part of the site, a detached and pair of semi-detached houses at the entry to the site from Lapwing Road, a curved terrace of three and four two-storey houses (with a car parking court to the rear) leading onto a row of six semi-detached houses with an aspect across the new estate road to an area of incidental open space with a row of six two- and three-storey houses and two flats facing the western end of the estate road turning head. The design theme to the proposed houses would closely reflect the styles and appearance of a nearby development recently completed by the applicant at Riverhead Close. The applicant has adopted a traditional approach with a palette of materials that reflects the appearance of the remainder of the estate albeit giving the proposed development its own identity. The proposed houses incorporate a level of articulation in terms of features, with houses having gabled elements, projecting eaves, stone lintols and cills, Juliette style balconies and some variation in external finishes including face-brickwork and coloured render. The layout of the development has been informed by an assessment of the existing trees within the site.

Planning History

In September 2013 the owner of the site submitted an application for a screening opinion in relation to the redevelopment of the site to provide 30 dwellings. Of the classes of development within Schedule 2 this particular proposal would most appropriately fall within Class 10(b) in that it would amount to an urban development project. The applicable threshold for that nature of development is 0.5ha on the basis that the site for the proposed development is not within or very close to a sensitive area. A sensitive area is defined as including a SSSI, land subject to nature conservation orders under s29 of the W&CA 1981, a National Park, The Broads, a property on the World Heritage List, a Scheduled Ancient Monument, an AONB, or a site given protection under the Conservation (Natural Habitats etc.) Regulations 1994.

In this case the site is located approximately 0.4km from the Langstone Harbour SSSI, Solent Maritime CSAC and the Chichester/Langstone Harbours SPA/Ramsar sites. The thresholds would not therefore apply. It does not, however, follow that a project that would be located in or would affect a sensitive area would automatically require EIA. It is necessary to consider whether the project would be likely to give rise to significant effects on the sensitive area.

Notwithstanding the location of the site in relation to a sensitive area, Annex A to the Circular also provides indicative thresholds and criteria for the identification of Schedule 2 development requiring Environmental Assessment. Para A19 states that development proposed for sites which have not been previously developed are more likely to require Environmental Assessment if the site area of the scheme is more than 5ha and the development would have significant urbanising effects in a previously non-urbanised area [e.g. more than 1000 dwellings]. In addition to physical scale consideration was also be given to the potential increase in traffic, emissions and noise.

It was considered that, in terms of its physical impact on the locality at both construction and operative stages from traffic and noise there was unlikely to be any significant impact in relation to human receptors. There may, however, be an impact on the interest features for which the nearby SPA is designated and potentially the SPA itself from recreational disturbance. Any such impacts would, nonetheless, be considered as part of a project level Habitats Regulations Assessment. As such it was concluded that the proposed development would not require formal Environmental Assessment.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS21 (Housing Density), PCS21 (Housing Density), PCS23 (Design and Conservation), DC21 (Contaminated Land), MT3 (Land at St James' Hospital),

In addition to the National Planning Policy Framework the relevant policies within Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS21 (Housing Density), PCS21 (Housing Density), and PCS23 (Design and Conservation). Saved policies DC21 (Contaminated Land) and MT3 (Land at St James' Hospital) of the Portsmouth City Local Plan 2001-2011 would also be relevant.

The following Supplementary Planning Documents are material considerations;-

Achieving Employment and Skills Plans

Housing Standards

Parking Standards and Transport Assessments

Reducing Crime Through Design

Solent Special Protection Areas

Sustainable Design and Construction

Introduced in March 2015 and effective from 1 October 2015 the 'Technical housing standards - nationally described space standards' seek to ensure that new housing provides a satisfactory living environment for future occupiers at a defined level of occupancy.

Although situated in the north-east part of the hospital grounds the site nonetheless falls within the curtilage of the principal hospital buildings and chapel which are Grade 2 Listed Buildings. Accordingly there is a special duty imposed under s66 of the Listed Building and Conservation Areas Act, 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, would also be relevant to this proposal.

CONSULTATIONS

Southern Gas Networks

No comments received.

Southern Electric

No comments received.

Portsmouth Water

No comments received.

Southern Water

Further to previous correspondence with the developer, sufficient evidence has been provided of existing flows currently discharging to the public sewerage system. The developer is proposing to limit the flows from the development to no greater than currently is connected to the public sewerage system. Therefore, Southern Water would have no objection to the proposed development connecting to the existing network. The evidence of existing flows connected to

the sewerage system and flows calculations shall be submitted along with the application to obtain approval for the connection.

Environment Agency

Having assessed the planning application with regard to the development type and location of the proposal, we can confirm that we have no bespoke comments to make.

Arboricultural Officer

The St James Hospital site appears in terms of arboricultural management to have been severely neglected for a significant period of time. Across the site as a whole are several trees whose removal or management has been commented on before as a matter of safety to users of the site.

The Arboricultural Impact Appraisal and Method Statement submitted by Barrell Tree Consultancy has been updated to include management recommendations for all trees proposed for retention in order to return them to good arboricultural management and ensure that subsequent owners take possession of trees in the best possible condition for their age and circumstance.

There appears still to be a presumption removal of several higher quality trees will be permitted in order to facilitate development:

T23 Cat B - TPO 177 T609 Salix alba

T28 Cat B- TPO 177 T50 Tilia europea

T43 Cat A- Alnus spp. believed cordata is not protected by TPO 177.

The application is now supported by recommendations and proposals for replacement planting of those trees to be removed and a detailed landscaping proposal and specification has now been submitted which includes a 5 year establishment management scheme following completion of the development. Replacement tree planting balances proposed removals.

Recommendations - Following submission of the revised Arboricultural Impact Statement and detailed landscaping proposals incorporating previous recommendations the application be granted.

Contaminated Land Team

I have reviewed the above application and various submissions. The proposed remedial strategy involves a shallow site strip followed by further testing of the deeper soils and then the addition of a 300mm layer of imported soil. This approach is acceptable to this office and so this office requests the following conditions, or similar, to verify the works are complete before occupation.

(i) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that any remediation scheme as detailed in Phase III Remediation Strategy Report at Light Villa, Site B, St James' Hospital, Portsmouth, Hampshire, PO4 8UQ, Soils Limited, Report Ref: 14533/RS has been implemented fully (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme
- b) photographs of the remediation works in progress
- c) third party verification of gas membrane installation in
- d) 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 conditions (i)c.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Environmental Health

I'm able to confirm, with reference to the PCC Planning SPD AQ and Air Pollution 2006, particularly sections 1.2, 1.4 and appendix B that I do not believe the introduction of 30 new dwellings will have a material impact upon AQ either in the immediate area of the development or the wider Milton setting.

Highways Engineer

Existing Highway Network

Lapwing Road on the site's northern boundary (where access is proposed to be taken from) is a cul de sac with a turning head at the southern end. Access to the wider highway network is available via Siskin Road (itself a cul de sac to the east) through to Edenbridge Road.

All surrounding roads have direct residential frontage and access, and the roads in the immediate vicinity are subject to a 20mph speed limit. Footways are generally provided on both sides of the road. The three-way junction (with no priority markings) at the junction Siskin Road/Lapwing Road takes the form of a raised table.

Site Access

The site access will be via an extension of the existing Lapwing Road. The southern end of Lapwing Road ends at a fence (the site and highway boundaries are contiguous). Lapwing Road was constructed with the view that it would form a future connection to the land to the south. It has a width of 5m and included 2m footways on both sides of the carriageway. There is an existing parking lay-by on the west side of Lapwing Road. Lapwing Road currently serves eight dwellings. It is capable of serving 38 dwellings with the current proposal.

Internal Roads and Sweptm Path

The proposed layout shows the site's access roads and car parking locations. The first section of the road provides footways to both sides with a service margin running on the opposite side, and the remainder of the road acting as a shred surface.

The swept path diagrams submitted demonstrates the internal roads are capable of handling an 11.2m length refuse vehicle.

Parking Provision

In accordance with the Portsmouth Parking Standards Supplementary Planning Document (SPD) (August 2014), the development would require 51 spaces for residents and an additional 10% (five) dedicated for visitors; a total of 56 spaces.

The proposal provides 51 spaces with parking provided in garages, car ports and external parking spaces, plus 11 unallocated visitor spaces - five n-street and six in car ports.

However following amendments to the layout should be considered to make it acceptable:

1. No parking marked for units 10 and 11.
2. 4 Visitor parking spaces marked in courtyard parking for 8-14 can be allocated to 10 and 11.
3. Visitor parking to be provided as per layby parking on access road.
4. Bin collection point adjacent to no.11 needs to be moved closer to the road so refuse vehicle does not have to reverse along the access road to the parking courtyard.
5. Extend main turning head adj. to plot 27/28 to allow for parking to take place beyond the area needed to be used by the refuse vehicle to turn. At present a parked vehicle would block the turning of the refuse vehicle (and by allowing parking to place beyond this reduces the risk of the turning head being obstructed by parked vehicles).

Cycle parking

Each dwelling is to be provided with secure cycle parking, within garages (minimum 7m x 3m internal dimension) or within cycle sheds for dwellings without garages. The sheds shall be provided with lockable doors and concrete floors which secure locking lugs which comply with silver or gold 'secure by design' specifications. Separate parking for visitors is also shown along the main estate road serving the site's redevelopment. Accordingly, the cycle provision complies with PCC's 2014 Parking Standards and Transport Assessments SPD.

Traffic Generation

Traffic generation is based on 30 private houses although nine of the homes are proposed to be affordable and two one bed flats which may generate low level of vehicle generation.

The traffic generation has been estimated using traffic survey data from the TRICS trip generation database - using traffic surveys of housing developments in comparable locations.

The analysis has shown the proposal for 30 dwellings has the potential to generate an average of 16 two-way vehicle trips in the peak hours.

The total traffic generation of the scheme will be modest (one vehicle movement on average every four minutes) and the impact on local junctions will be less than one vehicle every six minutes on average.

The results demonstrate that the proposal will have a minor impact on the following junctions:

- a) Warren Avenue/Milton Road - one vehicle movement every 15 minutes;
- b) Euston Road/Velder Avenue - one to two vehicle movements per hour; and
- c) Moorings Road/Velder Avenue/Eastern Road - less than one vehicle every six minutes.

Considering the above figures, the development is unlikely have a significant impact on the above junctions. That considered, problems occur with queues on Moorings Way that extend back past Osprey Court while vehicle wait for a green traffic signal. This can lead to a queue back to Eastern Road as it often takes a significant period of time for Moorings Way to clear. In order to improve this pinch-point area should be covered by double yellow lines. This would allow additional queuing space (both over 6m section and entrance to Osprey Court) thereby reducing the occurrences of traffic blocking.

Given the local sensitivity to new developments in this area, this minor on street amendment would offer significant traffic benefits.

Local residents and ward councillors have in the past raised concerns about the difficulty to cross the mouth of Edenbridge Road at the junction of Warren Avenue due to the width of the bell mouth. A narrowing of this egress would minimise pedestrian safety concerns which will be exacerbated by the additional traffic generated by this development.

This will assist with providing a more desirable active travel route

Heads of Terms obligations for 106

- a) TRO for double yellow lines on Moorings Way to avoid pinch point. £5,500
- b) Improve pedestrian crossing facility at the end of Edenbridge Road. £15,000

Recommendation:

Raise no objection subject to Planning obligations above and following planning conditions:-

1. Prior to first occupation the proposed car parking shown on the approved plan shall be provided and maintained.
2. Prior to first occupation secure/weatherproof bicycle storage facilities shall be provided and maintained to include advice detailed above.
3. prior to first occupation facilities for the storage of refuse and recyclable materials shall be provided and maintained and a refuse management plan is required for dwellings where bins need to be moved to a collection point.
4. No development shall take place on the site until the following details have been submitted to and approved in writing by the Local Planning Authority:-
 - i. a specification of the type of construction for the roads and footpaths up to adoptable standards, including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing surface water; and,
 - ii. a programme for making up of the roads and footpaths up to adoptable standards.
 - iii. should the developer be minded to not enter into a S38 agreement, then evidence of a future maintenance and management plan for the development must be provided, and the development supported by a commuted sum to ensure this happens.
5. Construction management plan to include the following:
 - Times of deliveries
 - Wheel wash facilities
 - Site office facilities
 - Contractor parking areas
 - Loading/off-loading areas

Landscape Group

I have reviewed the Villas scheme for St James Hospital, and have the following comments:

It's nice to see a housing development that has been drawn up to respect the trees on site to such an extent, that doesn't always happen. The tree report is thorough and well-considered to support the development. Furthermore by creating a large open space for a wildflower meadow, I think this will be a pleasant environment for the new residents.

The landscape palette sheet is also well-considered and should provide a good setting for the new housing. However as there is no supporting landscape masterplan I can only guess how it will all go together at this stage. I assume this will then be conditioned so that we can see a full landscape masterplan later on?

A small comment: most of the houses seem to have cycle stores; others don't seem to have one, not sure why if this is Code 5 for Sustainable Homes? The stores in Plot 27/28 look a bit randomly located, can't tell how far the garden extends for this plot though.

Other than that, I would say a good scheme.

Natural England

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 and Solent Maritime Special Protection Area (SPA) and Special Area of Conservation (SAC) respectively which are European sites. The sites are also listed as Chichester and Langstone Harbours Ramsar site¹ and 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.

SPA: No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

The applicant is proposing to make an appropriate commuted sum payment towards the Solent Recreation Mitigation Partnership, and the Milton Common Local Nature Reserve Restoration and Mitigation Framework which has recently been adopted by the City Council, therefore Natural England has no objection to this development.

RSPB

We object to the above proposal [as originally submitted without site specific mitigation]. Without effective mitigation measures, the development (both alone and in combination with other proposed housing the Milton area) is likely to have a detrimental effect on these sensitive areas, contrary to the Conservation of Habitats and Species Regulations 2010 ('the Habitats Regulations'). based on the information contained with the Mitigation Statement accompanying the application, it appears that, of these identified mitigation measures, only screening has been offered by the applicant.

No consideration appears to have been given to the building design, with regards to potential impacts on the nearby brent goose feeding site. Whereas, undertaking construction outside of the wintering period has been considered, but dismissed on the basis that 'commencing development during the summer would conflict with nesting birds.' Yet, the assessment of potential impacts on nesting birds strongly indicates that construction works are nonetheless anticipated to occur during this period, apparently contradicting the argument for needing to undertake works during the sensitive winter period.

Critically, no assessment has been made of the potential for access of the new residents to the surrounding brent goose feeding sites. In the case of the University Playing Fields, current and future potential access should be considered, as accessibility has the potential to change in the future, in line with the redevelopment of the University Campus. It is also important that the assessment considers the in-combination effects with the additional houses planned for the immediate area, including the 370 new houses proposed for the St James Hospital Site as a whole, and with the proposed Eastney coastal path improvements also proposed within the draft Site Allocations Plan.

During our recent discussions with the Council concerning the HRA of the draft Site Allocations Plan, the RSPB, Natural England and the Wildlife Trust advised that it is likely to be extremely

difficult to mitigate the combined recreational pressures arising from the current levels of new housing proposed in the Milton area. We have recommended that the Council consider facilitating a localised strategic approach, by exploring options for improving management of Milton Common in order to enhance feeding opportunities for brent geese, while also providing carefully zoned recreational access. There is, however, a considerable amount of work involved in this (including visitor surveys and other ecological surveys), and, as the Council will be aware, mitigation must be agreed and secured prior to construction of any developments that rely on it, and the measures must be fully operational before occupancy of the new dwellings.

The above matters should be fully considered by the Council as part of an appropriate assessment under the requirements of the Habitats Regulations. However, we would advise that, based on the current information provided by the applicant, it would not be possible to conclude no adverse effect on either the Chichester and Langstone Harbours SPA/Ramsar site or the Portsmouth harbour SPA/Ramsar site due to a lack of information regarding the potential impacts on and measures to protect brent goose feeding sites in the surrounding area.

Notwithstanding the above matters, we trust that, in addition to the site-specific mitigation to protect SPA supporting sites (i.e. the brent goose feeding areas), the applicant will also be required to contribute towards the Solent Recreation Mitigation Partnership, in order to mitigate recreational pressures within the Solent SPAs, in line with the Council's Solent SPAs Supplementary Planning Document.

Ecology

The application is supported by a range of ecological information, including a Bat Scoping Survey of the trees present and a Reptile Survey (The Ecology Co-op, September 2014) and a Mitigation Strategy (The Ecology Co-op, December 2014).

International Sites

The proposed development is located approximately 3.6km from Portsmouth Harbour SPA (at the closest point of the Portsmouth coast within the SPA to the development) and approximately 400m from Chichester and Langstone Harbours SPA. Advice from Natural England, expanded on in section 2 of the Solent Special Protection Areas SPD confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs.

These two SPAs are both designated for the presence of Dark Bellied Brent Geese and a number of wading species. These species - and consequently the conservation status of the SPAs - can be affected in a variety of ways. In particular, residential development can increase the population at the coast, thus increasing the level of disturbance, which can lead to a resultant significant effect on the SPA's conservation objectives.

The Regulations require planning proposals such as this to be considered in combination with all other plans or projects. Plans and projects considered to be included in this in combination assessment would include permitted but uncompleted developments, on-going permitted activities, and plans or projects which are being considered, are out for consultation but are yet undetermined.

This development proposal - on its own - might ordinarily be considered not to have a likely significant effect, due to the relatively small number of dwellings. Thus, the only impacts would be through cumulative effects with other residential development. In such a situation, the agreed contribution - which is recognised and included in the application supporting documents - towards the Solent Recreation Mitigation Programme (SRMP) would appear to be sufficient to ensure there would be no likely significant effect from this development through increases in recreational use of the SPA.

However, this application is part of a wider site allocation at St. James's Hospital for approximately 370 new dwellings.

Residential development of this scale, this close to the SPA and its associated more coastal wader roosts and recreational opportunities - particularly around the Eastney section of coastline (existing and proposed) - would be considered to have a likely significant effect on its own.

Furthermore, given the proximity of the Langstone Campus allocation, which would add a further up to 110 dwellings in the immediate area, the overall cumulative effect of these two allocations would be likely to be significant.

The proposed allocation here has been assessed under the Habitats Regulations. It was assessed that in the absence of any measures included in the development proposals to address recreational impacts, the development would have a likely significant effect.

During the application process, Portsmouth City Council has been working to develop a scheme to enhance the adjacent Milton Common for both biodiversity and recreational visitor use. This plan has been developed to specifically provide sufficient additional recreational open space to counteract the impacts of new development at this allocation on the SPA.

In order to deliver the scheme, a financial scale has been established, and I understand that the applicant for the current application has agreed to provide this. Therefore, if the necessary money can be secured from the applicant to help fund the recreational improvements at Milton Common, the planning authority can conclude that this development would not have a likely significant effect on the SPA.

On-site ecology

No evidence of bats was found at the site. One of the trees does have a feature that could be used, although it was not supporting a roost at the time of the survey. It is also understood that this tree is to be retained. I therefore have no concerns over direct impacts to bats.

The mitigation strategy also sets out measures to avoid lighting impacts to bat foraging behaviour, and this is welcomed.

No reptiles were found to be present at the site.

Removal of any scrub / trees could affect nesting birds, if this takes place during the nesting season. I would suggest the following informative note:

- Birds' nests, when occupied or being built, 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.

Coastal And Drainage

PCC Drainage Team is fully supportive of the drainage proposals and use of permeable materials and soakaways. Soakaways could have access provided for maintenance purposes. Respective properties will need to be aware that the soakaway systems and surface water related to their properties are for their maintenance and ownership.

Run-off from the site will be significantly reduced by these proposals. This reduces existing load on sewers, increases their capacity and reduces flood risk on this network.

More developers should investigate infiltration rates as part of the planning application, this is a good example.

REPRESENTATIONS

At the time of preparing this report a total of seventy-four representations had been received, of which one offered a general comment that the site would be appropriate for sheltered/retirement accommodation. The remainder, mainly from local residents, but also including the Chair of the Milton Neighbourhood Planning Forum object to the proposed development on the grounds that:-

- a) Portsea island is already congested with its infrastructure and public services under strain. Adding yet more homes to the most densely populated area of the UK outside London does not seem appropriate,
- b) this relatively unspoilt green space is home to much wildlife which will be destroyed,
- c) the highway network, already affected by the Tesco development, will not sustain any increase in traffic flow; Locksway Road cannot sustain an increase in traffic, and any further growth in traffic flow along this road will put local residents at risk. alterations to the existing local roads will not alleviate traffic problems, as vehicles will inevitably be channelled onto the already congested Eastern Road and Milton Road

- d) sewerage systems in this part of the city are already incapable of servicing the existing population,
- e) insufficient school places for new population;
- f) the development increases air pollution, and stresses the Special Protection Areas of Milton Common and Langstone Harbour;
- g) the development destroys the parkland setting;
- h) there is no need for new homes;
- i) the site should be used for community facilities;
- j) the area is already overdeveloped with new homes at St Marys and more traffic from the new Tesco;
- k) insufficient capacity in doctor's surgeries;
- l) more development in Milton will totally annihilate the unique atmosphere and quality of life that is experienced in this area;
- m) taken together with other recent and proposed development in the area it will have an impact on air quality;
- n) the designs and plans are moribund, uninspiring and dire; they add nothing to the amenity of the area; and
- o) insufficient capacity in the drainage network.
- p) no consultation has been undertaken on the proposed level of affordable housing breaching the fundamental principle of public participation and it's use of public funds,
- q) it does not account for the financial costs to the citizens of Portsmouth of the failure to provide five low cost 3-bedroom homes,
- r) the Environmental Health Officer should evidence the view that the proposed development will not have a material impact on air quality, and
- s) the application should be deferred to address these points (p)-(r).

COMMENT

The principal issues in this case are whether; (a) the development is acceptable in principle, (b) the design and appearance of the development would relate appropriately to its surroundings having regard to tree cover, (c) the proposal would result in harm to the setting of nearby listed buildings, (d) the development would provide a satisfactory standard of living environment for future residents including the provision of a landscaped setting and amenity areas, (e) the development makes adequate provision for the transport needs of future residents and, as may prove necessary, provides adequate mitigation in relation to off-site impacts, (f) the development is viable and can provide and deliver adequate community benefits including affordable housing, and (g) the development would make adequate provision for mitigation in relation to impacts on the nearby Special Protection Area and potential threatened species. Other matters would include sustainable design and construction.

Principle of development

This site comprises the north-east section of the hospital grounds and was formerly occupied by two 'villas', comparatively large two-storey Edwardian style buildings similar to 'Baytrees' and the 'Nelson Clinic' located to the west, set within a verdant landscape. Although forming part of a long established mental health campus there have also been long-term proposals to re-organise services provided on the site, and provide new facilities across the eastern part of the site with the eventual closure of the principal buildings for health purposes. Those proposals have resulted in the provision of The Limes, Hamble House and The Orchards, all comparatively new satellite buildings delivering mental health services.

In the preparation of the Portsmouth City Local Plan 2001-2011 the Primary Care Trust had indicated that part of the grounds of the hospital would become surplus to requirements as part of the provision of new mental health services within the hospital grounds. To reflect this situation policy MT3 of the Portsmouth City Local Plan 2001-2011 allocated the grounds of the Hospital for a mix of new mental health care development and housing. This remains a 'Saved Policy'.

The northern section of the grounds extending from the Nelson Clinic, adjacent to the Edenbridge Road access, through to the site of the former Gleave Villa in the east was the subject of a now lapsed outline permission for new housing with access from the more recent housing development to the north. The supporting text to policy MT3 also stated that the open space for the housing element of the allocation will be provided for on the allocation in policy MT2 which also remains a 'saved' policy of the Portsmouth City Local Plan 20110-2011. That policy related to the area of open space to the south of the principal buildings with the exception of the cricket pitch. The application site was incorporated into the projected housing supply figures for 2006-2027 under policy PC10 of the Core Strategy.

The National Planning Policy Framework advises that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed site forms part of the MT3 mixed use allocation and therefore is in principle available for the proposed use providing the scheme achieves sustainable development in accordance with the National Planning Policy Framework.

Design, appearance and setting

The proposed development would for the most part be arranged in the form of houses fronting a curved access road leading into the site from Lapwing Road and terminating in a turning head at the western end of the site. The access road adopts design principles promoted by Manual for Streets and, with the exception of a short length, is shared surface. A group of six houses would be situated on the eastern part of the site facing a shared drive accessed from the estate road. At the western end of the access road the turning head would be fronted by a pair of three-storey townhouses flanked by two-storey houses with a further two-storey detached house in the south-west corner of the site. The north side of the access road would comprise an area of open space in which retained protected trees will form an established landscape feature.

