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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 20 FEBRUARY 2019 AT 1.00 PM

## COUNCIL CHAMBER - THE GUILDHALL

(Public Galleries are accessed on the Upper Second Floor\*)

Enquiries to Democratic Services Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

\*If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Jo Hooper, Suzy Horton, Donna Jones, Gemma New, Steve Pitt, Lynne Stagg, Luke Stubbs and Claire Udy

### Standing Deputies

Councillors Frank Jonas BEM, Leo Madden, Robert New, Scott Payter-Harris, Jeanette Smith, David Tompkins, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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

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## AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**

Planning Applications

- 3 **18/00288/OUT - St. James' Hospital, Locksway Road, Southsea PO4 8HW - Outline application for the construction of 107 dwellings including provision of vehicular and pedestrian access, public open space and hard and soft landscaping (principles of access, layout and scale to be considered) (Pages 3 - 86)**
  
- 4 **18/00475/LBC - Solent NHS Trust St. James' Hospital, Locksway Road, Southsea - Partial demolition of boundary wall and construction of brick pier**
  
- 5 **18/01868/FUL - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS- Redevelopment of former prison comprising conversion of listed buildings to provide 76 dwellings and a commercial unit (Use Class A1 or A3; retail or cafe/restaurant), construction of five buildings ranging from three to seven storeys and construction of two additional storeys to B-Wing to provide 191 dwellings, part-demolition of listed prison wall, formation of new vehicular accesses to Milton Road and St Marys Road, and provision of car parking and associated landscaping and other works. Amended proposals following planning permission 16/00085/FUL**
  
- 6 **18/01632/LBC - Former Kingston Prison, Milton Road, Portsmouth PO3 6AS - Conversion and alteration of listed buildings to provide 76 dwellings (Use Class C3) and a commercial unit (Use Class A1 or A3: retail or cafe/restaurant), construction of two additional storeys to B-Wing to provide a further 8 dwellings, and part-demolition of listed prison wall. Amended proposals following Listed Building Consent 16/00086/LBC**

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# Agenda Item 3

## **PLANNING COMMITTEE 20 FEBRUARY 2019**

**1 PM COUNCIL CHAMBER,  
GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 report by the Assistant Director - City Development if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

#### **APPLICATION DATES**

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

#### **HUMAN RIGHTS ACT**

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

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**ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA PO4 8HW****OUTLINE APPLICATION FOR THE CONSTRUCTION OF 107 DWELLINGS INCLUDING PROVISION OF VEHICULAR AND PEDESTRIAN ACCESS, PUBLIC OPEN SPACE AND HARD AND SOFT LANDSCAPING (PRINCIPLES OF ACCESS, LAYOUT AND SCALE TO BE CONSIDERED)****Application Submitted By:**

LDA Design - Mr David Bell

**On behalf of:**

Mr Bruce Voss - Homes England

**RDD:** 19th February 2018**LDD:** 23rd May 2018**SUMMARY OF MAIN ISSUES**

The principal issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of residential development, aspects of design (layout, scale and access) sought for approval, impact on heritage assets, traffic/transportation implications, impact on nature conservation, loss of trees, flood risk/drainage, sustainable design and construction/site contamination and residential amenity.

**The site**

The application site covers 3.6ha in area. It is currently accessed from Locksway Road via a single carriageway route running north / south that is positioned along the eastern site boundary, which also links to The Orchards. The southern boundary of the application site adjoins Locksway Road, which would provide the primary access on an east / west orientation to Milton Road (A288) to serve the proposed housing development.

Forming part of the St James Hospital and Langstone Campus sites, the agents describe the main hospital block as "largely an administrative centre with significant vacant and underused space, and a minimal amount of clinical activity." The Solent NHS Trust has released surplus public sector land for housing development at the St James campus but does not include the NHS Solent Trust operated buildings at Oakdean, The Orchards and Lime, which remain operational.

The application site consists of two broadly rectangular areas that connect in the south-east and north-west corners respectively. Four buildings with associated areas of hardstanding currently occupy the site. These include the Child Development Centre (Solent NHS)/former Harbour School and three buildings (Fair Oak House, The Beeches and Yew House) that were in use as ancillary to the main hospital but are now vacant. Demolition of these buildings and hardstanding areas would be required to facilitate the proposed development.

Beyond the application site but effecting its setting are the main hospital building (to the north-west) and the former hospital Chapel (to the north); both of these buildings are statutorily listed (Grade II). The site is bounded to the south by Locksway Road, NHS buildings and existing

residential properties on Fair Oak Road. A listed boundary wall fronting onto Locksway Road would be retained.

Existing trees across the site are covered by a Tree Preservation Order that form a rich landscape character of important assets for nature, wildlife and recreation. The applicant's supporting tree survey identifies 191 different trees, classified as follows:

- o 4 as Category A (high quality with estimated life expectancy of 40+ years),
- o 30 as Category B (medium quality with estimated life expectancy of 20+ years),
- o 151 as Category C (lower quality with estimated life expectancy of 10+ years or trees with a stem diameter below 15cm) and
- o 6 as Category U (realistically not longer than 10 years).

## **The proposal**

Outline planning permission is sought for residential redevelopment of the site for 107 dwellings. The principles of layout, scale and access are to be considered. Should outline permission be granted, the approval of two further details relating to appearance and landscaping would be considered later at "reserved matters" stage.

The proposed layout (General arrangement plan - drawing no.5018\_011G) shows siting of three flatted blocks and other dwellings. The breakdown of the total of 107 dwellings is: 27no 1-bed and 18no 2-bed flats with 43no 3-bed and 19no 4-bed houses.

The nature and density of the two areas differ in response to the site constraints; the context of the 'west' side is a strong verdant character from a very substantial number of established trees that contribute to the attractive parkland setting of the main hospital (to the north-west) and hospital Chapel (to the north). All the flatted development and some other housing is proposed to be sited clear of the canopies and root protection areas of existing trees to be retained. The 'east' side has a more tight-knit urban grain of housing with a continuation of the linear park encompassing the remainder of existing trees to be retained. The proposed layout provides for a total of 1.32ha of public open space that includes 1.12ha of informal green spaces and equipped play space.

The proposed site layout requires around 34 existing trees to be removed. These are mainly Category U and C trees. The existing trees along the frontages with Woodlands Walk would be retained. Existing tree belts are sought to be enhanced where possible and other new tree planting is proposed in streets and public open space. The illustrative masterplan indicates around 80 new trees to be potentially planted across the site, within the public realm and private gardens (that includes some in rear garden situations that inevitably limits any streetscape contribution) but landscaping forms a "Reserved Matter".

The scale of proposed residential development is shown on Building Heights Plan (drawing no.5018\_020) in a mix of 2 and 2½-storey houses and 3-storey flats. An accompanying 'Building Dimensions' table indicates maximum heights at 9.5m for 2-storeys, 11m for 2½-storeys and 10m for 3-storeys.

Separate vehicular access arrangements are proposed to serve each of the two broadly rectangular (conjoined) areas, with the 'east' side directly onto Locksway Road and the other also via Locksway Road but through Fair Oak Road, along a length of existing carriageway of approximately 150m.

The application is supported by the following documents and drawings:

### Technical Reports

- o Planning Statement (this document) (LDA Design)
- o Design and Access Statement (DAS) (LDA Design)
- o Statement of Community Involvement (SCI) (LDA Design)
- o Environmental Appraisal Report (EAR) (WSP)

- o Transport Assessment (TA) and Travel Plan (WSP)
- o Flood Risk Assessment (FRA) and Drainage Strategy (WSP)
- o Heritage Impact Assessment (Fielden and Mawson)
- o Tree Survey (WSP)
- o Preliminary Bat Tree Roost Survey Report (WSP)
- o Biodiversity Mitigation and Enhancement Plan (WSP)
- o Information to Inform Habitats Regulation Assessment (WSP)
- o Bat Tree Assessment (WYG)
- o Bat Emergence Report Building 59 & 60 (WYG)
- o Solent Wader and Brent Goose Strategy Memorandum (WSP)

#### Drawings

- o Location Plan - 5018\_001
- o Site Plan - 5018\_002
- o Illustrative Masterplan - 5018\_004D
- o General Arrangement Plan - 5018\_011G
- o Land Use Parameter Plan - 5018\_005
- o Access and Movement Parameter Plan - 5018\_006
- o Landscape Parameter Plan - 5018\_007
- o Density Parameter Plan - 5018\_009
- o Building Heights Plan - 5018\_020
- o Access Arrangement - 70016874-SK-006-D
- o Swept Path Analysis (Refuse) - 70016874-ATR-004-B
- o Swept Path Analysis (Fire Tender) - 70016874-ATR-005-B
- o Swept Path Analysis (Car) - 70016874-ATR-006-B
- o Internal Highways Visibility Splays - 70016874-SK-005-D
- o Internal Highways Geometry and Dimensions - 70016874-SK-009-B
- o Internal Cross Sections - 70016874-SK-010-B
- o Preliminary Surface Water Drainage Strategy - 6874-D-001C
- o Tree Constraints Plan - 70016874\_TCP\_01\_B (2 sheets).

#### Environmental Impact Assessment

The Council issued a formal Screening Opinion on the 12th August 2017, confirming that the proposed development was not considered to be EIA development and that the submission of an ES was not required.

#### Community Engagement

The application is supported by a Statement of Community Involvement.

- o Presentation to Milton Neighbourhood Forum community meeting - June 2017
- o Local Councillor and Council Executive presentation - 20th July 2017
- o Public Consultation event - 24th July 2017
- o Presentation to Milton Neighbourhood Forum - 13th September 2017

3,500 flyers distributed to properties and businesses within the local area. Over 100 feedback forms were completed.

#### Planning history

The applicant's Design & Access Statement includes some details of the site history, as follows. Dickens Villa (now Fair Oak House) and Brunel Villa (now The Beeches) were constructed in the north-west section of the site between 1909 and 1932. Milton Ford School (later Harbour School) was constructed in the east of the site between 1962 and 1969. An 'L-shaped' building (now known as Yew House) was constructed by 2000.

There are an array of applications relating to minor works or alterations to the former NHS buildings, Harbour School and Child Development Centre on the site, in addition to works to TPO trees.

In 2018 an application for prior approval, supported by a 'Demolition Method Statement', was submitted for "Demolition of vacant buildings known as The former Harbour School; Fair Oak House; The Beeches; and Yew House" (under 18/00484/DEM). Whilst a number of objections were raised regarding the demolition of the buildings on heritage grounds, the principle of the loss of the buildings was not considered as part of the prior approval process. The buildings in question were neither listed buildings nor within a designated conservation area. The prior approval process considered the proposed method of demolition and any restoration of the site. The decision issued in April 2018 concluded that 'Prior Approval not required.'

Land to the north of the application site includes the development of The Limes (under 08/00517/FUL), which is a 36-bed elderly person's mental health facility that replaced a former villa building on the same site that fell into dis-use and was demolished following a fire. The Orchards facility replaced two existing buildings known as the Children's Cottages and the Social Club. Both buildings were subsequently demolished with services moved to The Orchards.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS21 (Housing Density), PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation),

There are relevant saved development management and site allocation policies that still apply from the Portsmouth City Local Plan (2001-2011) that are material to the application. These include DC21 (Contaminated land) and MT3 (Land at St James' Hospital); the latter relates to the site as well as encompassing land north of the site.

Policy MT3 allocates land at St James' Hospital for a mix of new mental health care development and housing. The provision of the healthcare element of this allocation has already been fulfilled through the provision of The Orchards and Lime NHS Solent Trust buildings to the north of the site, within the policy allocation area and intended to remain.

### **National Planning Policy Framework**

Still at the heart of the (revised) NPPF July 2018 is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

38 Core planning principles for decision making

54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations

59-61 Delivering a sufficient supply of new homes (including affordable housing)

80 Significant weight on the need to support economic growth through the planning system

95 Promote public safety, reduce vulnerability, increase resilience

96 Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities

97 Existing open space not to be built on unless surplus, replaced or benefits outweigh loss



- 103 Locate developments generating significant movement where need to travel minimised
- 104 Development designed for sustainable travel
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 124 High quality buildings and places is fundamental to what planning should achieve
- 129 Make use of and have regard to recommendations made by design review panels
- 130 Refuse poor design that fails to improve the character and quality of an area
- 174 Protect and enhance biodiversity
- 177 Presumption in favour of sustainable development (para 11) does not apply where AA required under Birds or Habitat Directives
- 178 Sites should be suitable for its proposed use where affected by contamination
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets
- 190 LPAs to identify and assess significance of any heritage asset
- 193 Great weight should be given to the asset's conservation
- 194 Any harm/loss of a designated heritage asset requires clear and convincing justification
- 195 Where leads to substantial harm, should be refused (unless substantial public benefits)
- 196 Where leads to less than substantial harm, to be weighed against public benefits
- 199 Weight to non-designated heritage assets of archaeological interest (where significant)

Other relevant policy guidance:

Parking Standards and Transport Assessments SPD (July 2014)

Sustainable Design & Construction SPD (January 2013) and

Reducing Crime Through Design SPD (March 2006)

Achieving Employment and Skills Plans (July 2013)

Milton Common Local Nature Reserve Management Plan (July 2015)

Solent Recreation Mitigation Strategy / Bird Aware Solent Strategy (December 2017)

#### Neighbourhood Planning

Milton Neighbourhood Planning Forum - formally designated in June 2015 - intend bringing forward a Neighbourhood Plan for the whole of the Milton Ward, including the application site, but have not yet published their draft Neighbourhood Plan.

## CONSULTATIONS

### Natural England

Updated comments (20.11.18) following review of additional information:

- Recreational disturbance on the designated sites

NE note that additional information has been provided with respect to the financial contributions to the Solent Recreation Mitigation Strategy / Bird Aware Solent Strategy.

Provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy and an appropriate planning obligation or condition is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of in-combination recreational disturbance on the integrity of the European site(s).

It is also noted that contributions will be made for improvements to Milton Common in proportion to the number of units included within the Project; as detailed within the Milton Common Local Nature Reserve Management Plan (which provides a strategic framework for mitigating recreational impacts). The Shadow Habitats Regulations Assessment states that a proportionate funding contribution is to be agreed through the Section 106 agreement. We advise that further details are included in the local planning authority's HRA and Appropriate Assessment in due course.

#### - Supporting Habitat

The proposed development site is located adjacent to a Secondary Support Area as identified in the Solent Waders and Brent Goose Strategy. The Shadow HRA considers the potential for noise and visual disturbance and the mitigation proposed includes visual screening on scaffolding during construction within the eastern part of Plot 1, when above the height of the wall demarcating the eastern boundary.

There is also the potential for some construction activities to result in sudden high levels of noise with potential disturbance to this sensitive area.

NE advise that the following condition is attached to any planning permission and included in the HRA:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

#### - Construction Environmental Management Plan (CEMP)

Natural England advises that best practice measures are adopted to minimise potential disturbance during the construction phase from demolition and construction work and traffic. We advise that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the county ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

- Location of construction compound
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical spillages and/or fuel run-off from construction
- Waste disposal
- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

#### - Biodiversity Mitigation and Enhancement Plan

Natural England welcomes the Biodiversity Mitigation and Enhancement Plan that has been submitted with the planning application documents. Please can you confirm whether the HCC Ecologists' are satisfied with the submitted BMEP.

If this is the case and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

## Initial comments

Natural England originally advised, in short, that further information was required to determine impacts on designated sites since the proposal could have potential significant effects on Chichester and Langstone Harbours Special Protection Area and Ramsar site. NE required further information to determine the significance of these impacts and the scope for mitigation.

The additional information requested included:

- 1) a copy of the Environmental Appendices 8.1-8.9
- 2) further assessment of the impacts of the development on the immediately adjacent supporting habitat identified in the Solent Wader and Brent Goose Strategy (P25) and its close proximity to a further site (P23B).
- 3) the submission of a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist.

### **Historic England**

No comments received on the outline application.

### **Southern Gas Network**

No comments received.

### **Southern Electric**

No comments received.

### **Hampshire Fire & Rescue Service**

Detailed comments provided on 16.03.18 relating to Building Regulations (Access for Firefighting), access to the site for the Fire Service in accordance with Hampshire Act 1983 as well as other advisory recommendations such as access for high-reach appliances, water supplies, promotion of fire protection systems (with periodic testing) for both business and domestic premises, the impact of fire-fighting on the environment and timber-framed buildings (as particularly vulnerable to severe fire damage and fire spread during the construction phase).

### **Ecology**

Updated comments (6.2.19) following review of additional information:

Overall, there are now no outstanding concerns with this application. Following receipt of further information, with regard to the SPA, the comments and suggested conditions from Natural England are agreed.

Regarding protected species, additional information (bat survey) and the BMEP, along with Bat Tree Assessment (Date of Survey: 04 October 2018) and Bat Emergence Report - Building 59 & 60 (November 2018), has been reviewed.

Trees: All the accessible trees were further inspected by qualified tree climbers. This work found that all of the trees previously identified as having high or moderate roost suitability in fact only offered low or negligible suitability. This is generally because features that appear from the ground offer suitable roost conditions, turn out to be less suitable (or completely unsuitable) when inspected at close quarters.

One tree was not able to be accessed; however, this tree will not be removed under the current proposals.

Buildings: The further survey work confirmed a bat roost in one of the buildings, for an individual soprano pipistrelle bat. This roost will be lost, but the report recommends suitable mitigation, which is capable of support.

In previous comments, it was noted that the submitted BMEP was acceptable, but also recognised that much detail was missing as this is an Outline rather than Full application and recommended that an updated BMEP be provided at Reserved Matters / secured through condition on any Outline permission.

It is still advised that this is the best course of action; however, in view of the findings and recommendations in these new reports, the updated BMEP should include the recommendations and mitigation measures set out in these new reports. Possible condition wording:

Prior to commencement, an updated and detailed Biodiversity Mitigation and Enhancement Plan (BMEP), incorporating detailed recommendations from the November 2018 bat tree roost assessment and bat emergence survey reports, together with detailed specifications and locations (with plans) of compensatory bat roost provision and site-wide biodiversity shall be submitted to and approved in writing by the local planning authority.

Initial comments - objection - dated 28.03.18

In summary, concerns are raised over the submitted ecological information and would request further clarification. This includes missing information (Environmental Appraisal Appendices), shortfalls in survey data (bat roosts and trees) and unsupported mitigation recommendations (high tide SPA roost sites for over wintering birds).

The Ecology chapter of the Environmental Appraisal references Appendices 8.1 to 8.9, which includes survey reports and Information to Inform Habitats Regulations Screening. These cannot be found in the submission and this makes a full assessment of the Ecology chapter difficult. Once these are provided updated comments can be provided, although it should be noted that the Ecology chapter summary also appears to be unfinished.

From the information available at present, the key issues that will need further work are raised.

#### Designated Sites

The Environmental Appraisal (Ecology Chapter 8) has not identified the value of the adjacent site as part of the Solent Waders and Brent Goose Strategy and does not seem aware of the Strategy and identified sites. The adjacent site is known as "P25" and is known to support dark-bellied Brent geese and Oystercatcher SPA species, something confirmed by the developer surveys (peak count 985 Brent geese representing approximately 5.75% of the SPA population). Impacts on this site during the construction and operational phase are identified by the Environmental Appraisal, but the Ecology chapter conclusion that construction phase noise impacts are likely to remain relatively constant during working hours is not supported by the Noise Chapter of the Environmental Appraisal.

The conclusion that for the construction phase "this effect will not be negligible in terms of effects on individuals which may be disturbed or forage elsewhere; but effects at a population scale would be negligible" is not a satisfactory conclusion to present. The evidence offered (personal observation of another population at one other site which experiences very different conditions; lack of quantitative assessment of impacts; lack of assessment of different construction activities, notably demolition), lack of appreciation of the wider site network and the lack of mitigation presented leaving a negative residual impact is not sufficient. Any CEMP based on this conclusion would not be likely to deliver effective mitigation.

For the Operational phase the development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one

new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP) and may be in addition to any on-site mitigation.

### Protected Species

The summaries of the protected species survey work (in the absence of access to detailed report) suggest that these are largely appropriate and suitable for a baseline assessment of the development.

The notable exception to this is bat roosts and trees, where a number of potential roost features have been identified but no surveys carried out. Trees on the Plot 1 Site have been assessed for their potential to support roosting bats, but no further survey work to establish the presence or likely absence of bat roosts in these trees has been carried out. This has been described as follows:

"Trees on the Plot 1 Site were assessed as having moderate, low and negligible potential to support roosting bats, and further survey work to be carried out prior to works commencing has been recommended in Appendix 8.7 and Appendix 8.8. Current proposals for the Plot 1 Site indicate that 30 trees will be removed which were assessed either individually, or within groups. Of the trees to be removed, nine trees were assessed as having moderate potential to support roosting bats, ten had low potential and 11 had negligible. The trees being removed are mostly smaller or poor quality specimens".

It is therefore considered that there is a reasonable likelihood that bats would be present and affected by the development and it is therefore necessary to request the applicant to provide further information on this issue. All survey work should be carried out to recognised standards, as set out in the Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016), unless otherwise fully justified by the ecological consultant.

The survey findings should be provided to PCC in an updated report, which should also include any further assessment of the impacts the development will have on bats and if required, details of mitigation measures to be followed to show that the favourable conservation status of identified species would be maintained.

Once this information has been obtained, the planning authority will be in a position to consider if bats will be affected and if so, the likelihood of the development being granted a licence.

Unfortunately it is not appropriate to defer bat surveys as a condition of a planning permission - Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible.

Biodiversity net loss, ecological enhancement, protecting and improving green infrastructure

There is also concern about overall biodiversity net loss resulting from the development. The Environmental Appraisal references this essentially being dealt with through soft landscaping and limited provision of features within the site, however the amount of space available for soft landscaping and its distribution would appear that this will be unlikely to be achieved. It is requested that further details from the ecologist on this issue including quantitative comparisons.

### **Head Of Community Housing**

Housing Enabling offers the following comments:

#### **- Scheme Breakdown**

The outline submission proposes to build up to 107 units, a mix of houses and flats.

#### **- Pro-Rata Mix**

The proposed development mix consists of: 19x 4bed houses, 42x 3bed houses, 18x 2bed flats and 27x 1bed flats, this would mean a S106 pro-rata provision of 5x 4bed houses, 13x 3bed houses, 6x 2bed flats and 8x 1bed flats, a total of 32 units. However, with the proposed blocks of Flats having a mix of 9x 1bed units and 6x 2 bed units we will need to go for a slightly amended mix of 4x 4bed houses, 13x 3bed houses, 6x 2bed flats and 9x 1bed flats which will then allow us to have a complete block of flats.

N.B The above development mix could potentially be subject to change in a reserved matters application.

#### **- Unit Sizes**

Being a draft proposal there are no overall sizes for each unit in square meters (which would need to be in excess of the Nationally Described Space Standards - NDSS) or how many stories the houses will be (2storey or 3 storey or a mix of both). We do not know if the 2bed flats are 3 person or 4 person, if the 3 bed houses are 5 person or 6 person or the 4 bed houses 6 person, 7 person or 8 person.

In a previous pre-application consultation response (dated 16 Jan 2018) we emphasize that for our housing need, the 2bed flats should be 4 person, the 3bed houses need to be 6 person rather than 5 person (or a mix of both with priority on 6 person) and the 4 bed houses 7 or 8 person or a mix of both - this has not changed and reflects our housing need.

