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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 11 JUNE 2014 AT 2.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 0239283 4060

Email: [jane.didino@portsmouthcc.gov.uk](mailto:jane.didino@portsmouthcc.gov.uk)

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### Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Galloway, Hastings, Lee Mason, Les Stevens, Sandra Stockdale and Gerald Vernon-Jackson

### Standing Deputies

Councillors Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New and Darren Sanders

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

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

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

## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the meeting of the Planning Committee - 23 April 2014 (Pages 1 - 8)**

The minutes of the Planning Committee held on 23 April 2014 are attached.

**RECOMMENDED that the minutes of the Planning Committee meeting held on 23 April 2014 be agreed as a correct record and signed by the chair.**

**4 Updates provided by the City Development Manager on previous planning applications.**

**5 Planning appeal decision relating to Kingsway House, 130 - 136 Elm Grove, Southsea (Pages 9 - 10)**

Purpose.

To advise the committee of the outcome of the appeal which was allowed.

**RECOMMENDED that the report be noted.**

**6 Planning appeal decisions relating to land at the rear of Portland Hotel, Tonbridge Street, Southsea (Pages 11 - 14)**

Purpose.

To advise the committee of the outcome of the appeals which were allowed.

**RECOMMENDED that the report be noted.**

**7 Planning appeal decision relating to 151 Fawcett Road & 3 Heyward Road, Southsea (Pages 15 - 18)**

Purpose.

To advise the committee of the outcome of the appeal which was dismissed.

**RECOMMENDED that the report be noted.**

**Planning applications**

**8 14/00411/FUL - 34 Taswell Road Southsea (Pages 19 - 94)**

Retrospective planning application for use as a house in multiple occupation (sui generis) for up to 8 persons.

**9 14/00449/FUL - Owens 81-83 Palmerston Road Southsea**

Installation of new windows to front elevation (resubmission of 13/00600/FUL)

**10 14/00480/FUL - 22 Inglis Road Southsea**

Construction of 2 semi-detached dwelling houses after demolition of existing building (amended scheme 14/00136/FUL).

**11 14/00233/FUL - 79 Manners Road Southsea**

Change of use from house in multiple occupation (class C4) to house in multiple occupation (sui generis) to include construction of dormer window to rear roof slope and roof lights to front roof slope.

**12 13/00993/OUT - Trafalgar Wharf Hamilton Road Portsmouth**

Outline application for mixed use development comprising up to 163 dwellings in 2, 3 and 4 storey buildings and one 10 storey building with associated landscaping areas and parking; a flood defence barrier; and construction of up to 18094m<sup>2</sup> of floor space in buildings for use class B1, B2 and/or B8 purposes, following the demolition of existing buildings with accesses from Hamilton Road (principle of access to be considered) (resubmission of 12/00998/OUT).

**13 13/01369/FUL - Land Adjacent Kendalls Wharf Eastern Road Portsmouth**

Change of use of vacant land to form a freight transport depot and parking area (sui generis use), siting of 2 single storey modular buildings and installation of 15 no 5m high lighting columns.

**14 14/00467/FUL - The Hard Interchange Portsmouth**

Reconfiguration of 'The Hard' transport interchange to include the construction of new terminal building and shelter following demolition of existing terminal building and concessions, altered access and site layout, relocation and alterations to railway station entrance and associated landscaping.

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 23 April 2014 at 2.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### Present

Councillors David Fuller (Chair)  
Darron Phillips  
Jacqui Hancock  
Sandra Stockdale  
Ken Ellcome  
Frank Jonas  
Ken Ferrett  
Hugh Mason

Also in attendance  
Councillor Peter Eddis

### Welcome

The chair welcomed members of the public and members to the meeting.

### Guildhall, Fire Procedure

The chair, Councillor Fuller, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

#### 45. Declaration of Members' Interests (AI 1)

Councillor Ellcome declared a non-pecuniary interest in agenda item 10 as he had taken up the invitation from the applicant to inspect the property. However he had not made any comments on the application and remained open minded.

Councillor Mason declared a non-pecuniary interest in agenda item 8 as he lives in the vicinity of Inglis Road, Southsea.

#### 46. Apologies (AI 2)

Apologies for absence were received from Councillors Les Stevens, Lee Mason, Margaret Foster and John Ferrett. Councillor Hugh Mason was in attendance for Councillor Foster and Councillor Ken Ferrett was in attendance for Councillor John Ferrett.

#### 47. Minutes of the meeting of the Planning Committee - 26 March 2014 (AI 3)

(TAKE IN MINUTES)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 26 March 2014 were agreed and should be signed by the chair as a correct record.

**48. Updates Provided by the City Development Manager on previous planning applications. (AI 4)**

There were no updates.

**49. Planning appeal decision relating to 107 Havant Road, Drayton (AI 5)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

Councillor Ellcome wished to formally register his disappointment with the Planning Inspector's decision as he felt allowing this development would set a precedent for other similar developments.

**RESOLVED** that the report be noted.

**50. Planning appeal decision relating to 93 Havant Road, Drayton (AI 6)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

**RESOLVED** that the report be noted.

**51. 156,158 and land to rear of 154-172 Southampton Road Portsmouth (AI 7)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

**RESOLVED:**

**That point 1 of the resolution to grant outline permission (minute 147 of Planning Committee minutes of 4 December 2013) is amended as follows:-**

**Delegated authority be granted to the City Development Manager to complete a Section 106 Agreement that secures:**

**1) The provision of three units of Affordable accommodation [plot nos, 24, 25 and 26] ready for occupation by no later than the completion of fifteen open market dwellings.**

**2) The review of the viability assessment at 18 months from the date of the outline permission if no fewer than 10 houses have reached shell and core stage**

**3) In the event of further appraisal being required and demonstrating that there is an improvement in viability, in that some increase in Residual Land Value above that set out in the appraisal of the original provision of affordable accommodation proposed in the planning application is shown to have occurred in the period between the original appraisal and the development period to the shell and core stage, then a financial contribution to the provision of affordable housing reflecting the value of such an improvement shall be required**

- 4) The payment of a project management fee of £1000.
- 5) A Skills and Employment Training Plan.

**52. 14/00136/FUL - 22 Inglis Road Southsea PO5 1PB (AI 8)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that a written deputation had been received by an objector who was unable to attend the meeting and this was attached as an appendix to the list.

A deputation was heard from Mrs Candy, objecting to the application, who included the following points in her representations:

- Her property has a small courtyard garden and backs onto the site;
- Moved into her property 26 years ago and the Gospel Hall was a major factor in their decision to purchase the property;
- Her property is not currently overlooked and the new development would mean they would be directly overlooked causing loss of privacy;
- Loss of light;
- Disagree that losing the hall would cause no significant impact to the area;
- The distance between the proposed development and her property would be 18.5 metres according to the scale on the plans, which contravenes the rule that the distance should be a minimum of 21 metres;
- The development would have a huge negative impact on the surrounding homes.

A deputation was also heard from Ms Barnard-Oetjen, objecting to the application, who included the following points in her representations:

- The Gospel Hall is a local landmark and gives character to the area;
- It would be shameful to demolish the building;
- Existing building improves and enhances the area and fits remit of a Conservation Area.

A deputation was also heard from Mr Lympany, objecting to the application, who included the following points in his representations:

- To demolish the Gospel Hall goes against what is morally right;
- The proposal to build two semi-detached houses in its place does not conserve or enhance the Conservation Area.

A deputation was heard from Mr McDermott, the Applicants Agent, who included the following points in his representations;

- Members need to balance the existing use against the proposed use;
- With regard to concerns on the lack of light, he had negotiated an amendment with his client and reduced the bulk of the first floor;
- The design of the dwellings works with the character of the area but gives a contemporary spin;
- The Gospel Hall is surplus to requirements and satisfied its loss is appropriate;
- 3 bedroom houses are desperately needed in the city;

- The proposed works would be controlled by a variety of schemes and conditions could be placed on this if the council was minded to do so;
- The impact of the building works would not be significant.

A deputation was also heard from ward Councillor Peter Eddis who included the following points in his representations:

- There is not currently a parking issue during the day in Inglis Road, but there is a parking issue in the evenings and overnight. The increase of two dwellings would therefore add to the parking problems in the evening;
- Anything new in the Conservation Area should enhance the area and the proposed dwellings are very bland;
- The proposed dwellings do not fit in with the other houses around it and have no character;
- Why not convert the existing building rather than demolish it?

#### Members' questions

Members sought clarification on the use class of the building and whether there was a precedent on the minimum distance between properties. Clarification was also sought on whether the proposed roofs were hipped or non-hipped as the plans were contradictory to advice given. Members sought clarification on the use of the buildings surrounding the site on the plans and on the materials that were proposed for the dwellings to ensure that they would fit in with the existing buildings.

#### Members' comments

Members commented that it would be a great loss if a further community building was lost in this area. Members felt that the proposed dwellings were of inadequate design and did not meet the necessary standards for a Conservation Area. This would therefore conflict with Policy PCS23. It was felt that the application would be more appropriate if the design was more similar to the adjoining properties.

#### **RESOLVED that the application be refused for the following reasons:**

- The proposed design neither preserves nor enhances the character and appearance of the Conservation Area.
- The proposal is bland and inappropriate.
- No SPA mitigation.

#### **53. 14/00177/HOU - 44A Craneswater Park Southsea Hampshire PO4 0NU (AI 9)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that a written deputation objecting to the application had been received from ward Councillor Winnington on the grounds that;

- (a) It is still out of scale with properties in the local area,
- (b) It will change the rooflines in the area,
- (c) Precedent, and



(d) Craneswater Mews would be completely overlooked.

The previous application was refused permission on the grounds that the occupiers of Craneswater Mews would be overlooked. The proposed alterations have addressed this issue by the inclusion of obscure glazing and provision of en-suite bathrooms at the rear.

A deputation was heard from Mr Greener, objecting to the application, who included the following points in his representations:

- He lives in Craneswater Mews which is directly next to the site;
- The 8 houses in Craneswater Mews have a shared garden which would be overlooked;
- Distance of 7m from his bedroom to the proposed dormer;
- The change to the application of having obscured glass is such a minor change;
- Concerns that if approved this will set a precedent for the other houses in Craneswater Park;
- The application was refused previously due to the properties being overlooked and the same issue still applies;
- Skylights would suffice rather than dormer windows.

#### Members' questions

Members sought clarification on the previous reasons for refusal of this application and whether the use of level four obscure glass removes the effect of overlooking from the proposal.

#### Members' comments

Members felt that the applicant had listened to the concerns raised previously and had remodelled the internal layout so that the rooms in the dormers were now bathrooms with obscured glazing. This would remove the concerns of overlooking and members noted that the planning conditions stated that these windows must be obscured glass for perpetuity, and this was enforceable.

**RESOLVED that conditional permission be granted subject to the conditions outlined in the City Development Manager's report.**

#### **54. 14/00108/HOU - 14 And 32 Park House Clarence Parade Southsea PO5 3RJ (AI 10)**

(TAKE IN REPORT BY THE CITY DEVELOPMENT MANAGER)

The City Development Manager reported in the supplementary matters list that in addition to those previously reported (9), 22 further letters of support have been received from local residents and St Jude Ward Member Councillor Peter Eddis. These representations can be summarised as follows: (a) The proposal would enhance the appearance of the property and make a positive contribution to the street scene; (b) Proposal represents a sympathetic addition improving alignment with the windows below; (c) The proposal would not affect the character and appearance of the conservation area; and (d) The proposal would result in improved internal living conditions for residents.

Two additional letters of support had also been received from local residents which were circulated to the committee.

A deputation was heard from Mr McDermott, the Applicants Agent. He circulated to members' additional photographs and plans of the proposed roof alterations. He included the following points in his representations:

- Recognition that the existing roof form is unsatisfactory;
- Existing dormers unattractive;
- Efforts have been made to address the planning inspectors concerns on the previous application for external alterations;
- Would enhance and improve the street scene;
- The proposal will align the majority of dormers to the windows below. The window that would remain unaligned is a fire escape, however they will seek to make improvements to this;
- The proposal attempts to restore the ridgeline;
- It was proposed to change the white UPC windows to windows that would blend better with the roof.

A deputation was heard from ward Councillor Peter Eddis who included the following points in his representations:

- Existing dormers unsympathetic.
- The proposal would improve the window alignments, give increased head room height, however noted this would increase the bulk of the roof.
- In support of the proposal and it will enhance the area, however noted that the scheme is not perfect and there were areas where alignment was not possible due to the fire escape staircases;

#### Members' questions

Members sought clarification on the amount the proposed roof would be raised by and the impact of this on the street scene. Clarification was also sought on the inspector's previous reasons for dismissing the appeal.

#### Members' comments

Members commented that there had been no objections to the proposal and noted that a redevelopment of the whole roof was unachievable. Members agreed that although the proposal was not perfect, it was an improvement to the current roof. Members felt that if permission was granted a condition should be included so that material of the windows is changed to be more in keeping with the roof to make this less prominent.

#### **RESOLVED that the application be approved for the following reasons:**

The proposal would improve the appearance of Park House and the wider street scene, appearing less conspicuous than the existing dormer windows, improving cohesiveness and alignment with the windows below. Furthermore the proposal would enhance the character and appearance of the 'Owen's Southsea' Conservation Area.

The meeting concluded at 3.40 pm.

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Signed by the Chair of the meeting  
Councillor David Fuller

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# Agenda Item 5



Portsmouth  
CITY COUNCIL

Agenda item:

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision relating to Kingsway House, 130 - 136 Elm Grove, Southsea

**Report by:** Claire Upton-Brown, City Development Manager

**Ward affected:** St Jude

**Key decision (over £250k):**

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal, which was allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 8<sup>th</sup> January 2014. The application, for the conversion of the former offices and health drop-in centre to form a halls of residence within Class C1 comprising 53 study bedrooms arranged as 13 cluster flats with associated alterations, was recommended by Officers for conditional permission. This recommendation was overturned and planning permission was refused with the reason for refusal relating to the over-intensive nature of the conversion giving rise to an unacceptable level of noise and disturbance harmful to the residential amenities of the occupiers of neighbouring residential properties.

The Inspector took the view that "the activity, noise and disturbance that would be a consequence of the proposed student residential accommodation, would be unlikely to exceed the combined activity, noise and disturbance generated by the previous permitted use". In coming to this view the Inspector noted that "the impact of any noise and disturbance would be significantly reduced by ambient noise levels in the locality, which is a busy shopping street within a District Centre, with a mix of retail uses and a public house next door" and that "traffic noise from Elm Grove is audible".

The Inspector concluded "that the appeal proposal would not materially affect the living conditions of nearby residents with regard to noise and disturbance".

The appeal was allowed and planning permission granted.

An associated application for an award of cost against the Council on the grounds of failure to provide evidence to support the reasons for refusal was dismissed.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. Legal Services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application file 13/01179/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/14/2212334	Planning Services

# Agenda Item 6



Agenda item:

**Decision maker:** Planning Committee

**Subject:** Planning appeal decisions relating to land at the rear of Portland Hotel, Tonbridge Street, Southsea

**Report by:** Claire Upton-Brown, City Development Manager

**Ward affected:** St Jude

**Key decision (over £250k):**

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**1. Purpose of report**

To advise the Committee of the outcome of the appeals, which were allowed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 11<sup>th</sup> September for the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six flats above. A further planning application was considered by the Planning Committee at its meeting on 4<sup>th</sup> December 2013 for the construction of a four-storey building comprising a healthcare clinic (within Class D1) to the ground floor and six flats over. These applications were both recommended for refusal by officers with the reasons for refusal relating firstly to the inappropriate design of the proposals in the context of the sites location within the Owen's Southsea Conservation and proximity to adjoining listed buildings and secondly to the effect on the living conditions of the occupiers of Portland Terrace with particular regard to outlook and enclosure. The recommendations in both applications were agreed by the Committee

The Inspector took the view that "Tonbridge Street is at a point of transition between two contrasting styles of architecture" and that "as the buildings turn their backs on the road there is little sense of place". Furthermore he opined that "because it is undeveloped the appeal site makes a negative contribution to the qualities of the Conservation Area and the townscape at the entrance into Tonbridge Street from Kent Road is weak". The Inspector noted that "the prevailing urban grain is of buildings close to one another facing onto streets"

and that "the proposals would therefore be entirely consistent with the existing pattern and layout of development". The Inspector considered that "Tonbridge Street is not typical but the introduction of an additional built presence would be positive and would strengthen the identity of the Conservation Area" and that "by reason of their proximity to existing buildings and their design, the proposals would be sufficiently connected with their surroundings to avoid an isolated or alien appearance". In regard to the scale of the proposals, the Inspector noted that while they would be four-storeys high they would be lower than their most immediate and also be subservient in scale. The Inspector also considered that "structures of this magnitude would also hold their own against their taller neighbours and would not be 'lost' visually" and that "there would be space around the proposed developments on all sides so that they would not appear cramped". Turning to design the Inspector took the view that the proposals would "by utilising ingredients from nearby buildings the proposals would harmonise with their surroundings" and "reflect the identity of the surroundings and respond to local history and character thereby reinforcing local distinctiveness".

In his conclusion on the impact of the proposals on the Owens Southsea Conservation area the Inspector took the view that "this is a site that in many ways is 'crying out' for redevelopment" and that by "consolidating the type of development most associated with the Conservation Area the proposals would bring about an improvement to this heritage asset" and that "the character and appearance of the Owen's Southsea Conservation Area would be enhanced". The Inspector also concluded that "the setting of adjoining listed buildings would not be adversely affected but would be preserved".

Turning to the matter of impact on residential amenity the Inspector recognised that the rear elevation of Portland Terrace contains a series of windows to habitable rooms including some at semi-basement level and that the existing outlook from these windows would change. The Inspector noted that "whilst the proposed building would be near to this fenestration they would not be in such proximity that those inside would be entirely enclosed" and was "satisfied that the proposals would not be so overpowering that permission should be withheld for this reason".

The Inspector concluded that "the proposals would not harm the living conditions of the occupiers of Portland Terrace" and reached similar findings in relation to occupiers of Portland Court.

The appeals were allowed and planning permission granted for both schemes.

#### **4. Reasons for recommendations**

For information to the Planning Committee



**5. Equality impact assessment (EIA)**

None.

**6. Legal Services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application files 13/00409/FUL & 13/01123/FUL	Planning Services
Inspector's decision notices APP/Z1775/A/13/2207845 & APP/Z1775/A/14/2212705	Planning Services

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# Agenda Item 7



Portsmouth  
CITY COUNCIL

Agenda item:

**Decision maker:** Planning Committee

**Subject:** Planning appeal decision relating to 151 Fawcett Road & 3 Heyward Road, Southsea

**Report by:** Claire Upton-Brown, City Development Manager

**Ward affected:** Central Southsea

**Key decision (over £250k):**

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**1. Purpose of report**

To advise the Committee of the outcome of the appeal, which was dismissed.

**2. Recommendations**

That the report is noted.

**3. Background**

A planning application was considered by the Planning Committee at its meeting on 17<sup>th</sup> July 2013. The application, for the construction of a part 3/4 storey building to form a student halls of residence (within Class C1) comprising 41 study/bedrooms and a doctors surgery and pharmacy to the ground floor and part of the basement, was recommended by Officers for conditional permission. This recommendation was overturned and planning permission was refused with the reasons for refusal relating to the inappropriate scale and appearance of the proposal being out of character with the area and that the proposal making inadequate provision for the parking of cars and cycles.

The Inspector noted that the "site occupies a relatively prominent location at the junction of Fawcett Road and Heyward Road and is in an area where the predominant residential character comprises mainly two storey terraced properties. Fawcett Road does include larger buildings and Heyward Road is dominated by the Grade II Listed Church of the Holy Spirit". The Inspector took the view that the proposal "would provide a feature corner building and its overall height would relate well to surrounding properties" and "by setting back the top floor and stepping down the ends next to adjacent houses and flats, the proposal would respect the scale of its surroundings". The Inspector concluded on the matter of scale and design that the proposal "would relate well to

neighbouring properties and would complement the prevailing development in the area".

When considering the issue of car parking the Inspector noted the accessibility of the site to public transport and the existing restrictions on on-street parking in the vicinity of the site. The Inspector also commented that "the area seems popular with students and I understand from the evidence that students are discouraged from bringing cars into the City but continue to do so despite University policy and good transport links" and noted that "the implementation of MB Zone in roads to the north of the site in November 2011 has resulted in the displacement of unrestricted parking into adjacent streets including Heyward Road". The Inspector recognised the specialist form of residential accommodation proposed and opined that "if the accommodation was restricted to students only I consider this would be likely to minimise the parking impact of the development as far as practicable" and that "without such a restriction a more balanced relationship of accommodation to the provision of on-site parking would be expected to meet the transport needs of future occupants". In light of this the Inspector took the view that the "delivery of the restriction to students only and a car-free development is crucial to the scheme". The appellant included a legal agreement as part of their submissions that sought to restrict the occupation of the building by way of a planning obligation, to students on a recognised full-time course of study. This legal agreement was not completed by all of the owners of the land and as such would be unenforceable. As such the Inspector considered it should be given "little or no weight". On the issue of car parking the Inspector concluded that in the absence of a "deliverable restriction to use the appeal property as student accommodation the proposed development makes insufficient provision for parking of vehicles".

The Inspector considered that the provision of cycle storage at the rate of one space per room is acceptable.

The appeal was dismissed.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. Legal Services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

.....  
Signed by:

**Appendices:****Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Planning application file 13/00518/FUL	Planning Services
Inspector's decision notice APP/Z1775/A/14/2204266	Planning Services

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# Agenda Item 8

## PLANNING COMMITTEE 11 JUNE 2014

2 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> 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*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

## **INDEX**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	14/00411/FUL	34 Taswell Road Southsea	PAGE 3
02	14/00449/FUL	Owens 81-83 Palmerston Road Southsea	PAGE 5
03	14/00480/FUL	22 Inglis Road Southsea	PAGE 8
04	14/00233/FUL	79 Manners Road Southsea	PAGE 15
05	13/00993/OUT	Trafalgar Wharf Hamilton Road Portsmouth	PAGE 17
06	13/01369/FUL	Land Adjacent Kendalls Wharf Eastern Road Portsmouth	PAGE 54
07	14/00467/FUL	The Hard Interchange Portsmouth	PAGE 62



**34 TASWELL ROAD SOUTHSEA****RETROSPECTIVE PLANNING APPLICATION FOR USE AS A HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR UPTO EIGHT PERSONS****Application Submitted By:**

Spectrum Town Planning Consultants

**On behalf of:**

Mr H Ruso

**RDD:** 10th April 2014**LDD:** 9th June 2014**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 SPA mitigation, car and cycle parking.

The application site comprises a two-storey, mid-terraced property. The site is located on the eastern side of Manners Road. The lawful planning use of the property is as a dwellinghouse within Class C3.

This application seeks planning permission to use the property as an eight bedroom house in multiple occupation. This use has commenced and has been in operation for a number of years.

There is no planning history relating to the application site.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and adopted Houses in Multiple Occupation and Solent Special Protection Areas SPDs are also relevant to the determination of this application.

**CONSULTATIONS**

None.

**REPRESENTATIONS**

Objections have been received from the occupiers of three neighbouring properties on the grounds that there are already too many HMOs in the area, the proposal would exacerbate existing parking problems and lead to increased noise and disturbance

**COMMENT**

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and

neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

This application seeks retrospective planning permission for a change the use from a dwellinghouse within Class to an eight bedroom House in Multiple Occupation. The property is currently in use (without permission) as a HMO and has been since around 2008 (due to the scale of the HMO use it remains unauthorised).

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 use.