The design of the layout reflects the objective to retain and incorporate as many of the protected trees of high amenity value as part of the proposed development. The proposal would, however, result in the loss of one category A, two category B trees, seven groups, part of one group and nine individual category C trees. The arboricultural report submitted with the proposals identifies a maintenance regime for the remaining protected trees. The Council's Arboriculture Officer supports the recommendations of this report. The level of provision of new tree planting would adequately compensate for the loss of trees and would complement the thirty-four protected trees that would be retained. Implementation of an arboricultural method statement would enable the retained trees to survive without any adverse impact and allow them to continue to make a contribution to local amenity and character. This could be secured by way of a planning condition.

So as to ensure the thirty-four protected trees are managed and retained it is recommended that the permitted development rights that would ordinarily be provided for development within the curtilage of a dwellinghouse be removed requiring planning permission be sought for alteration or enlargement of a dwellinghouse, including a garage or extension, or outbuildings and curtilage structures, or hard surfaces. The imposition of this condition is considered to satisfy the 6 tests as provided by paragraph 206 of the NPPF, being necessary to make the development acceptable, relevant to planning, and relevant to the development, enforceable, precise and reasonable.

It is considered that the layout of the site would achieve an acceptable outcome, balancing the need for new housing with the objective to retain trees and maintain a parkland setting.

The proposal incorporates a number of house-types and offers some variation in terms of street frontages with a curved terrace of seven houses forming a focal point within the development. Furthermore, the palette of facing materials would include red and buff face bricks, render for the walls with slate roofs. The proposed houses would incorporate articulation in the form of a mix of feature string coursework, stone cills and lintols, lean-to and flat-roofed porches and bay windows creating variation throughout the development. The overall effect is to create a

development that is a blend of traditional character and quality design. It is therefore considered that the proposed development would establish a sense of place, optimise the potential of the site to accommodate development including the incorporation of green space.

Impacts on the Setting of a Listed Building

In relation to heritage assets, Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on local planning authorities to have special regard to the desirability of preserving a Listed Building or its setting or any feature of special architectural or historic interest.

The NPPF advises that an applicant should have to describe the significance of an assets affected, including any contribution made by their setting (para 128) and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (para 132).

Although within the grounds of the Listed Buildings the western boundary of the site is located some 155m from the nearest part of the hospital building and 160m from the Chapel.

The principal buildings were built between 1876-79 by the local architect George Rake. The building was designed in a Gothic Byzantine style in a block plan with projecting wings. The building was constructed of Fareham red brick in English bond, with Plymouth stone dressing and a Welsh slate roof. The main entrance features a flight of stairs and a grand doorway flanked by lamp posts, while above are a clock tower and a pinnacled roof. The centrepiece of the building is the ball room, which features arched wings. The building was Grade II listed in 1998. The Chapel was part of the original construction of St James Hospital, having also been built by George Rake in 1879. The building features knapped flint with stone dressings and a Welsh slated roofs. The chapel was Grade II listed in 1998

The eastern half of the hospital grounds has seen incremental development over a long period of time with buildings varying in scale and size. The proposed development, which is at a comparatively lower density than the housing area to the north, would be considered to represent a suitable transition between the established pattern of the housing development to the north and the existing buildings within the hospital grounds, thereby preserving the setting of the listed buildings.

Having regard to the provisions of Section 66 of the Listed Buildings and Conservation Areas Act 1990 it is therefore considered that the proposed development would not harm the setting of the Listed Buildings or would otherwise harm any feature of special architectural or historic interest that they hold.

Standard of living environment

Amongst other things policy PCS23 seeks to ensure that new development provides a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

With a tree lined avenue to the south, retained hospital building to the west and playing fields to the east, the most affected neighbouring occupiers would be limited to the residential properties immediately to the north of the application site.

The proposed development will be accessed from Lapwing Road. The proposal has been designed as an extension to the existing development, with the most immediate dwellings adopting the building line and form of the existing homes. Where the proposal shares a boundary with an existing dwelling, 1800mm closed boarded boundary fences are proposed. Furthermore, garages are sited so as to provide a sense of separation so as to not diminish the privacy of the existing or proposed dwellings. The window openings of proposed semi-detached dwellings on plots 29 and 30, and detached dwelling on plot 1 are orientated so as to avoid any overlooking issues, thereby preserving existing privacy and residential amenities.

The proposed development incorporates an area of open space with the established trees giving the existing properties located off Skylark Court substantial separation distances and privacy from the proposed dwellings. This arrangement would serve to ensure that the proposed development would relate appropriately to its surroundings and have no significant impact on the standard of living environment for existing residents. The recommendation includes the requirement for a construction method statement that will ensure activity is managed so as to avoid adverse impacts during construction.

Whilst there is some variation in plot sizes, largely informed by the incorporation of protected trees, they all offer areas of useable garden amongst retained trees. The proposed dwellings would offer a satisfactory outlook and, in terms of internal layout, would meet the recently adopted nationally described space standards. In these circumstances the proposed development would accord with the objectives of the National Planning Policy Framework and policy PCS23 of the Core Strategy.

Transport needs and traffic impacts

The proposed development would incorporate a total of 56 in-curtilage car parking spaces and cycle stores with an additional five spaces for casual visitors. The minimum car parking requirement within the adopted car parking standards SPD would be 51 spaces with 5 visitor spaces. It is therefore considered that the proposed development would provide for the transport needs of future occupiers. The arrangement of car parking has been amended to incorporate the comments of the Highway Authority

With the access road forming an extension of Lapwing Road, traffic generated by the proposed development would join Edenbridge Road with a split in traffic movements on Warren Avenue leading to Moorings Way/Velder Avenue and Milton Road. The Highway Authority considered the submitted transport statement and concluded that is sound. The development has the potential to generate an average of 16 two-way vehicle trips in the peak hours. It is considered that the total traffic generation of the scheme will be modest (one vehicle movement on average every four minutes) and the impact on local junctions will be less than one vehicle every six minutes on average. These additional movements would be considered to have minor impacts on the Warren Avenue/Milton Road, Euston Road/Velder Avenue, and Moorings Way/Velder Avenue/Eastern Road junctions.

Nevertheless, problems occur with queues on Moorings Way that extend back past Osprey Court while vehicles wait for a green traffic signal. This can lead to a situation where it can take a significant period of time for Moorings Way to clear. Although considered to generate a minor impact on this junction it could be ameliorated by improving this pinch-point area. This could be achieved by the introduction of a short stretch of double yellow lines that would allow additional queuing space thereby reducing the occurrences of traffic blocking. Furthermore, additional traffic movements although not significant have the potential to increase risk in terms of pedestrians crossing Edenbridge Road. Improvements to this crossing point would address this impact. It is considered that the proposed off-site highway works would be proportionate and reasonable, and could be secured through a legal agreement to which the applicant has agreed. These improvements will go some way towards alleviating the concerns that have been raised

Among the conditions requested by the Highway Authority, those that relate to highway adoption and, in the absence of a S38 agreement, evidence of a future maintenance and management plan supported by a commuted sum would fail the NPPG tests as these matters cannot be dealt with by way of planning conditions. The test as to whether the proposal delivers sustainable development would include the local planning authority being satisfied that the proposed access arrangements within the site are designed and constructed to a satisfactory standard and are maintained to the standard going forward. As such, whilst details of the construction of the estate road could be reasonably dealt with by way of a planning condition the future management would need to be dealt with through the a Section 106 Agreement. required, a management plan and commuted sum would be inappropriate.

Viability and Affordable Housing Provision

Whilst the applicant was intending to provide a development that was policy compliant in terms of the provision of affordable housing, the scheme has a number of site abnormal costs which when combined with Section 106 reduce the deliverability of the scheme. The applicant has an option agreement for the site, subject to planning, and this was negotiated without the full knowledge of the Council's requirements in terms of site specific mitigation in relation to impacts arising from the development on the nearby Langstone Harbour Special Protection Area.

The Council has a 'Milton Common Local Nature Reserve - Restoration and Management Framework'. The Framework sets out the approach for imposing a tariff on development and collecting financial contributions. The level of that contribution, whilst necessary, was found to have a significant impact on the viability of the development to provide affordable accommodation. When combined with the shift upwards in standard BCIS construction costs due to demand in the sub-contract market, the impact from abnormals on the total scheme viability has led to the applicant reducing the affordable housing offer.

The applicant submitted a viability assessment in support of a reduced offer of three intermediate affordable dwellings. The viability assessment has been examined by the District Valuer who concluded that, having regard to the negotiated figure for the acquisition of the site together with other financial obligations, the provision of four intermediate [i.e., shared ownership] dwellings in the form of 2no. 1-bed flats [plots 27 & 28] and 2no. 2-bed houses [plots 22, 23] would represent the maximum level of affordable housing that could reasonably be achieved. Whilst this would not reflect the ratio of house types across the development, the provision of larger house types as affordable accommodation would have had the effect of reducing the number of affordable homes that could be provided. Having regard to the conclusions of the District Valuer it is considered that the proposal provides a balanced offer meeting affordable housing need and addressing the matters of highways improvements and other contributions so as to ensure the development is capable of support.

Nature conservation and Threatened Species

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 Langstone and Portsmouth Harbours are designated as Special Protection Areas, 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 result in the creation of thirty additional residential units, thus resulting in a significant effect and necessitating a mitigation package to be provided. Whilst the SPD sets out how development schemes can provide a mitigation package to remove this effect, and enable the development to go forward in compliance with the Habitats Regulations, exceptions would occur where a development has its own specific impacts. This is such an exception.

As outlined above, the 'Milton Common Local Nature Reserve - Restoration and Management Framework' was approved specifically to address those impacts arising from new residential development within the Milton area. The payment of a financial contribution in accordance with the Framework, which will cover the short-term costs and capital cost of grassland management and scrub clearance and other works to promote its use over the Langstone Harbour foreshore. Together with the standard SPA payment, this would be considered sufficient to confirm that the development of the Light and Gleave Villas site would not be likely to have a significant effect on the SPA's subject to adequate measures being put into place to control impact on Brent Geese

using the adjoining playing fields during the construction phase of the development. To address the latter the applicant's mitigation proposals, in relation to screening on the eastern boundary and timing of construction, would be considered acceptable.

Based on the methodology in the SPD and the Milton Common Restoration and Management Framework, an appropriate scale of mitigation for off-site impacts would be calculated as $30 \times £174 = £5,220$ added to $30 \times £8,747 = £262,410$. The applicant has agreed to provide this mitigation, and this will be secured through the legal agreement. It is, therefore, considered that with such a provision the proposal would not be likely to have significant effect on the SPAs. Those financial payments would be secured through the legal agreement.

An ecology report submitted with the application has assessed the impacts of the development and identified that bats and nesting birds may be affected by the proposal. With regard to the Council's legal obligations under the Habitats Directive, Natural England has confirmed that the proposed development has been satisfactorily screened to check for the likelihood of significant effects and that it is not likely to impact on the features of the SPA, therefore an "Appropriate Assessment" under the Directive is not necessary.

In relation to the sites potential value to bats and nesting birds, 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.

There are a number of benefits that the proposal would generate for local communities and the surrounding area. These include the physical and economic regeneration of a site that has had an economic previous use; the provision of employment and training opportunities throughout the construction phase; and improvement of housing offer including affordable homes for local residents. When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' it is acknowledged that the proposed development is required to meet or provide a contribution to meeting a specific need arising from complying with planning policies and guidance at a national, regional and local level.

This site, along with other identified housing sites under the Portsmouth City Local Plan 2001-2011, serves to meet projected housing need and as such there would not be any sequentially preferable sites.

In terms of maintaining a favourable conservation status the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. The applicant's environmental consultants 'Ecology Co-op' have proposed a mitigation strategy which Council's Ecologist has had regard to and finds acceptable as a proposed mitigation strategy. The recommendation includes a condition seeking to further strengthen ecological provisions through the implementation of the mitigation strategy within the development.

In these circumstances it is considered that the impact upon ecology is low and this application would satisfy the statutory derogation tests.

Sustainable design and construction

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations

- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force in 2016, after which the same standard of energy efficiency will continue to be required, though this will purely be through the Building Regulations rather than through compliance with planning conditions.

The developer has provided design stage SAP worksheets indicating that the required standards can be met. In these circumstances it would be appropriate to impose a pre-occupation condition in the following form:-

The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has:

1. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
2. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Conclusion

This application has raised a number of issues ranging from the principle of development through to the mitigation of ecological impacts. For the reasons outlined above it is considered that the applicant's proposals for this site would deliver a form of development that relates appropriately to the site, and represents an acceptable balance between the need to maintain tree cover and provide new housing.

The proposed development would give rise to minor impacts in highway terms, and these can be satisfactorily ameliorated by a Traffic Regulation Order and improvements to the Edenbridge Road junction to improve pedestrian crossing. With these issues addressed the traffic generation associated with the proposed development could be accommodated without significant impacts on the local highway network.

With the formulation of a package of measures to address the impacts of the proposed development on nature conservation, and the willingness of the applicant to pay the financial contribution towards dealing with recreational disturbance, it is considered that the proposed development would comply with the requirements of the Habitats Regulations.

Whilst local residents raised issues in relation to drainage, Southern Water have confirmed that the applicant's drainage strategy would ensure that the proposed development would not have an adverse impact on the local drainage network.

As part of the s106 legal agreement the applicant has expressed a willingness to engage in the adoption of a Skills and Employment Training Plan. The provisions to be included within the s106 legal agreement are considered to relate directly to the proposed development and are fairly and reasonably related in scale to the development. The provisions to be set out in the s106 legal agreement are as follows:-

1. The payment of contributions of £5,500 for a Traffic Regulation Order for double yellow lines on Moorings Way,
2. The payment of contributions of £15,000 for pedestrian crossing facilities at the end of Edenbridge Road,
3. The payment of contributions of £5,220 towards wider SPA mitigation
4. The payment of contributions of £262,410 for site specific mitigation in relation to the Langstone Harbour SPA,

5. The provision of four dwellings as intermediate affordable housing by no later than the disposal of 14 open market dwellings,
6. The review of the viability assessment 12 months from the date of the permission in the event that twenty of the dwellings have not been substantially completed. Any uplift in value to be a financial contribution to the provision of affordable accommodation elsewhere in the city
7. The applicant submits for approval and adopts an Employment and Skills Plan, and
8. The payment of a project management fee of £620,
9. The submission of a management plan that addresses the arrangements to be made for the future maintenance of roads, footpaths, soakaways and landscaping.

RECOMMENDATION

Delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Permission** on the completion of a s106 legal agreement as outlined in the report.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
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: 1640-1001; 1640-3001; 1640-3002; SK 03n; SK 06b; SK 07c; SK 08c; SK 09C; SK10b; SK 11C; SK 12c; SK 13b; SK 14c; SL 15c; SK 16b; SK 17b; SK 18c; 14307-BT2. Phase III Remediation Strategy Report Ref: 14533/RS Arboricultural Impact Appraisal _ method statement 14307-AIA.
3. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that any remediation scheme as detailed in Phase III Remediation Strategy Report at Light Villa, Site B, St James' Hospital, Portsmouth, Hampshire, PO4 8UQ, Soils Limited, Report Ref: 14533/RS has been implemented fully (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):
 - i. as built drawings of the implemented scheme
 - ii. photographs of the remediation works in progress
 - iii. third party verification of gas membrane installation
 - iv. 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 approved scheme.

4. No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roofs of the proposed buildings and other hard-surfaced finishes has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
5. No development shall commence on site until all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building are protected in accordance with approved Arboricultural Impact Assessment and Method Statement, and British Standard:5837 (2005). Such protection shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the protection area.
6. The facilities shown on the approved drawings for the parking of vehicles shall, unless otherwise agreed in writing by the local planning authority, be completed and made

ready for use prior to first occupation of the development. Those facilities shall thereafter be retained.

7. Secure/weatherproof bicycle storage facilities shall be provided in accordance with details to be submitted to and approved by the local planning authority in writing, and those facilities shall be provided before occupation of the development and thereafter retained.
8. Prior to first occupation of the development facilities for the storage of refuse and recyclable materials shall be provided and maintained in accordance with a refuse management plan to be submitted to and approved by the local planning authority in writing.
9. No development shall take place on the site until the following details have been submitted to and approved in writing by the Local Planning Authority:-
 - i. a specification of the type of construction for the roads and footpaths up to adoptable standards, including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing surface water; and,
 - ii. a programme for making up of the roads and footpaths.
10. No development shall commence until a Construction Method Statement, including a construction phasing plan, has been submitted to and approved by the local planning authority in writing. The CMS shall provide for:-
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security fencing including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Site compound details
 - Details of construction vehicle movements
 - Expected number of construction vehicles per day
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
 - A scheme to encourage the use of Public Transport amongst contractors.The development shall be constructed in accordance with the Construction Method Statement.
11. No development, including site preparation works or engineering operations, shall commence on site, including ground preparation works, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority and the approved development shall be carried out in accordance with the approved CEMP. Matters covered within the CEMP will include the following:
 - Risk assessments and method statements relating to the control of pollution during the construction
 - A Site Waste Management Plan (SWMP)
12. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has:
 - Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

- Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.
13. Unless otherwise agreed in writing by the local planning authority the redevelopment of the site shall be undertaken in accordance with the recommendations of the submitted Mitigation Strategy (The Ecology Co-op, December 2014).
 14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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 similar size and species.
 15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no alteration or building or structure shall be erected or carried out within Schedule 2, Part 1, Classes A, E or F as listed below without the prior written permission of the Local Planning Authority obtained through the submission of a planning application:
 - Class A (alteration or enlargement of a dwellinghouse, including a garage or extension),
 - or
 - Class E (outbuildings and curtilage structures), or
 - Class F (hard surfaces).

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. 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.
4. In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
5. To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan.
6. To ensure the transport needs of future occupiers are met in accordance with policy PCS17 of the Portsmouth Plan.
7. To ensure that adequate provision is made for cyclists in accordance with policies PCS23 of the Portsmouth Plan.
8. To ensure that adequate provision is made for refuse storage in accordance with policy PCS23 of the Portsmouth Plan.
9. In the interests of providing a good standard of living environment for future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.
10. To protect the amenity of the adjoining and nearby local residents in accordance with policy PCS23 of the Portsmouth Plan.

11. To protect the amenity of the adjoining and nearby local residents in accordance with policy PCS23 of the Portsmouth Plan.
12. In order to secure a satisfactory development in accordance with policy PCS15 of the Portsmouth Plan
13. In the interests of maintaining the conservation status of the site in accordance with policy PCS13 of the Portsmouth Plan.
14. In the interests of the amenities and character of the area in accordance with policy PCS23 of the Portsmouth Plan.
15. To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the post-construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

02

15/01163/FUL

WARD:PAULSGROVE

**LAND WEST OF RACECOURSE LANE EX PAULSGROVE INDUSTRIAL CENTRE
SOUTHAMPTON ROAD PORTSMOUTH**

**CONSTRUCTION OF A CLASS A1 FOOD STORE (1,804SQM GROSS) WITH ASSOCIATED
ACCESS, CAR PARKING AND LANDSCAPING [AMENDMENT TO ACCESS/EGRESS]**

Application Submitted By:

Planning Potential
FAO Dan Templeton

On behalf of:

Mr Phillip Warner

RDD: 14th July 2015

LDD: 27th October 2015

SUMMARY OF MAIN ISSUES

The main issues are:-

- a) whether the proposed redevelopment of the site would, in the context of its designation under policy PCS11, be acceptable in principle;
- b) whether the redevelopment of the site to provide an out-of-centre retail use would be acceptable in terms of the sequential assessment;
- c) whether in highway terms the development would accommodate sufficient car parking and servicing facilities, whether the proposed access/egress would be safe and whether the local highway network could accommodate the traffic generation associated with the proposed development; and
- d) whether in design terms the proposed development would relate appropriately to the site and wider area.

The site and surroundings

This application relates to a cleared site approximately 0.76ha in extent situated on the north side of Southampton Road between Racecourse Lane to the east and the Hendy Ford/Kia premises to the west. The northern boundary of the site abuts the Portsmouth to Southampton railway line which Racecourse Lane to the east bridges to connect with Marsden Road and beyond that to Allaway Avenue. The north side of Southampton Road comprises a mix of commercial uses including vehicle sales and workshops, warehousing, office accommodation and a training facility while the south side comprises a large vacant area of land between a restaurant/drive-thru and car showroom to the west and another restaurant and hotel to the east. The vacant area of land is the subject of a current application for the construction of up to 7479.8 sqm of floorspace sited within 3 blocks comprising 2 x two storey units and 1 single storey unit to form a mix of retail (Class A1), restaurant/cafe with drive thru (Class A3), Education/Training (Class D1), Gymnasium (Class D2), and vets (Sui Generis), to include car parking, cycle/refuse storage and landscaping accessed from Binnacle Way

The proposal

The applicant seeks full permission for the construction of a single storey building with a gross floor space of 1,804sqm to form a retail food store associated car parking and landscaping. The proposed building would be situated on the western part of the site some 29m north of the Southampton Road frontage and extend northwards to leave a distance of between 5m and 12m to the northern boundary. The area to the east and south would be laid out to provide car parking with landscaping adjacent to the boundaries and between parking aisles.

Architecturally the building would have a plain cream rendered west elevation punctuated by three doors and two windows. The Southampton Road frontage would have a full height plain rendered panel [5.46m], incorporating the Aldi logo, at its western end and full height glazing to the remainder with a projecting canopy [4.145m to the upper surface] that wraps around the corner of the building and extends 27.5m along the eastern side to provide a cover to a trolley storage area. Apart from full height glazing to the entrance/exit lobby the eastern elevation would have cream rendered panels above and below a high level band of grey aluminium framed glazing. The rear elevation would have a plain rendered finish.

As originally submitted the proposal would have entailed using the existing access/egress points on Southampton Road to create a one-way route around the car park. The access would have been located at the western end of the site frontage with the egress at the eastern end adjacent to the pelican crossing at the southern end of Racecourse Lane. This arrangement gave rise to some concern from the Highway Authority which the applicant has sought to address in the submission of revised access/egress proposals. These would entail a traffic light controlled entrance/exit located towards the eastern end of the site frontage combining with the existing pelican crossing. The new junction would involve widening the carriageway and the provision of a short length of right-turn lane. The applicant would also fund a Traffic Regulation Order and associated costs to reduce the speed limit on Southampton Road between Junction 12 of the M27 and Clement Attlee Way from 40mph to 30mph.

Planning history

Whilst there is a comparatively long history associated with the building that, until recently, stood on the site, planning decisions relevant to the redevelopment of the site are limited to a permission granted in 2011 for the renewal of an earlier permission for the construction of a 9,684sqm building for storage/warehousing purposes. In 2012 and 2014 advice was sought in relation to the redevelopment of the site to accommodate bulky retail operators.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS11 (Employment Land), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS23 (Design and Conservation), DC21 (Contaminated Land),

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS11 (Employment Land), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS23 (Design and Conservation). Saved policy DC21 of the Portsmouth City Local Plan 2001-2011 relates to Contaminated Land.

The Supplementary Planning Documents in relation to Employment and Skills Plans, Parking Standards and Transport Assessments, and Sustainable Design and Construction would also amount to material planning considerations.

CONSULTATIONS

Natural England

Natural England has no comments to make regarding this application.

Coastal And Drainage

The strategy states that there will be overall betterment in terms of surface run-off. This is welcomed and actively encouraged. The proposed drainage layout includes hydrobrake with associated attenuation. This all appears in order. Groundwater/infiltration potential has been investigated, which is welcomed. Outfall from the site is to surface water sewer, which appears to discharge direct to harbour by Portway. For this reason, the proposed petrol interceptor is essential.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not: encroach onto Network Rail land affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone damage the company's infrastructure, place additional load on cuttings, adversely affect any railway land or structure, over-sail or encroach upon the air-space of any Network Rail land, 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 applicants 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 Rails 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 Rails 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 Rails 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 Rails property or into Network Rails 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 Rails property. Proper provision must be made to accept and continue drainage discharging from Network Rails property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rails existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 20 metres of Network Rails boundary or at any point which could adversely affect the stability of Network Rails 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 applicant's expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails 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/applicants 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 Rails 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 Rails 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 Rails 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 Rails Asset Protection Engineers 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 Rails 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 (*Pyrus Communis*), Fir Trees Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata Zebrina

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 Rails operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site, and also to agree 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.

Southern Water

Records indicate that a foul sewer is located parallel and close to the southern boundary of the site, the exact position of which must be determined by the applicant. It should be noted that:- no development or tree planting should be located within 3m either side of the centre line of the sewer; no soakaways should be located within 5m of a public sewer; all existing infrastructure should be protected during construction works; should any sewer be found during construction works an investigation of the sewer will be required.