#### **- Disabled Accommodation**

Another point we raised in the pre-application consultation and would again emphasize is that some of the units (a couple of ground floor flats - 1x1bed and 1x 2bed- and at least 1x 3/4bed house) are designed for full time wheelchair users as we have a desperate need for disabled homes. This will mean a larger footprint for both the flats and house/s and will need to be designed in as early as possible.

#### **- Tenure mix**

We will need to look at the tenure mix once the Registered Provider is identified will be working with Homes England to provide the affordable provision.

#### **- Car Parking**

Looking at the plan most of the units have at least 1 - 1.5 spaces per unit.

#### **- 'Pepper Potting'**

The pepper potting of the units within the development will need to be looked at once we talk to the developers on which units will be allocated for affordable. Having looked at the draft plan we have made suggestions for the affordable element.

I have also attached a plan showing a proposal for the affordable housing units based on the outline plan. The suggested affordable units have been highlighted in yellow. Obviously this will be subject to the plans not changing with any reserved matters application and the units being in excess of the minimum NDSS requirements. The space standards for any disabled units would need to be checked carefully to meet full wheelchair requirement.

### **Crime Prevention Design Advisor**

Within this area of Portsmouth our records show there are reasonable levels of acquisitive crime and anti-social behaviour and it is against this background that comments are made.

The site has high levels of permeability which does increase the vulnerability of the development to crime and anti-social behaviour. To reduce the vulnerability of the development to crime and anti-social behaviour it is recommended that the two areas are not linked and that they are isolated from each other.

Access to the rear gardens of several properties is via a communal rear access footpath. Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the property. Planning guidance advises "Planning should promote appropriate security measures" it continues "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime in the first instance it is recommended that all rear garden access is in-curtilage, but if this is not desirable it is recommended that all rear garden access gates are fitted with a key operated lock that operates from both sides of the gate.

It appears possible to gain access to the ground floor windows and doors of the 3 apartment blocks, this will increase their vulnerability to crime and anti-social behaviour. Planning guidance advises "There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security." To reduce the opportunities for crime and anti-social behaviour some defensible space should be provided about the apartment blocks. This may be achieved by enclosing the accommodation blocks within a robust boundary treatment (perhaps hoop topped railings) at least 1.8m high.

Flank walls of dwellings should be protected from direct access from the public realm which increases their vulnerability to crime and anti-social behaviour. Planning guidance advises "There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security." To reduce the opportunities for crime and anti-social behaviour a generous private garden should be provided along any such flank walls.

It appears possible to gain access to a number of car parks from areas of public open space, this increases the vulnerability of these car parks to crime. Planning guidance advises "Planning should promote appropriate security measures" it continues "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime robust fencing (perhaps hoop topped railings) at least 1.8m high should be placed along the boundary of the car parks and the public open space to prevent access between the two areas. Direct access from the informal running footpath running between the two areas into the car parks should be omitted from the final scheme.

The plan shows a number of footpaths / cycle ways providing connectivity throughout the development. Whilst there is some overlooking of these routes there are areas along the routes that are not well overlooked from the nearby dwellings. Planning guidance advises that routes should be safe. Therefore, it is recommended that planting along these routes should be such that it facilitates natural surveillance along the route and that it does not create a place where a person might lie in wait.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS5489:2013. Some consideration will have to be given as to whether the pathways giving connectivity throughout the public open space are to be used during the hours of darkness, if they are, appropriate lighting should be

provided along the entire length of the pathway, to provide for the safety of those using the pathway.

### **Highways Engineer**

Following amendment to the site layout the LHA is now satisfied with the internal arrangements although an objection on the issue of accessibility to public transport services remains (at # below).

Initial comments raise objection (dated 17.04.18)

The Transport Assessment (TA) and drawings in support of this outline application have been reviewed, noting only the principles of access, layout and scale are to be considered.

In summary:

The TA refers to the extensive pre-application discussions between PCC and the applicant and references both the TA scoping document and subsequent discussions/meetings at para 1.4; despite these the submitted TA has not been prepared on the basis required by PCC and advice given following review of a draft TA. Rather than using the trip rates recorded in the 2014 surveys to establish the baseline traffic generation, surveys undertaken in 2016 have been used and factored up reflecting the floorspace in use at the time to determine a trip rate assuming use of 100% of the floorspace. However, a sensitivity test has been undertaken to consider the trip rate which would arise should the hospital be operating at 80% of capacity which is broadly equivalent to those rates observed in 2014 and since used those to inform the LHA assessment of the acceptability of the proposal.

On the basis of the hospital operating at 80% of capacity (PCC has previously established it would accept the traffic flows observed in 2014 as a baseline) the effect of this application in the am peak period would be to increase the departures via Locksway Road by 23 movements and in the pm peak the arrivals by 27 movements. We would ordinarily require further junction capacity assessment where the increases in the peak hour were greater than either 5%, 30 total additional movements through a junction or 30 additional movements on a single link to a junction. In this case taking the proposed development of phase 1 in isolation no further analysis of traffic impact is necessary and the LHA has no objection to the proposal on the basis of increased traffic generation and associated impact as an increase in traffic generation of this limited scale would not amount to a material impact on the operation of the local highway network.

# The LHA has concerns regarding the broader accessibility of the site which the TA finds at paragraph 4.3.7 to be in an accessible location despite it being some 900m from bus stops at Milton Road, being broadly equivalent to an 11 minute walk. This is contrary to the guidance given in the CHIT publication 'Planning for Walking' being more than twice the distance that people in residential areas can reasonably be expected to walk to a bus stop. The bus stops on Locksway Road are currently used by private bus service serving the University of Portsmouth. Should public bus services be introduced, the site would benefit from direct access to these facilities, thereby improving the sustainability of not only St James but also the wider area, although no such improvement is bus service is proposed. As a consequence, in the absence of securing such services, the LHA must raise an objection to the application on the basis of the accessibility of the site.

The following specific observations are made on the TA:

Paragraphs 2.4.10 and 2.4.12 of the TA refer to the CIHT publication 'Guidelines for Providing For Journeys on Foot' published 2000 and DMRB TA91/05 'Provision for Non-Motorised Users' which suggests that walking distance of up to 2km and 2miles respectively are reasonable walking distances. However, that guidance was informed by surveys of existing development at the time rather than being specific to planning for new developments where an increase active travel mode share is sought. Furthermore, that guidance has largely been replace by the CIHT publication 'Planning for Walking' published April 2015 which identifies at paragraph 6.3 'Land



use planning for pedestrians' that 'Most people will only walk if their destination is less than a mile away.' It continues to explain that 'Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres)' and that 'The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres. People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.' Whilst this is reference is paragraph 2.4.14 of the TA greater reliance is placed on the outdated guidance and as a consequence the assessment of accessibility made in section 2.4 is undertaken on an incorrect basis and the site is not as accessible as is suggested.

Section 3.3 explains the calculation of the trip rate assumed in the rest of the document for the 'existing' hospital uses. This applies the occupied floorspace in 2014 to the traffic surveys undertaken at that time to determine a trip rate which is then applied to the total floorspace to establish a traffic generation. This approach was specifically not agreed, rather it was required that the assessment be undertaken on the basis of the 2014 traffic surveys reflecting the total generation associated with the permitted uses. As a consequence the figures in Table 12 should be reduced to reflect those found in the 2014 traffic surveys.

Section 3.4 seeks to estimate the current quantum of traffic movements on the local highway network associated with the hospital by proportioning the '100% occupancy' disagreed trip rate to reflect the current occupancy of the buildings. This approach was also not agreed. If the hospital is now operating at 50% of the 2014 occupancy then it may be possible to simply reduce the traffic generation found by the 2014 surveys by 50% to estimate the current generations although that would assume that the floorspaces are being operated at the same intensity in terms of trip generation. This requires a leap of faith and relies on a survey now more than 3 years old. In the circumstances, it would be more appropriate to resurvey the traffic generations to confirm the current number of movements associated with the NHS uses before deducting those from the 2016 surveys of the wider network to establish the baseline traffic conditions.

Paragraph 4.2.6 3rd bullet should note that the 'severe' measure of residual development impacts does not apply to issue of highway safety which should be assessed on a binary basis *Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 (para 29) refers.

Paragraph 4.3.7 suggests that the site is located in an accessible location being within 900m of 4 bus services and 30 mins walk of Fratton Rail station. This is contradictory to CIHT publication 'Planning for Walking' published April 2015 (see above) and it cannot be concluded that the site is in an accessible location.

Paragraph 4.3.8 similarly draws on out of date guidance to determine that the site has good accessibility which does not measure up to the advice of the current guidance. As a consequence of relying on out of date guidance the findings throughout section 4.3 that the site is in compliance with both the Portsmouth Local Plan and Portsmouth LTP are flawed.

Section 5.5 considers the internal layout and explains at paragraph 5.5.3 that to ensure that there is adequate space for utilities / pedestrian refuge a 1.8m wide service strip has been provided in addition to the 4.8m carriageway on the most logical side of the road. Such provision is required on both sides of the carriageway to allow for overhang of manoeuvring vehicles as well as utility services and pedestrian refuge as previously advised and was confirmed would be included in the response to the LHA comment on section 5.5 of the draft TA.

There seem to be two double garages which directly abut the carriageway and one double garage immediately adjacent to the footway. These will need to be set back to provide both visibility and allow for the garage doors to be operated without a car having to stand in the carriageway.

- o The layout of the scheme has not been revisited to resolve the 'secured by design' concern regarding the routing of the footway between the two development blocks.
- o The vehicular access to two of the properties seems to be via a footway link which is too narrow

The LHA is comfortable with the methodology for prediction trip rates associated with proposed houses on the site as is detailed in paragraph 6.2.7 of the TA. However, TRICS data relied upon to determine the trip rate for flat retains a significant proportion of developments located at edge of town centre likely to have significantly better accessibility to local service and public transport. The LHA has previously advised that these do not seem comparable with the site location given the comparative inaccessibility of the site and only those sites outside of the town centre should be used to inform the trip generation.

The assumed distribution of development trips in section 6.3 seems reasonable although the calculations thereafter assume an inappropriate trip rate and are compared with an unagreed baseline which is then rolled forward to inform chapter 8 'Development Impact - Highways' which will similarly need to be revisited as will section 9 'Summary & Conclusions'. However as explained above, the LHA has not relied on these sections to inform its assessment of the traffic impact.

### **Environmental Health**

In summary, no objection raised (in comments dated 05.04.18)

#### **- Air Quality and Additional Traffic Movement**

An air quality assessment has been carried out and reported in the Environmental Appraisal Report - Chapter 4. It has been predicted that the air quality impacts from traffic do not exceed the air quality emission for NO<sub>2</sub> or PM<sub>10</sub> and it is negligible at this location.

The proposed development is also unlikely to generate significant additional traffic movements in the area.

#### **- Traffic Noise**

From the noise monitoring carried out by the applicants acoustic consultant, they have predicted that the sound insulation performance of the glazing fronting onto Locksway Road should achieve 34 dB RW+Ctr for all habitable rooms. An example glazing construction to achieve this sound insulation performance would be a 8mm glass/12mm airspace/10.8mm laminated glass unit.

For dwellings set further back from, or behind buildings fronting Locksway Road, a standard thermal double glazing units should be sufficient. Subject to this glazing specification or similar being installed, this will be sufficient to achieve the target internal noise criteria below:

Daytime LAeq(16hr) (7:00 to 23:00) 35 dB

Night-time LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB

#### **- Commercial Noise**

There is a service yard close to the Orchards which has two compactors and a substation. The plan illustrates that gardens and the boundary line for the proposed development is close to this location. Prior to the development commencing it is recommended that a noise assessment is carried out to ensure that a loss of amenity is not being caused to the gardens in this location.

Summary

Further to the above, no objection raised to this (outline) application being granted.

### **Contaminated Land Team**

In summary, no objection raised (in comments dated 04.04.18)

The Contaminated Land Team (CLT) have reviewed the above application together with the following documents which have either been submitted with the application, or previously as part of a zip file of pre-application information in July last year:

- o St James and Langstone - Plot 1, Preliminary Risk Assessment, WSP, Project no. 70016874, July 2017;
- o St James Hospital - Plot 1, Environmental Appraisal, WSP, Project no. 70016874, December 2017.

The Environmental Appraisal covers various environmental issues, with section 6 covering contaminated land. This section is predominantly a summary of the Preliminary Risk assessment report detailed above.

The reports describe a site investigation which WSP carried out on the proposed development site in February 2016. Unfortunately this report has not been made available to the CLT, or provided in the appendices in either of the above reports, and as such the data cannot be reviewed and a full assessment made. The developer should therefore be advised to submit this report as soon as possible to the CLT for review and comment in relation to the above application.

Notwithstanding the above, the Preliminary Risk Assessment concludes that there are potential sources of contamination on/adjacent to the site that need further assessment, with further intrusive site investigation recommended including at least 6 rounds of gas monitoring to fully assess the ground gas regime on site. As such given the above, together with the scale and sensitive nature of the proposed development, the following full conditions are required should planning approval be granted:

Conditions:

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013+A2:2017 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation; and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the 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. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.
- (ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in

advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

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

### **Coastal And Drainage**

Initial comments relating to the (outline) planning application dated 03.04.18 are:

- o Groundwater results from a PCC owned borehole in St James Green are provided just to the west of the site. It can be seen that groundwater is stable at around 3m below the surface, with very little tidal or rainfall interaction. It is reasonable to assume that these conditions are likely to be very similar for the development site. Below is the BH log showing ground conditions, which shows clay at 6m depth. The present proposal shows the bottom of the geocellular storage for parcel A at 1.1m below surface. Assuming that groundwater should not be released to ground by infiltration if GW levels are less than 1m from the bottom of the infiltration pit, it would seem feasible that infiltration is a possibility with room to spare, saving unnecessary sewer flows. This strategy could be applied to all site parcels A, B and C
- o Recommend GI in the areas of permeable paving and geocellular storage to determine if infiltration can be undertaken. Reference to Site Investigation is noted, however, this information is not available within the application pack in order to review. Did it include infiltration tests? Or regular interval groundwater monitoring over a sustained period including spring tides? The Drainage Team is not aware of tidal interaction within groundwater levels in this location. It is considered more likely that tide levels will impact sewer flows, which is especially relevant as the site is proposed to drain to gravity sewer and out to sea.
- o There is a lack of detail regarding the outlets from each parcel. For instance, highway drainage, cross sections, footway drainage, levels and how the site drains presently (existing highway in parcel C). This detail will be required at detailed design stage
- o Disagree with section 4.5.3 of the Surface Water Drainage Strategy, storing above ground. There appears to be plenty of opportunity to get the water away from the surface, especially given the amount of green space that is available. In addition, for this proposal the team would need to see exceedance routes to be happy with the design
- o There does not appear to currently be support from Southern Water Services with regards to draining the site to sewer. This is fundamental to the present proposal.
- o It appears that leisure facilities are positioned over the proposed geocellular storage area, which could lead to future maintenance issues. Suggest the two areas do not share the same footprint
- o Oil separator should be positioned in order for easy access direct from the highway in terms of maintenance machinery and vehicles

Essentially there is a lack of detail and draining the whole site to sewer does not seem the right option.

Additional comments (dated 02.05.18) following receipt of the GI information

3.2 - Hydrogeology assumptions not confirmed. Groundwater monitoring is required to reach these conclusions.

5.2 - groundwater monitoring using a logging device will be required to determine what is causing the slight change in groundwater levels. The weather records held by PCC indicate around 38mm of rainfall between 8th January and 20th January 2016. It is possible the

groundwater is reacting to rainfall and not tidal levels. Would suggest a saline logger to confirm if there is indeed a tidal influence.

9.6 Drainage - "Soakaway testing was not carried out during the investigation therefore the rate of infiltration within the near surface soils has not been assessed. However is likely that the infiltration rate will improve as depth increases into the coarse grained soils. This will need to be confirmed by undertaking infiltration tests within machine excavated trial pits or boreholes."

Table 10.2 - all soil exceedances could be remediated as the lowest bgl is 0.6m, reducing the risk to the environment by mobilisation of contaminants

11.3 - groundwater contamination risk pathway could be mitigated by remediation

11.6.4 and 12.1 - risk to Secondary A aquifer is classed as Low

There is still more information needed to back up the Drainage Strategy.

In response, the drainage consultant advised that the "...proposed drainage strategy was based on the WYG groundwater data (which showed groundwater levels close to the ground surface) and the approval by Southern Water for the site to discharge into their system, but essentially it shows that the site can be drained." In terms of the planning application the design team considered this is sufficient to obtain approval, suggesting a short addendum to the FRA which recommended soakage testing prior to the detailed design stage is provided.

The Drainage Team accept this approach by addendum to the FRA (in comments dated 22.10.18).

#### **Leisure/Arb Officer**

In summary, no objection raised (in comments dated 13.03.18).

Several site visits have been undertaken in support of this and other applications for the St James Hospital site. This outline application is the result of an extensive pre-application process and much discussion over the development proposals for this site.

The content of WSP Tree Survey dated May 2017 is accepted and agreed.

It is worthy of note that the layout of the proposal and landscaping scheme is significantly influenced by the presence of trees across the site and seeks to retain the mature character of the landscape where possible. Those trees identified for removal predominantly constitute poorer quality, Category U and C trees. Category U trees are trees that are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Category C trees are trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter of below 150mm.

There are currently no arboricultural objections to this proposal.

#### **Waste Management Service**

No comments received.

#### **Environment Agency**

No objection to the proposal as submitted.

#### **RSPB**

The RSPB object to the proposal based on insufficient information, assessment and mitigation provided in support of this application.

Initial comments - dated 09.04.18

The application site lies within a highly sensitive area for wintering birds. It is less than 400m from the edge of the Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar site, and within 300m of three brent goose feeding areas, which are functionally

linked to the adjacent SPA; the closest of those sites, Portsmouth University Playing Fields, immediately abuts the application site. Without effective mitigation measures, the development (both alone and in combination with other proposed housing in the Milton area) is likely to have a detrimental effect on these sensitive areas, contrary to the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').

The Environmental Appraisal Report (February 2018) references appendices 8.1 to 8.9, which includes information to inform Habitat Regulations Screening but these documents do not seem to be available for consideration. The report does appropriately identify the wintering birds as a sensitive receptor and the importance of the Portsmouth University Langstone Campus, adjacent to the Plot 1 Site, with a peak count of 985 Brent geese (representing approximately 5.75% of the SPA population<sup>51</sup>), however, fails to make reference to the most up to date Solent Wader and Brent Goose Strategy (2017). We are increasingly concerned by the incremental loss and indirect impact to SPA supporting sites across the Solent. We urge the Council to apply a high standard of protection to these sites, as required under the Birds and Habitats Directives.

The Council has previously identified through its Local Plan that development in this location has the potential to impact on Portsmouth Harbour, Chichester and Langstone Harbours, and Solent and Southampton Water SPAs and Ramsars and that mitigation would be required to prevent the adjacent areas becoming unsuitable for geese and waders. Mitigation should include timing of construction to avoid periods that birds are present, the use of appropriate screening and sympathetic building design (including height restrictions, restricted illumination and directional lighting) and provision should also be made for managing increases in recreational activity, particularly within the playing fields. However, based on the information accompanying the application it appears that only limited consideration has been given to screening during the construction phase by the applicant.

The RSPB disagree with the conclusions in the Environmental Appraisal Report, both of the anticipated effects during construction and operation of the site, these consistently underestimate the impacts from the proposals, fail to appropriately consider the importance of these features and fail to put appropriate safeguards and mitigation in place to provide appropriate protection. For example, one of the mitigation measures is that increases in noise resulting from the construction will be limited to working hours, however, this makes no assessment of when the adjacent feeding areas are likely to be used by Brent geese, which is likely to be entirely within working hours. The extent to which geese will become habituated to construction noise, which is likely to involve sudden loud noises, is considered to be overstated. The works should be timed outside of the most important monthly for the overwintering birds.

Critically, insufficient assessment has been made of the potential for access of the new residents to the surrounding Brent goose feeding sites. In the case of the University Playing Fields, current and future potential access should be considered. It is also important that the assessment considers the in-combination effects with the additional houses planned for the immediate area.

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

Notwithstanding the above matters, the applicant will also be required to make a per dwelling contribution towards the Solent Recreation Mitigation Partnership (SRMP), in order to mitigate recreational pressures within the Solent SPAs. The RSPB supports the SRMP Strategy as the most appropriate mechanism for mitigating recreational disturbance to the SPA created by new residential development. This strategy is based on the best available scientific evidence for delivering recreational mitigation. The wider benefits of the greenspace enhancement for the

residents are appreciated, however, this would need to be in addition to contributions to the SRMP Strategy. We fundamentally disagree with para 8.7.30 that the measures outlined will be sufficient in isolation to accommodate increased recreation from the proposed development either alone or in-combination.

Additional comments - objection - dated 29.05.18

Following submission of additional/amended documents to support the proposals the RSPB state that consistent with the earlier response on 9th April, their comments remain valid. The RSPB remain concerned that there is insufficient certainty provided regarding mitigation for overwintering birds and therefore question the validity of the assessment's conclusions, despite appendices of the supporting Environmental Statement being made available.

The amended Environmental Appraisal Report (Feb 2018) does not appear to have been updated, therefore there remains sections which have not been completed such as Table 23. The document does not make reference to the most current legislation - the Conservation of Habitats and Species Regulations 2017, nor does it make use of the most up to date version of the 'Solent Wader and Brent Goose Strategy' 2017, rather than 2010, for the importance of the supporting network of SPA sites. Appendix 8.9 (information to inform Habitats Regulations Screening) does not seem to be available for consideration.

Whilst Appendix 8.6 identifies in the absence of mitigation that the development could have an adverse impact on overwintering birds and recommends possible mitigation measures, it fails to provide sufficient certainty regarding which mitigation measures will be provided to support the conclusions of the assessment. We consider that the mitigation measures outlined in section 4.6 of Appendix 8.6 could have the potential to provide appropriate mitigation. However, without further detail on the mitigation measures to be delivered, their scale and how these will be secured, we consider there is insufficient information and certainty to inform an Appropriate Assessment.

As highlighted previously, the applicant will also be required to make a per dwelling contribution towards the Solent Recreation Mitigation Partnership (SRMP), in order to mitigate recreational pressures within the Solent SPAs. The RSPB supports the SRMP strategy as the most appropriate mechanism for mitigating recreational disturbance to the SPA created by new residential development. This strategy is based on the best available scientific evidence for delivering recreational mitigation. The wider benefits of the greenspace enhancements for the residents are appreciated, however, this would need to be in addition to contributions to the SRMP strategy. The RSPB fundamentally disagree with paragraph 8.7.30 that the measures outlined will be sufficient in isolation to accommodate increased recreation from the proposed development, either alone or in-combination.

The RSPB are increasingly concerned by the incremental loss and indirect impact to SPA supporting sites across the Solent so urge the Council to apply a high standard of protection to these sites, as required under the Birds and Habitats Directive.