Of the 85 properties located within a 50 metre radius of this property, 6 (including the application site) are currently known to be in use as HMOs (7%). An objector has identified three further properties and suggested that they are occupied as HMOs. Two of these properties fall outside of the 50 metre radius and therefore would not affect the assessment of this application. If the other property is an HMO the proportion of HMOs would be 7 out of 85 which equates to 8.2%. The Houses in Multiple Occupation SPD states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. Therefore, given that this threshold would not be exceeded by granting permission, the continued use of the site as a HMO would not give rise to an imbalance of such uses.

With regard to the impact of the proposed use upon the living conditions of adjoining occupiers, the level of activity associated with the use of this property as a HMO is considered unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of HMOs. In allowing a number of previous appeals, Inspectors have consistently taken the view that the level of activity and resultant noise associated with an HMO are not significantly different to that which could be associated with a large family or other similar group occupying the property as a single dwelling. It is therefore considered that the use of this property as HMO does not have a significant impact upon the living conditions of local residents.

There is no off street parking provision at this property and none is proposed as part of this application however, this property is located within a short walk of local transport links, shops and services. No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property.

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Solent Special Protection Areas (SPAs), as is described in more detail in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document. The development is not necessary for the management of the SPA. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD with the scale of mitigation being calculated as £172. The applicant has indicated a willingness to provide mitigation for the net increase in occupation as a result of the development. 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.

**RECOMMENDATION: That delegated authority be given to the City Development Manager to grant Planning Permission subject to the securing of mitigation measures in accordance with the Solent Special Protection Areas SPD**

**Condition**

1) Within three months of the date of this permission (or such other period of time as may be agreed in writing by the Local Planning Authority) secure and weatherproof cycle storage facilities shall be provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.

**The reason for the condition is:**

1) To ensure that provision is made for cyclists to promote the use of sustainable modes of transport in accordance with Policy PCS23 of the Portsmouth Plan.

NB: This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

**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 pre-application process to achieve an acceptable proposal without the need for further engagement.

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**02** 14/00449/FUL

**WARD:ST JUDE**

**OWENS 81-83 PALMERSTON ROAD SOUTHSEA**

**INSTALLATION OF NEW WINDOWS TO FRONT ELEVATION (RESUBMISSION OF 13/00600/FUL)**

**Application Submitted By:**  
Walsingham Planning

**On behalf of:**  
The Orchid Group

**RDD:** 23rd April 2014  
**LDD:** 19th June 2014

This application has been brought to Committee at the request of former Councillor Peter Eddis.

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed replacement windows would be acceptable in design terms and whether they would be acceptable in terms of their impact on the residential amenities of any adjoining occupiers. Special attention will also be paid to the desirability of preserving or enhancing the 'Owen's Southsea' Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

## The Site and surroundings

This application relates to Owens public house located at ground floor level of 81-83 Palmerston Road. This property is located within both the secondary frontage of Southsea Town Centre and the 'Owen's Southsea' Conservation Area. It is also located within an area of indicative floodplain (Flood Zone 3).

## Proposal

Permission is sought for the installation of new windows to the front elevation. This is an amended scheme to a previous application (ref. 13/00600/FUL) which was refused on the grounds that: 'The proposed folding windows, due to the substantial increase in glazing to the front elevation that would result from their installation, would have a detrimental impact upon the amenities of adjoining residential occupiers by significantly increasing noise in this location'.

There are three existing high level timber framed windows within the front elevation, to the left of the main entrance doors. Each of these measures approximately 1.5m in width by 1m in height. The proposed replacement double glazed, timber framed windows would each measure approximately 1.5m in width by 2m in height. Each one would contain a small openable window measuring approximately 0.7m in width by 0.4m in height. These are required for ventilation purposes.

## Relevant planning history

In 2013, an application (ref. 13/00600/FUL) for the installation of new folding doors to the front elevation of the property was refused.

In 2007, conditional permission (ref. 07/00969/FUL) was granted for the installation of two awnings to the front elevation of the property.

## **POLICY CONTEXT**

In addition to chapters 7 and 12 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation). The 'Owen's Southsea' Conservation Area Guidelines are also relevant.

## **CONSULTATIONS**

### **Environmental Health**

I write with regard to the above application for the installation of new windows to front elevation (resubmission of 13/00600/FUL).

This consultation is with regards to the potential impact on the amenity of neighbouring sensitive uses.

Owens PH is located in the southern half of Palmerston Road which is a mix of commercial and residential with a number of bars and restaurants and an established night-time economy.

The application is for the removal of the current glazing (single glazed with three openable panes) and replace with a larger area of double-glazed windows with the top two panes in each 5 x 4 set openable as outward opening top lights.

A noise impact assessment has been produced to support the application. A noise test has been undertaken to assess the current glazing performance and then an analysis undertaken to recommend a glazing specification to match or exceed the performance of the current glazing.

I have a few minor issues with the noise impact assessment which I have discussed with the author of the report.

1. The sound level meter in section 7 (and also detailed within the calibration certificate) is the incorrect meter. The consultant advised that this was a mistake and a different meter was used.
2. The diagram of the front elevation is incorrect as it shows the proposed façade for the application 13/00600/FUL. I have discussed this with the consultant who has assured me that the proposed glazing specification refers to the newly proposed fixed windows and not the previously proposed folding doors.
3. The acoustic consultant has actually underestimated the performance of the proposed glazing as he has treated the 1/3 octave band levels as 1/1 octave band levels. This means that the actual sound performance of the proposed glazing is better than that reported in the consultant's report.

The consultant advised that he would email his corrections to the above points 1 & 2 to the planning officer. Provided this is done, I am satisfied with the conclusions of the report and the proposed acoustic glazing of 4/20/4.

## **REPRESENTATIONS**

Fifteen objections to this application have been received. Two of these include deputation requests, one of which is from former Councillor Peter Eddis. These are based on the grounds that; a) that the proposed replacement windows would increase noise and disturbance for adjoining occupiers; and b) the submitted noise report concludes that the windows should be non-opening. As the proposed windows have small, openable sections, this application should be refused.

## **COMMENT**

Whilst this property is located within an area of indicative floodplain (Flood Zone 3), this proposal is not considered likely to increase flood risk in this location.

The main considerations in the determination of this application are:-

1. Design, including the impact of the proposal on the character and appearance of 'Owen's Southsea' Conservation Area.
2. Impact on residential amenity.

### **Design**

'Owen's Southsea' Conservation Area is characterised by high density development within a picturesque setting. Designed principally by Thomas Ellis Owen, villas and terraces are set back from winding roads of varying widths to create a picturesque and spacious feel. With regards to replacement windows, this document states that: 'The City Council will discourage the use of UPVC, aluminium and other inappropriate materials or finishes within the area'. The proposed replacement windows would have timber frames and would therefore, be constructed using materials appropriate in relation to 'Owen's Southsea' Conservation Area. The existing windows in this location are in a tired and worn state. The proposed replacement windows would be of an appropriate scale and would be of a style in keeping with that of the existing windows at this property, located to the right hand side of the entrance doors. They would constitute an improvement on the existing and would relate appropriately with both the recipient building and the wider streetscene. This proposal would preserve the character and appearance of 'Owen's Southsea' Conservation Area and would be acceptable in design and heritage terms in accordance with policy PCS23 of the Portsmouth Plan, Chapters 7 and 12 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Impact on amenity

This property is located at ground floor level of 81-83 Palmerston Road, within the secondary frontage of Southsea Town Centre. Residential properties are located above and to the rear of this property, on the opposite side of Palmerston Road and on the opposite side of Villiers Road. With the exception of three small opening windows (approximately 0.7m in width by 0.4m in height) required for ventilation purposes, the replacement windows would be non-opening. Similar small opening windows are present at the current time to provide ventilation for the premises. Whilst this proposal would increase the glazed area within the front elevation, this is not considered to result in any significant increase in noise over and above that of the existing arrangement. As such, this proposal is not considered to give rise to any adverse impacts on the residential amenities of any adjoining occupiers. The City Council's Public Protection department have been consulted and concur within this view.

## **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: Location Plan and AP02.

### **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.

### **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.

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**03**    14/00480/FUL

**WARD:ST JUDE**

**22 INGLIS ROAD SOUTHSEA**

**CONSTRUCTION OF 2 SEMI-DETACHED DWELLING HOUSES AFTER DEMOLITION OF EXISTING BUILDING (AMENDED SCHEME 14/00136/FUL)**

**Application Submitted By:**  
The Town Planning Experts

**On behalf of:**  
Charles Marks Ltd

**RDD:** 30th April 2014  
**LDD:** 26th June 2014

## **SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposed redevelopment is acceptable in principle; whether the proposal would preserve or enhance the character and appearance of the Conservation Area thereby addressing the reason for the refusal of the previous application, whether it would relate appropriately to neighbouring properties and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

### **The Site**

The application site relates to the curtilage of number 22 Inglis Road which contains a now vacant Gospel Hall. The site is located on the northern side of Inglis Road almost opposite its junction with Oxford Road. The site lies within the Campbell Road Conservation Area.

### **The Proposal**

This application seeks planning permission for the demolition of the existing building and the redevelopment of the site by the construction of a pair of two-storey, semi-detached dwellings. The proposed dwellings would be of a traditional design and appearance and be sited to align with the adjoining dwelling to the east.

### **Planning History**

A previous planning application (14/00136/FUL) for a similar proposal was refused by the Planning Committee in April 2014 for the following substantive reason:

In the opinion of the Local Planning Authority the proposed dwellings would, by reason of their bland and inappropriate appearance, fail to preserve or enhance the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation).

The NPPF and the Residential Car Parking Standards, Sustainable Design & Construction, Housing Standard and Solent Special Protection Areas SPDs are all relevant to the proposed development.

The following extracts from the Guidelines for Conservation relating to the Campbell Road Conservation Area are also of relevance to this application.

The Conservation Area guidelines describe the northern side of Inglis road as consisting of "a two-storey brick terrace and gable facing semi-detached houses" of which "a few have pointed arched doorways, which are echoed in the gospel hall in the centre of the block". The Guidelines note that "there are no architecturally significant buildings and few trees, a stark contrast to parallel Campbell Road". The guidelines recognise that "there has been a significant loss of buildings due to redevelopment" with, in particular Outram Road and Victoria Road North having suffered from unsympathetic redevelopment. The guidelines suggest that the "loss of further buildings in the north-west part of this Conservation Area in particular would seriously erode its

character and would be undesirable" on the basis that it "is advantageous to learn from past mistakes and ensure future redevelopment enhances the character of the Conservation Area". The guidelines in respect of redevelopments state that the redevelopment of older properties will be opposed "unless it can be demonstrated that the redevelopment would positively enhance the character or appearance of the Conservation Area" and "if the property to be altered is deemed inappropriate or detracting from the conservation area, then redevelopment may be possible".

## **CONSULTATIONS**

### **Contaminated Land Team**

Recommends conditions

### **Environmental Health**

Notes no complaints have been received from operation of adjacent commercial garage. Raises no objection to proposal in terms of impact of neighbouring commercial use to proposed dwellings

### **Highways Engineer**

The site is located in an area of medium accessibility to public transport and lies within easy reach of high frequency bus corridor and Fratton rail station. The site lies 300m to the north of designated Albert Road Local Centre with a wide range of services and amenities. No off-street parking is provided, however there is unrestricted on-street parking outside the site.

Parking congestion in this area is severe, due to the terraced housing (many converted to HMOs, student accommodation etc) and little or no off-road parking. Inglis Road borders the new "MC Zone" residents' parking scheme and is the nearest unrestricted road. Inglis Road forms part of an area referred to as "North Kings", which is due to be surveyed in relation to residents' parking in April 2014.

Regard must be given to the former demand for parking associated with the use of the current building as a chapel where the vehicle generation would be significantly greater than that from two dwelling houses. The site is located close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a chapel it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

No objection subject to provision of cycle storage facilities

## **REPRESENTATIONS**

Objections have been received from the occupiers of twelve neighbouring properties and from Ward Councillor Andrewes on the following grounds:

- a) exacerbation of existing parking issues;
- b) loss of light and privacy;
- c) proposal is of unsympathetic design in a Conservation Area;
- d) two dwellings is an overdevelopment
- e) loss of an important building which should be retained and re-used; and
- f) impact of building works.

One further objection has been received which makes no reference to the merits of the proposal but refers to the wishes of the local community being ignored.

## **COMMENT**

The main issues to be considered in the determination of this application are:  
whether the proposed redevelopment is acceptable in principle;  
whether this amended proposal would preserve or enhance the character and appearance of the Conservation Area and thereby address and overcome the reason for the refusal of the previous application;



whether it would relate appropriately to neighbouring properties; and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

Other issues to consider are whether the proposal complies with policy requirements in respect of sustainable construction, space standards and SPA mitigation.

#### Principle of Development

The existing building on the site appears to date from the inter-war period and is currently vacant, having become surplus to requirements by the Trustees of The Gospel Hall and been sold to the applicant. The building itself is of a pleasant appearance but is considered to be architecturally undistinguished (as recognised in the Conservation Area Guidelines) and of little historic significance. The Conservation Area guidelines make provision for the redevelopment of sites in certain circumstances. Having regard to the form and age of the existing building it is considered that its loss would not give to any substantial harm to the character and appearance of the Conservation Area and that its replacement with an appropriate form of redevelopment would have the potential to enhance the site and the Conservation Area.

The site is located in a predominantly residential area characterised by two-storey terraced and semi-detached dwellings with the existing hall and neighbouring garage being very much at odds with the character and urban grain of the locality. Accordingly the principle of building two houses on the site is considered acceptable.

#### Impact on Conservation Area

In determining this application special attention must be paid to the desirability of preserving or enhancing the Campbell Road Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

As discussed in foregoing section, the loss of the existing building is considered acceptable in the context of its impact on the character and appearance of the Conservation Area. The previous application was refused by the Planning Committee on the basis the design was bland and inappropriate. At the meeting Members offered suggestions as to what alternative design solution may be acceptable. The applicant has taken on board these comments and has amended the design of the front elevation in an attempt to address the criticisms of the previous scheme.

The currently proposed dwellings would again be of a traditional design and appearance with the style and architectural detailing taking its inspiration from the terrace of dwellings to the east of the site. The amended detailing includes the incorporation of two-storey projecting bay windows and stone detailing to the bays and windows to the front elevation. In both design and heritage terms the amended proposal is considered to be a significant improvement on the previously refused such that this revised scheme would complement and harmonise with the contextual streetscene. Accordingly it is considered that the reason for the refusal of the previous scheme has been fully addressed and overcome and that the proposal would enhance the character and appearance of the Conservation Area.

#### Impact on Amenity

The existing building covers almost all of the site with effectively just a walkway running around it at the sides and at the rear. The main element of the building is approaching two-storey in scale with the rear part comprising single storey extensions. The proposed redevelopment would result in the removal of built development at the rear of the site where it abuts residential gardens to allow for the provision of back gardens for the proposed dwellings. The proposal would result in the creation of gardens of 11 metres in depth which compares favourably with the depths of back gardens in the area which are typically between 9 and 12 metres in depth. It

is considered that the scale and siting of the proposed dwellings, when compared to that of the existing building, is such that it would not have any significant impact on the living conditions of the occupiers of neighbouring residential properties.

The proposed dwellings would be sited adjacent to a small commercial garage, however colleagues in Public Protection advise they have no records of any complaints being received about the operation of this use. Having regard to the relatively modest size of the adjacent commercial property it is considered that the proposal would not be likely to have any significant effect on the amenities of future occupiers.

### Parking

The application site benefits from an unrestricted lawful use for purposes within Class D1. This use class includes places of worship, education facilities and day nurseries. These uses would inherently have a level of traffic generation and demand for parking associated with them which must be recognised as a fall-back position. The site does not benefit from off-street parking and whilst there may be scope for some to be provided the formation of vehicular crossovers would result in the loss of existing on-street parking. Furthermore the provision of off-street parking either on drives or in garages would be untypical of the Conservation and arguably would detract from its character and appearance. Having regard to the level of demand for parking which could be associated with the lawful use of the site, the level of parking likely to be associated with the occupation of two houses and the likely impacts of providing off-street parking, it is considered that a car free development is acceptable in this instance.

### Other matters

The proposed dwellings would exceed the minimum space standards associated with policy PCS19 and are laid out in a manner that provides an appropriate form of accommodation for occupiers. The submitted drawings indicate the provision for facilities for the storage of cycle storage in the gardens of the dwellings. It is considered that such provision is acceptable and can be secured through the imposition of a suitably worded planning condition.

The application includes no information about how the proposal meets the requirements of policy PCS15 in respect of Sustainable Design and Construction. It is considered that conditions could be imposed to ensure that the development is built to the required standard.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). This has been acknowledged by the applicant who has indicated that they will complete a unilateral undertaking to provide the necessary mitigation. The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as  $(2 \times £172) = £344$ . The applicant has indicated that they are willing to provide SPA mitigation in this way. Consequently it is considered that, subject to securing appropriate mitigation in accordance with the SPD, there would not be a significant effect on the SPAs.

**RECOMMENDATION:** That delegated authority be given to the City Development Manager to grant Conditional Planning Permission subject to the prior completion of a legal agreement to secure an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD

### 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: 001 Rev.F; 002 Rev.C; and 003 Rev.C.

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-

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

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/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.

4) 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 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) Development shall not commence until written documentary evidence has been submitted to the Local Planning Authority proving that the development will achieve a minimum of level 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, one credit in issue Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

6) Neither of the dwellings hereby permitted shall be occupied until written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority proving that the development has achieved a minimum of level 4 of the Code for Sustainable Homes, including 9 credits from issue Ene 1, one credit from issue Hea 3 and two credits from issue Ene 8, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the Local Planning Authority.

7) No development shall commence until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing and front boundary wall and railings) to be used 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.

8) Neither of the dwellings hereby permitted shall be occupied until the new wall and railings shown on the approved drawings to the front of the site adjacent to Inglis Road has been constructed, completed and thereafter retained.

9) a) Development shall not commence until details (including height, appearance and materials) of the boundary treatment between the application site and number 40 Campbell Road have been submitted to an approved in writing.

b) The western dwelling hereby approved shall not be occupied until the boundary treatment approved pursuant to part a) of the condition has been provided.

**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 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) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan and the Sustainable Design and Construction SPD.

6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan and the Sustainable Design and Construction SPD.

7) To ensure the development is finished in appropriate materials that will preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

8) To ensure a satisfactory setting for the development in the interests of enhancing the character and appearance of the Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.

9) To protect the residential amenities of the occupiers of neighbouring properties and future occupiers of the development 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.

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**79 MANNERS ROAD SOUTHSEA**

**CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) TO INCLUDE CONSTRUCTION OF DORMER WINDOW TO REAR ROOFSLOPE AND ROOFLIGHTS TO FRONT ROOFSLOPE**

**Application Submitted By:**

Thorns-Young Ltd

**On behalf of:**

Ian Hebbard & Associates

**RDD:** 5th March 2014

**LDD:** 1st May 2014

**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 SPA mitigation, car and cycle parking, refuse and recyclable materials storage.

The application site comprises a two-storey, mid-terraced property. The site is located on the northern side of Manners Road close to its junction with Talbot Road. The lawful planning use of the property is as a House in Multiple Occupation within Class C4.

This application seeks planning permission for use as an eight bedroom house in multiple occupation. Whilst the application makes reference to the construction of a rear dormer, this element of the development could be built as permitted development without the need for planning permission.

There is no planning history relating to the application site.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and adopted Houses in Multiple Occupation and Solent Special Protection Areas SPDs are also relevant to the determination of this application.

**CONSULTATIONS**

**Highways Engineer**

Manners Road falls within the "MB Orchard Road Area" residents' parking scheme. The scheme operates 24-hours a day, with a 2-hour free parking period for non-residents. Resident permits are limited to 2 per household, unless scheme capacity allows and residents qualify for additional permits at cost.

The proposal is unlikely to give rise to a level of activity greater than the existing use of the property as a house in multiple occupation.

## **REPRESENTATIONS**

One letter of objection has been received from the occupier of a neighbouring property raising the following grounds: increase in occupation; increased noise and disturbance; and number of HMOs within the surrounding area.

## **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, refuse and recyclable materials storage.

Planning permission is sought for the use of the property as a house in multiple occupation (HMO), with the submitted floor plans indicating eight bedrooms. Due to their size and the provisions of the Housing Acts each bedroom could only be occupied by a single individual. As the lawful use of the property is a house in multiple occupation within Class C4, the proposed change of use would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore be in accordance with policy PCS20 of the Portsmouth Plan and the associated SPD.

The application site is a relatively modest end of terrace property that in its original form would have had four bedrooms. In extended form the property would be laid out with eight bedrooms with communal living and cooking facilities being retained to the ground floor. Whilst the relative lack of communal living space could lead to the intensive occupation of upper floor bedrooms in a manner that would result in the transmission of noise and disturbance to the bedrooms of adjoining properties, regard must be had to the lawful use of the property that could allow its occupation by six persons. In considering an allowed appeal relating to this issue at a property in Telephone Road an Inspector considered that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". Whilst this application would be likely to result in the occupation of the property by eight rather than seven persons, it is considered that the principles set out by the Inspector are equally applicable in this case.

It is acknowledged that the occupation of the property by more than six persons would have the potential to give rise to an increased level of noise and activity. However having regard to the size and layout of the property, it is considered that the property would be unlikely to be capable of accommodating more than eight occupiers. In these circumstances it is considered that it could not be demonstrated that the occupation of the property by more than six persons would have an adverse effect on the living conditions of the occupiers of neighbouring properties.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the lawful use of the site as a HMO, it is considered that an objection on car parking grounds could not be sustained. As the lawful use of the property is as a HMO, it is not considered necessary to impose conditions requiring the provision of cycle or refuse storage facilities.

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Solent Special Protection Areas (SPAs), as is described in more detail in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document. The development is not necessary for the management of the SPA. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD with the scale of mitigation being calculated as £172. The applicant has indicated a willingness to provide

mitigation for the net increase in occupation as a result of the development. 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.

RECOMMENDATION: That delegated authority be given to the City Development Manager to grant Conditional Planning Permission subject to the securing of mitigation measures in accordance with the Solent Special Protection Areas SPD

## **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: Location Plan; 7034.14.1 Rev.A; and 7034.14.2.

### **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.

### **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.

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**05** 13/00993/OUT

**WARD:PAULSGROVE**

### **TRAFALGAR WHARF HAMILTON ROAD PORTSMOUTH**

**OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING UP TO 163 DWELLINGS IN TWO-, THREE- AND FOUR STOREY BUILDINGS AND ONE 10 STOREY BUILDING WITH ASSOCIATED LANDSCAPING AREAS AND PARKING; A FLOOD DEFENCE BARRIER; AND CONSTRUCTION OF UP TO 18094SQM OF FLOORSPACE IN BUILDINGS FOR USE CLASS B1, B2 AND/OR B8 PURPOSES, FOLLOWING THE DEMOLITION OF EXISTING BUILDINGS WITH ACCESSES FROM HAMILTON ROAD (PRINCIPLE OF ACCESS TO BE CONSIDERED) (RESUBMISSION OF 12/00998/OUT)**

**Application Submitted By:**  
Luken Beck Mdp Ltd

**On behalf of:**  
Quadrant Estates Ltd

**RDD:** 9th September 2013  
**LDD:** 10th December 2013

## **SUMMARY OF MAIN ISSUES**

The main issues in this case are; whether the proposed redevelopment of the site for commercial and residential purposes would be acceptable in principle having regard to; the scale of the development, the relationship between the commercial and residential uses, and the impact the proposed development would have on the surrounding highway network; whether the proposed development promotes alternative modes of transport to the car; whether the proposed loss of employment land is justified; whether the proposed development would have an unacceptable impact on the interest features for which the adjoining Special Protection Area and nearby Sites of Importance for Nature Conservation are designated; whether in principle a ten-storey building would be acceptable; whether the tall building would have an adverse impact on heritage assets; whether the site can be defended from future flooding; the provision of affordable accommodation and open space.