Southern Water requires a formal application for connection to the public sewer and it is requested that an informative is attached to any permission and a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal.

Ecology

The application is supported by a thorough and professional Preliminary Ecological Appraisal (PEA) (RSK, June 2015). I am confident this represents the conditions at the site.

In summary, the vast majority of the site is hardstanding, with a recent spoil heap, as a result of the recent demolition and clearance of the previous buildings present.

There is very little in the way of habitats that could have any ecological value. It was considered unlikely that any protected or notable species would be present at the site, and I would agree with this conclusion.

The site is close to Portsmouth Harbour Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). However the nature and scale of the proposal is such that these important nature conservation designations are unlikely to be affected.

I would raise no immediate concerns over this proposal.

However, there may be some potential for the site to start to become colonised by ruderal and emergent scrub vegetation if development does not commence in the immediate future. While

this is not an immediate concern, it would mean that if unmanaged, the site could start to become colonised by species such as birds and reptiles, particularly given the proximity of the railway (railways are often good areas for reptiles).

It is therefore suggested that the following informative note:

Birds' nests, when occupied or being built, and the widespread species of reptile 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. Reptile habitat such as compost heaps should be carefully cleared by hand during warmer months as if hibernating reptiles are disturbed they will die. Any reptiles revealed should be moved to adjacent retained rougher / boundary habitat or allowed to move off of their own accord.

Landscape Group

The site plan looks well considered and provides opportunities for good landscape to soften the car park scheme and the site frontage. The loss of existing trees is minimal and will be well mitigated by new trees and shrubs. Very little impact on ecology. Details of the planting would need to be conditioned. There seems a missed opportunity with sustainable drainage to make the central island of landscape in the car park be watered by run-off. Instead they are using channel drains all around it. Seems more sensible and sustainable to make this a "rain garden" to absorb the run-off.

Arboricultural Officer

Observations

1. The conclusions reached in the Arboricultural Report dated 23 June 2015 are agreed with. None of the trees within or adjacent to the site are of significant value as specimens to be worthy of retention enough to impact upon proposals for development.
2. New tree plantings in supermarket car parks generally struggle or fail for several reasons:
 - a. Poor planting techniques and ground preparation.
 - b. Lack of aftercare - Young tree maintenance, watering.
 - c. Vehicle damage.
 - d. Soil compaction and hard impervious surfacing resulting in root inhibition through poor gas transfer, lack of water penetration.

Recommendation

The application be granted.

Conditions

The recommendations of the Surface Water And Foul Water Drainage Strategy are accepted; however in order to optimise the successful establishment of the proposed planting:

1. The guidelines in Trees in Hard Landscapes: A Guide for Delivery (ISBN be adopted to ensure success of proposed planting schemes;
 - a) 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.
 - b) 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.
 - c) 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.
 - d) Kerbs and hard surfaces be adapted to assist collection and infiltration of surface water runoff into tree rooting areas.
 - e) Co-location of services where possible to minimise risk of encroachment by roots.

2. Species selection must take into account the exposed maritime climate of this site.
3. All planting is to be undertaken in accordance with the recommendations within BS 8545 Trees: from nursery to independence in the landscape - Recommendations.
4. A landscape management plan is to be produced and followed identifying schedules for watering, young tree maintenance etc.

Archaeology Advisor

The archaeological assessment identifies that the area in general has a sound archaeological potential, however the site has been extensively damaged and disturbed by modern development, including terracing of the site. Paragraph 5.1 of the assessment states that this damage " Will have probably destroyed any surviving archaeology", which is agreed. In paragraph 5.2 the report postulates that there might be some low potential for archaeological survival on the southern edge of the site, but it is clear that this is a remote possibility and is not a confident assertion. It is considered that any archaeological potential that this site might once have had has been removed or severely compromised in the recent past by previous development.

Highways Contractor (Colas)

The crossing points at this address will come under a section 278 as this is a change of network, Colas assume that these crossing points will become bell mouth carriageway give way junctions.

Highways Engineer

The site is currently vacant although historically was occupied by an Industrial unit. The redevelopment proposal is for an 1804 sqm GFA Aldi Food store with 116 car parking spaces (5.0m x 2.5m) of which 4 will be designated for blue badge holders and 9 for parent and child use.

The site is bounded to the east by Racecourse Lane, a pedestrian access route over the railway via a footbridge linking the residential community beyond. To the west it is bounded by a car dealership, garage and associated parking and external car display space.

The site currently benefits from two points of access off A27. In this location Southampton Road is 4-lanes wide, lit and subject to a 40mph speed limit.

Observations:

The TRICS database has been used to understand the potential future vehicle trip generating characteristics of the proposed discount food store. There is an expected average daily flow of 1416 trips (arrivals and departures) from the site. However, it is clear from the Transport Statement that the peak days could have 1777 trips. It is considered that a development generating this volume of trips cannot be safely accessed via a busy uncontrolled 40mph four lane carriageway. For large periods of the day, it will be very difficult for vehicles to exit this development, especially if turning right. This may in turn lead to driver frustration, risk taking and accidents. Combined with this problem, traffic regularly queues in this location thereby masking visibility making turning movements even more hazardous. Nose to tail shunts are a regular feature of traffic accidents on this stretch of road, particularly at the neighbouring junction for the Hendy Ford site. Historically there was a right turn lane for the Hendy Ford site and the site the subject of this application, but this was removed in 2009 due to the very infrequent use of the access into this site, and the disruption to through traffic flow on the A27.

It is acknowledged that vehicular access did previously exist to this location but the type and pattern of trips generated by this proposed development of a retail store are different to those previously associated with the site so a direct comparison cannot be made. The previous access was also, as described previously, served by a dedicated right turn pocket that has now been removed in order to increase capacity and reduce delay on the main A27 through-route. This pocket provided protection to waiting vehicles. There is no desire by the Council for this pocket (and staggered pedestrian crossing) to be reinstated. Failure to provide some form of protection to right turners will lead to an increase in tail end shunts, weaving incidents, a capacity reduction and driver frustration.

In order to address safety concerns regarding turning movements into and out of the site, the latest submission from the developer includes the provision of a new signalised T-junction with a segregated right-turn waiting area that integrates the existing Toucan crossing. The separated right-turn waiting area, with protective centre islands, is considered important to maintain highway safety. Failure to have provided this area would likely to have led to an increase in tail-

end shunts and weaving type accidents as well as lengthy queues and delays. To further mitigate against the possibility of increased right-turning incidents, the developer should also be requested to provide funding to progress a TRO to change the speed limit between the A27/A3 and A27/Port Way junctions to 30mph.

The proposed junction arrangement requires carriageway widening in order to accommodate the new right turn waiting area. In order to achieve this area, some narrowing is required on the shared footway to the north and segregated cycle/footway to the south. The southern segregated footway will be converted to a shared cycle/footway as there will no longer be the width to maintain segregation. A minimum width of 3m would be maintained on the north side, by dedicating narrow strips of land as highway, and 2.6m would be retained to the south. The southern width is below the preferred minimum of 3m but given the good visibility and requirement to accommodate a safe right turn waiting area for general traffic, the highway authority are prepared to accept the relaxation. The developer should however be asked to provide additional funding that can be used to secure other mitigating cycle improvements in the area.

A LinSig version 3 traffic model has been constructed to demonstrate the likely traffic impact of new traffic signal junction. The DoS (degree of saturation) provides a basis for judging the acceptability of junction performance with a value of 90% normally being considered to represent satisfactory performance given the empirical nature of the calculations used in the software. The value for this development is not expected to exceed 71%.

The expected queues and delay predicted by the model on the A27 are also not excessive. The average delay on any one lane on the A27 over a cycle of the signals is predicted to be no more than 24 seconds per vehicle. The mean maximum queue length on the A27 is expected to be up to 12 vehicles in any one lane.

In addition to above the following points should also be considered:

- Any proposed access will require a clearly marked pedestrian and cycle route running parallel with Southampton Road. This should include tactile paving and dropped crossings over the mouth of the proposed new junction.
- Land behind the relocated eastbound bus stop should be secured to provide a cycle bypass. Visibility must not be affected by its location.
- A suitable 'barrier' to trolleys should be incorporated to prevent them migrating from the site, either by being pushed or blown by the wind.
- A construction and environment management plan which will include site delivery restrictions and management of arrivals of materials and plant.
- A servicing management plan to ensure lorries arrive from the east and depart to the west and cover delivery times (to be agreed).
- A travel plan for staff.
- An 'easement' for the new access bell-mouth to ensure traffic signal equipment on private land can be maintained and the 'intervisibility zone' (as identified in TD 50/04) is not breached by obstructions.
- Details of adequate cycle facilities for both short and long term stay.
- The new junction will need to link into the existing traffic signal network

The commentary above is considered to provide a comprehensive response to the revised Transport Statement. It specifically outlines the issues regarding speed, traffic flows and the right turning scenario.

Recommendation:

Subject to the satisfactory resolution of the items referenced above, the highway authority recommends that this application is approved.

Environmental Health

This consultation is with regard to the potential impact on the amenity of neighbouring uses as a result of the proposed development and impacts to air quality resulting from the proposal.

The location of the proposal is within a mixed industrial estate and commercial area with a car dealership to the west and the Highbury North Harbour Centre to the east of the proposal site. To the north the site is bound by a railway track and to the south is the four-lane Southampton Road. The area is dominated by road traffic noise (Southampton Road and the M27) and the

area is also very well lit, falling into the Institute of Lighting Engineer's 'High District Brightness Area'.

Since the nearest sensitive use (residential) is over 200 metres away and considering the context of the proposal location, it is considered that a significant negative impact on the amenity of neighbouring sensitive uses is unlikely.

The PCC Air Quality Action Plan identifies a number of circumstances that trigger the possibility of an Air Quality Assessment (AQA) being required. One of those circumstances is a new car park with >100 car parking spaces of which the Aldi development qualifies as there are 124 car parking spaces.

The Air Quality officer requests the developer undertake a screening assessment for the proposed development using the DMRB screening tool. Should the screening assessment flag up any air quality concerns then a full scale detailed assessment must follow.

Contaminated Land Team

The Contaminated Land Team (CLT) has reviewed the above application for the construction of a class A1 food store with associated access, car parking and landscaping, together with the following report submitted with the application for review: Geo-Environmental Assessment Report, Aldi Stores Ltd, Paulsgrove Industrial Centre, Portsmouth, Brownfield Solutions Ltd., Report Ref: JMC/C2798/5204 Rev A, April 2015. An assessment has then been made on the appropriateness of the information submitted based on information held by the CLT. Some additional desk study research is required to determine if adequate site investigation works have been carried out to date. In addition, the report highlights that the ground gas risk assessment was incomplete at the time the report was written, and as such this is still required. It has also been established from the works carried out that a remedial strategy to address (as a minimum) asbestos contamination within the made ground present on site will be required. As such the following conditions are required:

(i) No works pursuant to this permission 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 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.

(ii) The development hereby permitted shall not be occupied/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 (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

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 conditions (i)c.

REPRESENTATIONS

At the time of preparing this report 109 representations had been submitted in response to a public consultation exercise carried out by the applicant when the application was submitted. Of those representations all are in support of the proposal with one tempered by concerns over the access/egress arrangements as originally proposed. The applicant's consultation exercise entailed the delivery of some 1,890 cards to residents in the catchment area. Approximately 20% of respondents live in Port Solent while the majority of the remainder are residents of Paulsgrove.

One objection has been received from the Portsmouth Cycle Forum Their primary concerns are for safety on the A27 and its shared cycle and footway. The developer should also be encouraged to be more ambitious by encouraging sustainable travel to the site. The Forum also suggests that;-

- Reduce speed limit on A27 from 40mph to 30mph
- 2nd westbound lane of A27 to become right-hand filter for entry/refuge for right-turn exits
- Mark entry/exit points with surface treatment/markings to indicate priority for foot/cycle traffic
- Increase number of cycle stands from 5 to 15 (from 10 to 30 spaces)
- Provide secure cycle storage for staff
- Widen pedestrian access to incorporate cycle access
- Provide additional north-east access to site from Racecourse Lane

COMMENT

The determining issues in this case are whether the proposed redevelopment of the site would, in the context of its designation under policy PCS11, be acceptable in principle; whether the redevelopment of the site to provide an out-of-centre retail use would be acceptable in terms of the sequential assessment; whether in highway terms the development would accommodate sufficient car parking and servicing facilities and whether the proposed access/egress would be safe and the local highway network able to accommodate the traffic generation associated with the proposed development; and whether in design terms the proposed development would relate appropriately to the site and wider area. Other issues relate to sustainable design and construction, drainage, ecology, an employment and skills plan and need for a Travel Plan.

Principle of development

The area of land between Southampton Road and the Portsmouth/Southampton railway line that stretches between junction 12 of the M27 and the M27 flyover with Southampton Road is identified as an existing employment area under policy PCS11. The policy states that the loss of existing B1, B2 and B8 uses will be resisted. However, the industrial building that originally stood on the site has been demolished and the site would in planning terms now have a nil use. The Core Strategy would therefore encourage its development for commercial purposes or such other uses appropriate in nature to an industrial estate location provided that they create equal alternative employment opportunities.

The Southampton Road frontage on its northern side between the M27 fly-over and junction 12 is characterised by buildings of varying age with newer buildings at its eastern end. A significant proportion of that frontage is taken up by vehicle-related uses with car sales, van sales, and vehicle repair/servicing workshops. More recent development to the east of Racecourse Lane includes the Highbury Training Centre, the Pall Europe site and three storage/warehouse units, one of which was granted permission in July 2015 for its use as a fitness/leisure use in Class D2, and one was formerly used as a builders merchants.

Although included within policy PCS11 this frontage is not characterised by a strong presence of traditional Class B2/B8 employment uses. A significant proportion is characterised by uses that

would attract visiting members of the public in terms of the services that are offered. Whilst the proposed development would not provide a support service to an industrial area, it would not appear out-of-place in the context of other land uses to be found along this part of Southampton Road. Nonetheless, policy PCS11 would also require the decision-maker to have regard to whether the proposed development would provide equal alternative employment opportunities.

The applicant has referred to average employment densities for different types of uses by reference to the 'Employment Densities Guide' 2nd Edition, Drivers Jonas Deloitte 2010, and compared these with the projected employment levels in the proposed store. This is considered to be an appropriate comparison, notwithstanding that the applicant expressed the view that it would amount to 'a purely hypothetical exercise and has little merit'. The policy presumption is for the site to be used for purposes falling within Classes B1, B2, B8 of the Use Classes Order, and it is therefore reasonable to assume this as a starting point against which to compare the proposed development in terms of job opportunities. The proposed store would be likely to generate 28FTE which would equate to approximately 64sqm per employee. The Employment Densities Guide points out that discussions with national retailers have emphasised that employment densities within the retail use class are more dependent on turnover than on floor area. This means a retail unit in a good location with high visibility and a high foot fall is likely to have a higher employment density than a retail unit of the same size in a poor location and/or with a low turnover. The nature of the applicant's operation has been seen to increase its market share, and given the location of this site on a main road with a catchment area that would attract both non-car and car users, an employment density of around 64sqm/FTE employee would seem reasonable.

The employment density that might be expected from Classes B1-B8 uses would be between 36 and 80sqm / FTE employee according to the 'Employment Densities Guide'. It can therefore be concluded that, in terms of job opportunities the proposed retail store would provide a similar level of employment to that which could be expected from Classes B1-B8 uses on the site albeit within the service sector rather than the industrial sector.

Whilst Policy PCS11 refers to the appropriateness of non-Class B1-B8 uses within designated employment sites, whether an alternative form of development could be considered acceptable would be dependent on the likelihood that there is a reasonable prospect of a Class B1-B8 development coming forward. The applicant has provided details of a marketing exercise and the enquiries that had been received, together with an assessment of available sites. The former indicates very little interest in a Class B1-B8 development, which is corroborated by pre-application submissions since 2007 which have included the provision bulky goods retail or food retail stores. The recent application for the use of one of the units in Harbour Gate for leisure purposes is a further indication of a lack of demand for new Class B1-B8 floor space in this locality. In these circumstances it would not be reasonable to expect the site to be marketed for a further period of time when the applicant's proposal would deliver employment opportunities in the short term.

It is therefore considered that on this issue the loss of the site for Class B1-B8 purposes would, on balance, be acceptable.

Principle of retail use

Policy PCS18 states that proposals for town centre uses will have to follow national policy, including the sequential test. Para 24 of the NPPF requires planning authorities to apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Only if suitable sites within town centres or edge-of-centre locations are not available should out-of-centre locations be considered, and when considering edge of centre and out-of-centre proposals preference should be given to accessible sites that are well connected to the town centre. Only where a development exceeds 2,500sqm would an impact test on existing centres be required. In this case only the sequential test would need to be applied.

'Suitable sites' refer to their availability and suitability to the specific development proposed. With regard to site availability, the Rushden Lakes decision [APP/G2815/V/12/2190175] in 2014 confirms that the NPPF sequential test requires that sites are 'available' not whether they are likely to become available "during the remainder of the plan period or over a period of some years". For a site to be considered 'available' it must therefore be available for development now. Having reviewed the applicant's assessment and the sites included in their sequential test there would be no reason to doubt the applicant's catchment area or commercial reasons for the proposed location, size and format of the store. The sequential test explored three possible sites, two in Cosham and one in Portchester. Those sites were, however, found to be inappropriate in terms of availability or by virtue of individual site constraints. It is therefore considered that there would be no sequentially preferable location capable of accommodating the proposed development. Away from those centres, the applicant already has a presence in North End and there are no suitable sites either within or edge of centre in Fratton and Southsea.

This site is located approximately equidistant between Portchester Local Centre and the Cosham District Centre with good connectivity by road. The site is also some 250m south of the Paulsgrove/Allaway Avenue local centre adjacent to a footpath link between Marsden Road and Southampton Road which extends further southwards to the Tesco superstore. Connectivity between the application site and the Paulsgrove Local Centre has the potential to facilitate linked trips. It is therefore considered that the proposed retail store would accord with the objectives of the NPPF.

Highway issues

As originally proposed the development of the site would have utilised the existing access/egress points onto Southampton Road providing a one-way system into and out of the site. Vehicle movements into and out of the site would have relied on gaps in traffic and the operation of the adjoining pelican crossing. The applicant also carried out an assessment of the difference in traffic movements associated with the proposed development and the previous use of the site for commercial purposes to identify potential impacts. Historically, the outside lane of the westbound carriageway adjacent to the site allowed for a right turn manoeuvre into the application site and the adjoining Hendy Ford premises. Those lane markings were removed in the interests of improving network capacity notwithstanding the risk of rear end shunts from a comparatively low number of right-turn manoeuvres.

Parking

This proposal would involve the provision of 116 spaces to serve the retail store. The Council has not set standards for acceptable levels of parking in non-residential development anywhere in the city (with the exception of the city centre). Instead, the council has set out guidance on how to determine appropriate parking requirements for non-residential development. This is because the Council considers that parking needs vary significantly for each individual site and land use, and developers should establish the parking requirement and demonstrate why the proposed parking solution is the right one for that particular development.

The applicant has carried out a car park accumulation exercise based on Saturday trading and TRICS data for a discount food store. That exercise indicated that typical base level parking would be needed for circa 85 vehicles. Taking into account contingencies, such as 'specials' day and Christmas and circulation, a minimum of 111 spaces would be needed to service the store for both customers and staff. That level of provision would be comparable to other discount food stores. The proposed level of on-site provision would, therefore, be considered acceptable in this location, and gives an indication of the likely number of traffic movements into and out of the site daily.

Highway network

Prior to the submission of the current details the proposal did not include a right-turn holding facility with a control loop to call the signals to minimise the likelihood of vehicles queueing in the outside lane westbound. The use of the outside lane as a combined right-turn and through lane was considered to have an adverse impact on highway safety from the potential for nose-to-tail end shunts. This was in addition to concerns over the likelihood that the operation of such a junction had the potential to result in traffic attempting to cross two lanes of eastbound traffic. The design and operation of that junction would also have had potential impacts on traffic flows by virtue of queueing traffic in the outside lane which could result in traffic queueing back as far as the Compass Road junction. In view of these potential impacts the applicant further revised the design and operation of the new junction to include a right-turn lane capable of accommodating three vehicles with a control loop to minimise the likelihood of vehicles queueing back onto the outside lane westbound.

Whilst the proposed development would generate an increase in the number of traffic movements on Southampton Road, west and east bound, modelling indicates that the new junction would operate within capacity with an increase in peak-hour queueing but to a level that would not be so significant as to have an unacceptable impact on the operation of the nearby junctions or highway capacity.

The proposed junction

The proposed junction arrangement would involve the widening of the carriageway in order to provide a central right-turn lane, capable of accommodating three vehicles between traffic light stop lines, the creation of a new bell-mouth access/egress adjacent to the south-east corner of the site and the relocation of the pedestrian crossing approximately 15m to the west. To achieve this widening the footpaths on the south and north sides would be narrowed with the greatest reduction on the south side. A minimum width of 2.5m would be maintained on the north side by dedicating narrow strips of land as highway. The extent of those reductions would retain sufficient widths of footpath to satisfy the Highway Authority. The existing bus stop on the eastbound carriageway would be relocated 21m to the west. Whilst the new traffic lights would still switch to red when pedestrians wish to cross, a dwell loop within the right-turn lane would also operate the lights to prevent a tail-back of traffic on the outside lane of the westbound carriageway. An assessment of the analysis of the frequency of right turn movements into the site submitted by the applicant indicates that the proposed arrangement would amount to an acceptable solution. In addition the control mechanisms within the right-turn lane would prevent articulated service delivery vehicles partially obstructing the outside lane for any significant length of time. It was also agreed between the applicant and Highway Authority that the lowering of the maximum traffic speed between Junction 12 and Clement Attlee Way would further improve highway safety in relation to traffic wishing to access the site from the east.

At para 32 of the NPPF it states that "improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe." In this case officers have worked with the applicant to secure a new junction design which overcomes the significant impacts that would have arisen from the original proposal. The delivery of the new junction would be secured by way of a Grampian style condition with the applicant entering into a separate agreement under s278 of the Highways Act. The provision of a financial payment in relation to the preparation and completion of a Traffic Regulation Order to lower the speed limit and secure the installation of new road signage would be secured through a s106 legal agreement.

Design and layout

The NPPF promotes development that is of high quality design and provides a good standard of amenity for all existing and future occupiers. In addition at para.64 it states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The proposed building and layout of the site adopts the applicant's standard approach with the provision of a single storey structure, approximately 5.5m to a parapet, of comparatively simple appearance with a predominantly glazed elevation and cantilevered canopy to the road frontage. The public entrance to the building would be at the south-east corner while the canopy is extended approximately half way along the east elevation above high level glazing. Car parking would be provided to the south and east of the building incorporating legible pedestrian routes into and across the site.

To the west of the site lies the Hendy Ford/Kia showroom and workshops. That site has a used car display on the frontage with a single-storey fully glazed vehicle showroom set some 17m back from the frontage. Beyond the showroom are traditional workshops albeit that the east elevation of the building has been clad with a modern panel system. In contrast the Harbour Gate development to the east of Racecourse Lane comprises a group of modern industrial/warehouse units set close to the Southampton Road frontage to accommodate servicing at the rear. A design feature of those buildings are deep projecting eaves supported in part by sloping steel work that incorporates a brise-soleil.

Whilst the proposed building would be clean and crisp in terms of its comparatively simple styling, its appearance would be functional rather than decorative. Nevertheless, in the context of the street scene it is considered that the proposed building, set approximately 29m back from the road frontage, would represent an appropriate feature and would complement the style and character of prevailing architecture along Southampton Road. The layout of the site would satisfactorily address the needs of both car and non-car users who visit the site, and provides for the provision of servicing at the rear of the building in the form of a dock leveller bay. Service vehicles would be able to manoeuvre within the site without significant conflict with other users of the site. The proposed development would incorporate soft landscaping within the car park and adjacent to the southern, eastern and northern boundaries. Such features would represent welcome additions to a site that otherwise has limited ecological value.

Although outwardly functional with minimal articulation it is considered that the proposed development would, in terms of its appearance relate appropriately to the street scene, while the layout of the site would provide an acceptable arrangement serving the needs of visitors. As such the proposal would be consistent with the objectives of policy PCS23 of the Portsmouth Plan and the NPPF.