Additional comments - objection - dated 02.07.18

Whilst Appendix 8.9 is helpful in providing some further clarification, the RSPB would highlight the following points:

- o does not reflect the recent CJEU judgment (People over Wind, Peter Sweetman v Coillte Teoranta) in the consideration of avoidance and reduction measures in Habitats Regulations Assessment. I attach the PINS note which you are no doubt familiar.
- o Whilst the SDMP work is referenced in Appendix 9.8 it is understood from para 5.2.4 that the improvements to Milton Common are being proposed instead of a per dwelling contribution to the definitive SRMP / Bird Aware Strategy. Consistent with our previous response given the proximity of this development to the SPA and to appropriately address the likely effects of

recreational disturbance resulting from this development both in-combination and alone, we maintain that the greenspace enhancements must be in addition to per dwelling contributions to the SRMP Strategy. Without the SRMP contributions we disagree with the conclusions of this assessment that the potential impacts have been avoided.

o Recommendations are included in ES Section 6 of Appendix 8.6 and summarised in para 1.1.8 including retention of terrestrial foraging habitat or re-creation of habitat in a suitable location, sensitive design of coastal access etc. It does not appear that the detail of these measures has been provided to give certainty in terms of their delivery, particularly in terms of their scale and how they will be secured. Without this information it is considered that there is insufficient information to undertake an Appropriate Assessment.

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

No comments received.

#### **Southern Water**

SW offers no comments regarding access and scale of the proposed development. SW provide a plan of its sewer records showing the approximate position of a public surface water sewer and combined sewer within the site (but suggest their exact position is determined on site by the applicant before finalising the layout of the proposed development).

SW provide detailed comment and available guidance (where relevant), on Sustainable Urban Drainage Systems (SUDS), protection and access maintenance of existing infrastructure during construction, separation distances from new tree planting and soakaways etc.

In order to protect drainage apparatus, SW requests that if consent is granted, a condition is attached to the planning permission: "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Our initial investigations indicate that SW can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)"

SW has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the "practical point of connection" as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points. SW requests that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water."

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

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

SW supports this stance and seeks through appropriate planning conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important



that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of SW is required.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

SW request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **Portsmouth Water**

No comments received.

### **Eastern Solent Coastal Partnership**

In summary, no objection in principle and the following comments are offered (dated 20.06.18).

The site is shown to currently lie within the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk (<1 in 1000 year annual probability) of experiencing an extreme tidal flood event. However, flood mapping from the Partnership for Urban South Hampshire's Strategic Flood Risk Assessment (PUSH SFRA) shows that the site is likely to be increasingly affected by rising sea levels in the future, with a small part of the southern portion of the proposed development site lying within the Environment Agency's Flood Zones 2 and 3 by the year 2115. These areas may therefore be at risk from a 1:1000 year (0.1% annual probability) to 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal level for Langstone Harbour is 3.3m AOD, increasing to 4.4m AOD by the year 2115 (design tide level), due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by WSP and dated February 2018. As stated within the FRA, the external ground levels for the northern portion of the proposed development site range from 4.96m AOD to 5.46m AOD, well above the design tide level of 4.4m AOD for Langstone Harbour. Ground levels for the southern portion of the site vary from 4.46m AOD to 4.96m AOD, also above both the present day and predicted design tide level. In addition, a localised area of the southern portion of the site lies at 4.26m AOD, well above the present day 1:200 year extreme tidal level of 3.3m AOD for Langstone Harbour, and 0.14m below the predicted design tide level in 2115. As a result, this localised area is shown to lie within Flood Zone 3 by 2115.

The FRA states that finished floor levels for the dwellings will be set a minimum of 150mm above the external ground levels, therefore finished floor levels in all areas of the site will be located above the predicted design tide level of 4.4m AOD for Langstone Harbour in 2115 and will provide occupants with safe internal refuge during an extreme tidal flood event. There is, however, ambiguity regarding which area of the development will move into Flood Zones 2 and 3 in the future. The FRA concludes that the area along the western boundary of the southern part of the application site, where none of the proposed dwellings will be situated, will move into Flood Zones 2 and 3. However, on review of the PUSH SFRA and the amended proposed layout drawing, it is clear that a number of the proposed dwellings which are located along the eastern boundary of the southern part of the application area will also be located within Flood Zones 2 and 3 by the year 2115.

The FRA demonstrates consideration of present day safe access and egress, and in the event of an extreme tidal flood event safe access and egress will be available via Locksway Road to the south. However, a small portion of Locksway Road is shown to lie within Flood Zones 2 and

3 from 2085 onwards, and there is no demonstration of safe access and egress to the application site during future flood events.

#### Advice

The FRA states that mitigation measures against coastal flooding are not considered necessary for inclusion within the proposed development, however the ESCP would strongly advise that flood resistance and resilience measures be incorporated into the proposed development, where practical to do so, and particularly for those dwellings shown to lie within future flood zones. Additionally, safe access and egress to the site may be limited during a future extreme tidal flood event, with occupants therefore being reliant upon the provision of safe internal refuge within the dwellings (set above the design tide level). Due to the scale of the proposed development, it is therefore also recommended that all occupants of the site sign up to the Environment Agency's Flood Warning Service and prepare a Flood Warning and Evacuation Plan, in accordance with advice from both the Environment Agency and Portsmouth City Council's Emergency Planning Department.

#### **Design Review Panel**

The panel were positive in their response to the analysis of the elements presented for their consideration. They were satisfied that the density, connectivity and parking rationale for the scheme were appropriate, and were also content with proposed siting in relation to the listed chapel.

The panel also commended the level of tree retention on the site and commented on the high quality of the work that has work so far been undertaken suggesting it had captured the essence of the site.

Despite these positives, and the presence of other components which allude to architecture, the panel were nevertheless convinced that more information is required before their support could be offered. They noted the lack of any analysis of scale and massing and were surprised and disappointed at the overall absence of detailed building design, particularly given the presence of the listed buildings on the site, which they were convinced demands the sharing of more information regarding the finished appearance of the scheme. For this reason they considered the scheme ultimately falls short and were not prepared at this stage to offer their support. Recommendation of the panel - the scheme is not supported in its current form.

#### **REPRESENTATIONS**

University of Portsmouth - comment - 6th April 2018

- o Application reviewed in context of University's adjoining operational campus and its future development potential, as identified to date by our participation in the emerging Portsmouth Local Plan.
- o The University is supportive of the principle of residential development in the area. However, the University wish the proposal to be considered in the context of the Development Principles and Framework Document for the St James' Hospital and Langstone Campus Masterplan Area, prepared jointly by the landowners, and under consideration by Portsmouth City Council.
- o The University may also wish to make specific comments on identified infrastructure impacts and mitigation measures once you have received all responses from statutory consultees and formed a recommendation in this regard.

The Portsmouth Society - objection - 11th April 2018

- o Unnecessary demolition of two of the four buildings in the grounds. We have no comment on the former Harbour School. Agree with the demolition of Yew House, if replaced with landscaping or quality architecture could enhance views of the listed Chapel.

- o Blinkered assessment of importance of the two well-constructed and designed villas: Fair Oak House and The Beeches (by important Portsmouth architect A E Cogswell), concludes they are not technical 'heritage assets', demolition is judged as 'on balance neutral'. There is no consideration of what could be done to make further use of the villas, no reason to demolish them, both in excellent condition. Could have landscaping around them and information plaques detailing their link to the hospital and their place in progressive mental health treatment. Could be refurbished as either residential, doctors surgeries, child or healthcare centres. No photographs from the South, the aspect designed for patients' convalesce.

Hampshire Buildings Preservation Trust - objection - 23rd April 2018

- o Deep concern on proposed demolition of two historic therapeutic villas, support the strong case made by the Milton Neighbourhood Forum. Heritage England identified the grounds of the hospital as a Therapeutic Landscape being of specific importance and also held a dedicated conference there on this subject.

The Milton Neighbourhood Planning Forum - objection - 26th April 2018

- o Summary: the application is based on outdated Planning Policy for St James' Hospital. Supporting documentation is incomplete and flawed. The development would cause harm.

- o Portsmouth Plan policies (2001-2011 and carried forward into 2011-2026) plan growth to be sustained with strategic policies on transport, health and education services. None of this has happened. Traffic congestion is rising and the Council has no means of improving public transport to enable lower car-dependency. There are expanding GP waiting lists and rising deficits in hospital bed numbers leading to a worsening of health outcomes and consequential increased costs. Rising deficits in school-place sufficiency. Placing 'portakabin' classrooms in playgrounds as a reaction to growing pupil numbers means less space to play with effects on childhood obesity. The policies are outdated and the failures in transport, health and education have contributed to Portsmouth's lower levels of deprivation, life expectancy and educational achievement. As such, should not replace health care and education facilities with housing, should re-use for social care or dementia care.

- o An entire section of the Environmental Appraisal Appendices not published notwithstanding a request by Natural England. Applicant not submitted a Biodiversity Mitigation and Enhancement Plan. Statutory Bodies and the public are not being provided with all of the facts.

- o The local community has largely been ignored. The submission assumes compliance with a Site Allocations document of 2014 but that was never adopted. Some of the densities are excessive and inconsistent with the Portsmouth Plan: the site is poorly accessible by public transport and 40 dph is more appropriate.

- o Would not enhance the setting of a Grade II Listed Chapel : buildings are too high, close and unsympathetic to the Hospital's landscape and design.

- o The Transport Assessment is not realistic, takes little account of developments elsewhere impacting on an already congested road network, and the city's population is forecast to grow significantly. Unrealistic comparisons are made to the existing site's traffic and parking.

- o Fair Oak Road would have a daily increase of 220 vehicles, with the applicant claiming: "no access is shown to experience a significant increase of vehicles in any one direction, suggesting that the development will have a nil detriment impact on the local highway network". No account taken of the dog walker vans parked in Fair Oak Rd for St James' Green. It is nonsense to describe Locksway Road and Milton Road as working well : long traffic queues in pm rush hour and on Summer weekends. The DfT Traffic Count figures for this junction indicate a 6.3% increase in vehicles from 2014 to 2016.

- o As traffic generation is not properly assessed, cannot make any reliable statement on compliance with Air Quality standards. Indeed, applicant relies on an Environmental Appraisal and a Transport Assessment by the same consultancy Company WSP: conflicting aims, objectivity lost. The Council's 2017 Air Quality Strategy was deemed by DEFRA as inadequate, AQMA 9 at Velder Avenue/Eastern Road exceeded annual NO2 Limits in 3 of the last 4 months of reporting so it cannot be assumed adding more traffic to the area will be safe.

- o Concern about reasonableness of walking 2 miles to facilities, walking and cycling in Portsmouth is hard to encourage due to personal safety - above average deaths or serious

injuries. The proposal is only "considered" to be in compliance with policy by offering electric vehicle charging points and requiring Travel Plans. Aside from GPs, any new school would take far longer to build than the housing.

- o Heritage Assessment is inconsistent and should not describe Fairoak and The Beeches as undesignated and insignificant, they can be described as 'curtilage listed' by their association with the boundary wall. Also, they have a national significance as they are very early and rare examples of the 'Colony-Plan system of psychiatric care, and have a local significance by virtue of their designer, Arthur E Cogswell.

St James' Memorial Park Trust - objection - 27th April 2018

- o The site has important history dating from its construction in 1878, with landscape and trees, important and attractive buildings and health care. Villas were built around the turn of 19th century for private, fee-paying patients, Fairoak and Yew Tree are the only two which remain to the south. Fairoak Villa has its roof in good repair. It backs on to Milton Village Green and if demolished and flats built on the site and garden, they would overlook the village green. Yew Tree Villa has a brand new slate roof with 12 parking spaces to the south - ideal for conversion into flats whilst retaining the former garden forever and wildlife. Each villa is within 20-25m of the Grade II listed chapel. The villas would be overshadowed by the proposed 3-storey flats. Trees are at risk. Many families have had their children christened here and others have loved ones buried here.

- o No objection to demolition of the Child Development Centre, but object to proximity of residential houses to The Orchards - no mental health patient wants this proximity to residential development, and vice-versa. Neither should there be a play area in this green space. Request repair of the damaged entrance wall.

NHS Property Services (NHSPS) & Solent NHS Trust - support - 27th April 2018

- o We are part-owners of the wider site and have reviewed the proposals in the context of the Solent NHS Trust adjoining operational services and future development potential of NHSPS and Solent NHS landholdings. This is a Strategic Site Allocation in PCC's Issues and Options document, 2017, we support the strategic allocation. The Plot 1 proposals should be considered in the context of the Development Principles and Framework Document for the St James' Hospital and Langstone Campus Masterplan Area, prepared jointly by the landowners and currently under consideration by PCC. The Framework will ensure a proportionate contribution is made by each of the principal landowners towards redevelopment of the wider site, there is considerable variation in the nature and complexity of the issues that each landowner has to address in order to deliver a high quality place. The more straightforward sites such as Plot 1 should contribute towards helping to deliver areas of the site with more challenging infrastructure issues. The Framework will strike a successful balance between identifying key parameters and fixes, agreed by the key parties, whilst maintaining sufficient flexibility in other areas.

- o Homes England have conducted significant pre-application meetings with PCC and positively engaged with the local community and key stakeholders. Portsmouth needs 17,020 homes between 2011-2034, these proposals would make a positive contribution to delivering the city's housing requirement, the site is on previously developed land, is sustainably located, with good access to services and within an area of established residential character, it represents a significant opportunity to provide much needed housing.

- o The Plot 1 'Design and Access Statement' identifies edge conditions to address varying requirements of the development. Need a privacy fence with enhanced planting screen to the NHS entrance, to recognise the sensitive nature of the boundary between The Orchards and development site, with agreement of NHS. A four-bed detached dwelling is proposed close to the boundary between The Orchards and development site, its second floor habitable windows should be obscure glazed for privacy for both new residents and NHS patients.

- o Wish to work with applicant and PCC to ensure construction activities take health and well-being of neighbouring NHS patients and staff into account - need a construction method

statement. Wish to make specific comments on identified infrastructure impacts and mitigation measures as matters progress.

'Keep Milton Green' - objection - 25th April 2018

- o Portsmouth Plan policies (2001-2011 and now into 2011-2026) plan growth to be sustained with strategic policies on transport, health and education services. None of this has happened. Traffic congestion is rising and the Council has no means of improving public transport to enable lower car-dependency. They are expanding GP waiting lists and rising deficits in hospital bed numbers leading to worsening of health outcomes and consequential increased costs. Rising deficits in school-place sufficiency. Placing portakabin classrooms in playgrounds as reaction to growing pupil numbers means less space to play (childhood obesity). The policies are outdated and the failures in transport, health and education have contributed to Portsmouth's lower levels of deprivation, life expectancy and educational achievement. Should not replace health care and education facilities with housing, should re-use for social care or dementia care.
- o Home England's statutory objectives are to secure regeneration of an area, sustainable development, good design, and meet people's needs. No evidence to suggest these objectives have been applied.
- o Local community largely been ignored. The submission assumes compliance with a Site Allocations document of 2014 but that was never adopted. Some of the densities are excessive and inconsistent with the Portsmouth Plan: site is poorly accessible by public transport and 40 dph is more appropriate.
- o Would not enhance the setting of Grade II Listed Chapel : buildings are too high, close and unsympathetic to the Hospital's landscape and design. Heritage Assessment is inconsistent and should not describe Fair Oak and The Beeches as undesignated and insignificant, they can be described as 'curtilage listed' by their association with the boundary wall. Also, they have a national significance as they are very early and rare examples of the 'Colony-Plan system of psychiatric care, and have a local significance by virtue of their designer, Arthur E Cogswell. The Harbour School element (the area closest to playing fields) is ok.
- o Transport Assessment is not realistic, including taking little account of developments elsewhere impacting on an already congested road network, and city's population forecast to grow significantly. Unrealistic comparisons made to existing site's traffic and parking. High level of road accidents in the city.
- o Fair Oak Road would have a daily increase of 220 vehicles, with the applicant claiming: "no access is shown to experience a significant increase of vehicles in any one direction, suggesting that the development will have a nil detriment impact on the local highway network". No account taken of the dog walker vans parked in Fair Oak Rd for St James' Green. It is nonsense to describe Locksway Road and Milton Road as working well : long traffic queues in pm rush hour and on Summer weekends. The DfT Traffic Count figures for this junction indicate a 6.3% increase in vehicles from 2014 to 2016.
- o As traffic generation is not properly assessed, cannot make any reliable statement on compliance with Air Quality standards. Indeed, applicant relies on Environmental Appraisal and Transport Assessment by the same consultancy Company WSP: conflicting aims, objectivity lost. The Council's 2017 Air Quality Strategy was deemed by DEFRA as inadequate, AQMA 9 at Velder Avenue/Eastern Road exceeded annual NO2 Limits in 3 of the last 4 months of reporting so it cannot be assumed adding more traffic to the area will be safe.
- o Concern about reasonableness of walking 2 miles to facilities, walking and cycling in Portsmouth is hard to encourage due to personal safety - above average deaths or serious injuries. The proposal is only "considered" to be in compliance with policy by offering electric vehicle charging points and requiring Travel Plans. Aside from GPs, any new school would take far longer to build than the housing.

A total of 347 representations have been received, across two public consultation phases (March and May 2018), raising objection on the following grounds:

Principle:

- o This land is truly a community resource, of heritage and green space, should not lose a fantastic asset, must consider every alternative option before using this land. New homes should be built on brownfield sites only and old buildings should be reused, not demolished. Better to build new houses in the centre of the town.
  - o This is not the sort of housing that is required in Portsmouth, houses will not be affordable to young families.
  - o Concerns re unsustainable development negatively impacting on social infrastructures, wildlife habitat and the health and wellbeing of Portsmouth residents. To contemplate such development in a city already at breaking point is utterly incomprehensible and highly irresponsible - horrendous traffic, poor air quality, insufficient school places and doctors' surgeries, ever-decreasing green spaces. PCC must take stock of the incessant and irreversible damage on the environment and the people of Portsmouth through seemingly unbridled and irresponsible development across the city.
  - o Application should not be regarded in isolation but in context of the announced proposals for further unsustainable development at St James Hospital, The University Campus at Furze Lane, the Fraser Range at Eastney and unprecedented additional 6,000 homes across the city by 2027.
  - o Policy MT3 is dated back to 2001 and to provide 145-170 no. homes, this policy is now outdated and inappropriate
- Loss of Green Space:
- o UK does have a housing crisis but in this case more than 205,000 residents would lose even more access to green space, Portsmouth has half the green space per citizen compared to national average. The habitat and green space is vital for health of the city, including tackling childhood obesity.
- Affordable Housing:
- o The villas should be used for help with hospital bed-blocking or the homeless, or dementia patients. Some of the purported affordable housing would be way beyond prices local residents can afford (£275,000 - £400,000). 4 bed houses are not affordable.
- Character & Layout:
- o Milton is already an overcrowded area, new houses have already been built in this area and negative impacts are noticeable such as less attractive environment
  - o Need to be clear about responsibility of fences between site and Fair Oak/Cheriton/Oakdene Road estate. Proposed density too high (80 dph) - such densities are for areas with very good public transport links and close to facilities, policy states should be 40 dph. Density inappropriate for green and tranquil area.
  - o Having apartment blocks face Woodlands Walk will be at odds with natural grain of the hospital and the philosophy behind their placement facing south to maximise natural light.
- Heritage Issues:
- o Absolutely tragic to see chapel being dwarfed and over-shadowed by buildings that are too big and too close.
  - o Until recently, chapel was running. It has now been gutted but this does not mean that the building itself can be disregarded. Really disappointing to see that two more of the Edwardian villas are proposed to be demolished, are in good condition so from an economic perspective they should be kept. Surely Fair Oak and The Beeches should be considered as curtilage listed and reused, given the NHS objected to the construction of a shed in the grounds of West Lodge, some 150m from hospital, on grounds that West Lodge was curtilage listed? The obvious option of converting the main listed building into homes which would leave grounds untouched and intact for benefit of nature, wildlife and future generations.
  - o new flats could easily sit on the uninteresting eastern side of the development with well-spaced residential houses by the Chapel.
  - o Demolition would be disruptive and counter-therapeutic for patients of St James, as grounds are important part of therapeutic space
  - o Heritage Assessment claims loss of villas can be justified by virtue of their disassociation from the hospital and chapel by existing tree screening. This is not a justification - they are set in leafy landscape because philosophy of Victorian and early 20th century psychiatric care was to foster tranquillity through careful well planned landscaping
- Ecology and trees:

- o Every single green space is now vitally important to our wildlife. Would affect many birds: Brent Geese, rare-breeding green woodpeckers, sparrowhawks, kestrel, Owls, woodpeckers and firecrests. Also affect bats and foxes. Hospital grounds host a great variety of edible plants
  - o Site in current state plays an important role in the ecological network of the area including the adjoining Ramsar site - development will have significant detrimental impact
- Amenity Issues:
- o Local residents use area for sports and recreation - its loss will have an overall negative impact on mental and physical well being of local community
  - o Large sections of proposed development are open and exposed to potential criminal activity and anti-social behaviour
- Highway Issues:
- o More and more houses are being built with no mention of road improvements. Concerns about pedestrian safety, and emergency vehicle access
  - o Lack of garaging and parking, 1.5 parking spaces per household is unrealistically low
  - o The entrance will be in Locksway Road, which is already congested at certain times
  - o Proposal to use Fair Oak Road to access the development is pure madness - the road is narrow and winding, consistently used by children, walkers and dog walkers visiting St James' Green and regularly suffers from parking problems, which negate safe passage by pedestrians and vehicles. Concern also about construction traffic, including disturbance for residents.
  - o Recent HMO approval on Fair Oak Road has caused restrictions for large vehicles to pass safely when vehicles parked on both sides
  - o Residents already suffer due to no road markings or double yellow lines, with cars parked on corners, across dropped kerbs and dog walkers van parked across entrance to park - opening Fair Oak Road to new development will mean the danger to children and walkers will increase ten fold
  - o Traffic along Locksway Road has doubled in last six months and turned into van parking area between St James main entrance and Fair Oak Road
  - o need two access roads?
  - o need provision of separate space for park users
  - o Capacity of Eastern Road and St Mary's Road will be further stretched at peak times and during football matches
  - o Traffic assessment must have been done in the dead of night
  - o no frequent bus service - the one at the moment is not reliable and it finishes around 6pm each night
  - o Would be easier to place a mini roundabout on Locksway Road. Would it not be possible to consider only one access with mini-roundabout at Woodlands Walk? This would have additional benefit of reducing speed on the racetrack called Locksway Road.
  - o Better to use main hospital entrance as main access road for construction vehicles
  - o Traffic survey undertaken by local people shows that two junctions (Locksway Road/Milton Road and Moorings Way/Velder Avenue) already operating over-capacity
  - o Transport Assessment lacks credibility, does not recognise that the No 13 bus exists, and it places Londis shop on Locksway Road in Milton Road.
  - o Have they forgotten Phase 2 and the Langstone site with another possible 300 dwellings and attendant vehicles - will that also result in their stated betterment on the local road network?
  - o can see no proposal which will positively encourage people to reduce their car use. Was a former place of employment so new residents will have to travel, by car, presumably, to their place of employment
  - o Moorings Way has become a dangerous rat run along with other side roads leading to Locksway Road
  - o 2011 Plan aimed to make Portsmouth an accessible city with sustainable and integrated transport by ensuring there is adequate supporting infrastructure for new development and growth of the city - this has not happened
  - o PCC is relying on Local Transport Plan 3 but that is out of date
  - o TA's conclusions on accessibility and sustainable transport is wrong as it says walking 2 miles is reasonable - this standard is not intended to be applied to new developments
- Air Quality:

- o PCC's 2017 Air Quality Strategy accepted by DEFRA as being flawed and PCC required to produce another one to be compliant by 2020 - applicant is basing assumptions on same flawed assessment. Portsmouth is already on top of the list of cities requiring urgent action on air quality - how can it be legal to deliberately grant this planning application knowing that an increase in traffic will make the problem far worse? Developing over green space and removing trees will lead to less pollution capture and less carbon sequestration leading to higher greenhouse levels.

