



---

# NOTICE OF MEETING

---

## PLANNING COMMITTEE

**WEDNESDAY, 12 JANUARY 2022 AT 10.30 AM**

## COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services - Tel: 023 9284 1704  
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.

### Information with regard to public access due to Covid precautions

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting. Around one in three people who are infected with COVID-19 have no symptoms so could be spreading the virus without knowing it. Asymptomatic testing – getting tested when you don't have symptoms - helps protect people most at risk by helping to drive down transmission rates. We strongly encourage you to take up the habit of regular asymptomatic testing to help prevent the spread of coronavirus to your colleagues and residents you work with.
- We strongly recommend that attendees should be double vaccinated, and if eligible, have received a booster.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by UK Health Security Agency.
- All attendees are required to wear a face covering while moving around within the Guildhall and are recommended to continue wearing a face covering in the Council Chamber except when speaking.
- Although not a requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link

## **Planning Committee Members:**

Councillors Lee Hunt (Chair), Chris Attwell (Vice-Chair), Matthew Atkins, George Fielding, Robert New, Terry Norton, John Smith, Judith Smyth, Lynne Stagg and Gerald Vernon-Jackson CBE

## **Standing Deputies**

Councillors Dave Ashmore, Kimberly Barrett, Cal Corkery, Kirsty Mellor, Scott Payter-Harris, Darren Sanders, Luke Stubbs, Linda Symes, Daniel Wemyss and Rob Wood

---

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

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

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

## **AGENDA**

### **Meeting Information: Risk Assessment for Council Chamber**

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meeting held on 8 December 2021 (Pages 5 - 16)**
- 4 Updates on previous planning applications**
- 5 20/00204/FUL - St James Hospital, Locksway Road, Southsea, PO4 8LD (Pages 17 - 134)**

Redevelopment of former St James' Hospital comprising the conversion of listed buildings and listed chapel to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, construction of new 2 and 3 storey housing to provide 58 dwellings, retention of cricket pitch, club house and changing rooms, provision of car parking, associated landscaping and other works (phased development) (amended scheme).

**6      20/00205/LBC - St James Hospital, Locksway Road, Southsea, PO4 8LD**

Conversion of main hospital, mortuary building and the chapel, including external alterations - demolition of boiler house, storage wings, service room and 20th century buildings, window and door alterations, recessed and projecting dormers, new stairs; internal alterations to include alterations to walls, doorways and staircases. Construction of new housing; provision of parking and landscaping (amended scheme).

**7      21/01161/FUL - Flathouse Quay, Portsmouth, PO1 3NS**

Installation of low-level aggregate handling plant.

**8      21/00908/HOU - 37 Worsley Street, Southsea, PO4 9PR**

Construction of first floor rear extension above existing ground floor rear projection.

**9      20/00882/FUL - 247 Queens Road, Portsmouth**

Change of use from C3 to C3/C4.

**10     20/00813/FUL - 98 Beresford Road, Portsmouth**

Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house).

**11     19/01323/FUL - Plot E Lakeside Business Park, Western Road, Portsmouth, PO6 3PQ**

Construction of a two-storey building and ancillary single storey buildings for car dealership use comprising showroom, workshops, valet facilities and mot testing, with provision of car parking, associated infrastructure and landscaping (amended description and amended plans received).

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the council's website.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the council's website.

The webcast can be viewed here: <https://livestream.com/accounts/14063785>

This page is intentionally left blank

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 December 2021 at 10.30 am in the Council Chamber - The Guildhall

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

### Present

Councillors Chris Attwell (Vice-Chair)  
George Fielding  
Robert New  
John Smith  
Judith Smyth  
Lynne Stagg

Also in attendance

Councillor Cal Corkery

### Welcome

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

### Guildhall, Fire Procedure

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

### 116. Apologies (AI 1)

Apologies had been received from Councillor Lee Hunt, Councillor Gerald Vernon-Jackson, Councillor Terry Norton and Councillor Matthew Atkins.

Councillor Chris Attwell as Vice Chair chaired the meeting.

### 117. Declaration of Members' Interests (AI 2)

Councillor Chris Attwell declared a personal interest in planning application 1, Victoria Park Building, University of Portsmouth, as a friend of Victoria Park.

### 118. Minutes of the previous meeting held on 10 November 2021 (AI 3)

**RESOLVED** that the minutes of the Planning Committee held on 10 November 2021 be agreed as a correct record.

### 119. Update on previous planning applications (AI 4)

The Assistant Director of Planning & Economic Growth reported that there had been five new decisions received on appeals by the Planning Inspectorate; three were

allowed, one was dismissed, and one enforcement appeal was upheld with variation. All appeal decisions would be circulated to members in the usual way.

Two of these decisions were relevant to the meeting today as they related to change of use of HMOs: 73 Ophir Road and 5 Vernon Road. In both cases appeals against refusals were allowed by the Planning Inspectorate as the schemes accorded with the Council's 10% rule for mixed and balanced communities and also the Council's space standards detailed in the SPD and guidance.

## **120. 21/01129/FUL - Victoria Park Building, University of Portsmouth (AI 5)**

Construction of a new twelve-storey teaching and learning building (use Class F1(a) education) and associated landscape and access works.

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

### *Two further objections received since publication of the Committee report*

*Wildlife: National and local concern about wildlife and how to improve our environment for them for instance creating wildlife corridors and wildlife sanctuaries. Bees and other pollinators like to forage in sunnier areas and this building will cast shadows. The construction of a tall building so close to the park will be detrimental and work against the aims of creating wildlife havens. Also concern about the effect of shadow on the trees and the other plants in the park.*

*Enclosure: Another concern is the 'walling in effect', impact on people in the park, which is already surrounded by built form which replaced mature trees. Open space feels much nicer than being surrounded with another tall building. Adverse impact upon park heritage and character, with no public benefit.*

### *Officer response*

*These matters are already addressed in the Officer Report.*

### *Southern Water*

*SW now confirm the drainage proposals are acceptable.*

### *Conditions*

*As is common for a large and complex application, the full details of all conditions are being refined with the Applicant. Just for complete information for the Committee, some ten or so conditions will be amended from the Conditions published, using the flexibility the 2<sup>nd</sup> Resolution confers. The forthcoming amendments are essentially matters of detail rather than any significant changes*

*Recommendation unchanged.*

Councillor Cal Corkery made a deputation as ward councillor. Mr Mark Harris (agent) made a deputation.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

### Members' Questions

In response to questions, the following points were clarified:

- There is good practice guidance for shading for open spaces which helps understand how people use open spaces. The standards laid out by the Building Research Establishment (BRE) which is quoted in paragraph 5.21 of the committee report, is at least 50% of the open space receiving at least two hours of sunlight. The assessment identified that with the proposed development this would be 99.47% which is above the BRE compliance level. The images on page 37 of the committee report show the additional shading that this building would create. It is a matter of judgement for members whether this was substantive harm, but the application easily meets the BRE compliance level. Shading will be a negative impact of this development however the Assistant Director suggested that it is almost the only negative impact of the building weighed against the reactivation of that vacant site, the opening up of the southern access and the significant economic benefits to the city.
- The Assistant Director of Planning & Economic Growth was not aware of shadowing of a public space in Portsmouth as a single reason of refusal due to a breach of BRE guidance.
- The proposed building is not carbon neutral but is outstanding when it comes to sustainable design. It has incorporated several low and zero carbon technologies and aims to meet the BREEAM outstanding standard which is the highest standard. Carbon neutral is a very difficult standard to meet.
- There is no specific policy that lists the number of tall buildings on the perimeter of the park and every application must be assessed on its own merits. The majority of the southern boundary will be this site and the railway line. There are a number of tall buildings already consented to the eastern side of the park. Therefore the majority of the boundary, by the fact of circumstance, cannot have tall buildings built around them.
- Consent had been given for a 33-storey building on the site. A 12-storey building is considerably smaller than what has already been consented which should be material in the considerations today.

### Members' Comments

- Members felt this was an exceptional building in an iconic location however acknowledged the concerns of the ward councillor and residents. If this application is approved, it will save this area from a more overbearing development. The city has declared a climate emergency and it was felt that the committee should be applauding the university for bringing forward an iconic high-quality design.
- Victoria Park is a gem in the city and one of very few parks in this part of the city. This application is a great opportunity for this piece of land to be developed and it was hoped that if approved this would be developed quickly to improve the area.
- Members did raise concerns about the shadowing that the building would cause to Victoria Park. This would have implications on the use of Victoria Park and have limitations on the planting.
- Members also liked the public realm gains and the fact that the ground floor is open to both public and students. Members felt on balance this application should be approved.

**RESOLVED**

1. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to the conditions listed in the report;
2. That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**121. 20/00620/FUL - 44-46 Palmerston Road, Southsea, PO5 3QG (former Debenhams Southsea) (AI 6)**

Mixed use redevelopment of former Debenhams department store to comprise circa 2,260sqm ground floor commercial space (use Class E) and change of 3 use and 2 storey extension of upper floors to comprise 98no. Studios, 1, 2 and 3 bed apartments; demolition of rear storage units and construction of 36no. New apartments with associated landscaping, access and parking (amended plans and description received).

The Assistant Director of Planning and Economic Growth introduced the report and advised that this report had been brought back to members as requested as an information update following planning permission being granted on 26 January 2021.

There were no deputations for this item.

Members' Questions

There were no questions.

Members' Comments

Councillors Stagg and Smyth expressed their dismay that this development has no affordable housing. One of the reasons for this is due to the recent change in legislation of the vacant building credit policy guidance of the NPPG. Members were saddened that people are living in unsuitable accommodation and there will not be the opportunity for affordable housing in St Jude ward.

**RESOLVED that the report be noted.**

**122. 21/01162/VOC - 15 Shadwell Road, Portsmouth, PO2 9EH (AI 7)**

Application to remove Condition 4 of 20/01540/FUL to allow occupancy for more than 4 residents and users.

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

*The application for Class C3/C4 use was considered at the Planning Committee meeting of 21<sup>st</sup> July 2021. To assist Members, the Minutes of that meeting are attached at Appendix A.*



*Three additional objections have been received since publication of the Officer Report, from addresses that have already commented on this application - no new issues are raised.*

*A written Deputation has also been received, from an Objector who had previously submitted comments which are already set out and considered in the Published Officer Report. The repeat/further objections are attached at Appendix B.*

*A joint written deputation for 15 Shadwell Road and 23 Oriel Road has been received from Cllr Wemyss and is attached in Appendix C*

The Assistant Director of Planning & Economic Growth advised that a written deputation had been received from Mr Elvis Carvalho objecting to the application. This was too long to read out within the permitted 6 minutes however this had been circulated to the committee.

A written deputation was read out by Councillor Daniel Wemyss as ward councillor.

Mr Henry Thorpe made a deputation objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

#### Members' Questions

In response to questions, the following points were clarified:

- The Committee are obliged to consider the applications before them on its individual merits. There is a specific mechanism in place to review whether conditions imposed are necessary when an applicant wishes to re-evaluate those. If the committee consider this inappropriate this is not a material planning consideration, and it would not be lawful.
- The planning solicitor clarified that Class C4 allows for up to six people, therefore it would be unreasonable to have a condition limiting it to four people. However if the communal space is lower than that required for six, it would be reasonable to add this as a condition.
- There is no requirement to have en suite bathrooms. All the room sizes do meet the guidance which is why the application is recommended for approval.
- The appeal decisions mentioned earlier in the meeting have not specifically informed this application. It is for the decision maker to judge whether on the individual merits there is anything abnormal to depart from the guidance.
- Private Sector Housing guidance 2018 provides information and states that a 6-7 occupancy dwelling should have two shower/bathrooms and two toilets.
- The Private Sector Housing licensing regime on HMOs is separate to the planning HMO regime. Licensing is more concerned with how homes are managed. Both have the same goal but in terms of minimum room sizes they both say the same thing.

#### Members' Comments

- Members had previously felt that when this application came before to committee that it was a poor standard. It was felt if this was approved this sets a bad precedent. Members commented that this application is not appropriate for this

road. Members added that they would want to see good quality HMOs and many good applications have come forward which have been approved.

- It was felt that the living space was not adequate.

**RESOLVED to refuse planning permission for the following reason:**

**The communal spaces are considered to be inadequate for more than 4 people due to the size and configuration of the dining/living area and the kitchen and is therefore considered to be contrary to policy PCS19 of the Portsmouth Plan (2012) and associated guidance.**

### **123. 21/01087/FUL - 23 Oriel Road, Portsmouth, PO2 9EG (AI 8)**

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report and explained that there was a typo in paragraph 5.20 of the report- this should read 'It is therefore considered that an objection on car parking requirement can **not** be sustained on refusal'. The Highways Authority are satisfied that the parking provision does comply with the standards set out in the Council's SPD sufficient to warrant the recommendation for the grant of planning permission.

Attention was drawn to the Supplementary Matters report which reported that:

#### Further objections

*It has come to the officer's attention that the published Committee Report missed off 8 objections received. These comments raise similar issues to those already detailed within the published report, and bring the total number of objections to 29, from 27 addresses.*

*The published Committee Report also omitted two petitions of objection from local residents. One has 160 signatures from 132 properties primarily in Oriel Road, Shadwell Road, Wadham Road and Ophir Road. The other has 122 signatures from the residents of Oriel Road. They raise the following issues:*

- a) should place a hold on HMO's in this style of property and conduct a review of the policy due to the over development of existing family housing stock into cramped, low quality and poorly managed HMO's causing a negative impact on the community;*
- b) shortage of family homes - existing family homes should be retained;*
- c) the community is concerned about the shift in both the placement and scale of these developments; concern that developers are using policies originally intended for residents to make minor alternations to their homes to over develop them into residential business; using the HMO SPD as a design standard to produce the smallest possible spaces creating social issues;*
- d) do not give up resident democratic rights to have these applications reviewed by elected councillors;*
- e) the infrastructure, parking availability and services cannot support more occupiers;*
- f) Impact of physical and mental wellbeing; and*

g) Safety concerns.

*On paragraph 5.20 there is a typo, which reads "It is therefore considered that an objection on car parking requirement can be sustained on refusal." It should read 'It is therefore considered that an objection on car parking requirement could not be sustained at appeal'*

Officer response

*The request to pause the determination of HMO applications on this style of property until a requested review of the existing policy is noted. However, on the basis the Local Planning Authority (LPA) has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies, which will be undertaken in consultation with Members and the public.*

*The proposal is considered to comply with existing guidance on the standard of accommodation, and with respect to community balance, as the published Officer report sets out.*

*Parking is already summarised within the report and the shortfall of 0.5 car parking spaces, is not considered to be sufficient to refuse the application.*

*The change of use of this property in and of itself, is not considered to result in any significant impact upon the local infrastructure or services. Further the use of the property as a HMO is unlikely to result in any increase crime or anti-social behaviour or safety concerns.*

*As summarised within the report, the application is not considered to result in any significant impact on the amenity of surrounding neighbouring occupiers.*

*A joint written deputation for 15 Shadwell Road and 23 Oriel Road had been received from Cllr Wemyss and is attached in Appendix C. This was also read out to the committee during the previous application.*

*A written Deputation has also been received, from an objector who had previously submitted comments which are already set out and considered in the Published Officer Report. The repeat/further objections are attached at Appendix D.*

The Assistant Director of Planning & Economic Growth advised that a written deputation had been received from Mr Elvis Carvalho objecting to the application. This was too long to read out within the permitted 6 minutes however this had been circulated to the committee.

Mr Henry Thorpe, Ms Lisa Hussey and Mr Richard Ferrans made deputations objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at

### Members' Questions

In response to questions, the following points were clarified:

- Condition 3, detailed in the report, states that the works must be carried out prior to first occupation of the property as a HMO, namely the construction of the rear dormer and rear extension. The floorspace in the drawings is required before it becomes a C4 HMO. If the applicant decides to remain as a C3 HMO however they are not required to undertake these works.

### Members' Comments

There were no comments.

**RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters list.**

## **124. 21/01098/FUL - 210 Chichester Road, Portsmouth, PO2 0AX (AI 9)**

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report and drew attention to the Supplementary Matters which reported that:

### Additional objection

*An additional objection has been received from a local resident, on the grounds of the proposal being an over-development due to a number of sub-divided properties within the area, and stating that the proposal has changed recently and without consultation.*

### Officer response

*It is understood that the reference to sub-divided properties within the area relates to houses sub-divided into flats. These are not considered in the HMO count and policy assessment and are not a consideration towards the mix and balance of the community in regards to HMO uses.*

*The plans were updated to show a rear dormer to be constructed under Permitted Development, and changes to the roof of the rear conservatory. As stated within the report these matters are not for consideration as they fall under Permitted Development works. It is therefore considered that the proposal has not fundamentally changed since original advertisement.*

*A written deputation from the owner has been received and is attached as Appendix E.*

*Councillor Swann has also submitted a written Deputation, to supplement his objections previously made and which are already set out and considered in the Published Officer Report. The written Deputation is attached at Appendix F.*

*The recommendation remains unchanged.*

Mr Henry Thorpe made a deputation objecting to the proposals.

Written deputations were then read out by the Assistant Director of Planning & Economic Growth from Councillor Benedict Swann, ward councillor and the owner of 210 Chichester Road, Vandenberghe.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

### Members' Questions

In response to questions, the following points were clarified:

- The Council's mixed and balanced communities' guidance is that 10% of properties within a 50m radius being a HMO as a maximum. This scheme is well below that. While the change of use of a residential dwelling to another use does result in an alteration, the overall impact on the character of the area needs to be considered. The policy identifies that the authority is satisfied that the application would not cause an imbalanced community if that percentage was less than 10%. The committee are obliged to consider applications under current policy. The development plan should be used to give significant weight to see whether this application would change the character of the area.
- The HMO licensing register is maintained by the Private Sector Housing Team and the planning register by the Planning team and these registers are shared and published jointly to cover the separate regimes. This is a significant piece of work for the Council. When planning applications come in it provides the opportunity to interrogate the register. When the planning officer does their site visits this often identifies other HMOs in the area and these are added to the register. There is no legal obligation to tell the Council if a property is a HMO if it is not required to be a licensed HMO. The Assistant Director was confident that the Council has the best information as possible at present however this work is ongoing as officers are aware that there are HMOs that the Council are not aware of. Officers are confident in the assessment of this application and the other HMOs on the agenda today as this has been interrogated and been accompanied by site inspections. As a neighbour it is very hard to identify what is a HMO as 6 unrelated individuals could live together and not be a HMO.
- The Planning Enforcement team will investigate that all conditions have been complied and if anyone has an issue, they can contact the team to follow up accordingly. The Private Sector Housing Team will undertake a detailed inspection and consider the internal plans.
- The Private Sector Housing Team advises that utility rooms can be included as part of the combined living space if there is unrestricted access.
- Officers are satisfied that the amount of living space available does meet the guidance and thresholds laid out in the SPD and associated housing guidance.

### Members' Comments

It was felt that the SPD on HMOs needed to be reviewed urgently. The Assistant Director of Planning & Economic Growth advised the Council sets its own policies on this and the SPD on HMOs was reviewed in the last few years. The Committee could request the 10% threshold within a 50m radius could be reviewed and if

appropriate a different threshold could be implemented.

**RESOLVED to grant conditional planning permission as set out in the officer's committee report and supplementary matters list.**

Councillor New left the meeting after this application.

#### **125. 21/01386/FUL - 19 Paddington Road, Portsmouth, PO2 0DU (AI 10)**

Application for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

The Assistant Director Planning & Economic Growth introduced the report.

Mr Henry Thorpe made a deputation objecting to the proposals.

Deputations are not minuted but can be viewed on the council's website at <https://livestream.com/accounts/14063785/planning-08dec2021>

#### Members' Questions

- Flats and houses are held to a national space standard compared to HMOs which are locally required space standards, and are held to a higher standard than the average HMO.
- Officers had been concerned about the layout and this had been amended as indicated on the plans. Officers were satisfied that this proposal was highly comparable with schemes that the Planning Inspectorate have found to be acceptable.
- The use class for C4 allows for up to 6 people, if more people were added a judgement would need to be made as to whether there is a materiality to that change.
- There is no rear access to the property. The corridor going through the kitchen is 1.1m wide and is capable of taking a bicycle through.
- The SPD on bicycle storage does not go into more detail about layouts and accesses. Members felt that this needed revisiting.
- The requirement is that bicycle storage should be secure and weatherproof. There is already a condition on the proposal for bicycle storage, if the applicant wished to propose an alternative secure storage at the front of the property this could be considered, however this would be quite visually intrusive so this would need to be balanced against the convenience of the residents and the character of the area.
- An informative could be added for the applicants to explore installing bike hangars at the front of the property. If it were to be in the public realm, they would need to guarantee that the applicant could take that space. The amount of public realm space and parking is a concern to local residents. A balance between the character of the area and the impact on public realm against the convenience of the residents. Officers recommended that a bicycle store in the rear garden is the appropriate balance to that requirement.

- The condition proposed in the papers regarding bicycle storage is reasonable as to what the developer can provide. To require the developer to ask the occupants to pay for cycle storage outside the property would not be a reasonable condition.

Members' Comments

Concerns were raised about the layout of the combined living space and it was felt that it was inadequate for 6 people. Officers said that internal layout had been amended slightly and officers were satisfied with the revised layout. Concerns were also raised about getting bicycles through the house as there is no rear access to the property. It was proposed that this application be deferred whilst the bicycle storage be explored and to suggest that the applicant could apply for and fund a bike store in the vicinity.

**RESOLVED to defer this application whilst the bicycle access is properly explored and suggest to the applicant that they could apply for and fund a Portsmouth City Council bike store in the near vicinity.**

The meeting concluded at 1.38 pm.