### **1.0 The site and surroundings**

1.1 This application relates to the area of land some 5.7ha in extent fronting Southampton Road to the north, Hamilton Road to the west, the foreshore with Portsmouth Harbour to the east and south, and the rear of the 'Drystack' building and an existing two-storey building fronting a docking basin to the south-east. The application site excludes two properties which front Southampton Road; 'Mother Kellys' and No.241, the latter comprising a semi-detached house, and the area covered by the Drystack building, its apron and an adjoining dock. The majority of the site is used for commercial purposes and occupied by both marine and non-marine related businesses.

1.2 Southampton Road comprises the A27, a single-carriageway highway with a 40mph speed limit, and has a number of dropped kerbs serving domestic properties and commercial premises including a car park for the occupiers of an office block within the application site. The north side of Southampton Road, opposite the site, is fronted by two-storey houses. Hamilton Road, to the west comprises a cul-de-sac fronted by two-storey semi-detached houses and at its southern end a commercial unit. A barrier prevents access to the commercial area to the south which is accessed via the Castle Trading Estate.

1.3 Approximately 0.5km to the west lies Portchester local centre, and approximately 0.65km to the south lies Portchester Castle, a Grade 1 Listed Building and Scheduled Ancient Monument. The Castle is situated at the southern end of a conservation area which extends northwards along Castle Street until it reaches the southern edge of more recent housing development and the Castle Trading Estate.

### **2.0 The Proposal**

2.1 The applicant seeks outline permission for the redevelopment of the site to provide up to 163 dwellings in buildings between two- and four-storeys in height and one building ten-storeys in height; up to 18,094sqm of commercial floorspace; associated access roads, parking and landscaping, and the construction of a flood barrier. The existing buildings within the application site are to be demolished. Access to the proposed residential development would be from Hamilton Road. In seeking outline permission the applicant has identified that access is to be considered at this stage. Details of the proposed layout, the scale and appearance of the proposed buildings and the landscaping of the site do not form part of this application and will be considered as part of the Reserved Matters submissions. Nevertheless, having regard to the nature of the proposed development and that it is the subject of an Environmental Assessment, the applicant has submitted a masterplan which identifies the parameters of the proposed development, and indicates the likely built form of the proposed development to illustrate how pedestrians and vehicles would be accommodated. In identifying the parameters of the proposed development the masterplan also identifies the intended location of the ten-storey building.



2.2 Although not originally incorporating the provision for affordable housing this was subsequently increased to 10% and supported by a viability assessment. The applicant has, however, since confirmed that the development would comprise 30% affordable housing, to be secured through a s106 legal agreement, on the understanding that should the preparation of a viability assessment based on a detailed scheme at the Reserved Matters stage demonstrate that a lower provision should be provided, an application would be made to vary the agreement.

2.3 As part of the proposed development the applicant would provide on-site flood defence measures in the form of a barrier and has offered to make a contribution of £3.11m to enable a third party public sector agency to achieve off-site flood defences for the wider area and would incorporate measures to mitigate against the impact of the development on nature conservation. The on-site flood defence barrier would be constructed from the north-east corner of the site, adjacent to the Southern Water pumping station, along the existing shore line to the existing inlet where the barrier would incorporate flood gates, before continuing along part of the existing quay and turning southwards at the western end of the existing dock. The barrier would then run adjacent to the Drystack building before connecting to the southern shoreline of the site.

### **3.0 Relevant planning history**

3.1. An application for the construction of 166 dwellings on the northern part of the application site was withdrawn in 2007 having been unable to satisfactorily address flood risk.

3.2 An application for a mixed use development comprising a retail shop, 152 dwellings in two-, three- and four-storey buildings and one 12-storey building incorporating restaurant/café facilities with associated landscaped areas and parking; a flood defence barrier; and the construction of up to 18,094sq.m of floorspace in buildings for ClassB1, B2 and/or B8 purposes, following the demolition of existing buildings, with access from Southampton Road and Hamilton Road was withdrawn in 2012.

3.3 The owner of the site extended the commercial use of the site into part of the rear gardens to the houses fronting Southampton Road and Hamilton Road, using that area for storage purposes, with retrospective permission being granted in 2012. More recently permissions have been granted for the installation of temporary buildings to the rear of and adjacent to Building 3, and alongside the southern shoreline of the site. In December 2013 full permission was granted for the construction of an industrial building, to be occupied by Magma Global, on a significant part of the application site. That development would involve the demolition of nine existing commercial buildings between the retained 'Drystack' building and Hamilton Road. A location plan and block plan illustrating this proposal is attached as Appendix A to the report. It is understood that the proposed occupier would implement that permission providing that on-site flood defences are built to protect the investment in new facilities.

### **4.0 POLICY CONTEXT**

4.1 In addition to the National Planning Policy Framework, in particular sections 4, 10, 11, 12 and paras. 203-206, the relevant policies within Portsmouth City Local Plan 2001-2011 would include: PCS10 (Housing Delivery), PCS11 (Employment Land), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), and PCS24 (Tall buildings). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2010-2011 would also apply.

4.2 In addition to the national and development plan policies listed above the Supplementary Planning Documents in relation to Residential Car Parking Standards, Employment and Skills Plans, Developing Contaminated Land, Housing Standards, Reducing Crime Through Design, Sustainable Design and Construction and Tall Buildings would be a material consideration.

4.3 Given the location of the site, the Portchester to Emsworth Draft Coastal Flood and Erosion Risk Management Strategy would also be a material consideration.

4.4 On 16 April 2014 the Solent Protection Area SPD was approved. 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 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.

## **5.0 CONSULTATIONS**

### **5.1 Coastal Partnership**

It is considered that the proposal and associated flood defences in combination with the financial contribution towards a wider scheme offer a real opportunity to improve the flood and coastal erosion risk management assets and standard of protection that they offer to people and property within the locality. The proposals accord with the recommendations of the Portchester Castle to Emsworth Draft Coastal Flood and Erosion Risk Management Strategy. Subject to a number of conditions [which mirror those of the Environment Agency in relation to the Flood Risk Assessment] the proposal is considered capable of support.

### **5.2 Environment Agency**

The proposed development offers a valuable opportunity to facilitate delivery of a flood defence scheme that would reduce tidal flood risk to an existing community but is not currently capable of attracting sufficient central government funding to meet its full cost. The information submitted with the planning application must however conform to the relevant sections of the National Planning Policy Framework (NPPF) and Portsmouth City Council (PCC)'s own flood risk safety standards.

The Flood Risk Assessment (FRA) proposes a package of measures to manage risk to an acceptable level. The most significant of these is the construction of an on-site tidal flood defence wall, and a financial contribution towards the off-site tidal flood defences that are required to address flood flow routes originating from outside the site boundary. Further measures are proposed to manage the residual risk of tidal flooding, and to manage the risk of flooding from other sources.

The off-site flood defences are likely to be delivered either by the Environment Agency or the Eastern Solent Coastal Partnership. We have used the best available information to determine the amount of central government Flood Defence Grant in Aid for which this scheme is likely to be eligible. The contribution offered by the developer is a best estimate of the sum of money that would be needed to supplement and secure the proportion of FDGiA available, and meet the full cost of the off-site flood defence scheme across 100 years. It should be noted, however that competition for the limited amount of available FDGiA varies from year to year and there cannot therefore be certainty over funding for the off-site scheme in any given year. We are, however, confident that the proposed contribution would offer a good likelihood of enabling the off-site scheme to be delivered. As detailed in the FRA, delivery of both the on- and off-site flood defences would not only facilitate conformity of the development proposals with the NPPF but would significantly reduce the risk of flooding to an estimated 408 homes in the wider community.

It should be noted that the off-site flood defence scheme is to be delivered in 2 phases. The level of necessary contribution has been calculated based on the assumption that a proportion of the contribution will be held to accrue at a standard rate, to be sufficient in value to unlock the required FDGiA when the second phase of work is required. This will therefore need to be administered by the relevant Authority (either Portsmouth City Council or Fareham Borough Council).

We recommend that consideration be given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. You may wish to consider making flood resistant and resilient measures conditional of planning permission, if granted, particularly within ground floor areas as recommended in the Flood Risk Assessment. This may be

particularly applicable to properties located in the northwest corner of the site, which the hydraulic modelling identifies as having the greatest residual risk of flooding from a breach or overtopping of the proposed flood defences.

The applicant has submitted a Flood Response Plan as part of the Flood Risk Assessment. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Under the terms of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 15 metres on the landward side of any sea defence. This consent is in addition to any planning permission.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk. The proposed surface water drainage system for the employment part of the site appears to rely on significant manual intervention to ensure that surface water can be managed effectively. We will require significantly more detail on the proposed procedures including trigger levels, responsibilities, estimated frequency with which the dock gate(s) would need to be closed, and confirmation that the impacts of the proposed system are compatible with the other intended functions of the dock area. Otherwise details of an alternative system will need to be provided. Condition 2 below secures this further detail.

Planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below;-

1. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted as part of the Environmental Statement dated September 2013 and the following mitigation measures detailed within the FRA:

- a. Improvement and subsequent maintenance of on-site flood defences
- b. All dwellings to have at least one floor with finished floor levels above 4.5m AOD
- c. Provision of the specified contribution, secured through a S106 agreement, to facilitate delivery of the necessary off-site flood defence scheme [this issue is considered in more detail later in the report].

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.

2. No development approved by this planning permission shall take place until such time as a scheme to detail the following has been submitted to, and approved in writing by, the local planning authority.

- a. A surface water drainage scheme for the residential and employment parts of the development to include storage appropriate in nature and volume to manage surface water during periods of tide locking, including adoption, management and maintenance of the scheme thereafter. The scheme should include SUDS where appropriate.
- b. Details of the proposed on-site flood defence design and construction with particular reference to the points at which the on-site defences would tie in to the off-site defences.
- c. A site layout showing the minimum 6 metre buffer for maintenance of the flood defences, which should be free of any obstructions that would hinder appropriate and effective maintenance and emergency access.
- d. Details of the design and proposed procedures for operating the flood gates including consideration of telemetry requirements.

The scheme shall be fully implemented and subsequently maintained, 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.

3. No occupation of the residential dwellings shall occur until the on-site tidal flood defences have been completed (are ready for service) to the satisfaction of the Local Planning Authority on both the residential and employment parts of the site.

4. No development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

c. The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

5. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

7. No infiltration of surface water drainage into the ground at Trafalgar Wharf is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

9. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works
  - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
  - A map or plan showing habitat areas to be specifically protected during the works.
  - Any necessary mitigation for protected species
  - Construction methods
  - Any necessary pollution protection methods
  - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.
- The works shall be carried out in accordance with the approved method statement.

### **5.3 Natural England**

Natural England previously responded to this application on 21 October 2013, objecting due to lack of information with regard to a number of matters relating to European designated sites. The majority of these issues have subsequently been resolved (subject to appropriate conditions or legal agreements being secured), as summarised by the Mitigation and Enhancement Summary prepared by URS and issued on 13 February 2014. However, the issue of increased recreational disturbance has not been resolved, and is the subject of this response. Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned Footprint Ecology to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. Natural England is on the project Steering Group for this project and also has a statutory role in advising on the potential effects of development on the conservation of SPAs. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

In summary, this work concluded the following:

- There is a high number of current recreational visits to the three SPAs and modelled future increase in visits is also high.
- Lower bird densities were observed at sites that have greater recreational disturbance events.
- The model estimated a high percentage area of intertidal subject to recreational disturbance.
- There was a significant correlation between visitor numbers and housing numbers near the coast.
- In Southampton Water, the model suggested that current levels of disturbance had a depressing effect on the populations of four SPA species and that future housing scenarios would exacerbate this effect for two of these species.

Taking into account this evidence, Natural England's advice is that an increase in the number of dwellings (within the 5.6km zone as defined by the SDMP) would be likely to have a significant effect.

It appears that this development would increase the number of dwellings within the 5.6km zone. Only limited information appears to have been put forward by the applicant to assess or guard against there being a significant effect on the SPA. Thus our advice at this stage is that it is likely to have a significant effect on the SPA.

If your authority accepts this advice, then other than in the exceptional circumstances prescribed by the Habitats Regulations, it is obliged before granting permission to either:

- Undertake an Appropriate Assessment and ascertain that there will not be an Adverse Effect on the Integrity of the aforementioned designated sites;
- Put in place measures which remove the likelihood of significant effect.

Natural England has advised the planning authorities around the Solent that it would be possible to establish a scheme of access management measures that would prevent an increase in the population close to the SPA from having any significant effect on the SPA. It should be possible to introduce such a scheme in a phased way such that an interim suite of measures could be made certain within a small number of months. We are hopeful that this will provide a

streamlined approach by which permissions for development proposals, such as this, can proceed.

#### **5.4 Fareham Borough Council**

Notwithstanding the submission of further information an objection is raised on the following grounds:-

a) The tall building proposed for the site would be prominent in views of the castle and the surrounding conservation area both from viewpoints around and from the harbour and also from Portsdown Hill. Its height and mass, which would also add to that of the existing large dry dock building, would depart significantly from the established scale of buildings in the surrounding area and in my view would be harmful to the character and appearance of the conservation area. It would also be harmful to the setting of Portchester Castle. The adopted character assessment emphasises the importance of the setting of both the conservation area and the castle.

b) the methodology employed in the submitted Transport Assessment (TA) is flawed in that it relies on Paulsgrove Ward data to predict movement impacts and does not provide an accurate base for movement modelling in relation to the development site. With the site being closer to Portchester than any local centre within Portsmouth there is a strong likelihood of a higher level of attraction to that centre resulting in greater levels of vehicular, cyclist and pedestrian movements to Portchester and its bus and railway transport links. There is no recognition of this within the TA and no proposed improvements in respect of pedestrian or cycle links with Portchester centre.

c) Whilst the Council understands it is the intention of the developer to provide financial contributions for management of the Castle Shore Park site there are no clear details provided. It is also unclear exactly what level of additional visitor pressure on the Castle Shore Park is actually anticipated as a result of the development and there is no mechanism in place to secure any necessary contributions or measures.

#### **5.5 RSPB**

An objection is raised on the grounds that; (a) the importance of certain bird species as 'county value' with others as 'local value' indicates a poor understanding of both the legal protection and ecological functionality of an SPA; (b) that the proposed means of limiting noise impacts on birds would be insufficient; (c) no assessment has been made of the number of wintering waterbirds [particularly waders] that could be displaced or the knock-on effect for such displacement; (d) the assessment must consider all migratory waterbirds present in the surrounding area, not just those species for which the SPA is designated; (e) the potential noise disturbance impacts have been significantly under-estimated and unless other mitigation measures are identified no construction works should take place between November and February inclusive; (f) increased over-shadowing of inter-tidal area and potential disruption of bird flight and sight-lines; (g) increased recreational disturbance as identified through the Solent Disturbance and Mitigation Project; (h) the increased area of on-site open space are likely to have a negligible effect in absorbing recreational disturbance; (i) even with the proposed mitigation a likely significant effect cannot be ruled out.

#### **5.6 English Heritage**

Previously English Heritage had raised concerns regarding the height of the tall building and its impact upon the setting of two Scheduled Ancient Monuments; Portchester Castle and Fort Southwick, in particular the visual relationship between these two monuments. The heritage statement accompanying the revised proposals fully assesses the visual impact of the proposed development and I am satisfied that the proposals for a structure which is reduced in height will not compromise the relationship between these two sites, nor will it detract from Portchester Castle's position as a dominant feature in the landscape.

#### **5.7 Hants & IOW Wildlife Trust**

The principal concerns relate to; (a) potential negative impacts on the Portsmouth Harbour Ramsar/SPA/SSSI as a result of increased recreational pressure; (b) potential impact on Pewit Island [approx 2.24km from the site] from recreational disturbance; (c) impact on flight lines of birds from tall building; and (d) no assessment on potential for the site to support black redstart.

## **5.8 Hampshire Biodiversity Information Centre**

Habitats Regulations issues:-

Southampton Road - in the absence of confirmation that the final flood bund along here would be in place before first occupation, I would support NE's recommendation that a fence be erected along the route of the bund as a temporary measure for the period when there may be new residents but no bund – likely to be between the occupation of the first phase of development. As NE say, this is a pretty low-cost, low-effort solution, but would prevent existing and new residents and dogs disturbing the intertidal. I would imagine that either the developer's contractors could do the work if access is granted by PCC, or PCC contractors could undertake it if funded by the developer.

Financial contribution - SDMP - The contribution to the mitigation schemes flowing from the SDMP should be secured by whatever mechanism the LPA has in place for managing this. As there is no new recreational space being provided within the development itself, it is reasonable to conclude that new residents will use the coastal areas for recreation purposes, thus contributing to general cumulative increases in recreational pressure on the SPA. Contributions to these strategic mitigation schemes would serve to offset these impacts.

Phasing of construction - In addition to these measures, it is my understanding that the applicant is proposing to carry out the aspects of demolition / construction likely to result in direct disturbance to the SPA (though noise, vibration etc.) outside the overwintering period. Provided these measures are in place, agreed by the applicant (and thus are considered part of the application) and secured through the necessary planning conditions or legal agreements, then I would consider that the development would have no likely significant effect on the SPA.

Financial contribution – Castle Shore SINC - There are likely to be increased visitors to the SINC (managed by HCC Countryside), given its proximity. This site is already under pressure from users as demonstrated by some of the management problems identified by the site managers. I would suggest it is therefore entirely appropriate for the impacts of additional visitors to be addressed by contributions to the management of the SINC. A fifteen year period seems acceptable and is within the range typically applied for such situations.

## **5.9 Contaminated Land Team**

Standard site investigation and remediation conditions will be required.

## **5.10 Environmental Health**

It is recommended that a site specific Code of Construction Practice, Environmental Management Plan, Site Waste Management Plan and appointment of a Project Environmental Manager should be agreed with the Public Protection Service. Based on the predicted noise levels across the site post-construction the facade insulation strategy should be acceptable and more specific requirements for glazing and ventilation systems can be applied during the detailed design phase in relation to noise from traffic and industrial/commercial uses. The conclusion that the change in NO<sub>2</sub> and PM<sub>10</sub> levels is small of a negligible significance is plausible.

## **5.11 Highways Engineer**

Parking

Residential: In accordance with PCC's Residential Parking Standards SPD maximum parking required is 307 spaces. The illustrative drawings indicate that the development identifies a total of 310 residential parking spaces, including 291 allocated spaces and 19 unallocated visitor spaces.

The Masterplan indicates that a total of 157 secure cycle spaces are to be provided for the residents.

Employment: On the basis of the schedule of accommodation, the maximum parking provision for the employment uses should be between 317 to 410 spaces. Disabled parking provision is 5% of the total equating to between 16 and 21 spaces. Final parking numbers should comply with PCC's parking standards. The illustrative layout shows that adequate parking can be provided.

Secure cycle parking for employees will need to be integrated into the proposed development, in line with PCC standards. In addition, showers for staff should be provided within the office areas.

### Access

Signalisation of the Southampton Road/Hamilton Road junction is proposed, and the junction will incorporate signal controlled pedestrian crossing facilities on Southampton Road. These will replace the existing pedestrian crossing to the west of the junction, which will be closed.

A new signal controlled pedestrian crossing will be provided on Southampton Road, adjacent to Mother Kelly's, providing a continuous link to the boulevard along the sea wall.

The main access for the residential development will be on Hamilton Road which will require a new access in the form of a simple priority junction at Southampton Road/Hamilton Road. This will need to be signalised as part of the development proposals.

### Stopping Up of Hamilton Road

At the southern end of the adopted section of Hamilton Road there is an existing turning head, approximately triangular shaped, on the eastern side of the road. As part of the development this turning head will be stopped up. The access to the basement parking area is to be located on the site of the existing turning head.

### Trip Generation and Distribution

The revised Transport Assessment submitted does not anticipate there being a major adverse impact of the wider highway network between Portchester and Portsmouth.

In order to determine the impact of the traffic generated by the proposed development on the local network the following junctions have been analysed for the predicted traffic flows in 2013, with and without the traffic generated by the proposed development.

- A27 Southampton Road / Castle Trading Estate Access
- A27 Southampton Road / Hamilton Road
- A27 Southampton Road / Port Way
- A27 Southampton Road / M27 J12 Link / A27 Western Road / A3 Southampton Road

The results indicate that junctions on Southampton Road with Hamilton Road, Castle Trading Estate and Port Way are predicted to operate within capacity with and without the proposed development traffic.

The junction of Southampton Road and Western Way is predicted to be operating near capacity in the morning and evening peaks, even without the development traffic. The addition of the proposed development traffic results in small decrease in junction performance but does not have significant impact on the overall operation of the junction.

With regard to the effect on the immediate surrounding highway network to the west of the site, the TA predicts a 16% increase in inbound vehicles into the Castle Trading Estate in the morning peak and an 11% increase in outbound vehicles in the afternoon peak. Having taken these increases into account, it is considered that the existing signalised junction layout with the Castle Trading Estate road provides the most direct route for motorists, cyclists and pedestrians travelling between the southern half of the site and Portchester, including the railway station. It is anticipated Fareham Borough Council (Hampshire CC) would seek highway improvements to the CastleTrading Estate Road to improve sustainable transport links.

### Observations:

**Southampton Road:** The operation of the signalised junction with the Castle Trading Estate should be linked into the new T-junction at Hamilton Road to provide efficient traffic progression. Linkages between these junctions would require cooperation from their Development Control and ITS teams. The new Toucan crossing facility identified just to the east of Mother Kelly's exit should be moved approximately 20 metres east near to the link between the new boulevard and Sedgefield Road crossing desire line. These details could be resolved through a sec.278 agreement.

**Pedestrian and Cycle routes:** The existing cycleway footpath which runs along the site frontage has recently been upgraded. It will be necessary to ensure that residents are not encouraged to park on this route at the front of their houses. There will be no turning facilities for HGV's who erroneously entered Hamilton Road and wish to turn without encroaching into the residential area. This would need to be addressed as part of future details.

### Vehicular access

The location of the access to the underground parking has been amended to avoid a potential conflict with the development access off Hamilton Road. A visitor layby could be designed in here to control fly parking.



The access to the underground parking under the tower needs careful consideration to ensure the route remains clear and fly parking does not occur, blocking access.

Within the site: The boulevard walk shown on the illustrative drawings which would provide pedestrian access into the site is to be welcomed.

Future details will need to show that there will be a ramped access from this route, to ensure good cycle and pedestrian linkage to all areas which will be DDA compliant.

Cycle and pedestrian access into the industrial area is not clear from the plans. This needs to be direct and clear to ensure that the use of sustainable journeys to work are maximised.

#### **5.11 The Portsmouth Society**

No comments received.

#### **5.12 Southern Water.**

A public sewer crosses the site [a foul drain to the rear of Southampton Road/Hamilton Rod houses] which could be diverted subject to no loss of hydraulic capacity. Should any other sewer be found during construction works, an investigation of that sewer will be required. In order to divert/protect drainage apparatus it is requested that a condition is attached to the effect that the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert/protect the public sewers, prior to the commencement of development. Following initial investigations there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the development. Additional off-site sewers, or improvements to existing sewers, will be required and s98 of the Water Industry Act provides a legal mechanism through which appropriate infrastructure can be requested by the developer. Alternatively, the developer can demonstrate that there will be no overall increase in flows into the system. Nevertheless, an informative should be attached as follows, "The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Please contact Southern Water, Southern House, Sparrowgrove, Ottebourne, Hants." Where sustainable urban drainage systems are to be provided the applicant will need to ensure that arrangements exist for the long-term maintenance of those facilities, and a condition attached which requires details of that scheme together with a specification of the responsibilities of each party for implementation, a timetable for implementation, and a management/maintenance plan. This should include the arrangements for adoption by any public authority or statutory undertaker. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water. Due to vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15m to the boundary of a proposed pumping station site. Should the development receive planning approval it is requested that the following condition is attached; Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

### **6.0 REPRESENTATIONS**

6.1 A total of fourteen representations have been received objecting to the proposals. The grounds of objection are summarised as follows;

- a) no infrastructure,
- b) tall building would be out-of-keeping and inappropriate to Portchester Castle,
- c) additional traffic at junction causing noise/pollution [access should be opposite Sedgefield Close or entirely through Castle Trading Estate],
- d) anything over 3-storeys in height inappropriate,
- e) loss of employment from demolition of buildings.