Sustainable design and construction

The NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development Policy PCS19 and the SPD on sustainable design and construction sets out the Council's approach to sustainable design and construction and seeks to achieve, in relation to non-domestic buildings. The proposed building would need to be designed to meet the BREEAM excellent standard to which the applicant has expressed the commitment to meet.

A pre-assessment report has been submitted which indicates that the proposed building would achieve a BREEAM 'Excellent' standard including two credits in issue ENE 04 and one credit from issue TRA 03. Whilst Policy PCS15 requires the development to meet the overall 'Excellent' standard the accompanying SPD seeks to achieve two credits in TRA 03 which would be met by the provision of staff showers, changing facilities, lockers and drying spaces. However, the internal layout of the proposed building, and more particularly the 'welfare' area, is such that only a staff locker room is to be provided alongside a staff room, meeting room, manager's office and toilets. Notwithstanding this shortcoming, the pre-assessment indicates that in other areas further improvements could be made to improve the overall scoring from 72.56% to 80.12%. In these circumstances it is considered that the inability to secure two

credits in TRA04 would not render the proposal unacceptable in overall terms. The completion of the scheme to a satisfactory standard of sustainable design and construction would be secured by way of a planning condition.

Other issues

Notwithstanding the comments of the Portsmouth Cycle Forum, this proposal has generated a notable level of support. Nevertheless, the Portsmouth Cycle Forum did raise the issue of highway safety, which is material to reaching a planning decision, in addition to the provision of an access into the site at its north-eastern corner. The latter was investigated by the applicant prior to the submission of this planning application. The provision of a new access would need to incorporate both a staircase and ramps to address the change in ground level in a satisfactory manner, adding to the cost of the development without significantly improving accessibility. Furthermore, there is no registered title to the land between Racecourse Lane and the application site which adds a further complication in delivering an access. In these circumstances the applicant chose not to pursue the matter as part of this application. Adequate facilities would be provided for cyclists visiting the premises and alterations to the highway would ensure the needs of cyclists are addressed.

The applicant has submitted a drainage strategy which is considered acceptable by the Council's Coastal and Drainage Team. Nevertheless, Southern Water have requested the imposition of a suitably worded condition requiring precise details of the proposed drainage works together with an informative in relation to connection. In order to achieve betterment, particularly in relation to surface water drainage, it would be considered appropriate to require further details for approval.

As outlined in the comments provided by the Council's ecologist the proposed development there is very little in the way of habitats that could have any ecological value. The addition of an informative as requested by the ecologist would be considered appropriate in these circumstances.

The council has to improve educational attainment and skills and raise aspirations in the city. It is important to ensure that local people get the right education, skills and inspiration to enable them to get jobs. The council wants to work with developers to ensure that local people have the skills and the opportunity to access employment generated from major new development in the city. Requesting Employment and Skills Plans from major development is one way of achieving this.

The council's Corporate Plan and Regeneration Strategy both recognise the need to improve skills and access to jobs for people in the city. This has been translated into the Portsmouth Plan which states that Portsmouth will need to raise aspirations and diversify the skills of the local workforce in order to continue to strengthen the economy and ensure local people can make the most of new job opportunities that will arise in the city. Policy PCS16 "Infrastructure and Community Benefit" in the Portsmouth Plan seeks to achieve community benefits related to the development. Skills training can be included as a community benefit.

The proposed development is of a scale that, in terms of floorspace and job creation at the operative stage, and Employment and Skills Plan would be requested from the developer. In accordance with normal practice and ESP would be secured through a s106 legal agreement

The Council's Supplementary Planning Document; Car Parking and Transport Assessments sets a threshold of 1000sqm for Class A1 retail use, above which a developer will be required to submit for approval and implement a Travel Plan. The Travel Plan, informed by the Transport Assessment/Statement should address the transport impacts of development by promoting sustainable travel choices and encouraging people to consider alternatives to using their cars. The aim of the travel plan should be to reduce the overall number of single-occupancy car trips

to and from the proposed development. The plan should determine targets to that effect along with specific remedies in the event that these targets are not achieved.

The applicant is committed to reducing reliance on the private car for journeys to work and maximising the potential and opportunities for employees to travel by sustainable modes. In this regard, the applicant has submitted a draft Travel Plan that has been developed with reference to both local and national guidance. The Plan presents a long term strategy for reducing dependence of staff on travel by private car and in this regard the Travel Plan will be an ever evolving document, amended as required once the referred staff travel surveys have been completed. The Plan will then naturally evolve and change as subsequent staff surveys are undertaken.

This approach is considered acceptable having regard to the location of the site, and it is considered that the implementation of a Travel Plan could be secured through a s106 legal agreement.

Conclusion

This proposal has some merit in terms of design, layout and provision of an out-of-centre retail facility, and has the support of residents within the area. The proposed access/egress into the site has been amended to overcome initial concerns in terms of impact on the flow of traffic from right-turn movements into the site and the potential of rear end shunts. As such it is considered that the proposal is capable of support subject to the completion of a legal agreement that secures:-

- (i) a financial payment to cover a Traffic Regulation Order to reduce the speed limit on a section of Southampton Road together with associated works, widening of the cycleway/footway on the south side of Southampton Road,
- (ii) widening a section of footpath adjacent to the relocated bus stop,
- (ii) an Employment and Skills Plan,
- (iii) implementation of a Travel Plan, and
- (iv) payment of associated project management fees.

RECOMMENDATION

Delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Permission** on the completion of a s106 legal agreement as outlined in the report

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
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: SK12 C and SK09 G; P(1)03 B; P(1)02; P(1)07; P(1)04; P(1)05; P(1)06; P(1)08.
3. The development hereby approved shall not be brought into use until such time as the traffic light controlled junction as shown on Drg. Nos. SK12 B and SK09 F has been completed and brought into operation.
4. No works pursuant to this permission 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 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.
5. The development hereby permitted shall not be occupied/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 (4)c that any remediation scheme required and approved under the provisions of conditions (4)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):
- 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 conditions (4)c.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). 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 similar size and species.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A and D of Part 7 of Schedule 2 of the Order shall be built or erected on the application site.
8. Prior to the commencement of development precise details of surface water and foul drainage and its maintenance shall be submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details and thereafter maintained.
9. The facilities for the parking of cars and storage of cycles as shown on the approved drawings shall be completed and made ready for use prior to bringing the development into use, and those facilities shall thereafter be retained.
10. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not provide more than 1,254sqm of net retail floor area.
11. Prior to the commencement of development a store delivery management plan shall be submitted to and approved by the local planning authority in writing, and shall thereafter be implemented in full.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In order to facilitate the formation of an acceptable access/egress arrangement for the site thereby minimising the impact of the development on highway safety and capacity in accordance with the objectives of the National Planning Policy Framework.
4. 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. 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. To secure a satisfactory landscaped setting for the development in the interests of visual amenity of the area in accordance with policy PCS23 of the Portsmouth Plan.
7. To exercise further control in the interests of maintaining an appropriate provision of car parking facilities to meet the projected demand by car users in accordance with policy PCS17 of the Portsmouth Plan.
8. In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.
9. In order to ensure that adequate facilities are provided and retained in accordance with policy PCS17 of the Portsmouth Plan and the Supplementary Planning Document: Car Parking and Transport Assessments.
10. To provide a predominantly food store and to safeguard the vitality and viability of the city's defined network and hierarchy of centres (to promote competitive town centre uses, provide customer choice and a diverse retail offer) based on clear evidence to satisfactorily demonstrate the sequential test and ensure adequate parking and no detriment to the satisfactory operation of the highway network arising from the development, in accordance with policies PCS17 and PCS18 of the Portsmouth Plan and the aims and objectives of the NPPF.
11. In order to ensure that service deliveries would not adversely affect peak-hour traffic flows in accordance with the objectives of policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

2 & 4 PORTSMOUTH ROAD PORTSMOUTH PO6 2AE**CHANGE OF USE TO GYMNASIUM (CLASS D2); EXTERNAL ALTERATIONS TO INCLUDE NEW WINDOWS AND DOORS AND INSTALLATION OF AIR CONDITIONING UNITS TO GROUND FLOOR****Application Submitted By:**

Nexus Planning
FAO Mr Amy Stone

On behalf of:

Anytime Fitness
FAO Mr Ashish Soni

RDD: 14th October 2015

LDD: 10th December 2015

SUMMARY OF MAIN ISSUES

This application has been brought to Committee following a deputation request from the occupier of a neighbouring property.

Site

This application relates to the ground floor units at 2 & 4 Portsmouth Road, located within the secondary frontage of Cosham District Centre.

Proposal

Permission is sought for the change of use of this property to a Gymnasium (Class D2) and for associated external alterations to include new windows and doors and the installation of air conditioning units to the ground floor. This property is currently vacant and boarded up and has remained this way since its construction.

Relevant planning history

In 2005, conditional permission (A*23395/AE) was granted for the construction of an 8 storey building to form two ground floor commercial units (for office use within Class A2/B1(a) or health and medical purposes in class D1) and 84 flats above, with associated car parking, refuse and cycle storage (after demolition of the existing buildings) (amended scheme).

A previous application (14/00418/FUL) for the use of the ground floor as a gym was refused in June 2014 for the following reason:

The proposed D2 use would, by reason of its intended 24 hour operation, generate unacceptable levels of noise and disturbance detrimental to the residential amenities of the occupiers located above. This proposal is therefore, contrary to policy PCS23 of the Portsmouth Plan.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS8 (District centres), PCS17 (Transport), PCS23 (Design and Conservation), PCS14 (A Healthy City).

CONSULTATIONS

Highways Engineer

It is anticipated that the gym would provide employment for 5 permanent staff members. Three of these would be full time and 2 part time.

The site is highly sustainable, next to an improved transport interchange with bus routes located adjacent to the site. Cosham train station is diagonally opposite the site. There are 8 parking spaces designated to this unit, 1 of which is disabled. The main access to the site is from Portsmouth Road. In respect of cycle spaces, there are 28 publically accessible cycle racks located outside the property as provided as part of the original application. The proposed site is located in a highly sustainable location and would not result in any adverse impacts in terms of traffic generation and that the modest provision of parking spaces is considered satisfies the needs of the occupants of the site.

Recommendation: Raise no objection subject to: Prior to first occupation car parking and cycle storage facilities should be provided and maintained.

Environmental Health

Initial response

I have reviewed the noise impact assessment submitted by the applicant's consultants and I can confirm I have no issues with the operation of the air conditioning system and I am confident the proposed mitigation measures should adequately control airborne noise from the gym.

However I have discovered the company runs a similar operation in Basingstoke directly below residential properties and discussions with Basingstoke Borough Council have revealed that they have received noise complaints from residents regarding the impacts from free weights being dropped, which ultimately resulted in a noise abatement notice being served requiring mitigation measures to be carried out to the floor in the free weight area.

Despite the mitigation works being implemented they are continuing to experience problems with impact noise due to the weights being used outside the free weight area.

The company website indicates there is no supervision on site after 20:00hrs Monday - Thursday, 18:30hrs Friday - Saturday and no supervision at all on Sundays, therefore although a sprung concrete floating floor is proposed for the free weight area to mitigate the impact noise from weights being dropped, without 24 hours supervision, it would appear weights are likely to be used outside the free weight area, with a potential for noise nuisance to the residents directly above the gymnasium.

Consequently unless the hours of operation can be restricted or management supervision provided commensurate with the operating hours I must object to the proposed development as the 24 hour operation is likely to impact upon the bedrooms in the residential dwellings directly above the premises.

Further response

I have made further enquiries with the local authorities where the applicant has similar operations to those proposed and have had the following responses.

Basingstoke: A noise abatement notice was served due to impact noise from weights being dropped. Mitigation works have been carried out within the free weights area which initially appeared to have been successful, however they are still having problems with weights being taken outside of the free weights area due to lack of management control when there is no staff on duty.

Sheffield: Situated within a student accommodation block. No records of any problems with the operation of the gym.

Welwyn Garden: No record of any problems with the operation. However there are no attached residential dwellings only commercial premises.

Reading: No record of complaints regarding impact noise from free weights but have problems associated with noise from external sounders on the door entry systems at night and loud music due to customers using portable music systems when there is no staff on duty.

Lambeth: No response. Gym is directly below a residential dwelling

Winchester: No response. Gym is directly below a residential dwelling

Enfield: No response. Gym is directly below a residential dwelling.

I have reviewed the report from the applicant's acoustic consultant and overall I am impressed with the content and the level of detail for the proposed mitigation works outlined in Table 2 page 30 of the report. I have also reviewed the planning applications for all the establishments listed above and I can confirm that the mitigation measures employed was nowhere near as comprehensive as those proposed for this application.

Evidence would seem to suggest that with appropriate mitigation measures it should be possible for a gym to operate in such a location without excessively impacting upon the residential dwellings, however the absence of any management supervision after 18:00hrs or at weekends remains a concern for two local authorities but research indicates this would appear to be common practice in the majority of gyms. I would suggest that the use of portable music systems in a gym would be an unusual event as this would be likely to disturb other patrons and it is more likely that members would use personal music devices and in-ear head phones.

The applicant also claims that any incidents involving misuse of equipment can be identified using CCTV systems and assures us such matters will be severely dealt with under the terms of membership.

Should permission be considered appropriate I would recommend the following conditions:

- 1) All works specified within Alpha Acoustics report no. AA560/30/09/15 dated 11th October 2015 shall be implemented in full and thereafter retained.
- 2) Prior to the commencement of any construction works the final design for the proposed floating floor in the free weight area shall be submitted to the local authority for approval.
- 3) Amplified Music and PA levels within the establishment shall be restricted so as not to exceed LAeq(5min) 75dB within the studio or 70dB at any other position within the premises, 1.5 metres above floor level.
- 4) The door to the studio shall remain closed whilst any activities involving the use of amplified music or PA systems are in progress.
- 5) No amplified music shall be played within the establishment between the hours of 23:00 and 07:00hrs.

To ensure the sound insulation works are implemented as specified I would also suggest we are notified when construction is due to commence and given access to conduct random inspections as the works progress.

Contaminated Land Team

Have reviewed the above application and given the limited scope of the works, a condition relating to land contamination is not required.

When site was remediated, hydrocarbons were isolated beneath hardstanding. As such if any excavations are required extra vigilance and appropriate PPE should be used. The developer is requested to contact this office if they come across any unusual ground conditions. such as odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, inclusions of putrescible materials.

REPRESENTATIONS

Objections have been received from the occupiers of 33 neighbouring properties and from Penny Mordaunt MP on the grounds of: noise and disturbance; lack of parking; increased anti-social behaviour; and no need for gym.

One representation in support has been received from an occupier of one of the flats above the proposed gym who would welcome such a facility.

COMMENT

The determining issues for this application relate to whether the proposed change of use is acceptable in principle, whether in the light of the previous refusal on amenity grounds the proposal would harm the amenities of neighbouring residential occupiers and whether it would have any highways safety implications. Consideration should also be given to the acceptability in design terms of the proposed external alterations and the suitability of the proposed air conditioning units.

Principle of Development

The application site is located within the secondary frontage of Cosham District Centre where policy PCS8 of the Portsmouth Plan applies. This policy states that: 'leisure (D2) and social/community uses will be supported subject to the specific proposals for each district centre'. It goes on to state that: 'in the secondary areas, there are opportunities for town centre uses although residential development will also be supported in principle'. The proposed use is a main town centre use as defined in the NPPF. The lawful use of this property is for purposes within A2/B1a or D1, however this property has not been occupied since its construction. This is supported by the submitted marketing report which demonstrates that this property has been marketed by since early 2011 without any success. This proposal would result in the loss of a non-retail town centre use to be replaced by another non-retail town centre use within the secondary frontage of Cosham District Centre. The proposed D2 use is considered to be acceptable in such a District Centre location and would potentially bring a vacant unit into use, thus making a positive contribution to the vitality and viability of the area. As such, the proposed use is considered acceptable in principle and is in accordance with policy PCS8 of the Portsmouth Plan.

Impact on Amenity

This proposal seeks permission for a 24 hour gym. The application site is located within a mixed use development comprising commercial premises at ground floor level and residential above over 7 floors. It is also within an area of mixed character at the edge of the District Centre.

The previous application was refused on amenity grounds relating specifically to increased noise and disturbance being detrimental to the residential amenities of the occupiers located above the site. This application has been submitted with a view to addressing and overcoming this reason for refusal.

Whilst there are residential properties located above commercial premises opposite the site, the separation distance between these and the application site (25 metres) would reduce the impact of the proposed gym on the occupiers of these properties to a degree where it is considered that the proposal would not give rise to significant harm to the residential amenities of the occupiers of those neighbouring properties.

This application is accompanied by a comprehensive Noise Impact Assessment that includes detailed mitigation measures to ensure that noise generated within the gym would not be transmitted into the residential units immediately above. The proposed measures include the installation of a suspended ceiling, the enclosure and insulation of all vertical columns, beams and pipes, the installation of a sprung floor and the use of anti-vibration mounts to plant or equipment. The submitted noise assessment has been reviewed by the Council's Public Protection Service who have confirmed that if implemented the proposed noise mitigation measures would prevent the transmission of noise within the building. The implementation and retention of the proposed noise mitigation measures can be secured through the imposition of suitably worded planning conditions.

The Environmental Health Officers have raised concerns that the lack of on-site management out of hours could result in unsupervised activities by users of the gym creating noise as has

been the case with a gym run by the applicant in north Hampshire. Other gyms operated by the applicant (within Hampshire and elsewhere) also operate from premises with residential properties immediately above and where no records of any noise problems have been reported. It is considered that the issue known to have caused the identified noise problem (free weights being used and dropped outside of a designated area) could be addressed through additional mitigation that can be secured by condition.

It is considered that having regard to the thorough and comprehensive nature of the proposed noise mitigation measures, which have been enhanced to reduce the potential for noise or disturbance caused by unsupervised activities when the gym is unstaffed, that the previous reason for refusal has been addressed and overcome.

The proposed air conditioning units would be installed externally along the side elevation and internally. The City Council's Public Protection Service have assessed these units and concluded that these are not likely to give rise to any detrimental impact on the residential amenities of any adjoining occupiers. Subsequently, this element of the scheme is considered to be acceptable.

Parking

This property is located in very close proximity to Cosham Railway Station and the Cosham Bus Interchange (within 50 metres). It is therefore, well served by public transport. There are a number of publicly available cycle racks directly outside the proposed use that were installed for the original mixed use development. These would provide suitable cycle facilities for customers using the proposed gym. The proposed use would benefit from 8 car parking spaces (including 1 disabled space) and this is considered to be sufficient having regard to the location of the application site in a District Centre and with such a high accessibility to public transport. The proposed use is therefore considered to be acceptable in highways terms. Whilst the existing parking pressures in the area are noted, it is considered that the highly accessible location of the site would undermine any potential reason for refusal on parking grounds. In coming to this conclusion regard should be had to an appeal decision relating to the site of the former Railway Public House location 100 metres to the north where a reason for refusal on parking grounds for a residential development was not upheld by an Inspector.

Design

This proposal also seeks permission for the installation of new doors and windows to the front, side and rear elevations. These are currently boarded up and do not make a valuable contribution to the wider street scene. The reinstatement of full length windows and associated doors to the front, side and rear elevations is considered to be acceptable and would enhance both the recipient building and the wider street scene. As such, this element of the proposal is considered to be acceptable in design terms in accordance with policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
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: 2548/Location/01; and 2548/CON/02 Rev.F.

3. No works associated with the construction of the proposed floating floor to serve the free weights area shall be carried out until details of its final design have been submitted to and approved in writing by the Local Planning Authority.
4. The use hereby permitted shall not commence until all the noise mitigation and other works specified within the submitted Noise Impact Assessment (by Alpha Acoustics (report no. AA560/30/09/15) dated 11th October 2015) and approved pursuant to Condition 3 of this permission shall be implemented in full and verification of its installation has been provided to the Local Planning Authority.
The noise mitigation measures shall thereafter be retained.
5. All amplified music or other sound transmission equipment operated within the gym hereby permitted shall be restricted to ensure that noise levels do not exceed LAeq(5min) 75dB within the studio or 70dB in any other part of the premises when measured 1.5 metres above floor level.
6. No amplified music shall be played within the premises between the hours of 23:00 and 07:00hrs the following day.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To protect the residential amenities of the occupiers of properties located above the premises in accordance with policy PCS23 of the Portsmouth Plan.
4. To protect the residential amenities of the occupiers of properties located above the premises in accordance with policy PCS23 of the Portsmouth Plan.
5. To protect the residential amenities of the occupiers of properties located above the premises in accordance with policy PCS23 of the Portsmouth Plan.
6. To protect the residential amenities of the occupiers of properties located above the premises in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

MILTON COMMON, EASTERN ROAD, PORTSMOUTH**CONSTRUCTION OF NEW COASTAL DEFENCES CONSISTING OF A ROCK REVETMENT ALONG THE SEAWARD SIDE OF MILTON COMMON AND THREE EARTH BUNDS ON MILTON COMMON TOGETHER WITH THE DEMOLITION OF GREAT SALTERNS QUAY AND ASSOCIATED LANDSCAPING WORKS.**

Application submitted by: Eastern Solent Coastal Partnership (F.A.O. Mr Chris Koster)

On behalf of: Portsmouth City Council

RDD: 26th October 2015

LDD: 16th February 2016

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed and whether the submitted Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme having regard to the international, national and local nature conservation designations in and around the area. Other important issues include the design of the proposed scheme, highway impacts, impacts on residential amenity, and impacts on a safeguarded site within the Hampshire Minerals and Waste Plan.

CONTEXT FOR THE APPLICATION

The applicant is the Eastern Solent Coastal Partnership (ESCP). ESCP is a coalition of the coastal management services across four Local Authorities, Portsmouth City Council, Havant Borough Council, Gosport Borough Council and Fareham Borough Council.

The ESCP produced the 'Shoreline Management Plan' (approved by the Environment Agency in 2010) which identified a 'hold the line' policy for the whole coastline of Portsea Island. This means that the approach to coastal defences should be that the standard of protection should be maintained (or improved) to a '1 in 200 year event' level over the next 100 years.

The ESCP then produced the 'Portsea Island Coastal Strategy Study' (PICSS), which was approved by the Environment Agency in 2011. This strategy covers the whole of Portsea Island and it divided the Island into seven discrete flood cells (meaning that a coastal flooding event within any one cell would not directly impact any other cell).

The PICSS also identified parts of the coastline that are most vulnerable to flooding, it classified two flood cells as 'priority areas', Flood Cell 1 – Southsea, and Flood Cell 4 – North Portsea Island. Both flood cells were identified as having existing defences that were below the recommended standard of protection of '1 in 200 year event' or in poor condition, or both. As part of the initial assessment works, the ESCP identified that some of the structures had less than five years' 'residual life'.

Further work undertaken by the ESCP identified an opportunity to improve the standard of protection to '1 in 500 year event', and this is the approach that the ESCP have chosen to adopt when drawing up options for the new coastal defences.

The two 'priority areas' (Flood Cells 1 and 4) are being progressed as separate schemes. The Southsea Coastal Flood and Erosion Risk Management Scheme ('Southsea CFERM Scheme' - Flood Cell 1) is being managed as a separate project and to a different timetable.

This planning application is part of the larger 'North Portsea Island Coastal Flood and Erosion Risk Management Scheme' (North Portsea Island CFERM Scheme - Flood Cell 4) which is seeking to construct new coastal flood defences and erosion risk management structures around the north of Portsea Island.

The North Portsea Island CFERM Scheme covers more than 8km of coastline around the north of Portsea Island, from the Mountbatten Centre in the west, along Ports Creek, and as far east as Milton Common. In order to manage a project of this scale it has been divided into 'five frontages' and the construction work associated with these frontages is to be phased over the next seven to ten years.

This application is for the works associated with Phase 2 of that larger project.

Planning permission (ref: 14/01387/FUL) was granted in 2014 for Phase 1 - 1.4km of coastline on the north-east corner of Portsea Island, from the railway bridge east to Kendall's Wharf (including either side of the A2030 Eastern Road) and adjacent to the residential area of Anchorage Park. The permission included the construction of raised earth embankments with rock armour on the seaward side, together with wave walls to abut the A2030 Eastern Road bridge to tie into the new embankments. At the time of writing this report the Phase 1 works are almost complete, with works due to finish later in 2016.

THE SITE

This planning application relates to 800m of coastline on the eastern side Portsea Island adjacent to Milton Common.

This application is also seeking permission for the demolition Great Salterns Quay. Great Salterns Quay is located south of Great Salterns House (now a Harvester restaurant) and is accessed from the A2030 / Eastern Road. The Quay is approximately 100m long and 20m wide. The Quay is in a very poor state of repair and has been closed to public access due to safety concerns.