---

Signed by the Chair of the meeting

This page is intentionally left blank



# Agenda Item 5

## **PLANNING COMMITTEE 12 JANUARY 2022**

**10:30 AM COUNCIL CHAMBER,  
GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

#### **APPLICATION DATES**

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

#### **HUMAN RIGHTS ACT**

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

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

## **INDEX**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	20/00204/FUL	St. James Hospital	PAGE 3
02	20/00205/LBC	St. James Hospital	PAGE 63
03	21/01161/FUL	Flathouse Quay	PAGE 74
04	21/00908/HOU	37 Worsley Street	PAGE 87
05	20/00882/FUL	247 Queens Road	PAGE 91
06	20/00813/FUL	98 Beresford Road	PAGE 97
07	19/01323/FUL	Plot E, Lakeside Business Park	PAGE 104

**01**

20/00204/FUL

WARD: MILTON

**ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA PO4 8LD**

**REDEVELOPMENT OF FORMER ST JAMES' HOSPITAL COMPRISING THE CONVERSION OF LISTED BUILDINGS AND LISTED CHAPEL TO PROVIDE 151 DWELLINGS AND ASSOCIATED WORKS INCLUDING DEMOLITION OF EXTENSIONS AND ANCILLARY BUILDINGS, CONSTRUCTION OF NEW 2 AND 3 STOREY HOUSING TO PROVIDE 58 DWELLINGS, RETENTION OF CRICKET PITCH, CLUB HOUSE AND CHANGING ROOMS, PROVISION OF CAR PARKING, ASSOCIATED LANDSCAPING AND OTHER WORKS (PHASED DEVELOPMENT) (AMENDED SCHEME)**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5N8TLMO0N200>

**Application Submitted By:**

Barton Wilmore - Ms. Jennifer Samuelson

**On behalf of:**

Mr. Richard Wilshaw - PJ Livesey Holdings Ltd

**RDD:** 26th February 2020

**LDD:** 27th May 2020

## SUMMARY OF MAIN ISSUES

This application is being presented to Planning Committee as it is Major development involving the development of ten or more dwellings.

The main considerations are:

- whether the proposals would contribute to the achievement of sustainable development in accordance with national and local planning policy
- the principle of residential development
- design (layout, scale and access);
- impact on heritage assets;
- traffic/transportation implications;
- biodiversity;
- loss of trees;
- flood risk/drainage;
- sustainable design and construction;
- site contamination; and
- residential amenities.

The report has regard to amended plans, which were published on 8 December 2021 and as outlined in more detail below.

### 1.0 SITE AND SURROUNDINGS

#### Site location

- 1.1 The application site is located in Milton Ward, on the eastern side of Portsmouth close to Chichester and Langstone Harbour. Primarily a residential area, the site is bound by residential dwellings to the north and west and to the south across Locksway Road. To the east of the site is the wider St James' Hospital site and the Langstone Campus of the University of Portsmouth.
- 1.2 The southern boundary of the application site adjoins the Forest Lodge development site fronting Locksway Road with St. James Park. The site also adjoins the proposed outline residential development site to the southeast (Ref: 18/00288/OUT) by Homes England and referred to as Phase 1.

#### St James Hospital campus

- 1.3 St James Hospital was until recently still in use as a hospital with occupation decreasing from 2014 onwards until it was vacated by the Solent NHS Trust. The closure of the hospital is part of a wider strategy by the NHS to release surplus public sector land for development. This includes the St James' Hospital buildings but not the NHS Solent Trust operated buildings at Oakdean, The Orchards and Lime, which remain operational.

## Application site

- 1.4 The application site comprises the Grade II Listed St James Hospital, a purpose built Victorian Asylum and surrounding gardens and incidental land, outbuildings and access roads. This substantial building was constructed in 1870, with later 20<sup>th</sup> century additions around the periphery. The hospital was declared surplus to requirements in 2019 and remains largely vacant. The building is set in extensive grounds with a perimeter road (Woodlands Walk, Chapel Way, Langstone Way) that largely defines the immediate main hospital grounds, with intervening access ways providing vehicular links to the main hospital wings on the west and east side of the main building. The intervening spaces between the hospital wings form open spaces, referred to as the 'airing courts' for recreation.



Figure 1.1 - Application site plan

- 1.5 The application red line site area (9.54 ha) extends beyond the main hospital and includes the Portsmouth and Southsea Cricket Club cricket pitch and internal roads. The hospital is currently accessed from Locksway Road via The Driveway, a single carriageway route running north / south to the main hospital entrance at Turner Wing. Solent Drive provides an additional north-south access, to the west of the cricket club. Rear access is also provided from Longfield Road in the north which serves Langstone Way and the western end of Nelson Drive.
- 1.6 The Grade II Listed St James' Hospital Chapel is located at the southeastern corner of the application site, at the junction of Chapel Way and Woodlands Walk. This

remains a standalone vacant church. The single storey mortuary building (known as the Shaw's Trust Mortuary) is located to the northwest on Langstone Way.

- 1.7 The hospital and grounds are set within a strong verdant landscape. The grounds have extensive mature trees protected by a blanket Tree Preservation Order (TPO177). Part of the southern area of the application site, at the junction of The Driveway and Woodlands Walk, comprises designated open space in the adopted Portsmouth Local Plan 2012.

## **2.0 THE PROPOSAL**

- 2.1 A full planning application was registered on the 26<sup>th</sup> February 2020 seeking planning permission for residential redevelopment of the site as described above for 230 (comprising 146 converted flats in the main hospital building and 84 new build houses and flats) and landscaping, including parking areas and pedestrian footways.

- 2.2 A listed building consent application under reference 20/00205/LBC has also been submitted for the partial demolition of buildings within the site and external alterations focused on the main hospital building, the listed chapel and mortuary buildings. This is covered by an accompanying report on this agenda.

- 2.3 The application was substantially amended in December 2020 with a reduction in the total number of residential units to that now under consideration, 209 dwellings (151 converted in the main hospital building and 58 new houses in the grounds). The design amendments included the following;

- Removal of new built development from the south east and south west, with improved access to the former airing courts.
- Retention of the kitchen at the rear of the main hospital building, resulting in additional converted apartments.
- Conversion of the Chapel to residential use, in the absence of an identified community occupier.
- Revisions to the design of the new build houses, to take a more modernist/contemporary design approach.
- Proposed development of three houses to the north of the existing children's play area,
- Increasing the amount of open space offered to St James Park/Children's play area.

- 2.4 The application proposal has been the subject of ongoing dialogue with internal and external consultees, in particular the Local Highway Authority, and Historic England, primarily to resolve design, heritage and transport impact issues. The consultation responses on technical matters are summarised in Section 7 of this report.

- 2.5 In response ongoing dialogue a number of further minor design modifications have been made and clarifications provided by the developer, including;

- Reconfiguration of gardens to the front of the Beaton and Goddard wings to create a low hedgerow and communal garden space for the conversion homes, and

removal of gardens from the front of the Turner building to preserve the appearance of the primary frontage of the listed hospital building.

- Submission of a new plan which identifies the 9,127sqm of public open space (excluding the cricket pitch) that will be secured in perpetuity for use by the public through a Section 106 obligation.
- Widening of the foot and cycle path through the proposed open space to the east of the St James Hospital building to provide a multi-user north–south route across the site.
- Amendments to the parking arrangements to include more landscaping within parking courts.
- Updated Energy Statement to confirm that all new build dwellings would include solar panels on their roofs, and as a result the development will deliver a 33.89% reduction in carbon emissions against Part L of the Building Regulations,
- Updated Phasing Plan

2.6 This report considers the amended scheme and supporting material, together with representations and comments received on the amended scheme only following formal re-consultations carried out from 18<sup>th</sup> December 2020 and 8th December 2021. Reference to information on the initial scheme is made where relevant. Further representations and comments on the most recent design amendments will be reported in an addendum to this report which will be circulated at the Planning Committee meeting.

2.7 The accommodation schedule/dwelling mix for the scheme of 209 units is set out below:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Conversion	21	96	29	5		151
New Build Homes		6	40	7	5	58
Total	21	102	69	12	5	209
Total Provision %	10%	49%	33%	6%	2%	

Table 1 - Proposed dwelling mix

2.8 Final drawing numbers for approval are set out in recommended Condition 2.

### 3.0 PRE-APPLICATION ENGAGEMENT

#### Community engagement

- 3.1 The application is supported by a *Statement of Community Involvement* setting out the issues and responses. The following summarises the engagement undertaken by the applicants:
- Presentation to Local Members, Milton Neighbourhood Forum and the Portsmouth and Southsea Cricket Club in 2019
  - Public Consultation Exhibitions - 17th July 2019 and 11<sup>th</sup> November 2019
  - Member Presentation and Q&A session on the amended scheme on 12<sup>th</sup> January 2021 and attended by 23 Councillors.

### **Engagement with Council Officers**

- 3.2 Prior to the submission of the application in February 2020, a formal pre-application submission was submitted to the Council on 21<sup>st</sup> February 2019 (Ref: 19/00302/PAPA05) and the LPA issued the pre-app advice on 17<sup>th</sup> May 2019 (updated 14<sup>th</sup> June 2019). Ongoing engagement with Council officers in meetings also took place on 16<sup>th</sup> May, 9<sup>th</sup> August, 18 September and 11 November 2019. Engagement with the LPA has been the subject of a Planning Performance Agreement dated 11<sup>th</sup> September 2020.

## **4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 A formal application for a EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to the Council on 31<sup>st</sup> May 2019 (Ref: 19/00003/EIASCOR). The Council issued the Screening Opinion on 14<sup>th</sup> January 2020 confirming the proposal is not EIA development and that an Environmental Statement is not required.

## **5.0 PLANNING HISTORY**

- 5.1 There is an extensive planning history for the site relating to smaller buildings and extensions but none that is directly relevant to the proposal. The applicant's Heritage Statement tracks the historical development of the site prior to the hospital development in 1870 through the 20<sup>th</sup> Century additions to the present day. The planning history also lists works to individual TPO trees within the site.
- 5.2 The development of the adjacent site to the south at Forest Lodge fronting onto Locksway Road for a 66 bedroom residential care home (Ref: 19/01322/FUL) was granted planning permission on 23<sup>rd</sup> October 2020, which is relevant to the site context.
- 5.3 The outline proposal by Homes England for 107 residential units on the adjacent site to the southeast, referenced above as Phase 1 (Ref: 18/000288/OUT) is also relevant to the development context. The scheme is undergoing further design amendments following the Council's decision on 30<sup>th</sup> March 2021 to treat the two 1920s villas adjacent to the application site (Fair Oak and Beeches) as curtilage listed buildings to St. James Hospital.

## **6 POLICY CONTEXT**

- 6.1 Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF, and any other identified material



considerations. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications.

6.2 Policies and guidance provided in the following have been taken into consideration in the assessment of the proposals, including;

- National Planning Policy Framework (2021)
- Portsmouth City Local Plan (2001-2011) (saved policies)
- Portsmouth Plan (2012)
- Consultation Draft Portsmouth Local Plan
- Draft Milton Neighbourhood plan
- Other policy guidance documents

#### **National Planning Policy Framework (2021)**

6.4 The NPPF sets out national planning guidance which is at the heart of achieving sustainable development. The presumption of the NPPF is in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11 c)).

6.5 However, the presumption in favour of development does not apply where the plan or project is likely to have a significant effect on a habitat site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitat site. (see below)

6.6 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development with three overarching objectives of achieving economic, social and environmental goals which are intertwined. The proposal should be assessed against development management policies in the NPPF.

#### **Portsmouth City Local Plan (2001-2011)**

6.7 There are 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), MT3 (Land at St James' Hospital) and MT4 (St. James Hospital Main Building); the former relates to Phase 1 as well as encompassing land within the application site, including the Chapel.

6.8 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 allocation area which it is understood will remain. Most of the land to the south within MT3 is the subject of a separate outline application by Homes England as referred above.

6.9 Policy MT4 states the retention and re-use of main hospital building will be permitted provided that:

- (i) they preserve the integrity and appearance of the listed main building and its setting; and
- (ii) the surrounding highway network can satisfactorily accommodate the additional traffic generation.

## **Portsmouth Plan (2012)**

6.10 The relevant policies within the Portsmouth Plan (2012) 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), PCS19 (Housing Mix/Affordable Housing), PCS21 (Housing Density) and PCS23 (Design and Conservation),

## **Draft Portsmouth Local Plan 2038**

6.11 The emerging Portsmouth Local Plan was published as a consultation draft in 2019 and a second Regulation 18 consultation has recently completed on 31<sup>st</sup> October 2021. The new plan is at an early stage in its preparation and so little weight should be given to the policies therein at this time. The key site specific policy from the emerging plan is Policy S5: St James' and Langstone Campus.

## **Milton Neighbourhood Plan**

6.9 Milton Neighbourhood Planning Forum - formally designated in June 2015 - is bringing forward a Neighbourhood Plan for the whole of the Milton Ward, including the application site. The emerging Milton Neighbourhood Plan v24 (May 2019) has been consulted upon and is currently under review. The plan has yet to be finalised for the purposes of formal referendum, though examination of the Plan is intended to occur in early 2022, and consequently the Milton Neighbourhood Plan carries little weight at this time.

## **Other policy guidance documents**

6.10 Other relevant policy guidance apply:

- Parking Standards and Transport Assessments SPD (July 2014)
- Sustainable Design & Construction SPD (January 2013)
- 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)
- Solent Waders and Brent Goose Strategy (2010)
- Interim Nutrient Neutral Mitigation Strategy (November 2019)
- Low traffic neighbourhood design (LTN) ([An introductory guide to low traffic neighbourhood design - Sustrans.org.uk](#))

## **7 CONSULTATIONS** (Relate to the July amended scheme unless otherwise indicated)

7.1 The following organisations / departments have been consulted on the proposals and

their comments summarised below. The full consultation responses are available on public access.

- Historic England (HE)
- PCC Conservation Officer
- Natural England
- Hampshire Ecology
- Highways Engineer (Local Highway Authority - LHA)
- SUSTRANS
- Environmental Health (EHO)
- Contaminated Land Team
- Tree Officer
- Landscape Architect
- Education
- Public Health
- Waste Management Service
- RSPB
- Hants & IOW Wildlife Trust
- Eastern Solent Coastal Partnership
- Environment Agency
- Hampshire County Archaeologist
- Hampshire Constabulary (Crime Prevention Design Advisor - CPDA)
- Head of Community Housing
- Sport England
- Southern Gas Network
- Southern Electric
- Southern Water
- Portsmouth Water
- PCC Drainage Team
- Hampshire Fire & Rescue Service
- Design South East - Design Review Panel

### **Historic England (HE)**

- 7.2 Historic England has been closely involved in this project since pre-application discussions and has provided written advice on the 24/03/20, 19/10/20, 05/02/21, 30/07/21 and 12/08/21. HE acknowledges the positive direction of travel the proposals have taken since first submission and welcome the changes in design approach resulting in a much-reduced level of harm, and whilst it is of the view that some harm remains, particularly with regards to the proposed landscape strategy which subdivides the space immediately surrounding the hospital, [Officer note, further landscaping changes to address the concerns regarding subdivision in proximity to the hospital have been submitted and consulted upon in December 2021, any additional comments by HE will be reported orally at the meeting]. HE is of the view that this harm must be weighed against the considerable heritage benefits associated with the scheme, which would enable a sustainable new use for this 19<sup>th</sup> century former asylum.
- 7.3 HE therefore does not wish to raise objections to the granting of Listed Building Consent and Planning Permission subject to conditions to conditions which require the submission, approval and implementation of;
- a) Methodology for repair of Recreation Hall
  - b) Window and door strategy
  - c) Demolition and repair works strategy

- d) Historic fixtures and fittings strategy
- e) Detailed design of conversion works to the listed Chapel building and Mortuary
- f) Materials
- g) Repair and reinstatement of airing courts
- h) Landscaping and management
- i) Detailed design of bins and bicycle storage
- j) Recording of historic fabric during construction

7.4 Issues raised by HE are dealt with in more detail in the accompanying listed building consent application report (See 20/00205/LBC).

#### **PCC Conservation Officer**

7.5 The PCC Conservation Officer who has been closely involved in this project since pre-application discussions and has provided written advice on the 24/03/20, 19/10/20, 05/02/21 and 12/08/21, has confirmed that the latest scheme has reached a point where it is considered capable of conservation support, and that planning permission and listed building consent (LBC) can be granted subject to conditions which require the submission, approval and implementation of;

- a) Demolition and 'making good' of remaining fabric
- b) Roof - Rooflights
- c) New window/door openings + Alterations to existing openings
- d) Doors
- e) Retention of existing windows and design/materials for new windows

7.6 Issues raised by PCC Conservation Officer are dealt with in more detail in the accompanying listed building consent application report (See 20/00205/LBC).

#### **Hampshire County Archaeologist**

7.7 The County Archeologist commented on the original and amended proposals on 26/02/20 and 04/01/21 and has confirmed that the area of St. James's Hospital is one of good archaeological potential and that the site would have been a suitable location for pre-modern settlement, being located on a natural promontory with close access to the wetland intertidal resources of Langstone Harbour and the coast. Mesolithic and early Neolithic flint has been recovered just beyond the site, whilst a Bronze Age Hoard was found by chance immediately to the east, probably during the construction in the late 19th century. Prior to the construction of the hospital the site remained open farmland, which may have been cultivated or used for pasture. As such, historic landscape management features may survive on the site, i.e., boundary and drainage ditches, and possibly evidence of small scale extraction.

7.8 It is clear that a substantial percentage of the site has been heavily impacted by the construction of the original St James's hospital building and its numerous later ancillary buildings, and that this early and later modern development will have removed, or at very

best, severely truncated any archaeological features and/or deposits that may have once existed here. The County Archeologist is of the view that the footprints of any standing buildings within the proposed development area can be scoped out of any archaeological response. Archaeological remains are therefore more likely to be found in those areas which have seen the least modern disturbance, which includes the open spaces and wooded areas around the hospital.

7.9 The County Archeologist has not raised any objections to the proposals but advises that the assessment, recording and reporting of any archaeological deposits affected by construction should be secured through the following conditions;

- Archaeological scheme of investigation
- Programme of archaeological mitigation works
- Archaeological fieldwork report

#### **Design South East - Design Review Panel**

7.10 The panel considered the proposal in a half-day session on 22 October 2020 and published their findings on 3<sup>rd</sup> November. The Design Review Panel was generally supportive of the design approach taken by the applicant which is "*generally well-considered and appropriate to the setting of this Grade II listed hospital building (and that) this heritage asset will benefit from the stripping back of the eclectic surrounding buildings to reveal the symmetry and clarity of the original building in its landscape setting*". The key recommendations of the panel are;

- a) Develop a stronger design narrative that celebrates the opportunity that living in this historic and verdant setting will offer to its residents. Showcasing the character of the building in its landscape setting should be the priority for a management plan that will maintain its integrity in the longer term.
- b) Demonstrate how this development fits the wider context beyond the boundary of the site, including the proposed development of the NHS/Homes England site to the east, showing how access, connections and permeability avoid the creation of an exclusive estate.
- c) Retain as far as possible the shared nature of the existing landscape that is being eroded in the proposals by the provision of extensive private gardens and allocated parking.
- d) Look for opportunities to minimise vehicular movements and parking which could detract from the quality of the environment and the setting of the listed building.
- e) Give further thought to the material palette and ensure the use of high-quality materials and contemporary architectural expression that take their cue from the architecture of the listed building.
- f) Develop a sustainability strategy that exploits every opportunity to minimise the carbon footprint of this development and that promotes the most sustainable lifestyles.

#### **Natural England (NE)**

7.11 As submitted, NE expressed the view that the proposed scheme could have potential significant effects on sites known as the 'Solent Protected Sites' which include a number

of Special Protection Areas and Special Areas of Conservation. Specifically, NE has commented on the following;

- Deterioration of the water environment
- Recreational disturbance on designated sites
- Solent Waders and Brent Goose Strategy
- Construction Environmental Management Plan
- Biodiversity Mitigation, Compensation and Enhancement

#### Deterioration of the water environment

7.12 NE's view is that there is a likely significant effect on the internationally designated sites (SPA, SAC and Ramsar site) due to the increase in waste water from the new housing and that the waste water issue needs to be examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters taken into account. NE also sought further clarification of nutrient budget and mitigation scheme and the consideration of the Solent Wader and Brent Goose Strategy in the HRA Screening.

7.13 Officer Note: A revised HRA has been submitted by the applicant's ecologist and has been subsequently submitted to Natural England for their comment on 13/12/2021. Information provided by the applicant suggests that an HRA could calculate that the proposed development would result in a relatively small increase in levels of nitrogen input to the Solent of approximately 14kg per year due to the recent past occupation. However, Officers are not satisfied with the robustness of the methodology set out to reach this calculation and have concluded an Appropriate Assessment in a precautionary way requiring mitigation for the entire additional ~~gross~~ nitrate budget generated by the development. Even in this precautionary case there are however options available where mitigation can be sourced from the Council's own bank, or other open-market third party providers. Any formal response from Natural England in respect of the HRA will be provided to the Committee meeting.

#### Recreational disturbance on designated sites

7.14 The application site is located within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential dwellings and increase in the risk of recreational disturbance on these designated sites. NE is also aware that Portsmouth City Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) and has advised that the development will need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance/mitigation of impacts on the SPA.

7.15 NE supports the principle of a financial contribution to Milton Common to address the potential impacts from development provided further details are included in the Appropriate Assessment. NE also advises that information on this project is provided to new residents and that consideration is given to the provision of appropriate links and signage from the new development to this greenspace to encourage access away from sensitive areas. Provided these measures and appropriate contributions are secured with any planning permission, NE has confirmed that it does not wish to raise objections to the scheme on the basis of recreational disturbance on the designated sites.