6.2 The Portchester Civic Society and Portchester Labour Party are generally supportive with the exception of the tall building which they consider would be out-of-keeping and inappropriate to Portchester Castle

6.3 The Fareham Society object to the proposal on the grounds that:-

- a) the 10-storey block of flats would have a deleterious effect on the setting of Portchester Castle and the conservation area,
- b) this site does not all within an area of opportunity for tall buildings, and
- c) traffic will have a significant impact on the already crowded highway network and the settlement of Portchester.

6.4 Hampshire Chamber of Commerce object to the proposal on the grounds that;

- a) it reduces the area of this key marine site, contrary to PCS11,
- b) the design of the housing and its proximity to the working yard create a bad neighbour situation which threatens the future operation of the maritime site,
- c) destroys a flourishing marine cluster which is key to the economic strategy of the Solent LEP and PUSH, and
- d) the destruction of the marine cluster is contrary to para 21 of the NPPF.

6.5 The British Marine Federation, in referring to the 2009 report 'Solent Waterfront Strategy', object on the grounds that the loss of a strategic site to housing would have significant negative implications on the area and wider marine industry.

6.6 Marine South-East Ltd whilst generally supportive of the commercial development considers that the loss of some waterfront employment space is regrettable and raises concerns over the relationship between proposed commercial and residential uses.

6.7 A resident of Castle Street supports the proposals given its inclusion of flood defences. Magma Global, who have been in discussions with Trafalgar Wharf for some three years, support the proposals which would deliver flood defence works.

## **7.0 COMMENT**

The principal issues are;

1. The status of the site
2. The scale of the proposed development and its relationship to the area
3. Whether a tall building would be an appropriate feature
4. Whether the proposed tall building would preserve the setting and appearance of existing heritage assets
4. The proposed access/egress arrangements and impact on the local highway network
5. Floodrisk
6. Loss of employment land
7. Impacts on nature conservation and the Special Protection Area through recreational disturbance
8. Housing mix and the provision of affordable housing
9. Public open space, layout and relationship between uses on the site
10. Drainage

## **7.1 Status of the site**

Located at the north-western corner of Portsmouth Harbour the majority of the Trafalgar Wharf site has comprised commercial premises which historically have been used by marine-related industries; the site lends itself to these users as the seaward side of the site has quayside access to a low water channel. These commercial uses are an extension of the industrial uses on the adjoining Castle Trading Estate and use its estate road to gain access. To the northern end of Hamilton Road and part of the Southampton Road frontage the site is fronted by two-storey semi-detached houses. On the Southampton Road frontage there is 'Mother Kelly's', a car wash and an office block. Largely comprising reclaimed land with a significant industrial presence there is the potential for contamination. This issue would be addressed through appropriately worded conditions.

Trafalgar Wharf, including Building 3, has been seen as important employment land and therefore has consistently been protected by planning policy as protected employment land under policy PCS11. The area to the north, including the existing block of offices, carries no specific land-use protection within the Portsmouth Plan. The current Site Allocations document, however, identifies the commercial element of the Trafalgar Wharf as a development opportunity commenting that "The site is split into two, the northern section should be developed for housing, the southern section for marine employment uses, taking advantage of the site's waterfront location. Any proposal will need to make the site safe from flooding." Other than a former boundary between Building 3 and land previously used as a car park by the occupiers of the office block fronting Southampton Road there is no clear boundary between the northern and southern sections referred to in that document. Whilst policy PCS11 carries significant weight in the consideration of the applicant's proposals, the Site Allocations document, forming a First Consultation Draft, would carry very little weight. It does, however, list sites in the city where development might be appropriate, many of which could be developed into housing because of the substantial need for new homes in Portsmouth.

It is therefore recognised that through its regeneration the site has an important role to play in the provision of employment opportunities, particularly for marine based industries that require a waterfront location, in addition to the provision of new housing. The latter would contribute to meeting the Council's housing target within the years 6-10 of housing land supply.

## **7.2 Scale of development**

This application proposes the construction of up to 163 dwellings within an area of approximately 2.65ha, at an overall density of approximately 61.5dpha, with associated access roads and open space. Although seeking outline permission, the applicant is seeking approval for the access at this stage, the Design and Access Statement gives an indication of the parameters of the proposals in terms of storey height and floorspace with a Masterplan to provide an indicative layout showing the likely form of development and areas of open space. The latter would total approximately 0.47ha. Approximately 2.85ha of the site would be retained for employment purposes which is anticipated to provide up to 18,094sqm of Class B1, B2 and B8 floorspace. This would enable the proposed commercial element of the scheme to be occupied for a range of uses including offices, light industrial and research and development, for general industrial purposes and for storage and distribution. Whilst the employment area would be accessed via the Castle Trading Estate, as at present, the proposed residential development would be accessed from Hamilton Road. The illustrative layout does, however, show a potential emergency access/egress onto Southampton Road.

Around one hundred of the proposed dwellings could be 2, 3 and 4-bedroom houses varying in height between two-storeys adjacent to Southampton Road and Hamilton Road, albeit with raised ground floor levels to incorporate flood resilience measures, increasing to four-storeys in height further into the site and adjacent to the proposed ten-storey building which would be located at the south-east corner of the residential area where Building 3 is currently located. The remainder of the residential accommodation would be in the form of mainly 1, 2 and 4-bedroom apartments split between the proposed tall building and a block at the corner of Hamilton Road and Southampton Road. It is anticipated that around 60% of the proposed dwellings will provide 3 and 4-bedroom accommodation.

The ten-storey building aside, it is considered that the scale of the proposed development would adequately address the predominantly two-storey built form to Southampton Road and, in providing a transition to the larger and taller buildings to the south that would form part of the commercial redevelopment, could reasonably accommodate three- and four-storey houses away from the Hamilton Road and Southampton Road frontages. It is considered that the waterside frontage could satisfactorily accommodate a built form that starts at 2/3-storey adjacent to Southampton Road increasing to four-storeys along the proposed seawall and would

complement the residential built form to the coastal frontage to Port Solent on the opposite side of the Harbour.

### **7.3 The ten-storey building**

As part of the overall residential proposals the applicant is seeking to include a ten-storey building. Notwithstanding that matters in relation to layout, scale and appearance would be the subject of a future submission for Reserved Matters approval, comprising an important landmark feature the applicant has, through the preparation of the Masterplan and Tall Buildings Statement explored potential locations for a tall building within the site and the shape of its possible footprint. On the basis that a ten-storey building would be considered acceptable in a particular location, as evidenced by supporting information, and controlled by a planning condition, a reserved matters submission would assess whether its appearance would be of sufficiently high quality to merit approval.

This site does not fall within an area of opportunity for the suitable location of tall buildings under Policy PCS24. However, there are two commercial buildings on and adjacent to the application site, each of a height falling within the definition of a tall building relevant to that policy. It is proposed that the tall building in the development proposal would replace one of those, Building 3. The policy does not rule out such buildings outside of the areas of opportunity providing the particular merits of a proposal are assessed, and would outweigh the general presumption against such buildings within the parameters of exceptions referred to by the policy.

In this case the proposal for the inclusion of a tall building is driven by the overall need to achieve sufficient development value to support financing for the delivery of an off-site flood protection scheme. Whilst the Council would normally require the opportunity to consider detailed design proposals for a building outside the areas of opportunity, to enable the proposal for a tall building to be assessed in light of the policy criteria, in this case the application identifies only the location, with an indication of bulk and mass, in proposing a tall building which would replace Building 3.

Although this application does not seek approval for layout or appearance, the applicant has endeavoured to rationalise the location of the proposed tall building. The illustrative layout plan indicates that the tall building would be situated in the south-eastern corner of the residential area adjacent to an inlet. That part of the site is currently occupied by Building 3 which comprises a large portal-framed structure approximately 65m in length, 43m in width with an eaves height of 18m and ridge height of 24.5m. This building, in terms of bulk, is secondary to the 'Drystack' building which is located 120m to the south. That building has a height of approximately 28m and width of 47m. Both Building 3 and the 'Drystack' building amount to visually prominent features when viewed from Southampton Road and Port Solent to the east. The Drystack building is visually prominent from the open area to the north of Portchester Castle and both Drystack and Building 3 are prominent features in distance views from Portsdown Hill. The proposed tall building, taking a typical storey height of 3m, would be likely to project above the 'Drystack' building by some 3m excluding any service/lift core. As there is no specific design for the tall building the probable height can only be estimated.

The SPD on Tall Buildings identifies ten key buildings and sites that should form the starting point of a visual analysis. Those sites and buildings are all situated within the southern part of the city some distance from the application site, and it is considered that the proposed tall building would not impose on the setting or skyline in which those sites can be seen.

In this case there are two issues for consideration having regard to the proposed location of the tall building outside an area of opportunity;

- Whether the proposed tall building would sit comfortably in the context of the length of coast between Portchester Castle and Southampton Road and how it would relate to the remainder of the development,

- Whether locating a tall building to replace Building 3 could have sufficient merit, subject to detailed design, to justify its location as an exception to policy.

This would, in part, overlap the assessment of the visual impact of the tall building on the setting of Portchester Castle and the appearance of the Castle Street Conservation Area, with its listed buildings, and the setting of Fort Southwick, these features comprising heritage assets for the purposes of the National Planning Policy Framework.

The location of the proposed tall building as shown on the illustrative layout would, as part of delivering a high quality housing development, represent a landmark feature that reflects how the urban grain of the area develops from a domestic two-storey scale on Southampton Road to large individual buildings within the commercial area on the southern part of the site. It is considered that the inclusion of any building in excess of five storeys in height should be located away from the Southampton Road and Hamilton Road frontages and adjacent to the larger individual commercial buildings to the south and south-east.

Although layout and appearance of the development do not fall for consideration at this outline stage, the applicant has nevertheless undertaken a visual impact assessment on the basis of a ten-storey block on the site of Building 3 with a curved footprint providing an aspect to the south-east while enclosing a semi-private area to the north-west

Within the section of coast north of Fareham Lake the 'Drystack' building and Building 3 are prominent structures against a backdrop of lower buildings. Although the proposed tall building (taking account of the number of storeys proposed and the anticipated height of each storey) inevitably would be higher than Building 3, it would not be considered likely to significantly affect distance views of the coast to any greater extent than is currently experienced with Building 3, which it would replace. When viewed from Southampton Road to the east of the site, a tall building of the anticipated height would be seen in the context of the nearby 'Drystack' building and could be considered to represent an acceptable landmark feature without overly dominating the coastal setting.

Having regard to the likely built form of the remainder of the proposed development, comprising a number of dwelling houses of various sizes and shapes and another block of flats nearer the entrance of the proposed, a tall building as shown on the illustrative layout would be unlikely to significantly project above roof lines when seen from the north and west along Southampton Road. Considering the probable impact of the proposed tall building on views from the north and west, it is therefore considered that it would be possible for a ten-storey building as shown on the Masterplan to be reasonably accommodated on the site without it forming a visually obtrusive feature in the wider urban landscape. It is therefore considered that, the principle of a ten-storey building replacing Building 3 could, in forming a landmark feature, contribute to the delivery of a high quality housing development. The detailed design of the building would need to be the subject of a further application under Reserved Matters and this application will assess whether the design is of sufficient quality. If the detailed design were of sufficient merit, it would present an opportunity to enhance views looking into the site from a distance by replacing the solid bulk and mass of Building 3.

However, it is considered that inclusion of a ten-storey building elsewhere on the site would be considered inappropriate and it is recommended that a planning condition is imposed limiting the location of the ten-storey building to the south-eastern part of the site to coincide with the location of Building 3.

To conclude on this issue, notwithstanding the general presumption against a tall building outside of an area of opportunity it is considered that there would be of sufficient weight as material considerations to put the normal policy presumption aside having regard to;

- (i) the presence of two large structures on this site, one of which would be replaced by the proposed tall building, and

(ii) that it would be instrumental in achieving a sufficiently high gross development value to facilitate the provision of improvements to off-site sea defences, without which the principle of residential development would be considered unacceptable.

#### **7.4 Impact on heritage assets**

Portchester Castle comprises a Grade 1 listed building and is a Scheduled Ancient Monument, and is situated at the southern end of the Castle Street Conservation Area. The conservation area itself includes a number of listed buildings with the greatest concentration immediately to the north-west of the Castle.

Particular obligations fall upon the Council in determining any application which might affect the Castle or its setting, or the associated Conservation Area. The Listed Buildings and Conservation Areas Act 1990 (as amended) at section 66 places a duty on the local planning authority 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. Furthermore, at section 72 it is required that local planning authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In addition, a Listed Building falls within the definition of a designated heritage asset for the purposes of the NPPF. The NPPF advises that, in relation to a designated heritage asset, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse permission, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In weighing applications that affect directly or indirectly non-designated heritage assets (ie a conservation area), a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Castle Street Conservation Area was designated in 1969 to protect the character and appearance of the village of Portchester including Portchester Castle. The northern boundary of the conservation area is situated due west of the Drystack building, behind industrial premises on the Castle Trading Estate and borders a more recent housing infill development. The 'village' occupies a promontory of land at the head of Portsmouth Harbour; and the Castle which dates from the 3rd century AD is situated at the end of the promontory beside the shore. The wider setting of the village and the castle comprises Portsmouth Harbour, the low-lying coastal land and the long high ridge of Portsdown Hill to the north. The exposed location of the castle makes it a prominent landmark, particularly in distance views from the east, south-east and south-west. The historic significance of the building as a scheduled ancient monument and a grade 1 listed building in the wider historic context is extremely important.

Castle Street conservation area comprises a number of areas of differing character. The nature and inter relationship of these areas combines to form the overall character and appearance of the conservation area. Four such areas have been identified and comprise;

- Castle Street and its rear garden land,
- The open land surrounding the settlement,
- The immediate setting of the castle, and inside the castle walls

Overall, the historic alignment of Castle Street has remained unchanged. The historic pattern of development is still strongly evident. The older buildings generally face onto the street to form an urban frontage behind which is a related pattern of often deep open gardens which vary in size. Older buildings generally sit close to the pavement edge; some abut directly and others are set back producing subtle variation in the building line; low walls and railings maintain the continuity of the street forming small front gardens. This historic pattern is fundamental to the

character of the street and differs materially from the more formal regimented arrangement of surrounding post war suburban development. Variety has evolved in the individual buildings with constant and often subtle variation in height, scale and architectural detail. This gives the street unique character. The height and scale of the buildings fluctuates but with few exceptions remains two storey. This limited variation provides continuity to the street frontage.

The majority of historic buildings possess characteristic steeply pitched tiled roofs. The overall height is reduced by the modest depth of the buildings. Later rear additions are mainly in the form of smaller rear wings, separately roofed from the principal buildings. Despite notable variation in building form the collective use of traditional materials and detailing serves to unify the street. Despite some intrusion by later infill the character and appearance of the northern part of the conservation area is still strongly influenced by the siting, scale, architectural character and traditional materials of the groups of historic buildings.

The rear garden land on the eastern side of Castle Street abuts the open space boundary, separated by a hedge and trees. This area of land increases in width southwards where it includes a large area of allotments. Its open character, combined with that of the adjacent open space, is of vital importance to the wider setting of the conservation area and to the setting of the castle. It becomes prominent foreground in views of the castle and critical to its setting. Significant trees and a drop in ground level limits the impact of two backland plots adjacent to the outer earthworks of the castle which are at odds with the historic pattern of the village.

On the eastern side of the settlement a large area of coastal open space lies between the rear garden boundaries of Castle Street and the shore. The open character of this land is vital to the both the setting of historic village and the Castle. There are important and impressive views of the castle and its keep from throughout this area. The views are marred by the presence of overhead cables and the unfortunate sheet piling that forms a hard and unnatural edge to the shore.

The immediate setting of the Castle comprises the open land and shoreline that closely surrounds the castle and provides its immediate setting. The area is dominated by the walls and bastions of the castle. It possesses significant architectural and historic interest as it comprises the earthworks outside the curtain wall that were part of the castle defences. These are part of the Scheduled Ancient Monument. To the north the setting of the castle and its outer earthworks has been harmed by the extensive car park, a large expanse of hard surfacing with a black top finish and prominent markings. The definition of Waterside Lane is poor where it passes beside the car park and the two visually merge forming an extensive hard surfaced area.

The proposed tall building would be some 0.86km to the north of the Castle which, taking a typical storey height of 3m, would be likely to project above the intervening 'Drystack' building by some 3m excluding any service/lift core. The 'Drystack' building is situated approximately 0.64km due north of the Castle and with a height of approximately 28m is comparable to that of the Castle Keep which has a height of around 30m. The Keep is the most prominent feature of the Castle situated at the north-west corner while the Castle has walls around 8-10m in height. The listed church in the south-east corner has a main ridge height of approximately 14m and a pyramidal roof with a total height of around 18m.

The Castle and the village can be appreciated in this wider setting from many viewpoints. These include the ridge of Portsdown Hill, the M27 and the M275. It is visible across the water from the south and also from North Harbour, the A27 and Port Solent. However, whilst views of the peninsula across the water from Port Solent, with the castle keep and church tower silhouetted against the sky at its southern tip, remain unspoilt, the two large commercial buildings within Trafalgar Wharf are indicative of the industrial development that has taken place at the north-western reaches of the harbour. In distance views from the east these features are as prominent as the Castle. In approaching the application site from the east along Southampton Road the existing commercial buildings within Trafalgar Wharf become more visually prominent and the Castle less prominent as a landscape feature in the background.

Currently the Drystack Building and Building 3, which is to be demolished to make way for the proposed tall building, are visually prominent structures in the coastal landscape. The proposed tall building would represent the replacement of one large and visually prominent structure with another, albeit with the potential to be more aesthetically pleasing. In the context of the existing low-lying coastal landscape, in which the Castle has historic importance, the upper reaches of the west side of the harbour are nonetheless noted for the large commercial buildings within the application site.

The proposed tall building and Castle would also be viewed from the brow of Portsdown Hill. From this vantage point the castle is approximately 2.2km to the south, and both the 'Drystack' building and Building 3 represent clearly discernible features in the foreground of the coastal landscape with the Castle as a less prominent feature in the background. The proposed tall building would, however, be a slightly more prominent feature in these distance views, although would not be considered to unduly dominate the setting of Portchester Castle given its proximity to the 'Drystack' building some 120m to the south. In these circumstances it is considered that the spatial separation between the proposed tall building and the Castle, with the intervening Drystack building, is such that a ten-storey building as shown on the Masterplan would not harm the wider setting of the Castle when viewed from Portsdown Hill.

It is therefore considered that, in terms of distance views from across the upper reaches of Portsmouth Harbour and from Portsdown Hill, the proposed tall building would have the effect of preserving the setting of Portchester Castle.

The proposed tall building would also need to be considered in relation to any potential impacts on the setting of Fort Southwick and its inter-relation with the Castle as features of defence. It is, however, clear that any direct visual relationship and appreciation of the setting between the Castle and the northern margins of Portsmouth Harbour and Fort Southwick on Portsdown Hill have long been compromised by the extensive modern development of Paulsgrove. It is therefore considered that the proposed tall building would not affect the setting of Fort Southwick or the manner in which the Fort and the Castle are read as historical defence features.

In addition to distance views of the site and its relationship to the Castle, in assessing whether the proposed tall building would result in harm it is also necessary to consider views out from the Castle. Historically, the Castle would have presided over a largely undeveloped area at the north-west reaches of the harbour with an immediate hinterland of linear settlement. It has largely retained its importance in terms of understanding its role in the defence of and acting as a centre of trade for the upper harbour reaches. However, the development of the area to the north through the 19<sup>th</sup> and 20<sup>th</sup> centuries has radically altered its historic context. Views from the Castle northwards are now of sprawling urban development reaching to the brow of Portsdown Hill. When viewed from the south, and in particular the immediate vicinity of the Castle, the proposed tall building would be largely screened by the 'Drystack' building. Furthermore, from the perspective of the Castle the vertical scale of the tall building would largely be subsumed within surrounding development. In these circumstances the proposed tall building, or other parts of the proposed development, would not be considered to prejudice the understanding of the role of the Castle in a wider context.

The proposed tall building and development as a whole would also have the potential to affect the setting of listed buildings within the conservation area and the conservation area itself. The majority of the listed buildings are situated in close proximity to the Castle. At its northern end, north of White Hart Lane, there is a small group of listed buildings, reflecting how the character of Castle Road changes as it continues northwards. For the most part Castle Road is characterised by two-storey building close to the road frontage offering very limited views out of the area. To the north-east of those properties the conservation area opens out to include the areas of open space extending to the shore line. Views of the proposed tall building from within the central and northern part of the conservation area would be screened by such existing



buildings. It is therefore considered that the proposed tall building or wider redevelopment proposals would preserve the character and appearance of these heritage assets.

In concluding that the proposed tall building and wider development proposals would preserve the setting of the Castle and the Listed Buildings within the Castle Road Conservation Area it is acknowledged that the proposed development would not result in harm to the designated heritage assets. Similarly, it is considered that the development proposals would preserve the character and appearance of the conservation area. These conclusions are supported by English Heritage which although initially raising concerns, was satisfied with additional information provided by the applicant that addressed visual impact.

## **7.5 Highway matters**

The applicant has satisfactorily demonstrated through the submitted transport assessment that, in terms of trip generation and vehicular movements, the residential element of the proposed development is unlikely to materially affect the operation and capacity of the existing and nearby junctions on the main distributor network. Although Fareham Borough Council in their consultation response were dissatisfied with the use of Paulsgrove data for the Transport Assessment the use of that data was agreed with Hampshire County Council as the Highway Authority. With the proposed access to the residential element from Hamilton Road it will be necessary to re-configure the existing junction with Southampton Road. The revised junction would need to be a traffic light controlled junction and designed to cater for the projected peak-hour traffic movements. The re-configured junction would be secured through a Section 278 agreement under the Highways Act. The re-configured junction would entail the removal of the existing traffic light controlled pedestrian crossing further west and the incorporation of facilities to enable pedestrians and cyclists to cross from one side to the other. The existing cycle lane on the north side of Southampton Road would be extended a short distance to the east.

Having regard to the proximity of the site to Portchester railway station and Portchester Centre the site is located within a sustainable location. The illustrative layout demonstrates that a satisfactory level of on-site car parking facilities could be achieved as part of the development to meet the requirements of the proposed development and the standards set out in the current Supplementary Planning Document on parking standards without harming its overall appearance. Although Fareham Borough Council have expressed the desire to secure improvements to linkage between the site and Portchester Centre and the Railway Station, there is already an adequate cycle lane and footpath provision between the site and the Castle Street roundabout. It is not, therefore, considered that the proposed residential development would give rise to a need for such improvements.

Notwithstanding the recent grant of full permission for an industrial building on a majority of the commercial part of the site, the illustrative layout shows a range of buildings served by an internal access road with parking and servicing. Commercial buildings at the northern end of the site would reflect the domestic scale of residential buildings to the north and act as a buffer to taller industrial/warehouse buildings to the south. In comparison to the existing level of commercial floorspace within the site the applicant's proposals for Class B1, B2 and B8 uses would result in a net decrease of around 1000sqm. With such a reduction it is anticipated that the likely level of traffic movements into and out of the site via the Castle Trading Estate would be broadly similar to the level generated by full occupation of the existing buildings. It is therefore considered that the number of traffic movements generated by the commercial element of the proposed development would be such that improvements to the access road through the Castle Trading Estate or its junction with Southampton Road would not be necessary.