Both the site of the new defences and Great Salterns Quay are located within Flood Zone 3 and adjacent to Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). Milton Common is also designated as a Local Wildlife Site (formerly known as a 'Site of Importance for Nature Conservation' or 'SINC').

The site is also close to the proposed Solent and Dorset Coast SPA (pSPA). The pSPA was designated for consultation purposes on the 21st January 2016 (the consultation closes in April 2016).

The existing coastal defences around the north of Portsea Island consist of a mix of structures, including concrete and earth revetments, concrete walls and rock armour revetments. The majority of the structures were constructed between the 1930s and 1980s. The predominant structure type around Phase 2 is earth embankment with an ad hoc rock and rubble revetment with a small section of vertical concrete seawall.

THE PROPOSAL

Permission is sought to replace existing defences with a rock revetment along the coastline adjacent to Milton Common and the creation of three (3) earth bunds set back on Milton Common.

Permission is also sought for the removal Great Salterns Quay and the land given back as intertidal habitat (returned to mud-flats / part of Langstone Harbour) as mitigation to offset the loss of intertidal habitat from the whole of the North Portsea Island CFERM Scheme. Following

an addendum to the submitted scheme, the ESCP have been exploring the proposal to leave a 3m 'nub' of Great Salterns Quay in situ, rather than removing the whole structure. This reason is that the remaining part of the structure will form part of the existing sea wall (to provide the coastal defence) until the next phase of the coastal defence works (when this whole section of the coastal defences will be replaced). However, this option relies on the stability of the remaining Quay being sufficient and its condition cannot be verified until the demolition works commence. If it subsequently discovered that this section of the Quay is unstable, then the Quay will be completely removed and a temporary sheet pile wall will be constructed to maintain the current standard of flood protection.

The structure type of the new defences on the coastline (the rock revetment) has been designed primarily to stop coastal erosion rather than flood protection although it will still provide a '1 in 200 year' standard of protection. The defences have been designed to prevent erosion of the historic landfill (Milton Common) leaking contaminants into Langstone Harbour.

The height of the new rock revetment will not be higher than the existing ground level. The revetment will also include two sets of steps to maintain the existing access to the foreshore.

Following an amendment to the originally submitted scheme, it is now proposed to alter the alignment of the rock revetment to enable the memorial cairn (known as the 'People's Memorial') to remain in situ on the foreshore.

The proposal does include a '1 in 500 year' standard of protection through the creation of the three (3) earth bunds on Milton Common. The scheme proposes the new bunds are built on the lower ground to link up and tie into the existing higher ground, creating a continuous flood barrier. The three bunds will be located (1) to the north and west of Frog Lake, (2) between Moorings Way and Swan Lake and (3) to the north of University of Portsmouth's Langstone Campus.

The height of the ground across Milton Common varies, with the lowest level approximately 3.2m AOD. The new earth bunds will be built up to a height of 4.7m AOD, which is an increase of between 0.2m and 1.5m over the existing ground level.

Following amendments to the originally submitted scheme, the works also include a new / replacement shared 3m wide footpath / cycle path along the length of the new revetment and across most of the new earth bunds. The scheme also includes landscaping / replacement planting where necessary.

During the construction period, it is proposed to enclose all of the land from Great Salterns Quay, across Milton Common, to the University of Portsmouth Langstone Campus to create a single construction site and enable a haul route to be created across the site. There will be no public access to the foreshore or large sections on Milton Common and no public access to the car park adjacent Great Salterns Quay during the construction period. The public will be directed to alternative footpaths / cycle routes adjacent to the Eastern Road and the section of Milton Common which will remain open.

It is proposed that within the enclosed site, two site compounds would be created (the compounds would contain the site offices, welfare facilities, staff parking and material stockpiles). The main site compound (referred to as Compound A) would be located at the southern end of Milton Common. This compound would be accessed via the existing entrance to Milton Common from Moorings Way, opposite Sanderling Road (the entrance to the common would have to be modified to create a dropped kerb).

The other compound (referred to as Compound B) would be created adjacent to Great Salterns Quay and will be situated in the existing car park, accessed from the Eastern Road. For vehicles leaving this compound there is no right turn onto the Eastern Road. Therefore, the proposal is to have vehicles turn left from the compound onto the Eastern Road, and then turn

right at the first set of traffic lights onto Tangier Road. Vehicles will then be directed approximately 570m down Tangier Road to the car park (adjacent to 263 Tangier Road) to enable the vehicles to turn around and exit the city via the Eastern Road.

There will also be two storage areas located with the construction site, one will be located near the coastline between Frog Lake and Duck Lake and the other will be located at the northern part of Milton Common.

The site contains a number of 'Public Rights of Way' (for example part of the 'Solent Way' - a 60 mile coastal footpath linking Milford on Sea to Emsworth Harbour falls within the site) which would need to be diverted for the duration of the construction period. The diversion routes would follow the existing cycle / footpath along the Eastern Road and alternative footpaths (which are also public rights of way) across Milton Common. Post construction, the Public Rights of Way would be re-opened using the paths created as part of the new revetments and bunds.

To enable the construction of the new defences, existing trees / landscaping would need to be removed to create the haul routes and compounds. The ESCP have committed to find suitable routes that limit the number of trees to be removed and where trees are removed new replacement planting would be provided. The areas used for the compounds and haul routes would also be returned, as close as possible, to their original condition following completion of the construction works.

POLICY CONTEXT

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14). However, as set out in paragraph 119, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. This issue is addressed further in this section and in the comments section of this report.

The application should also be assessed against the development management policies in the NPPF and, in particular, chapters 1 (Building a strong, competitive economy), 7 (Requiring good design), 8 (Promoting healthy communities), 10 (Meeting the challenge of climate change, flooding and coastal change) and 13 (Facilitating the sustainable use of minerals).

In addition, in chapter 11 (Conserving and enhancing the natural environment), the NPPF states the following:

When determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying the following principles (paragraph 118):

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss, and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites, and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), and PCS23 (Design and Conservation), and the saved policy DC21 (Contaminated Land) of the Portsmouth Plan 2001-2011.

The Council's Milton Common Local Nature Reserve Restoration and Management Framework (adopted in July 2015) is also relevant to the determination of this planning application.

The Hampshire Minerals and Waste Plan (adopted in 2013) is also relevant to the determination of this planning application. This plan seeks to protect minerals and waste infrastructure that provides strategic capacity against redevelopment and inappropriate encroachment. In this case, as the proposal would be located in close proximity to a 'safeguarded site' it is important that the potential impacts of the proposal on the safeguarded site are considered. This issue is addressed further in the comments section of this report.

This application is also supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2, Infrastructure Project, 10 (m) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011: '*Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works*', which would be likely to have significant effects on the environment.

As set out in the above mentioned regulations and the 'Planning Practice Guidance' (Department of Communities and Local Government), there are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment (EIA). This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted Environmental Statement will be made in the comments section of this report.

The Marine and Coastal Access Act 2009 also requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the 'UK Marine Policy Statement 2011' (MPS) or subsequent 'Marine Plan', unless relevant considerations indicate otherwise.

The MPS is the framework for preparing marine plans and taking decisions that affect the marine environment and is designed to sit alongside the NPPF. The MPS also sets out that 'the integration of marine and terrestrial planning will be achieved through:

- consistency between marine and terrestrial policy documents and guidance. Terrestrial planning policy and development plan documents already include policies addressing

coastal and estuarine planning. Marine policy guidance and plans will seek to complement rather than replace these, recognising that both systems may adapt and evolve over time;

- liaison between respective responsible authorities for terrestrial and marine planning, including in plan development, implementation and review stages. This will help ensure, for example, that developments in the marine environment are supported by the appropriate infrastructure on land and reflected in terrestrial development plans, and vice versa; and
- sharing the evidence base and data where relevant and appropriate so as to achieve consistency in the data used in plan making and decisions'.

The Marine Management Organisation (MMO) is responsible for preparing marine plans in England and is responsible for marine licensing in English inshore and offshore areas.

As well as submitting this planning application, the ESCP have also made a marine licence application to the MMO. The MMO is jointly working with the Council under the principles of the 'Coastal Concordat' (DEFRA, a Coastal Concordat for England, 11th November 2013), which aims to streamline the planning and licence application process for applicants / developers.

The MMO is the consenting authority under the Marine Works (Environmental Impact Assessment) Regulations 2007 (MWR). This enables the consenting authority (the MMO) to determine that an EIA is not required, if it is satisfied that assessment of the effects on the marine environment from the project has already been, is being, or is to be carried out by another consenting body, in this case the Council as Local Planning Authority.

The MMO have been liaising with the Council to ensure the requirements of the EIA consenting process are sufficiently met in terms of the assessment of potential impacts upon the marine environment. However, they reserve the right to consider a standalone EIA consent decision under the MWR, if they believe the impacts have not been adequately assessed.

Under Regulation 10(4)(a) of the MWR, the MMO must defer reaching its regulatory decision until the other consent body, the Council (as Local Planning Authority), informs the MMO that a decision to grant approval would be compatible with that authority's measures to comply with the EIA Directive / Regulations.

In addition, the MMO has also reserved the right to adopt the role of lead 'Competent Authority' for the requirements of the Habitat Regulation Assessment (HRA) process. This is in-line with the DEFRA Guidance on competent authority coordination under the Habitats Regulations (July 2012).

In this case, the HRA process requires a 'competent authority' to decide whether or not the coastal defence works can proceed having considered the following 'appropriate assessment requirements' to (1) determine whether a plan or project may have a significant effect on a European site, and (2) if required, undertake an appropriate assessment of the proposal and decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment undertaken. This issue is addressed further in the comments section of this report.

CONSULTATIONS

Marine Management Organisation

The proposed works are in accordance with the Marine Policy Statement (MPS) in that it is a sustainable development and is not deemed to cause detriment to our coastal and offshore waters.

The proposed works would be within the 'South Marine Plan' area, which would be the second area in England to benefit from marine planning. At present this plan is not in place, but will inform and guide marine users and regulators, managing the sustainable development of marine

industries, such as wind farms, shipping, marine aggregates and fishing, alongside the need to conserve and protect marine species and habitats and recognise leisure uses.

The MMO reserve the right to adopt the role of lead 'Competent Authority' for the requirements of the Habitat Regulation Assessment (HRA) process.

Environment Agency

The Environment Agency has no objection to this development proposal provided the measure(s) as detailed in the Design and Access Statement submitted with the application are implemented and secured by way of a planning condition on any planning permission. They recommend the following conditions:

Condition 1 - The development permitted by this planning permission shall be carried out in accordance with the approved Design and Access Statement rev.1.0 and dated October 2015, and the following mitigation measures detailed within the FRA:

- The proposed flood bunds located at Milton Common should be set at a level no lower than 4.7 metres above ordnance datum to ensure a continuous defence at or above this level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To provide a continuous flood defence level and provide protection against tidal inundation to areas situated behind the defence.

Condition 2 - Works must be undertaken in accordance with the mitigation measures outlined in Table 5.4 of the WFD Assessment. Specifically works must be undertaken with silk curtains deployed around the full working area. This will ensure sediment dispersal is kept to a minimum. Any changes to the timing and method of the works must be agreed in writing with the Local Planning Authority in conjunction with the Environment Agency prior to the commencement of works.

Reason: The proposed works are located adjacent to the Langstone Harbour WFD water body and WFD Shellfish Water Protected Area. The proposed works are also within 2km of a WFD Bathing Water Protected Area. These areas should be protected during the proposed works.

Natural England

The Conservation of Habitats and Species Regulations 2010 (as amended) Wildlife and Countryside Act 1981 (as amended) - 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.

SPA / Ramsar / SAC: No objection – subject to conditions - Natural England notes that the Habitat Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided and the conditions below, Natural England concurs with this view.

- Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate impacts of the designated sites. In particular, the CEMP will include a methodology for the construction, use and removal of the temporary haul road that will be located within the designated sites. The methodology will ensure that the road material will be such that it will be fixed in place for the duration of the works and will not disperse outside of the road footprint. The road will also be removed completely prior to 1 October. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
- No works pursuant to this permission, including the creation and removal of the construction site compounds and haul routes (but excluding landscaping), shall take place within the sensitive overwintering bird period (October to March inclusive), unless otherwise agreed in writing with the Local Planning Authority.
- Prior to the commencement of the development hereby approved, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate impacts of the designated sites. In particular, the LEMP should include: the replacement of planting along the coast that was removed for the construction, a species list, the timing and methodology of works. Once approved, the Landscape Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

SSSI - No objection – with conditions (as above) - This application is in close proximity to Langstone Harbour Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Langstone Harbour is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Langstone Harbour Board

Have no objections to the proposals, however is surprised by the amendment to scheme which realigns the coastal defences to accommodate the unconsented structure which is the 'memorial cairn'.

In the drawing supplied with the addendum, a flight of steps leading down the defences to the foreshore are included north of the cairn's location. If it is in fact necessary to include these steps then it is recommended that their location is moved south so they are directly perpendicular to the cairn itself. This is likely to greatly minimise the amount of trampling of intertidal area that occurs by people descending the defences to inspect the cairn close up.

Archaeology Adviser

The Environmental Statement (Chapter 13) states that "An archaeological mitigation strategy has been prepared and will be observed during construction", Appendix T (para 3.2) sets out this mitigation strategy and Appendix J the construction method. It states that in view of the lack of archaeological evidence found during monitoring on works so far to the north and the limited scale of the current proposed works "it is proposed that no archaeological watching brief is put in place for the phases 2 works". It is proposed that the operators on site (non-archaeologists) will report any archaeological evidence encountered and that the County Archaeologist will attend and prescribe any necessary archaeological work which will then be commissioned.

It is asserted that the monitoring that has been associated with phases to the north has not produced any archaeological results. However, no report has been submitted to this effect so far and the Environmental Statement indicates that such a report is yet to be written and submitted. The planning authority is being asked to accept a mitigation strategy based upon evidence not yet available to it. The works are described as limited in scale, but appendix J which describes those works indicates that the existing rock wall will be replaced by a new rock wall that will go deeper than the current beach level. The impact zone will be along the whole foreshore to a width of 10 metres.

The applicant could be requested to provide the negative watching brief report that they rely on to show that the watching brief to date has not been an effective tool or has been an effective tool but has only demonstrated the absence of archaeological evidence. The applicant should also be asked to clarify in what way the proposed works are less likely to encounter archaeological remains than the works to date.

Previous and current concern is that works along the foreshore, which is modelled to be archaeologically rich from the evidence available elsewhere in the Solent Harbours, but notably Langstone Harbour, as set out in the archaeological desk based assessment referred to in the Environmental Statement. The applicant should fully satisfy the planning authority that the mitigation strategy of not carrying out an archaeological watching brief is the appropriate response. At present it is not entirely clear that this is the case.

If this is not possible within the available timeframes, the planning authority could attach an archaeological condition to any planning permission which might be issued. This should secure a continuation of the archaeological watching brief of the preceding phases unless or until the applicant has demonstrated to the satisfaction of the planning authority, that there would be no archaeological merit to such a watching brief.

Ecology

It is noted that Natural England (NE) have provided comments in relation to the likely impact of the proposed works on the SPA, Ramsar, SAC and SSSI, and would support their assessment and requested conditions in relation to these impacts.

Milton Common Local Wildlife Site (LWS) will be directly affected by the work, resulting in a short-term net loss of LWS habitat. The submitted Extended Phase 1 Ecological Survey (HCCET, November 2015) presents several options to mitigate for this impact (and manage non-native invasive species). At this stage, the final decision on site restoration could be left to condition and it is noted that NE have requested a condition as follows "*Prior to the commencement of the development hereby approved, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority*". It is therefore request that this condition is expanded from that requested by NE to also incorporate the Milton Common LWS restoration. Possible condition wording may be:

- Prior to the commencement of the development hereby approved, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate impacts of the designated sites,

including Milton Common Local Wildlife Site (LWS). In particular, the LEMP should include: the replacement of planting along the coast that was removed for the construction and affected area of the LWS, a species list, the timing and methodology of works. Once approved, the Landscape Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Protected Species - the impacts on badgers, nesting birds and reptiles and amphibians have been identified. These impacts can be appropriately resolved whilst adhering to broader ecological mitigation (notably avoiding works in the winter period for over-wintering birds), providing the identified mitigation (particularly timing of the works) is closely adhered to.

However, this could be further clarified and secured through the provision of a Construction Environmental Management Plan (CEMP). It is noted that a CEMP has been separately requested by Natural England, to be secured through condition, and would therefore simply request that a similar condition relating to the contents of the CEMP be included, requiring the incorporation of impacts on protected species. Possible condition wording may be:

- Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate impacts on protected species, specifically badgers, nesting birds, reptiles and amphibians. The CEMP will include detailed timings of the works, to include a phased approach to vegetation removal within the site area, removing above-ground vegetation suitable for nesting birds between September and March, followed by sensitive clearance for reptiles and amphibians of remaining vegetation during times when the identified species are active (broadly, April to October) in accordance with the methodology presented in Section 5 of the submitted Extended Phase 1 Ecological Survey (HCCET, November 2015). Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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.

In response to amendments to the application and comments received from other parties, we offer the following comments. *Impacts on breeding birds within Milton Common Local Wildlife Site* - Milton Neighbourhood Forum have raised concerns relating to breeding birds, specifically mute swans and moorhen, believed to be breeding at Duck Lake. The concern raised relates to the need for these species to access Langstone harbour for foraging and the potential for the proposed design to prevent access in future.

Mute swans are fully protected under the Wildlife and Countryside Act 1981 and it is an offence to intentionally injure, take or kill a wild swan (and eggs) and nests of swans are also protected. Moorhens are protected under Schedule 2 of the Wildlife and Countryside Act 1981.

It is not considered likely that the proposed design will act as a barrier to these species in accessing Langstone Harbour once the defences are constructed and in operation. This is due to the form and (gentle) slope of the proposed defences. The need for these species to access Langstone Harbour is also difficult to substantiate and, at present, the use of the path along the coast will currently result in disturbance of these species in moving between the lakes and the coast. No further design changes are considered to be required at this time.

During the construction phase, the area of lakes (including Duck Lake) will be encircled by temporary fencing. This is likely to interrupt any ground movement of birds between this area and the harbour. As a Construction Environmental Management Plan (CEMP) has been requested as a condition, it is likely that consideration could be given in this document to monitoring and managing any impacts which may arise.

The Hampshire & Isle of Wight Wildlife Trust has raised concerns relating to impacts on breeding birds within Milton Common LWS. The submitted Extended Phase 1 Ecological Survey identified that the site is considered to exhibit high potential for supporting a range of common and widespread and localised breeding birds, including the Schedule 1 Cetti's warbler. The proposed footpath diversion may result in an increased level of disturbance along the proposed route, including from dog walkers, although it should be noted that the encircled areas of the lakes will be isolated from disturbance at the same time. As a Construction Environmental Management Plan (CEMP) has been requested as a condition, consideration should be given in this document to the provision of signage (control of dogs) and appropriate measures to minimise any additional impacts on breeding birds within the LWS.

Opportunity for ecological enhancement from retention of part of Great Salterns Quay - The Hampshire & Isle of Wight Wildlife Trust consultation responses have identified the potential value in retaining an isolated (island) area of Great Salterns Quay which could provide an additional high tide roost within Langstone Harbour. This proposal is supported as an opportunity for ecological enhancement which would provide a potentially valuable resource in addressing the impacts of climate change and coastal squeeze. The ESCP are encouraged to investigate this opportunity further and would suggest, similarly to the landward extent of the Quay, a final decision on retention of a suitable feature could be taken later on during project delivery if full confidence on engineering practicalities and material suitability are required.

Southern Gas Networks

There are low / medium / intermediate pressure gas mains near the proposed 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.

Highways Engineer

Within Phase 2 is the A2030 / Eastern Road access route, one of three road links onto the island and is a dual carriageway. It carries approximately 50,000 vehicles each day. During construction, there will be a need to occupy various areas around the main construction site as haul roads, materials storage compounds and site facilities and offices.

The Phase 2 frontage is not bounded and there is free cycle and pedestrian movement and access from both ends of the construction area and past Great Salterns Quay.

The nearest station to the works is Fratton Station which is a two mile walk from the midpoint of the scheme.

Number 13 bus route, which passes through Moorings Way and Locksway Road, also serving Langstone Students' Village (University of Portsmouth). The closest stops to the scheme are in Moorings Way. Fratton Train Station is also accessible using this bus route.

Access to Great Salterns Quay can be reached by car. Its only access point is by Eastern Road and there is a car park situated on the Quay itself. Cyclists and pedestrians are able to reach the Quay via the cycle route that runs alongside Eastern Road.

Access to the Milton Common frontage is by Eastern Road and Moorings Way. Vehicles can park within Moorings Way and the associated road network. Cyclists are able to get to the site using the road network, and the existing paths and tracks within Milton Common are suitable for off-road bicycles.

There is a network of paths across Milton Common and a Public Right of Way that runs along the coast. In addition to this, there is a shared cycle and pedestrian path that runs along the length of Eastern Road. All the roads within Phase 2 have associated pedestrian pavements.

Any closed or altered footpaths will be diverted, and then reinstated at the end of the construction phase.

Following the submission of the addendum report (the 'in-combination' assessment with Southern Water's planned works at Fort Cumberland), it is noted that the works at Milton Common are programmed to last approximately 6 months, with the rock work estimated to last 3 months. Assuming the same time scales for the works at Fort Cumberland the number of combined rock deliveries is approximately 10 deliveries per day along the Eastern Road. Access to Milton Common via Moorings Way will not be affected by the combination of the two projects.

During the three months of rock and earth construction, there is estimated to be 20 deliveries per day. The Eastern Road accommodates high traffic flow, with approximately 50,000 movements per day, and the addition of combined deliveries is considered insignificant.

Raised No objection subject to:

- The Highway authority will be seeking working methods which can be used to minimise the impact of vehicular traffic to the site.
- Details of routes to be used by construction vehicles. Restrict road delivery times to avoid peak traffic flows. Large deliveries will be co-ordinated to avoid busy peak traffic periods. Any abnormal loads must adhere to noticing requirements. Traffic movements would also be required for the transport of the material arising from the removal of the existing revetment and from site set-up, mobilisation and demobilisation
- Localised road closures will be required to ensure work can progress safely, and this must be programmed in advance to ensure it does not clash with other works on the network.
- Usage by drivers, buses, visitors, pedestrians and cyclists must be considered, and their optional routes need to be considered when diversionary routes are needed.
- Traffic routes to be set away from sensitive locations, where possible.
- Pedestrian - diversions of pedestrians routes wherever possible for the duration of works. To provide alternative routes where possible. Maintain segregation between site traffic and the public.
- Construction management plans should include measures to control traffic accessing the area and to ensure that deliveries do not arrive at inappropriate times.
- The construction period is expected to include days when planned events make Portsmouth's roads particularly busy. Advance liaison with Portsmouth City Council would be required to ensure that planned events causing special traffic conditions would be accommodated.
- Minor approach roads should be surveyed, pre and post construction to document their condition.

Environmental Health

There are no concerns associated with the proposed development in terms of noise or air quality. Therefore, we have no comments or recommendations.

Contaminated Land Team

The scheme involves the removal of Great Salterns Quay and the reuse of inert material to form bunds topped with clean topsoil on the disused landfill at Milton Common and the continuation of the replacement revetment along the coastal footpath from the Phase 1 area. Since the Environmental Statement was written, the scheme has evolved and no longer requires intrusion into the surface of the landfill and there is a possibility that some of Great Salterns Quay will be retained. Once the final design is decided then the Contaminated Land Strategy (as found in

Appendix K of the Environment Statement) should be updated and resubmitted, and the required Method Statement for the works written.

The approach for checking soil quality as described in the Contaminated Land Strategy is acceptable to this office, but this should be updated to match final scheme. The report should be supplemented with a site survey completed prior to works to ensure that the project, as planned, will be able to progress as intended - the capping soil is variable and material protrudes from the surface and restricts access. The assessment should include consideration of bearing capacity of the landfill and demonstrate that the landfill will not be disturbed either during works or by the addition of the bunds.

The requested Method Statement will also need to include details of how the operations will be conducted. It should show the designated areas for storage of materials etc. including measures to ensure that the landfill will not be disturbed. The approach in the Method Statement will need to be mirrored in the Contamination Mitigation Strategy to be followed by the principal contractor to manage the risks and impacts of existing contamination. This document also should be submitted. The Method Statement will describe the process of the selection of soils, their segregation, storage areas, and testing and disposal. The testing of the soils used in the land raising behind structures should be detailed, the imported cover soils must also be tested in-situ at end of works to demonstrate that the project has been completed.