### Solent Waders and Brent Goose Strategy

- 7.16 The University Playing Fields abutting Langstone Harbour and to the west of Furze Lane are key Brent Geese high tide feeding and roosting sites, as identified in the “Solent Waders and Brent Goose Strategy” (SW & BG Strategy). Given the distance of the site from the supporting habitat and the intervening buildings, NE is of the view that hoarding will be appropriate to help mitigate the negative impacts from construction but that a condition should also be added which restricts percussive piling or works with heavy machinery (i.e., plant resulting in a noise level in excess of 69dbAmax during the bird overwintering period (i.e., October to March inclusive).

### Construction Environmental Management Plan

- 7.17 NE advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the PCC ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats.

### Biodiversity Mitigation, Compensation and Enhancement

- 7.18 NE recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP). The scope of the BMEP should be agreed with the HCC Ecologist and should include measures for mitigating impacts on protected species and habitats and include biodiversity compensation measures for any residual biodiversity losses that cannot be fully mitigated on site and should include; a bat mitigation and enhancement strategy, a lighting strategy, and a long term woodland management strategy for the on-site plantation woodland.

### **Hampshire Ecology**

- 7.19 Hampshire Ecology provided comments on the amended scheme on 03/03/21 which address the following;
- Mitigation of recreational impacts on Chichester and Langstone Harbours Special Protection Area (SPA)
  - Protected Species
  - Habitat enhancements

### Mitigation of recreational impacts on Chichester and Langstone Harbours Special Protection Area (SPA)

- 7.20 Hampshire Ecology has confirmed that the mitigation package now includes a commitment from the applicant to make a financial contributions in accordance with 'Milton Common Local Nature Reserve Restoration and Management Framework to address the recreational impacts on the nearby Chichester and Langstone Harbours Special Protection Area (SPA) and the nitrate enrichment of the Solent resulting from an increase in wastewater associated with the new development.

### Protected Species

- 7.21 Updated bat surveys were carried out between June and August 2020. Hampshire Ecology is satisfied that these additional surveys provide adequate coverage of the site and its buildings, and that the results did not identify any new roosts. Provided that agreed mitigation proposals are implemented, Hampshire Ecology has confirmed that it does not wish to raise objections to the proposed development subject to the imposition of an appropriate condition

### Habitat enhancements

- 7.21 Hampshire Ecology is of the view that the development will help deliver habitat enhancements (Refer Section 5.4.10-5.5.28 of the EclA) in line with Policy PCS13 of the Portsmouth Plan and the NPPF, and that the details of these measures, including location plans of all proposed enhancements, should be secured through an appropriate condition
- 7.22 With the conditions listed above in place Hampshire Ecology has confirmed that it does not object to the proposals.

### **Highways Engineer (Local Highway Authority - LHA)**

- 7.23 The LHA has commented on the proposals on 18/11/20, 24/11/20, 01/03/21 and 29/09/21 on;
- Cumulative Transport Assessment (CTA)
  - Internal site layout
  - Car parking provision
  - Cycle storage

### Cumulative Transport Assessment (CTA)

- 7.24 The CTA finds that at the Lockway Road / Milton Road junction the Milton Road (south) arm the impact of the two developments (Phases 1 & 2) would increase queue lengths on this arm and in the absence of any mitigation works would justify a reason for refusal of the application.
- 7.25 In response, the applicant has submitted a concept design for junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue which the Highway Engineer considers acceptable in principle, but that the mitigation works would also need to signalise the Milton Road / Locksway Road junction and link that with the Milton Road / Goldsmith Ave junction, to ensure that the egress from the latter was not obstructed by traffic queuing from the former. The LHA has advised that these off-site highway mitigation works will need to be delivered directly by the developer through a S278 agreement with the highway authority which the applicant has agreed to undertake.

### Internal site layout

- 7.26 The LHA expressed concerns over the internal site layout arrangements including; the alignment of internal roads, footway provision, arrangement of parking courts, turning features, etc., but has now confirmed that the internal access and parking arrangements shown on the proposed site plan, drawing number 127-00-1101-E resolve all of the concerns raised previously.

### Cycle Storage

- 7.27 The Highway Engineer raised concerns about the shared cycle and bin storage building which might obscure visibility for drivers when located alongside the carriageway adjacent to parking bays. It should be noted that a condition will be attached to planning permission which will require the submission and approval of the detailed design of the cycle and bins storage buildings. The Highway Engineer will be consulted on the application and will be able to assess whether the shared cycle and bin storage buildings obscure driver visibility and if so whether design amendments are



required to overcome such concerns. As such, the concerns raised by the Highway Engineer are not relevant to the current application.

- 7.28 Following amendment to the site layout the LHA is now satisfied with the internal site layout arrangements. The LHA also consider the submitted concept design for junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue is acceptable in principle subject to the works being delivered directly by the developer through S278 agreements with the highway authority which the applicant has agreed to undertake. The LHA therefore does not wish to raise any objections to the proposed development.

## **SUSTRANS**

- 7.29 In their comments received on 19.03.21 SUSTRANS does not raise objections to the proposed development but has made the following detailed comments;
- a) The developer should be asked to ensure that all cycle storage meets the standards outlined in the SUSTRANS Low Traffic Neighbourhood Design (LTN 1/20)
  - b) 5% of the cycle parking provision should be designed for 3-wheeled cycles (LTN 1/20 11.3.2) which could be secured by condition.
  - c) The in-curtilage cycle parking stores should be fully accessible for a variety of users and cycle types.
  - d) A 5-10mph speed limit should be imposed on all internal roads.
  - e) A minimum level of visitor parking should be provided, including spaces for disabled drivers.
  - f) Car parking provision should be reduced in order to support active travel opportunities.
  - g) Sustrans welcomes the opportunity to support the developer in creating a travel plan which enables and encourages active travel opportunities for new residents.
- 7.30 It should be noted that a proposed condition requires the approval of the siting and detail design of cycle and bin storage buildings, and that SUSTRANS will be consulted when a discharge of condition is submitted for approval. SUSTRANS will therefore have the opportunity to ensure that the recommendations a) to c) are followed. It should also be noted that a Travel Plan Coordinator will be appointed to implement the Travel Plan. The Travel Plan Coordinator will liaise with the Planning Authority and highway authority and will be advised to also liaise with SUSTRANS. Furthermore, the S106 will require the Travel Plan to be updated 3 years after development commenced. SUSTRANS will be consultee when updated Travel Plan is submitted to PCC for approval and will have the opportunity to promote e) and g).

## **Environmental Health (EHO)**

### Environmental/Traffic Noise

- 7.31 EHO has reviewed the scheme and has concluded that there are no concerns about environmental noise and as such do not wish to raise any objections to the application subject to a condition on noise insulation to habitable rooms (see Condition 17).

### Air Quality

- 7.32 The most recent AQ Impact Assessment (AQIA) submitted 08/04/21 concludes that

the predicted pollutants (NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>) concentrations are considered to be of negligible significance, and as such EHO does not wish to object to the scheme.

### **Contaminated Land Team**

7.33 The Contaminated Land Team have reviewed the scheme and does wish to object to the proposed development, subject to the 3 safeguarding conditions below;

- Pre-screen asbestos & Phase 1 Contaminated Land Desk Study
- Phase 2 Contaminated Land Site Investigation Report
- Contaminated Remediation Method Statement

### **PCC Drainage Team**

7.34 The drainage Team does not wish to raise any objections subject to a condition which requires the submission, approval and implementation of a surface water drainage scheme.

### **Landscape Architect**

7.35 The Landscape Architect in comments received 24/06/21 does not wish to raise any objections, subject to the imposition of the following conditions;

- Landscaping Details (hard and soft) including boundary treatment to be submitted and approved
- Details of Earthworks
- Implementation of landscape works
- Landscape Maintenance
- Landscape Management for a period of 5 years

### **Tree Officer**

7.36 The Tree Officer has reviewed the 'Arboricultural assessment and Method Statement' dated 30 January 2020 and agrees with its findings. The Tree Officers notes that although subject to a Group TPO many trees within the proposed development site appear to be self-seeded and have been allowed to have grow without management - resulting in some being in close proximity to current existing structures or the growth of thickets which form dense weed and bramble choked hedges. The proposals for felling are in the main confined within the hospital site and therefore their loss will have little or no impact on visual amenity from outside the redline boundary. Adequate replacement planting is proposed to mitigate against the loss of trees

7.37 The Council's Tree Officer has also confirmed that a tree protection condition should be applied tied to the 'Arboricultural assessment and Method Statement' and Tree Protection Plan. With this condition in place the Council's Tree Officer does not wish to object to the proposed scheme.

### **Head of Community Housing**

7.38 Housing Enabling offered the following comments on the original scheme on 06.02.20 summarised below.

- There should be affordable housing provision at 30%
- Acknowledged the original scheme included 30% provision within new build element

- Set out the pro-rata mix of affordable housing requirement in new build units, including tenure mix
- Noted that disabled housing requirement is not addressed.

7.39 No comments were received on the amended scheme.

### **Education**

7.40 The following consultation response was received from PCC Children, Families and Education Team on 04.03.20 on the originally submitted scheme *"we were aware of the development and have taken the impact on pupil numbers into consideration in our pupil number forecast model"*. No comments were received on the amended scheme.

### **Public Health**

7.41 No comments provided

### **Waste Management Service**

7.42 No comments provided, although it should be noted that a condition will be attached to planning permission which requires the submission, approval and implementation of a Waste Management and Minimisation Plan (WMMP).

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

7.43 Hampshire Fire & Rescue Service provided a consultation response on 23/12/20 and has not raised any objections to the proposed development. The response includes advisory recommendations on a number of operational issues, including; access for high-reach appliances, water supplies, promotion of fire protection systems (with periodic testing), the impact of fire-fighting on the environment and timber-framed buildings. The consultation response from Hampshire Fire & Rescue Service will be attached to planning permission as an informative.

### **Hampshire Constabulary (Crime Prevention Design Advisor - CPDA)**

7.44 The Crime Prevention Design Officer provided final comments received on 16/07/21 and confirmed that the December 2020 design revisions had addressed the majority of the detailed design concerns raised previously but had not addressed concerns raised about the design of the cycle storage building nor street lighting standard.

7.45 The concern about cycle storage is that the *"cycle store is shown with a double door and what appears to be a ventilation space between the top of the side walls and the roof. To reduce the opportunities for crime the cycle store double doors should be replaced with a single door and the ventilation space should be constructed in such a fashion that a person cannot gain access to the cycle store via the ventilation space (and that) the individual cycle storage areas should be fitted with a single door. The door should be of robust construction and fitted with a lock that provides for authorised access only"*.

7.46 With regards to the design of the cycle storage buildings it should however be noted that a condition will be attached which requires the submission, approval and implementation of the detailed design and siting of the shared cycle and bin storage buildings. Hampshire Constabulary will be consulted on the discharge of condition application and have the necessary design inputs to ensure their concerns are addressed. As such, the concern raised is not relevant to the current application.

7.47 The Design Advisor has also commented that the lighting throughout the development

should conform to the relevant sections of BS 5489-1:2020. It should be noted that a Lighting Impact Assessment has been provided, but this document does not confirm the lighting design achieves illumination to this standard. It should also be noted that an appropriate condition requiring a Biodiversity Management and Enhancement Plan (BMEP) requires the submission of a lighting strategy. The lighting strategy will need to balance the lighting requirement for public safety within the development with the protection of bat foraging habitat from light pollution. Hampshire Constabulary and Hampshire Ecology will both be consulted on this discharge of condition application.

### **RSPB**

7.48 No Response.

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

7.49 No response.

### **Eastern Solent Coastal Partnership**

7.50 A consultation response received from the Eastern Solent Coastal Partnership on 01.03.21 confirms the site is within the Environment Agency's present day Flood Zone 1. The Partnership also predicts that the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3m AOD, increasing to a predicted 4.4m AOD by the year 2115, due to the effects of climate change. As stated within the submitted FRA, the existing ground levels of the site range from 5.0 m AOD along the perimeter of the site to 6.5m AOD in the centre and finished floor levels will also be set 150mm above the existing ground levels. Therefore, safe internal refuge will be available to occupants during an extreme tidal flood event, and safe and dry access and egress for the site is available along a number of routes. Accordingly, the Eastern Solent Coastal Partnership does not raise any objections to the proposed development.

7.51 However, the Partnership has advised that the future occupants of the development sign up to the Government's Flood Warning Service, to ensure that adequate warning is received prior to an extreme tidal flood event and recommends that the applicant prepare a Flood Warning and Evacuation Plan prior to occupation of the site which can be secured by condition.

### **Environment Agency**

7.52 No response.

### **Sport England**

7.53 Sport England have provided comments on the 18/03/20, 20/04/20 and 04/01/21 and have expressed concerns about the risk of ball strike on the proposed new access road and parking arrangement to the west of the cricket square. Sport England has raised a holding objection to the proposed development and recommends that a risk assessment be undertaken and which will include recommendations on the height of any netting required to mitigate the risk. A condition will be imposed which will require the developer to submit for approval a risk assessment, to install netting and to commit to its maintenance.

7.54 Sport England will be consulted on the subsequent discharge of condition application. With this condition in place Sport England's concerns are considered to be satisfactorily addressed.

### **Southern Gas Network**

7.55 No comments received.

### **Southern Electric**

7.56 No comments received.

### **Southern Water**

7.57 Southern Water consultation response was received on 16/03/20 and is summarised below.

- Request a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.
- Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development but that the applicant will need to make an application to Southern Water to connect to the public foul sewer.
- Southern Water is unable to make an assessment on surface water capacity until such a time as this data becomes available by condition.

7.58 It should be noted that conditions will be attached which requires the submission, approval and implementation of a foul water strategy and Surface Water Drainage Strategy. Southern Water will be consulted on both subsequent discharge of condition applications.

### **Portsmouth Water**

7.59 No adverse comments have been received from Portsmouth Water as the site is located outside our groundwater catchments.

## **8 REPRESENTATIONS**

8.1 Public consultation on this application has been undertaken on four occasions; on 25<sup>th</sup> February 2020, 18<sup>th</sup> December 2020, and 8<sup>th</sup> December 2021, seeking comments on the proposal and updated and amended plans and submissions

8.2 A total of 229 objections have been received from the local community prior to the final round of consultation in December 2021 on the amended scheme, including objections from local Councillors. There were 88 objections received on the original submitted scheme and 141 objection received on the amended scheme which was consulted upon on the 18<sup>th</sup> December 2020. Many objections repeat the grounds of objections from the first round of consultation in early 2020 on the original scheme. Individual representations from the Cricket Club, the Milton Neighbourhood Forum, the Milton Neighbourhood Planning Forum and 'Keep Milton Green Group' are reproduced below for completeness.

8.3 Included in the above are objections received from Councilors Gerald Vernon-Jackson, Ben Dowling, Darren Sanders and Janette Smith all covering the points summarised below.

8.4 Reasons for objection relating to material planning considerations, are summarised below:  
-

- No affordable housing provision

- Increased traffic/parking congestion and rat-running
- Impact on highway safety/danger to school children
- Over-provision of car parking/excessive provision
- No provision for cycle storage and cycle lanes inadequate
- Loss of public access/right of way
- Air pollution and impact on air quality
- Harm to listed building and setting
- Ballroom in listed hospital 'sliced up' for flats
- Loss of heritage/history
- Loss of plant building to the rear (Lancashire House) and industrial history
- Loss of chapel for community use
- Loss of green space/communal spaces
- Loss of healthy trees
- No renewable energy or electric charging points
- Poor design of new houses not in keeping with the character of the area
- Intensification/over development of the site/over-crowding
- Impact on the amenity of neighbouring residents - overlooking/loss of light and loss of privacy
- Presence of Japanese Knotweed and damage to buildings
- Impact on SPA from Nitrates and recreational impact on Brent Geese habitat
- No mitigation on SPA impact contrary to habitat regulations
- Impact on wildlife and habitat
- Increase in sewerage and damage to wider environment
- Impact on public health/wellbeing from loss of green space
- Health impacts from air pollution/poor access to health care facilities/poor active travel.
- Impact on crime reduction and community safety
- Impact on health and community infrastructure - insufficient local capacity for doctors /dentists /school places and particularly access public transport.
- Recycling demolition waste
- Loss of hospital and future proofing against pandemics

- Impact on emergency health planning
- Impact on future planning of the area with reference to Langstone Campus
- Contrary to Policy MT4
- Contrary to NPPF with regard to renewable energy
- Contrary to PCC's declared climate emergency
- Not a zero-carbon sustainable development
- Loss of community asset - green spaces.
- Failure to meet Portsmouth Plan objectives 2 (accessible city with sustainable and integrated transport) 6 (healthy city with access to health care and support) 8 (supporting infrastructure - school places).
- Contribute to high levels of deprivation
- Biodiversity enhancements needed, particularly for Swifts.

#### **Portsmouth and Southsea Cricket Club-**

8.5 Portsmouth and Southsea Cricket Club in their representations on the scheme dated 06/02/21 raised the following;

- As a community based Cricket Club, the club neither support nor object to the proposals.
- The Cricket Ground has been listed as an Asset of Community Value and should remain so.
- The provision of a long term lease (to include the Country Cottage Pavilion) would provide a security of tenure for the Club to enable it to continue to care for and improve the facility for the good of its members and the wider community.
- Appropriate parking will need to be available to ensure the ground can be used as has historically been the case.
- All existing buildings and fixtures on the ground should remain in situ and be available to the club to ensure the facilities can be used and maintained to the best standard possible.
- The ground should remain a ring fenced facility.
- As stipulated by Sport England in their comments, appropriate protective netting should be provided by the developer to protect persons and property from potential ball strike.

#### **The Milton Neighbourhood Forum**

8.7 A letter of objections was received from Milton Neighbourhood Forum to the original scheme 17/03/20 and also the amended scheme with further representations received on 16/03/21. Both representations from the Forum are available on the Council's website. The key concerns raised on the amended scheme are that;

- The application for the Hospital Conversion with the cubist house blocks needs to be assessed (together) with 18/00288/OUT proposing 107 new Apartments Houses to the south and south east of the Chapel to appraise the adverse impacts on the landscape and visual amenity of the Hospital within the St James' site.
- Adverse impacts will arise from increased traffic generation and air pollution; stresses on local amenities such as schools doctors and dentists; and increased recreational stresses on the open spaces and Langstone Harbour habitats.
- The junctions at Milton/Locksway Rd and Moorings Way/Velder Avenue are already highly congested.
- The development feeds into AQMA 9 which for years has shown rising trends and the solution is to reduce the car-space numbers and increase secure cycle-storage.
- The draft Milton Neighbourhood Plan proposes a mix of residential, care and community uses such as a GP Surgery and Pharmacy which are less car-dependent and less environmentally damaging.
- The scheme should deliver wider public benefits to outweigh the substantial harm to the setting of the Hospital from without and from within the landscape
- The claim that there is a need for cross-subsidising the costs of the Hospital conversion with the proposed development of 58 new houses in the Phase 2 is not justified.
- The proposed demolition of the later buildings at the southern frontage of the Hospital will improve the setting and allow more of the architectural features of the hospital to be exposed.
- The setting of the Hospital between Chapel Way and Overton Wing is destroyed by the intrusion with nine discordant blocks and 38 separate car-spaces.
- The opportunity to de-clutter this area should have been the objective so that the Edwardian Villa known as Falcon House can retain its prominence in the landscape
- The scheme interferes visually both in terms of the architectural harmony of the listed building but also with the clarity of the landscape.
- This "Eastern Airing Court" curtilage, preserves the setting of the Hospital and Chapel within the landscape in the same way the landscape sets the Hospital and the Chapel within it
- The proposed new build houses appear so discordant with the style of the Hospital they visually clash compounding the "harm" to the Hospital's setting.
- By building new houses with flat roofs the installation Solar PV generation is not possible.
- Building three-storey blocks so close will spoil views from within the Overton Wing
- The introduction of car parking spaces between Fernhust and Lowry Wings and Overton and Langstone Wings respectively, will cause unnecessary nuisance and



disturbance to the new residents and further disrupt the setting.

- The applicant's Viability Assessment assumes the landowner is entitled to a "competitive return" to bring his land into economic re-use but that does not apply if the landowners intentions preceded the designation of Policy MT4.
- Para 195 and 196 of the NPPF requires the justification of harm can only be outweighed by the wider Public Benefits of the scheme. If the cubist blocks will not accommodate Solar PV and the City has a "Zero carbon Emissions Target" for 2030 and there are no Affordable Housing then the scheme cannot be considered to be in the wider public benefit.

### **Keep Milton Green**

8.8 In their comments received 01/09/20 raised the following objections to the proposed development.

- The proposed 3 storey block at the north of the site will impact on the amenity of these residents of Brasted Court which will it overlook their gardens/into their properties, and there is also a concern that sunlight could be blocked.
- There will be a net loss of 57 trees which help with surface water drainage and air quality, and if permission is granted the developer should plant mature replacement trees.
- The development will result in the loss of the green open spaces including the green open space to the north of St James Green and the multi-faith chapel garden.
- The bandstands have been removed which should be retained and maintained as part of the history of the site.
- Large areas of the accessible green space will be privatised and turned into private gardens.
- No affordable housing will be delivered
- The proposed housing mix does not meet NDSS standards
- The scheme will have a detrimental impact on the operation of the local highway network
- The local road network cannot accommodate the additional traffic generation.
- The scheme does not include any renewable energy and will not help the City meet the ambition to be carbon neutral by 2030.
- Additional traffic movements and the loss of established trees will exacerbate air quality problems.
- There will be no EV charging points provided.
- The new residents to the area will put additional stress on places like Milton Common Nature Reserve and Langstone Harbour, which requires a payment to mitigate this problem.
- The latest house type designs have been poorly thought through and their new positions on the site are not ideal.

- The chapel was always a popular place for patients, visitors, staff and residents and it is disappointing that a community use could not be found for the building.
- The application site (Phase 2) and the Homes England site (Phase 1) should be considered holistically particularly as they are linked historically.
- No information has been provided on waste removal.
- There is no mention of disabled housing on the site.