In seeking outline permission no decision has been made in relation to whether the proposed internal road layout for the residential development would be put forward for adoption under s38 of the Highways Act or would be privately maintained through a management company. It is anticipated that the internal road layout for the commercial element would be privately

maintained as it is at present. Details of the proposed internal access roads would, however, be the subject of a planning condition. The proposed development would require the stopping up of an area of public highway at the southern end of Hamilton Road. This would be dealt with by a Highway closure under Section 247 of the Planning Act.

## **7.6 Flood risk**

This site falls within Flood Zone 3 of the Environment Agency's Flood Map for Planning and is at primary risk of flooding from the sea. At present the development site itself is not protected by flood defences.

The coast to the east between the site and Port Solent and to the south between the site and Portchester Castle has defences estimated to offer a standard of protection of between 5-10% (1 in 20 to 1 in 10 year). This offers a standard of protection to around 400 existing residential properties and 60 existing commercial properties.

Overtopping and flooding of the A27 Southampton Road at Paulsgrove typically occurs every 10 years. The most recent recorded incident causing local traffic delays occurred in 1995 when water covered the road, estimated to be a 10% (1:10) to 6.7% (1:15) aep event. In 2013 a period of prolonged rainfall together with spring tides resulted in some partial flooding of the application site.

The residual life of the seawalls between the site and Portchester Castle and Paulsgrove have been estimated to be between 10- 50 years.

The adopted Portchester Castle to Emsworth Coastal Strategy identifies that the number of properties at risk within the Portchester to Paulsgrove coastal cell (if the existing sea defences are not maintained) increases from present day 392 to 685 by the year 2108 [excluding any net increase arising from the proposed development].

The strategy for this stretch of coast proposes a policy of 'hold the line and improve' through which existing defences are improved to reduce flood and erosion risks. The cost of the works identified in the strategy are estimated to be £7m over the first 20 years and whole life costs including maintenance at £22m over 100 years. The most likely route for funding would be central Government Flood Defence Grant in Aid administered by the Environment Agency.

To achieve a safe development there would need to be certainty that the sea defences between the site and Portchester Castle to the south and Port Solent to the east will be upgraded to a standard that would afford protection up to the year 2115.

Even with the construction of an on-site sea defence barrier, the proposed residential development and access routes could be at risk of flooding from outflanking to both the east and south in the event that existing off-site defences are not improved.

The need for improved on and off-site flood defences to enable the proposed residential development to proceed with assurance of future flood safety has been the subject of discussions with the applicant, the Environment Agency and the East Solent Coastal Partnership. For the off-site flood defences the Environment Agency has used the best available information to determine the amount of central government Flood Defence Grant in Aid (FDGiA) for which the Agency's proposed scheme is likely to be eligible. A contribution has been offered by the developer to the Agency and is a best estimate of the sum of money that would be needed to make up a funding shortfall into the future and to supplement and secure the proportion of FDGiA available. This has been calculated in order to meet the whole-life costs of the off-site flood defence scheme across the 100 year life of the scheme.

The applicant has proposed to make a financial contribution of £3.1m towards the delivery of improvements to the off-site sea defences. Whilst the Council may support the approach of the

Environment Agency to the necessity of securing provision of the off-site sea defences, and to secure funding for such provision, the mechanism of a Section 106 agreement which is proposed by the Environment Agency is not appropriate. The payment of financial contributions through a planning obligation would be triggered by the commencement of development and must meet three tests; (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. (This is a requirement of Regulation 122 of the Community Infrastructure Levy Regulations 2010).

The use of a planning obligation would not offer any certainty to the Environment Agency as to when funding would be forthcoming, and neither would it facilitate the preparation of a project delivery plan that is entirely dependent on Grant in Aid funding. Whilst the off-site improvements to the sea defences would be a pre-requisite for the delivery of housing on this site, the provision of those improvements would not be considered to relate fairly and reasonably in scale to the proposed development. Although the proposed residential development would only be considered acceptable in flood risk terms with the off-site sea defence improvements, having regard to the level of this contribution in relation to the scale of the proposed development, with issues in relation to timing and payment of the contribution it would therefore be inappropriate to require the payment of that contribution through a section 106 agreement. In order to facilitate the preparation of the project delivery plan, which would rely on assurances that the financial contribution would be in place to enable the Environment Agency to incorporate the project within its own spending plans, an alternative funding arrangement would be necessary. The payment of the financial contribution would, in this case, be secured by an agreement pursuant to the Local Government Act which the applicant has expressed an intention to enter into with the Council.

As the Environment Agency has pointed out in their consultation response competition for the limited amount of available FDGiA varies from year to year and there is no guarantee that funding would be available for the off-site scheme in any given year. However, the Agency has secured funding to produce a Project Mandate and has made a Flood & Coastal Risk Management Grant in Aid bid. An early indication of potential funding for the scheme will be announced in July 2014 while the final allocation of funding is due to be announced in December 2014.

Based on the proposed contribution from the developer, and the subsequent Partnership Funding score the scheme obtained, it is considered likely that the proposed scheme will secure FCRMGiA within the 6 year programme. Projects that have agreed Partnership Funding contributions stand a much better chance of securing the necessary FCRMGiA, and that without such contributions the necessary funding would not be secured for many years.

A Delivery Plan for the off-site sea defence improvements indicates that the Project Mandate would be prepared across 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2014/15, and with confirmation of funding in December 2014 the project would move to an 'Appraisal' phase where options and outline designs are developed. This would culminate in Technical Approval and justification for design and construction by the 3<sup>rd</sup> quarter in 2016/17 and subsequent construction across 2017 to 2019.

Without the certainty that the proposed financial contribution from the developer would facilitate delivery of the required improvements to both the Southampton Road sea defences and the stretch of coast down to Portchester Castle, the residential element of the application would be considered unacceptable in planning terms because the residential development would not be safe from flooding. Although an indication of likely funding will be forthcoming in July 2014, certainty will only be secured with the announcement in December 2014 that the project will receive funding as part of the Government approved six-year programme. All other issues aside the delivery of housing on this site would therefore be dependent on the developer entering into the agreement under the Local Government Act to ensure that the bid put forward by the Environment Agency can progress, and confirmation of funding from the Environment Agency

through FCRMGiA enabling delivery of the off-site sea defence improvements by 2019. It would also be necessary to impose a planning condition that would prevent the occupation of any part of the proposed residential development until such time as both the on-site and off-site sea defence improvements have been completed. On these terms the proposed development would be consistent with both local and national planning policy.

## **7.7 Loss of employment land**

The applicant's proposals, as illustrated in the Masterplan, places the 10-storey building within an area designated under policy PCS11 of the Portsmouth Plan as protected employment land. The extent of the area to be lost to residential development would amount to some 0.75ha and has a water frontage of approximately 35m. This part of the site is currently occupied by Building 3, one of the larger buildings on the site that has a temporary addition to the rear extending towards the houses fronting Hamilton Road.

In 2013 Trafalgar Wharf had around 80 tenants covering both marine and non-marine related activities. The site accommodates a boatyard, shipyard and a drystack and provides a variety of different packages for the marine industry from lift-outs to storage and maintenance/repair facilities. It is an attractive location for marine industries because of its waterfront location, access to a deep water channel, unique deep pool, pontoons and the UK's largest drystack (indoor boat storage facility). The Wharf also has a 1000tn ship lift and a 40tn slipway hoist.

The marine sector has been identified as a key growth sector for Portsmouth and the sub region as a whole in the PUSH Economic Development Strategy 2010 and Portsmouth's Regeneration Strategy. The marine sector has a high level of output which can contribute to a high growth rate for the region. There is a recognised cluster of marine activity in the Solent as 40% of the UK's marine sector based in the South East are mainly in the Solent. The Solent is the internationally renowned centre of the UK Marine Industry. The marine sector thrives here due to the coastline, clustering of marine businesses, supply chain and availability of research, skills and training from the universities.

The Solent Waterfront Strategy (2007) indicated that in South Hampshire the marine sector contributes 17.8% of the area's GDP. There are 1,750 businesses in the area employing 7,000fte which equates to 8% of the total employment in the area. In Portsmouth the marine industry accounts for almost double the national average share of employment in this sector. Along with other waterfront locations Trafalgar Wharf is identified as a strategic site in the PUSH economic strategy 2010 and as a key marine site in the Marine Profile for South Hampshire and the Isle of Wight 2013 (Solent LEP).

In December 2012 the Solent Local Enterprise Partnership published a 'Strategy for Growth' which set out their vision and strategic priorities. The LEP has to date secured over £30m worth of business support packages, and we have seen the Southampton-Portsmouth City Deal signed off which will bring an investment package of £953m into the sub-region. The Partnership has also finalised a European Structural and Investment Fund Strategy for £78m. In March 2014 the Partnership published the 'Solent Strategic Economic Plan 2014-20' in which six objectives were set out. These included maximising the economic impact of economic assets, unlocking critical employment sites, providing new housing, ensuring people have the right skills to access employment, providing effective support for small and medium-sized enterprises and unlocking innovation led growth. Within that document Trafalgar Wharf is identified as a potential site for marine employment and manufacturing development as well as new homes. However, in order to comply with planning policy, development of this site would require flood defences across the entire flood cell to prevent outflanking and to a higher standard than that which could be justified to protect existing properties.

The Partnership for Urban South Hampshire (PUSH) has adopted an economic strategy to ensure growth and jobs in the sub-region. The aim of this strategy is to close the gap between South Hampshire and the rest of the South East. The economic strategy sets out the future land

requirements for employment across the sub-region and the PUSH South Hampshire Strategy 2012 translates this into a requirement for each local authority area. The requirement for Portsmouth is to provide 100,000sqm office and 50,000sqm B1c/ B2/B8 floorspace between 2011-2026. Up to date figures indicate that the city is likely to fall short of its requirement for B1c/B2/B8 employment floorspace by around 3,000sqm.

Although there is insufficient evidence to determine precisely the future demand for waterfront locations, the Marine Profile for South Hampshire and the Solent Waterfront Strategy does indicate that the retention of existing waterfront locations and delivery of new opportunities is important to the industry. The marine sector is important to promoting the economic growth of Portsmouth and the sub-region, and Trafalgar Wharf is a particularly important employment site as it one of a few remaining waterfront sites suitable for the marine industry. This sector has the ability to provide high Gross Value Added growth and high wage jobs, but faces issues in relation to the affordability of premises, lack of car parking and available waterfront sites.

Within the Solent there are some fourteen potential sites for marine-based employment ranging from locations in Southampton to the Isle of Wight, Gosport and Portsmouth. There is, however, some uncertainty in terms of when some of these sites would come forward, and some are more likely to become available in the medium to long term.

The Portsmouth Plan, in acknowledging the desirability of encouraging investment in the marine sector, reflects strategic objectives identified in the South Hampshire Strategy, the Solent Waterfront Strategy and the 'Solent Strategic Economic Plan. Trafalgar Wharf is a particularly important employment site as it is one of a few remaining waterfront sites suitable for the marine industry. The regeneration of the site to provide modern commercial facilities for marine-based industry would therefore be key to meeting those objectives. Other than Tipner, which is likely to be delivered in the medium to long term, there are no alternative waterfront sites in Portsmouth for marine businesses looking to expand or relocate.

This part of the Trafalgar Wharf site would, however, have limited potential for some types of marine-based industry. The existing building has a limited life expectancy and with an apron adjacent to the inter-tidal area could only offer access to the harbour at high water level. The construction of the proposed sea wall as part of the redevelopment proposals would obstruct direct access to the sea at high water. Therefore, although the site is located adjacent to the harbour it would not necessarily prove attractive to marine-related businesses that require access to the sea, particularly if such business require direct access at high and low water levels. The provision of the on-site sea defences would also prohibit direct access to the shore at high water. In these circumstances this part of the site would not be more likely to be attractive to marine related industries than to general business use within a new building.

The redevelopment of the remainder of the southern section of the site is unique in that it offers potential investors a protected waterfront location, including a basin and lock, that is otherwise unavailable elsewhere in the short to medium term. In these circumstances loss of the area of protected employment land would need to be balanced against the wider benefits arising from the opportunity to secure finance for provision of the off-site sea defences. Without such defences the site, and the adjoining Castle Trading Estate, could not be as attractive to future investment and the ability to accommodate marine-related businesses that require access to the sea or a location close to the sea would be diminished.

On this issue it is concluded that there are other aspects of the overall development proposal affecting the means to secure flood defences and viable regeneration of the site that would be sufficient to outweigh the loss of 0.75ha of employment land.

## **7.8 Nature conservation**

Located to the north-west of Portsmouth Harbour the application site is bounded on its seaward side by the Harbour which forms part of a Site of Special Scientific Interest (SSSI), the

Portsmouth Harbour Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Immediately to the south-west of the application site lie sites of importance for nature conservation (Local Wildlife Sites). An ecological survey of the site also reveals the presence of pipistrelle bats, a protected 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 Portsmouth Harbour is designated, or otherwise affect protected species.

The principal impact of the proposed development would be in relation to the interest features for which the upper reaches of Portsmouth Harbour is designated. In this case those interest features centre on the use of the inter-tidal areas by waders and Brent Geese and the impacts arise from both constructional and operational phases of the development, together with the delivery of improvements to the existing sea defences. Although the latter have yet to be the subject of detailed design it is likely that they would take the form of a bund along Southampton Road and a wall between the site and Portchester Castle to the south.

With the increase in the number of residential properties on the site the proposed development is likely to result in greater levels of pedestrian movements along Southampton Road and southwards to the areas of open space leading down to the castle. The sea defence improvements would, however, be designed to minimise disturbance to waders. Whilst it is expected these defences will be delivered in the short to medium term there is the potential for disturbance to waders from activity along the Southampton Road shoreline until they are completed. In order to mitigate the impact of increased use of the shoreline the applicant proposes, as part of an overall package of measures, to provide low fencing adjacent to the Southampton Road foreshore. These measures could be secured by way of a condition preventing occupation of the development until those works are carried out.

Given the proximity of the proposed housing development to the Local Wildlife Sites it is likely that future occupiers of the development would place increased pressure on that area. In order to mitigate likely impacts on the Local Wildlife Sites the applicant is proposing to (a) prior to the first inhabitant moving into the site, provide an information board at the northern entrance to Castle Shore Park which will describe the interest features of the parks and of Portsmouth Harbour and to encourage people to keep to the footpaths, avoid disturbing waterbirds and keep their dogs on a leash, (b) provide annual funding for fifteen years for vegetation management to cover the costs of reseeding areas of the park that become degraded with grasses more tolerant of trampling, (c) provide funding to control the encroachment of scrub into the more diverse grassland habitats, and (d) to combat the problems created by an increase in domestic dogs; two new dog waste bins will be provided along the main paths and funding would be provided for these to be emptied on a regular basis for fifteen years. This range of measures, which includes a total financial contribution of £9,200, would be considered an appropriate response to the potential impacts arising from the proposed development.

With regard to bats the development proposals would result in the destruction of an identified roost and an EPS licence would need to be obtained. It is proposed to incorporate new bat roost features in the new development, with temporary roosts erected if the new permanent roosts cannot be erected prior to demolition of the extant roost. The applicant has since clarified that bat boxes would be located on buildings facing south-east/south-west, and that interim roosting provision (between demolition and the installation of the new boxes) would also be installed.

In general, this is an acceptable strategy. The illustrative layout suggests that the new dwellings along the north of the site, roughly in the same position as the houses to be demolished along Southampton Road would provide similar locations for the replacement roost. With these mitigation measures in place it is likely that an EPS licence would be granted.

Natural England has acknowledged that the range of mitigation measures proposed by the applicant are generally acceptable. Nevertheless, Natural England consider that the wider issue of recreational disturbance would still need to be addressed and points to the Solent Disturbance Mitigation Project. The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). This has been acknowledged by the applicant who has indicated a willingness to enter into a legal agreement to provide the necessary mitigation. The city council's Solent Special Protection Areas Supplementary Planning Document sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as  $142 \times \text{£}172 = \text{£}24,424$ . As a result, it is considered that, subject to the inclusion of an appropriate level of mitigation within a legal agreement, there would not be a significant effect on the SPAs. The requirement for a legal agreement to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

With these measures in place it can be concluded that, insofar as the project level Habitats Regulations Assessment is concerned the proposed development would be unlikely to have a significant effect on the SPA's.

### **7.9 Housing mix and affordable housing**

The applicant's Masterplan and supporting information indicates that the residential element of the proposals would accommodate up to 163 dwellings. Of that number around 60% is anticipated to comprise 3- and 4-bedroom accommodation in the form of mainly houses with a modest number included in the ten-storey building as apartments. The applicant has, therefore, satisfactorily demonstrated that the proposed residential element is capable of meeting the policy objective of providing at least 40% of family housing [ie 3-bedroom +]. However, as this application seeks outline permission it would be considered appropriate to impose a planning condition to ensure that this objective is met as part of any future reserved matters application.

As originally submitted the application did not include the provision of affordable accommodation as part of the proposed development. A viability assessment was submitted in support of that position. However, following an independent review of the assessment the applicant subsequently proposed that 10% of the housing development would be affordable with a 70%/30% split between social rented and shared equity.

The policy and Supplementary Planning Document would allow for the provision of a lesser proportion of affordable housing if supported by a viability assessment that is sufficiently robust to offer a reasonable degree of certainty over its conclusions. To be robust such assessments must rely on a number of assumptions and a level of information that reflects the actual content of a scheme in terms of the number and type of dwellings to be provided. The latter can have a significant impact on gross development value and, ultimately, residual land value and the level of affordable accommodation that could be provided.

In carrying out a review of the submitted viability assessment the Council's independent consultant has had regard to whether any key revenue assumptions have been under-assessed (e.g. sales value estimates) or any key cost estimates (e.g. build costs, land / premises value) over-assessed – since both of these effects can reduce the viability outcome unduly. For the purposes of this review it is assumed that the appraisal submitted by the applicant produces a margin over existing use value at a level that would enable the development to come forward otherwise the development would be unviable. The overall levels of sales values indicated by the applicant's consultant on an average per m<sup>2</sup> basis appear reasonable for the area. Some of the flats appear to be relatively large and thus produce relatively low sales values (on a £/m<sup>2</sup> basis) although it must be recognised that the application is in outline form only. It also appears that no allowance has been made for the income from Ground Rents, potentially an additional source of revenue from the flatted parts of the development.

The base build costs, external works, preliminaries, underground car parking all appear reasonable by comparison to the RICS Building Cost Information Service (BCIS) data. For comparison, the cost per sq m of the base build and preliminaries is approximately £1,080/m<sup>2</sup>. This compares to BCIS data indicating median build costs in the range £846 - £1,207/m<sup>2</sup> (depending on type of housing / flats and storey heights).

There are, however, areas of concern in relation to the appraisal. It is not clear as to the approach taken to calculating the affordable housing revenue. The appraisal undertaken by the independent third party demonstrated that by applying the same basis of calculating affordable housing revenue to the projected mix of units an extra £1m was created in the appraisal. Furthermore, whereas the appraisal has taken 70% of value in the scheme, the lowest value 'units' have been taken as affordable and the most valuable left as private. 70% of the units and 70% of value are not the same. In terms of build costs the appraisal allows for inflation over the likely construction period. However, in doing so the appraisal should also allow for residential sales values uplift and capital uplift on the non-residential. The independent expert comments that "even if the house price inflation information were correct we are unable to reconcile the reasoning for the uplift used. It also doesn't take into account the fact that a percentage increase applied to the sales values at the same rate as the build costs would mean an increase in the residual value generated (in applying a percentage to a higher number – 2.5% increase in build costs and a 2.5% increase in sales value would lead to an overall increase in Residual Land Value)."

In summary, and bearing in mind that there are still uncertainties over some of the input assumptions, it is considered that the affordable housing contribution should be at or near 30% level based on current information. It is important to recognise that this is an outline application and subject to potential changes in many of the input assumptions. Nonetheless, adjustments indicate that it is possible for full compliance with affordable housing to be met and shows how sensitive the outcome is to adjustment of those assumptions. It should also be acknowledged that, given the need to ensure that the proposed residential development would be safe for its lifetime, residential units could be delivered as late as 2019. Any justification for the provision of less than 30% would need to have been made on the basis of development starting within the next year to reflect agreed values incorporated in a viability assessment.

In recognition of this assessment the applicant has since confirmed that the development would provide affordable housing to the full standard under policy PCS19, although has indicated that a further viability assessment would be completed at the time a reserved matters application for the housing is submitted. In the event that a new viability assessment, based on build and sales values at that time, demonstrated a lower provision would be justified the applicant would seek to vary the legal agreement.

### **7.10 Open space and layout**

Subject to the number and size of dwellings to be provided, the level of open space shown on the illustrative layout is likely to provide some 0.1ha less than the level of provision normally required under policy PCS13. Applying an average level of occupation across the residential development the likely requirement would be around 0.58ha. The supporting text to policy PCS13 identifies that play spaces are one of the fundamental parts of the green infrastructure network, both as independent sites and as part of wider green spaces. High quality play spaces are vital for a child's physical, mental, and emotional health and wellbeing. As well as purposefully designed play spaces, multifunction spaces can also provide a stimulating play environment. Most homes within the city are within 800m of a play space and therefore children in the city are generally well provided for. To ensure this situation is maintained the need for a new play space as part of larger developments will be highlighted if the development is located more than 800m from an existing play space or if the route to a play space would be unsafe. In this case the proposed development would be within 800m of a play area on the north side of Southampton Road, access to which would be improved by the provision of a new pelican



crossing, and the area of public open space created by the release of part of former education land west of Connaught Lane. In addition an area of public open space is situated in close proximity to the south of the site. The Masterplan indicates that a significant proportion of the development would comprise family houses with their own private amenity space. The Masterplan also indicates that on-site open space could be divided into three main areas. The largest of those areas would be suitable for the provision of a Local Area of Play. In these circumstances it is considered that the recreational needs of future occupiers could be met in a reasonable manner and the likely shortfall in on-site open space would not be so significant as to result in an unacceptable living environment.

The masterplan shows that the proposed development could take the form of a linear pattern of terraces of houses fronting Southampton Road and within the site arranged on a north-south and east-west axis. Terraces within the site are shown as fronting areas of open space and a boulevard adjacent to the Harbour created by the proposed sea wall. The ten-storey apartment building would be located at the south-east corner of the residential area with a further block of flats situated adjacent to the Hamilton Road/Southampton Road junction. In order to minimise the visual impact of car parking the illustrative layout demonstrates that approximately one-third of parking spaces would be provided below ground level split primarily between a basement area to the ten-storey building and an area below one of the areas of public open space between two north-south terraces on the western part of the site.

The illustrative layout shows an area of incidental open space to the north-west of the ten-storey building fronted by houses to the north and the rear of a three-storey office building to the west. The latter would act as a buffer between the residential accommodation and mainstream marine-related commercial uses to the south. Mindful of the comments of the Public Protection Officer it is considered that the juxtaposition of the ten-storey building to the adjoining and nearby commercial uses, both as proposed and existing, could be satisfactorily addressed through the façade insulation strategy and secured by way of a planning condition. Although the applicant's proposals place residential accommodation adjacent to commercial uses, the physical layout of buildings could be arranged to minimise potential adverse impacts arising from commercial activities.

### **7.11 Drainage**

It is noted that the proposed surface water drainage system for the employment part of the site appears to rely on significant manual intervention to ensure that surface water can be managed effectively. Significantly more detail will be required on the proposed procedures including trigger levels, responsibilities, estimated frequency with which the dock gate(s) would need to be closed, and confirmation that the impacts of the proposed system are compatible with the other intended functions of the dock area. Otherwise details of an alternative system will need to be provided. The Environment Agency suggests the imposition of a condition to deal with this issue.