- o Not clear how can say impact from air pollution will be negligible, when estimate of nearly 500 vehicle movements per day

Infrastructure:

- o Portsmouth is most densely populated city in the UK and Milton cannot support this many new dwellings. Concerns re pressure on schools, GP and dental services, emergency services, traffic and parking. More residents will mean more waste, higher possibility of sewage entering Langstone Harbour and more pollution from traffic. Result in reduced broadband speed for existing estate.

- o Flood risk due to removal of trees and changed land use is not expressly considered in reports

- o Prior to any development on this site the infrastructure needs to be put in place with a holistic approach

- o Inability of Southern Water to cope with sewage created - SW currently having to make an average of 2 discharges into Langstone Harbour every day as they have not invested in coping with Portsmouth's sewage and until that investment is made, no more houses should be built on Portsea Island

- o Policy PCS16 requires development to provide or contribute towards the provision of infrastructure needed to support it - where new infrastructure is needed , it must be operational no later than the completion of the development or phase of development for which it is needed. How can that be made to happen?

Other:

- o Better uses for site : convalescent homes to aid QA hospital, or help ex-service personnel in need of temporary accommodation. Why did NHS sell land and give up hospital? It is needed more than ever.

- o Is it safe to dig up land that may contain plague pits?

- o Home England's statutory objectives are to improve the supply of housing in line with government policy, secure the regeneration or development of land or infrastructure and contribute to the achievement of sustainable development and good design, with a view to meeting the needs of people - they say these objectives have guided these proposals but there is no real evidence they have applied them.

Following the receipt of additional information and the second round of public notification (May 2018), many of the initial set of comments reported above were repeated, and the following similar and/or new comments made:

- o Must be options to approach central government to alleviate the building allocation for the city and save part of last open green areas

- o There are alternatives proposed by the Milton Neighbourhood Forum which are much more appropriate

- o Proposed development does not equate to sustainable development under the NPPF - the Portsmouth Plan should take account of sustainable development from NPPF and correspond to the definitions of sustainable development in its contents

- o Whilst aware that more housing is required generally, at some point, have to accept that Portsmouth is full to capacity.

- o Without doubt, 107 homes is probably first phase of a much larger plan to build more properties

- o Portsmouth needs affordable housing but there are other industrial sites such as Tipner where it can be built

- o Need alternative methods of affordable housing

- o Once Langstone Campus is built on there will be complete housing estate running from shore westward along Locksway Road, completely changing area



- o Houses are characterless and detract from traditional feel of an area
- o Every possibility people will buy houses and commute out of city so nothing is achieved to benefit of local or wider community
- o We want to be seen as a city of culture yet ache to bulldoze any local heritage we have left. Would detract from the cultural and historical value of the church
- o Effect on swifts, jays, goldcrests, nut hatches, finches, warblers, robins, blackbirds and song thrushes and rare beetles. Cuckoos, hedgehogs, jays, woodpeckers, squirrels all now noticeable by their absence.
- o Outrageous plans to fell over 40 beautiful mature trees that would take many decades to replace
- o Loss of trees will lead to higher water table and risk of flooding
- o Why are so many trees classed as C Category?
- o Bus services are not good - the 13/14 route runs only hourly and stops at 7pm weekdays and 5.30pm weekends
- o Will developer subsidise services or enhance them?
- o University bus which runs until midnight is a private contract - having it available to all would vastly improve bus access
- o Currently dangerous approaching Fair Oak Road from Locksway Road, especially turning in as traffic is always back up at junction - only a matter of time before there will be a serious accident
- o Velder Avenue/Moorings Way already suffer air quality issues from increased levels of pollutants harmful to public health/environment above the Clean Air Act
- o how is Council going to monitor impact of development on site on local infrastructure as a whole?

One letter of support has also been received commenting:

- o As an ever growing city need to continue to build new homes to provide accommodation for the new and existing residents, improper to deny others a home whilst sitting comfortably in my own
- o Site is largely unused and although agree with some of the concerns re infrastructure, feel the development is necessary.

## **COMMENT**

The principal issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of residential development, aspects of design (layout, scale and access) sought for approval, impact on heritage assets, traffic/transportation implications, impact on nature conservation, loss of trees, flood risk/drainage, sustainable design and construction/site contamination and residential amenity.

### **Principle of residential development**

Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by paragraphs 59-61 of the NPPF which states that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed... Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities etc)."

The supporting text to PCS10 states: "...the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the

council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...".

Saved Policy MT3 allocates an area of land which includes the application site for a mix of new mental health care development and housing. Healthcare development has already been delivered by the provision of The Orchards and the Lime NHS Solent Trust buildings to the north of the site (outside of the application boundary for the proposed development, but within the boundary of the allocation). Although the circumstance of the whole St James site, and the potential for the future uses has evolved since the adoption of that saved policy in 2006, it was always envisaged that housing development would form part of the former grounds as set out in the saved policy.

The principle of housing development is therefore considered to be acceptable.

- Housing Land Supply

The position on Portsmouth's housing need, as defined in national planning policy and guidance, is currently under review. The government has published a standard method for assessing local housing need. It has also published an amendment to the methodology which proposes that councils base this standard calculation on the 2014-based household projections, which if confirmed in the New Year will have the result of increasing the level of need significantly. However, whatever the outcome of that proposed amendment to the national policy and guidance, it is the case that the city has an ongoing need for all types of housing, including family housing, which this proposal will help to meet.

- Affordable housing/housing mix

New residential development of this nature must make provision for sufficient affordable housing which will contribute to meeting the identified need in the city at 30% under Policy PCS19 of the Portsmouth Plan. Based on the maximum level of development of 107 dwellings, this would equate to the provision of 32 affordable dwellings.

Policy PCS19 also seeks provision of accommodation to meet the needs of families and larger households, to achieve a target of 40% family housing where appropriate. The breakdown of 107 dwellings is 45 flats (1 and 2-bed) with 62 houses (3 and 4-bed), exceeding the 40% target.

The comments of the Housing Enabling Officer are set out in the consultations section of this report. It welcomes the provision of affordable housing and based on the proposed site layout of the outline application recognises the need for a slightly amended mix for the 32 affordable dwellings as 4x 4bed houses, 13x 3bed houses, 6x 2bed flats and 9x 1bed flats (ie a complete block of flats).

- Standard of accommodation

The applicants "Building Dimensions" Table includes a breakdown of internal floor area by building type and all achieve at least the minimum floorspace requirements of the Nationally Described Space Standards (without detail, at this stage, as to how the dwellings would all meet the technical requirements [a]-[i] in para 10 of the standards).

The principle of housing development, mix, affordable housing provision and standard of accommodation are therefore considered to be acceptable, in accordance with policies PCS10 and PCS19 as well as saved policy MT3.

**Site layout, scale and access**

Policy PCS23 echoes the principles of good design set out within the NPPF, stating that all new development must be well designed and in particular, respect the character of the city. It sets out a number of criteria which will be sought in new development, including excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.

In addition, policy PCS21 requires "housing density should not be less than 40dph" (applies all areas of the city other than those specifically listed in the policy for higher density). The policy caveats that appropriate densities depend on various factors but the rationale for different levels to those outlined in the policy should be made in an accompanying design and access statement (DAS). The provision of 107 dwellings across a total area of 3.6ha equates to an overall site density of around 30dph.

The views of the Design Review Panel are set out in the consultations section of this report. The panel was positive about the analysis presented (as capturing the essence of the site) and satisfied that the density, connectivity and parking rationale for the scheme were appropriate. The panel was also content with siting in relation to the listed chapel and commended the level of tree retention. Despite these positives and the presence of other components which allude to architecture, the panel was nevertheless convinced that more information is required before their support could be offered, noting the lack of any analysis of scale/massing and absence of detailed building design (given the presence of the listed buildings) suggesting it demands the sharing of more information regarding the finished appearance of the scheme.

Outline approval is only sought for the layout, access and scale of the proposed residential development. Other matters of appearance and landscaping would therefore be considered at Reserved Matters stage, should outline permission be granted. However, the application is seeking permission for a maximum level of development on the site of 107 dwellings. Consideration therefore needs to be given to the ability of the site to accommodate the level of development proposed, in the context of site constraints, such as protected trees to be retained, setting of heritage assets, character of its surroundings etc.

- Site layout

The applicant's DAS states that the design concept for the proposed development has been based on four design principles, as follows:

- o Create a strong route network with clear definition between public and private spaces;
- o Create strong frontages to encourage overlooking of public open spaces;
- o Retain and enhance key tree corridors as ecological and open space amenity; and
- o Retain views of the listed Chapel and create and enhance its setting within the site.

The design concept for the two broadly rectangular connected areas envisages the site as two distinct character areas and development typologies, described in the DAS as traditional perimeter blocks and woodland pavilions.

The applicant states: "The eastern area is proposed for lower density (40 dwellings per hectare) family housing in keeping with the immediate residential surroundings. The western area has a stronger mature landscape setting with a number of trees that the development proposals are seeking to retain. This area is also constrained by the need to appropriately respond to the Grade II listed Chapel. As such, this area requires a design response that delivers housing numbers with a reduced building footprint, avoiding root protection areas and providing a suitable new setting to the listed Chapel. Apartment buildings have been proposed in this location in response to the above."

The eastern area proposes detached and semi-detached houses with short terraces. The applicants Density Parameter Plan shows 40dph for the eastern area by including the houses

and private gardens with access roads and all parking spaces but excluding public open space serving the development. The nature of the proposed layout for the eastern area would not be dissimilar in character to nearby housing at Fair Oak Road/Cheriton Road; it would present a fairly hard urban form with houses positioned close to back edge of pavements and hardsurfacing for parking. The site layout includes garages to reduce, as far as practicable, the presence of parked vehicles. The perimeter blocks would limit the opportunities for tree planting capable of contributing to the streetscene and consequently relegate most of the additional tree planting, as replacements for existing trees lost from the site, into rear garden situations.

The western area has an established landscape character with many substantial trees (to be retained) and located adjacent to and within the setting of the listed Chapel and main hospital beyond. The western area closest to the Chapel proposes a design solution of 'woodland pavilions' within building footprints seeking to avoid the root protection areas/canopies of trees, to respond to the setting to the listed Chapel. Flatted development is proposed in this location and the parameter plans provide control over how reserved matters applications for appearance and landscaping pursuant to outline permission should respond to site constraints and principle design concepts in a manner that would preserve the setting of the heritage assets. Introduction of flats provides an opportunity for higher density. The applicants Density Parameter Plan shows 70dph for the western area, once again, by including the dwellings and their gardens with access roads and all parking spaces but excluding public open space. The applicants describe the development in compliance with policy PCS21 at not less than 40dph. In reality 107 dwellings across a total area of 3.6ha, equating to an overall site density of around 30dph, is not considered in conflict with PCS21 since the policy requires an assessment to the ability of the site to accommodate the level of development proposed, in the context of site constraints of protected trees to be retained, the setting of heritage assets and character of its surroundings.

The proposal includes public open space provision totalling 1.32ha. It is not coincidental that most of the existing (protected) trees to be retained are within the proposed open space. There are other TPO trees located within proposed private gardens in the south-east corner of the site (western area). A planning condition will be necessary and appropriate to remove 'permitted development' rights for the proposed dwellings (western area, accessed via Fair Oak Road) to ensure any future extensions, boundary treatments and/or outbuildings would not adversely impact the canopy/root protection areas of the TPO, maintain hedge boundaries that form part of the proposed setting for the development and preserve the setting of the heritage assets.

- Scale

A Building Heights Plan accompanies this outline application. It proposes a mix of 2 and 2½-storey houses and 3-storey flats. A supporting 'Building Dimensions' table indicates maximum heights for development for the site at 9.5m for 2-storeys, 11m for 2½-storeys and 10m for 3-storeys. No building within the site would exceed three storeys and this would be appropriate to control by planning condition. In the northernmost part of the site, the Table suggest three-storey buildings, opposite the listed Chapel, could be designed with a flat-roof or (lower) pitch-roof form to ensure that the overall scale/massing of the development would remain appropriate in the context of the surrounding area and that would not compete with or have an overdominant relationship to the listed Chapel, to preserve its setting.

- Access

Locksway Road would provide the principal access to connect the proposed housing to the local highway network onto Milton Road (A288). Separate vehicular access arrangements are proposed to serve each of the two broadly rectangular (conjoined) areas. Access to the 'east' side would be created by the widening of an existing single carriageway along the eastern site boundary directly onto Locksway Road. Access to the 'west' side would also be via Locksway Road but through Fair Oak Road, along a length of existing carriageway of approximately 150m.

In conclusion, these aspects of design (for approval by the outline application) are considered to demonstrate how the quantum of development would be capable of being assimilated onto the site in a satisfactory manner that responds to its constraints and context. The proposal would thereby accord with relevant component parts of policy PCS23, subject to (a) other matters considered in the following sections and (b) future key details at "reserved matters" stage, relating to appearance and landscaping, to ensure high architectural quality buildings and well defined public and private spaces.

## **Heritage impact**

- Designated heritage assets

A legislative obligation falls upon the local planning authority under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It places a duty to have special regard to the desirability of preserving a listed building and its setting, and this special regard is beyond a mere material consideration. The NPPF (at para 193) requires great weight should be given to the asset's conservation and significance can be harmed (amongst other things) by development within its setting.

The application site at 3.6ha is relatively large and sits within the historic grounds of the listed hospital building and in close proximity to (but not physically connected with) the listed chapel. Where an impact exists, it would be on the setting of these assets rather than directly on their fabric. Both the hospital building and chapel were included in statutory list on 9 December 1998.

The proposed siting of the three blocks of flats, toward the northernmost boundary and closest to the listed chapel, would be very similar to existing buildings at the site. Amendment has secured slight realignment of the central block further to the east to secure an approach view from Fair Oak Road. This would be considered to make the chapel (rather than any new building) the visual focal point and terminus of views north. Whilst relatively modest, the amendment is considered an important improvement to the overall layout.

The NPPF (at para 189) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The local planning authority (at para 190) should identify and assess the particular significance of any heritage assets that may be affected by a proposal (including its setting) taking account of the available evidence and any necessary expertise.

A Heritage Impact Assessment (HIA) has been produced in support of this proposal. A review of the HIA has been undertaken and found the range of assets considered to be appropriate and proportionate to the scheme, as is the quantity of analysis undertaken by the applicant. Where comment or judgment has been made on the assets significance (including contribution of setting to that significance) it has, however, tended to downplay its importance.

The applicant's Planning Statement offers a summary: "There is an impact on the setting of two of the assets identified, St James Hospital and the chapel. Viewed in the whole, such impacts would be seen as causing less than substantial harm, with little likely effect on the setting of the listed hospital building. The Site is visually separated from the hospital by a mature belt of vegetation which creates a strong buffer and a pleasant setting to the listed building. The design will aim to retain this relationship and not impact any potential views of the hospital. The design of the scheme has aimed to reduce and mitigate the effect on the chapel, firstly by removing the existing, poor quality environment and maintaining a clear open space immediately south of the chapel so that public views of the chapel are not impeded, secondly by thinning out the planting to the south of the Church which improves the immediate setting and thirdly by providing a designed and landscaped space that will also improve pedestrian and road safety. Through the application of these measures the development of the site will enhance the setting of the listed chapel and will integrate this sensitively. There are four undesignated buildings located within the Phase 1 Land. Fair Oak and the Beeches are of limited heritage significance. Their demolition

would cause limited harm. Sufficient mitigation of the harm caused by their demolition would be a photographic record with a measured ground plan. Yew Tree House and the school are of no heritage significance. Therefore, their demolition would cause no harm, meaning that they require no mitigation. In heritage terms, the overall effect of the proposals is on balance assessed as neutral. The proposed development is therefore considered to be in conformity with Portsmouth Plan Policy PCS23."

Officers' findings of low/medium and medium adverse impacts to the setting of the designated assets, considered in overview the finding of an overall cumulative impact of the proposal on the setting of the assets is medium. Officers are of the view that an on balance opinion of 'less than substantial harm' to the significance of the heritage assets for the scheme is overall reasonable.

The NPPF (at para 196) states "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... including, where relevant, securing its optimum viable use."

The applicants do not address public benefits on the basis of their findings "In heritage terms, the overall effect of the proposals is on balance assessed as neutral." The release of surplus NHS land to meet local housing needs and delivery of new homes on an allocated site, including affordable housing and provision of larger dwellings for families are public benefits.

- Non-designated heritage assets

Chapter 5 of the supporting Environmental Appraisal Report (EAR) relates to archaeology and the potential impact of the proposed development on buried heritage assets. This states that there have been no previous archaeological investigations within the site and as such, the archaeological potential of the site is unknown. However, the main potential within the site is thought to be for prehistoric remains of medium or high significance and for later medieval/post-medieval agricultural remains of low or negligible significance. As such, a programme of 'archaeological evaluation' is proposed to clarify the nature, date, extent, preservation and significance of any remains present and to inform an appropriate mitigation strategy, as required.

Third party objection has been raised to the loss of villas known as Fair Oak House and The Beeches. The objectors contend these have national significance, representing very early and rare examples of the "Colony-Plan" System of psychiatric care and local significance, designed by architect Arthur E Cogswell (1858-1934) and consider them worthy of retention and re-use.

These villas are not held to be curtilage listed, which is a question of fact and degree. The villas lie within the historic boundaries of the hospital site, were constructed pre 1948 and have presumably been in the ownership of the NHS since its creation. The nature of their use or function has continued to respond to evolving mental health practice and subject of change up to the point where they were considered no longer necessary or suitable for patient use and therefore surplus to requirements. Despite their proximity and historical associations with the hospital they ceased to be a single unit with it. Visually the villas do not sit in an open relationship with the main hospital building. Their presence is more discreet and the land surrounding them was historically enclosed by planting/fencing, expressing a degree of separation. They are partially screened by soft landscaping addressing the road. In this context they do not have an exceptionally strong aesthetic relationship with the listed hospital. They do not enjoy the enhanced significance of buildings that were disposed in a manner suggesting their siting was underpinned by a deep or explicit architectural/philosophical concern for the creation of a formal artistic arrangement. Nor do they share a similar architectural style.

The significance, status and application requirements relating to villas at the hospital site were considered in late 2014 and early 2015, as part of the engagement with NHS Solent around early concepts for its redevelopment. The history of earlier loss/removal of other villas ('Gleave' and in particular 'Light') is relevant to the reasoned approach to the question of approvals

required for the removal of other villas on the hospital site. As for 'Gleave', it seems this was severely damaged by fire. Planning records reveal no prior approval (or other application) for removal of the villa. For 'Light', originally located adjacent to 'Gleave', this villa was demolished as part of a scheme for new dwellings on the site. Planning records confirm that the villa was not considered to be curtilage listed and no application submitted or determined for listed building consent. An application for Prior Approval ref 12/00293/DEM was submitted and approved.

Heritage consultants, acting on behalf of the applicants, undertook analysis of the history and significance of buildings in Plot 1 including Fair Oak House and The Beeches, identifying these as follows:

"very ordinary, old-fashioned designs, typical of large houses of the period 1890-1920 and decidedly conservative, even in the late 1920s. They exhibit no interesting aspects of design or material, and are of limited architectural significance... the buildings have some historical significance as examples of purpose-built structures related to new ideas, in the late 1920s, of treating mentally-ill patients. This hospital was a pioneer in this type of treatment. However, the buildings do not clearly express these ideas as they contain no design elements that overtly indicate this history. Consequently they are of little historical significance."

It was agreed that the villas' significance rests principally on their historical value as examples of purpose-built structures related to pioneering ideas in the open treatment of the mentally-ill. There is nothing, however, in appearance of the villas that makes this explicit.

A request was made by a local resident to Historic England to urgently assess the two buildings for listing. Following HE's assessment, the villas were not recommended for statutory listing, notwithstanding some local architectural and historic interest, commenting as follows:

- o Degree of architectural interest - "they are well-constructed but plain and neither quite symmetrical nor boldly asymmetrical. Later external alterations include the loss of chimney stacks, the insertion of roof-lights, alterations to windows and the loss of a verandah."
- o Degree of historic interest - "they are not innovative as providing for mental health patients, as there are earlier examples of detached houses or villas used as asylums dating from the later C19."
- o Group value - "with the main St James Hospital building of 1875-1879 and chapel of 1879, both by George Rake, is acknowledged but does not outweigh the lack of architectural and historic interest in the national context."

### **Traffic/transportation implications**

The application is supported by a Transport Assessment.

#### **- Proposed access**

The TA confirms that 'Plot 1 East' would be accessed via the existing Private Road/Woodlands Walk via the 3-arm priority junction. The junction itself is proposed to be upgraded, to improve sight lines and sustainable transport connections. A new section of footpath would be constructed along the western side of the Private Road/Woodlands Walk, measuring 2m in width as a minimum.

'Plot 1 West' would be accessed via an extension of Fair Oak Road, with 2m footway provision. The main access road would be 6m in width before connecting to the shared surface internal road network.

Emergency vehicle access would be via a link through to Woodlands Walk to the north. A pedestrian link is proposed between the eastern and western development parcels.

The internal highway layout will be designed as shared surfaces of at least 4.8m width, with 1.8m service margins alongside. The TA states that 20mph speed restriction would be in place.

#### - Traffic Generation

The TA refers to traffic survey work undertaken in 2014, when approximately 80% of the floor area of the buildings within Plot 1 was in use - 2,181sqm, out of a total of 3,778sqm. It states that the hospital uses at the time generated 576 vehicle movements in the AM peak period, 335 vehicle movements in the PM peak period and 4,319 total daily vehicle movements. These figures result in a 'hospital vehicle trip rate' per 100sqm of floor space of 2.23 vehicles in the AM peak, 1.29 vehicles in the PM peak and 16.69 daily vehicle movements.

The TA also provides an assessment of the vehicle trip generation for the buildings within the application site, Plot 1, assuming 100% occupancy. This assessment indicates 84 vehicle movements in the AM peak, 49 vehicle movements in the PM peak and a total of 631 daily vehicle movements.

The TA goes on to state that further survey work was undertaken in 2016 when occupancy levels were approximately 50% of those recorded in the 2014 survey work. This resulted in vehicle trip generation figures of 24 movements in the AM peak, 14 in the PM peak and a total of 182 daily movements.

Locksway Road lies to the south of the site and is a single carriageway road, which runs in an east-west direction. The road is covered by a 20mph speed limit

#### - Parking provision

The Council's 'Parking Standards and Transport Assessment' SPD outlines the expected level of car parking provision for new dwellings, as set out below:

- o 1 space per 1-bed/studio dwelling
- o 1.5 spaces per 2-3 bed dwelling
- o 2 spaces per 4-bed (or more) dwelling

The TA confirms that 173 parking spaces are proposed across the site, in accordance with these requirements, as set out below:

- o 27no 1-bed units with 27no spaces
- o 61no 2/3 bed units with 92no spaces
- o 19no 4+ bed units with 38no spaces

The SPD states that visitor parking provision is expected to equate to 10% of the total number of parking spaces - the plans show that 16no visitor spaces are proposed across the site.

#### - Sustainable Transport

4 regular bus services which can be accessed within 900m of the site. The closest bus stop lies 350m to the south of the site on Locksway Road but is a private service serving the UoP.

NCR222 runs east to west along Locksway Road and NCR2 lies 1.5km to the north of the site. The site is 2.3km from the nearest railway station at Fratton.

The views of the Highways Authority are set in full in the consultations section of the report. Initial detailed concerns raised by them have since been resolved through amendments. The one exception and residual issue remains giving rise to an objection on the issue of accessibility to public transport services.