8.9 A Petition has also been submitted to the Council, on 29 March 2021, which at the time of writing had 1,159 signatures. It is hosted on an external website and contains a variety of comments, with the petition itself focused on concerns regarding the proposed use of the site for housing, the number, design and siting of the houses proposed, the impact on trees, green space, local habitat and carbon, and the impact on local infrastructure including the local network and services such as schools and GP surgeries.

## **10 COMMENT**

### **Introduction**

10.1 The principal issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. The other key issues for consideration include the;

- a) Principle of development (see 10.2)
- b) Housing (see 10.8)
- c) Design and layout (10.24)
- d) Landscape and open space (10.42)
- e) Heritage impacts (10.61)
- f) Traffic/transportation (10.71)
- g) Biodiversity and Appropriate Assessment (10.89)
- h) Flood risk, drainage and utilities (10.100)
- i) Amenity (10.111)
- j) Sustainable design and construction (10.124)
- k) Contaminated land (10.127)
- l) Other (10.128)

### **Principle of development**

10.2 Saved Policy MT4 of the Portsmouth City Local Plan 2001-2011 supports the the retention and re-use of main hospital building provided that:

- (i) they preserve the integrity and appearance of the listed main building and its setting; and
  - (ii) the surrounding highway network can satisfactorily accommodate the additional traffic generation.
- 10.3 The 2012 Plan comments that "*established residential neighbourhoods of Milton, Baffins and Anchorage Park are expected to see a limited amount of housing and retail development up to 2027 to contribute to future needs and support existing local centres*". The Plan also estimates that 401 new homes will be delivered over the plan period.
- 10.4 Policy S5 of the draft Portsmouth Local Plan proposes that the "the St James Hospital and its grounds accommodate a mix of uses which reflect and complement the existing character of the former hospital and its surroundings". The emerging plan comments that the hospital building and immediate surroundings are capable of accommodating 209 new dwellings.
- 10.5 The Milton Neighbourhood Plan, under Policy STJ1 supports the "*development of St James' Hospital site supported by the following uses*:"
- *Specialist residential accommodation, including schemes for the elderly or dementia care;*
  - *Residential Training Centre;*
  - *Healthcare and other community facilities, including education;*
  - *Residential conversion*
- 10.6 Since the adoption of that saved policy in 2006, it has always been envisaged that housing development would form an integral part of the hospital grounds. Residential conversion and use is also envisaged in policy S5 of the emerging Portsmouth Local Plan and Policy STJ1 of the Milton Neighbourhood Plan. As explained in more detail later in this report the proposals will help preserve the integrity and appearance of the listed main building and its setting; and subject to the implementation of off-site mitigation works the surrounding highway network can satisfactorily accommodate the additional traffic generation.
- 10.7 The proposals therefore accord with Saved Policy MT4 of the Portsmouth City Local Plan 2001-2011, Policy STJ1 of the Milton Neighbourhood Plan, and Policy S5 of the draft Portsmouth Local Plan, although it should be noted that the policies in both the Milton Neighbourhood Plan and the draft Portsmouth Local Plan should be given little weight (see paragraphs 6.11 & 6.12). The principle of the residential conversion of the hospital and housing development within the grounds of the hospital is acceptable.

## **Housing**

### Background

- 10.8 The section addresses the following housing matters;
- Housing Land Supply
  - Affordable housing/housing mix

- Accessible Housing
- Standard of accommodation

### Housing Land Supply

- 10.9 Portsmouth's housing need, as defined in national planning policy and guidance, is currently under review. The government's standard method for assessing local housing need resulted in an increased level of need as set out in the emerging Local Plan for 854 homes per annum or 17,080 new homes over the plan period of 15 years from adoption. The emerging Local Plan is still at Regulation 18 stage. The Council's current 5 year housing land supply is less than 3.48 years
- 10.9 Policy PCS10 of the Portsmouth Local Plan (2012) 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 60-62 of the NPPF (2021) 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"*.
- 10.10 The supporting text to PCS10 (para.4.1) 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"*. Policy S5 of the emerging Portsmouth Local Plan comments that the hospital building and immediate surroundings are capable of accommodating 209 new dwellings.
- 10.11 The proposal not only meets the policy aims of PCS10 of the Portsmouth Local Plan (2012) and Policy S5 of the emerging Portsmouth Local Plan but will also make a significant contribution towards meeting the City's housing target.

### Affordable housing/housing mix

- 10.12 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Portsmouth Local Plan (2012) to contribute to meeting the identified need in the city. Based on the maximum level of development of 209 dwellings, this would equate to the provision of 63 affordable dwellings. However, the NPPF states that *"to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount"*. Effectively this would eliminate affordable housing provision within the main hospital building and outlying buildings, because there is an overall net reduction in total floorspace resulting from the demolition and the Vacant Building Credit (VBC) applies in line with NPPF paragraph 64. The affordable housing requirement rests solely on the new build element which equates to 30% of 58 new build houses or 17 dwellings.
- 10.13 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 dwelling mix of 209 dwellings is 123 flats (1 and 2-bed) with 86 houses and flats (3, 4 and 5-beds) exceed the 40% target at 41% (see Table 1 under paragraph 2.4).

- 10.14 The comments of the Housing Officer are set out in the consultation section of this report in paragraphs 7.38 & 7.39. While the provision of 30% affordable housing provision within the new build element in the original scheme was acknowledged, no further comments have been received to the amended scheme with a reduction in total units from 230 to 209 (21 units less). Notwithstanding that policy would require 17 units to be provided as affordable housing none is proposed within the new build element.
- 10.15 The applicant submitted a Viability Report to justify the zero affordable housing contribution. The Viability Report has been scrutinized by Officers and the Council's external consultants. The final report by the Council's experts concluded that affordable housing provision is unviable and that the applicant has made a justifiable case to support their position.

#### Accessible Housing

- 10.16 Under Policy H2 - Housing Types, Mix and Affordability of the emerging Portsmouth Local Plan "*the council would expect 20% of market and affordable home schemes to provide accessible and adaptable housing by meeting requirement M4(2) of the Building Regulations, and 5% meeting M4(3) wheelchair adaptable standards*". This emerging policy can be given little if any weight in the determination of the application but assists in identifying a mix of housing that would be considered inclusive.
- 10.17 The Housing Officer, together with a community representation, noted that disabled housing provision was lacking within the scheme. In response the applicant has clarified that 131 units (63%) are adaptable dwellings (Building Regulations M4(2) standard) and that with minor adaptations these would become independent wheelchair user dwellings (M4(3) standard). The minor adaptations include the following:-
- Step threshold changed to a ramp with handrails
  - Two storey houses are provided with internal stair lifts
  - Internal layout reconfigured to provide independent wheelchair accessible bathroom and bedroom
- 10.18 Additionally, 90% of the new houses (52no. houses) are adaptable dwellings [M4(2)]. The only houses which would require considerably more work to adapt to an independent wheelchair user dwelling are the Fairfield. Numbers 32-41 on the House Types Plan.
- 10.19 52% of the conversion properties (79 no. single storey apartments) are adaptable dwellings under Building Regulations [M4(2)]. Listed Building Consent would however be required for the adaptations of these homes. The duplex apartments and houses within the main Hospital conversion cannot easily be adapted into independent wheelchair user dwellings because these homes span multiple floors within the listed building. While adaptation is possible, there are more practical solutions available elsewhere within the development which are more sensitive to the building.
- 10.20 It should be noted that a condition of the approval will be the submission and approval of Disability Access Statement which will require the applicant to provide details of design measures that will be implemented to enable disabled people to gain access to converted hospital building, new build housing, parking and to ensure disabled people are able to navigate around the development.
- 10.21 With the condition in place the proposals are considered to meeting the aspiration described by national guidance in the NPPF, of planning for different groups in the community including people with disabilities.

### Standard of accommodation

- 10.22 The applicant's submission includes a breakdown of internal floor areas by unit type which all achieve the minimum floorspace requirements of the Portsmouth City Housing Standards SPD and the Nationally Described Space Standards 2015 (NDSS), including the Shaw's Trust Mortuary building (2 bed flat) and the converted dwellings within the Chapel.

### Conclusions

- 10.23 The principle of housing development on this site, the proposed housing mix, and standard of accommodation accord with the aims of policies PCS10 and PCS19 as well as saved policy MT3 of the Portsmouth City Plan (2012) and Portsmouth City Housing Standards SPD and the Nationally Described Space Standards 2015 (NDSS). The scheme will also deliver a significant proportion of housing which can easily be adapted to satisfy Building Regulations M4(2) standard. A submitted Viability Report robustly demonstrates that the scheme cannot support any affordable housing and while this is disappointing is nevertheless consequently in compliance with Local Plan Policy PCS19 which recognises that there will be circumstances where requiring contributions to affordable housing will render developments unviable.

### **Design and layout**

#### Background

- 10.24 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF and requires that all new development must be well designed and, respect the character of the City. It sets out a number of criteria which will be sought in new development, including; excellent architectural quality, 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.
- 10.25 There were significant concerns about the design and layout of the new build housing as originally proposed. In response a Design South East (DSE) Workshop was held on October 2020 where the scheme was considered by the Panel. A series of recommendations were made and in December 2020 the revised scheme was submitted. In broad terms the amended scheme has responded positively to the Panel's recommendations.

- 10.26 The following section considers the following design matters;

- Density
- Layout of new development
- Design of new development
- Access & circulation
- Conclusions

#### Density

- 10.27 Policy PCS21 of the Portsmouth Plan (2012) and the Housing Standards SPD requires

*"housing density should not be less than 40dph"* (applies to all areas of the city other than those specifically listed in the policy for higher density). The policy caveats that appropriate densities depend on a variety of factors but the rationale for different levels to those outlined in the policy should be made in an accompanying design and access statement (DAS).

- 10.18 The provision of 209 dwellings across a total site area of 9.54ha equates to an overall site density of 22dph but this is skewed by the inclusion in the site boundary of the Portsmouth and Southsea Cricket Ground. Without the Ground the site density would be about 33dph.
- 10.19 The views of the Design Review Panel (DRP) on 3rd November 2020 are set out in the consultations section of this report (see paragraph 7.10), and it should be noted that the panel were very positive about the design approach taken by the applicant. The panel was content with the proposed layout of the new development and the treatment of the main listed hospital, and specifically acknowledged that the heritage asset will benefit from the stripping back of the surrounding 20<sup>th</sup> Century accretions to reveal the symmetry and clarity of the original building in its landscape setting.
- 10.20 The overall density of development across the scheme is below the minimum target housing density set out in Policy PCS21 of the Portsmouth Plan (2012) and the Housing Standards SPD. However, it should be noted that;
- The site area includes the Portsmouth & Southsea Cricket Ground (18,056 sq. metres)
  - Existing development around the original hospital building will be demolished and the historic landscape setting reinstated
  - Area of publicly accessible open space to be delivered (25,997 sq. metres)
  - A significant number of larger family housing units (3, 4 and 5-beds) will be delivered with 86 houses and flats proposed (see Table 1 under paragraph 2.4)
- 10.21 The proposed density of development is considered to be acceptable taking into account the site characteristics and the constraints to development listed above in paragraph 10.20 and as such satisfies Policy PCS21 of the Portsmouth Plan (2012) and the Housing Standards SPD.

#### Layout of new development

- 10.22 Policy PCS23 requires that new development should be appropriate in terms of scale, density, layout, appearance and materials in relation to the context, and protect and enhance views and settings of key buildings.
- 10.23 The overall design approach seeks to respond positively to the site's historic and environmental context. The vision is to create a distinctive neighborhood, with a series of high quality, spaces and features. The main features include;
- Retention of the cricket pitch
  - New 1km circular walk
  - Enhanced formal drive from the south
  - Enhanced arrival court

- Kitchen gardens
- Chapel Gardens
- Private gardens
- Parking courts
- Courtyard gardens
- New pedestrian and cycle route through the site

10.24 The original submitted proposals were considered by PCC Officers and Historic England who were concerned that the scheme as originally proposed, would create a dense cluster of buildings across the site which would detract from the appearance of the listed buildings. A series of design workshops were held since August 2020 were held and which resulted in significant design amendments, including;

- a reduction in the number of dwellings,
- removal of new build development to the south east and south west and reinstatement of the historic landscape and creation of new open space
- retention of the kitchen to the rear of the main hospital building and conversion into apartments
- Conversion of listed Chapel to residential use
- Redesign of the new build houses
- Proposed development of three houses in an small open area/ clearing to the north of the existing children's play area

10.25 The amended scheme was then presented to the DRP in October 2020 which suggested that a stronger narrative was necessary to showcase the character of the hospital building in its landscape setting. In response, the amended scheme now preserves the main views of the historic buildings, and enhances the views along the principal axial approach from the south by removing intrusive later development, allows for the demolition of buildings of low or moderate significance and open up the airing courts, locates new development in visually and historically less sensitive areas, mainly to the north of the site, and ensures that the new development respects the formal and symmetrical layout of the site and respects its historic landscape character.

10.26 The amended scheme, which locates new development in visually and historically less sensitive areas to the north of the site, enhances the views along the principal axial approach from the south and reinstates the historic landscape setting of the Hospital building accords with aims of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

#### Design of new development

10.27 Policy PCS23 requires that new development should be of excellent architectural quality in new buildings and changes to existing buildings, and the NPPF promotes "*the creation of high quality, beautiful and sustainable buildings and places*" (see paragraph 126).10.28 The originally submitted scheme proposed a more traditional design approach to the new build housing which sought to complement the character and design of the historic hospital building. Officers were, however concerned over the



design quality in particular about the layout and architectural design of the new housing which would be damaging to the appearance of the historic hospital building.10.29

As recommended by the Panel and PCC Officers a more contemporary architectural language should be developed - as opposed to a pastiche design approach - which offered the opportunity to create a distinctive contemporary architecture which would respond more positively to the unique character of the site.

- 10.30 The existing hospital building has a tall scale with a strong verticality, emphasised by the tall, narrow windows and corner towers. These principles have been adopted in the vertical emphasis of the new build houses without creating a pastiche of ornate brickwork details. Various details to the elevations, including string courses and build heights have been designed to align with the adjacent elevations of the listed building.10.31 The proposals use a simple, refined selection of hard materials is in keeping with the Listed Building and parkland character and to assist with legibility there will be a range of materials used across the development. The strategy has a clear hierarchy to ensure the right type of material in appropriate situations.10.32 The house type plan (drawing no.127-00-1102-C) proposes a mix of 2 and 3 storey houses. Elevations for each house type has been measured on plan. The detached houses (Cartwright, Newton and Harrison) at 3-storeys, are concentrated to the northeast of the site, and to the south with the remainder as semis (Braithwaite, Earlsleigh and Oxlade) behind Mayles Road and positioned to the north, with the remainder proposed as terraced housing (Claybury and Fairfield). The maximum heights are 9.5m for 3-storeys and 6.5m for 2 storeys. All these new houses will be built with flat roofs. The overall heights are subordinate to the main dominant hospital building and considered to respect the heritage landscape setting. Amenity impacts, particularly on Mayles Road to the west and Basted Court to the north, are considered below.
- 10.33 The proposed new development within the scheme will be of excellent architectural quality in new buildings and as such satisfies the aims of Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Access & circulation

- 10.34 A key recommendations from DRP is that the scheme should "*integrate with the wider context in terms of access, connections and permeability*".
- 10.35 The driveway from Locksway Road would provide the principal access to connect the main frontage of the listed building to the local highway network and onto Milton Road (A288). A separate rear vehicular access is retained from Longfield Road to serve the site. The Longfield Road access must also be maintained for Falcon House NHS staff. The perimeter road of Chapel Way now stops at the Overton and Langstone wing and no longer offers access around the perimeter of the application site. This makes the access around the site more convoluted, thereby, reducing the amount of anti-social vehicular movement through the site (rat-running).
- 10.36 Parking areas have been designed to reduce the visual impact with proposed parking courtyards located between the existing wings of St. James' Hospital building, which provides adjacent parking without compromising the long views of the hospital. Further minor design modifications have been made to introduce further landscaping and to help soften and improve the appearance of the parking courts. The revised scheme offers more dwellings within the conversion, and fewer new build housing and overall, there has been a reduction of 21 new dwellings which has consequentially reduced the servicing requirements amount of parking.
- 10.37 The primary pedestrian routes start on the existing access points then move away from the roads, creating a safe environment for walkers and cyclists. Tertiary routes break off from the main routes to follow desire lines and link access to the proposed houses.

Pedestrian movement has been encouraged through the historic preservation of the landscaping, large areas of which will be publicly accessible, which creates formal footpath designed to increase activity within the existing site.

- 10.38 A new north to south cycle route will be delivered through the site which will enhance the connectivity of the wider area and can be noted is a requirement of Policy S5 of the emerging Portsmouth Local Plan, which envisages the creation of sustainable transport green route through the site. Footpaths through the site will be enhanced with suitable 1.8m widths, adequate for two wheelchair users or cyclists to pass each other. Drop kerbs will be provided at locations where pedestrians are encouraged to cross roads.
- 10.39 Cyclists and pedestrians are encouraged nearer the Listed Building than vehicles which will allow users to enjoy views of the Listed Building and the woodland setting without vehicular traffic. The primary and secondary routes have mostly been designed as long straight paths as opposed to tight bends and hidden corners which gives cyclists distant views of their route and creates a safer environment for both pedestrians and cyclists. Secure bicycle storage has been provided throughout the application site and these locations have a high level of natural surveillance to deter crime.
- 10.40 Hampshire Constabulary expressed concerns about the permeability of the development. However, ensuring public access to the open spaces and pedestrian routes through the site is a key design driver which has to be balanced against any security concerns. It should be also noted that the applicant has sought through minor design modifications to address the detailed security concerns raised by Hampshire Constabulary, such as reducing rear access footpaths, and by strengthening landscaping in vulnerable areas such as to the side and rear of properties.

#### Conclusions

- 10.41 Overall, the layout and arrangement of new development, the design of the new houses and proposed layout of internal service roads, footpaths and cycle routes as illustrated in the most recent plans satisfy the aims of Policy PCS23 and guidance contained in the NPPF subject to further details relating to materials, landscaping (hard and soft), and lighting to ensure high architectural quality finish and well defined public and private spaces.

#### **Landscaping & open space**

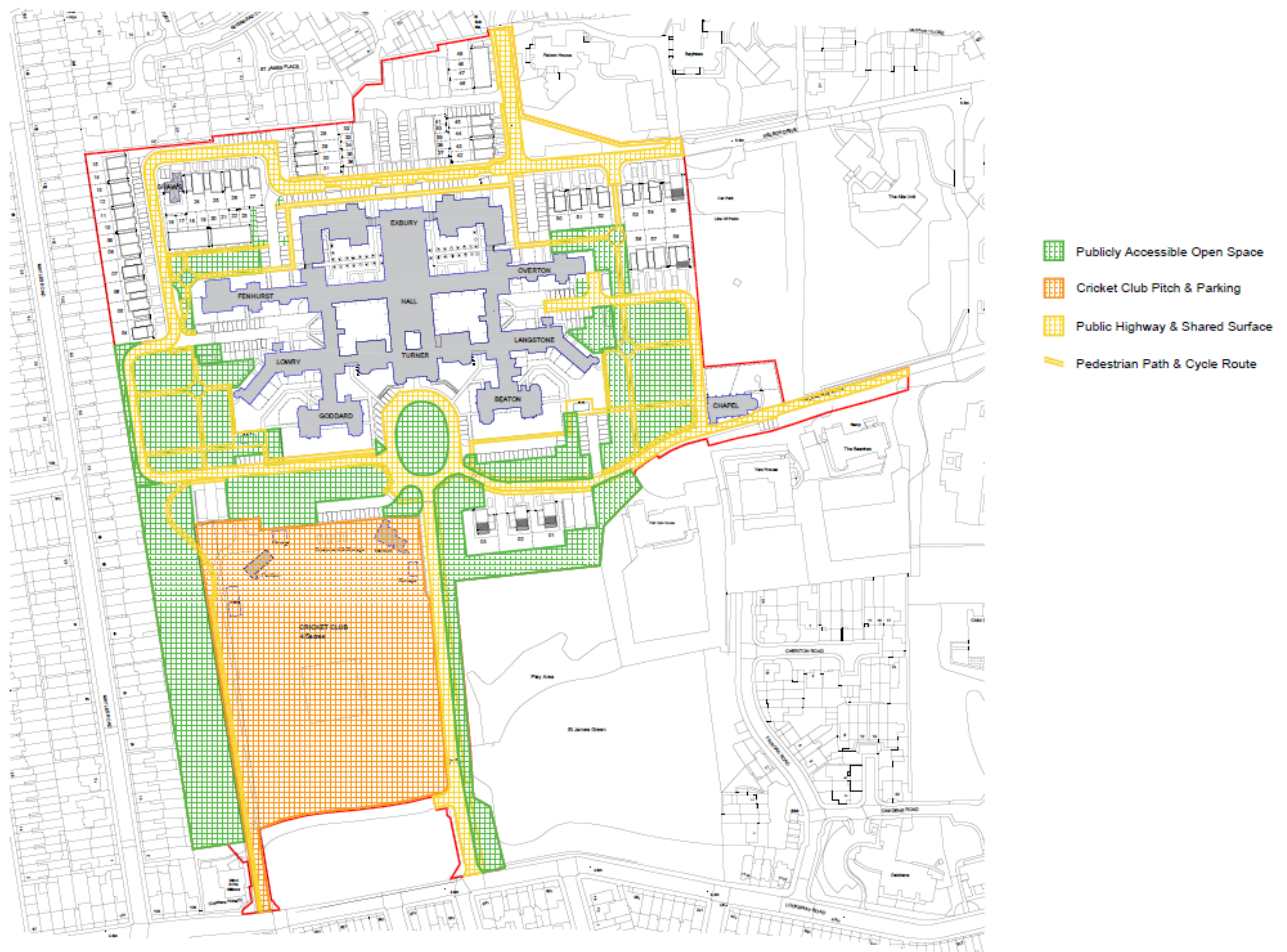
##### Background

- 10.42 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF and requires that public and private spaces that are clearly defined, as well as being safe, vibrant and protects and enhances the city's important views and settings of key buildings such as the hospital building, create new views and juxtapositions that add to the variety and texture of a setting. Policy PCS13 is also relevant to the consideration of the application and requires that planning permission should be refused for "*proposals which would result in the net loss of existing areas of open space*".