Southern Water have indicated that following initial investigations there is currently inadequate capacity in the local network to provide foul and surface water sewerage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer and provided to drain a particular location. Currently foul drainage is directed to the existing pumping station where it is then pumped up to a gravity sewer north of the railway line. It would be anticipated that the proposed development would place an increase in demand on the foul drainage network. At this stage it would be considered appropriate to impose a planning condition requiring details of the proposed foul drainage network and discharge levels to ensure that the proposed development could be accommodated without the need for any further infrastructure.

Surface water drainage for the northern part of the site would be collected by a surface water drain that runs along Southampton Road and terminates at the pumping station at the north-

eastern corner of the site where there are outfalls into the harbour. The proposed development would, in these circumstances, need to address a potential increase in surface water discharge and a means to ensure that in a storm event a surcharge can be avoided, and that the quality of surface water entering the harbour would not affect its ecology. It is therefore proposed to impose a planning condition requiring precise details of surface water drainage system to ensure these issues are satisfactorily addressed.

An informative that the applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the proposed development would be placed on the planning permission.

## **8.0 Conclusions**

This application has raised a number of complex issues. However, for the reasons outlined above it is considered that the redevelopment of the site as proposed would deliver a form of redevelopment that would relate appropriately to the existing site and its local environs. This would include the provision of a ten-storey building located in the position of an existing bulky structure that could form a landmark feature without unacceptably affecting the setting of listed buildings, including Portchester Castle and other historic buildings within the conservation area. Furthermore, it is considered that the tall building would preserve the character and appearance of the conservation area.

The proposed vehicular access to the site, which will necessitate a s278 agreement in relation to improvements to the Hamilton Road/Southampton Road junction, that will also incorporate crossing facilities for cyclists and pedestrians arising from the removal of a nearby crossing, would amount to an acceptable solution. The traffic generation associated with the proposed development could be accommodated without significant impacts on the local highway network.

With the formulation of a delivery plan by the Environment Agency and the East Solent Coastal Partnership in relation to securing improvements to off-site sea defences, and partnership funding from the financial contribution offered by the applicant, there is a significant likelihood that off-site improvements, to ensure that the residential element of the proposals would be acceptable in planning terms, could be achieved. However, as the delivery of the off-site improvements would be key to ensuring that the proposed residential development would be safe over its lifetime it will be necessary to structure the grant of outline permission with the effect that permission could only be granted

- when the Environment Agency is able to confirm that funding has been approved for the delivery of those improvements by 2019 and
- when the applicant has entered into a legal agreement under the Local Government Act in relation to the financial contribution that would assist in securing Grant in Aid funding.

Although the proposal would entail the loss of 0.75ha of employment land, in the context that the proposed development would deliver the regeneration of the site and provision of off-site sea defences, and that on-site sea defences would afford protection for commercial uses, the wider benefits arising from the development would be considered sufficient to outweigh the objection under policy PCS11.

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 complies with the requirements of the Habitats Regulations.

The applicant's proposals for housing would extend into part of the area designated under policy PCS 11 where the loss of industrial/warehousing/office uses would be resisted. As outlined above the material considerations of achieving wider benefits would support the loss of that area in favour of residential use. In terms of housing mix the proposed development would be capable of achieving the policy requirement in relation to the provision of 3 bedroom or more

housing. Furthermore, the Masterplan and parameters outlined in the submission indicate that the proposed development would be able to accommodate an acceptable level of open space for use by future occupiers. Notwithstanding that the submitted viability assessment did not robustly demonstrate a lower provision of affordable housing, the applicant's willingness to enter into a legal agreement to provide 30% of the residential development as affordable accommodation is to be welcomed.

Whilst Southern Water have expressed concerns in relation to drainage it is nevertheless acknowledged that a technical solution would be achievable and can be reasonably controlled by way of a planning condition.

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. It would be anticipated that the regeneration of this site would assist in the creation of job opportunities in the construction industries and through the creation of new employment floorspace in modern facilities that would meet the requirements of new businesses.

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 provision of affordable housing at 30% of the total number of dwellings to be provided as part of the development pro rata,
2. Not to allow the disposal of more than half of the dwellings that are to be sold on the open market before the affordable housing is completed and ready for occupation,
3. The provision of 0.47ha of publicly accessible open space, including a local area of play, within the site and an open space management agreement to secure its future maintenance by a management company supported by an open space bond
4. Mitigating the impact of the proposed development on Special Protection Areas (SPA's) by securing the payment of a financial contribution of £24,424 [based on net increase in dwellings x £172],
5. Mitigating the impact of the proposed development on the designated Sites of Importance for Nature Conservation by securing the payment of a financial contribution of £9,200,
6. The provision of a Residential Travel Plan, to reduce reliance by residents of the development on private vehicles, and Monitoring Fee of £5,000
7. The provision of a Travel Plan for the commercial floorspace to reduce on private vehicles
8. The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people), and Monitoring Fee of £5,000
9. The payment of a Project Management Fee of £4,500.

**RECOMMENDATION I** Delegated authority be granted to the City Development Manager to grant Conditional Outline Permission subject to  
**(a) the prior completion of a section 106 agreement with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued;**  
**(b) the prior completion of an agreement under the Local Government Acts [with triggers for the release of funds as necessary] to secure a funding contribution of £3.1m; and confirmation of Grant in Aid funding from the Environment Agency to ensure delivery of improvements to off-site sea defences by 2019**

**RECOMMENDATION II** Delegated authority be granted to the City Development Manager to add to or amend the conditions referred to by this report where reasonable and necessary having regard to material considerations at the time the permission is issued

**RECOMMENDATION III** Delegated authority be granted to the City Development Manager to secure a highway closure order under s247 of the Town and Country Planning Act 1990 in relation to the highway land at the turning head south of No.11 Hamilton Road

**RECOMMENDATION IV** Delegated authority be granted to the City Development Manager to secure a s278 agreement under the Highways Act 1980 in relation to the re-configuration of the Hamilton Road/Southampton Road junction, the removal of the existing pelican crossing to the west and extension of the cycle lane to the new junction; and the provision of a new pelican crossing to the west of the Sedgefield Close

**RECOMMENDATION V** That the Committee confirm in their decision that they have taken into account the environmental information as required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2012

### **Conditions**

- 1) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 3) Approval of the details of the layout, scale, appearance of the proposed building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 4) Prior to the commencement of development details of any proposed phasing shall be submitted to and approved by the local planning authority in writing, and the submission of Reserved Matters and other details for each phase as specified shall be approved before that phase commences. Any reference in this permission to the submission of Reserved Matters and other details shall be construed as referring to matters remaining to be approved in respect of each subsequent phase.
- 5) Unless otherwise 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: 14478 DR-301-133 08 .
- 6) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/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.

7) 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 5(c) that any remediation scheme required and approved under the provisions of condition 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

8) No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

c. The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components of the preliminary risk assessment shall require the express written consent of the local planning authority. The scheme shall be implemented as approved.

9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

10) No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy under condition 7 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, identified as necessary in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

11) No infiltration of surface water drainage into the ground at Trafalgar Wharf is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

12) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

13) No works pursuant to this permission shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works
  - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
  - A map or plan showing habitat areas to be specifically protected during the works.
  - Any necessary mitigation for protected species
  - Construction methods
  - Any necessary pollution protection methods
  - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.
- The works shall be carried out in accordance with the approved method statement.

14) Prior to the commencement of development precise details of the proposed on-site flood defence barrier, the design and proposed procedures for operating the flood gates including consideration of telemetry requirements and the provisions to be made for its future maintenance shall be submitted to and approved by the local planning authority in writing.

15) No part of the proposed development shall be occupied until such time as the construction of the on-site flood defence barrier has been completed and the on-site flood defence barrier is ready for service.

16) Unless otherwise agreed in writing by the local planning authority no part of the residential development hereby approved shall be occupied until such time as off-site sea defence improvement works between Port Solent and Portchester Castle have been completed to a standard that affords protection against an estimated 1 in 200 year flood event for such residential development on the site and ensures that the residential development would be protected to the same extent for the period within which the residential development is occupied as such following its completion in accordance with this permission.

17) Prior to the commencement of development precise details of a surface water drainage scheme, which should include SUDS where appropriate, for the residential and employment parts of the development to include storage appropriate in nature and volume to manage surface water during periods of tide locking, and management and maintenance of the scheme thereafter. The scheme shall be completed in full and thereafter maintained.

18) Prior to the commencement of development precise details of the proposed means of foul drainage for the site shall be submitted to and approved by the local planning authority in writing, and the approved scheme shall thereafter be implemented in full and thereafter maintained.

19) 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, 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.

20) Details of any external lighting for the development, including details of the siting and appearance of any lamp columns and bollard mounted luminaires, shall be submitted to and agreed in writing with the Local planning Authority; the external lighting shall be carried out as an integral part of the development and shall thereafter be retained.

21) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the residential development will achieve a minimum of level X of the Code for Sustainable Homes, including X credits from issue Ene 1, X credits in issue Ene 7, one credit from Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

22) Before any dwelling is occupied, written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority proving that the development has achieved a minimum of level 4 of the Code for Sustainable Homes, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the Local Planning Authority.

23) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the commercial development will achieve a minimum of X of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 03, which evidence shall be in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

24) Before any part of the commercial development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level X of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

25) Prior to the first occupation of the proposed dwellings secure/weatherproof bicycle storage facilities shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand, and those facilities shall thereafter be retained for bicycle storage at all times.

26) Prior to the first occupation of the houses and flats facilities for the storage of refuse and recyclable materials shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand, and those facilities shall thereafter be retained for the storage of refuse and recyclable materials storage at all times.

27) Prior to the first occupation of the proposed commercial uses facilities for the storage of refuse and recyclable materials shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand, and those facilities shall thereafter be retained for the storage of refuse and recyclable materials storage at all times.

28) Prior to the commencement of development a scheme to protect the proposed dwellings from noise from Southampton Road and from buildings within the commercial area of the site

shall be submitted to and approved by the local planning authority in writing. The approved details shall be completed in full prior to occupation of the dwellings.

29) No development shall commence on site until a schedule of all external materials and finishes to be used for the proposed buildings 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.

30) Prior to the first occupation of each phase of the development car parking facilities shall be provided in accordance with details to be submitted to and approved by the local planning authority in writing.

31) The provisions within the "Addendum to the Environmental Statement" [received 12 February 2014] and "Trafalgar Wharf - Ecology Mitigation and Enhancement Measures" [received 13 February 2014] [attached as an appendix to this notice] shall be carried out in full.

32) No development shall commence on site until details of the alignment, height and materials of all walls, fences and other means of enclosure have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

33) If at any time paint spraying is undertaken within the commercial premises, an extract ventilation system, incorporating appropriate filters, shall be installed in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and odours.

34) For any process carried out within the commercial premises that would give rise to odours or emit noxious or harmful substances, an extraction system shall be provided, incorporating adequate filters and/or scrubbing equipment and odour neutralising facilities, in accordance with a scheme to be agreed in writing with the Local Planning Authority and that system shall thereafter be maintained in a proper condition.

35) No single unit with a floor area greater than 500 sqm, if intended for office use, or 1000 sqm, if intended for any other use, shall be occupied for the permitted use until the occupier has submitted to and had approved by the Local Planning Authority in writing a Travel Plan aimed at promoting the use of sustainable forms of transport by employees.

36) The landscaping scheme for each phase shall be carried out in the first planting and seeding season following the occupation or completion of the buildings whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

37) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 24 and 25 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

38) At no time shall architectural lighting be installed to the ten-storey building unless in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

39) No part of the residential development shall be constructed within 6m of the proposed on-site flood defence barrier.



40) No habitable rooms should be located closer than 15m to the boundary of the pumping station located adjacent to the north-east corner of the site.

41) The ten-storey building shall not be located anywhere within the site other than in the location shown on the Masterplan drawing No 14478 DR-301-133 08 and Tall Buildings Statement.

42) No development shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

### **Reasons for the conditions**

1) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

2) To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3) In order to secure a satisfactory development in accordance with policy PCS23 of the Portsmouth Plan.

4) In order to secure a satisfactory phased implementation of the development.

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

6) 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.

7) 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.

8) To protect groundwater due to the historic use of the site which overlies a Principle and Secondary Aquifer.

9) To protect groundwater due to the historic use of the site which overlies a Principle and Secondary Aquifer.

10) To protect groundwater due to the historic use of the site which overlies a Principle and Secondary Aquifer.

11) To protect groundwater due to the historic use of the site which overlies a Principle and Secondary Aquifer.

12) To protect groundwater due to the historic use of the site which overlies a Principle and Secondary Aquifer.

13) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policy PCS23 of the Portsmouth Plan.

14) To protect the proposed development from flooding in accordance with policy PCS13 of the Portsmouth Plan.

- 15) To protect the proposed development from flooding in accordance with policy PCS13 of the Portsmouth Plan.
- 16) To protect the proposed development from flooding in accordance with policy PCS13 of the Portsmouth Plan.
- 17) 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.
- 18) 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.
- 19) To ensure that the roads and footpaths are constructed to a satisfactory standard in the interests of highway safety and to create a safe and attractive environment, to accord with policies PCS17 and PCS23 of the Portsmouth Plan.
- 20) In order to secure the satisfactory appearance of the development and a safer environment by reducing crime through design, in accordance with policy PCS23 of the Portsmouth Plan and Reducing Crime Through Design SPD (March 2006).
- 21) To ensure the development minimises its overall demand for resources and to ensure that the sustainable design and construction standards set out in PCS15 of the Portsmouth Plan are achieved.
- 22) To ensure the development minimises its overall demand for resources and to ensure that the sustainable design and construction standards set out in PCS15 of the Portsmouth Plan are achieved.
- 23) To ensure the development minimises its overall demand for resources and to ensure that the sustainable design and construction standards set out in PCS15 of the Portsmouth Plan are achieved.
- 24) To ensure the development minimises its overall demand for resources and to ensure that the sustainable design and construction standards set out in PCS15 of the Portsmouth Plan are achieved.
- 25) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 26) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 27) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan
- 28) In the interests of providing a satisfactory standard of living environment for the occupiers of the effected dwellings in accordance with policy PCS23 of the Portsmouth Plan.
- 29) To create a variation of character developed for various parts of the site in the interests of the visual amenity of the new neighbourhood and integration with its existing surroundings, to accord with policy PCS23 of the Portsmouth Plan.

30) To ensure that adequate on-site parking facilities are provided in the interests of highway safety and the amenities of the area in accordance with policies PCS17 of the Portsmouth Plan and the aims and objectives of the adopted Residential Parking Standards SPD.

31) To mitigate the environmental impacts of the proposed development, and conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan

32) In order to secure a satisfactory development in accordance with policy PCS23 of the Portsmouth Plan.

33) To protect the amenities of the occupiers of the adjoining and nearby properties in accordance with policy PCS23 of the Portsmouth Plan.

34) To protect the amenities of the occupiers of the adjoining and nearby properties in accordance with policy PCS23 of the Portsmouth Plan.

35) To ensure that steps are taken to introduce measures to reduce reliance on the private car in accordance with policy PCS17 of the Portsmouth Plan.

36) In order to secure a satisfactory landscaped setting for the development in accordance with policy PCS23 of the Portsmouth Plan.

37) To ensure this prominent building and its roofspace remains free of visual clutter and to ensure television reception is not adversely affected by subsequent alteration/addition, to accord with policy PCS23 of the Portsmouth Plan.

38) To ensure that any lighting scheme would not adversely affect nature conservation interests of the harbour in accordance with policy PCS13 of the Portsmouth Plan.

39) In order to create a boulevard adjacent to the proposed sea wall in the interests of achieving a satisfactory form of development in accordance with policy PCS23 of the Portsmouth Plan.

40) To ensure that the amenities of the occupiers of the adjoining and nearby dwellings are not affected by vibration, noise and potential odour generated by the sewage pumping station in accordance with policy PCS23 of the Portsmouth Plan.

41) In order to secure a satisfactory development, having regard to the setting of Portchester Castle and the appearance of the conservation area, in accordance with policy PCS23 of the Portsmouth Plan.

42) In order to secure a satisfactory development in accordance with the principles set out in the Flood Risk Assessment and comply with the objectives of policy PCS12 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.

**LAND ADJACENT KENDALLS WHARF EASTERN ROAD PORTSMOUTH****CHANGE OF USE OF VACANT LAND TO FORM A FREIGHT TRANSPORT DEPOT AND PARKING AREA (SUI GENERIS USE), SITING OF 2 SINGLE STOREY MODULAR BUILDINGS AND INSTALLATION OF 15NO 5M HIGH LIGHTING COLUMNS.****Application Submitted By:**

Martin Ralph Group

**On behalf of:**

M&amp;J Transport

**RDD:** 11th November 2013**LDD:** 24th January 2014**SUMMARY OF MAIN ISSUES**

The main issues are whether the use of the site would be acceptable in principle having regard to a presumption against the loss of open space; whether the traffic generation associated with the proposed use would adversely affect the local highway network; whether the proposed modular buildings and security fencing would be visually acceptable; and whether the proposal would adversely affect nature conservation.

**The site**

This application relates to an area of land, approximately 0.8ha in extent, situated between the access road serving Kendall's Quay, the Portsmouth Outdoor Centre and Tudor Sailing Club, and the Eastern Road opposite Interchange Park. In its current form the site is partly hard surfaced and bounded by mounding with self-seeded shrub cover and a tree screen to the Eastern Road. Immediately to the south lies the Eastern Road playing fields and to the south-east a boat storage compound allied to the Tudor Sailing Club.

**The proposal**

The applicant seeks permission for the use the site as a haulage depot to provide parking for up to 43 truck/trailers and 36 cars with the installation of a two modular office/drivers cabins, one at the northern tip of the site and the second at the south-western corner, a cycle shelter and 3m high galvanised steel palisade security fencing and gates. Vehicular access/egress to the site would utilise the existing breaks in shallow mounding alongside the access road that serves Kendalls, the Sailing Club and Outdoor Centre. With the exception of the southern boundary the mounding around the site would be removed and an existing vehicle barrier on the Council-owned access road would be relocated to a point south of the proposed vehicular access to the site. The existing tree-lined frontage to the Eastern Road frontage would, however, be retained. Although the mounding is to be removed landscape planting would be undertaken to the eastern and southern boundaries which would incorporate the installation of lighting columns.

In mitigation of the loss of open space, by re-provision off-site, the Council submitted an application under reference 13/01391/FUL for the change of use of an area of land, approximately 0.3ha in extent, to the east of Sevenoaks Road, Cosham to form public open space. The site was originally occupied by a community centre.

## Planning history

This site originally formed the northern tip of an area of land comprising open space extending as far southwards as the junction of Airport Service Road and Eastern Road. The land was acquired under the provisions of the Portsmouth Corporation Act 1930 for airport purposes and was maintained as clear open space at the end of a runway. Formerly used by Portsmouth Polytechnic as a sports ground between 1947 and 1982 it later became used by schools. Over a period of time both the Tudor Sailing Club with its boat compound, and the Portsmouth Outdoor Centre which provided sailing tuition for schools, were developed taking vehicular access off a re-aligned access road to accommodate the traffic light controlled junction between Eastern Road and Anchorage Road. Although the area of open space was extended northwards it incorporated remnants of the existing access road and was not of a size and or shape suitable for formal recreational use. The general condition of the site limited its potential use to car parking or for the provision of a pavilion associated with the playing pitches. Given its general condition the site was identified by and subsequently used by Southern Water as a temporary compound in 1997/98. The compound was associated with the construction of the Eastney/Budds Farm sewerage pipeline. More recently it has been used for car parking including parking for staff from the Kendalls site. Over the last sixteen to twenty years the nature and appearance of the site, together with its surface treatment comprising areas of rolled hardcore and gravel, bounded by linear mounding has precluded its use for recreational purposes and has had limited value as open space.

Permission was granted in 2009 for the use of the site by Kendalls for the purposes of a storage and distribution yard, including construction of a bagging shed/cube test facility and installation of loading hoppers, conveyors and an office unit. To mitigate the loss of open space, under the policy that applied at that time, a condition was attached to the 2009 permission requiring the completion of a scheme of environmental improvements within the northern section of the former Harbourside Caravan Park to form an area of public open space. Those proposals were not considered to significantly prejudice the use of the remainder of the open space for playing pitches.

## POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within Portsmouth City Local Plan 2001-2011 would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport), and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2001-2011 would also be a material consideration.

## CONSULTATIONS

### **Langstone Harbour Board**

No objection.

### **Coastal Partnership**

The Coastal Partnership has no objection to the proposed change of use to land to form a freight transport depot and parking area.

We would recommend that even for vehicular parking that the applicant ensure residual flood risk is managed on this site by compiling an appropriate flood warning and evacuation plan for the property.

### **Contaminated Land Team**

As the proposed end use is considered low sensitivity (when compared to residential with gardens), and as we already hold a desk study for the site, non-standard conditions should be used as follows:

- (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 site investigation report documenting the ground conditions of the site and incorporating chemical analysis as appropriate in accordance with BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,

b) 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)b that any remediation scheme required and approved under the provisions of conditions (i)b 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)b.

I would strongly recommend that in the event that planning permission is granted, the developer be advised to contact the contaminated land team to discuss the requirements of the conditions in detail.

### **Environmental Health**

Further to the above application the proposed development is situated in a remote location adjacent to a busy main road consequently there should be no noise impact upon any residential properties as a result of activities on the site.

The traffic report indicates that the increase in traffic flows will not increase road traffic noise levels on the Eastern Road or have any impact upon air quality.

### **Highways Engineer**

Car and Lorry Parking.

The site will provide 43 parking spaces for articulated vehicles and trailers. 25 car parking spaces are proposed at the north-western corner of the site to be shared with Kendall's Wharf employees. The applicant's estimate for the staff at full occupation is 12 spaces. The number of spaces allocated associated with the development is considered adequate.

### **Access**

The proposal is that all HGV's will enter the site through an improved eastern access and leave through the car park entry/exit access. There is adequate visibility at both entrance/exit points for cars and HGV's when leaving the site.

### **Trip Generation:**

Traffic counts carried out at the Kendall's Wharf Access Road indicates approximately 60 vehicles each way recorded after the morning commuter peak period.

9 HGV's operate from the applicants existing site. The relocation of the business to Eastern Road and its subsequent expansion will increase the number of HGV movements. An increase of 50% of HGV's is expected.

The vehicular traffic impact due to the proposal on the Eastern Road signal junction is fairly negligible. The traffic signals however are currently phased to operate both side roads (Anchorage Rd and Kendalls Wharf) in the same signal stage. With a potential increase in HGV movements out of the site the road layout is not suited to allowing this manoeuvre and may result in driver hesitancy/confusion in the centre of the junction. This situation occurs between the right turn movements from Anchorage Rd and the straight ahead and right turn movements from Kendalls Wharf. The Council has a scheme in 2014/15 to provide a new TOUCAN crossing within the existing layout. The Council's network manager will amend this arrangement to separate out the two side roads from one another when the scheme is adopted.

Although the proposed development is not expected to have a significant impact on the operation of the highway network, the Council as Highway Authority will, in collaboration with

Corporate Services, ensure that the phasing of the lights to facilitate separate right turn movements is carried out before the commencement of the proposed use. It is therefore recommended that a condition is attached to prevent the occupation of the site for the new use until those works are completed.

### **Natural England**

Although initially submitting a holding objection on grounds of lack of information, an ecology assessment was subsequently submitted. Special Protection Areas (SPAs) are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA bird populations, and proposals affecting them may therefore have the potential to affect the SPA. Based on the information supplied by the applicant, Natural England is satisfied that the proposed site is not a site for Brent Geese or waders. Natural England therefore removes their holding objection for this proposal.