The applicants TA (para 4.3.7) considers the proposal to be in an accessible location despite it being some 900m from bus stops at Milton Road. Equivalent to an 11 minute walk the LHA consider this is contrary to the guidance given in the CHIT publication 'Planning for Walking' being more than twice the distance that people in residential areas can reasonably be expected



to walk to a bus stop. The bus stops on Locksway Road are currently used by private bus service serving the University of Portsmouth. The LHA add that should public bus services be introduced, the site would benefit from direct access to these facilities, thereby improving the sustainability of not only St James but also the wider area, although no such improvement is bus service is proposed. As a consequence, in the absence of securing such services, the LHA must raise an objection to the application on the basis of the accessibility of the site.

Accessibility will have formed an integral component of decision-making in site allocation for housing and any shortcoming of an 11-minute walk to the nearest bus stops in Milton Road served by 4 regular bus services weighed into consideration and would not be held to make such development so unsustainable as to warrant refusal. A residential travel plan, with contribution for monitoring, is considered necessary and appropriate to secure by S106 agreement.

### **Impact on nature conservation**

A summary of the mitigation and enhancement measures to be implemented at the application site to avoid or reduce effects on habitats/species, ensure compliance with the relevant legislation, and/or deliver biodiversity benefits, is provided in the Biodiversity Mitigation and Enhancement Plan (BMEP) (dated July 2018, at Table 1). Some additional information on protected species has since been provided and must be read alongside the BMEP. A planning condition is considered necessary and appropriate to, firstly, update the BMEP to reflect the additional information and, secondly, secure implementation and verification of the approved measures.

The views of PCC's Ecologists conclude that overall there are now no outstanding concerns with this application.

The supporting 'Information to Inform Habitats Regulation Assessment' also addresses potential effects as a consequence of recreational disturbance.

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will, in combination, result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It 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. This development is not necessary for the management of the SPA.

The former SPD also acknowledged (in section 3.11) that "there may be some developments, which due to the scale or location, could cause a significant effect alone, regardless of other development which might take place nearby. In these situations, developers will need to present a bespoke mitigation package for the development."

The Milton Common Local Nature Reserve Management Plan (at para 2.8) provides further guidance of such "significant in scale and built out on sites ranging from immediately next to the SPA to 1km away".

Natural England initially advised, in short, that further information was required to determine impacts on designated sites since the proposal could have potential significant effects on Chichester and Langstone Harbours Special Protection Area and Ramsar site. Appendix 8.9 of the EAR provides 'Information to Inform Habitats Regulations Screening'. Following submission of additional information with respect to the financial contributions (for mitigating recreational impacts both alone and in combination) (a) to the Solent Recreation Mitigation Strategy / Bird Aware Solent Strategy and (b) for improvements to Milton Common in proportion to the number

of units included within the Project as detailed within the Milton Common Local Nature Reserve Management Plan, Natural England is satisfied that the applicant has mitigated against the potential adverse effects recreational disturbance on the integrity of the European site(s).

The relevant financial contributions are proposed based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £59,487 based on: (27 x 1-bedroom units @ £337) + (18 x 2-bedroom units @ £487) + (43 x 3-bedroom units @ £637) + (19 x 4-bedroom units @ £749). A proportionate funding for 107 dwellings based on the Milton Common Local Nature Reserve Management Plan would provide an appropriate scale of mitigation at 107 x £8,747\* per dwelling (\*plus indexation, since this is based on 2015 prices).

With the above mitigation and based on the advice of Natural England and PCC's Ecologists, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation by s106 agreement would be both directly related to the development and be fairly and reasonably related in scale to the development.

There is an objection from RSPB. In part it appears based on an understanding that only one rather than both component parts of the relevant mitigation offered by the applicants. The RSPB has been contacted to clarify this matter. Natural England is the statutory consultation body and satisfied on the mitigation measures (for recreational disturbance).

### **Loss of trees**

Existing trees across the site are covered by a Tree Preservation Order that form a rich landscape character of important assets for nature, wildlife and recreation. The applicant's supporting tree survey identifies 191 different trees, classified as follows:

- o 4 as Category A (high quality with estimated life expectancy of 40+ years),
- o 30 as Category B (medium quality with estimated life expectancy of 20+ years),
- o 151 as Category C (lower quality with estimated life expectancy of 10+ years or trees with a stem diameter below 15cm) and
- o 6 as Category U (realistically not longer than 10 years).

The proposed site layout requires around 34 existing trees to be removed. These are mainly Category U and C trees. The existing trees along the frontages with Woodlands Walk would be retained. Existing tree belts are sought to be enhanced where possible and other new tree planting is proposed in streets and public open space.

Landscaping will form a "Reserved Matter". However, the illustrative masterplan indicates around 80 new trees to be potentially planted across the site, within the public realm and private gardens (that includes some in rear garden situations that inevitably limits any streetscape contribution). The proposed development is considered to be informed and influenced by the presence of trees on site and the illustrative masterplan demonstrates potential replacement tree planting is capable of being assimilated on the site, to achieve at least equal value to mitigate those lost. It is thereby considered to accord with relevant components of policy PCS13.

### **Flood risk/drainage**

In summary, the risk of flooding to the site from all flood sources is considered to be low to negligible with the exception of sewer and drainage infrastructure sources, which is considered to be moderate.

To mitigate any risk of the proposed development exacerbating surface water flood risk to neighbouring property a Surface Water Drainage Strategy (SWDS) has been submitted. The SWDS seeks to provide the necessary storage of surface water in permeable paving structures located beneath road and parking areas. The proposed strategy provides adequate attenuation volume to cater for the 1% annual probability storm event plus 20% allowance on peak rainfall

intensity for climate change. Finished floor levels are proposed to be set a minimum of 150mm above external levels to further mitigate the risks of flooding at the site.

The proposed development is considered to minimise flood risk and demonstrate provision of sufficient additional drainage capacity, to meet the requirements of policy PCS12.

### **Sustainable design and construction/site contamination**

All development within the City must comply with the relevant sustainable design and construction standards set out within Policy PCS15 of the adopted Local Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

The applicants supporting Planning Statement confirms that the proposed housing will demonstrate compliance with Policy PCS15. The Portsmouth Housing Standards Review for all new build residential requires a 19% improvement for water and energy efficiency and a suitably worded planning condition will be imposed for written documentary evidence to prove that the development has been implemented to achieve these water and energy efficiency requirements.

Chapter 6 of the Environmental Appraisal Report (EAR) deals with the effects of the proposed development in relation to contaminated land. Given the history of the site, the report states that there are 'limited possibilities' for ground contamination to be present, with the most likely sources being known or potential infilling on the site. It goes on to state that limited exceedances of lead in near-surface soils could be managed through the design and construction phases and recommends further investigation works.

The Council's Contaminated Land Team has raised no objection to the proposals, subject to a number of detailed conditions to secure further investigation works and remediation strategies as required, as well as the implementation and verification of any such remediation strategy. Subject to these conditions, the proposals are considered to be in accordance with saved policy DC21 of the PCLP.

### **Residential amenity**

Policy PCS23 (Design & Conservation) lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact on existing neighbouring residents to the site and secondly, the impact on future occupiers of the scheme.

The proposed site layout makes provision for a landscape corridor with footpath connections wrapping around and separating the proposed dwellings from existing neighbouring properties in Fair Oak Road/Cheriton Close. The proposal is considered to show a relationship to existing adjoining properties that is appropriate and neighbourly. Subject to noise insulation measures to the houses along the southern boundary in close proximity to Locksway Road, the impact on future occupiers is considered to be acceptable in accordance with relevant components of policy PCS23 of the Portsmouth Plan.

### **Other matter raised in representations**

The points of objection from residents and community groups are addressed within the report. Objection is raised to the proposal that Milton cannot support so many new dwellings due to increased pressure on schools, GP and dental services.

Education in the city is funded through CIL. There are no representations from the NHS and planning for health services is done at a strategic level via the local plan system.

## Conclusions

In the opinion of the Local Planning Authority residential redevelopment of an allocated site represents, in principle, an appropriate use of a site located within a predominantly residential area, contributing positively to the city's housing need, including more family sized homes and affordable housing. This outline application satisfactorily demonstrates that new housing would contribute to the achievement of the three dimensions to sustainable development: of economic, social and environmental roles, in accordance with the policies and objectives of the NPPF and the Portsmouth Plan; the latter includes policies PCS12 (Flood risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), 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 saved policies DC21 (Contaminated land) and MT3 (Land at St James' Hospital) of the Portsmouth City Local Plan 2001-2011.

The following planning obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development. The proposal is considered to satisfactorily demonstrate how access could be provided to serve 107 dwellings with its associated parking, subject to the applicant's first entering into a Section 106 Agreement for the provisions listed below:

- o at least 30% affordable housing, equating to 32 houses/flats, provided before first occupation of 40th (open market) dwelling
- o open space with and LEAP (Local Equipped Areas of Play) to be provided and maintained for public use, either by transfer to PCC (with appropriate commuted sum for future maintenance) or an open space Management Agreement
- o mitigating the impact of new development on Special Protection Areas (SPAs), by securing financial contributions financial contributions (for mitigating recreational impacts both alone and in combination) (a) to the Solent Recreation Mitigation Strategy / Bird Aware Solent Strategy and (b) for improvements to Milton Common in proportion to the number of units included within the Project as detailed within the Milton Common Local Nature Reserve Management Plan, payable upon implementation of planning permission
- o Travel Plan with travel plan monitoring (at a cost of £5500 over 5 years) requiring an initial baseline survey Yr1 (at either 50 units or within 6 months whichever is earlier), with final targets to be determined and agreed with PCC within 2 months of the Yr1 baseline survey and to repeat the residents survey at Yrs 3 and 5, where monitoring fee is payable upon implementation of planning permission
- o Prepare and implement Employment and Skills plans (such employment and skills plans will help develop resident workforce skills and provide a route to employment for local people);
- o Project management fee for the Section 106 Agreement, payable upon implementation of planning permission

**RECOMMENDATION I** Delegated Authority to grant **Conditional Outline Permission** subject to the completion of a Section 106 Agreement in accord with the principles outlined in the report including an appropriate level of mitigation set out Solent Recreation Mitigation Strategy and Milton Common Local Nature Reserve Management Plan (so there would not be a significant effect on the SPAs)

**RECOMMENDATION II** That delegated authority be granted to the Assistant Director of Planning and Regeneration to add/amend conditions where necessary.

**RECOMMENDATION III** That delegated authority be granted to the Assistant Director of Planning and Regeneration to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

## Conditions

1) Outline Planning Permission for the principle of the development proposed and the matters sought for consideration, namely access, layout and scale, are approved subject to the following

(i) Plans and particulars showing the detailed proposals for the following aspects of the development, the 'Reserved Matters', shall be submitted to the Local Planning Authority prior to any works taking place on the site:

(a) The appearance of all buildings including a detailed schedule of the type, texture and finishes of all external materials;

(b) A scheme of hard and soft landscaping works that shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, the layout, contouring and surfacing of all open space and all hardsurfacing materials/finishes to the site as well as details of the appearance, dimensions and materials/finishes of all walls, fences, railings and other means of enclosure in accordance with the type/alignment of walls and other enclosure types specified on the approved drawing 5018\_011\_G.

(ii) Application(s) for the approval of the outstanding 'Reserved Matters' shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.

(iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the final 'Reserved Matter'.

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 - 5018\_001;

Site Plan - 5018\_002;

Illustrative Masterplan - 5018\_004D;

General Arrangement Plan - 5018\_011G;

Land Use Parameter Plan - 5018\_005;

Access and Movement Parameter Plan - 5018\_006;

Landscape Parameter Plan - 5018\_007;

Density Parameter Plan - 5018\_009;

Building Heights Plan - 5018\_020;

Access Arrangement - 70016874-SK-006-D;

Swept Path Analysis (Refuse) - 70016874-ATR-004-B;

Swept Path Analysis (Fire Tender) - 70016874-ATR-005-B;

Swept Path Analysis (Car) - 70016874-ATR-006-B;

Internal Highways Visibility Splays - 70016874-SK-005-D;

Internal Highways Geometry and Dimensions - 70016874-SK-009-B;

Internal Cross Sections - 70016874-SK-010-B;

Preliminary Surface Water Drainage Strategy - 6874-D-001C; and,

Tree Constraints Plan - 70016874\_TCP\_01\_B (2 sheets).

3) (a) No works (except demolition) shall take place at the site until details of future maintenance and phasing of the hard/soft landscaping of the site shall be submitted to an approved in writing by the Local Planning Authority.

(b) The soft landscaping scheme approved under condition 1(i)(b) shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development whichever is the sooner.

(c) The date of Practical Completion of the landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority within 7 days of that date.

(d) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(e) The surface treatments shall be carried out in accordance with the hard landscaping approved by condition 1(i)(b) before first occupation of the dwellings (or such other period or phasing as may be agreed in writing with the Local Planning Authority).

4) No works (except demolition) shall take place at the site until details shall have been submitted to and approved in writing by the Local Planning Authority of the proposed phasing of development including the provision of public open space; and the development shall thereafter be implemented in accordance with the approved phasing.

5) No works (except demolition) shall take place at the site until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority):

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013+A2:2017 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation; and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the 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. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion 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(c) that any remediation scheme required and approved under the provisions of conditions 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 5(c).

7) (a) Prior to first occupation of the dwellings (or any phasing of the development as may be approved in writing by the local planning authority under condition 4) the public open space shown on drawing no.518\_005 shall be provided. Thereafter, the area of open space shall be retained and maintained as public open space.

(b) The public open space shall include Local Equipped Areas of Play (LEAP) shown on drawing no.5018\_011\_G that shall have been completed in accordance with a detailed scheme for equipped play, including any safety surfacing treatment and seating facilities, to be submitted to and approved in writing by the Local Planning Authority; and the equipped play spaces shall

be made available for use as an integral part of the public open space and shall thereafter be retained.

8) No development (except demolition) shall take place at the site until details have been submitted to and approved in writing by the Local Planning Authority relating to the highways works necessary for the construction of the new access onto Fair Oak Road and alterations to the existing access onto Locksway Road. The highway works to Fair Oak Road and Locksway Road shall be carried out in accordance with the approved details and these accesses made available for use prior to the first occupation of the development.

9) No works (except demolition) shall take place at 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.

10) Prior to first occupation of the dwellings the proposed car parking shown on approved drawing no.5018\_011\_G, in a combination of in-curtilage spaces, garages, parking courts and on-street (visitor) provision shall be surfaced, marked out and made available for use; and the approved parking facilities, including garages, shall thereafter be retained at all times for the parking of vehicles.

11) Prior to first occupation of the dwellings the proposed secure and weatherproof facilities to be provided for the storage of bicycles shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, in accordance with a detailed scheme for their siting, dimensions and appearance that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and the cycle storage facilities shall thereafter be retained for the storage of bicycles at all times.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no building or alteration or structure within Schedule 2, Part 1 and Part 2, Classes as listed below shall be erected, altered or carried out to any dwellinghouse hereby permitted without the prior written permission of the Local Planning Authority through the submission of a planning application:

Class A (enlargement of a dwellinghouse), including a garage or extension,

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, other outbuilding etc,

Class F (hard surface area)

or Class A of Part 2 (gates, fences, walls or other means of enclosure) .

13) Prior to first occupation of the flats the proposed facilities to be provided for the storage of refuse/recyclable materials shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, in accordance with a detailed scheme for the dimensions and appearance in the positions shown on approved drawing no.5018\_004\_D that shall have been submitted to and approved in writing by the Local Planning Authority beforehand; and the facilities shall thereafter be retained for the purposes of waste/recyclables storage at all times.

14) No works (except demolition) shall take place at the site until a detailed drainage scheme for the proposed means of foul and surface water sewerage disposal including proposed mitigation measures by on-site attenuation measures, shall have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved scheme.

15) The development shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (report second issue, produced by WSP and dated February 2018) to include the following proposed mitigation measure:

o Finished floor levels are set a minimum of 150mm above existing ground level;  
The mitigation measure shall be implemented to each dwelling before their first occupation.

16) (a) No works (except demolition) shall take place at the site until an updated detailed scheme for proposed biodiversity enhancements and their timing shall have been submitted to and approved in writing by the Local Planning Authority, based on the measures in the Biodiversity Mitigation and Enhancement Plan (BMEP) (prepared by WSP, Project ref 70016874, dated July 2018) and incorporating recommendations from the November 2018 bat tree roost assessment and bat emergence survey reports, together with detailed specifications and locations (with plans) of compensatory bat roost provision.

(b) The updated BMEP scheme for biodiversity enhancements shall be implemented in full in accordance with the timing approved under condition 16(a).

(c) A verification report shall be submitted to and agreed in writing by the Local Planning Authority, to demonstrate that the biodiversity enhancements approved under condition 16(a) have been carried out in full, within 3 months of its implementation under condition 16(b).

(d) The approved biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

17) No percussive piling or works with heavy machinery (ie plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor, the nearest point of the SPA or any SPA supporting habitat/high tide roosting sites) to be undertaken during the bird overwintering period, between 1st October and 31st March.

18) (a) Prior to first occupation of the dwellings (or any phasing of the development as may be submitted to and approved in writing by the local planning authority) the boundary walls and other means of enclosure types, along the alignments specified on approved drawing 5018\_011\_G and in accordance with details approved under condition 1(i)(d), shall be erected.

(b) The approved boundary walls and other means of enclosure shall thereafter be retained, unless otherwise agreed in writing by the local planning authority.

19) The proposed apartment buildings shall not exceed three storeys in height and the proposed houses shall not exceed two storeys in height, with the exception of the 3-bedroom terrace and 3-bedroom semi-detached type 1 and type 2 houses that shall not exceed 2.5-storeys in height, as shown on the approved Building Heights Plan no.5018\_020 and 'Building Dimensions' Table.

20) (a) No works (except demolition) shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of: Location of construction compound; Storage of construction materials/chemicals and equipment; Chemical spillages and/or fuel run-off from construction; Waste disposal; Times of deliveries; Wheel wash facilities; Site office facilities; Contractor parking areas; Loading/off loading areas; Visual screening (for SPA birds); Method Statement for dust suppression and control of emissions from construction and demolition; an Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols.

(b) The development shall be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction/demolition is taking place at the site.

21) (a) No works shall take place at the site until a detailed scheme of noise insulation measures for the proposed dwellings positioned in along the southern site boundary (a short terrace of four houses and one detached house, as shown on General Arrangement Plan



drawing no.- 5018\_011G) immediately adjacent to Locksway Road shall be submitted to and approved in writing by the local planning authority.

(b) The approved noise insulation measures shall be implemented in full and shall thereafter be retained.

22) (a) No works shall take place at the site until details of the implementation of a programme of archaeological assessment is secured in accordance with a Written Scheme of Investigation (WSI) that shall have been submitted to and approved in writing by the local planning authority in order to recognise, characterise and record any archaeological features and deposits that may exist at the site.

(b) The approved WSI shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

(c) Following completion of all archaeological fieldwork at the site a report shall be produced by the developer in accordance with an approved programme/timescale approved in writing by the local planning authority as part of the WSI setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

23) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that the development has:

a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, where such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

b) achieved a maximum water use of 110 litres per person per day, where such evidence shall be in the form of a post-construction stage water efficiency calculator.

24) No works/demolition shall take place at the site until a scheme for the safeguarding of all trees and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees or features to be protected shall be fenced along an alignment to be submitted to and approved in writing by the Local Planning Authority, based on root protection areas shown on Tree Constraints Plan no.70016874\_TCP\_01\_B (2 sheets), with:

a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or

b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

**The reasons for the conditions are:**

1) To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to control the development in detail, to secure a high quality setting to the development and biodiversity value of the site, well defined public and private spaces, and in the interests of highway safety, to accord with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of Reducing Crime Through Design SPD and the NPPF.

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

3) In order to secure a high quality hard/soft landscaping to the development within the parkland setting of the listed hospital/Chapel and biodiversity value of the site, in accordance with policy PCS13 and PCS23 of the Portsmouth Plan.

- 4) In order to ensure a properly programmed development with related contribution of community benefits (CIL requirements), to accord with policies PCS16 & PCS23 of the Portsmouth Plan.
- 5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 7) To improve the appearance of the site, enhance its biodiversity and improve green infrastructure assets, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) In the interests of maintaining a safe and efficient highway network, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 9) To ensure roads and routes for pedestrians/cyclists are constructed to an appropriate standard, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 10) To ensure adequate parking provision in a suitable manner to serve the development, to minimise opportunity for crime and avoid congestion of surrounding roads, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the aims and objectives of the NPPF.
- 11) To meet the transport needs of future occupants of the dwellings and to promote and encourage more sustainable transport modes and healthy choices likely to reduce the amount of vehicular traffic on roads, in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 12) In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development, the close proximity to canopies/root protection areas of existing (protected) trees and to preserve the setting of the listed Chapel, in the interests of the comprehensive development of the site, the visual amenities of the area and the impact on TPO trees/heritage asset, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 13) To the interests of provision of adequate waste/recyclables storage and collection in an acceptable manner in the interests of amenity, in accordance with policy PCS23 of the Portsmouth Plan.
- 14) 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.
- 15) To ensure the dwellings remain safe from any potential flooding over the lifetime of the development, in accordance with policy PCS12 of the Portsmouth Plan.
- 16) To enhance the biodiversity value of the site and improve green infrastructure assets, to accord with policies PCS13 and PCS23 of the Portsmouth Plan, the aims and objectives of the NPPF and duty to have regard to the NERC Act.

- 17) To mitigate against the potential adverse effects of the development on the integrity of the European site, in accordance with policy PCS13 of the Portsmouth Plan.
- 18) To secure a quality setting to the development that defines public and private space well with robust and attractive boundary walling and to ensure that adequate site access visibility is retained in the interests of highway safety, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 19) To secure a sympathetic scale and quality setting to the development, to preserve the setting of the listed chapel and wider relationship to the hospital building, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 20) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment and the interests of the European site, including highway impacts, as far as practicable, during works of demolition and construction on the occupiers of adjoining and nearby properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 21) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity, in accordance with policy PCS23 of the Portsmouth Plan.
- 22) In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential for the remains of buildings dating from the earliest settlement phase of the area to survive within the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 and the aims and objectives of the NPPF.
- 23) To ensure that the residential development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan and the adopted Sustainable Design and Construction SPD.
- 24) To ensure that all trees other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan.

#### 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.

18/00475/LBC

WARD:MILTON

**SOLENT NHS TRUST ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA**

**PARTIAL DEMOLITION OF BOUNDARY WALL AND CONSTRUCTION OF BRICK PIER**

**Application Submitted By:**

LDA Design - FAO Mr David Bell

**On behalf of:**

Mr Bruce Voss - Homes England

**RDD:** 19th March 2018

**LDD:** 15th May 2018

**SUMMARY OF MAIN ISSUES**

The determining issue is whether partial demolition of a boundary wall and alteration by a new pier would preserve the special architectural or historic interest of the listed structure.

This application is submitted in the context of the related scheme on behalf of Homes England for residential development on 3.6ha of land that was formerly part of the St James Hospital (reference 18/00288/OUT). To facilitate access for the eastern part of the wider residential scheme, works are required to remove a section of wall at the former entrance to the Harbour School site off Locksway Road. The section of wall identified for removal is attached to a section of wall that is considered by the local planning authority to be listed.