##### Open space provision

- 10.43 It should be noted that a small area of open space covering 3,666 sq. metres is located to the north of the existing children's play area identified in Map 21 of the Portsmouth Plan as protected open space, and also in Policy S5 of the Emerging Portsmouth Plan and Policy STJ1 of the draft Milton Neighbourhood Plan. Three detached dwelling will be built in this open area. It should be noted that the site, including this open space, is currently NHS land to which is not publicly accessible.

- 10.44 This area of open space is heavily landscaped around its edges with a small clearing in the middle of this space. This secluded open area is not visually or physically well connected to the existing public open area immediately to the south.
- 10.45 The Design Review Panel recommended that the scheme "*retains the shared nature of the existing landscape*", and specifically that it should retain and restore the south-eastern and south-western airing courts. The proposed demolition of more recent built additions to the hospital building will not only open up and enhance views of the original historic hospital building but also reinstate the formal landscape setting of the hospital, including the airing courts. The applicant has confirmed that these open areas will be publicly accessible open spaces and has submitted a Publicly Accessible Site Plan (Ref. 127-00-1119-B see below) which delineates the publicly accessible open spaces which will be delivered by the development and has agreed that this plan will be included in a S106 agreement which will require that these open areas remain accessible to the public in perpetuity.



- 10.46 The total amount of public open space which will be delivered across the site will be 25,997 sq. metres (Cricket pitch & amenities 18,066 sq. metres), although some of these spaces will serve only as small visual amenity spaces alongside internal roads and footpaths. The revised scheme will however deliver three significant areas of public open space, including;
- South-west airing court - 3,563 sq. metres
  - Southern Lawn - 2,001 sq. metres
  - South east airing court - 3,563 sq. metres visual plan

- Total - 9,127 sq. metres

10.47 The proposed new public open spaces will be located within the historic landscape setting of the hospital building and will enhance the setting and views available of the historic hospital building. Qualitatively, the public open spaces to be delivered will be of a much higher quality, and more attractive, open and usable than the small open area which will be lost. Quantitatively, the proposed scheme will deliver an approximate 60 % increase in the amount of open space on the site. The scheme as proposed will deliver a net increase in well designed and usable public open space and as such satisfies policies PCS13 of the Portsmouth Plan (2012), as well as meeting the aspirations that are derived from S5 of the Emerging Portsmouth Plan and STJ1 of the draft Milton Neighbourhood Plan.

#### Landscaping strategy

10.48 As well as seeking no net loss of open space Policy PCS13 requires that development enhances the City's green infrastructure, while the emerging plan in Policy D1 requires that new development should "*be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, , and the significance of designated heritage assets, by taking into consideration the .. existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure*",

10.49 A concept landscape strategy outline the landscape design approach which is to create a series of character areas across the site, including neighbourhood gardens, courtyard gardens, and arrival courtyards. Within the neighbourhood gardens the strategy is to create smaller and intimate gardens spaces which will include small plays for younger children. The courtyard garden area, which will be communal garden space, will include areas of lawn, shrub beds, tree planting together with raised beds which will provide opportunities for residents to grow vegetables, herbs and flowers.

10.50 The PCC Landscape Architect has reviewed the landscape strategy and does not wish to raise any objections but has asked that conditions are attached to any approval which require the submission of more landscaping plans. To ensure that the proposed landscaping on the site is of the highest standard and that the landscaped areas are implemented and maintained properly the following conditions will be imposed;

- Landscaping Details (hard and soft) including boundary treatment to be submitted and approved
- Details of Earthworks
- Implementation of landscape works

10.51 With these conditions in place the landscape strategy is acceptable and satisfies Policies PCS13 of the Portsmouth Plan (2012)

#### Trees

10.52 Existing trees across the site are covered by a group Tree Preservation Order (TPO) and form part a rich landscape character of the area. The applicant's supporting tree survey identifies 145 different trees, classified as follows:

- 23 Category A (high quality with estimated life expectancy of 40+ years),
- 64 Category B (medium quality with estimated life expectancy of 20+ years),

- 56 Category C (lower quality with estimated life expectancy of 10+ years); and
- 2 as Category U (life expectancy not longer than 10 years).

- 10.53 The proposed site layout requires 57 existing trees to be removed. These are mainly Category B and C trees. The proposed landscaping layout shows the removal of these trees to facilitate the new build houses and new access routes/roadway primarily concentrated to the northwest and northeast of the site, together with an area to the south, opposite the Beaton Wing, for 3 new houses in a woodland setting. One Category A tree (G28) is affected to the west of the Chapel. 88 existing trees would be retained and 129 replacement trees planted which are mainly street trees to the front of the new build houses and within the 'airing courts' and where buildings are removed to the southwest.
- 10.54 While community concerns are noted, the Council's Tree Officer has considered the proposal and comments are set out in the consultation section above. The salient points are that the felling of trees are in the main confined within the hospital site and therefore have little or no impact on visual amenity from outside the redline boundary and replacement planting in mitigation is included within the proposal. The Tree Officer concludes that there are no arboricultural objections to the proposal and that the submitted Tree Report and tree protection plan provides sufficient detail to be conditioned. No further details are required.
- 10.55 The proposed development is considered to be informed and influenced by the presence of trees on site and the landscape masterplan demonstrates replacement tree planting to augment the verdant site context to enhance the hospital grounds. It is therefore considered to accord with Policy PCS13.

#### Biodiversity landscape enhancements

- 10.56 Policy PCS13 of the Portsmouth Plan (2012) requires that new development should "*retain and protect the biodiversity value of the development site and produce a net gain in biodiversity wherever possible*".
- 10.57 The applicant has outlined its enhancement strategy which identify a series of opportunities to improve the sites biodiversity, and provision of native wildlife habitat. The proposals look to create a series of green corridors which bridge the gap between the existing tree canopies and will be achieved by proposing additional native hedgerows as well as areas of wildflower grassland.
- 10.58 The Country Ecologist has reviewed the proposed strategy and is of the view that the development will help deliver habitat enhancements required by Policy PCS13 of the Portsmouth Plan and the NPPF, and that the details of these measures, including location plans of all proposed enhancements, should be secured by condition.

#### Management strategy

- 10.59 The St James Hospital complex and its associated landscape is to be restored, enhanced and sensitively developed. A long term monitoring and management regime will need to be in place to ensure the landscape fulfils its potential providing a high quality and ecologically rich landscape. If approved the approval should be subject to the submission of a Landscape Management Strategy, to be secured by planning condition. It is proposed that the scope of such report would include the following:
- Description and evaluation of the features to be managed.
  - Aims and objectives of management.

- Appropriate management options for achieving aims and objectives.
- Prescription for management actions.
- Preparation of work schedule (including an annual work plan).
- Details of body or organisation responsible for the implementation of the plan.
- Ongoing monitoring and remedial measures.

10.60 To fund the works all future residents will be expected to pay an estate charge part of which will pay for the maintenance of the landscape and the unadopted roads, among lots of other things. With an appropriate management regime in place there will be confidence that the landscaped grounds and buildings will be restored and repaired to the highest quality and then properly managed in perpetuity

### Conclusion

10.60 The proposed scheme will deliver both public and private spaces that are clearly defined, safe and vibrant and will help protect and enhance the views and settings of the historic St James Hospital as required by Policy PCS23 of the Portsmouth Plan. The scheme as proposed will also deliver a net increase in well designed and usable public open space and as such satisfies policies PCS13 of the Portsmouth Plan (2012).

### **Heritage impact**

#### Designated heritage assets

10.61 The LPA is under a statutory duty (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to have special regard to the desirability of preserving a listed building and its setting. This duty is statutory and beyond a material consideration.

10.62 The NPPF (see Paragraph 199) requires great weight should be given to the asset's conservation. The NPPF (see Paragraph 206) also states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. This ties in with the guidance under para. Paragraph 197 of the NPPF advises that in determining applications LPAs should take account of:-

"a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness."

10.63 St James Hospital is a large dominant and imposing building. It sits in a landscape setting in close proximity to (but not physically connected with) the listed chapel. The discreet mortuary building sits to the northwest of the site. 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 listed on 9 December 1998.

- 10.64 The proposed siting of the houses, toward the northern and western boundaries and closest to the rear of the hospital building to the rear would be very similar to existing buildings at the site. The amended scheme has decluttered the proposal around the hospital, particularly to the south. By removing the modern additions to the southwest (Turner and Langstone Centres) the airing courts are restored and the frontage is opened up on approach from the south along The Driveway, revealing the principal elevation of the Hospital. Additional housing proposed in the original scheme and reducing the overall footprint of the new build houses, concentrated to the rear is considered an important and significant improvement to the overall layout. 10.65 The NPPF (see Paragraph 194) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The local planning authority (see Paragraph 195) 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.
- 10.66 A Heritage Assessment (updated in December 2020) has been produced in support of the 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 well as the quantity of analysis undertaken by the applicant. Ongoing dialogue with Historic England (HE) and the Council's Heritage Adviser has resolved issues throughout 2020 and 2021. The final comments of HE above refers.
- 10.67 The NPPF (see Paragraph 202) 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 release of surplus NHS land to meet local housing need and delivery of new homes to meet housing targets on an allocated site, including the provision of larger dwellings for families are public benefits.
- 10.68 The detailed heritage consideration of the proposal on the hospital, Chapel and the mortuary building is set out in the accompanying LBC report. The Council's Heritage Adviser concludes that the proposal is considered *on balance* to be 'harmful'. The degree of harm is however considered less than substantial, and of 'medium/low' impact in terms of the asset as a whole. It should be understood that, notwithstanding the impacts associated with it, the scheme has reached a point where it is considered capable of conservation support, and also therefore the granting of planning permission and listed building consent (LBC). The proposed development is therefore considered to be in conformity with the NPPF and Portsmouth Plan Policy PCS23.

#### Non-designated heritage assets

- 10.69 The supporting Heritage Assessment (November 2019) the potential impact of the proposed development on buried heritage assets. that the Assessment concludes that there are no Iron Age or Roman archaeological remains within the site or its vicinity and that there are no known archaeological remains or sites dating back to the medieval period within the site or its vicinity. However, it is known that most of land within the site and its vicinity was under arable cultivation prior to the development of the hospital in the late 19<sup>th</sup> Century.
- 10.70 The County Archaeologist has considered the potential for archaeological remains and the comments received are reproduced in full in the consultation section above. The advice concludes that while there is no indication that archaeology presents an overriding concern, The County Archeologist has advised that an assessment is undertaken which records and reports on any archaeological deposits affected by construction. This assessment will be secured by condition. The conditions are set out at the end of the report but confined to the new build development phases on land previously undeveloped.

## Traffic/transportation

### Background

10.71 Policy PCS17 of the Portsmouth Plan (2012) states that *"the Council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network, which will Implement highway improvements associated with the strategic sites and promote walking and cycling and improved integration with other modes"*. This section of the report will look at the following traffic and transportation matters;

- Cumulative transport assessment (CTA)
- Sustainable transport
- Car parking provision
- Electric vehicle charging (EV) charging points
- Cycle parking provision
- Travel plan

### Cumulative transport assessment

10.72 A Cumulative Transport Impact Assessment (CTA), combined with the impact of the Phase 1 proposal; the current proposals for the Homes England parcel of land within the wider hospital site, has also been submitted and reviewed by the Local Highway Authority (LHA). This is to ensure that not only the development under consideration within this application, but the traffic generated by the wider development opportunities identified in current and emerging policies can be fully considered. The CTA has utilised the base traffic models prepared for PCC by SYSTRA to inform the emerging local plan and applied the traffic flows relating to the network peak based on June 2019 surveys moderated to reflect the land use fall back assumptions you found sound in the addendum TA to establish the base case. The addition trip generations likely to arise from both the phase 1 (Homes England) and phase 2 (this application) development peaks then added to the model and the two scenarios compared to determine the development impact.

10.73 In summary, the CTA finds that at the Lockway Road / Milton Road junction the Milton Road (south) arm operates in excess theoretical capacity in the base case during a 30 minute period during the weekday morning peak period. The impact of the two developments would increase queue lengths on this arm by 11 vehicles (from 44 to 55) in the worst case. In the afternoon the same arm is found to operate well in excess of the operational capacity and approaches theoretical capacity. The impact of the two developments would increase queue lengths on this arm by 5 vehicles (from 11 to 16) in the worst case.

10.74 In response the applicant has submitted proposals for junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue as shown on drawing numbers 107890-dwg-07-01 and 107890-dwg-05-02. The LHA has confirmed that it is comfortable with the general arrangements shown in the above drawing that subject to securing such junction controls with submission and approval of a detailed scheme supported with a road safety audit prior to commencement of the development and implementation prior to occupation the LHA do not wish to raise an objection to this application on highway grounds and that the off-site highway mitigation works will need to delivered directly by the developer through S278 agreements with the highway



authority.

- 10.75 The applicant has confirmed that it is committed to undertaking the off-site highway mitigation works. The CTA has assessed the impact of both the Phase 1 development (Homes England) and the Phase 2 development (this scheme). The off-site mitigation works will address the negative impact both schemes combined would have on the Lockway Road / Milton Road junction. This scheme is however the first of the two scheme to come forward and so the applicant will be expected to deliver the off-site mitigation works. As the Phase 1 (Homes England) scheme will benefit from the off-site mitigation works it would be reasonable to expect Homes England to make a financial payment to the applicant to cover its share of the costs of off-site works, however appropriate conditions will be imposed to ensure the necessary offsite works are completed prior to the occupation of the current development irrespective of where funding is derived from.

#### Sustainable Transport

- 10.76 Four regular bus services can be accessed within close proximity to the site. The closest bus stop for the no.13 bus service lies to the south on Locksway Road (approximately 650m from the centre of the site), providing connections to the city centre. The no.13 bus service can also be accessed from the rear of the site at bus stops on Moorings Way (approximately 750m) near the junction with Warren Avenue. Bus stops for the no.2 and no.17 service on Milton Road also providing connections to the city centre and the seafront and situated to the west (outside Beddow Library) between Meon Road and Posbrooke Road junctions at approximately 1.2km from the site. The no.1 service can be accessed on Eastney Road to the southwest at approximately 1.2km. The site is approximately 2.5km from the nearest railway station to the west at Fratton.
- 10.77 Accessibility to public transport forms an integral component of decision-making in site allocation for housing. It is considered that 800m (approximately 10 minutes-walk) to the nearest bus stops in Locksway Road and Moorings Way served by regular bus services, as well as the access to bus service 1, 2 and 17 weighs in favour of the proposal for sustainability.

#### Car Parking provision

- 10.78 The comments below focus on parking provision and highway improvements/mitigation measures to address local concerns relating to traffic congestion. The Council's 'Parking Standards and Transport Assessment' SPD outlines the expected level of car parking provision for new dwellings, as set out below: 1 space per 1-bed/studio dwelling 1.5 spaces per 2-3 bed dwelling 2 spaces per 4-bed (or more) dwelling
- 10.79 The SPD requirements for the scheme are set out below:-
- 21 x 1 bed flats - 21 spaces
  - 84 x 2 bed flats - 126 spaces
  - 15 x 3 bed flats - 22.5 spaces
  - 18 x 2 bed houses - 27 spaces
  - 54 x 3 bed houses - 81 spaces
  - 12 x 4 bed houses - 24 spaces
  - 5 x 5 bed houses - 10 spaces

- Total requirement is 312 spaces

10.80 The applicant confirms that 312 allocated parking spaces are proposed across the site, in accordance with the SPD requirements. In addition, 32 visitor spaces are provided (10%) which is policy compliant. 26 additional spaces are provided for the cricket club. This is a total of 370 spaces across the site. The Transport Update Note of December 2020 refers to a total of 344 spaces which relate solely to the homes.

10.81 The initial scheme in early 2020 had provision for the cricket club at 34 spaces, but at the request of the LHA all echelon bays were changed to parallel which resulted in a reduction. Given the amount of people who travel to the cricket club via sustainable transport methods it is considered that 26 spaces is ample.

#### Electric Vehicle (EV) Charging Points

10.82 EV charging points are not shown on the proposed plans. However, the applicant has clarified that each shared parking court will provide 20% of the spaces with a charging point. If and when demand increases the management company can install more. For the new build houses the infrastructure will be put in place during construction works, with each individual homeowner applying for the actual charging points using the government grants available to them. The commitment to the provision is acceptable and a condition is proposed for details of communal charging points to be submitted and agreed.

#### Cycle Parking Provision

10.83 The SPD requirement for cycle parking is set out below:-

- 1 space per 1 bed dwelling;
- 2 spaces per 2/3 bed dwelling;
- 4 spaces per 4+ bed dwellings;
- Visitor parking at 10% of the total number of parking

10.84 The minimum requirement for cycle parking provision is 474 spaces. The scheme provides 477 cycle parking spaces which is compliant with the SPD. In response to the Sustrans comments, the applicant has clarified that visitor spaces amount to 46 spaces, and bike stores will accommodate 108 spaces. The lower ground floor of the main hospital building will accommodate 121 spaces. Curtilage spaces for flats with private outside space will accommodate 72 spaces within new build houses/within private garages will accommodate 130 spaces. Details on the latter can be conditioned prior to occupation. Particularly for the converted flats to ensure it is appropriate in design and screened to be sympathetic with the context of the listed building. Subject to further details the provision is considered to be SPD compliant. Site access for cyclists and dedicated cycle paths are covered in the design section above.

#### Travel Plan

10.85 A Travel Plan to promote sustainable modes of transport for future residents has been submitted in support of the proposal. The travel plan sets out the detail of walking/cycling and public transport accessibility, including details of access to local services (schools/healthcare facilities/shops). The Travel Plan sets out the measures to be implemented under the control of a Travel Plan-Co-ordinator (TPC) to work in conjunction with the planning and highway authorities for the continuing progression of the Travel Plan. The TPC will be appointed by the developer prior to the first dwelling becoming occupied with appropriate contribution for necessary monitoring to be

secured by the S106 agreement, to include the Travel Plan.

- 10.86 The applicant has indicated that it is willing to include a car club on the site. The final details of the car club will be addressed through the Travel Plan condition. It should also be noted that an obligation in the S106 agreement is that the applicant will meet the monitoring costs of the Travel Plan, where the monitoring fee is payable within 12 months of implementation of the planning permission.

### Conclusions

- 10.87 The views of the Local Highways Authority (LHA) are set out in the consultations section of the report including junction improvements to mitigate local traffic congestion from this proposal and cumulative impacts of the Phase 1 proposal on the adjacent site. Initial detailed concerns raised by the LHA have been resolved through amendments and submission of further information throughout the process of assessment. The proposal with the measure in place, including the junction improvements to be implemented by the developer prior to occupation and secured through a S278 agreement, is considered acceptable and policy compliant.

## **Biodiversity and appropriate assessment**

### Background

- 10.89 The Ecological Impact Assessment (EclA) (Version 2A updated in December 2020) sets out the context of habitat and wildlife impacts, including a bat survey. Mitigation and enhancement measures are proposed to reduce the effects on habitats/species, ensure compliance with the relevant legislation, and deliver biodiversity benefits. The County Ecologists has reviewed the submitted report and concludes that there is no objection to the proposal subject to two conditions. The first relating to the safeguarding of bats as set out in the EIA and the second relating to the submission of a detailed scheme of ecological enhancements which duplicates Natural England's request for a Biodiversity Mitigation and Enhancement Plan (BMEP) relating to all fauna habitats, including swifts.
- 10.90 The County Ecologist also points out that a European Protected Species (EPS) license will be required from Natural England under the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats Regulations) to allow the development to proceed and the LPA should be satisfied that the relevant tests are met as set out in the response as set out below:-
1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
  2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a));*
- 10.91 The relevant section of the Habitats Regulations for both tests is Regulation 55(2)(e) and Regulation 55(9)(a) respectively. The Regulations apply to the Licensing Body. In this instance Natural England. While the advice of the Ecologist is noted the Regulations make clear that it is the Licensing Body which must be satisfied that the tests are complied with to issue the EPS License with regard to safeguarding bats. Nevertheless, officers consider the tests are satisfied because the proposal would preserve public health and public safety, while at the same time there are overriding social and economic benefits of primary importance from housing provision to satisfy the first test. In respect of the second test, officers also consider that the proposal has no satisfactory alternative because the proposal is considered on its planning merits and would preserve the long term viability and future of the heritage asset on an allocated site within the development plan.

Solent Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar sites

- 10.91 The Conservation of Habitats and Species Regulations 2017 [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, Special Areas of Conservation and Ramsar sites, or otherwise affect protected habitats or species. This includes the Chichester and Langstone Harbour SPA and Ramsar sites, Solent and Isle of Wight Lagoons SAC and Solent Maritime SAC which are now part of the National Site Network. The application site does not comprise supporting habitat under the Solent Waders and Brent Goose Strategy 2020.
- 10.92 The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the designated nature conservation sites along the Solent coast will continue to be protected. The EclA also considers the potential effects as a consequence of recreational disturbance and nitrates discharge.
- 10.93 A Habitat Regulation Assessment (HRA) was completed on 23/02/21 and submitted to Natural England (NE), and a revised HRA has just been finalised and submitted to NE in December 2021. The HRA identified the following impacts on the integrity of the SPA/SAC/Ramsar;
- Recreational disturbance
  - Deterioration of the water environment

SPA Recreational Impact

- 10.94 The Solent Recreation Mitigation Strategy (December 2017) identifies that any residential development will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can mitigate negative impacts and enable development to go forward in compliance with the Habitats Regulations. .
- 10.95 The applicants EIA considered the recreational impact on the SPA and propose to mitigate the impact in accordance with the Council's Strategy with mitigation payments to be secured via S106 agreement. The required mitigation payment based on the housing mix is calculated to be £122,446.