The applicant has conducted an Ecological Walkover of the site on the 7th of February 2014. From the information provided in the survey, should the applicant decide to undertake planting along the earth bund (as referred to in the submission) a reptile survey as recommended by the applicant's ecologist should be undertaken prior to any works in this area.

The applicant has since carried out a further survey of the bunded areas as recommended by the Ecological Walkover survey which revealed that no reptiles were present.

### **REPRESENTATIONS**

Two representations have been received. One representation is from the Portsmouth Society on the grounds that (a) the land is currently undeveloped and classed as Protected Open Space in the Portsmouth Plan, (b) it is close to the Site of Special Scientific Interest (SSSI) of Langstone Harbour and adjacent to the public footpath around this tourist attraction (c) this application for a transport depot for up to 43 lorries with 24 hour security lighting and associated traffic and noise introduces industry unnecessarily into a designated Open Space and (d) there are many vacant industrial areas where this company could and should be based. The second representation, from the Tudor Sailing Club, objects on the grounds that the proposed lorry entrance would be situated beyond a barrier in the shared access road which would need to be moved.

### **COMMENT**

The main issues are;-

- 1) whether the use of the site would be acceptable in principle having regard to the presumption against the loss of open space;
- 2) whether the traffic generation associated with the proposed use would adversely affect the local highway network;
- 3) whether the proposed modular buildings and security fencing would be visually acceptable, and
- 4) whether the proposal would have any impact on nature conservation.

#### **Loss of open space and principle of development**

Although identified as open space in the Portsmouth Plan, the site was historically acquired for purposes associated with the former Airport and was dissected by an access road which served Kendalls Quay until that road was realigned to accommodate a new junction with (what is now) Anchorage Road. The area to the south of the original access road had been identified for the provision of car parking facilities associated with the playing fields, while the area to the north would have been retained as an area of soft landscaping flanking the re-aligned access road. The parking facilities were, however, never provided. Since the application site was used on a temporary basis as a compound by Southern Water in the late 1990's, which involved increasing the proportion of hard surface across the site, it has not been used to provide landscaped open

space. For the majority of the time since the compound use stopped the site has continued in informal use for car parking by staff of the adjoining Kendalls Quay. Although not a public car park it could be used by the public during the day.

For the most part the site surrounded by low mounding and it is partly hard-surfaced. It has the appearance of an informal area for car parking. In qualitative terms the site has very low value as an area of public open space. Quantitatively, there is no apparent need for the use of the site for parking. The site does not make a positive contribution to the use of the remainder of the Council owned land for recreational purposes. In acknowledging designation of the site within the Portsmouth Plan as open space, the Head of Corporate Assets sought and obtained planning permission for the use of the area of land formerly occupied by a community centre at Sevenoaks Road as an enlargement of the adjoining public open space. That area, however, is approximately 0.3ha in extent, compared with approximately 0.8ha of the application site. Ordinarily a proposal that would result in a net loss of open space designated under policy PCS13 would be resisted, as being contrary to a policy of the development plan, unless there are wider public benefits from the development which outweigh the harm (in which case the proposal would still accord with the development plan) or some other material considerations of sufficient weight to put the policy aside.

In this case, although the area proposed as a substitute for the open space in the site would represent less than half of the area lost, it is considered that it would mitigate the loss of the particular open space on the site, having regard to the quality of that area. The area proposed is not dissimilar to the area agreed as mitigation associated with a previous proposal for the use of the site by Kendall Bros. The laying out of the former community centre at Sevenoaks Road as landscaped open space would be facilitated by approval of this application. The open space at Sevenoaks Road would have improved facilities for the wider benefit of Cosham and Paulsgrove residents. In addition, there would be a visual improvement of an area that is viewed from Queen Alexandra Hospital. It is considered that having regard to the low qualitative value of the application site as open space, and its historic uses other than open space over a number of years, the benefit to be accrued from increasing the area and quality of open space at Sevenoaks Road would, on balance, offer sufficient mitigation for the area lost at the application site, and such benefit is not significantly diminished by reason of the smaller area of land which would be substituted to accord with policy PCS13. It is therefore concluded that the loss of open space would not give rise to a sustainable reason for withholding permission.

Having regard to the nature of this site, its historic use and relationship to Kendalls Quay, which is a focal point of commercial activity on this part of the Eastern Seaboard, the proposed use as a haulage depot would, in land-use terms, be considered to represent an acceptable alternative use to informal car parking and would be appropriate in the context of both Kendalls Quay to the east and the Interchange Park employment area to the west. Whilst the Portsmouth Society point to vacant land within the nearby employment area, this proposal must be considered on its individual planning merits and the availability of potential alternative sites would not weigh against the proposal. As such it is considered that the proposed use of the site would be acceptable in principle.

#### Transport and highway implications

The proposed use of the site would increase the number of traffic movements into and out of the site over a 24-hour period, adding to the existing traffic movements associated with the use of the adjoining aggregates wharf. The Highway Authority considers that the distribution of traffic movements across the working day, as outlined in the applicant's transport statement, would not have an adverse effect on the capacity of the Anchorage Road/Eastern Road junction or the A27/Eastern Road junction. The majority of traffic movements associated with the proposed use would be expected to run off the A27 and the section of the Eastern Road south of the A27 junction. The Anchorage Road/Eastern Road traffic lights currently have a right turn phase that operates simultaneously giving rise to a potential safety issue from increased HGV movements leaving the site. To address this issue the Highway Authority is proposing to modify phasing of



the traffic lights to facilitate the occupation of the site by the applicant. The grant of permission in this case would, therefore, be subject to a planning condition preventing the commencement of the use until the re-phasing of the traffic lights has been completed.

Access and egress to the site would take place from the Council-owned access road that serves Kendall Bros and the Tudor Sailing Club. With a width of between 6m and 6.5m this would be considered sufficient to enable HGV's to enter and leave the site in a safe manner. An existing barrier, which controls vehicular access to the Sailing Club, would be relocated by the City Council a short distance to the south to facilitate the proposed HGV entrance.

With the re-phasing of the Anchorage Road/Eastern Road traffic lights it is considered that the proposed use of the site would be acceptable in highway terms.

#### Impact on visual amenity

The western boundary of the site is currently screened by trees which are to be retained and would lie outside of a 3m high palisade fence. The proposed galvanised steel fence would, however, be visible through the under-canopy area and would introduce an uncharacteristic industrial appearance to this side of the Eastern Road. This impact could, however, be mitigated by the provision of shrub planting and a suitable green painted finish which could be secured through appropriately worded planning conditions. Notwithstanding that further planting is proposed to be carried out to the eastern and southern boundaries, which in time would screen the palisade fencing, it is considered that a green painted finish would be justified in visual terms. This matter could also be controlled by a planning condition.

The proposed single-storey modular buildings would be 2.9m in height with a flat roof and pvc tongue and grooved cladding. One would be located at the south-western corner of the site and provide a driver's' café and w.c's, and have a width of 12m and depth of 9m. The second would be located at the northern end of the site with a width of 10m and depth of 6m, and provide office and driver's' cabin alongside a cycle store. Having regard to the nature of the proposed use of the site and its screening, it is considered that the proposed modular buildings and security fencing would be acceptable in visual terms. As a haulage depot the site could be used for the storage of containers and whilst during leaf the trees along Eastern Road would offer some screening, that benefit is lost during the winter months. It is therefore considered that in the interests of visual amenity a condition should be imposed limiting the maximum height to which containers or other items can be stored on the site.

The applicant is proposing to install 5m high lighting columns which would be integral to the boundary treatment to the east and southern boundaries and with deflectors to avoid light spillage. With the retained tree screening to the Eastern Road frontage the proposed lighting would be considered to relate appropriately to the site and have no adverse impact on highway safety. In the context of external lighting within the adjoining Kendalls Quay site, the proposed lighting would be considered to amount to an acceptable visual feature when viewed from the west. Impact on the Harbour is considered in the following section.

#### Nature conservation

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 the Harbour is designated, or otherwise affect protected species.

Having regard to the historical use of the site and surfacing materials an ecological impact appraisal was undertaken followed up by further survey work in relation to reptiles. The appraisal revealed that, in terms of its relationship to the Harbour and the current condition of the land, the proposed use of the site would not have an adverse impact on the features for which the Harbour is designated. Whilst the nature of the site had the potential of providing an

isolated habitat for reptiles, the further survey work undertaken by the applicant's ecologist has confirmed no evidence of reptiles.

As part of the proposal the applicant is proposing to install 5m high lighting columns at 15m centres along the eastern and southern boundaries. Each luminaire would be operated via dusk-to-dawn sensors and incorporate spill shields to prevent light spill. Being directed westwards and northwards into the site, the level of the proposed lighting would not, (in the context of existing lighting within the adjoining Kendalls Quay site), be such that it would adversely affect nature conservation interests. However, the requirement for installation of the light spill shields would need to be the subject of a planning condition.

## **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: 13/151/JR/02 G1; 13/151/JR/03 A1; 13/151/JR/04 A1; 13/151/JR/00.
- 3) Unless otherwise agreed in writing by the local planning authority the development hereby approved shall not be commenced until the provision of the open space in accordance with planning permission ref. 13/01391/FUL has been completed and the open space brought into use.
- 4) Unless otherwise agreed in writing by the local planning authority the development hereby approved shall not be brought into use until the re-phasing of the Anchorage Road/Eastern Road traffic lights to facilitate separate right-turn manoeuvres has been completed.
- 5) 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 site investigation report documenting the ground conditions of the site and incorporating chemical analysis as appropriate in accordance with BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - b) 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.
- 6) 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 (5)b that any remediation scheme required and approved under the provisions of conditions (5)b 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 (5)b.

- 7) No works pursuant to this permission shall commence until precise details of the proposed landscaping of the site, including all site boundaries, specifying 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 site. 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.
- 8) Any items stacked, deposited or stored in the open on the site shall not exceed a height of 6 metres above ground level unless otherwise agreed in writing by the Local Planning Authority.
- 9) Prior to the commencement of the use of the site as a haulage depot light spillage shields/deflectors shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority in writing, and the light spillage shields/deflectors shall thereafter be retained.
- 10) Unless otherwise agreed in writing with the local planning authority the steel palisade boundary fencing shall have a green painted or colour-coated finished by no later than three months from when the site is first brought into use.

**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 secure the re-provision of open space lost as a result of the development hereby approved in accordance with policy PCS13 of the Portsmouth Plan.
- 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 improve the appearance of the site in the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 7) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interests of visual amenity and minimise impact on the nature conservation interests of Langstone Harbour in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.
- 9) In the interests of visual amenity 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.

**THE HARD INTERCHANGE PORTSMOUTH****RECONFIGURATION OF 'THE HARD' TRANSPORT INTERCHANGE TO INCLUDE THE CONSTRUCTION OF NEW TERMINAL BUILDING AND SHELTER FOLLOWING DEMOLITION OF EXISTING TERMINAL BUILDING AND CONCESSIONS, ALTERED ACCESS AND SITE LAYOUT, RELOCATION AND ALTERATIONS TO RAILWAY STATION ENTRANCE AND ASSOCIATED LANDSCAPING****Application Submitted By:**

Aedas Architects Ltd

**On behalf of:**Head Of Transport & Environment Services  
Portsmouth City Council

RDD: 28th April 2014

LDD: 2nd July 2014

**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the principle of the development is acceptable in the location proposed, whether the development would be of an acceptable design having regard to its position at a key gateway into the city, whether it would preserve or enhance the character and appearance of the 'H.M. Naval Base & St George's Square' Conservation Area, whether it would preserve the special architectural or historic interest of the adjoining Listed Buildings, whether it would be acceptable in highways terms, and whether it would have any adverse impact on the nearby nature conservation interests.

**The site and surroundings**

This Portsmouth City Council application relates to a 0.95ha site known as 'The Hard Interchange' bounded by Portsmouth Harbour Railway Station, Portsmouth Harbour, the Common Hard and The Hard. The triangular shaped interchange, constructed in the late 1970s, has two vehicular access/egress points onto The Hard and includes 12 drive through bus stands/stops, coach pick-up and set-down spaces, a taxi rank and private pick-up and drop off spaces. A two-storey interchange building comprising small retail units, a café, passenger information, waiting and ticket facilities, and public conveniences is located centrally with key pedestrian routes located around the perimeter of the site. Portsmouth Harbour Railway Station forms the southern boundary of the Interchange with the Gosport and Isle of Wight Ferry Terminals located just to the west. A single-storey building forming concessions and public conveniences is located along the eastern boundary on The Hard. The site is located within 'The Hard' locality of the City Centre as defined by policy PCS4 of the Portsmouth Plan.

The current layout of the Public Transport Interchange is considered to be extremely inefficient resulting in conflict between pedestrians, cyclists and vehicles. Narrow footways, multiple crossing points and large numbers of barriers results in poor legibility, presenting a busy, confusing and unwelcoming environment for pedestrians. In combination with the dated and aging appearance of the main interchange terminal, station entrance and associated facilities, the interchange offers a particularly poor first impression of the city for those arriving by public transport.

To the east the important historic and social significance of the area is reflected within a frontage of 3 to 5-storey buildings forming the backdrop to the Interchange and Portsmouth Harbour. Prior to the Second World War the area was characterised by 18th and 19th century buildings

...serving the entertainment needs of sailors based within the adjoining dockyard. Fleet reductions and the development of Gunwharf Quays to the south has seen this traditional land use decline. However the area's strong visual connection with its past is retained within this historic frontage with a diverse range of building widths, heights and architectural styles. A number of the surviving structures which are now statutory and locally listed are interspersed with a range of inter and post-war buildings making a key contribution to the special character of the area. The historic significance of the area, including the Interchange, is recognised by its designation as a Conservation Area (H.M. Naval Base & St. George's Square No.22).

The Historic Dockyard and Gunwharf Quays which form two of the City's main tourist attractions are located immediately to the north and south of the Interchange respectively. The Hard and the eastern extent of the Interchange form part of a linear route connection the two attractions. However, despite the proximity of this route to the sea the area can feel detached from the waterfront with views of the Harbour and HMS Warrior obstructed by weather screening/barrier to the north of the interchange, concessions to the east and general street clutter.

The application site is also located within close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA).

Despite its proximity to the sea, the site is not located within the indicative floodplain.

#### The proposal

Permission is sought for the reconfiguration of 'The Hard' transport interchange to include the construction of new terminal building and shelter following demolition of the existing terminal building and concessions (on The Hard frontage), altered access and site layout, relocation and alterations to railway station entrance and associated landscaping. Two vehicular access/egress points onto 'The Hard' would remain in broadly similar locations.

#### Relevant planning history

Other than the original permission for the 'The Hard Interchange' in 1976 (ref.A\*30051) there is no directly relevant planning history.

### **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS11 (Employment Land), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport) and PCS23 (Design and Conservation). The Hard Supplementary Planning document (SPD) and The City Centre Masterplan SPD would also be material to the determination of this application. Conservation Area Guidelines for the 'HM. Naval Base & St George's Square and 'Gunwharf' Quays Conservation Areas have yet to be published.

### **CONSULTATIONS**

#### **Gosport Borough Council**

No comments received.

#### **Environmental Health**

Given the location and nature of the proposed development as a direct replacement of an existing transport interchange no objection is raised.

#### **Highways Engineer**

The current bus interchange is configured as a drive through interchange, which presents safety issues between pedestrians, cyclists, buses taxis and coaches. The new bus interchange is laid

out as a Drive In / Reverse Out (DIRO) arrangement, using existing access and egress points onto the highway network.

Buses will enter from The Hard and will be separated from pedestrians, taxi movements and taxi drop-off points. This overcomes the present situation of bus, taxi, coach and pedestrian conflict.

- A total of 10 bays will be provided at the front of the new building;
- Nine of these will be for buses and shared between First and Stagecoach bus services; (1 of which is likely to be dedicated to the Portsmouth Park & Ride)
- National Express coaches will be provided with 1 bay situated at the southernmost bay to allow side loading of luggage;
- There is a National Express coach feeder bay adjacent to the bus entrance;
- Existing and known future bus timetabling has been modelled against the 9 bus bays by a consultant experienced in public transport modelling. The modelling indicates that the 9 bus bays will provide sufficient space to accommodate current bus movements;
- There are further 2 dedicated layover bus bays situated at the back of the apron;
- As an element of future proofing 2 additional bus laybys will be created on The Hard facing south. These could be used by through bus services to Southsea in the event of future increases in service frequencies using the interchange. These bus bays will also allow buses to stop outside of the interchange in the event that there are issues on the apron;
- Access for pedestrians to the buses and national Express coaches will be through the terminal building.

The current bus interchange allows for a 9 space taxi rank for pick up with ad hoc arrangements for dropping passengers off. Within the new interchange a dedicated taxi rank and taxi lane will be provided. It will be situated to the east of the bus apron. This provides licensed taxis with a total of 12 bays, 2 for pick up and 10 waiting. This is an increase over the present layout. Set down taxis will be able to use the taxi lane or if that's full, taxis can use the public pick and set down bays situated at the front of the interchange on The Hard.

By locating the taxi rank and lane at the front of the site, it will allow approaching taxis to see if the rank is full before entering the interchange and therefore, should avoid over-ranking onto the apron/carrageway. It is understood that this arrangement has been agreed with the licensed taxi representatives.

The existing access and egress points are being utilised and the swept path diagrams submitted shows a 15m coach entering and exiting the interchange in both directions. This is sufficient for the current legal sizes of buses and coaches. However future increased sizes for both bus and coaches cannot be ruled out.

The new interchange will provide significantly improved: passenger facilities; passenger experience; ease of interchange; pedestrian environment; cycle environment. The scheme will also feature an improved link to the existing rail accommodation adjacent to the site with the existing levels increased to improve access between the two facilities.

Fire tenders will be able to access the railway station (and therefore Gosport & IOW ferries) using the shared surface running down the northern edge of the site adjacent to the harbour. Plans show that there is adequate space for both refuse, servicing and emergency vehicles to manoeuvre and turn. Network Rail have confirmed that servicing and refuse access will be controlled so as not to coincide with peak commuter travel times. This arrangement is acceptable.

As shown on drawing number L\_9001 Rev 3 Landscape site plan, the re-configuration of the internal space within Portsmouth Harbour Station will include a dedicated 13m<sup>2</sup> refuse store. The area will be serviced using the same route as emergency vehicles as mentioned above. Refuse generated by the concessions within the new interchange building will also utilise this store in consultation with Network Rail and South West Trains providing a single point of

collection. Small store spaces within each interchange pod allow day to day refuse storage prior to collection. The refuse storage facility as shown is acceptable.

The cycle route is along the western edge of the site and will have a shared surface with both pedestrians and the service vehicles that access the site down this edge. A change in surface finish is to be located to define the cycle and service routes. There are two areas of cycle storage within the new site layout. The first is in front the railway station ramp, consisting of 28 Sheffield style cycle hoops, together with a new Brompton bike dock.

A second area for cycle storage is identified at the southern area of the site, close to the old signal box. A further 10 hoops will be placed here. The details of cycle storage including appropriate locations should be provided by the applicant before further comments can be made on this.

The main pedestrian routes are from the north and south corners of The Hard. There are clear crossing points and segregation from the bus apron. Pedestrians will have the option of walking around the outside of the building or passing through the building to avoid any potential inclement weather. These routes will be defined by changes in the surface finishes.

The taxis will enter the site from The Hard and then travel down their own clearly defined routes that will keep them segregated from the bus traffic but will still leave them accessible to pedestrian traffic. There is a public drop off location which is defined directly off The Hard. Pedestrians can then enter the site along the designated walkways and crossing points.

The Interchange layout as shown on drawing no. L\_ 9002 Rev 1 is generally acceptable, however, concern is expressed over the width of the footpath (2.0m) at its narrowest point which will be provided on the train station side of the proposed building. This narrow restriction will create a tunnelling effect with no ability to divert unless the pedestrians walk through the building. Walking through the terminal building will not be an automatic choice if people are heading towards or from Gunwharf Quays or during out of hours when the building is closed.

The narrow restriction would create safety issues such as: Pedestrian vulnerability especially when the terminal is closed, Peak time pedestrian conflicts, Cyclists who will use this route may conflict with pedestrians. There are significant concerns to the above and whilst we recognise the significance of the design, this should be addressed through the widening of the 'restricted footway' from 2.0m to a minimum of 3m.

#### **Natural England**

This application is in close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). Natural England advises your authority that 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 Portsmouth Harbour has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

#### **Network Rail**

Network Rail is working directly with the applicant on the submitted proposals.

#### **Queen's Harbour Master**

No comments received.

#### **Contaminated Land Team**

As there are no ground works or soft landscaping proposed as part of this development, a condition relating to land contamination is not required. An informative relating to any future importation of topsoil for raised planters is suggested.

### **Design Review Panel**

The panel were positive about this scheme welcoming the significant improvement they thought it would make to the area. They also commented on the scale and the simple imagery of the design, both of which they regarded as highly appropriate.

### **REPRESENTATIONS**

At the time of writing six letters of representation had been received from a local resident and on behalf of the Portsmouth Society and the Portsmouth Cycle Forum. Whilst these comments are generally in support of the proposal, a number of concerns were raised by the Portsmouth Society. These can be summarised as follows: (a) lack of soft landscaping; (b) The drive in/reverse out (DIRO) arrangement, rather than a 'drive through' layout is considered to be a retrograde step; (c) Noise associated with vehicles reversing; (d) Need for improvements to Portsmouth Harbour Station to achieve a "wow" factor on arrival to the city; and (e) need for adequate cycle parking is provided across the site.

### **COMMENT**

The determining issues in this application are:

1. Principle of the proposed development;
2. Design, including impact on the special architectural or historic interest of the adjoining Listed Buildings and the character and appearance of the 'H.M. Naval Base & St George's Square' and 'Gunwharf Quays' Conservation Areas;
3. Highways/transport Implications;
4. Impact on residential Amenity;
5. Impact on the nearby nature conservation interests.
6. Sustainable design and construction

#### Principle of the proposed development

Policy PCS4 of the Portsmouth Plan sets the vision for 'The Hard' locality of the City Centre with the aim of shaping it into "a vibrant waterfront destination, building on its function as a key city gateway and its reputation as a unique area of historic character and charm. A new passenger interchange facility together with places to live, to work, to stay, to eat and to relax will enhance the experience of visitors and residents alike". The policy outlines the wider vision for the City Centre and significant improvements to the highways networks including two new public transport interchanges and an upgraded interchange at The Hard. With the aim of reducing the need to travel and to provide a sustainable and integrated transport network, Policy PCS17 of the Portsmouth Plan also safeguards land at The Hard for an improved interchange facility. The Hard Supplementary Planning Document (SPD) expands Policies PCS4 and PCS17 identifying the redevelopment or refurbishment of the interchange facilities at The Hard and the role it would play in delivering the broader vision for Portsmouth as a 'premier waterfront city with an unrivalled maritime heritage - a great place to live, work and visit'.

Having regard to the policies identified above and the wider aims and objectives of the NPPF in promoting and delivering sustainable transport, the principle of an improved public transport interchange to replace the existing facility would be acceptable in principle.

Design, including impact on the special architectural or historic interest of the adjoining Listed Buildings and the character and appearance of the 'H.M. Naval Base & St George's Square' and 'Gunwharf Quays' Conservation Areas

The proposal seeks the comprehensive redevelopment of the transport interchange resulting in the demolition of the existing interchange building and concessions located on The Hard frontage. The replacement facility would comprise 10 Drive-in/Reverse-out (DIRO) stands



positioned directly in front of a new larger central terminal building. To avoid conflict between vehicle types, bus and coach movements would be separated from smaller vehicles with the provision of new private pickup/drop-off bays (5 spaces) on The Hard frontage and a separate taxi rank (12 spaces) behind. Glazed screening would form a pedestrian barrier around the DIRO area maintaining the open character and views across the interchange.