A 75 metre long wall is located on the northern side of Locksway Road. It forms the southern boundary to land that was formerly part of St James Hospital. The wall consists of two distinctive sections, one of late 19th/early 20th century appearance (the 'original wall') and a later section, of 1960's construction (the 'modern section' of wall). The application site covers the modern section, which leads away from Locksway Road to the north and forms part of the access to the former Harbour School site.

Supporting information describes the original wall as having "...a deep stepped plinth, regularly spaced piers and integrated panels featuring dog tooth headers, finished with a profiled coping. At its far western end, the original wall is terminated by a brick pier (shown as 'Pier 1' on drawing 5018\_302). The modern section of wall consists of a simple square pier where it meets the original wall (shown as 'Pier 2' on dwg 5018\_302) and is made up of a modern flush brick wall contrasting in design texture and colour to the original wall."

The modern section of wall would be demolished up to the point where it meets the original wall, which is retained in its entirety. The pier at the western end of the original wall would be replicated at the eastern end, to replace the modern pier. The design solution for outline application 18/00288/OUT incorporates retention of the original wall so that the proposed dwellings immediately to the north would back onto it, with the wall forming enclosure of their rear curtilages.

**POLICY CONTEXT**

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

There is a relevant saved site allocation policy that still applies from the Portsmouth City Local Plan (2001-2011), which is material to the application. Policy MT3 allocates land at St James' Hospital for a mix of new mental health care development and housing. The provision of the healthcare element of this allocation has already been fulfilled through the provision of The Orchards and Lime NHS Solent Trust buildings to the north of the site, within the policy allocation area and intended to remain.

#### National Planning Policy Framework

The (revised) NPPF July 2018 is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 124 High quality buildings and places is fundamental to what planning should achieve
- 130 Refuse poor design that fails to improve the character and quality of an area
- 189 Applicants should describe the significance and potential impact on any heritage assets
- 190 LPAs to identify and assess significance of any heritage asset
- 193 Great weight should be given to the asset's conservation
- 194 Any harm/loss of a designated heritage asset requires clear and convincing justification
- 195 Where leads to substantial harm, should be refused (unless substantial public benefits)
- 196 Where leads to less than substantial harm, to be weighed against public benefits

## CONSULTATIONS

### Historic England

No comments.

### Ancient Monuments Society

No response received.

### Council For British Archaeology

No response received.

### SPAB

No response received.

### The Georgian Group

No response received.

### The Victorian Society

No response received.

### Twentieth Century Society

No response received.

### The Portsmouth Society

Comments received to the related outline application ref 18/00288/OUT.

## REPRESENTATIONS

None.

## COMMENT

The determining issue is whether partial demolition of a boundary wall and alteration by a new pier would preserve the special architectural or historic interest of the listed structure.

A legislative obligation falls upon the local planning authority under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It places a duty to have special regard to the desirability of preserving a listed building/structure and its setting, and this special regard is beyond a mere material consideration.

The applicants have provided relevant heritage assessment. It states:

"The hospital boundary wall itself was completed after the hospital was built in 1879. During the 20th century, modernisation work in the post-war period brought change and at the main entrance to the hospital, in the 1950s and 60s included the removal of the Victorian gates and pillars. Milton Ford School (latterly the Harbour School) was constructed on an isolated area of the site with its own separate access provided from Locksway Road. Despite improvements, the hospital became a target for closure and redevelopment for housing has taken place adjacent to the school, further physically divorcing it from the remainder of the site and involving the demolition of the former officers' residences at 113 - 115 Locksway Road and an adjacent unit. Access to the administrative block has been provided by insertion of another gate further along Locksway Road.

The original wall has been subject to many interventions as part of modernisation or redevelopment of the site. The remaining section that has survived, thought to be part of the original boundary wall, will be retained.

It is considered that the loss of the modern section of the wall will not impact on the setting of the listed assets and its demolition would cause no harm to a heritage asset."

The removal of the modern section of wall would be considered to have a neutral impact and a new (replacement) pier to match in dimensions, colour, bond and coping considered a sympathetic treatment following the removal of the modern wall/pier, to preserve the special architectural or historic interest of the original wall. The proposal is considered to accord with policy PCS23 of the Portsmouth Plan and then aims and objectives of the NPPF.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 5018\_301; and, Plans & Elevations - 5018\_302.
- 3) The materials to be used in the construction of the new (replacement) pier shall match, in type, colour and texture those on the existing listed boundary wall.

### **The reasons for the conditions are:**

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the consent granted.
- 3) In the interests of visual amenity and to preserve the special architectural or historic interest of the listed boundary wall, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **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.

**FORMER KINGSTON PRISON MILTON ROAD PORTSMOUTH PO3 6AS**

**REDEVELOPMENT OF FORMER PRISON COMPRISING CONVERSION OF LISTED BUILDINGS TO PROVIDE 76 DWELLINGS AND A COMMERCIAL UNIT (USE CLASS A1 OR A3; RETAIL OR CAFE/RESTAURANT), CONSTRUCTION OF FIVE BUILDINGS RANGING FROM THREE TO SEVEN STOREYS AND CONSTRUCTION OF TWO ADDITIONAL STOREYS TO B-WING TO PROVIDE 191 DWELLINGS, PART-DEMOLITION OF LISTED PRISON WALL, FORMATION OF NEW VEHICULAR ACCESSES TO MILTON ROAD AND ST MARYS ROAD, AND PROVISION OF CAR PARKING AND ASSOCIATED LANDSCAPING AND OTHER WORKS. AMENDED PROPOSALS FOLLOWING PLANNING PERMISSION 16/00085/FUL.**

**Application Submitted By:**

Mr Adrian Fox

**On behalf of:**

Mr Adrian Fox

City &amp; Country Portsmouth Ltd

**RDD:** 8th November 2018**LDD:** 7th February 2019**SUMMARY OF MAIN ISSUES**

I consider the principal matters to consider with this application include:

- \* Principle of residential development;
- \* Scale, layout, design of new build (and effect on heritage assets and local character)
- \* Surrounding residents' amenity;
- \* Future occupiers' amenity;
- \* Trees and landscape;
- \* Transportation matters;
- \* Ecology;
- \* Drainage;
- \* S.106 obligations

**PROPOSALS****Summary:**

Members may be aware that conversion and development proposals at the former prison were approved in 2017, to provide 230 flats. The planning application and corresponding Listed Building application were submitted in 2016 (16/00085/FUL and 16/00086/LBC respectively), and were considered by the Planning Committee on 6th July 2016.

As the Applicants have carried out the consented demolitions, and had the corresponding opportunity to better understand the physical fabric of the remaining former prison buildings, more costs have become apparent. The Applicant has also wished to generally reduce the financial deficit of the consented scheme. Therefore, the same Applicants now wish to achieve consent for an amended scheme, initially submitted as 271 flats, since amended to 267 flats. The new scheme remains broadly similar to the consented scheme, i.e. with the retention and conversion of the remaining, listed former prison buildings, and the erection of five new buildings of three to seven storeys height. The new buildings would be distributed around the western and northern perimeters of the site, in the same locations as the consented development. The

principal, or most obvious, change from the 2016 scheme is an extra storey to each half of three of the new blocks, with associated design changes, to accommodate some of the extra flats now proposed. Car parking arrangements are also amended and the number of spaces increased. A number of amendments are also proposed to the retained listed buildings.

In summary, the new development would be as follows:

- Conversion of Listed Buildings: 76 flats;
- Extension to Listed B Wing: 8 flats;
- Five new-build blocks: 183 flats.

There is a corresponding application elsewhere on this agenda for Listed Building Consent (18/01632/LBC) for the conversion and alteration of the historic building, the construction of two additional storeys to B-Wing, and part-demolition of parts of the listed prison wall.

#### Access

As per the consented development, the site would be accessed from three points, one on St Mary's Road, two on Milton Road.

The St Mary's Road access would be new and formed through the listed prison perimeter wall. It would serve vehicular traffic, be two-way, and be the only access point for large vehicles, i.e. deliveries and refuse vehicles. A pedestrian and cycle access point would be provided adjacent.

The Gatehouse would retain its access purpose, with one-way entrance traffic only, and be available for cyclists and pedestrians.

The Milton Road access would be new and formed through the listed prison perimeter wall. It would serve vehicular traffic, be one-way exit only, and be available for cyclists and pedestrians. Existing vehicles would head north on the one-way Milton Road-Baffins Road gyratory.

Associated with this new access would be alterations to the highways around the site, the same as the 2016 application, consisting of:

- A pedestrian (toucan) crossing would be provided on St Mary's Road;
- Provision of a footway to St Mary's Road;
- A right-turn waiting lane painted on the west-bound St Mary's Road to turn into the site, and a right-turn waiting lane painted on the east-bound St Mary's Road to turn into Whitcombe Gardens.
- Improvement of the Milton-St Mary's Rd roundabout and its approaches.

Within the site, there would be a network of internal roads to connect to the various buildings and parking areas. Block N at the north would have pedestrian and cycle store access from Bowler Avenue, with vehicular, pedestrian and cycle access also achieved from within the site via an undercroft parking area. This latter access would also require a new aperture through the listed prison perimeter wall, which also formed a part of the 2016 proposals and is part of the current Listed Building application elsewhere on this agenda.

#### Conversion of listed buildings

The previous listed building consent secured the demolition of some of the former prison buildings, and those buildings have already been removed. The remaining buildings are now proposed for conversion into 76 flats, those buildings being The Gatehouse fronting Milton Road, and Wings A to E, with The Rotunda at their centre. The construction of two additional storeys to B-Wing would add 8 more flats. This new accommodation would consist of 33 one-bedroomed flats, 49 two-bedroomed, and 2 three-bedroomed. A small Commercial unit (39 sqm Gross Internal Area) (Class A1 Retail or Class A3 restaurant/cafe) would be provided in The Gatehouse, as per the consented development.

Residents' pedestrian access into the flats would be via various entry points, external or internal. In Wings A, D and E, the ground floor flats would be accessed from the retained, internal



circulation space of the former prison, consisting of a 4.5m wide 'corridor'. This space extends to the upper storeys, where there are mezzanines providing access to those upper flats, with stairways at various points. The flats at Ground floor in Wings B and C would have individual, external front doors, while those on the upper levels would have internal, corridor access. External balconies would be provided to the new-build flats in Wing B only. With lower ground floor accommodation also, in Wings A, D, E, the converted buildings would provide three and four storeys of flats.

The former cells are small and so typically every second and third wall is proposed for removal or partial-removal, but many internal walls are still retained, within and between new flats. Many of the prison windows were small and high-level. Externally, at ground floor, many existing window apertures would be enlarged to form suitably sized and positioned windows for the new occupiers, and/or to provide new front door access. Not all of these works require planning permission, but are set-out here for completeness - they are part of the corresponding listed building application, elsewhere on this agenda (18/01632/LBC), which also contains many more alterations to historic fabric and which are considered in that report.

#### New build blocks

Blocks J and K would sit parallel to the western boundary to the railway line, sited a minimum of 4.8m from that boundary (the retained, listed prison wall, approximately 5.8m tall). Like all the new blocks, they would consist of two elements linked by an access core of hall, stairs and lift, with one element set slightly forward of the other. Blocks L and M would lie on the northern half of the site, set around the perimeter, so forming a new, large courtyard framed by new and retained buildings. Block L would sit 11.4m from the nearest residential property to the north, 2 Bowler Court, while Block M would sit parallel to Milton Road, a minimum of 5m from the perimeter wall. Block N would be sited on the former prison car park on Bowler Avenue, outside the perimeter wall. Because of the staggered footprints described above and tapering site, the front (north) elevation would be set back between 0.8 and 3.4m from the back of the Bowler Avenue pavement.

The blocks measure 45m wide by 19m deep, would be flat-roofed, and be of seven storeys (Blocks J and K), four storeys (M), three storeys (N), and three/six storeys (L). The tallest, seven storey buildings are 21.8m tall, a maximum height some 0.5m lower than approved previously, due to a slight decrease achieved in floor-to-ceiling heights. The predominant facing materials are grey-buff bricks and metal-framed windows and railings set within a framework of off-white, pre-cast architectural masonry (i.e. prefabricated stone). These materials would be repeated at the extension to Wing B. The ground floors would be clad in flint-faced concrete blocks, the core would be faced in curtain-wall glazing. Blocks L, M and N would have the ground floors consisting of part-undercroft parking, part-flats. All flats would have bike stores, gas meter rooms, waste stores, etc. at ground floor. The rear (west)-facing ground floor flats in Blocks J and K would have 4.8m deep individual gardens, set out facing the former prison wall. Otherwise, new-build flats would all have their kitchen-living rooms provided with a balcony, 2.4m wide by 1.6 deep.

The new-build blocks would provide 28 one-bedroomed flats, and 155 two-bedroomed. Across the whole development, this would amount to 61 one-bedroomed flats, 204 two-bedroomed, and 2 three-bedroomed.

#### Site layout, parking and landscape

Two principal courtyards would be formed between the retained and new buildings. To the south, Block J and Wings B and C would frame a new space of approximately 30m width. To the north, Blocks K, L, M and Wings C and D would frame a new space of between 50 and 70m width. These spaces, and the other secondary spaces, would be filled by internal roads, parking and landscaping, along with some external bike stores. The different landscaped areas are indicated to be of different characteristics/themes, e.g. a 'Potager Garden' between Wings B and C, and the main 'Central Garden Square'.

Outside the perimeter walls, heavy-standard trees would be planted along St Mary's and Milton Roads. To the north of The Gatehouse, the existing tarmac parking area would be remodelled and retained. To the south of The Gatehouse, it is proposed to use a relatively small part (approximately 358 sqm) of the Council-owned grassed area outside the current site, to add to the prison's existing tarmac parking area, to form an enlarged parking area (to part-provide for the extra flats now proposed over and above the consented scheme). This additional triangle of land sought and would require the removal of two Category B trees. The existing site wall here (not listed) would be extended around the extra area.

Car parking provision would be 347 spaces, equating to 130% provision for the 267 flats. Bicycle parking provision would be 522 spaces (474 in enclosed stores for residents, 48 in open hoops for visitors), equating to 196%.

Heads of Terms (Section 106 legal agreement)

The consented development secured S.106 contributions for off-site Public Open Space, Solent Bird Mitigation, and Travel Plan monitoring. The Applicant has agreed to these provisions again with the current application, these matters are set out more fully later in this report. With respect to Affordable Housing, the Applicant's Financial Appraisal shows the development with a negative Residual Land Value, of -£11.49 million. As such, the Applicant proposes that the scheme cannot provide any Affordable Housing. This matter will be considered in more detail later in this report.

The site measures 2.64 hectares, with a proposed development density of 101 dwellings per hectare.

The Local Planning Authority (LPA) has issued a Screening Opinion that concludes that the proposal does not require an Environmental Impact Assessment.

The application is supported by a number of documents:

Planning Statement, Design & Access Statement, Townscape Visual Impact Assessment, Heritage Assessment, Archaeological Report, Archaeological Assessment, Structural Survey, Transport Assessment, Travel Plan, Ecology Appraisal, Tree Report, Flood Risk Assessment, Noise Assessment, Preliminary Risk Assessment (ground water etc.), Utility Assessment, Financial Appraisal.

## SITE AND SURROUNDS

The application site comprises the site of the former HMP Kingston which closed in 2013. The site was bought together with three others by the applicant. The site is grade II Listed and with the exception of a car park to the north adjacent to Bowler Avenue is bounded by a 5 metre high (or taller) flint-faced wall, part of the listing. The site contains the original prison buildings with their radial plan, and gatehouse facing Milton Road. A number of much later buildings and structures mostly dating from the 1960's and 70's were removed following the previous consent.

A car park at the north of the site, fronting Bowler Avenue, lies outside the prison walls, and is set on slightly higher land than the highway. Other areas outside the prison walls are more car parking along the eastern frontage on Milton Road, an area of grass and some trees at the large roundabout to the south-east (which also contains some utilities structures and a phone mast), and a long strip of grass fronting St Mary's Road. The site and wider area is generally fairly level.

The site's western boundary lies alongside the city railway line, set down in a cutting, with both sides tree'd. Beyond that to the west is the Grade II Listed Historic Park/Garden of Kingston Cemetery, which also contains two Grade II Listed Chapels. Houses are close to the site on three sides: on Bowler Court and Bowler Avenue to the north, opposite on Milton Road to the east, and opposite to the south on Whitcombe Gardens and flats on the site of the former Union Workhouse (Grade II Listed).

## PLANNING HISTORY

18/01531/FUL, Approved: Installation of an electricity sub-station.

18/00778/FUL, Approved: Change of use of Main Prison Building from prison (Class C2a) to an Airsoft event centre (Class D2).

17/01888/FUL, Approved, Retrospective application for the partial change of use of the Main Prison Building from Prison (Use Class C2a) to Storage (Use Class B8) (Amended Description).

16/00085/FUL, Approved: Redevelopment of former prison comprising: part demolition and conversion of listed buildings to provide 73 dwellings and commercial unit (within Class A1 or Class A3); demolition of non-listed structures; construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St Marys Road; and provision of car parking and associated landscaping and other works.

16/00086/LBC, Approved: Demolition of listed engineering/workshop building, part demolition and conversion of listed prison buildings (with associated internal and external alterations) to provide 73 dwellings and a commercial unit and part demolition of listed prison wall.

Otherwise, the site was subject to crown immunity until 2006, prior to when works carried by the Home Office or Ministry of Justice did not require the consent of the Local Planning Authority.

## POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS21 (Housing Density), PCS23 (Design and Conservation), PCS24 (Tall Buildings). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.

Supplementary Planning Documents (SPD) in respect of Housing Standards (January 2013), Parking Standards and Transport Assessments (July 2014), Sustainable Design & Construction (January 2013) Solent Protection Areas (April 2014), Reducing Crime Through Design SPD (March 2006), Air Quality and Pollution, Planning Obligations, Tall Buildings, are also relevant to the determination of this application.

## CONSULTATIONS

### Natural England

No objection subject to avoidance/mitigation measures being considered through an 'Appropriate Assessment', concerning impacts on the Solent & Southampton Water Special Protection Area. Recommend a Biodiversity Mitigation and Enhancement Plan, considering Protected Species, new habitat creation, swift and bat boxes, providing a new footpath, lighting to encourage wildlife, a green roof for new buildings, water efficiency.

### Southern Gas Network

No response received.

**Southern Electric**

No response received.

**Southern Water**

No objection. Request an Informative be attached to the Decision Notice, addressing the Applicant's obligations for connection to the public sewer.

**Portsmouth Water**

No response received.

**Hampshire Fire & Rescue Service**

Require compliance with Fire Rescue Services Act 2004 & Part B5.

**Ecology**

The submitted updating Preliminary Ecological Assessment notes the current status of the site, as a construction site. The mitigation measures are therefore brief, however If you were minded to grant permission, I would simply request a condition to secure the biodiversity measures set out in the submitted 2018 Update Preliminary Ecological Assessment. I note and support Natural England's request for a Biodiversity Mitigation and Enhancement Plan to be secured by condition.

**Historic England**

Do not wish to offer any comments, suggest you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Crime Prevention Design Advisor**

Recommend an electronic access control system, and meeting specified standards for communal access doors, ground-floor glazing, and site-wide lighting. Recommend defensible space outside ground-floor French windows. Need to address natural surveillance for the undercrofts at Blocks L, M, N, and cycle stores. Planting should not obscure natural surveillance through the site. Recommend 'through-the-wall' mail boxes, not the boxes shown in the blocks' lobbies.

**Highways Engineer**

Original comments of 10th December 2018:

No objection on the issue of traffic impact, the increase in trip generation of 15 movements in the am peak period and 18 movements in the pm peak period is not sufficient to have a material impact. This is subject to securing the same off-site highway improvements as with the previous consent, to resolve both capacity issues and improved local accessibility. Accessibility: the accessibility of the site by walking is less than suggested by the Transport Assessment so little weight can be given to its findings in that regard. The proposals do not meet the SPD's standards for either car or cycle parking and so refusal is recommended. An acceptable arrangement for the servicing for the new sub-station would not be provided.

Further comments, of 18th January 2019, made following further information submitted by the Applicant, including cycle parking increased from 388, to 522, and noting the lower parking arrangements of the stated development partner:

The accessibility of the site by walking is significantly over-stated in the Applicant's submission, and so does not justify a reduction in parking standard. The increase in cycle parking now meets the SPD standard. The replacement of the previously-approved cycle parking in the Rotunda basement with a new flat is disappointing, as residents will have to walk to other blocks to store their bicycles. However, this would not justify a reason for refusal.

The further work to seek to justify a lower parking provision is not persuasive. The SPD expectation is of 376 spaces at this site, 347 are proposed (including those that would be provided on the extra land sought at the site's south-east corner). Even in a site that meets the SPD standard, demand frequently exceeds the capacity in the new development and residents/visitors often park within the carriageway. While this does not generally cause a problem, this site provides little opportunity for parking on the internal access roads. There is no capacity for off-site parking in the adjoining roads including the controlled parking zone but as the new residents of the development would not be entitled to obtain parking permits for these roads, any shortfall in site parking would be unlikely to give rise to highway safety concerns beyond the site, or impact of existing residents' amenities. Notwithstanding, as the development does not meet the SPD's parking expectation, refusal is still recommended. In the event of planning consent being granted, the same conditions and legal agreement obligations should be secured as for the 2016 application.

Further comments, of 7th February 2019:

As Whitcombe Gardens is within 200m of the site and is not subject to a controlled parking scheme, some new residents within the prison site who cannot find a parking space may choose to park on-street at Whitcombe Gardens. I note, though, that being on the opposite side of St Mary's Road, that road may be perceived as a barrier. Furthermore, the first 70m of Whitcombe Gardens has double-yellow lines. I consider any displaced parking is unlikely to cause a highway safety concern although it could impact on residential amenity.

With respect to the extra land sought at the south-east corner of the site, the Applicant may not gain control over that land. As such, and if planning consent is recommended, please impose an extra, Grampian-style condition, requiring certainty regarding provision of all of the parking shown.

#### **Contaminated Land Team**

No objection, require standard conditions: Desk study; Site investigation report; Remediation method statement; Post- remediation verification report.

#### **Leisure/Arb Officer**

Leisure: request spend on local public open space provision.

Tree Officer: No objections. Four tree removals on frontage are noted, they are far outweighed by the extensive tree planting proposed. Detailed Landscape proposals and management required by, including addressing proximity to roads and parking areas, drainage, co-location of services.

#### **Head Of Public Protection**

Air Quality - no objections to the re-submitted air quality impact assessment. We can confirm that the Applicant's conclusions are acceptable - the predicted long and short term NO<sub>2</sub> and PM<sub>10</sub>, at all the assessed receptors and for all modelled scenarios, would not exceed the relevant air quality objectives and that on the basis of the dispersion modelling, all receptors are predicted to experience a negligible impact on air quality as a result of development.

#### **Cemeteries Manager**

No response received.

#### **Environmental Health**

Recommend the same conditions as previously: noise insulation for habitable rooms (for road and rail noise); control of plant noise; control of fumes and odour for the permitted Class A3 unit; the A1/A3 unit restricted to opening between 8am - 10pm. Scheme of artificial ventilation for facades facing the railway line. The provision of Juliet balconies or amenity balconies on facades facing the railway line will require careful noise mitigation, including for windows being partially open. If it is not possible to achieve suitable internal noise levels with the windows opened, details of alternative ventilation must be supplied. The applicant will need to

demonstrate that noise levels do not exceed those recommended by the World Health Organisation.