SPA Nitrates Impact (Sewerage Discharge)

- 10.96 The Council's Interim Nutrient-Neutral Mitigation Strategy (2019) expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank (Option 3). These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock and making these credits available to new development. Option 3 also notes there are other recognised sources of 'credit', which the Applicant may employ. The applicant has agreed to make the relevant nitrate mitigation payment.
- 10.97 The site has a history of hospital use and sewerage discharge. While the applicant has agreed to provide nitrate mitigation payments the Council as the competent authority is required to undertake a Habitat Regulations Assessment (HIA) for Natural England's

(NE) approval. The latest HRA has been completed and submitted to Natural England (NE) on 13 December 2021. Subject to confirmation from NE, Officers will report to the Planning Committee the quantum of mitigation required for the proposal and the proposed source of mitigation. Officers are satisfied that mitigation to increases in nitrates is addressed and harmful eutrophication can be properly prevented through the imposition of an appropriate condition and mitigation can be secured via a S106 agreement.

### Milton Common

- 10.98 The adopted Milton Common Local Nature Reserve Management Framework (MCLNRMF) (2015) (at para 2.8) provides further requirements of such "*significant in scale and built out on sites ranging from immediately next to the SPA to 1km away*". The site is close to Milton Common to the northeast and the Framework is a material consideration which carries significant weight. The mitigation payments required under the MCLNRMF, particularly in respect of safeguarding the Brent Geese habitat are in addition to those necessary for the wider recreational disturbance on sites more distant from the application site and would be directly applied to the delivery of the enhancements described in the MCLNRMF. These payments equate to £8,747 per dwelling unit (Total sum £1,828,123) and have been agreed with the applicant and this will be secured by the S106 agreement.

### Conclusions

- 10.99 With the above mitigation and based on the advice of Natural England and the County Ecologists, it can be concluded that there will be no adverse effect on the natural environment or the integrity of the designated sites identified above. The requirement for a payment to secure mitigation by the S106 agreement would be necessary, directly related to the development and be fairly and reasonably related in scale and kind to meet the NPPF tests (para.57). The Council has undertaken an Appropriate Assessment, in consultation with Natural England, under the Habitat Regulation Assessments, as described above and published on its website. The Likely Significant Effects arising from the development have been assessed and necessary mitigation secured to enable a conclusion to be reached that the proposal will not adversely affect the integrity of the habitat site.

### **Flood risk, drainage and utilities**

#### Background

- 10.100 The section addresses the following flood risk and drainage matters

- Flood Risk
- Surface water drainage
- Foul drainage
- Conclusions

#### Flood Risk

- 10.101 The NPPF advises against inappropriate development in areas at risk of flooding and that development should be flood resilient and incorporate sustainable drainage systems (see paragraphs 159 to 169). The guidance set out in the NPPF on managing flood risk is consistent with policies in The Portsmouth Plan (2021).

- 10.102 A key objective of the Portsmouth Plan (2012) is to promote "*development in lower*

*flood risk areas first, ensuring that the siting, design and layout of developments mitigate against flooding and implementing sustainable drainage systems" (see paragraph 2.16 of the Portsmouth Plan (2012)). Policy PCS12 (Flood Risk) advises that "the Council will assess the level of flood risk in making allocations and considering planning applications, in particular by reference to strategic and site specific flood risk assessments". To avoid and control flood risk Policy PCS12 aims to;*

- prioritises sites at a lower risk of flooding
- contribute towards flood defenses
- control flood risk on individual sites through on-site flood risk management measures
- permit new developments only where the necessary surface water drainage, foul drainage and sewage treatment capacity is available
- Ensure that the design and layout of development minimises the risk to people and damage to property in the event of flooding
- Have in place effective emergency response plans

10.103 A Flood Risk Assessment (FRA) and a Sustainable Drainage Statement were submitted in support of the proposal. The site is located in Flood Zone 1 (Low Probability). The Flood Zones in this area are associated with the estuary to the east of the site at Langstone Harbour. The site is however significantly raised above even the extreme modelled tide levels and as such the risk of flooding is low existing ground levels ranging from 5.0 m AOD along the perimeter of the site to 6.5m AOD in the centre.

10.104 The proposed development has also been assessed in the FRA against a range of potential flood risk sources including; coastal, surface water, canals, groundwater, reservoirs and sewers, and none have been found to represent a major flood risk. To further mitigate flood risk;

- Finished floor levels will be set a minimum of 150mm above external ground levels
- Ground levels should be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point
- Future occupants of the development are recommended to sign up to the Government's

10.105 It should be noted that the FRA has been reviewed by the Eastern Solent Coastal Partnership and the Environment Agency (EA) both of which have not raised any objections. Furthermore, conditions will be attached which require the submission and approval of Details of Earthworks and Flood Warning and Evacuation Plan which will provide the further safeguards.

#### Surface Water Drainage Strategy

10.106 A Sustainable Drainage Statement setting out the principles of drainage design for the development was submitted with the application. Surveys on the site have confirmed the presence of drainage features, manholes and gullies and that the site drains into the Sewer Water sewer network which is to be retained and diverted as necessary. It is proposed that soakaways will be the method used to dispose of surface water from additional hardstanding. The Statement also acknowledges that further surface water

attenuation will be required on the site, so that water can be stored and released at a controlled rate. Permeable paving will also be used.

10.107 The Council's Drainage Officer has reviewed the Sustainable Drainage Statement and subject to further drainage details, does not wish to raise any objections. A condition will be attached to the planning permission which requires the submission and approval of full details of the surface water drainage scheme.

#### Foul water drainage

10.108 Southern Water asset records indicate that there is a 225mm diameter public foul sewer within the southern extent of the site running in an easterly direction through St James's Green into Fair Oak Road. Southern Water have confirmed that there is currently adequate capacity within the local sewerage network to accommodate foul flows from the development.

#### Conclusions

10.109 The submitted FRA demonstrates that the site is not at high risk of flooding. Notwithstanding, it is proposed to attached conditions which will require the developer to submit for approval

- Details of Earthworks which will include profiling of the site to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point
- Detailed surface water drainage scheme including sustainable drainage measures (SuDS)
- Flood Warning and Evacuation Pan

10.110 With these safeguards in place the proposed development satisfies the requirements of Policy PCS12 of the Portsmouth Plan.

#### **Amenity**

##### Background

10.111 Policy PCS23 of the Portsmouth Plan (2012) 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 to consider, these being the impact on existing neighbouring residents to the site and secondly, the standard of living environment created for future occupiers of the scheme.

10.112 Policy D3 of the emerging Portsmouth Local Plan provides further explanation around this point by indicating that once that Policy can be given weight planning permission will only be granted where it can be demonstrated that development will not contribute to and will not be adversely affected by pollution (including cumulative levels) which cannot be addressed through appropriate mitigation, in relation to the following factors: a) Air quality / odour / dust, b) Noise c) Vibration d) Light e) Water (including leachate) and f) Any other forms of pollution.

##### Construction pollution

10.113 Pollution from construction particularly in terms of noise/ disturbance, dust and vibration has the potential to have a detrimental impact upon the amenity of surrounding

properties if not properly controlled. To address such concerns conditions will be attached which will restrict construction and delivery hours and require the submission and approval of a Construction Environmental Management Plan [CEMP]. The CEMP will require the developer to submit for approval method statements for dust suppression and control of emissions from construction and demolition and the control of construction noise/visual/vibrations.

- 10.114 These safeguards will ensure that development particularly during construction will not impact unacceptably upon the amenities of neighboring properties.

#### Noise

- 10.115 Aside from noise and disturbance during construction there is also the potential negative impact on future occupiers of the scheme, particularly within the proposed apartments within the main hospital building. The EHO has reviewed the scheme and has concluded that there are no concerns about environmental noise and as such do not wish to raise any objections to the application subject to a condition on noise insulation to habitable rooms.

#### Air Quality

- 10.116 The most recent submitted Air Quality Impact Assessment (AQIA) submitted 08/04/21 concludes that the predicted pollutants (NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>) concentrations are considered to be of negligible significance. Based upon the findings of the AQIA Environmental Health has not raised any objections to the scheme.

#### Overlooking and privacy

- 10.117 The proposed new build houses adjacent to the boundary with Mayles Road to the west and Brasted Court to the north have been carefully considered. The proposed back to back housing with Mayles Road properties achieves a minimum separation distance of approximately 26m. (Plots 4 to 7) and approximately 27m for Plots 8 to 15. The proposed second floor roof terraces to Plots 4 and 7 (3-storey Harrison House Type) are positioned to the front overlooking the hospital grounds and not Mayles Road. Given the height of the proposed houses with flat roofs at approximately 6.5m (Plots 8 to 15) and 9.5m (Plots 4 to 7) at these separation distances is not considered to significantly impact on light/outlook or privacy. Unreasonable adverse amenity impacts will not therefore be caused on Mayles Road Properties to justify refusal.
- 10.118 The nearest properties to the north in Brasted Court impacted by the proposal is nos. 20 and 22. The proposed terrace of 2-storey houses on Plots 46 to 49 have a side to rear relationship with nos.20 and 22 Brasted Court. The terrace is set in from the northern boundary by approximately 5m. The rear of 20 and 22 Brasted Court to the side of the nearest 2-storey Claybury House Type at Plot 49 has a minimum distance 18m and 20m respectively. With the maximum height of the proposal at 6.5m for the Claybury House Type, no adverse impact on light or outlook is envisaged. Plot 49 has a secondary first floor window to the side with potential for overlooking the neighbours to cause loss of privacy. However, potential loss of privacy can be mitigated by a condition to ensure the subject window is obscure glazed and fixed shut to a height of 1.7m above finished floor level.
- 10.119 Elsewhere, near the northern boundary with Brasted Court (nos 8 and 10) end of terrace 2-storey Fairfield House Type at Plots 32 and 41 have frontages facing nos. 8 and 10 Brasted Court. However, Plot 32 has a front to side relationship with no.8 Brasted Court at an approximate distance of 32.5m and Plot 41 has a front to rear relationship with no.10 Brasted Court at a distance of approximately 40m. No adverse impact on neighbouring amenity in terms of light, outlook or privacy is envisaged from these separation distances for the neighbouring properties identified.



- 10.120 Nos. 3 to 7 (consecutive) St. James Place have a rear to side relationship with the proposed 2-storey Braithwaite House Types at Plots 28 to 31 at a distance of approximately 15 between the two with no side window openings. The relationship is considered acceptable without undue harm to light, outlook or privacy. Plot 32 frontage does have a centrally positioned window at first floor level affording an oblique view to the rear of no.3 St. James Place. However, this first floor window is to a bathroom where one would expect obscure glazing to be installed which would safeguard privacy to no.3 St. James Place. Nevertheless, a similar condition to the above on Plot 49 is considered necessary to safeguard the privacy of the neighbour at no3 St. James Place.
- 10.121 Within the scheme the proposed houses and flats all comply with NDSS space standards and all houses have private gardens with a good aspect for light and outlook, and access to shared communal amenity spaces within the grounds of the hospital as shown on the landscape plan. The separation distances between back to back houses on Plot nos. 16 to 26, 28 to 36, 41 to 45 and 53 to 58 all achieve a separation distance of at least 22.5m (some are 23.5m) to provide an acceptable level of privacy, typical of back-to-back layouts. It would also ensure natural surveillance to gardens and streets across the estate. The proposal is considered to provide good quality of contemporary housing with a high standard of amenity for future occupants.
- 10.122 The proposal is considered to show a respectful relationship to existing neighbouring properties that is appropriate and acceptable. The impact on future occupiers is also considered to be acceptable to accord with policy PCS23 of the Portsmouth Plan.

#### Conclusions

- 10.123 With the various conditions in place the amenities of nearby properties will be adequately protected and a satisfactory living environment will be ensured in the new development in accordance with Policy PCS23 of the Portsmouth Plan (2012).

#### **Sustainable Design and Construction**

- 10.124 All development within the City must comply with the 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 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.
- 10.125 The applicant's latest energy statement dated 11/11/21 confirms that the proposal would achieve lower energy consumption by using energy efficient, be lean and be clean measures, which will bring benefits to the development throughout the lifetime of the building. This is sufficient to meet the current policy requirement of a 19% improvement required by local policies. The scheme also proposes the installation of photovoltaic panels on the roofs of each of the proposed new build dwellings. This, combined with a more stringent air leakage test, will result in a 33.89% improvement upon Part L1 2016 across the whole site. A condition will be attached which requires plans to be submitted for approval of details showing the siting and installation of photovoltaic panels.
- 10.126 With the relevant Conditions in place, the proposed scheme exceeds the sustainable design and construction standards set out within Policy PCS15 of the Portsmouth Plan (2012) and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

## **Contaminated land**

10.127 The applicant's supporting Geo-environmental and Geotechnical Assessment report deals with the effects of the proposed development in relation to contaminated land. 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 Portsmouth Plan.

## **Other matters**

10.128 The points of objection from residents and community groups are addressed within the main body of 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 is unsubstantiated. Particularly, in view of comments from the relevant consultees relating to public health and education. Education in the city is funded through CIL. There are no representations from the NHS and planning for health services is carried out at a strategic level via the local plan system and the NHS.

## **Planning Obligations**

10.129 The following planning obligations are considered necessary to render the development acceptable in planning terms, which is directly related to the development and fairly and reasonably related in scale and kind to the development. The proposal is considered to satisfactorily demonstrate how access could be provided to serve 209 dwellings with its associated parking, subject to the applicant's first entering into a Section 106 and 278 Agreements for the provisions listed below:

- Publicly Accessible Open Space - A plan delineates the publicly accessible open spaces which will be delivered by the development. These open spaces will remain accessible to the public in perpetuity (see Site Plan (Ref. 127-00-1119-B)).
- Junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue as shown on drawing numbers 107890-dwg-07-01 and 107890-dwg-05-02. The applicant will be required to submit for approval a detailed scheme supported with a road safety audit prior to commencement of the development and implemented prior to first occupation. The off-site highway mitigation works will need to be delivered directly by the developer through a S278 agreements with the highway authority.
- mitigating the impact of new development on Special Protection Areas (SPAs), by securing financial contributions (for mitigating recreational impacts and nitrates 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, and (c) to meet the Council's Interim Nutrient-Neutral Mitigation Strategy (2019) payable upon implementation of the planning permission
- Travel Plan with monitoring at a cost of £7260, where the monitoring fee is payable within 12 months of implementation of the planning permission.

## **Conclusion and recommendations**

10.130 In view of the above, the proposal is considered to be a sustainable development of an allocated site within a predominantly residential area, contributing positively to the city's

housing need. It would secure and safeguard the future of this significant listed building and its setting and result in a net increase in publicly accessible open space. It would also provide sufficient mitigation to alleviate the potential negative impact on traffic and ecology. This application is considered to satisfactorily demonstrate 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), PCS21 (Housing Density), PCS23 (Design and Conservation) and saved policies DC21 (Contaminated land) and MT4 (St James' Hospital) of the Portsmouth City Local Plan 2001-2011.

**RECOMMENDATION I** Delegated Authority to grant **Conditional 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 within the Solent Recreation Mitigation Strategy 2017, Milton Common Local Nature Reserve Management Plan 2015, and the Council's (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.

## **Time Limit 3 years**

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

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

## **Approved Plans**

2. Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings;

- 127-00-1001 Location Plan Rev A
- 127-00-1002 Existing Topo Plan, Sheet 1 Rev A
- 127-00-1003 Existing Topo Plan, Sheet 2 Rev A
- 127-00-1004 Existing Topo Plan, Sheet 3 Rev A
- 127-00-1005 Existing Site Plan Rev A
- 127-00-1006 Demolition Site Plan Rev B
- 127-00-1101 Proposed Site Plan Rev E
- 127-00-1102 House Types Site Plan Rev E
- 127-00-1103 Refuse & Parking Plan Rev E
- 127-00-1105 Boundary Treatment Plan Rev F
- 127-00-1107 Phasing Plan Rev F
- 127-00-1109 Cricket Pitch Rev E
- 127-00-1111 Vis Splay Plan Rev C
- 127-00-1112 Parking Rev C
- 127-00-1113 Refuse 1 of 3 Rev C
- 127-00-1114 Refuse 2 of 3 Rev C
- 127-00-1115 Refuse 3 of 3 Rev C
- 127-00-1116 Car Swept Path Rev C
- 127-00-1117 Fire Tender 1 of 2 Rev C
- 127-00-1118 Fire Tender 2 of 2 Rev C
- 127-00-1119 Publicly Accessible Open Space Rev B
- 127-01-10LG SJH - Existing Plans LGF Rev A
- 127-01-1000 SJH - Existing Plans GF Rev A
- 127-01-1001 SJH - Existing Plans FF Rev A
- 127-01-1002 SJH - Existing Plans SF Rev A
- 127-01-1010 SJH - Turner Proposed Plans Rev C
- 127-01-1011 SJH - Goddard Proposed Plans Rev C
- 127-01-1012 SJH - Lowry Proposed Plans Rev B
- 127-01-1013 SJH - Fenhurst Proposed Plans Rev C
- 127-01-1014 SJH - Exbury Proposed Plans Rev D
- 127-01-1015 SJH - Overton Proposed Plans Rev B
- 127-01-1016 SJH - Langstone Proposed Plans Rev B
- 127-01-1017 SJH - Beaton, Proposed Plans Rev C
- 127-01-1018 SJH - Hall, Proposed Plans Rev D
- 127-01-1019 SJH - Turner Proposed LGF Rev B
- 127-01-1020 SJH - Proposed Plans GF Rev C
- 127-01-1021 SJH - Proposed Plans FF Rev C
- 127-01-1022 SJH - Proposed Plans SF Rev C
- 127-01-1023 SJH - Proposed Plans TF Rev C
- 127-01-1024 SJH - Proposed Plans Roof Rev B
- 127-01-1101 SJH - Existing Elevations, Turner Wing, 1 of 2 Rev A
- 127-01-1102 SJH - Existing Elevations Turner Wing 2 of 2 Rev A
- 127-01-1103 SJH - Existing Elevations Goddard Wing Rev A

- 127-01-1104 SJH - Existing Elevations Lowry Rev A
- 127-01-1105 SJH - Existing Elevations Fenhurst Rev A
- 127-01-1106 SJH - Existing Elevations Exbury Rev A
- 127-01-1107 SJH - Existing Elevations Overton Rev A
- 127-01-1108 SJH - Existing Elevations Langstone Rev A
- 127-01-1109 SJH - Existing Elevations Beaton Rev B
- 127-01-1110 SJH - Existing Elevations, Hall Rev A
- 127-01-1111 SJH - Proposed Elevations, Turner Wing, 1 of 2 Rev C
- 127-01-1112 SJH - Proposed Elevations, Turner Wing, 2 of 2 Rev A
- 127-01-1113 SJH - Proposed Elevations, Goddard Wing Rev A
- 127-01-1114 SJH - Proposed Elevations, Lowry Rev A
- 127-01-1115 SJH - Proposed Elevations, Fenhurst Rev B
- 127-01-1116 SJH - Proposed Elevations, Exbury, 1of2 Rev B
- 127-01-1117 SJH - Proposed Elevations, Exbury, 2of2 Rev C
- 127-01-1118 SJH - Proposed Elevations, Overton Rev A
- 127-01-1119 SJH - Proposed Elevations, Langstone Rev A
- 127-01-1120 SJH - Proposed Elevations, Beaton Rev C
- 127-01-1121 SJH - Proposed Elevations, Hall Rev C
- 127-01-1501 Typical Window to Door Details Rev A
- 127-01-1502 Typical Floor Details Rev A
- 127-01-1503 Typical Wall Details Rev A
- 127-01-1504 Typical Roof Details Rev A
- 127-02-1001 Shaws Trust - Existing Plans and Elevations Rev A
- 127-02-1002 Shaws Trust - Proposed Plans and Elevations Rev B
- 127-03-1001 Chapel - Existing Plans and Elevations Rev A
- 127-03-1002 Chapel - Proposed Plans and Elevations Rev C
- 127-10-1001 Fairfield - Proposed Plans & Elevations Rev B
- 127-11-1001 Claybury - Proposed Plans & Elevations Rev B
- 127-15-1001 Earlsleigh - Proposed Plans & Elevations Rev B
- 127-20-1001 Braithwaite - Proposed Plans & Elevations Rev A
- 127-21-1001 Oxlade - Proposed Plans & Elevations Rev A
- 127-22-1001 Harrison - Proposed Plans & Elevations Rev A
- 127-23-1001 Newton - Proposed Plans & Elevations Rev A
- 127-25-1001 Cartwright - Proposed Plans & Elevations Rev A
- 127-26-1002 Bin & Cycle Store Rev B
- Tree Protection Plan 19140-BT6
- 29324-RG-L-08 Landscape Masterplan Rev F
- 29324-RG-L-08-1 Landscape GA Sheet 1 Rev F
- 29324-RG-L-08-2 Landscape GA Sheet 2 Rev F
- 29324-RG-L-08-3 Landscape GA Sheet 3 Rev F
- 29324-RG-L-08-4 Landscape GA Sheet 4 Rev F
- 29324-RG-L-08-5 Landscape GA Sheet 5 Rev F

Reason: To ensure the development is implemented in accordance with the permission and in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Sample of materials**

3. No development shall take place in Phase 2 of the development (Refer dwg. No. 127-00-117-F) until a sample panel of the materials to be used in the construction of the external surfaces of the new build housing has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1m x 1m and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance

with the approved sample, which shall not be removed from site until the completion of the development

Reason: In the interests of the visual amenities of the area and to accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Phasing strategy**

4. The phasing of development shall be in accordance with the phasing strategy as set out in dwg. No. 127-00-117-F and any changes to the programme shall require the approval of the local planning authority.