The terminal building itself would comprise a simple lightweight fully glazed structure with a metal standing seam roof and functional canopy providing shelter and architectural drama to the eastern elevation. Two internal 'pods' would house two small ancillary retail units, public conveniences (including disabled and baby changing facilities) and a staff/driver mess with associated plant and control rooms. Main entrances would be located to each of the three corners with a series of doors to the eastern elevation providing access to/from each of the DIRO stands and internal seating areas within the concourse.

Externally the existing weather screening/barrier to the northern boundary of the site would be removed and replaced with lower barrier (approximately 1.1m in height) opening up views across the Common Hard towards the Historic Dockyard, HMS Warrior and Portsmouth Harbour. A wider shared walkway (pedestrian and bicycles) to the north of the interchange would be graded to provide level access to the terminal, Portsmouth Railway Station platforms and the ferry terminals beyond. A smaller shelter with a similar appearance to the main terminal would be located at the head (north) of the taxi rank providing shelter for those awaiting pickup by taxi or private vehicle.

Improvements are also proposed to Portsmouth Harbour Railway Station fronting into the interchange. This would involve the repositioning of the station entrance to align with the new terminal building with canopy above, the construction of a small extension and the installation of full height glazing to the northern elevation allowing views out of the station across the Common Hard.

The Hard SPD states that the following objectives should underpin all development proposals within The Hard locality: strengthening the role of the area as a welcoming gateway into the city including a high quality transport interchange with good passenger facilities; enhancing public spaces, creating more legible and accessible routes between the railway station, Historic Dockyard and Gunwharf Quays, and to other parts of the city, and integrating the Historic Dockyard into the wider Hard area; realising the important role that the area could play in the city's economy by identifying development opportunities that make best use of vacant sites and buildings, particularly those with little architectural and historic merit, and by promoting a mix of uses that bring 'life' to the area during the day and into the evening; and ensuring that the design of new buildings and spaces is distinctive and of a high quality, and that it is sensitive to, and enhances, the historic character of the area.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage, in particular its links to the sea; protect and enhance important views and settings of key buildings across the sea, harbour and from Portsdown Hill and improving accessibility for all users.

As detailed above, the existing interchange is extremely inefficient resulting in considerable conflict between pedestrians, cyclists and vehicles. In visual terms the area appears dated, tired, cluttered and disconnected from the Common Hard and Portsmouth Harbour beyond. Narrow footways, multiple crossing points and large numbers of barriers results in poor legibility, presenting a busy, confusing and unwelcoming environment for pedestrians. Notwithstanding these issues, it is considered that the unique design of the existing 1970s terminal building does have some architectural merit which makes a contribution to the character of the area. However, whilst providing visual interest, as a result of its poor layout and issues/costs associated with its

on-going maintenance, it is accepted that the building does not function effectively as part of a modern interchange.

Overall it is considered that the proposal has been well thought out, reflecting the key issues identified within The Portsmouth Plan and The Hard SPD. The Interchange building itself is of a simple form with clean lines and a limited palette of materials, lifted along its longest elevation (east) by an elegantly curved glazed canopy. The building is considered to be of an architectural quality and scale to form a local landmark and create a sense of arrival without detracting from or dominating the natural, historic and cultural environment that forms its setting. The use of large quantities of glass will contribute to the open and spacious appearance of the new interchange, allowing views into and out of the building to improve the passenger journey and legibility across the site. The building would be complemented by improvements at the station entrance, with the use of a similar palette of materials creating a consistent and cohesive appearance.

Whilst beneficial to the overall appearance of the development, concerns have been raised in respect of the use of large quantities of glass within such an extreme marine environment. This issue has been carefully considered by the applicant who confirms the proposed materials would be appropriate for the marine environment ensuring the long term appearance of the building is maintained whilst minimising maintenance costs to the City Council. A condition requiring a full schedule of external materials to be submitted and approved prior to work commencing is considered to be necessary and reasonable given the scale and sensitive location of the development.

It is considered that the significant overall benefits of the proposal would outweigh the loss of the existing interchange building which, as highlighted above, does have some architectural merit and has contributed to the character and appearance of the area for the past 37-years.

No details in respect of street furniture, including seating, lamp columns, signage and public refuse bins etc. have been provided. These details will be confirmed at a later date as the finer details of the scheme are developed following the outcome of this application. It should be noted that Local/Highway Authorities benefit from certain permitted development rights that would allow the installation of such street furniture without the express permission of the Local Planning Authority. The applicant has however, indicated that the existing Millennium style lamp columns will be re-used and the Millennium Walkway chain motif would be incorporated into the proposal.

It is disappointing that no soft landscaping has been included within the proposal, particularly along The Hard frontage continuing its 'avenue' appearance. However, the applicant has highlighted difficulties in providing soft landscaping given the decked nature of the interchange structure and the long term maintenance requirements imposed upon the Council. However, the quality of the proposed hard landscaping scheme is acknowledged and it is accepted that the absence of street trees would maintain the open appearance of the interchange and views across the site. Given the visual appearance of the new terminal building and the architectural interest found within its backdrop, this is considered to be acceptable.

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. As highlighted within the opening section of this report, the site is located within the 'H.M. Naval Base & St George's Square' Conservation Area and adjacent to the 'Gunwharf Quays' Conservation Area. In addition a number of buildings forming the backdrop to the interchange area along The Hard are Statutory Listed (Grade II Listed - No.16 The Hard and No.17 The Hard) or entered on the City

Council's List of Locally Important Buildings and Structures (Ship and Castle, No.1-2 The Hard; The Ship Anson, No.9-10 The Hard; No.11 The Hard; Tourist Information Office The Hard, Former Portsmouth Harbour Signal Box, The Hard). Regard must also be made to the setting of HMS Warrior which is a non-designated heritage asset.

As highlighted above, the design and appearance of the proposed interchange would represent a significant improvement in visual terms. On that basis, it is considered that the inclusion of an architecturally striking interchange building, improvements to the northern elevation of Portsmouth Harbour Station and the wider public realm improvements to 'open up' the area and reinstate connections with the harbour would improve the setting of these heritage assets. Whilst the interchange building itself would have a larger footprint, there would be a sufficient degree of separation from the heritage assets located along The Hard frontage as to not compete visually, and views back towards this frontage from Portsmouth Harbour would be retained. The removal of the weather screening/barrier to the northern boundary of the site would significantly improve views across the Common Hard towards HMS Warrior making the vessel immediately more prominent to those arriving at the Interchange. Looking towards the south-west, the contemporary design of the terminal building and elegant curvature of its glazed canopy would make a fitting addition to the street scene at the base of the Spinnaker Tower.

Based on the points above, it is considered that the proposal would enhance the setting of all heritage assets located in and around area The Hard, and the wider character and appearance of the 'H.M. Naval Base & St George's Square' and 'Gunwharf Quays' Conservation Areas. As the proposal is seen to significantly enhance the setting of the adjoining designated and non-designated heritage assets, the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

#### Highways/transport Implications

In addition to the large number of commuters that use trains, ferries and buses at the interchange on a daily basis, the site is located between two of the city's main visitor attractions in Gunwharf Quays and the Historic Dockyard. These alone attract somewhere between 6 and 7 million visitors to the area each year with approximately 40% of visitors to Gunwharf Quays and 15% of visitors to the Historic Dockyard arriving by public transport. On weekdays around 40 buses per hour pass through the interchange with more than 20 coach departures per day. Each month, over 133,000 passengers use the railway station, around 300,000 use the Gosport ferry service and approximately 115,000 passengers travel on the Wightlink Fastcat connection to the Isle of Wight (source - The Hard SPD). All of these factors combine to create an extremely busy pedestrian and vehicular environment.

The proposed interchange is laid out in a DIRO arrangement, using similar access and egress points onto the highway network. This maximises the frontage onto The Hard providing clear pedestrian routes away from the DIRO operating area which would be bounded by a glass screen. Provision is made for a total of 10 DIRO bays, nine of which would be used by buses (currently First and Stagecoach) and one for National Express coaches at the southern extent to allow for side loading of luggage. One of the bus spaces is likely to be dedicated to the Park & Ride Service. An additional coach set down bay and two layover (waiting) bays are positioned within the interchange off of the adjoining highway network. As an element of future proofing an additional layby is shown, and could be created on The Hard frontage in the event of an increased demand for services.

Whilst representing a significant operational change from the existing drive through layout, the DIRO arrangement, with additional layover bays, would represent a slight increase in capacity by making more efficient use of the space available. Adequate manoeuvring space (buses reversing out of DIRO bays) is provided whilst maintaining sufficient width to allow uninterrupted passage for buses passing through the interchange. Conflict between reversing buses and smaller vehicles is managed with the provision of a separate private vehicle pick up/drop off and

taxi rank, removing the need for such vehicles to enter the DIRO manoeuvring space. Other than doors serving lobbies at the corners of the terminal, doors along the eastern elevation of the building would only operate to serve adjoining vehicles waiting to load/unload. This restriction, in combination with improved routes to and from the station and the ferry terminal, should act as a suitable deterrent to prevent pedestrians and cyclists from entering the DIRO area.

The provision of a wide (minimum of 5m) and open promenade to the north-west boundary of the site would provide a key route from Portsmouth Harbour Station and the ferry terminal towards The Hard and the Historic Dockyard. This would be a shared surface creating a dedicated cycle lane, which is absent from the current interchange, as well as access for emergency and service vehicles. To the southern boundary, a second pedestrian route would provide a link between Portsmouth Harbour Station/ferry terminal and Gunwharf Quays. Whilst significantly increasing the width of the footway towards its junction with The Hard, at its minimum width along the southern elevation of the interchange building, this route would reduce to 2 metres. A third north/south route measuring between 7 and 9 metres in width would provide an improved obstruction free link between the Historic Dockyard and Gunwharf Quays with dedicated crossing points at the entrance and exist of the interchange.

The dedicated taxi rank would provide 12 waiting bays representing an increase over the existing 9 spaces. Due to its position towards The Hard frontage, approaching taxis will be aware of capacity prior to entering the interchange avoiding over-ranking on to the carriageway. In addition to the improved direct cycle route along the northern promenade, improved cycle storage facilities, including a Brompton bike dock, are proposed across the site. The precise details of these facilities can be secured through a suitably worded planning condition.

The proposal has been considered by the City Council's Highways Engineer who concludes that the proposal would provide significant improvements upon the layout and operation of the existing Interchange, highlighting improved passenger facilities, better integration between modes of transport and improved pedestrian and bicycle environment as key benefits. Existing and known future bus timetabling has been modelled against the nine bay DIRO layout which would provide sufficient space to accommodate all bus movements.

Whilst fully supportive of the proposal, concerns have been raised in respect of the width of the footway between Portsmouth Harbour Station and Gunwharf Quays immediately south of the new terminal. The City Council's Highways Engineer considers that this layout has the potential to create a tunnelling effect with no opportunity to direct pedestrians through the building during peak periods or when it is closed. This would increase pedestrian vulnerability resulting in peak time pedestrian conflicts, possible cyclist conflict and would create an unattractive pedestrian environment particularly when the main terminal is closed.

In light of these concerns, the applicant has provided additional supporting documentation explaining the evolution of the project. This has highlighted a number of options that were considered throughout the design process, including an interchange physically attached to the station. However, due to a combination of operational, logistical and cost constraints, these options were discounted. After taking all of these issues into consideration, the applicant believes that the submitted drawings show the most appropriate and efficient layout that can be achieved on the site that could deliver all of the objectives set out within the policy documents.

Whilst the concerns of the City Council's Highways Engineer are acknowledged, it should be noted that the proposed southern route, at 2 metres, would offer an increased pavement width, even at its narrowest point when compared to the existing footway. The existing footway at 1.8 metres, is bounded by a retaining wall to the south and a taxi rank and coach stops to the north. The parking and loading of vehicles in this location does create a conflict with pedestrian movements and effectively prevents pedestrians from stepping into the carriageway to use it as an extension of the footway at peak times.

The proposed footway would include similar constraints with the southern retaining wall and the external wall of the new interchange building restricting any expansion of the footway. However, an additional 3 metres of width would be created internally through the terminal to supplement the external footpath at peak times or during inclement weather. This would take the full width of this route to approximately five metres. It is accepted that an internal route would not be intuitive for pedestrians moving between Gunwharf Quays and the Station. However, the glazed nature of the building and suitable signage would aid way finding during peak times.

Whilst it is not proposed to operate on a 24 hour basis, the terminal would remain open as long as buses or coaches continue to arrive or depart. In some cases this can be as late as 03:40hrs and as early as 05:00hrs. Given the limited period in which the terminal would be completely closed, the applicant has indicated that it could be more cost effective to remain open on a 24 hour basis with only the internal pods remaining closed at night. Therefore, as the terminal would remain open for a significant proportion of the day, it would continue to provide an additional internal route between the station and Gunwharf Quays, particularly at peak periods during the day and special one-off special events into the evening, relieving pressure on the external route. Furthermore, in addition to this combined increase in width, pedestrian, vehicle and cyclist conflict has been removed as a result of the revised layout across the interchange and the provision of a dedicated cycle route along the northern promenade.

In terms of the pedestrian environment created to the south of the terminal, it should be noted that whilst the physical width of the external footway would be restricted to 2 metres, the southern wall of the terminal would be fully glazed, and the main railway station is set back from the retaining wall by one additional metre. This will reduce any sense of enclosure and would fully illuminate the footway throughout the night, easing any safety concerns.

Therefore, whilst weight must be offered to the concerns of the City Council's Highways Engineer, it is considered that based on the points above, the southern route would provide sufficient capacity for pedestrians travelling between the station and Gunwharf Quays. In combination with numerous improvements across the wider interchange, it is considered that any remaining concerns would be significantly outweighed by the benefits of the proposal and the contribution it would make in achieving the wider strategic objectives for the City and The Hard area in particular.

Whilst not forming part of this application, regard is also given to separate highways improvements planned in and around The Hard/Queen Street as highlighted within The Hard SPD. This would involve the creation of a one-way system utilising Wickham Street to allow for public realm improvements to The Hard and the provision of excursion coach bays on Queen Street in closer proximity to the Historic Dockyard, releasing capacity pressure from the proposed interchange. This would also allow passengers of foreign coaches to disembark safely onto the pavement. Excursion coaches will continue to layover on Museum Road and at the D-Day Museum. In addition, The Hard SPD continues the long term vision to create a second more direct route into Gunwharf Quays, possibly along the edge of the harbour.

It should be noted that the development of the interchange as proposed within this application is not dependant on the delivery of any additional highways improvements beyond the application site. There would be sufficient capacity within the reconfigured interchange should delivery of the Hard/Queen Street improvements be delayed or reconsidered.

#### Impact on residential Amenity

The proposal represents a direct replacement of an existing transport interchange with no increase in activity of vehicular movements. The proposal is therefore unlikely to have a significant impact on the amenity of the occupiers of the adjoining residential properties located above commercial units on The Hard frontage.

Representations have raised concerns in respect of noise from warning signals resulting from the DIRO layout of the proposed interchange. Such warning signals are not common place with the existing drive through arrangement. Whilst these concerns are acknowledged, it is considered that these warning signals would be transient and there would be a sufficient degree of separation (38m) to the nearest residential properties as to not result in a significant adverse impact.

In addition to the significant visual improvements identified above, the proposal would result in the removal of concessions located to the eastern boundary of the existing interchange. Given that one of these concessions (The Pompey Standup) operates on a 24 hour basis, the proposal could result in a reduction in activity and associated noise and disturbance along The Hard frontage at unsociable hours.

#### Impact on the nearby nature conservation interests

The site is located within close proximity of the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place a duty on the Local Planning Authority to ensure that all development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species.

Whilst the proposal is for the redevelopment of a relatively large site in close proximity to Portsmouth Harbour, it is ultimately for the direct replacement of an existing transport interchange which is unlikely to result any significant intensification of use or activity within the surrounding area. The application has been considered by Natural England who confirm that, if carried out in accordance with the submitted drawings, the development is not likely to have a significant effect on the interest features for which Portsmouth Harbour has been classified and will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified.

#### Sustainable Design and Construction

The City Council's sustainable design and construction standards for non-residential development are set out in Policy PCS15 and expanded upon within the Sustainable Design and Construction SPD. The SPD states that "Non-residential developments which involve the construction of more than 500m<sup>2</sup> of new floorspace must achieve a BREEAM (Building Research Establishment Environmental Assessment Methodology) level of 'excellent' from 2013 onwards". The applicant has submitted a sustainability statement which sets out a number of measures that are proposed for the scheme. In particular, the use of LED lighting, both within the interchange building and outside will represent the best energy saving compared to a 'do minimum' approach.

Whilst the development involves the construction of more than 500m<sup>2</sup> of new non-residential floorspace, ultimately it must be considered that this is a simple structure which will be unheated. As such, the energy load for the scheme will come principally from lighting, with supplementary loading from small plug-in devices, the proposed concessions and building management. On that basis it is considered that the proposed measures represent the best available sustainability measures which could be incorporated into the development. Therefore, the scheme will achieve the highest level of sustainable design and construction that could reasonably be expected for a simple, unheated structure of this type.

## Conclusion

In conclusion, it is considered that the proposal would deliver significant visual and operational improvements at one of the city's key gateways. The creation of a contemporary and efficient interchange with improved physical connections to adjoining attractions and the City Centre, visual connectivity with Portsmouth Harbour and the removal of pedestrian/vehicle conflicts would that significantly improve the visitor experience. This would contribute towards the Council's strategic vision of creating a vibrant waterfront destination at The Hard, the creation of a sustainable and integrated transport network and the stimulation of redevelopment throughout the surrounding area. Based on the above the proposal would be in accordance with policies PCS4, PCS11, PCS15, PCS16, PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF, The Hard SPD and The City Centre Masterplan SPD.

## **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: L\_9000 Rev-1, A\_1101 Rev-4, A1105 Rev-1, A\_1301, A\_1302, A\_1303, A\_1304, A\_3001 Rev-1, L\_9001 Rev-3, L\_9002 Rev-1, L\_9003 Rev-1.
- 3) Notwithstanding the particulars of the application, development shall not commence on site until a full schedule of materials and finishes (including samples where necessary) to be used for the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved schedule unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to first use of the development hereby permitted, facilities for the storage of bicycles shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained.
- 5) Prior to first use of the development hereby permitted, the sustainability measures set out within the submitted sustainability statement (received by email on 22.05.2014) shall be implemented and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

### **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 the interests of visual amenity having regard to the sites location within the 'H.M. Naval Base & St. George's Square' Conservation Area and the historic significance of the surrounding area in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) 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.

5) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 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 pre-application process to achieve an acceptable proposal without the need for further engagement.

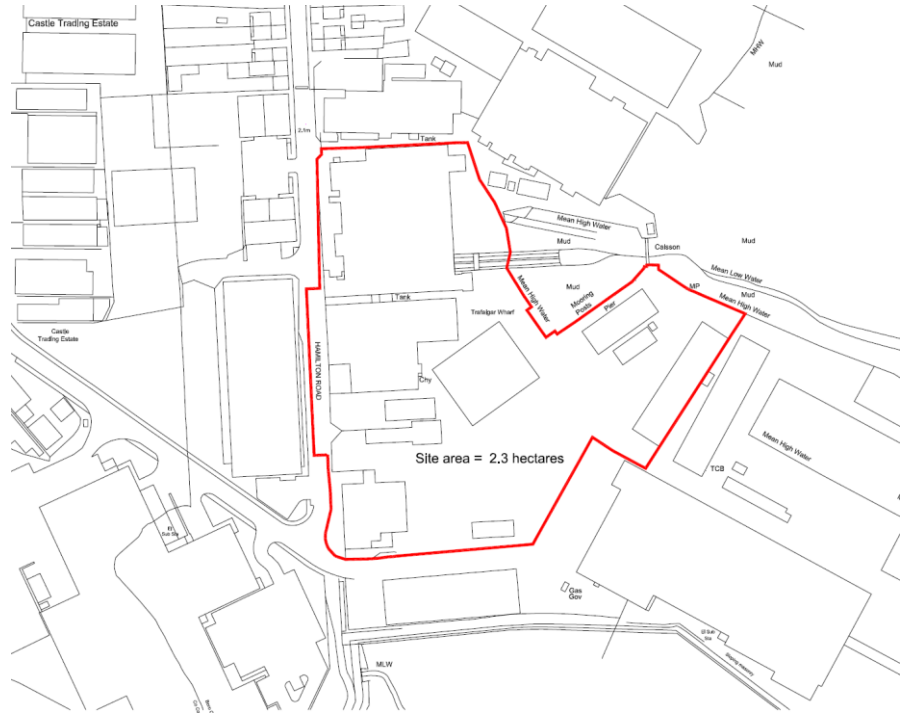
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City Development Manager  
2<sup>nd</sup> June 2014

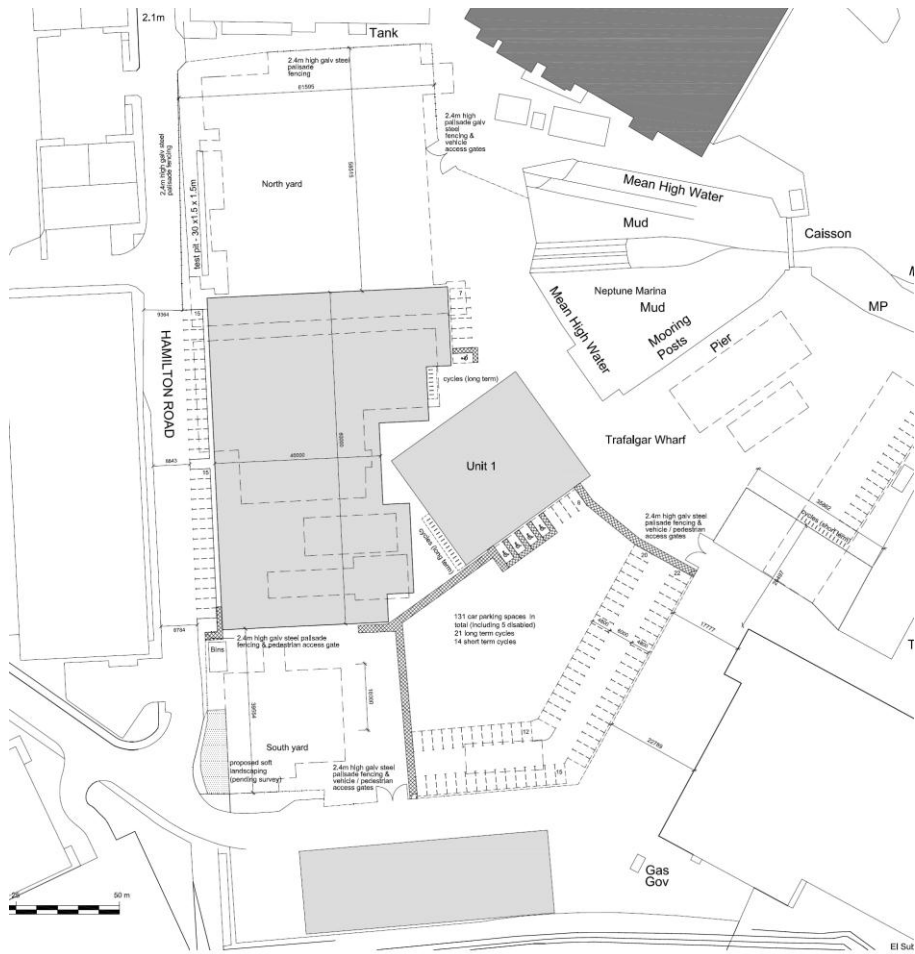


# APPENDIX A

## PROPOSED DEVELOPMENT BY MAGMA GLOBAL



Location Plan



Block Plan

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