#### **Archaeology Advisor**

Understand that the archaeological concerns previously expressed (and secured by condition) have been satisfactorily dealt with, the amendments to the scheme do not introduce any additional archaeological concerns.

#### **Waste Management Service**

No objection.

#### **Landscape Group**

The landscape scheme is largely unchanged from the previous scheme, which achieved a high quality of detail and character through the materials and planting design, to avoid what would otherwise be a rather forbidding site. This attention to detail must not be lost through value engineering and construction procurement. However, the impact of having more parking within the walls is going to make for a visually busier, more intensified scheme and housing environment, the design of planting will help soften this impact, but cannot wholly change the fact there will be more lines of parked cars than before.

Outside south-east corner, the new hedge proposed would limit the impact of extended parking. Tree removals noted here, but new trees to be planted, and retained trees create quite a screen already.

#### **Head Of Community Housing**

A large procurement (over 180 units) for Affordable Housing (Social Rent and Shared Ownership) units on this site is progressing separately to the planning application. A legal agreement attached to the planning application for the provision of affordable housing would conflict with the Homes England Grant Funding, and so cause the collapse of the above mentioned procurement. As such, I make no such request in this instance.

#### **Highways Contractor (Colas)**

A permanent wheel wash shall be in place at all times on the exit point, and the Developer must contact Colas before any works commence on site, for coordination purposes.

#### **Coastal And Drainage**

Local Lead Flood Authority (LLFA) - No objection. The LLFA supports the proposed 20% reduction in discharge rates, agrees that infiltration techniques are not suitable for the site. There should be flexibility to revise the drainage strategy if new information favourable to infiltration comes to light. It needs to be confirmed if the existing outfall from the site is to be re-used for the St Marys Road connection, it will need investigating and confirmation of its suitability for reuse if this is the case. Official confirmation will be required from Southern Water for this also.

Eastern Solent Coastal Partnership - No objection.

#### **Network Rail**

A long series of comments and requirements relating to working and site safety with respect to the adjacent railway line, including light & glare, maintenance space, drainage, construction working space, scaffolding, piling, fencing, noise & vibration, vehicle incursion barrier.

#### **Design Review Panel**

Does not support the application in its current form. Disappointed by the architect's response to the task of adding more units to the scheme, flat façades have been generated, the height of a number of key blocks has been equalised, and others significantly increased. These changes have 'de-finessed' the scheme, eroding the elegance of both the blocks and the setting of the prison's roofscape. Overall the panel considered the quality of the scheme to have gone backwards.

## REPRESENTATIONS

Local occupiers and Baffins Ward Councillors notified.

This public consultation has elicited twelve letters of objection, and one letter of support, which are set out in summary form below.

Twelve letters of objection, from local residents, Baffins Neighbourhood Forum, Milton Neighbourhood Forum, Councillor Jeanette Smith, and the Portsmouth Hospitals NHS Trust, raising the following points:

**Land use:** Would have been better to use the former prison as a Police HQ, or as a training establishment for various apprentices, could also include a section for Mental Health. Or could be for community use, use the dance studio and football pitches. Could re-site the Stacey Centre and use that site for flats/houses, or hotel/conferencing, or small business lets (very little in Portsmouth). Could be a heritage museum with ample parking, and convert the current city museum for flats.

**Scale & design:** Height of the buildings needs to be reduced, the scale and design would not enhance the historic buildings, and not in keeping with the surrounding area of smaller buildings particularly on Bowler Avenue. Existing houses are mainly red brick with sloping roofs and gables. No justification provided for the intensification of the scheme.

**Neighbours' amenity:** The prison wall is 8 feet from Bowler Court's boundary, Block L will overlook me and my neighbours in Bowler Avenue - loss of privacy in our gardens, and overshadowing. Noise level will drastically increase especially in the summer months with windows and balcony doors open.

**Road congestion:** Two new access roads onto St Mary's Road and Milton Road, these roads are already completely overloaded, and Baffins Road and Tangier Road will also be affected. Additional traffic that will have a huge impact on rush hour traffic (and on football days) on an already dangerous roundabout. Should not be building more in already over-crowded city, the last consent was a grave mistake. There is a high pedestrian footfall locally.

**Public transport:** this is poor locally, only one bus per hour from Tangier Road to city centre. Have to use car, but quicker to drive to Chichester than city centre, no wonder Commercial Road is dying as a shopping centre. New residents will not use local public transport or cycle to work.

**Parking :** insufficient parking provided, forcing residents in densely populated area to park in a residents parking zone that is already at capacity. Number of allotted parking spaces in the development has gone up but so has the demand with the proposed extra flats, many of which will be occupied by households owning two cars. Current visitors' car park should be retained for multi-storey parking.

**Air quality:** question the veracity of the Applicant's figures on predicted traffic increases, believe they will be much higher than stated. Also believe there would be an increase in traffic into AQMA9. There are large numbers of school pupils and other pedestrians. NPPF requires compliance with values and objectives for air quality. Is there an environmental impact assessment for the effect of the increased traffic on air pollution? DEFRA requires Portsmouth to reach air quality compliance in the shortest possible time. Need a publically-accessible walled garden with trees and shrubs to improve air quality and increase the levels of green infrastructure.

**Safety of pedestrians and cyclists:** will suitable provision be made, especially cyclists coming down the bridge when there's a new exit/entrance?

Green space: should not reduce green space in order to deal with anti-social behaviour, seems to be the wrong approach, we need all the trees we can get.

Sustainability: will the homes be carbon-neutral and built to the highest environmental standards?

Affordable Housing: One person welcomes affordable housing, and hopes will be maximised. Another person states its absence fails to comply with PCS 19.

Local Services: School and Doctors are full to capacity.

Ecology: We note the recommendations for bird nest boxes and House Sparrow terraces but feel that these could be improved and simplified, to provide better opportunities for Swifts and House Sparrows. These species are in decline and depend heavily on man-made structures for urban nesting, which are 'Swift bricks', not the more standard nest boxes and terraces.

Please provide at least twelve swift brick nest sites.

Fails to provide an 'Appropriate Assessment' to ensure mitigation for the protected birds and harbour sites.

New/improved public open space: Councillor Jeanette Smith: I would like to see all S.106 money previously or currently earmarked for Kingston Rec to be provided for open spaces facilities in the PO3 6 postcode (Baffins Ward). The main work for which the money was earmarked in Kingston Rec is now done and so has no need for it, open spaces in PO3 6 and it is only right and proper that they benefit from what is the biggest development in this postcode for the foreseeable future.

Affordable Housing: the lack of affordable housing provision is contrary to policy. The appraisal does not explain the Site Value estimate of £1m, and it is not synonymous with the actual purchase price. The reported negative value of £11.49m post-development supports the argument for no development at all - the Council has no obligation to mitigate a developer's loss, nor endorse an over-the-odds bid-price made in order to secure the site from the MoJ. The developer must take the risk, the Council is not obliged to accept a developer's profit of 20%.

Healthcare: Portsmouth Hospitals NHS Trust do not support the application unless a financial contribution of £83,560 is made. The Trust is currently operating at full capacity in the provision of acute and planned healthcare, it cannot plan for unanticipated additional growth in the short to medium term. The extra population derived from the development (76 dwellings) will require additional suitably-qualified agency-based staff otherwise the NHS will be unable to maintain the 'on-time' service delivery nor comply with quality requirements.

One letter of support, raising the following points:

Is a unique and landmark building in our city which requires redevelopment and can greatly assist the need for housing (including affordable). On the whole, the proposals respect the Victorian architecture of the prison, the 2016 approval set out the principles and this amended application doesn't differ enough from that to cause concern. The bulk of new massing is still to the western side of the site away from existing dwellings, and the prospect of the prison walls being penetrated to open the development to the wider public is a sacrifice worth making.

Parking levels seem to conform to planning policy, although I'd like to see more emphasis on cycling. Use of the green space on the corner of St Mary's Road and Milton Road is welcomed, due to current anti-social behaviour.

I was happy for original proposal to omit affordable housing due to financial viability, only concern is perhaps the level of affordable housing is now too high - also need quality market housing to attract higher skilled people and employers to the city.



## COMMENT

I consider the principal matters to consider with this application include:

- \* Principle of residential development;
- \* Scale, layout, design of new build (and effect on heritage assets and local character)
- \* Surrounding residents' amenity;
- \* Future occupiers' amenity;
- \* Trees and landscape;
- \* Transportation matters;
- \* Ecology;
- \* Drainage;
- \* S.106 obligations

### Principle

The principle of residential use of this site is acceptable, and has already been established with the consented scheme. I note the site's location within the urban, residential area, where it is served by roads and public transport (buses on both roads, and Fratton rail station 1km away), with shops, a park and other services available within relatively short distances.

### Scale, layout, design of new build (and effect on heritage assets and local character)

The distribution of new buildings was carefully considered before and during the course of the application for the consented scheme, and the proposed layout was approved. This new application proposes the new-build blocks in the same locations as the consented scheme and I consider that layout to be acceptable again.

The LPA's Tall Buildings policy sets out zones where 'tall buildings' are expected/can be accommodated. This site is not within any of those zones, but the LPA determined with the 2016 application that blocks of up to seven stories could be accommodated at this site. The consented scheme had the new-build blocks of two elements, one taller than the other by one storey. Also, the taller element's top storey was set-back from the main front and rear facades with the set-back filled by a lightweight colonnade structure. This was a design approach to achieve visual interest and to mitigate the effect of massing on the setting of the Listed Buildings, and views into the site from its surroundings. The height of the two elements to each block has been equalised with this new application (with the exception of Block L, explained later in this report), with the colonnade element removed. Concurrently, floor-to-ceiling heights have been slightly compressed, which slightly mitigates the at-height design changes now proposed. In my opinion, this massing change does not change the conclusion with respect to your Tall Buildings policy: that the height of the scheme is acceptable. I shall go on to consider the effects of the design and massing change with respect to wider amenity and heritage matters, as follows below.

The altered scale and design to the tops of the new-build blocks produces a slightly less pleasing effect compared to the consented scheme, in my opinion. The Design & Review Panel share this view. However, the test is not one of comparison with the previous scheme, but whether this new scheme is acceptable in itself. I do not consider the new design and massing would have a harmful effect on local character and amenity (not considering heritage matters, which are set out below), especially if the quality of materials and construction is high. Since application submission and the DRP comments, the Applicants have also introduced an extra string course between the 5th and 6th storeys on Blocks J and K, to attempt to visually reduce the appearance of massing at height. I consider this alteration to produce a minor, positive change.

With respect to heritage matters, the extra massing at height is not ideal, in my opinion. This is with respect to both the setting of the former prison Listed Buildings and the Historic Park/Garden of the cemetery, including important views of the site (of the rich and varied prison

roofs, towers, chimneys, etc.) from the surrounding area. However, since the main, overall form of the buildings would remain as approved, with only the building tops amended, and the footprint the same as previously, I conclude that the at-height design change produces relatively limited change with respect to the settings of the heritage assets. I consider 'less than substantial' harm would result. The significant areas to be given over to hard and soft landscaping, including roads and parking, would be a somewhat different setting to the former prison buildings. These new spaces and uses would be expected with a residential development and, if carried out well and maintained well, would complement the new land use. As such, I consider their effect on setting would be neutral.

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

The National Planning Policy Framework (NPPF) requires LPAs to consider the significance of heritage assets, and take account of the desirability of sustaining and enhancing the significance of the assets and putting them to viable uses consistent with their conservation. It notes the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability. Great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of the asset should require clear and convincing justification. Harm may be categorised as 'substantial' or 'less than substantial', I have concluded the latter would exist in this case. Less than substantial harm should be weighed against the public benefits, including where appropriate securing the asset's optimum viable use (my emphasis).

The preamble to Policy PCS23 of the Portsmouth Local Plan sets out that the Council will work proactively to ensure the valuable elements of the city's history are preserved and enhanced. The Policy seeks excellent architectural quality in new buildings and changes to existing buildings, and public and private places that are clearly defined, as well as being safe, vibrant and attractive. The Policy seeks protection and enhancement of the city's historic townscape and its cultural heritage, and creation of new views and juxtapositions that add to the variety and texture of a setting.

I consider the development proposed is of a robust, contemporary form which would reflect something of the austerity of the existing buildings. Its final quality would be secured by exact choice of materials, design detail, and construction quality, supplemented by the quality of the various hard and soft landscaped areas, all to be addressed by conditions. Crucially, the new build blocks, and the conversions and extension to heritage buildings, would bring about an extremely positive re-use of the site, which would otherwise likely struggle to find an appropriate alternative. The site's future, and its contribution to the heritage and history of Portsmouth, would be secured by the scheme, providing a significant number of new homes to assist in meeting the city's housing demand. Corresponding benefits include new or improved open space on and off-site, construction employment, and a considerable CIL payment. Therefore, in-the-round, I consider the proposals meet the local and national tests, particularly through the securing of the asset's optimum viable use, and providing public benefits that outweigh the harm to the heritage assets.

#### Surrounding residents' amenity

The changes to the converted buildings compared to the consented scheme would be little discernible from outside the site, so would have no further effect in my opinion on surrounding residents' amenities. Irrespective of any comparison, I consider the effect would be acceptable.

The new-build blocks J, K, and M are the three where the 2016 scheme's approach of 6/7 storey and 3/4 storey has been amended to an equalised height of 7 and 4 storeys. The change at Block J is to its northern half, away from the nearest residents to the south facing St Mary's

Road, so there would be no material effect on those residents. Similarly, the change at Block K is to its southern half, away from the nearest residents to the north on Bowler Court. The extra massing to Block M would be obvious to the residents opposite on Milton Road. However, given the busy main road, a distance of at least 27m between Block M and Milton Road elevations, the potential for new landscaping on the prison frontage, and the existing tall prison wall, I consider the effect of the extra massing on the outlook for Milton Road residents would not be unacceptable. I consider any effect on daylight would be negligible, and effect on direct sunlight very limited indeed.

The 2016 scheme had Block L at 3 and 6 storeys - the lower half due to its position next to the terrace of houses on Bowler Court to the north. The new application increased it to 4 and 6 storeys, which raised concerns from residents and the Case Officer alike with respect to outlook and dominance, overlooking, and loss of light. The Case Officer requested the building be returned to the 3 and 6 storeys and the Applicant obliged, and I now have no objection to the relationship to existing residents. The tall, retained, Listed prison wall would be retained and so provide significant screening between the new and existing residents.

Objection from Bowler Court also concerned noise levels, from windows and balconies of the adjoining flats proposed. I do not consider the new occupiers would be any more likely to be noisy than other existing residents on Bowler Court and Bowler Avenue.

Block N, of three storeys, faces Bowler Avenue residents, as per the 2016 scheme. I consider this to be an acceptable relationship, on townscape and amenity grounds.

In-the-round, the physical regeneration of the former prison site and its positive re-use for housing would produce a positive effect on local residents' amenities, in my opinion.

#### Future occupiers' amenity

The Nationally Described Space Standard sets out internal space requirements for new dwellings. For a one-bedroomed dwelling, it has given sizes depending on whether the occupancy is anticipated to be one or two person, similarly for two-bedroomed, etc.. The Applicant has not sought to prescribe the future occupancy. In the 'worst-case' scenario of maximum occupancy per bedroom (i.e. two people in each double-bed room), seventeen flats in the entire development of 267 flats would be below the Standard. In the 'best-case' scenario of lower occupancy per bedroom, only three flats would be below the Standard (and only by 2 sqm each). The seventeen/three flats are all in the Listed Buildings. Given the size of the scheme, and the difficulties and constraints of converting heritage assets, I have no concern at all about this matter. I also note that many of the flats in the other 250 would be significantly larger than the National Standard.

Outdoor amenity space: The great majority of the flats would either be within the listed former prison buildings, or look directly at them, so I consider all the occupiers would enjoy an interesting and attractive heritage setting. The majority of new-build flats would have their own small amenity areas, in the form of balconies mostly, or the gardens for the rear ground floor units in Blocks J and K. Otherwise, the majority of units would overlook and pass through a variety of landscaped areas, with the larger ones being 'mini-parks' to sit out in and enjoy. Kingston Park, and Kingston Cemetery are larger public space just to the south and west of the site and so are also easily available to residents, while other parks are also available within walking and cycling distance.

Outlooks: The majority of flats would enjoy generous outlooks, typically across the various landscaped areas within the site, and some also west across to Kingston Cemetery. The more restricted outlooks would be in the lower two storeys of the new blocks where they face the tall perimeter wall, and in the converted buildings were the wings (A, E, D) converge upon the central Rotunda. For the latter, this is unavoidable and was accepted in the consented scheme. At first floor level in the new blocks, this is as per the consented scheme also. Therefore, the

new relationship is for the ground floor, rear-facing (west) flats in Blocks J and K, where flats replace the previously consented undercroft parking. Four of these flats would face the tall perimeter wall at a distance of 4.8m, the other two at 8.0m. Outlook for these first four flats would be very limited, and daylight and sunlight limited by the height of the building itself and the tall wall. However, these units would also have their kitchen-living rooms with a secondary, south-facing window, and are only a very small proportion of flats within the larger scheme - compromises are usually necessary in a significant development and I consider the arrangement would be acceptable. Overall, I consider the future occupiers would have a good standard of amenity.

### Crime and safety

The Police have made some site-wide comments, mostly on details concerning matters of access to communal areas, lighting, surveillance, and 'defensible space' (to areas outside ground floor flats). The Case Officer has also addressed positioning of boundaries, to restrict access to the rear of some blocks. The detailed resolution of these issues will be addressed in various conditions.

### Trees and landscape

The Applicant has provided proposed approaches to landscaping in their Design & Access Statement, showing very significant levels of tree planting and other hard and soft landscaping throughout the site, with sizeable gardens provided between Listed wings, between retained and new buildings. The scheme has the support of your Landscape and Tree Officers, and I concur that a good level of amenity and character is illustrated. The details will be secured through the relevant conditions. The quality of the landscaping provided, and its proper long-term management, will be crucial to the overall success of the development. The proper control of site-wide parking, i.e. preventing parking onto the edges of landscaped areas, through a combination of discreet physical measures and/or on-site management will be a part of that success.

Earlier in this report I noted the proposal to use some of the Council-owned grassed area near the junction of St Mary's Road - Milton Road. The land lies along the front of the former prison site, i.e. at the back (west) of the area seen from the public perspective, and to the north of the utilities meter cabinets and telecommunications monopole fronting St Mary's Road. The proposal would require the removal of two trees, and would constitute some 358 sqm of the area's total of 1474 sqm.

The area is designated as a 'Protected Open Space' in the 2012 Portsmouth Plan ('A Greener Portsmouth' chapter). PCS13 states that proposals which would result in the net loss of existing areas of open space will be refused, unless there are wider public benefits from the development which outweigh the harm.

First, it does not appear to me that the area is a particularly 'usable' area for public recreation, given its location at a busy road junction and with the formal Kingston Park nearby. Nevertheless, the land does nevertheless provide a pleasant green feature. As the land-take proposed is 24% of the existing, a good area would remain for public benefit - dog walking, and as a green area as visual amenity for residents and passers-by. More importantly, the development itself would provide publically-accessible open space that does not currently exist - the site would not be closed off or gated, and so non-residents would be able to enter the site and use the open space should they wish. Given the size and expected quality of the open spaces, I would expect some existing residents nearby may use the site for some form of recreational purposes. As such, I consider there would be wider public benefits from the development which outweigh the (limited) harm, and so Policy PCs13 would be complied with.

### Transportation matters

The Council's Transportation comments are set out earlier in this report. In simple summary, the traffic from the scheme, both in itself and in comparison to the 2016 development, is deemed not to have a significant impact on the highway network, eg a maximum of 18 extra movements in the pm peak period. This conclusion is dependent on the implementation of the various highway measures proposed at the site and in its environs, and so these are secured by conditions, along with the Travel Plan secured by the S.106 legal agreement.

The situation for parking is different, compared to the 2016 scheme. For Members' information, the 2016 application provided 331 car parking spaces for 230 flats = 144%, and did not attract objection from PCC Transportation on this point. The new application proposes 347 car parking spaces for 267 flats = 130%. Achieving all 347 spaces is dependent on the Applicant securing the extra land at the site's south-eastern corner from the Council, by lease or purchase, which would allow a more efficient layout and provide 22 extra spaces. The lease or purchase of this area from Portsmouth City Council would be subject to a separate consent/contract to this planning application, but I am not aware of any likely impediment to the Applicant securing the use of this land for the extra parking. Without the extra land, parking spaces would be some 325, providing 122%. Whether 130% or 122%, my assessment of the proposal is as follows and, as such, I do not consider the Transportation Officer's request for a Grampian condition to require the extra 22 spaces is necessary.

Your 'Parking Standards and Transport Assessment' Supplementary Planning Document would require this development provide 370 spaces (for the amended number of 267 flats). The proposed shortfall has therefore led to objection from PCC Transportation. However, the decision-maker must consider the effect of any likely unmet parking demand, not just the failure to meet the standard alone. I have already set out how the LPA intends to control parking within the site, for reasons of overall amenity, the setting of the listed buildings, and general safety. For potential overspill parking outside the site, one needs to understand the parking conditions in the surrounding roads. Here, within the stipulated 200m of the site, all roads except parts of Whitcombe Gardens and Andrew Close to the south-west are covered by residents' parking zones. Residents of the new development would not be issued with permits to park in those zones, so would not be able to park there beyond two hours (with no return within another four hours). PCC Transportation raise no highway safety concern to potential extra on-street parking in Whitcombe Gardens and Andrew Close. As such, the area would largely be unaffected by the occupation of the former prison site, with respect to on-street parking. Cycle parking provision is high, and the Travel Plan will introduce measures to further encourage new residents to travel on foot, by bike, by public transport, as well as linking into other city-wide and local initiatives that the City Council may be developing.

Broadly-speaking, the site is in a reasonably accessible location in the urban area, with buses, Fratton train station 0.9km as the crow flies, reasonably close shops and services, local parks close by, and the city centre 1.85km away (as the crow flies).

#### Ecology:

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

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies 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. It 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. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £121,179, which would be secured through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and be fairly and reasonably related in scale to the development.

Other Ecology: the site was thoroughly surveyed last summer. It has patchy vegetation and a line of small, semi-mature cherry trees. No badger setts were found, nor mammal paths, it is concluded that no badgers reside or forage at the site. No trees exist of an age or size to provide roosting potential for bats, and an inspection of the roof voids and other such features found no roosting. There was some bat activity towards the north-west portion of the site, reflecting its position between areas of open space to the near west and south-west, and further to the east, with the recorded activity considered to be commuting bats. There are no suitable habitats for reptiles, newts, dormice, water voles or otter. There were no active bird nests. The Applicant's consultant recommends native, enhancement tree and shrub planting, bat boxes/tubes, nest boxes. These and other measures, including the requested 'swift bricks' will be provided via the biodiversity enhancement condition.

#### Drainage:

The site lies in Flood Zone 1, i.e. an expectation of flooding from fluvial or tidal sources less than 1 in 1000 in any year. The development would increase the impermeable area on site but surface water would be accommodated with modular storage, permeable paving, and detention basins. The Lead Local Flood Authority (LLFA) raises no objection, I attach a condition to address drainage matters.

#### S.106 obligations, and Community Infrastructure Levy

The consented development secured S.106 contributions for off-site **Public Open Space, SPA Mitigation, and Travel Plan monitoring**. The Applicant has agreed to these provisions again with the current application, and to the higher sums that this larger development generates for the first two.