Reason: In the interests of the amenities of the area and to accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Details of Earthworks**

5. No development shall take place at Phase 2 until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the earthworks are acceptable and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Landscaping Details (hard and soft)**

6. No development shall take place at Phase 2 until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All details shall be fully dimensioned and shall include proposed finished levels or contours; means of enclosure; car park layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, cycle parking, refuse or other storage units, signs, lighting); accurate proposed and existing functional services above and below ground (e.g. drainage including rain gardens and swales, power, communications cables, pipelines indicating lines, manholes, supports. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Implementation of landscape works**

7. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of

landscaping in accordance with the approved design and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Landscape Maintenance**

8. Prior to the occupation of development a schedule of landscape maintenance for a minimum period of five years should be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Landscape Management for a period of 5 years.**

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Tree Protection**

10. No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with Tree Protection Plan 19140-BT6 and Barrell's Arboricultural Assessment dated 14th December 2020 (Ref: 19140-AA6-AS) with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority 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.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

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

11. (a) No works 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:

- Site storage of construction materials/chemicals and equipment;
- Location of construction compound

- Movement of construction traffic/routes and delivery times
- Contractors parking area
- Wheel washing facilities
- Method Statement for dust suppression and control of emissions from construction and demolition
- 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
- Chemical and/or fuel run-off from construction into nearby drains or watercourse(s)
- Demolition and waste disposal
- 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.

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

Reason: To ensure that measures are in place to ensure the amenities of surrounding areas are adequately protected during construction in accordance with the requirements of policies PCS14 and PCS23 of the Portsmouth Plan (2012) and NPPF.

#### **Avoidance, Mitigation and Compensation Measures: Roosting Bats**

12. Development shall proceed in accordance with the measures set out in Paragraphs 5.5.8 to 5.5.23 (Avoidance, Mitigation and Compensation Measures: Roosting Bats) of the St James' Hospital, Portsmouth, Ecological Impact Assessment report (Wharton Natural Infrastructure Consultants, December 2020, December 2020) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure appropriate measures are in place to ensure the protection/ conservation of bats in accordance with Policy PCS13 of The Portsmouth Plan (2012) and NPPF.

#### **Biodiversity Management and Enhancement Plan (BMEP)**

13. Prior to first occupation, a detailed Biodiversity Management and Enhancement Plan (BMEP) to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation. The BMEP should seek to secure enhancements for wildlife within the new urban areas by incorporating the following biodiversity net gain measures:

- A bat mitigation and enhancement strategy
- A lighting strategy
- A long term woodland management strategy for the on-site plantation woodland. This should include measures to secure enhanced management of the site to mitigate the increase in recreational pressure that will arise from the development and secure biodiversity enhancements
- Incorporate swift, house martin, sparrow and or bat boxes and bricks into the design of the new dwellings located adjacent to new and existing natural green space.
- Planting of native trees characteristic to the local area to make a positive contribution to the



- local landscape and biodiversity.
- Provision of fruit trees (e.g., apple, pear etc.) and appropriate native species within the new gardens.
- Using native plants in landscaping schemes to provide nectar and seed sources for pollinators and birds.
- The creation of species rich low maintenance grass verges for the new urban road network. Further information on the principles and value of creating road verge habitats that contribute to biodiversity and ecosystem services may be found at: <https://www.sciencedirect.com/science/article/pii/S0301479716310556>
- Provision to facilitate the use of the urban areas and gardens by hedgehog.

Development shall subsequently proceed in accordance with any such approved BMEP, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.

Reason: To enhance biodiversity in accordance with NPPF, the Natural Environment and Rural Communities Act 2006 and PCS13 of the Portsmouth Plan (2012) and NPPF.

### **Cricket Pitch Ball Strike Netting**

14. Prior to first occupation details of the ball stop netting to be installed around the cricket pitch to mitigate the risk of ball strike on persons/vehicles from the cricket pitch shall be submitted and approved by the local planning authority and installed around the cricket pitch. To identify the optimum location and height of protective netting it will be necessary to first undertake a risk assessment and which shall form part of the submission to the local planning authority. Details of the maintenance strategy shall also submitted for approval.

Reason: To ensure that suitable measures are in place to protect the health and well-being of residents and visitors to the area and to accord with the requirements of policy PCS14 of the Portsmouth Plan (2012) and NPPF.

### **Foul Water Strategy**

15. No development shall be occupied until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No units shall not be occupied until the works have been carried out in accordance with the foul water strategy as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties and accord with the requirements of Policy PCS16 of the Portsmouth Plan 2012 and NPPF.

### **PCC Drainage**

16. Prior to commencement of the Phase 2 of the development a full drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The details of the drainage strategy shall include the following:-

- Finished Floor Levels (FFL),
- layouts,
- pipe sizes,
- invert levels,
- infiltration tests results,
- porous paving cross-sections
- written confirmation of S185 and S106 Agreements
- any other supporting information

The approved details shall be implemented and maintained for the lifetime of the development.

Reason: To prevent environmental and amenity problems arising from flooding and to comply Policies PCS12 and PCS16 of the Portsmouth Plan 2012 and NPPF.

## **EHO - Noise insulation**

17. Prior to the commencement of Phase 2 of works (Refer Drwg. No. 127-001107-F) a scheme for insulating habitable rooms against road traffic noise and adjoining residential units, shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

- Daytime LAeq(16hr) (7:00 to 23:00) 35 dB
- Night-time LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB

The proposed ventilation should also be provided in the scheme for bedrooms and living rooms in properties on the north side of the site.

Reason: To protect the amenities of the future occupants of the residential units within the development and accord with the requirements of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

## **Contaminated Land - Prior to Demolition**

18. No demolition works shall occur 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) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

b) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model), unless otherwise agreed in writing by the LPA.

Reason: 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 in accordance with the Portsmouth Plan (2012) and NPPF.

## **Contaminated Land - Prior to Commencement**

19. No works pursuant to this permission shall commence 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 Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, and unless otherwise agreed in writing by the LPA;

b) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby

authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in *ISO 18504:2017 Soil quality — Sustainable remediation*. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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 in accordance with the Portsmouth Plan (2012) and NPPF.

### **Contaminated Land - Prior to Occupation**

20. The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the nominated Environmental Consultant/Remedial Contractor(s) as detailed in the stand alone remedial method statement agreed pursuant to condition 2b). The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 2b).

Reason: 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 in accordance with the Portsmouth Plan (2012) and NPPF.

### **Archaeological scheme of investigation**

21. That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located in areas within the proposed development not currently occupied by standing buildings to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets in accordance with the requirements of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

### **Programme of archaeological mitigation works**

22. That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations in accordance with the requirements of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

### **Archaeological fieldwork report**

23. Following completion of archaeological fieldwork a report will be produced in accordance

with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, in accordance with the requirements of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

### **Car Parking Provision**

24. Prior to first occupation of the dwellings the proposed car parking shown on approved drawing no. 127-00-1112 Parking Rev D 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. The maximum number of car parking spaces will be 144 spaces of which 9 car parking spaces will be designed for people with disabilities.

Reason: To ensure the development is implemented in accordance with the permission granted and accords with Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **EV Charging Points**

25. Prior to the car parking areas being surfaced within the development, full details of the electric car charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied unless electric car charging points have been provided in accordance with the approved plans and thereafter retained permanently.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **Travel Plan & Car club**

26. Prior to the first occupation of any residential unit hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority with the aim of promoting alternative / low carbon transport options for residents. For the purposes of this condition the Travel Plan shall include the following provisions, measures and/or initiatives:

- (i) A programme for its implementation;
- (ii) The promotion of car sharing initiatives such as [www.liftshare.com](http://www.liftshare.com);
- (iii) The promotion of a car club;
- (v) Bus services operating in the vicinity of the development including service timetables and connections with any other public transport service provider;

The plan shall include suitable and measurable targets with the aim to reduce transport related emissions.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **Cycle Parking**

27. 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.

Reason: To ensure the development accords with aims of Policy PCS17 of the Portsmouth Plan (2012) and NPPF.

### **PD Restriction to Houses**

28. 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 dwelling house hereby permitted without the prior written permission of the Local Planning Authority through the submission of a planning application:

- Class A (enlargement of a dwelling house), 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)
- Class A of Part 2 (gates, fences, walls or other means of enclosure)

Reason: To ensure the development is implemented in accordance with the permission and in the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Obscure Glazing**

29. The first floor side window to Plot 49 and first floor front window to Plot 32 shall be installed with obscure glazing to a minimum obscurity level 4 and fixed shut to a height of 1.7m above internal finished floor level (FFL) and permanently maintained thereafter for the lifetime of the development.

Reason: To protect the amenities of nearby properties and accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Lighting strategy**

30. Lighting strategy in accordance with the submitted lighting report and details of the all external lighting fixtures shall be submitted and approved prior to implementation of external lighting and completed prior to first occupation of the development.

Reason: To protect the amenities of the area and accord with Policy PCS23 of the Portsmouth Plan (2012) and NPPF.

### **Disability Access Statement**

31. Prior to first occupation of the development a Disability Access Statement shall be submitted to the LPA for approval and should indicate the provision to be made for disabled people to gain access to converted hospital building and the new build housing shall have been submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: The Disability Access Statement is required to assist the Local Planning Authority with the assessment of the issues relating to disabled people and to satisfy the requirements of the NPPF.

## **Flood Warning and Evacuation Plan**

32. Prior to first occupation of the development a Flood Warning and Evacuation Plan (FWEP) should be submitted and approved by the Local Planning Authority. The FWEP should demonstrate what actions site users should take before, during and after a flood event to ensure their safety, and to demonstrate that the development will not impact on the ability of the Council and the emergency services to safeguard the current population.

Reason: To ensure that measures are in place to ensure during a flood event measures are in place to ensure the safety of future resident in accordance with the requirements of policy PCS12 of the Portsmouth Plan (2012) and NPPF.

## **INFORMATIVES**

### 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.

### Hampshire Fire & Rescue Service

Consultation response from Hampshire Fire & Rescue Service dated 23/12/20 has been attached for your information

### Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link [southernwater.co.uk/infrastructure-charges](https://southernwater.co.uk/infrastructure-charges)

**ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA PO4 8LD**

**CONVERSION OF MAIN HOSPITAL, MORTUARY BUILDING AND THE CHAPEL, INCLUDING EXTERNAL ALTERATIONS - DEMOLITION OF BOILER HOUSE, STORAGE WINGS, SERVICE ROOM AND 20TH CENTURY BUILDINGS, WINDOW AND DOOR ALTERATIONS, RECESSED AND PROJECTING DORMERS, NEW STAIRS; INTERNAL ALTERATIONS TO INCLUDE ALTERATIONS TO WALLS, DOORWAYS AND STAIRCASES. CONSTRUCTION OF NEW HOUSING; PROVISION OF PARKING AND LANDSCAPING (AMENDED SCHEME) <https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5N8TLMO0N200>**

**Application Submitted By:**

Barton Wilmore - Ms. Jennifer Samuelson

**On behalf of:**

Mr. Richard Wilshaw - PJ Livesey Holdings Ltd

**RDD:** 13th March 2020

**LDD:** 24th April 2020

**1.0 SITE AND SURROUNDINGS**

- 1.1 The Grade II Listed St James' Hospital Chapel is located at the southeastern corner of the application site, at the junction of Chapel Way and Woodlands Walk. There is a standalone vacant church located to the west of the main hospital and a single-storey mortuary building (known as the Shaw's Trust Mortuary) located to the northwest on Langstone Way. The hospital and grounds are set within a strong verdant landscape. The grounds have extensive mature trees protected by a blanket Tree Preservation Order (TPO177).

**2.0 THE PROPOSAL**

- 2.1 Listed building consent is sought for the partial demolition of buildings within the site and external alterations focused on the listed main hospital building, the listed chapel and mortuary buildings and conversion of the buildings into 151 flats.
- 2.2 The application was substantially amended in December 2020 with a reduction in the total number of residential units to that now under consideration, 209 dwellings (151 converted in the main hospital building and 58 new houses in the grounds). The design amendments included the following;

- Removal of new built development from the south east and south west, with improved access to the former airing courts.
- Retention of the kitchen at the rear of the main hospital building, resulting in additional converted apartments.
- Conversion of the Chapel to residential use, in the absence of an identified community occupier.
- Revisions to the design of the new build houses, to take a more modernist/contemporary design approach.
- Proposed development of three houses to the north of the existing children's play area

2.3 The application proposal has been the subject of ongoing dialogue with the Council's Conservation Officer and Historic England, primarily to resolve design and heritage issues. The consultation responses on technical matters are summarised in Section 7 of this report. In response to this ongoing dialogue a number of further minor design modifications have been made and clarifications provided by the developer, including the reconfiguration of gardens to the front of the Beaton and Goddard wings to create a low hedgerow and communal garden space for the conversion homes, and removal of gardens from the front of the Turner building to preserve the appearance of the primary frontage of the listed hospital building.

2.5 This report considers the amended scheme and supporting material, together with representations and comments received.

### **3.0 PLANNING HISTORY**

3.1 There is an extensive planning history for the site relating to smaller buildings and extensions but none that is directly relevant to the proposal. The applicant's Heritage Statement tracks the historical development of the site prior to the hospital development in 1870 through the 20<sup>th</sup> Century additions to the present day.

### **4.0 POLICY CONTEXT**

#### **Portsmouth Plan (2012)**

41 The relevant policies within the Portsmouth Plan (2012) include;

- PCS23 (Design and Conservation).

### **5.0 CONSULTATIONS**

5.1 The following have been consulted on the proposals and their comments summarised below. The full consultation responses are available on public access.

- Historic England (HE)
- PCC Conservation Officer



- Victorian Society
- Design South East - Design Review Panel

### **Historic England (HE)**

- 5.2 Historic England has been closely involved in this project since pre-application discussions and has provided written advice on the 24/03/20, 19/10/20, 05/02/21, 30/07/21 and 12/08/21. HE acknowledges the positive direction of travel the proposals have taken since first submission and welcome the changes in design approach resulting in a much-reduced level of harm, and whilst it is of the view that some harm remains, particularly with regards to the proposed landscape strategy which subdivides the space immediately surrounding the hospital, [Officer note, further landscaping changes to address the concerns regarding subdivision in proximity to the hospital have been submitted and consulted upon in December 2021, any additional comments by HE will be reported orally at the meeting]. HE is of the view that this harm must be weighed against the considerable heritage benefits associated with the scheme, which would enable a sustainable new use for this 19<sup>th</sup> century former asylum.
- 5.3 HE therefore does not wish to raise objections to the granting of Listed Building Consent and Planning Permission subject to conditions to conditions which require the submission, approval and implementation of;
- k) Methodology for repair of Recreation Hall
  - l) Window and door strategy
  - m) Demolition and repair works strategy
  - n) Historic fixtures and fittings strategy
  - o) Detailed design of conversion works to the listed Chapel building and Mortuary
  - p) Materials
  - q) Repair and reinstatement of airing courts
  - r) Landscaping and management
  - s) Detailed design of bins and bicycle storage
  - t) Recording of historic fabric during construction

### **PCC Conservation Officer**

- 5.4 The PCC Conservation Officer who has been closely involved in this project since pre-application discussions and has provided written advice on the 24/03/20, 19/10/20, 05/02/21 and 12/08/21, has confirmed that the latest scheme has reached a point where it is considered capable of conservation support, and that planning permission and listed building consent (LBC) can be granted subject to conditions which require the submission, approval and implementation of;
- f) Demolition and 'making good' of remaining fabric
  - g) Roof - Rooflights
  - h) New window/door openings + Alterations to existing openings
  - i) Doors

- j) Retention of existing windows and design/materials for new windows

### **Victorian Society**

5.5 The Victorian Society made the following comments on the proposals on 10/09/20 and 12/02/21

- Number of changes have been introduced over the years which have obscured the basic plan of the (HOSPITAL) building.
- Loss of kitchen and service buildings to rear is regretted but can be seen as acceptable
- Concerns about the partitioning of the existing hall to create further rooms.
- Green space was a necessary part of asylum design (and) the development of the surrounding green space is therefore potentially harmful and should be kept to the absolute minimum.
- glass balconies proposed on the south of the Goddard and Beaton wings would be inappropriate

5.6 On the 12/02/21 the Victorian Society made the following comments on the revised scheme;

- Many of the concerns raised previously have been allayed
- The partial filling of the hall will cause harm but refurbishment of original features will go some way towards mitigating this harm
- Support Historic England's suggested conditions in regard to the window and door strategy, and historic fittings and fixtures
- More information is needed demonstrating how the proposed mezzanine could interact with the windows and whether there is scope to raise or lower the mezzanine to avoid cutting the window in two

### **Design South East - Design Review Panel**

5.7 The panel considered the proposal in a half-day session on 22 October 2020 and published their findings on 3<sup>rd</sup> November. The Design Review Panel was generally supportive of the design approach taken by the applicant which is "*generally well-considered and appropriate to the setting of this Grade II listed hospital building (and that) this heritage asset will benefit from the stripping back of the eclectic surrounding buildings to reveal the symmetry and clarity of the original building in its landscape setting*".

## **6.0 REPRESENTATIONS**

6.1 A total of 60 objections have been received, including objections from local Councillors. Many of the objections repeat the grounds of objections for the accompanying planning application (20/00204/FUL). Representations have also been received from Milton Neighbourhood Forum, the Milton Neighbourhood Planning Forum and 'Keep Milton Green Group' and again repeat the objections raised to the planning application.

- 6.2 Included in the above are objections received from Councilors Gerald Vernon-Jackson, Ben Dowling, Darren Sanders and Janette Smith all covering the points summarised below.
- 6.3 Reasons for objection relating to the listed building application, are summarised below:-
- Harm to listed building and setting
  - Ballroom in listed hospital 'sliced up' for flats
  - Loss of heritage/history
  - Loss of plant building to the rear (Lancashire House) and industrial history
  - Loss of chapel for community use
  - Loss of green space/communal spaces
  - Poor design of new houses not in keeping with the character of the area

### **The Milton Neighbourhood Forum**

- 6.4 A letter of objections was received from Milton Neighbourhood Forum to the original scheme 17/03/20 and also the amended scheme with further representations received on 16/03/21. Both representations from the Forum are available on the Council's website. The key issues raised on the amended scheme are that;
- The proposed demolition of the later buildings at the southern frontage of the Hospital will improve the setting and allow more of the architectural features of the hospital to be exposed.
  - The setting of the Hospital between Chapel Way and Overton Wing is destroyed by the intrusion with nine discordant blocks and 38 separate car-spaces.
  - The opportunity to de-clutter this area should have been the objective so that the Edwardian Villa known as Falcon House can retain its prominence in the landscape
  - The scheme interferes visually both in terms of the architectural harmony of the listed building but also with the clarity of the landscape.
  - This "Eastern Airing Court" curtilage, preserves the setting of the Hospital and Chapel within the landscape in the same way the landscape sets the Hospital and the Chapel within it
  - The proposed new build houses appear so discordant with the style of the Hospital they visually clash compounding the "harm" to the Hospital's setting.
  - Para 195 and 196 of the NPPF requires the justification of harm can only be outweighed by the wider Public Benefits of the scheme. If the cubist blocks will not accommodate Solar PV and the City has a "Zero carbon Emissions Target" for 2030 and there are no Affordable Housing then the scheme cannot be considered to be in the wider public benefit.

## **Keep Milton Green**

- 6.5 Keep Milton Green has raised the following issues;
- The bandstands have been removed which should be retained and maintained as part of the history of the site.
  - Large areas of the accessible green space will be privatised and turned into private gardens.
  - The chapel was always a popular place for patients, visitors, staff and residents and it is disappointing that a community use could not be found for the building.
- 6.6 A Petition has also been submitted to the Council, on 29 March 2021, which at the time of writing had 1,159 signatures. It is hosted on an external website and contains a variety of comments, with the petition itself focused on concerns regarding the proposed use of the site for housing, the number, design and siting of the houses proposed, the impact on trees, green space, local habitat and carbon, and the impact on local infrastructure including the local network and services such as schools and GP surgeries.

## **7.0 COMMENT**

### **Introduction**

- 7.1 The accompanying planning application report (20/00204/FUL) considers; the principle of development, housing, design & layout, landscape & open space, traffic/transportation, biodiversity and appropriate assessment, flood risk, drainage and utilities, amenity, sustainable design and construction, contaminated land.
- 7.2 This application which is concerned only with the impact of development upon the listed buildings on the site will consider the Impact of New Development on the setting of listed buildings and the Heritage Impact.

### **Impact of new development**

#### Layout of new development

- 7.3 The original submitted proposals were considered by PCC Officers and Historic England who were concerned that the scheme as originally proposed, would create a dense cluster of buildings across the site which would detract from the appearance of the listed buildings. A series of design workshops were held since August 2020 and which resulted in significant design amendments, including;
- a reduction in the number of dwellings,
  - removal of new build development to the south east and south west and reinstatement of the historic landscape and creation of new open space
  - retention of the kitchen to the rear of the main hospital building and conversion into apartments
  - Conversion of listed Chapel to residential use
  - Redesign of the new build houses

- Proposed development of three houses in an small open area/ clearing to the north of the existing children's play area

7.4 The amended scheme now preserves the main views of the historic buildings, and enhances the views along the principal axial approach from the south by removing intrusive later development, allows for the demolition of buildings of low or moderate significance and open up the airing courts, locates new development in visually and historically less sensitive areas, mainly to the north of the site, and ensures that the new development respects the formal and symmetrical layout of the site and respects its historic landscape character, and accords with aims of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.