If the LPA is so minded to grant permission, recommend that suitably worded conditions (to ensure the above) should be placed on the permission.

Arboricultural Officer

There are no significant trees within the proposed work area that would merit TPO protection or retention. Proposals for clearance and remediation have been discussed and agreed in principle during site visits.

RSPB

We were involved in earlier discussions of the wider scheme and are generally satisfied with the measures put in place to protect the designated nature sites. As detailed it is important that the works are undertaken outside of the winter period to minimise disturbance to wintering birds.

It is noted that potential changes in recreational disturbance on the Special Protection Area resulting from the proposals has been considered in the assessment of the potential impacts. The layout and landscaping of the new coastal defences has a potential to influence how recreational users make use of this section of coast. It is detailed that access along the coastal front is anticipated to remain the same. The cross section showing the proposal along Milton Common illustrates low vegetation between the path and the rock revetment, potentially this may act to keep people, and particularly dogs, on the path limiting their disturbance to the intertidal. Consideration of potential means for reducing recreational impacts on the SPA are encouraged, choice of planting, size and density when introduced and maintenance of this will have bearing on the potential for the vegetation to act as a barrier to the intertidal.

As part of the measures to mitigate recreational disturbance to the SPA, the city council proposed Milton Common as Suitable Alternative Natural Greenspace (SANG) and it will be important that the implications of this proposal for Milton Common have been considered, as they may have bearing on its ability to mitigate recreational disturbance.

Hampshire & Isle of Wight Wildlife Trust

Having reviewed the supporting documentation we would like to make the following comments. *Design and Access Statement* - Paragraph 5.4.1 Vegetation Clearance states that vegetation clearance will take place during the winter months to avoid impacts on nesting birds, however it goes on to state that "a complete cut to ground level will occur from late February 2016 onwards...at this time, reptiles will also be active and able to move away". This statement is

factually incorrect, since in February very few, if any reptile species will be active. Paragraph 5.2.5 of the Extended Phase 1 Ecological Survey (Appendix S of the Environmental Statement) provides some sensible suggestions for mitigating impacts on reptiles, but does not include any timing for when the work should be carried out. As a general rule common lizards and slow-worms do not become active until April, but the exact time will depend on the ambient temperatures, and therefore a cautious approach should be adopted until temperatures have warmed up and there are no overnight frosts. We recommend that further advice is sought from the retained ecologist on this matter.

Great Salterns Quay - We have no concerns with the removal of Great Saltern's Quay and welcome the small increase in intertidal habitat that will be created by its removal. However, we question whether it would be possible to create a new wader roost, either in the location of the quay, by leaving the furthest part from the shore in-situ or in another suitable and undisturbed location along the sea wall. You will no doubt be aware of the long standing redshank roost at Kendall's Wharf, and the threat it is under as a result of the owners wishing to extend of the wharf and expand operations. The creation of a new roost may help resolve that long-standing issue, and provide a suitable roosting location in the event of sea level rise.

Conclusion - The Wildlife Trust has been aware of these proposals through engagement with the Project Steering Group. We are generally content with the scope of the works and the measures that have been put in place to avoid impacts on the designated nature conservation sites. We would however welcome the creation of new habitat that may become used as a roost for wintering wading birds and seek clarification of potential impacts on reptiles and statements included in the Design and Access Statement.

Following the addendum to the application, we would offer the following comments. *Public Rights of Way* - We fully appreciate the reasons why the public right of way along the existing seawall will need to be closed and accept that the path will need to be diverted through Milton Common. This diversion has the potential to impact on breeding bird species within Milton Common through increased recreational pressure. Will mitigation measures, such as a 'dogs on lead policy', be introduced to ensure that breeding birds are not impacted?

Southern Water's Coastal Defence Works - We are pleased to see that the in combination effects of this project and Southern Water's coastal defence works have been considered.

Great Saltern's Quay - With regard to Great Saltern's Quay, we would again like to re-iterate our desire to see the retention of part of the Quay if possible since we consider that this could serve as an additional wader roost in the Harbour, and would welcome the opportunity to discuss this further if required.

Mineral and Waste Authority

The adopted Hampshire Minerals and Waste Plan (2013) includes a number of policies relating to minerals and waste safeguarding. The proposal is located within the Minerals Consultation Area (MCA), which flags up

- areas of known minerals resources (Policy 15),
- safeguarded minerals and waste infrastructure (Policies 16 and 26) and
- safeguarded potential minerals and waste wharves and rail depots (Policy 34).

These policies are in line with national planning policy, which sets out the importance and requirement to safeguard mineral resources as well existing minerals or waste infrastructure.

Mineral resources can only be worked where they are found, and development can therefore sterilise the supply. To prevent this, Policy 15 of the Minerals and Waste Plan seeks to protect these resources from sterilisation.

The proposed sea defences affect an area identified as a safeguarded mineral resource (sharp sand and gravel). However, there is existing Borehole data provided by the BGS, which shows that there is limited opportunity to recover minerals due to the absence of viable aggregate in this area.

Therefore, Policy 15: Safeguarding - mineral resources is satisfied, since it can be demonstrated that the sterilisation of mineral resources will not occur.

Coastal and Drainage

The surface water sewer (a Southern Water asset) serving a large part of Milton, runs along the southern perimeter of the site and is close to the proposed site compound. It is imperative that throughout the duration of the works, and following completion, the surface water sewer remains functional without interruption.

This and any other outfalls encountered that discharge seawards need to be investigated prior to work commencing and where necessary appropriate works are undertaken to ensure functionality is not compromised.

REPRESENTATIONS

At the time of writing this report, two letters of representation have been received. One from the Portsmouth Cycle Forum, who raise concerns over the width of the proposed footpath adjacent the coastline. They state that the application (as originally submitted) proposes a 2m wide path along its entire length and that this is not sufficient width for a shared foot and cycle path although they state the entire path need not be widened but would like to see widened sections to enable social gatherings / meeting points to remain.

The other representation is from the Milton Neighbourhood Forum, who object to the design of new rock revetment adjacent to the coastline. Their concerns **specifically relate to the access to the foreshore for birds (such as Swans and Moorhens)** which breed in Duck Lake and then take their young to the sea for feeding. They have requested that a sloped access be provided at the northern end of Duck Lake to allow these birds to walk onto the shoreline.

COMMENT

The main issues to be considered in the determination of this application are:

- whether the principle of the development is acceptable in the location proposed;
- whether the submitted Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme and, where appropriate, sets out the measures to avoid, reduce and, if possible, offset any major adverse effects of the development;
- whether the design of the scheme is acceptable;
- whether the proposal would have a significant impact on Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site), and Milton Common Local Wildlife Site (formerly known as 'Sites of Importance for Nature Conservation');
- whether the proposal would have a significant impact on the safeguarded site in the Hampshire Minerals and Waste Plan;
- whether the proposal is acceptable in highway terms, including during the construction period, and
- whether the proposal would have any significant adverse impacts on the amenity on nearby residents.

Principle

As identified in the Portsmouth Plan, new coastal defences are a key piece of infrastructure required to support the wider economic growth and development of the city, and to protect existing residents and businesses. In addition, the Council's own coastal defence strategy for the city (as set out in its Shoreline Management Plan) is to 'hold the line' in terms of protection from flooding and coastal erosion, and thus prevent parts of the city becoming permanently lost to flood waters.

This application represents Phase 2 of the larger 'North of Portsea Island CFERM' project to deliver those new coastal defences. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Portsmouth Plan, in particular Policy PCS16 (Infrastructure and Community Benefit), and be of significant benefit to the city as a whole.

Environmental Statement

The application is accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are: coastal processes, flora and fauna, information associated with the Habitats Regulations Assessment, fish and shellfish ecology, landscape and visual amenity, water environment, archaeology and heritage, noise and vibration, traffic and transportation, ground conditions and land quality, health and air quality, amenity, recreation and socio-economics, and commercial and recreational navigation (some of these issues are discussed further in this report). The Statement concludes that, overall, the Phase 2 scheme is considered environmentally acceptable following implementation of the required mitigation. It also states *'whilst there will be short-term, localised impacts on the environment, a full recovery is expected. In addition, the scheme will provide:*

- *wider environmental benefits, such as:*
 - *protecting the harbours from uncontrolled pollution incidents resulting from the flooding or erosion of potentially contaminated land;*
 - *helping to reduce disturbance to birds through improved screening;*
 - *providing opportunities for the colonisation of rare flora and fauna within sections of the proposed defences;*
 - *the new defences will require limited ongoing maintenance; therefore future disturbance to the environment will be avoided.*

It is considered that the likely environmental impacts of the development have been adequately assessed in the ES and subject to the imposition of appropriate conditions to secure the mitigation measures are considered acceptable. The various chapters of the ES are addressed further in the following paragraphs.

Design

The design of the new defences is a rock revetment on the eastern (seaward) side of Milton Common and three earth bunds to tie into the existing higher ground on Milton Common to act a flood barrier. The new earth bunds will be built up to a height of 4.7m AOD, which is an increase of between 0.2m and 1.5m over the existing ground level.

The application includes a detailed description, drawings and other images (included in the submitted Environmental Statement) of the design options that were explored for the new defences and reasons why the preferred option was chosen (this design selection process also included consultation with local residents and other stakeholders). In addition, and as discussed

further in this report, the location and design of the new defences is constrained by the international and national nature conservation designations protecting Langstone Harbour.

As with the Phase 1 scheme, it is recognised that the creation of the new defences would undoubtedly have a significant visual impact on their immediate surroundings. Whilst the proposals include new landscaping and planting to mitigate the impact (such mitigation is considered necessary and appropriate and would be secured via a suitably worded condition), it would take time for this to become established so for a period of time the new defences would appear as a stark contrast to the existing. However, it is considered that the design solution put forward, when considered in conjunction with the submitted Environmental Statement and other material considerations, is appropriate and acceptable for this location.

The inclusion of the footpaths (and the subsequent amendment to widen the paths to 3m), and particularly the new footpath at the northern entrance to Milton Common across the earth bunds, as part of the design of the new defences is also considered to be a significant benefit of the scheme.

In light of the above, it is considered that the proposed design of the defences would be acceptable when considered against the NPPF, the MPS, local planning policies and other material considerations.

Impact on nature conservation and water environment

The site for the new defences is adjacent to and within Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Wetland of International Importance under Ramsar Convention (Ramsar Site). These designations highlight the significance of the flora, fauna (including rare and vulnerable birds) and wetland habitat in the area. For example (and as highlighted in the Phase 1 works), research has shown that Langstone Harbour forms part of the overwintering site for over 5% of world's population of Dark-bellied Brent Geese, as well as being a site of international importance for the Black-tailed godwit, Dunlin and Redshank.

The site is also close to the proposed Solent and Dorset Coast SPA (pSPA). As part of the recommendation for the pSPA, Natural England, upon reviewing information on breeding seabird data within the Solent and Dorset Coast have identified a marine area and species that need to be considered for protection. The recommendations propose a new marine designation for 3 species of bird; Common, Sandwich and Little tern.

There are already four SPAs within the Greater Solent that are designated for breeding terns, including the Langstone Harbour SPA (for Sandwich and Little tern). The new SPA covers the area that the breeding terns use for foraging during April - September. Natural England have stated that whilst management measures are already in place in this foraging area due to the existing SPA, the classification of this new site will provide clarity to stakeholders about the areas the terns forage within and the species that require consideration.

Milton Common is also a 'Local Wildlife Site' (for the purposes of Chapter 11 of the NPPF and Policy PCS13 of the Portsmouth Plan), due to the presence of a diverse range of grassland habitats, the presence of notable species, such as the nationally rare or scarce Slender Hare's-Ear (*Bupleurum tenuissimum*), Yellow Vetchling (*Lathrus aphaca*) and Toothed medick (*Medicago polymorpha*) and the habitat supports a large variety of birds (including internationally and nationally protected species).

As previously stated, the applicant has provided an Environmental Statement (ES) which assesses the potential environmental effects of the development on the bird population in the area. The ES highlights that the greatest impacts of the proposal could occur during the construction phase and in particular that disturbance would be caused by the excavations and creation of the earth bunds. The ES submitted recognises that to reduce the impact on this significantly important site for birds no construction activity can occur during the most sensitive

overwintering bird season (October to March) and other mitigation measures, such as the use of silt curtains, are required to reduce the impact of the works. Therefore, it is considered that to prevent any significant adverse impacts to the bird population in this area, it is necessary and appropriate to secure the proposed mitigation measures via suitably worded conditions.

It should be noted that the ES was produced prior to very recent consultation on the pSPA (covering the Solent and Dorset Coast). As the proposed coastal defence works are not within the designation area of the pSPA and that the pSPA is designed to complement the existing Langstone Harbour SPA, it is considered that this planning application has adequately assessed the impact on the protected birds and proposes suitable mitigation measures (which can be secured via suitable worded conditions) which would prevent any significant adverse impacts.

The ES identifies the potential significant impacts to the water environment (including fish, shellfish and other ecology) in the area from the construction processes, such as impacts to water quality, localised pollution of water and increase in suspended sediment. Again, the ES puts forward a number of mitigation measures to reduce the potential significant adverse impacts, these include ensuring the construction works are undertaken at low tide, the maximum working footprint for access purposes should be 10m seaward of the toe of the existing defence line on Milton Common and 20m seaward of the toe of Great Salterns Quay, construction machinery to use biologically degradable hydraulic oils and the use of silt traps / curtains (to prevent disturbed sediments migrating into the wider harbour and sensitive areas). Whilst it is recognised that the impacts cannot be avoided completely, it is considered that the mitigation measures put forward are necessary and appropriate (and can be secured via suitably worded conditions).

In addition, it is recognised that whilst the removal of Great Salterns Quay is a significant environmental benefit (and will act as mitigation for the loss of intertidal habitat for later phases of the North Portsea Island CEFM scheme) it could have an impact on the existing intertidal habitats as a possible depression / channel could form in the location of the Quay, which could have an impact on coastal processes. To avoid any negative impact, the ESCP intend to monitor the level of the mudflats before and after the demolition of the Quay (and continue to monitor the mudflats for six months post demolition). As above, it is considered that because the potential impacts cannot be avoided completely, it is necessary and appropriate to secure the monitoring works (and potential mitigation measures) via a suitably worded condition.

The comments from the Hampshire & Isle of Wight Wildlife Trust (to retain part of the Quay as a high tide roost site) are noted and such a proposal would be considered an enhancement. However, retaining part of the Quay would be subject to its structural integrity and potentially contaminated material within the Quay. Therefore, it is considered that such a proposal could not be required (as it is not a mitigation requirement) but that the ESCP are encouraged to investigate this opportunity further once they are on site and in further discussions with the MMO as part of the marine licence (other issues associated with the retention of part of the Quay would be covered by the previously recommended condition related to the monitoring works and contaminated land conditions referred to below).

The ES also identifies that the construction works could open up new pathways between the existing potentially contaminated land and sensitive receptors, such as the intertidal and water habitats (albeit any excavations at the edge of Milton Common, the former landfill, will be limited and the earth bunds will act as a cap on top of the existing land). Whilst, some intrusive ground investigation works have been undertaken which identify that contaminants are present given the scale of the scheme it has not been possible to sample the entire areas. Therefore, the ES recommends a number of mitigation measures which include the creation of a method statement and sampling plan for testing and monitoring the land for contamination, verification submissions and ensuring any imported materials to the site are free from contaminants. It is considered that the mitigation measures proposed are necessary, reasonable and appropriate given the nature of the works proposed (i.e. the construction of the new defences would involve limited excavation and any undisturbed potentially contaminated land would be capped) and can be

secured via suitably worded conditions. Furthermore, it is considered that the completed scheme would be of significant environmental benefit as it would reduce the risk of pollution to this important Harbour from the flooding or erosion of this potentially contaminated coastline.

It is important to note that the design of the new rock revetment includes two access / egress points onto the foreshore via steps. As highlighted in the submitted ES, the inclusion and design of these steps has been a fine balance between continuing to provide a safe access / egress to the Harbour and limiting access to the foreshore to prevent disturbance to the intertidal habitat. It is considered that the ESCP have found the right balance, as they are maintaining access points primarily for safety reasons and they are not providing a solution which would necessarily encourage additional access / disturbance to the foreshore.

The ES identifies potential significant impacts on the intertidal vegetation and grassland / scrubland on Milton Common during the construction. These impacts include direct loss of the vegetation from machinery access to the foreshore, the removal of the existing defence structures and the creation of the site compounds and haul routes. The ES notes that most of the rare and scarce species of vegetation are located outside the direct working / scheme areas. Although, the ES states that strict controls on the access route to the foreshore would be put in place during the construction.

On Milton Common, whilst there will be a loss of vegetation it is not expected to be long lasting and there are a number of mitigation measures which can be put in place, such as direct transplantation, to minimise any impact.

The ES recognises that even with the mitigation measures in place disturbance to and loss of intertidal and landward vegetation cannot be totally avoided and that annual monitoring of the recolonisation of the new structures would be required to ensure the long term success of the replanting / relocation of the vegetation. It is considered necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure there are no significant adverse impacts to the local environment.

In addition, it is noted that Japanese Knotweed has been identified within the dense bramble dominated scrub on Milton Common, the ES recognises that measures will have to be put in place to ensure this species does not spread (it is unlawful to allow this species to spread) but it is also recognised that the proposed works can be significantly beneficial in the removal of this existing non-native plant.

Linked to the removal of vegetation, the ES also identifies the potential impact to other protected species, such as slow worms and common lizards, as these live in and around the existing defences / scrubland. However, the ES only identifies a small population of reptiles therefore the mitigation measures proposed include habitat manipulation rather than fencing / trapping / relocation. It is also proposed that recolonisation does not take place until the new defences are completed and the area is regularly monitored / maintained to ensure the site remains inhospitable to these species during the construction works. It is considered necessary and appropriate to secure the mitigation measures via suitably worded conditions to ensure there are no significant adverse impacts to these protected species.

The concerns, raised by the Hampshire & Isle of Wight Wildlife Trust, relating to impacts on breeding birds within Milton Common are noted (and are addressed in the submitted ES and Extended Phase 1 Ecological Survey) and whilst during the construction phase there may be increased level of disturbance including from dog walkers (as the other footpaths / Public Rights of Way will not be available) there will be areas (around the lakes) which will be isolated from any disturbance. In addition, it is considered reasonable and necessary to secure a Construction Environmental Management Plan (CEMP) via suitably worded condition. The CEMP would consider appropriate measures, such as the provision of signage (control of dogs), to minimise any additional impacts on breeding birds within Milton Common Local Wildlife Site.

Whilst the desire of the Milton Neighbourhood Forum to provide a sloped access to the foreshore for young birds (such as Swans and Moorhens) is noted, such a facility is not currently provided and, as highlighted by the Council's own ecology adviser, it is not considered likely that the proposed design of the rock revetment will act as a barrier to these species in accessing Langstone Harbour once the defences are constructed (due to the form and gentle slope of the proposed rock revetment) and the need for these species to access Langstone Harbour is also difficult to substantiate.

Furthermore, it is considered that providing a ramped access to the foreshore could be significantly more detrimental to this protected environment. As it is considered such an access would require more of the intertidal habitat to be removed and would appear to openly encourage access / disturbance to the foreshore (such an access could not be designed / restricted for the use of birds only) which as highlighted previously in this report is a finely balanced issue.

Overall, it is considered that the proposals would be consistent with the Council's Milton Common Local Nature Reserve - Restoration and Management Framework (adopted in July 2015), and be of significant benefit by creating an additional footpath directing people away from the coastline and onto the Common, and creating planting between coastal footpath and the rock revetment which will help limit the disturbance to the intertidal habitat.

As previously stated, the proposal includes work adjacent to and within Langstone Harbour, a SPA, SAC and Ramsar Site, which are also known as 'European designated' sites. Where a project is likely to have a significant effect on the conservation objectives of an 'European designated' site (either alone or in combination of other plans or projects) and it is not directly with or necessary to the management of the site, Section 61 of the Conservation of Habitats and Species Regulations 2010, as amended, (the Habitats Regulations) requires that the applicant provides information to enable the competent authority to carry out an 'Appropriate Assessment' of the implications for that site in view of that site's nature conservation objective(s).

The information provided with this application states that *'due to the control measures that will be put in place during the construction, and the mitigation opportunities that have been identified, it is not anticipated that there will be a long term 'likely significant effect' on the European sites as a result of the North Portsea Island scheme - alone, or in combination...we do not believe an additional scheme level 'Appropriate Assessment' is required'*.

As referred to in other sections of this report, the MMO has reserved the right to take on the role of 'competent authority' for the requirements of the Habitat Regulations and therefore they will decide whether or not the coastal defence works can proceed having considered the 'appropriate assessment requirements'. At the time of writing this report the MMO have not reached a conclusion as to whether the works can proceed.

It should be noted, and as set out in the consultation responses, Natural England (advisers to the MMO and the Council) have stated that *'providing the works are carried out in strict accordance with the details of the application which have been submitted and the imposition of the recommended conditions, it can be excluded that the application will have a significant effect on any SPA or Ramsar site, either individually or in combination with other plans or projects'*.

In conclusion, it is considered necessary and appropriate for the Local Planning Authority to secure the mitigation measures set out in the submitted Environmental Statement (in the form of appropriately worded conditions) to reduce the environmental impacts the proposed scheme could have on this significantly important coastline and local wildlife site.

Subject to the imposition of those conditions, it is considered that this application would not cause significant harm or have any significant adverse impacts on the protected flora and fauna, water environment and special interest features of the area. As such, this proposal is

considered to be acceptable in biodiversity terms in accordance with Chapter 11 of the NPPF, Policy PCS13 of the Portsmouth Plan, the MPS and other material considerations.

However, if the MMO as the 'competent authority' conclude that the proposed works would have a significant effect or would adversely affect the integrity of Langstone Harbour's SPA, SAC and Ramsar site, or the Solent and Dorset Coast pSPA, and the works cannot proceed, then the Local Planning Authority should have regard to this conclusion. Therefore, it is recommended that should the MMO reach this conclusion the Local Planning Authority should also adopt the same conclusion and refuse planning permission as the proposed works would have a significant effect or would adversely affect the integrity of the SPAs, SAC and Ramsar site.

Impact on safeguarded 'Minerals and Waste' site

As set out previously in this report, the new coastal defences would be located within a safeguarded minerals resource site (sharp sand and gravel) therefore consideration must be given to the potential impacts such a proposal would have on that safeguarded site.

Information provided by the Minerals and Waste Planning Authority (MWPA, via existing borehole data) has shown that there is limited opportunity to recover the minerals due to the absence of viable aggregate in this particular area.

Therefore, it is considered that this application would not have any adverse impacts on the safeguarded minerals site. In addition, and as set out in the consultation section of this report, the MWPA has concluded that Policy 15: Safeguarding - mineral resources of the Minerals and Waste Plan is satisfied, as it can be demonstrated that the sterilisation of mineral resources would not occur and raises no objection to the application.

Highways issues

The highway issues associated with this application mainly relate to the construction of the new defences. Due to the location of the site compounds / haul routes and the temporary closure / diversion of footpaths this proposal would cause temporary disruption to the local transport network.

The most significant impacts would be due to the creation of the construction site, the main site compound (Compound A) / haul routes which would be accessed from Moorings Way (opposite Sanderling Road) and the traffic route for vehicles leaving the compound by Great Salterns Quay (Compound B).

Pedestrians and cyclists would be unable to access a large part of Milton Common during the construction of the new defences, with Public Rights of Way being diverted until the works are complete. However, it is considered necessary for the site to be enclosed (and the footpaths diverted) and that there are reasonable (and safe) alternative routes for pedestrians and cyclists.

It is the location of the main site access and compound (off Moorings Way) where local residents are likely to be the most affected and motorists would face some delays when deliveries / site traffic arrive and depart.

Local residents and motorists could be inconvenienced by the construction vehicles leaving Compound B, as they will have to turn left out onto the Eastern Road, then turn right onto Tangier Road to the designated turning point (adjacent to 263 Tangier Road) to be able to exit the city via the Eastern Road.

The Highways Authority raises no objection to this application on highway grounds provided the applicant follows the mitigation measures set out in the application. Such mitigation measures would include restricting delivery times to avoid peak traffic periods, providing facilities to reduce the impact of dust and debris on the highway and other issues as set out in the comments from the Highways Authority (see the consultation section of this report). Accordingly, it is considered

that conditions securing a 'Construction Traffic Management Plan' and restricting the delivery times are necessary and reasonably required to mitigate the impact of the proposal.

It is considered that following amendments to the scheme (to widen the paths to 3m) the re-provision of the footpaths / cycle paths is acceptable.