Off-site Public Open Space: as with the consented scheme, the site would provide good areas of open space on-site, but not sufficient to meet policy expectation to correspond with the development's population. Therefore, and consistent with the consented scheme, the Applicant has agreed to make a financial contribution, of approximately £60,000, to pay for off-site public open space provision/improvement. This is in spite of the scheme showing a significant financial deficit, in which scenario some or all S.106 obligations might be expected to be waived. The exact details of that provision - final sum, and spend location and purpose - will be confirmed to you at the Committee meeting.

The SPA Mitigation sum would be £121,127 and is agreed by the Applicant. The Travel Plan monitoring sum would be £5,400 and is agreed by the Applicant.

A residential development of this size would normally be required to provide Affordable Housing. This, though, is dependent on the development being financially viable, and guidance on this area is set out in the new NPPF of 2018. The Applicant's Financial Appraisal shows the development with a negative Residual Land Value, of -£11.49 million. As such, the Applicant

proposes that the scheme cannot provide any Affordable Housing, which is the same overall scenario as with the 2016 application. The extra 37 flats now proposed, though, have reduced the negative Residual Land Value of -£18 million in 2016, to the -£11.49 million now. Financial assessments are a complex area and this matter is only addressed in simple summary here, but the matter has been closely scrutinised first by an independent Financial Consultant appointed jointly by the Applicant and LPA, and then by the Case Officer. As is often the case, the Financial Consultant has identified some elements of the Applicant's Financial Appraisal which she considers should be discounted or adjusted, and she comments on the other particular elements. In-the-round, the Consultant agrees that the development is not technically viable and has a negative Residual Land Value in the region of -£11 million, which means therefore that the application cannot support the provision of Affordable Housing. Having considered and discussed her review, I concur.

With a scheme of this size and construction period (three years) and sales period (another year beyond last building works), there is a high degree of sensitivity - relatively limited changes to build costs and/or sales values could significantly affect viability (positively or negatively). As such, and as is common with schemes of this size and as per the 2016 application, the S.106 would have a **Review Mechanism** which would secure Affordable Housing in the event of the development actually being profitable.

Outside the scope of the planning application, and purely for completeness and for Members' information, the Applicants state that they will complete a contractual partnership with Vivid Housing Association upon the issuing of a planning consent, wherein Vivid would construct and own all of the new-build blocks (183 of the 267 flats), and provide all of those flats as affordable units. I understand the intention of Vivid would be to start construction this summer. This scheme requires funding from Homes England. I understand that funding does not allow for any S.106 clauses relating to Affordable Housing. As such, just prior to publication of this report, the LPA understands the intended Review Mechanism could prevent the delivery of Affordable Housing altogether. This matter will be reviewed after report publication and addressed at the actual Planning Committee meeting.

Portsmouth Hospitals NHS have belatedly requested a sum of £83,560, for the provision of acute and planned healthcare. This is a significant and unexpected request, that has not been discussed with the LPA. Officers will review the matter and report to the Planning Committee meeting.

Community Infrastructure Levy (CIL)

The proposed development would yield a sum calculated at £2,505,298.

#### Remaining points of objection from local residents

Many of the points of objection raised by local residents and community groups have already been addressed above. Of those remaining:

Some objectors propose alternative land uses for the site. The LPA is required to determine the land use proposed (housing, which is acceptable) and not to consider whether others might also be appropriate or considered better.

Some objectors are concerned about pressure on local schools and doctors. Education in Portsmouth may be funded through CIL and this site will deliver a very significant sum for the city. Local residents' concerns about pressure on doctors/health services overlaps with comments from the NHS. The NHS' request for funding from this development cannot be met because they seek to spend the monies on staff, not infrastructure - as such, it does not meet the requirements of planning legislation.

## CONCLUSION

This is a major development for the local area and the city, which would provide good-quality/robustly scaled and designed new buildings, and sensitive conversion of listed buildings, to provide a significant number of new homes. The effects of the development on matters such as traffic, parking, open space, air quality, ecology, surrounding residents' amenities are deemed to be within acceptable bounds subject to appropriate mitigation where necessary. I consider the proposals constitute Sustainable Development and can be recommended for approval, subject to:

**RECOMMENDATION A:** that delegated authority be given to the Assistant Director of Planning & Regeneration to grant planning permission, subject to the following conditions, and subject to completion of a Section 106 Legal Agreement to secure the measures outlined in bold above;

**RECOMMENDATION B:** that delegated authority be given to the Assistant Director of Planning & Regeneration to add and amend conditions where necessary;

**RECOMMENDATION C:** that delegated authority be given to the Assistant Director of Planning & Regeneration to refuse planning permission if the Section 106 Legal Agreement has not been completed within three months of the date of this resolution.

## 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 documents set out in the Plans Schedule of 12th February 2019.
- 3) The development of the site shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the details shown on the Phasing Plan (reference 0330-KIN-100-Rev D).
- 4) No works pursuant to the construction of the new build blocks hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.



5) No phase of the new build development hereby permitted shall be occupied or brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provisions of condition 4(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 4(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21) No part or phase of the development hereby permitted shall (unless otherwise agreed in writing by the Local Planning Authority) be occupied until the following highway improvement measures have been completed:

- \* the installation of a Toucan crossing to St Marys Road;
- \* the installation of an uncontrolled crossing between the new access to St Marys Road and Whitcombe Gardens;
- \* the improvement of the Milton and St Marys Road roundabout and approaches thereto;
- \* the provision of a footway to the northern side of St Marys Road.

22) a) Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of cycle slip lane between St Mary's Road and Milton Road northbound have been submitted to and agreed in writing with the Local Planning Authority.

b) No part or phase of the development shall be occupied until the cycle slip lane between St Mary's Road and Milton Road north has been provided in accordance with the details approved pursuant to part a) of this condition.

23) a) No part of the development hereby permitted shall be occupied until a dropped kerb serving new accesses onto Milton Road and St Mary's Road have been provided.

b) The final phase of development shall not be fully occupied or otherwise brought into use until any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway.

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

25) Development of any phase of the development shall only proceed in accordance with the Written Scheme of Investigation prepared by Cotswold Archaeology (ref 770469 dated October 2016), or any alternative that may be submitted to and approved in writing by the Local Planning Authority

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

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

**The reasons for the conditions are:**

1) To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

- 4) 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 minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.
- 7) To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 8) To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 9) To secure high quality external finishes to a building and to preserve the setting of the adjacent listed buildings in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 10) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 11) To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the aims and objectives of the NPPF and policy PCS12 of the Portsmouth Plan.
- 12) To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 13) To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 15) To protect adjoining and nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.
- 16) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 17) To prevent the emission of odours which could affect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.
- 18) In the interests of highway safety in accordance with policy PCS23 of the Portsmouth Plan and the Car Parking Standards SPD.
- 19) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

- 20) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 21) To secure the package of off-site highway improvement works required to mitigate the highway impacts of the development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 22) To reduce the need for cyclists to use the roundabout in the interests of highways safety.
- 23) In the interests of enhancing the safety and convenience of users of the adjacent highway.
- 24) To ensure these prominent buildings and their roofscape remains free of visual clutter and to reduce the impact to nearby heritage assets by any subsequent alteration or addition in accordance with policy PCS23 of the Portsmouth Plan.
- 25) To record the original features and character of the prison building that would otherwise be lost through development and to assess the extent, nature and date of any archaeological deposits that might be present within the sports field and the impact of the development upon these heritage assets.
- 26) To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.
- 27) To provide a publicly accessible record of the history and evolution of the sites heritage in accordance with the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

#### 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.

**FORMER KINGSTON PRISON MILTON ROAD PORTSMOUTH PO3 6AS**

**CONVERSION AND ALTERATION OF LISTED BUILDINGS TO PROVIDE 76 DWELLINGS (USE CLASS C3) AND A COMMERCIAL UNIT (USE CLASS A1 OR A3: RETAIL OR CAFE/RESTAURANT), CONSTRUCTION OF TWO ADDITIONAL STOREYS TO B-WING TO PROVIDE A FURTHER 8 DWELLINGS, AND PART-DEMOLITION OF LISTED PRISON WALL. AMENDED PROPOSALS FOLLOWING LISTED BUILDING CONSENT 16/00086/LBC.**

**Application Submitted By:**

City & Country Portsmouth Ltd

**On behalf of:**

City & Country Portsmouth Ltd

FAO Mr Adrian Fox

**RDD:** 1st October 2018

**LDD:** 7th February 2019

**SUMMARY OF MAIN ISSUES**

The impact on heritage assets, from the various proposed works to Listed buildings and walls.

**PROPOSALS**

Elsewhere on this Agenda, Members have for consideration the principal application (18/01868/FUL) for the conversion and re-development of the former prison site, to provide a total of 267 dwellings (all flats). Planning and Listed Building consents were approved in 2017, to provide 230 flats. 76 dwellings would be provided within the Listed Buildings, and a further 8 within a two-storey extension to the Listed Wing B. The Applicant now wishes to provide altered arrangements across the site including within the Grade II Listed Buildings, hence this new application. This LBC application accompanies the main application, to secure numerous alterations across the development, summarised as follows:

- construction of two additional storeys to B-Wing to provide 8 dwellings;
- part-demolition of listed prison wall to form new perimeter access points on St Mary's Road and Milton Road;
- part-demolition of listed prison wall at Block N;
- numerous alterations to the Listed Buildings to facilitate their use for dwellings (flats) and a small Class A1/A3 unit, principally consisting of removal of some original and non-original internal walls, provision of new internal walls, removal of ceiling and new mezzanine floor in E Wing, removal and addition of internal balustrades, closing of some internal and external apertures, lowering of some window cills (approximately half), new windows, insertion of rooflights, and provision of new apertures to from external front doors to flats.

Raised garden terraces to the north elevation of Wing C were removed at Officer request during the course of the application (to minimise accretions around the historic buildings).

## SITE AND SURROUNDS

The application site comprises the site of the former HMP Kingston which closed in 2013. The site was bought together with three others by the applicant. The site is grade II Listed and with the exception of a car park to the north adjacent to Bowler Avenue is bounded by a 5 metre high (or taller) flint-faced wall, part of the listing. The site contains the original prison buildings with their radial plan, and gatehouse facing Milton Road. A number of much later buildings and structures mostly dating from the 1960's and 70's were removed following the previous consent.

A car park at the north of the site, fronting Bowler Avenue, lies outside the prison walls, and is set on slightly higher land than the highway. Other areas outside the prison walls are more car parking along the eastern frontage on Milton Road, an area of grass and some trees at the large roundabout to the south-east (which also contains some utilities structures and a phone mast), and a long strip of grass fronting St Mary's Road. The site and wider area is generally fairly level.

The site's western boundary lies alongside the city railway line, set down in a cutting, with both sides tree'd. Beyond that to the west is the Grade II Listed Historic Park/Garden of Kingston Cemetery, which also contains two Grade II Listed Chapels. Houses are close to the site on three sides: on Bowler Court and Bowler Avenue to the north, opposite on Milton Road to the east, and opposite to the south on Whitcombe Gardens and flats on the site of the former Union Workhouse (Grade II Listed).

### History of the Prison

Kingston Prison was built 1874-77 to the designs of local architect, George Rake (d.1883), to replace the Portsmouth Borough Gaol in Penny Street. Rake is also believed to be responsible for Kingston cemetery gateway and chapels.

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

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

### The Listing

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

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

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

#### Description

The prison is constructed of massed concrete, faced with snecked Plymouth blue stone rubble, flint, red and blue Stourbridge brick, and Bath stone ashlar dressings. The roofs are slated with stone and blue brick chimney stacks. Windows are generally multi-pane steel casements. The prison has a radial plan, with five wings (A-E) arranged around a central octagonal, top-lit rotunda. Three of the five wings are near-identical cell blocks, arranged in a Y-shape (on a horizontal axis) around the rotunda. The arms of the Y are the south-east A-wing and north-east D-wing, and the tail of the Y is the west C-wing. Between A- and D-wing is E-wing, originally housing a chapel on the first floor, with offices beneath. To the south-west, between A- and C-wing, is B-wing: built as a single-storey wing (originally the infirmary), it was later extended upwards but has now been returned to a single storey. To the north of the prison building is a large open space, originally a garden, more recently used as a football pitch. The whole site is surrounded by a high brick and flint wall, with the main entrance built into the wall to the east. The entrance complex comprises a gate tower with flanking gate houses, originally for the Governor (that to the south) and Chief Warder (that to the north).

#### PLANNING HISTORY

18/01531/FUL, Approved: Installation of an electricity sub-station.

18/00778/FUL, Approved: Change of use of Main Prison Building from prison (Class C2a) to an Airsoft event centre (Class D2).

17/01888/FUL, Approved, Retrospective application for the partial change of use of the Main Prison Building from Prison (Use Class C2a) to Storage (Use Class B8) (Amended Description).

16/00085/FUL, Approved: Redevelopment of former prison comprising: part demolition and conversion of listed buildings to provide 73 dwellings and commercial unit (within Class A1 or Class A3); demolition of non-listed structures; construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St Marys Road; and provision of car parking and associated landscaping and other works.

16/00086/LBC, Approved: Demolition of listed engineering/workshop building, part demolition and conversion of listed prison buildings (with associated internal and external alterations) to provide 73 dwellings and a commercial unit and part demolition of listed prison wall.

Otherwise, the site was subject to crown immunity until 2006, prior to when works carried by the Home Office or Ministry of Justice did not require the consent of the Local Planning Authority.

#### POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).



## **CONSULTATIONS**

### **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

### **Ancient Monuments Society**

No response received.

### **Council For British Archaeology**

No response received.

### **SPAB**

No response received.

### **The Georgian Group**

No response received.

### **The Victorian Society**

No response received.

### **Twentieth Century Society**

No response received.

### **The Portsmouth Society**

No response received.

## **REPRESENTATIONS**

Letters of various comments were submitted but nearly all concerned the main application, and so are reported and addressed in the report for that application, elsewhere on this Agenda. One letter was directed at the proposals for the listed buildings, noting:

Each occupier in a historic building would need to apply for the smallest changes, e.g. heightening of a window.

## **COMMENT**

### **PLANNING CONSIDERATIONS**

The principal matter to consider with this application is the impact of the various alteration works on the important heritage assets.

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

The National Planning Policy Framework (NPPF) requires LPAs to consider the significance of heritage assets, and take account of the desirability of sustaining and enhancing the significance of the assets and putting them to viable uses consistent with their conservation. It notes the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability. Great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of the asset should require clear and convincing justification. Harm may be categorised as 'substantial' or 'less than substantial'.

Substantial harm or loss to Grade II listed Buildings should be wholly exceptional and should be refused, unless it can be demonstrated that the harm/loss is necessary to achieve substantial public benefits that outweigh the harm/loss(my emphasis). Alternatively, all of the following should apply: the nature of the asset prevents all reasonable uses; no viable use can be found in the medium term; grant-funding or some form of public/charitable ownership is not possible and; the substantial harm/loss is outweighed by the benefit of site re-use.

Less than substantial harm should be weighed against the public benefits, including where appropriate securing the asset's optimum viable use (my emphasis).

The preamble to Policy PCS23 of the Portsmouth Local Plan sets out that the Council will work proactively to ensure the valuable elements of the city's history are preserved and enhanced. The Policy seeks excellent architectural quality in new buildings and changes to existing buildings, and public and private places that are clearly defined, as well as being safe, vibrant and attractive. The Policy seeks protection and enhancement of the city's historic townscape and its cultural heritage, and creation of new views and juxtapositions that add to the variety and texture of a setting.

I shall go on to assess each of the principal sets of proposed alterations within the above policy context.

Construction of two additional storeys to B-Wing to provide 8 dwellings:

B Wing has been reduced down to its original single-storey, it is proposed to add two storeys to provide eight flats. The extension would match the existing footprint: 24m long by 14.5m wide. The structure would be flat-roofed, and of similar architectural design to the other new-build blocks proposed across the site, i.e. of matching materials (grey buff brick) and with matching fenestration. The principal difference to the other new-build would be the absence of the horizontal and vertical design accents (pre-cast architectural masonry), given a slightly simpler appearance.

The previous removal of non-original structure was welcomed, and I have no objection in principle to the provision of a three-storey building, to better match the scale of the other wings. Design is straightforward and appropriate in my opinion, to ease assimilation with the ground-floor original structure. I do not consider there would be any harm to the heritage asset.

Part-demolition of listed prison wall to form new perimeter access points on St Mary's Road and Milton Road:

The new apertures involve a loss of historic fabric which in itself is harmful. The visual and functional integrity of the wall would be compromised. However, I consider the new apertures are necessary to enable the wider re-use of the site, by providing suitable 'permeability' across the site, i.e. a choice of routes in and out of the site. The loss of wall has been minimised and the proposals are the same as with the previous Listed Building Consent. As with the numerous other alterations across the site, the LPA would exercise careful control of the making-good of the edges of areas of historic fabric that are altered, as well as the use of new materials.

Part-demolition of listed prison wall at Block N:

These works are to the north-eastern corner of the site, where the southern elevation of Block N meets the perimeter wall. It is necessary to form a break in the wall so that the new Block can link functionally to the main site, with pedestrian and car access. The previous scheme had a 'T-shaped' break in elevation, i.e. 5.4m wide for the lower half of the wall, and 17.5m wide for the top half. During the course of this new application, the proposal has been widened at both top and bottom to a uniform 18.1m wide - the Applicant states that following further engineering investigations, the original break would have provided too-weak a retained wall and required unfeasible supportive works to retain the weight of the new-build south element of Block N above. With hindsight, this difficulty is not a surprise. Notwithstanding that, the further loss of

historic fabric is harmful. The visual and functional integrity of the wall would be compromised. However, the change is apparently necessary, and is not excessive in extent - I note the great majority of the listed wall would remain around the site perimeter, and this corner of the site would be well-screened from more general views within the site by Blocks L and M. At the time of publication, I am awaiting fuller details of the proposals for this specific area.

Numerous alterations to the Listed Buildings to facilitate their use for dwellings (flats) and a small Class A1/A3 unit, principally consisting of removal of some original and non-original internal walls, provision of new internal walls, removal of ceiling and new mezzanine floor in E Wing, removal and addition of internal balustrades, closing of some internal and external apertures, lowering of some window cills, new windows, insertion of rooflights, and provision of new apertures to from external front doors to flats:

The removal of non-original features is positive. The removal of many individual cell walls, and the enlargement of existing apertures and introduction of new apertures, consists of a harmful loss of historic fabric, and a reduction in the historical integrity of the building as an ex-prison. Of course, to find a positive, new function for the site will inevitably require alterations, and I am satisfied that the series of changes are necessary to provide a good standard of residential accommodation and to make best-use of the space available. The same conclusions are drawn for the closing of some internal and external apertures and the insertion of rooflights. The provision of entirely new windows, to modern standards, is to be expected.

Aside from the above considerations, there remains the one objection comment to address, which was: each occupier in a historic building would need to apply for the smallest changes, e.g. heightening of a window. This is a reasonable point but not a matter that would justify withholding Listed Building Consent for the conversion of the buildings to a use that will secure their long-term future. Given the thickness of the walls, and therefore the practical difficulty and cost of alteration, I would not expect future occupiers to pursue such changes. There could be other more minor alterations that might be desired, in which case the Local Planning Authority would take a view on each case - whether LBC is required in the first instance, and if it is, the merits of the proposal.

## CONCLUSIONS

A wide range of alterations to the listed buildings and walls are proposed, many of which amount to quite significant interventions. While some are positive, many are harmful in themselves individually and cumulatively. In-the-round, and given the scale and complexity of the heritage asset, I would summarise the harm in NPPF-terms as 'less than substantial'. The policy test, therefore, is that this harm should be weighed against the public benefits, including where appropriate securing the asset's optimum viable use.

There is an over-arching need to secure the renovation, re-use and subsequent maintenance of the site. Notwithstanding the financial viability deficit set out in the sister report elsewhere on this agenda, I consider a residential use of the site to be the most likely land use to actually come forward as suitable and achievable at this residential location and in these buildings, and therefore the most likely to secure the renovation and long-term positive re-use of a very important historical site in Portsmouth. The public benefits of retaining and converting these historic buildings, and for much-needed housing, clearly outweigh the harm, in my opinion. Therefore, I consider the development meets the NPPF test. Also, the proposals, in my opinion, comply with PCS23 with respect to preserving a valuable element of the city's history, and have paid special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest, in accordance with the 1990 Act. As such, the application is recommended for approval, with various important conditions.

## RECOMMENDATION

## Conditional Approval

### Conditions

1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the documents set out in the Plans Schedule of 12th February 2019.

3) a) Development shall not commence until details of precautions to be undertaken to secure and protect the interior and exterior features against accidental loss, damage, or theft during the execution of authorised works on site have been submitted to and approved in writing by the Local Planning Authority before the relevant works are carried out.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

c) No protected features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings and details or with the prior written approval of the Local Planning Authority.

4) a) Development shall not commence until details, to include the extent, materials (including samples of the type, texture, profile, finish bonding pattern, mortar and method of pointing) and method of all external and internal works of making good to the main prison building (including A, C, D & E Wings and the rotunda) have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5) a) Development shall not commence until a detailed scheme (to include the provision of sample panels on site) of the proposed methods of cleaning the brick and stone of the retained listed buildings has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6) a) Development shall not commence until details (to include a clear illustration at a scale of 1:5 of the proposed opening method, ironmongery, surface finishes, beading and glazing and a method statement relating to both the removal of the existing windows and installation of replacement) of all new and replacement windows, including full size samples have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7) No part of any of the listed buildings shall be occupied until any existing windows to be retained have been repaired or altered in accordance with a detailed scheme (to include the proposed opening method, ironmongery and surface finishes and if appropriate samples) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

8) a) Development shall not commence until full details (to include materials, architectural detailing finishes and cross sections) of the proposed level changes and external accesses to the rotunda have been submitted to and approved in writing by the Local Planning Authority

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9) a) Development shall not commence until details of all works to the roof of the main prison building (including any repairs and full detail of new and replacement rooflights) have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10) a) Development shall not commence until full details (to include all external materials, windows, doors, mortar, bonding pattern, method of pointing, finishes, features and detailing) of all works to B Wing including all making good following part demolition and new build elements have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11) a) Development shall not commence until full details (to include all external materials, windows, window design and detailing, doors, mortar, bonding pattern, method of pointing, finishes and detailing) of all works to the gatehouse complex (including the former Governors and Chief Warders Houses) including all making good following part demolition and replacement doors and windows have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

12) a) Development shall not commence until full details (including method of demolition and details of making good) of all alterations to and new openings in the listed prison wall have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

13) No part of the main prison building shall be occupied until the retained railings, balustrades and staircases have been altered and finished in accordance with a detailed scheme (to include details of alterations to and method of fixing of new fabric to the railings and adjacent flooring) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

14) No part of the main prison building shall be occupied until all new external doors have been altered and finished in accordance with a detailed scheme (to include materials, ironmongery and surface finishes) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

15) No part of the main prison building shall be occupied until all internal doors and doorways have been altered and finished in accordance with a detailed scheme (to include new doors, making good and surface finishes) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

16) a) No part of the main prison building shall be occupied until all alterations to the existing fabric of that wing of the building have been completed and finished in accordance with a detailed scheme (to include method of removal, and subsequent making good and finished appearance) that shall have been submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

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

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

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

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

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

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

**The reasons for the conditions are:**

1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

**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.



Interim Assistant Director of City Development  
12<sup>th</sup> February 2019