It is also considered that the creation of a footpath at the northern end of Milton Common across the new earth bund would be a significant benefit as it would provide an alternative route (particularly for dog walkers) away from the more sensitive coastline, as well as contributing to the wider benefits of having another walking and cycling route across the Common.

Impact on amenity

Once the new defences are completed some of the residents in Moorings Way, Sanderling Road and Dunlin Close would experience a different outlook from their properties, due to the height and profile of the new earth bunds and loss of existing vegetation. However, it is not considered that this would result in a significant adverse impact to the amenity of local residents in terms of loss of privacy or overlooking from people using the footpath along the earth bund between Moorings Way and Swan Lake due to the distance between those properties and the new earth bunds, and over time, as the new planting becomes established, its potential impact would lessen (please note there is no footpath on the earth bund north of the University of Portsmouth's Langstone Campus, opposite the properties in Dunlin Close).

It is recognised that local residents living in and around Moorings Way and Sanderling Road (close to the proposed Compound A), and those on Tangier Road (near to the proposed turning area for vehicles) would be affected by the construction of the new defences and in particular the construction traffic / delivery of materials to site. Residents living in and around Moorings Way would also experience general noise and disturbance issues associated with such construction works. Users of Milton Common would also be inconvenienced by the temporary footpath closures / diversions and temporary loss of the use Milton Common / open space required for the construction site (including the compounds and haul route).

Whilst it would be considered reasonable to restrict the working hours during the construction period to reduce the impact to local residents, given the relatively short timescale to complete the works (to avoid the overwintering bird season) and the tidal nature of the site the applicant has stated that they may be required to carry out some weekend and evening working. In addition, the applicant states that this would be the exception rather than the norm and that they would, where necessary, use temporary noise barriers to limit the impact when working in close proximity to the residents on Moorings Way / Sanderling Road / Dunlin Close. Therefore, in this instance it is considered that a condition restricting the hours of work would be unreasonable given the other material considerations already stated above, however, the use of the temporary noise barriers is considered necessary and appropriate and can be secured via a suitably worded condition.

However, and as highlighted in the highways section above, it is considered reasonable and necessary to restrict delivery times to the site compounds to avoid peak traffic periods and reduce the impact / inconvenience to local residents who will be using the local highway network at these times.

In addition, the applicant has also stated it would return the open space back to its original condition and replant trees that have to be removed for the compounds and haul route, and has put forward a number of mitigation measures to lessen the impact to the local transport network. Again, these mitigation measures are considered necessary and appropriate and can be secured via suitably worded conditions (as already discussed previously in this report).

In conclusion, it is considered that whilst local residents would suffer from temporary noise and general disturbance during the construction period, and for some residents, experience a different outlook from their properties, this is outweighed by the significant benefit created by the

new coastal defences as a substantial number of homes and businesses would have greater protection from a flood event.

Conclusion

This application would deliver a key and essential piece of infrastructure for the city in the form of new coastal defences and contribute to the city's wider economic growth and regeneration.

It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted Environmental Statement, and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable and overall the scheme would not cause significant harm or have any significant adverse impacts.

Whilst during the construction period local residents would experience noise and disturbance and inconvenience to the local highway network due to the site access points and construction compounds, it is considered that this outweighed by the significant benefit the final completed scheme would provide in protecting the residential properties (and local businesses) from a flood event. In addition, it is considered that the completed development would not lead to any adverse effects on the amenity of local residents or on the local highway network.

In light of the above, this application is considered acceptable.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Permission** subject to the conditions and recommendations II and III set out below;

RECOMMENDATION II - Instruct the Assistant Director of Culture & City Development to notify the Secretary of State, Marine Management Organisation and Natural England of the committee's decision and recommended conditions;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Culture & City Development to add / amend conditions in consultation with the Marine Management Organisation and Natural England where necessary, and

RECOMMENDATION IV - If the Committee resolve that they are minded to approve the application in accordance with the above recommendations that the Committee confirm in their decision that they have taken into account:

- the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- all matters referred to in the Assistant Director of Culture & City Development's report including comments received from statutory consultees and other interested parties, and
- all other material considerations.

RECOMMENDATION V - That delegated authority be granted to the Assistant Director of Culture & City Development to **Refuse** planning permission if the MMO in their role as the 'competent authority' (under the Habitat Regulations) conclude that the proposed works would have a significant effect or would adversely affect the integrity of Langstone Harbour's SPA, SAC and Ramsar site or the Solent and Dorset Coast pSPA.

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless otherwise agreed in writing with the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers / titles: SE13/1234; SE13/1237; ROADS, BUILDINGS AND FOOTPATHS;

EXTENT OF HARD SURFACING; FOOTPATHS AND ACCESS ARRANGEMENT; MEMORIAL OPTION C; NPI_P2/1101 REV A; NPI_P2/1018 REV A; NPI_P2/1019 REV A; NPI_P2/1020 REV A; NPI_P2/1021 REV A; NPI_P2/1022 REV A; NPI_P2/1032 REV A.

- 3) Unless otherwise agreed in writing with the Local Planning Authority, the proposed earth bunds located on Milton Common, as shown on drawings SE13/1234, SE13/1237 and NPI_P2/1101 Rev A, shall be constructed and maintained at a level no lower than 4.7 metres above ordnance datum.
- 4) No works pursuant to this permission, including the creation and removal of the construction site compounds and haul routes, shall take place within the most sensitive overwintering bird period (1st October to 31st March inclusive), unless otherwise agreed in writing with the Local Planning Authority.
- 5) (a) Notwithstanding the information already submitted, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Construction Environmental Management Plan (to include the detailed mitigation measures as summarised in Table 21.1 of the submitted Environment Statement) has been submitted to and approved in writing by the Local Planning Authority, and
(b) The approved plan (as approved under the provisions of condition 5a) shall be implemented and maintained until the development is completed unless otherwise agreed in writing with the Local Planning Authority.
- 6) (a) Notwithstanding the details agreed in pursuant to Condition 5, no works pursuant to the demolition of Great Salterns Quay shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Method Statement detailing the monitoring of the foreshore / mudflat levels north and south of the existing Quay prior to and after its demolition (including mitigation measures where necessary) has been submitted to and approved in writing by the Local Planning Authority, and
(b) The approved Method Statement (as approved under the provisions of condition 6a) shall be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority, and
(c) If during the monitoring works associated with the approved Method Statement (as approved under the provisions of condition 6a), remediation / mitigation measures not previously identified are required at the site then no further development of the affected area shall be carried out, unless otherwise agreed in writing with the Local Planning Authority, until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the approved Method Statement. This addendum to the Method Statement must detail how this remediation / mitigation shall be dealt with and such remediation / mitigation works must be implemented and maintained as approved.
- 7) (a) No works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a Construction Traffic Management Plan (to include construction vehicle routing, the provision of loading / offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority, and
(b) The approved plan (as approved under the provisions of condition 7a) shall be implemented and maintained until the development is complete unless otherwise agreed in writing with the Local Planning Authority.
- 8) Notwithstanding the details agreed in pursuant to Condition 7, no deliveries to the site compounds shall take place before 09:30hrs or after 15:00hrs unless otherwise agreed in writing with the Local Planning Authority.

- 9) Unless otherwise agreed in writing with the Local Planning Authority, all site compounds, haul routes, equipment and debris associated with the construction works should be removed from the area upon completion of the works and the area returned to its previous condition.
- 10) (a) No works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a detailed Landscaping Management Plan (to also include the reinstatement of the open spaces / landscaped areas used for the site compounds and haul routes), which shall identify the steps and procedures that will be used to avoid or mitigate impacts on the designated sites (including Milton Common Local Wildlife Site), specify species, planting sizes, spacing and density / numbers of trees / shrubs / plants to be relocated or planted; the phasing and timing of planting; a methodology for the works; and provision for its future maintenance, has been submitted to and approved in writing by the Local Planning Authority, and
- (b) The approved Landscaping Management Plan (as approved under the provisions of condition 10a) shall be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority, and
- (c) Any planting works approved (as approved under the provisions of condition 10a) shall be carried out in the first planting and seeding season following the completion of the development; 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.
- 11) (a) Notwithstanding the details agreed in pursuant to Condition 5, no works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a revised *Contamination Land Strategy* (to reflect the final detailed design and construction method, to update the verification of works to require testing of imported soils to be a minimum of three samples per source and be tested at end of works, and a full site survey to include an assessment of the bearing capacity of the former landfill and demonstrate that the former landfill will not be disturbed either during the works or by the addition of the proposed earth bunds) and a *Method Statement* (detailing a sampling plan for testing and monitoring the land for contamination and the remediation requirements, using information obtained from the site investigations) have been submitted and approved in writing by the Local Planning Authority, and
- (b) The approved *Method Statement* (as approved under the provisions of condition 11a) shall be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority, and the approved *Method Statement* should be approved in writing by the Local Planning Authority prior to the monitoring and remediation works being carried out on the site and,
- (c) If during the construction phase contamination not previously identified is found to be present at the site then no further development of the affected area shall be carried out, unless otherwise agreed in writing with the Local Planning Authority, until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the approved Method Statement (as approved under the provisions of condition 11a). This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and such remediation works must be implemented as approved.
- 12) Upon completion of the remediation detailed in the approved Method Statement (as approved under the provisions of condition 11), a report (produced by a competent person) shall be submitted to and approved in writing by the Local Planning Authority verifying that any remediation scheme required and approved under the Method Statement 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 with 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 approved report.

- 13) (a) No works pursuant to this permission shall commence, unless otherwise agreed in writing with the Local Planning Authority, until a written Scheme of Investigation (to include the appointment of an archaeologist recognised by the Local Planning Authority to carry out a watching brief during all stages of the development involving ground disturbance) has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved Scheme of Investigation (as approved under the provisions of condition 13a) shall be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority.
- 14) Following completion of the Scheme of Investigation (as approved under the provisions of condition 13), a report of the findings will be produced and submitted to the Local Planning Authority, including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure the development provides a continuous flood defence level and provides protection against tidal inundation to areas situated behind the defence, in accordance with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 4) To minimise disturbance as far as practicable to overwintering birds due to the proximity of Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and supporting high tide sites, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 5) To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and the Milton Common Local Wildlife Site and to protect and minimise any significant effects to the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.
- 6) To minimise disturbance as far as practicable to overwintering birds due to the proximity of Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and supporting high tide sites, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 7) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.
- 8) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.

- 9) To minimise adverse environmental impacts on Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), on the Milton Common Local Wildlife Site, and to the amenity of local residents, in accordance with PCS13 and PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.
- 10) To conserve and enhance biodiversity and minimise adverse environmental impacts on Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), and on the Milton Common Local Wildlife Site. In addition, to secure a high quality setting for the development in the interests of the visual amenity of the area in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To minimise adverse environmental impacts on Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), on the Milton Common Local Wildlife Site, and to ensure that the site is free from prescribed contaminants, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan, the aims and the objectives of the NPPF and saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 12) To minimise adverse environmental impacts on Langstone Harbour's Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Wetland of International Importance under Ramsar Convention (Ramsar Site), on the Milton Common Local Wildlife Site, and to ensure that the site is free from prescribed contaminants, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan, the aims and the objectives of the NPPF and saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 13) To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that the information regarding these heritage assets is preserved by record for future generations, in accordance with policy PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.
- 14) 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, in accordance with policy PCS23 of the Portsmouth Plan and the aims and the objectives of the NPPF.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework, the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

TIPNER EAST TWYFORD AVENUE PORTSMOUTH

APPLICATION FOR APPROVAL OF RESERVED MATTERS IN RESPECT OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING, FOR CONSTRUCTION OF 80 DWELLINGS AND 235SQM OF COMMERCIAL FLOORSPACE FOR USES WITHIN CLASSES A1/A2/A3/A5 PURSUANT TO OUTLINE PERMISSION REF 11/00362/OUT

Application Submitted By:

Blake Morgan
FAO Mr Sean Silk

On behalf of:

Radian Group Ltd
FAO Ms N Jane

RDD: 10th November 2015

LDD: 16th February 2016

SUMMARY OF MAIN ISSUES

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. The principle of predominantly residential redevelopment of the site, for up to 80 dwellings (with up to 613sqm of commercial floorspace), is established by outline permission ref 11/00362/OUT. The key considerations are whether the details pursuant to Reserved Matters in respect of layout, scale, appearance and landscaping represent a sympathetic response to the site and surroundings, including any impact on the amenities of occupiers of nearby properties in Twyford Avenue. Other matters include national internal space standards and impact on international designations of Portsmouth Harbour.

The site and surroundings

The application site of circa 1.7ha is accessed from Twyford Avenue and now vacant; it formerly comprised of a small industrial estate known as PD Fuels. The site is bounded by the former Greyhound Stadium to the east and Stamshaw Junior School to the south, with the residential area of Stamshaw further to the south. The curtilages of four houses at nos341-347(odd) Twyford Avenue immediately adjoin the site, which have reasonable sized west-facing gardens of around 20m in length. Land to the north was formerly in industrial and storage use. To the east and northeast is the Mountbatten Centre and Alexandra Park.

An east-west cycle route runs through the site that meets the National Cycle Network Route 22 at Twyford Avenue and provides vehicular access to the land to the rear controlled by Tipner Regeneration Company (TRC). Land to the north and west are subject of outline permission for residential redevelopment, submitted by TRC.

The proposal

Reserved Matters approval is sought. The submitted details, pursuant to outline permission ref 11/00362/OUT, are in respect of:

- layout;
- scale;
- appearance; and,
- landscaping;

For 80 dwellings and 235sqm of commercial floorspace for uses within Classes A1/A2/A3/A4/A5. This is a quantum of development consistent with the outline permission. As the first phase of development at Tipner it needs to provide a respectful fit for a standalone scheme, allowing it knit with future phases for the wider regeneration plans without relying on them.

The commercial floorspace is identified as likely to become a convenience store. The houses are two-storeys and flatted development in three- and four-storeys.

Supporting information at submission of this approval of Reserved Matters states: "...assessment by the Applicant and Project Team includes having regard to the potential effects of the details on the environment and can confirm the conclusion reached that the detail submitted raises nothing new and takes fully into account all potential environmental impacts identified at outline stage." As a consequence, no addendum to the Environmental Statement (accompanying the original outline application) is held to be necessary for the approval of Reserved Matters.

Planning history

11/00362/OUT - "Outline application for up to 80 dwellings and up to 615sqm (gross external) of commercial floorspace for uses within classes A1/A2/A3/A5; construction of a new access from Twyford Avenue (only matter for approval)" was granted outline permission in March 2012.

11/00363/FUL - "Full planning permission for site clearance including demolition, remediation and land raising by 0.25m on Parcel I, II & III, up to 4.5m AOD on Parcel IV at Tipner East, Portsmouth including associated compound and facilities (11/00363/FUL)" was granted Conditional Permission in January 2012.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS1 (Tipner), PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), 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), and the saved policy DC21 (Contaminated Land) of the Portsmouth Plan 2001-2011.

Site-specific policy PCS1 aims to revitalise and transform the underused and derelict area, to create a gateway to the city, with Tipner East providing at least 480 dwellings together with local retail facilities.

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14). However, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined (para 119). This issue is addressed further in the comments section of this report.

CONSULTATIONS

Environment Agency

Nothing further to add to the previous response to outline application (dated 25 May 2011, EA ref: HA/2011/111624/01).

Natural England

The Conservation of Habitats and Species Regulations 2010 (as amended) Wildlife and Countryside Act 1981 (as amended) - 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.

Portsmouth Harbour SPA / Ramsar - no objection

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

In advising your authority on the requirements relating to HRA, and to assist screening for the likelihood of significant effects, based on the information provided, NE advise:

- 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

When recording the HRA it is recommended that the following information justify your conclusions regarding the likelihood of significant effects. This application is within 5.6km of Portsmouth Harbours SPA and will lead to a net increase in residential accommodation. NE is aware that the applicant will be contributing to PCC's 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). The new residents will also be able to visit Horsea Island Country Park as an alternative recreational site to the SPA. We are aware that the Country Park will be open to visitors in summer 2017, and that PCC will own and finance the management of the site. Therefore, provided that the applicant is complying with the SPD or policy, NE is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

SSSI No objection - no conditions requested

This application is in close proximity to Portsmouth Harbour Site of Special Scientific Interest (SSSI). NE 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.

RSPB

No comments received.

Hants & IOW Wildlife Trust

No comments received.

Southern Gas Networks

No comments received.

Southern Electric

No comments received.

Southern Water

Our original comments (May 2011) remain unchanged and valid. NB Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

Portsmouth Water

No comments received.

Head of Community Housing

This scheme is supported and will provide much needed affordable housing; 24 (30%) of the 80 dwellings will deliver 15x1&2-bedroom flats (of which 9 flats will be Affordable Rented [AR] and 6 flats for Shared Ownership [SO] tenures) and 1x3-bedroom house (SO) and 8x3-bedroom houses (AR), served by 1:1 car parking spaces for the flats and two spaces for each house.

Highways Engineer

An initial highways response raised queries and requested additional information. The views of the Highways Authority will be updated at the meeting.

Environmental Health

Block B consists of 15 flats above commercial uses on the ground floor. The classification uses that have been applied for have known associated plant/equipment which is often installed (i.e. condensers, A/C plant and kitchen extraction equipment etc.) that may cause a loss of amenity through noise and odours. Conditions should be considered regarding noise from plant and opening/delivery hours' restriction. The proposed residential dwellings are a considerable

distance away from the M27 and the only traffic noise will be caused from cars entering and leaving the new development area, therefore a glazing of 4mm glass/12mm air gap/4mm glass or a glazing with similar sound insulating properties will be sufficient to protect the occupants from traffic noise.

The proposed development does not fall in an Air Quality Management Area and it is unlikely that it will generate significant additional traffic movements.

Contaminated Land Team

Site contamination/remediation will be assessed through details submitted pursuant to discharge of conditions 11 & 12 of outline permission ref 11/00362/OUT.

Design Review Panel

As the first proposal to be brought forward on the wider Tipner site, the panel emphasised the crucial need for this scheme to set the pace, and serve as a high quality exemplar to subsequent developments. The panel considered the previous scheme for the site to be richer and more fluid. It was suggested that the scale and size of units appears to have diminished. The panel acknowledged however that some order, interest and variation was present to the layout, raising it above the standard of many schemes. Despite their generally positive response, unease was expressed about a number of aspects of the proposal. The elevations were considered plain and lacking in depth and modulation. (The 3D drawings provided giving a flat appearance to the buildings). Different roofscapes were noted but the absence of any significant 'markers' in the scheme was also remarked upon. Overall it was considered a scheme with promise but with scope for improvement, and was consequently 'not quite there' in design terms. Recommendation: Proposal supported subject to the above comments.

Tree Officer

Of the trees present none are considered to merit retention at the cost of development. The comments and recommendations of the Arboricultural Impact Assessment (AIA dated Sept 2015, by Mr Harverson) are agreed. The Landscape Management Plan has also been considered. The landscaping and tree planting proposal is acceptable, however:

- a. Tree planting is to be undertaken following subsoiling and soil decompaction in specifically constructed planting pits using soil engineered to promote healthy root growth.
- b. Tree planting pits in the vicinity of those areas intended for use as parking, driveways or road 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 following the guidelines in Trees Hard Landscapes A Guide for Delivery.
- c. Use of substantial tree guards to prevent vehicle damage and discourage vandalism.

Coastal Partnership

Eastern Solent Coastal Partnership offer no further comments.

Ecology

The applicant's ecological survey and assessment work appears to be a robust assessment of what is present at the site. Importantly, it can now be concluded that no bat roosts are present in the small on-site building, and the LAP can be confident the development is unlikely to result in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended) with respect to impacts on European protected species (i.e. bats, in this case).

However, the ecologists did identify the presence of a small population of Annual Beard-grass at the site and have sensibly recommended that "an area not less than 25 square metres along the northern or eastern boundary of the site nearest to Tipner Lake should be designed to benefit this species. By creating an area of bare ground formed by marine sand and debris washed with salt water to help create suitable conditions. Seeds from this plant can be hand-sown onto the created habitat, where it will have opportunity to persist with gentle-low intervention management over time." However, the ecologists did identify the presence of a small population of Annual Beard-grass at the site and have sensibly recommended that "an area not less than 25 square metres along the northern or eastern boundary of the site nearest to Tipner Lake should be designed to benefit this species. By creating an area of bare ground formed by marine sand and debris washed with salt water to help create suitable conditions. Seeds from this plant can be hand-sown onto the created habitat, where it will have opportunity to persist with gentle-low intervention management over time." This is supported; annual Beard-grass is Nationally Scarce, and is associated with coastal and maritime habitats. It is only known in two other

locations in Portsmouth (one near Farlington, and a small site near the historic dockyard). The submitted plans show a corner of the site, approximately of this size, has been set out identified as an 'ecological zone', and that the landscape management plan does also set out management prescriptions for this.

A slight residual concern is that at present there appears to be no actual mechanism for the establishment of this ecological zone. The current location of this plant is different to the proposed ecological zone and there is need to ensure that the recommendations in the report regarding seed collection (or other mechanisms for moving the population such as moving sections of the substrate it is currently growing in) will be implemented. As a Reserved Matters submission it is advised at this stage that the applicant provides some additional information in the form of a short method statement, based on the sensible recommendations in their report, to demonstrate how this would be carried out. This should include provision of a completion report with photos. It would also be useful to allow the City Council to potentially collect seed from this site in subsequent years to assist with other coastal biodiversity enhancement initiatives in the future. (Update) Additional information provided on the proposed methodology for collecting and distributing the seed is acceptable.

Coastal and Drainage

An initial drainage response requested additional information. The views of the Drainage Team will be updated at the meeting.

REPRESENTATIONS

Two representations have been received raising objection of the following grounds:

- (a) the flat-roofed design of the buildings are ugly and barrack like, is not in the 'vernacular' since there are no large flat-roofed buildings in the vicinity or extremely few in the greater area, and the commercial Block B will be particularly stark prominently open to view from The Mountbatten Centre and dominating the site entrance from Twyford Avenue;
- (b) this small development must be a clear intent by the city to give a pleasant and consistent view to all and any marginally cheaper cost balanced with long term high maintenance;
- (c) at Block A, future occupiers of these flats will look directly overlook the gardens and windows of existing dwellings; and,
- (d) the three-storey height is higher than anything else in the area and it is unnecessary for these properties to be higher than the existing two-storeys in the immediate vicinity.

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. The principle of predominantly residential redevelopment of the site, for up to 80 dwellings (with up to 613sqm of commercial floorspace), is established by outline permission ref 11/00362/OUT. The key considerations are whether the details pursuant to Reserved Matters in respect of layout, scale, appearance and landscaping represent a sympathetic response to the site and surroundings, including any impact on the amenities of occupiers of nearby properties in Twyford Avenue. Other matters include national internal space standards and impact on international designations of Portsmouth Harbour.

Layout

Constraints to the layout are public utilities present at the site (including underground high voltage cables of 132kv, 11kv and 33kv), a right of way, access points to future phases of development and the outline permission. The existing haul road that crosses the site serving Tipner West is to be reused and form the primary access route into this development and provide a link with other future development at Tipner East.

At its junction with Twyford Avenue, the northern side of the site entrance is designed to accommodate a 4-storey corner marker building ('Block B'), providing ground floor commercial floorspace and 15 flats over. The primary link access will inevitably be the busiest part of the

local road network serving the 80 dwellings; sited either side is built-form to create a strong urban structure designed to provide street enclosure by a 3-storey building ('Block A') on the south side, before the tall tree belt sited along the edge of the school playing fields, and a low-rise of 5 houses linked by garages/roof terraces (with privacy screen walls) above on the north side. Off the primary link access would be vehicular and pedestrian connections around a central square and to other housing courts, designed chiefly as short terraces and semi-detached two-storey properties.

The site layout provides quite limited sized rear gardens that vary in depth but some would be very restricted e.g. plot 32 at only 6m deep, plots 16-18 at only 7m deep and many others at barely 8m deep. The front-to-side relationship between plots 38 and 44 at 5½m would also feel particularly hemmed in. The meanness of separation distances between plots would give rise to a somewhat cramped feel to the overall development. Most parking bays to serve the houses would be accommodated within front curtilages, rather than relegating them more discretely to the sides or rear of dwellings, which limits opportunities for planting of front garden areas to soften the presence of parked cars/vans and would as a result only add to the hard urban character of this site.

The layout is considered to provide for an ordered structure and places landscaped amenity space at the heart of the scheme but the only significant 'marker' positioned at the site entrance.

Scale

All houses are two-storeys and around the edges of the central square are quite intentionally designed with front gables to increase scale and pitched roofs to create a broken rhythm and visual interest. A smaller scale and uniform roofline created by the housing courts beyond the central square are designed as a quiet backdrop to the setting of the gable featured houses.

A 3-storey flat-roofed building would be sited in the north-east corner where the tapering shape of the site utilises the mean depth to the boundary for a small rear courtyard to serve the ground floor flats; upper floor maisonettes include modest (2nd floor) roof terraces for external space.

'Block A' is also 3-storeys in scale, where the mass would be split into two linked forms, responding in part to the irregular shape of the site and to avoid underground cables. The building for 12 flats creates a strong enclosure to the main access link road, before a line of tall established trees. 'Block A' would result in the loss of some trees, which was not a design intention of the original outline permission (see comments in Landscaping section of this report).

'Block B' is a 4-storey building designed to form a strategic marker feature at the site entrance, on its northern side. The block accommodates ground floor commercial floorspace (likely convenience store) with 15 flats above. The scale/form of the block is considered a suitable design response positioned opposite the large open space of Alexandra Park, across Twyford Avenue. The other (south) side of the site entrance is weakened by an absence of built-form. It provides parking for block B on land that the applicants describe "cannot be built over due to the existence of high voltage cables, these cannot be moved". Significantly, the parking area will be softened by a raised planting bed for replacement tree/plants along the site frontage (following removal of existing trees).

The design approach of predominantly two-storeys reinforced by front gables to the central square, with three- and four-storey elements around the site, is considered to represent a respectful scale although reiterating a previous observation; it is disappointing that only 'Block B' represents a strategic marker feature of any significance.

Appearance

The character and appearance of the development is based on traditional forms but used in a contemporary way.

A restrained palette of appropriate quality external materials is proposed for this gateway site:

- mainly buff brick - Ibstock Ivanhoe Cream, with recessed panels and protruding headers in a blue/black-multi contrast brick - FLB Anthracite;
- fibre cement slate - Marley Eternit Thrutone for pitched roofs/gable wall cladding, in blue/black, and single ply pale grey membrane for flat roofs;
- Timber cladding board to be nominal 44mm face width with rebated joint in softwood with dark grey stain as Silvalbp cladding boards by Vincent Timber - colour ref Anthracite 413;
- window systems (including sliding doors/garden doors & entrance doors to the apartment blocks) to be polyester powder coated aluminium, in grey (RAL 7024 satin), and front doors to be flush panelled timber with dark grey paint finish (RAL 7024 satin); and,
- rainwater goods in polyester paint on metal, colour ref - RAL 7011 - Lindab (or similar) to specified feature elevations/buildings and black upvc elsewhere.

The dwellings are generally flat-fronted in appearance, utilising well-proportioned windows and 'flat arch' motif as a repeated feature; this motif creates a contrasting frame on the principal facades of blocks A & B. Covered projecting entrance porch features provide rhythm and visual interest, with meters enclosed in external cupboards set within the entrance porches for a de-cluttered appearance.

In the consultation response from the Design Review Panel the presence of some order, interest and variation raising it above the standard of many schemes was recognised, but expressed unease about a number of aspects of the proposal and adding the previous scheme for the site to be richer and more fluid. The applicant's Design & Access Statement comments "It must be noted that alternative schemes were set for submission but had to be withdrawn due to viability issues, this was due mainly to the rise in construction costs which have outstripped the rise in local property prices. Therefore, the mix has been interrogated in much detail by the developer and many industry professionals ... the main difference being the reduction in the number of 4 bedroom units."

Plots 31 and 32, prominently located in the south-west corner of the site, did present some unease by an unrefined and awkward juxtaposition of a part flat-roof and part gabled roof appearance. In response, a minor but important design improvement has been made to the proposal securing amendment to a pitched roof arrangement. An objection has been received to the principle of flat-roof design to buildings at the site. The flat-roofed design of Blocks A & B and the 3-storey flats/maisonettes (north-east corner) is considered to add variation and interest rather than diminish its contribution to the design solution for the site. The low-rise linked houses at plots 39-43(inc.) fronting the main access road are designed to minimise their impact and secure a satisfactory relationship to the detached/semi-detached gable-fronted houses at plots 33-38(inc.); increased scale by the addition of pitched roofs would potentially represent an unneighbourly interrelationship. The flat-roof design of Block A similarly seeks to minimise their impact and secure a neighbourly relationship to the existing houses in Twyford Avenue.

Landscaping

A total of 11 trees, a mix of Lombardy Poplars and Sycamores, are shown to be removed to facilitate the development as proposed. These are located at the site entrance and adjacent to part of the southern boundary next to the school playing fields. The siting of 'Block A' gives rise to a loss of some trees, which was not a design intention of the original outline permission, but addresses the presence of underground cables and irregular shape of the site.

The council's tree officer considers none of the trees to be removed merit retention at the cost of development and Arboricultural Impact Assessment recommendations are acceptable. The proposed landscape scheme includes new tree planting of some 45 individuals of Extra Heavy Standard size (14-16cm girth and 4m to 5m height at planting) in a mix of species to mitigate the loss of 11 Lombardy Poplars/Sycamores. In addition, the applicants rightly identify that hard

landscaping is vital to the success of the scheme and high quality public realm needed to secure a unified and coherent environment.

A supporting Landscape Management Plan covers the establishment period for the landscaping.

Impact on amenity

The curtilages of four houses numbered 341-347(odd) Twyford Avenue immediately adjoin the site and have west-facing gardens of around 20m in length. The outlook of these houses and more obliquely from other houses further south on Twyford Avenue would inevitably change by the introduction of a 3-storey flat-roof building, designed as two linked forms. There would be a modest rear parking court with localised activity associated with the comings and goings of resident's vehicles. The design as enclosed balconies would screen views of the nearest properties in Twyford Avenue, to prevent a perception of overlooking and across the separation distance of some 33m or more from the nearest house to Block A would not be considered to represent an unneighbourly form of development or unacceptable relationship.

National internal space standards

Internal space standards were adopted through policy PCS19 of the Portsmouth Plan and the Housing Standards Supplementary Planning Document (SPD). For planning applications determined up to the end of September 2015, the existing adopted internal space standards applied. From October 2015, the requirement to meet internal space standards for new homes still remains but the specific size standards to be met will be taken from the Nationally Described Space Standard.

The applicant's detailed scheme for approval has been in preparation for a significant period and the outline permission granted some time ago. Detailed accommodation schedules were requested and have been prepared by the applicants, who make the following observations in relation to the national space standards:-

"a. Affordable Units. The detailed design of all of the 23 affordable units have been arrived at and agreed with the PCC Housing Department, as their supporting representation to you makes clear. These units match and meet the specific local requirements and the PCC Housing Design Standards set out by your colleagues for this area. This is clearly the most appropriate benchmark for assessing suitability and acceptability, rather than applying a national prescribed standard that does not take into account local circumstances, even though most do fully comply with the guide in any event and could wholly comply if internally reconfigured to depart away from PCC requirements for bedspace numbers per unit. I therefore consider these units no further in relation to the national space standards."

"b. Market Units. Almost half of the market units (25 of 57) are over-sized in comparison with the national space targets outlined, many by at least 10%, with a cumulative excess of 132sqm. Circumstances specific to the local market area dictate certain internal provisions, such as en-suite facilities, which are essential in order to secure the sale of the units and thus scheme viability. Removal of the en-suites is therefore not a viable option. However, if this was the case then all of the units would comply with the space standards in all respects other than 2 x 1-bedroom apartments that would both only be 2sqm under-sized."

"... one issue is the question of storage: this is new and was not taken into account through the design process over the last few years. However, the guidelines appear to allow use of loft-space for such storage (other than for affordable units). Therefore, the good news is that all of the market units that have lofts comply fully with and exceed the target figures for storage. Even if loft-space is not taken into account, all are still within 10% of the new targets which is, in our view, within a reasonable margin for a scheme that has been essentially prepared prior to the publication of these latest guidelines. Taken together it is hoped that you will share our view that the scheme as a whole makes best use of the site, meets the requirements of the Outline

Permission and delivers much-needed market and affordable housing in the area, along with delivering on wider, long term regeneration benefits to the area as a whole."

For the reasons described above, amendment to the scheme that in part exceeds the minimum national standards but in others is marginally undersized is not considered necessary and appropriate and overall meets the aims and objectives of local policy including PCS1 (Tipner).

Impact on international designations of Portsmouth Harbour

The site is close to Tipner Lake that is of particular importance as a low tide foraging area for the Portsmouth Harbour SPA and Ramsar population of dark-bellied Brent geese. It is also important to Redshank, which roost on the foreshore on the seaward side of the site.

The consultation response from Natural England reiterates concern raised in consideration of the outline application that the development will result in significant recreational pressure along this stretch of coastline, which will disturb birds in the area. Mitigation relied upon Horsea Island being available for visitors in 2013. Since the outline application new information has emerged through the Solent Disturbance Mitigation Project research that concluded in 2012 and provides evidence-based mitigation on a strategic scale; a renewed HRA should take the new evidence into account. Contributions are required to mitigate in combination impacts and given the proximity of the development to the SPA leads to impacts alone that will require Horsea Island (as an alternative recreational resource) to be available. Horsea Island is likely to be available for Summer 2017 and the programme for development of 80 dwellings/235sqm of commercial floorspace would reasonably match availability of the country park. An Appropriate Assessment is being prepared that takes account of the advice of NE and SPA mitigation by the applicants (through contribution of £174 per dwelling).

Conclusions

The submitted details for approval of Reserved Matters in respect of layout, scale, appearance and landscaping are considered to satisfactorily demonstrate a form of development for 80 dwellings and 235sqm of commercial floorspace capable of being assimilated on the site and its surroundings in an acceptable manner, without any significant impact on the amenities of occupiers of adjoining houses in Twyford Avenue. The proposal would thereby contribute to the achievement of sustainable development, in accord with national and local planning policy.

Upon completion of the Appropriate Assessment, the likely impact on recreational disturbance would be adequately assessed and subject to securing the necessary mitigation is considered acceptable and overall the scheme would not cause significant harm or have any significant adverse impact.

RECOMMENDATION

Subject to the applicants first securing the necessary mitigation for this development through commuted sum payment in accordance with the provisions of the Solent Special Protection Areas SPD; **APPROVE**

26 MERTON ROAD SOUTHSEA PO5 2AQ**CHANGE OF USE FROM A NURSING HOME (CLASS C2) TO HOUSE IN MULTIPLE OCCUPATION FOR 12 PERSONS (SUI GENERIS) TO INCLUDE ALTERATIONS TO THE FRONT BOUNDARY WALL, THE PROVISION OF REFUSE AND CYCLE STORAGE AND LANDSCAPING****Application Submitted By:**

Chris Flint Ass Ltd
FAO Mr Chris Flint

On behalf of:

Mr R Singh

RDD: 18th November 2015

LDD: 14th January 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, the storage of refuse and recyclable materials, SPA mitigation and whether it would impact on the character and appearance of the conservation area.

The site

This application relates to a large two-storey property located on the south side of Merton Road opposite its junction with Hillborough Crescent and is part of the former Angelis Nursing Home. The property is set back from the highway by a front garden area and it has an accessible driveway and forecourt area. The property is within the Owens Southsea Conservation Area (No.2).

The Proposal

The applicant seeks permission for a change of use from a nursing home (Class C2) to house in multiple occupation for 12 persons (sui generis) to include alterations to the front boundary wall, the provision of refuse and cycle storage and landscaping. The works would also include some internal alterations notably the creation of internal partition walls.

Planning History

The relevant planning history for this site relates to:

- a) A change of use from a nursing home (24 to 26 Merton Road) to two dwelling houses (Class C3) which was granted conditional permission (15/01183/FUL) although this permission is not considered to have been implemented;
- b) Continued use as a nursing home with four additional bed spaces (15 in total) - Vary condition 3 of DA A*2777/AA which was granted conditional permission in 1990 (A*2777/AB); and,
- c) Conversion and alterations to form nursing home (12 Bed spaces) which was granted conditional permission in August 1987 (A*28791/B).

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS15 (Sustainable Design and Construction) PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation).

When determining planning applications in conservation areas, the local planning authority must have regard to section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) (the Act) which states: 'special attention must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area'.

CONSULTATIONS

Highways Engineer

The previous application to convert the nursing home into 2 dwelling houses was unlikely to effect on-street parking availability, as No.26 has off-road parking capacity. However, this application is likely to put additional pressure on the existing on-street parking, which is unrestricted and used to capacity in this area.

Considering the site is within an area of high accessibility (within 400m from Town and District Centres and 400m walk from high frequency bus corridor) it is considered that an objection on car parking standards could not be sustained.

The submitted drawings indicate provision being made for the parking of cycles and the storage of refuse and recyclable materials, the provision of which can be secured by the imposition of suitably worded planning conditions.

RECOMMENDATION: Raise no objection subject to:

Prior to first occupation bicycle storage and refuse facilities should be provided and maintained.

REPRESENTATIONS

At the time of writing, 10 objections have been received from local residents objecting on the grounds of:

- a) Loss of parking and increased pressure on already constrained network;
- b) Loss of family house in the city;
- c) Loss of character of conservation area due to over-development of the site; and,
- d) Potential for precedent for future developers.

Other matters raised relate to an increase in noise and anti-social behaviour and impact on the sewers. As there is separate legislation to address these issues, they are not considered to be a material consideration in the determination of this application.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking and

whether there would be a significant impact on the character and appearance of the conservation area.

Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, 3 of the 78 properties within a 50 metre radius were initially identified as being in use as HMOs. This was based on records held within the City Council's HMO database which is made up of records of properties with planning permission for Class C4 use, sui generis HMO use and mixed C3/C4 use, records of Class C4 HMOs submitted to the council by property owners, HMOs that have been issued a licence by the council and council tax records. Whilst this is the best available data to the Local Planning Authority and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

Following a review of the properties initially identified as HMOs within the 50 metre radius, the application was deferred by the case officer from the January 2015 planning committee to ensure that, on the balance of probabilities that the following 5 properties are unlikely to be in use as HMOs:

1. Flat 3 28 Merton Road;
2. Flat 3 30 Merton Road;
3. 15D Nelson Road;
4. 34 Victoria Road South; and,
5. 10 Merton Court, Victoria Road South.

In addition to those initially identified, the Local Planning Authority has not been made aware of any additional properties to investigate.

In light of these investigations, the 'count' data has been modified and the number of HMOs as a percentage calculated as 3.85% (3/78), rising to 5.13% (4/78) if permission was granted. On the basis that the granting of planning permission would increase the proportion of HMOs to less than 10%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses. The proposal is therefore, considered to be acceptable in principle.

Landscaping works

The proposed external alterations would include the removal of a gate which would be replaced and infilled by a boundary wall of similar height to the existing and finished in render, and the removal of the double entrance gates to allow for the off-road parking of two vehicles. Further alterations would include the installation of dedicated refuse storage in the front garden of the property for two 1100 litre bins which would be enclosed by a timber cladding structure with a flat roof. As no specific details have been provided on this it is deemed appropriate to impose a condition requiring details to be submitted and approved prior to the first occupation of the property. Whilst this would ordinarily be more visually appropriate to store refuse/recycling bins in the rear garden, the constraints of the site are such that it is not possible to access the rear garden of the property from the front. In this instance the storage in the front garden is considered to be acceptable. Having regard to the existing lawful use of the premises as a nursing home, it is considered that the demand for refuse and recyclable storage facilities would not be significantly different, although it is deemed appropriate to impose a condition requiring they are provided and maintained to enable suitable collection arrangements and not generate a

nuisance. In this instance, the alterations are considered to be appropriate and they would preserve the character and appearance of the conservation area.

Impact on Conservation Area

When determining applications in conservation areas, the LPA must have regard to section 72 of the Act which states: 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area'. The alterations to the front boundary wall and the removal of the gates are considered to be acceptable and whilst the storage of refuse/recycling would be more appropriate in the rear garden, it is considered that in this instance and due to the constraints of the site that the alterations would preserve the character and appearance of the conservation area.

Impact on Residential Amenity

Whilst the concerns raised within representations are noted, regard must be given to the lawful planning use of the property as a nursing home with up to 15 bed spaces. Whilst it is accepted that the nursing home was unlikely to operate at full capacity throughout the year, its use would inevitably result in a level of activity that may be more intensive than a HMO. On that basis, it is considered that use of the property as a 12 bedroom HMO would not result in a demonstrably greater level of activity than could be associated with the existing use of the site as a nursing home.

Car Parking and Cycle Storage

The application site benefits from off-street parking for two spaces and the Parking Standards SPD sets out that a sui generis HMO should be served by two off-street spaces. In addition to provided two-off road spaces there is also the provision of weatherproof and secure cycle storage for up to 13 permanent bicycles. Whilst the demand for parking is unlikely to increase, given the residential nature of the proposal, it is considered that future occupants are more likely to use public transport or bicycles. Therefore, to encourage the use of more sustainable modes of transport to the car, it is considered that a suitably worded planning condition requiring their retention of the bicycle facilities would be both necessary and reasonable.

Having regard to the existing lawful use of the property as a nursing home (Class C2) it would have attracted its own demand for parking, from visitors, deliveries and staff. On that basis, it is considered that the proposed use is unlikely to result in a significant additional demand for parking beyond that associated with the existing lawful use.

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. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a

mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £174 (1 x £174, nursing home (C2) to sui generis HMO). The applicant has agreed to provide this mitigation through an agreement under S111 of the Local Government Act. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

Other issues raised within representations

Whilst representations refer to a reduction of housing stock available for families, it should be noted that the property currently benefits from a lawful use as a nursing home. It is accepted that there is a need for further family units within the city as highlighted within Policy PCS19 of the Portsmouth Plan and the property currently benefits from an extant unimplemented permission for use as a single dwellinghouse (Class C3). But, a developer cannot be obliged to implement any permission granted when it has been given and it would not be reasonable to assume that the refusal of the current application would result in implementation of the extant C3 permission. Therefore, such a consideration should not be regarded as material to determining this application.

Having regard to all material considerations and representations made, it is recommended that the proposal be granted conditional permission.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
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: Block Plan (CFA FULL 04) and Proposed Floor Plan (CFA FULL 01 A2).
3. Prior to the first occupation of the property as a House in Multiple Occupation (sui generis), secure and weatherproof bicycle storage facilities shall be provided in accordance with the approved drawings and details (Proposed Floor Plan showing bike storage location). The facilities shall thereafter be retained for the storage of bicycles at all times.
4. Prior to the first occupation of the property as a House in Multiple Occupation (sui generis), weatherproof refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be retained for the storage of refuse at all times.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To ensure appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

4. To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS15 and to preserve the character and appearance of the conservation area in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

07

15/01994/HOU

WARD: EASTNEY & CRANESWATER

6 EASTLAKE HEIGHTS HORSE SANDS CLOSE SOUTHSEA PO4 9UE

CONSTRUCTION OF LARGER BALCONY AFTER REMOVAL OF EXISTING (RE-SUBMISSION OF 15/00557/HOU)

Application Submitted By:

Deer Park Alpha Ltd
FAO Mr Carl Leroy-Smith

On behalf of:

Mr & Mrs R Scarlett

RDD: 7th December 2015

LDD: 2nd February 2016

SUMMARY OF MAIN ISSUES

This application has been brought to Committee at the request of Ward Councillor Stubbs.

The Site

The application site comprises the curtilage of number 6 Eastlake Heights, a four-storey, mid-terraced townhouse. The site lies adjacent to Langstone Harbour which is a SSSI, SPA and Ramsar site.

The Proposal

Planning permission is sought for the construction of a larger balcony at first floor level to the rear of the building to replace an existing balcony.

Relevant Planning History

A previous application (15/00557/HOU) for the construction of a larger balcony at first floor level to the rear of the building to replace an existing balcony was refused in June 2015 for the following reason:

The proposed replacement balcony would, by reason of its increased depth and width and resulting relationship with adjoining dwellings, have a significant adverse impact on the residential amenities of the occupiers of those properties in terms of overlooking and both actual

and perceived loss of privacy. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

There have been a number of other previous applications relating to the construction of larger balconies and roof terraces to properties in this part of Eastlake Heights:

3 - refusals in September 2014 and May 2015 for the construction of larger balcony after removal of existing;

8 - permission in May 1995 (A*35956/AA) to construct extension to form first floor balcony;

10 - unimplemented permission in March 2012 (11/01044/HOU) for construction of single storey rear extension incorporating balcony above and dormer to rear roof slope to include alterations to existing balcony;

11 - unimplemented permission in July 1990 (A*34635/AA) for a ground floor rear extension with patio at first floor level.

The existing larger balconies at numbers 7 and 11 Eastlake Heights do not appear to have planning permission, however they appear to be of an age that suggests they could have been built prior to the 2008 amendment to the GPDO which took away PD rights for balconies.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation),

CONSULTATIONS

Natural England

No objection.

The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Chichester and Langstone Harbours Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA) has been classified and will not damage or destroy the interest features for which the Langstone Harbour SSSI has been notified.

Langstone Harbour Board

No objections

Coastal Partnership

No objection or further comments

REPRESENTATIONS

One representation has been received commenting that other recent applications for similar proposals have been rightly refused.

COMMENT

The main issues to be considered in the determination of this application are whether the proposed replacement balcony is of an acceptable design in terms of its relationship with the recipient building and adjoining properties and whether, in the context of the previous refusal, it would have any significant impact on the residential amenities of the occupiers of adjoining properties.

The existing balcony measures approximately 2.3 metres wide by 1.1 metres deep. The previously refused balcony measured 2.5 metres wide by 1.9 metres deep. The proposed balcony would measure 2.4 metres wide by 2.0 metres deep.

There are larger balconies at numbers 7, 8 and 9 Eastlake Heights (to the east of the application) similar to that proposed, however only one these (no 8) appears to benefit from planning permission. Records indicate that the balconies may have been in situ for some years and were probably constructed prior to the 2008 amendment to the GPDO which took away PD rights for balconies. A recent application for a comparable balcony to a property in Spithead Heights (within the same 1980's estate as the application site) was refused with a subsequent appeal being dismissed. In dismissing the appeal (APP/Z1775/D/14/2220017), the Inspector on the issue of the living conditions of adjoining occupiers as regards privacy concluded that " because of its significant projection into the rear garden (as stated, greater than other balconies in the vicinity), the structure allows unacceptably direct and close views ... this actual and perceived loss of privacy is in conflict with the final bullet point of Policy PCS23 and one of the core planning principles of the Framework." Two recent applications (14/00898/HOU and 15/00291/HOU) for enlarged balconies to the rear of number 3 Eastlake Heights were both refused on the grounds that they would, by reason of their depth, height and relationship with adjoining dwellings, have a significant adverse impact on the amenity of the adjoining occupiers in terms of overlooking and both actual and perceived loss of privacy contrary to policy PCS23 of the Portsmouth Plan.

The backs of dwellings within this part of the estate are relatively open with upper floor windows and balconies offering a high degree of mutual overlooking with short range views existing into enclosed private gardens, windows and other balconies. The original balconies were all relatively modest in size, limiting both their level of use and impact on adjacent properties.

The proposed enlarged balcony would have almost double the area of the existing balcony and as such would result in a potential intensification of its use. Due to its increased depth (from 1.1 to 2.0 metres) the proposed balcony would allow increased short range views directly down into neighbouring gardens and increased views back into the windows of adjoining properties. These views are considered to be significantly more intrusive on the neighbours' privacy than from the existing balcony. It could be possible to require the glazed balustrading to be obscured in order to limit overlooking by people sitting on the balcony, but this would not affect people standing on the balcony. Given the overall depth of the balcony, the inclusion of a taller privacy screen would be likely to be unacceptable in design terms and potentially could result in an unacceptable loss of light and outlook and an unneighbourly increased sense of enclosure. It is therefore considered that the proposed balcony would have a significant and adverse impact on the residential amenities of adjoining occupiers in terms of both actual loss and perceived loss of privacy.

The proposal would be similar in appearance to replacement balconies that have been added to other properties in the terrace. Having regard to its design, it is considered that the proposal would represent an appropriate addition to both the recipient building and wider terrace. Whilst the proposal may be considered acceptable in design terms, this does not alter the unacceptability of the proposal in amenity terms as highlighted above.

It is considered that the proposal would not have any significant impact on the nearby nature conservation interests.

RECOMMENDATION Refuse

The reason for the decision is:

The proposed replacement balcony would, by reason of its increased depth and resultant relationship with adjoining dwellings, have a significant adverse impact on the residential amenities of the occupiers of those properties in terms of overlooking and both actual and perceived loss of privacy. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

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Assistant Director of Culture & City Development
25th January 2016