#### Design of new development

7.5 Policy PCS23 requires that new development should be of excellent architectural quality in new buildings and changes to existing buildings, and the NPPF promotes "*the creation of high quality, beautiful and sustainable buildings and places*" (see paragraph 126).

7.6 The originally submitted scheme proposed a more traditional design approach to the new build housing which sought to complement the character and design of the historic hospital building. Officers were, however concerned over the design quality in particular about the layout and architectural design of the new housing which would be damaging to the 78 As recommended by the Panel and PCC Officers a more contemporary architectural language should be developed - as opposed to a pastiche design approach - which offered the opportunity to create a distinctive contemporary architecture which would respond more positively to the unique character of the site.

7.7 The existing hospital building has a tall scale with a strong verticality, emphasised by the tall, narrow windows and corner towers. These principles have been adopted in the vertical emphasis of the new build houses without creating a pastiche of ornate brickwork details. Various details to the elevations, including string courses and build heights have been designed to align with the adjacent elevations of the listed building.

7.8 The proposals use a simple, refined selection of hard materials is in keeping with the Listed Building and parkland character and to assist with legibility there will be a range of materials used across the development. The strategy has a clear hierarchy to ensure the right type of material in appropriate situations.

7.9 The proposed new development within the scheme will be of excellent architectural quality in new buildings and as such satisfies the aims of Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### **Heritage impact**

##### Designated heritage assets

7.10 The LPA is under a statutory duty (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to have special regard to the desirability of preserving a listed building and its setting. This duty is statutory and beyond a material consideration.

7.11 The NPPF (see Paragraph 199) requires great weight should be given to the asset's conservation. The NPPF (see Paragraph 206) also states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. This ties in with the guidance under para. Paragraph 197 of the NPPF advises that in determining applications LPAs should take account of:-

*"a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness."*

- 7.12 St James Hospital is a large dominant and imposing building. It sits in a landscape setting in close proximity to (but not physically connected with) the listed chapel. The discreet mortuary building sits to the northwest of the site. 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 listed on 9 December 1998.
- 7.13 The proposed siting of the houses, toward the northern and western boundaries and closest to the rear of the hospital building to the rear would be very similar to existing buildings at the site. The amended scheme has decluttered the proposal around the hospital, particularly to the south. By removing the modern additions to the southwest (Turner and Langstone Centres) the airing courts are restored and the frontage is opened up on approach from the south along The Driveway, revealing the principal elevation of the Hospital. Additional housing proposed in the original scheme and reducing the overall footprint of the new build houses, concentrated to the rear is considered an important and significant improvement to the overall layout.
- 7.14 The NPPF (see Paragraph 194) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The local planning authority (see Paragraph 195) 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.
- 7.15 A Heritage Assessment (updated in December 2020) has been produced in support of the 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 well as the quantity of analysis undertaken by the applicant. Ongoing dialogue with Historic England (HE) and the Council's Heritage Adviser has resolved issues throughout 2020 and 2021. The final comments of HE above refers.
- 7.16 The NPPF (see Paragraph 202) 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 release of surplus NHS land to meet local housing need and delivery of new homes to meet housing targets on an allocated site, including the provision of larger dwellings for families are public benefits.
- 7.17 The detailed heritage consideration of the proposal on the hospital, Chapel and the mortuary building is set out in the accompanying LBC report. The Council's Heritage Adviser concludes that the proposal is considered *on balance* to be 'harmful'. The degree of harm is however considered less than substantial, and of 'medium/low' impact in terms of the asset as a whole. It should be understood that, notwithstanding the impacts associated with it, the scheme has reached a point where it is considered capable of conservation support, and also therefore the granting of planning permission and listed building consent (LBC).
- 7.18 Historic England and the Council's Conservation Officer have both requested that various conditions are imposed which require the submission, approval and implementation of;

- Methodology for repair of Recreation Hall
- Window and door strategy
- Demolition and repair works strategy
- Historic fixtures and fittings strategy
- Detailed design of conversion works to the listed Chapel building and Mortuary
- Materials
- Repair and reinstatement of airing courts
- Landscaping and management
- Detailed design of bins and bicycle storage
- Recording of historic fabric during construction

7.19 The proposed development is therefore considered to be in conformity with the NPPF and Portsmouth Plan Policy PCS23.

### **Conclusion and recommendations**

7.20 The proposals as amended now preserves the main views of the historic buildings, and enhances the views along the principal axial approach from the south by removing intrusive later development, allows for the demolition of buildings of low or moderate significance and open up the airing courts, locates new development in visually and historically less sensitive areas, mainly to the north of the site, and ensures that the new development respects the formal and symmetrical layout of the site and respects its historic landscape character. The proposed new development within the scheme will be of excellent architectural quality in new buildings, with the following conditions imposed to effectively control all alterations to the fabric of the listed buildings the safeguards will be in place to ensure that development satisfies the aims of Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF

**RECOMMENDATION** grant **Listed building Consent** subject to the following conditions;

#### Alterations to existing openings

1. Prior to the commencement of alteration works to the fabric of the listed buildings a method statement with supporting drawings shall be submitted and approved by the local planning authority which clarifies how new window/ door openings will be constructed, and existing openings blocked up and subsequently made good. Any new windows should be of timber single glazed construction, and of design/ style that 'harmonises' with the existing.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Roof - Rooflights

2. All new rooflights must be of an architecturally appropriate/ sympathetic 'conservation style', fitted flush or below the plain of the roof. A sample of the type/style of rooflight to be used shall be submitted and approved by the local planning authority prior to any

conversion works to the listed buildings on site.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Demolition and repair methodology

3. A detailed demolition and repair methodology statement shall be submitted and approved prior to the commencement of any demolition works on site and all demolition works shall follow the approved methodology unless agreed otherwise. The methodology statement shall include details of the following;
  - a) site for the storage of salvaged materials until reused.
  - b) detailed demolition drawings including elevations.
  - c) detailed information for any temporary protection, propping or making good works.
  - d) elevation drawings with repair materials specified.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Internal historic fixtures and fittings

4. Prior to the commencement of repair works on the interior of the listed buildings a detailed methodology statement shall be submitted to and approved by the local planning authority setting out the methodology for the identification, retention and incorporation within the development works of original or early features including; joinery, doors, windows, columns, cornice, fireplaces, moulding, architraves, skirting, dado, picture rail and cornices etc. All repair works shall follow the approved methodology unless agreed otherwise.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Recreation hall repairs

5. Prior to the commencement of works to the Recreation Hall a detailed methodology of repair informed by specialist survey of the Recreation Hall shall be submitted and approved by the local planning authority. All works to the recreation Hall shall follow the approved methodology unless agreed otherwise.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Door, window, sill and string course repairs

6. Prior to the commencement of works to listed buildings on site a detailed methodology for the repair in-situ of existing historic windows, sill and string courses shall be submitted and approved by the local planning authority prior to any works starting on the listed buildings to be converted to residential use. All repair works shall follow the approved methodology unless agreed otherwise. All new openings should seek to replicate the proportions, materials and design details of existing historic doors and windows on the listed buildings.



Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Chapel

7. Prior to the commencement of works to the Chapel building details of how the mezzanine floor will bisect the north windows shall be submitted and approved by the local planning authority. The submitted details shall also include a detailed window schedule. All works to the Chapel shall be implemented in accordance with approved details unless agreed otherwise.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Mortuary proposals

8. Prior to the commencement of works on the Mortuary building detailed plans shall be submitted to and approved by the local planning authority. All works to the Mortuary shall be implemented in accordance with approved details unless agreed otherwise. The details should include;
  - A photographic survey of the interior and exterior of the building.
  - Details of historic fixtures and fittings of the building to be retained and reused
  - Materials to be used in any repairs or alterations.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Airing Sheds

9. Prior to the commencement of the repair and reinstatement of the airing courts detailed plans shall be submitted to and approved by the local planning authority. All works to the Airing Courts shall be implemented in accordance with approved details unless agreed otherwise.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

#### Recording

- 10 A detailed photographic survey should be compiled during construction works and should include of photographs to opening up works to the hospital, church, mortuary and airing sheds. On completion of development the detailed photographic survey shall be submitted to the local planning authority for approval.

Reason: To ensure development meets S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and accords with Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.

## FLATHOUSE QUAY PORTSMOUTH PO1 3NS

### INSTALLATION OF LOW-LEVEL AGGREGATE HANDLING PLANT

#### LINK

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qxdh8imokzv00>

#### Application Submitted By:

Mr Richard Ford

#### On behalf of:

Mr Richard Ford

Brett Aggregates Limited

**RDD:** 5th August 2021

**LDD:** 5th November 2021

## 1.

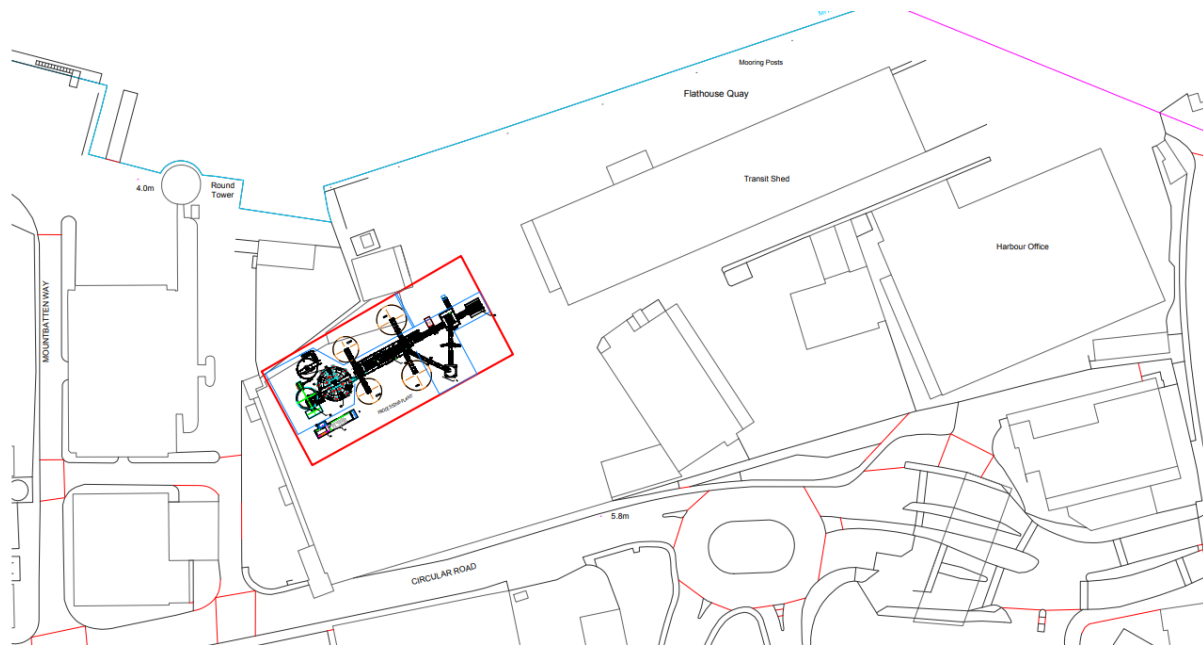
### SUMMARY OF MAIN ISSUES

1.1 The main issues for consideration in the determination of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the area and associated heritage assets;
- Impact on residential amenity;
- Impact on highways safety;
- Impact on ecology, including the Solent Special Protection Areas;
- Contaminated land.

#### 1.2 Site and surroundings

1.3 The application relates to an area of land (0.234 hectares) located within the Portsmouth International Port, just to the north of Circular Road which leads from Flathouse Road. The site is hard-surfaced with concrete and is surrounded by a brick wall to the north-west and west and an open storage areas to the north-east, east and south, as per location plan below.



Site Location Plan

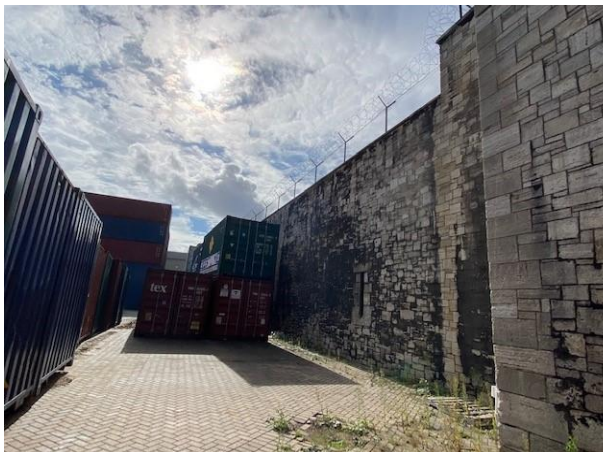
1.4 Photographs of the site:

*Aerial photograph of the application site and the immediate surroundings showing structures which previously occupied the application site and the adjacent land.*





Looking North-West across the application site





1.5 The Port has been used for the import, export and handling of a wide range of goods and cargoes, including fruit and other perishable foodstuffs, bulk products, sea-won aggregates, timber, grain, shipping containers and other raw materials, as well as special project cargoes such as wind-farm blades. The area surrounding the application site is used for landing, storing and sorting of materials/products before they are distributed nationally around the UK.

1.6 The area comprises a number of industrial buildings, structures and areas of hardstanding, and the resulting surrounding townscape has an industrial feel and character.

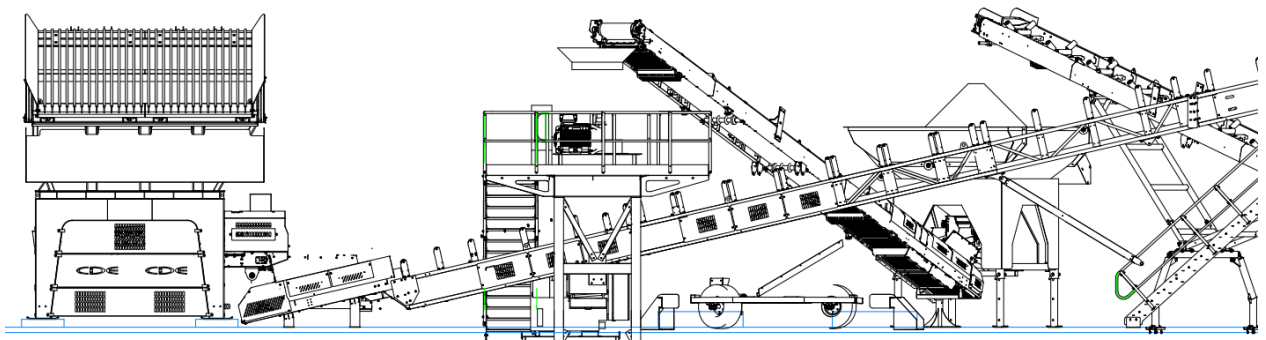
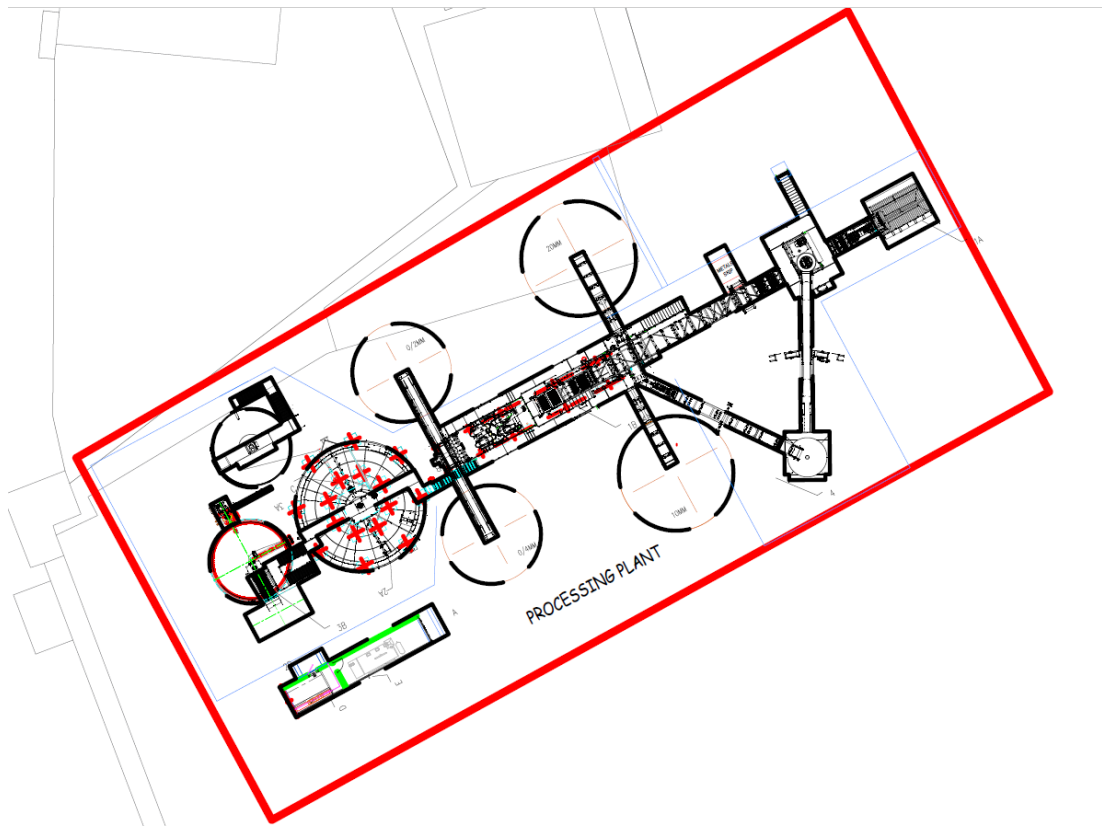
1.7 The site is not open to the general public.

1.8 In planning policy terms, the site is located within an employment area (Policy PCS11), the Portsmouth Harbour Coastal Zone (Policy PH1) and is also allocated for tall buildings (PCS24). The Hampshire Portsmouth, Southampton, New Forest National Park & South Downs National Park Minerals and Waste Plan safeguards the site for potential minerals and waste wharf and rail depot infrastructure (Policy 34).

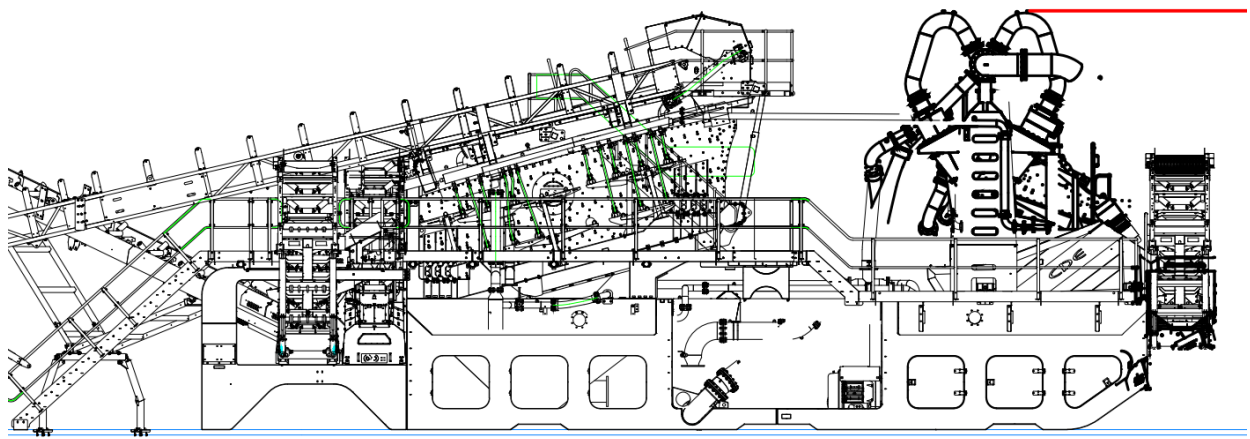
## 2.0 Proposal

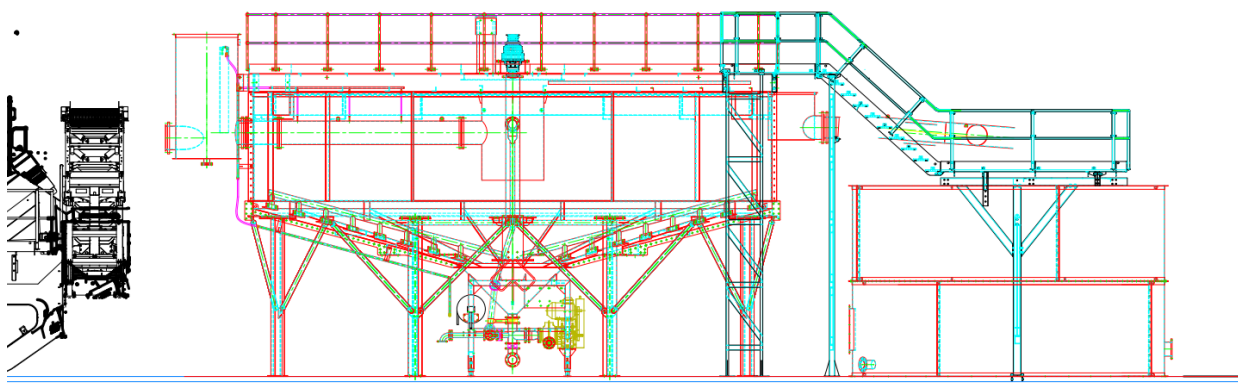
2.1 Planning permission is sought to install a purpose-built, low-level aggregate handling plant to sort a proportion of marine dredged aggregates imported to the site prior to onward distribution.

2.2 The plant would predominately consist of water holding tanks, silt recovery plant and equipment; a low level aggregate handling structure, equipped with feed hopper, and conveyors, with washing/screening plant. The plant would be 8m high and would cover an area of 30.5m by 68.8m, as per plans below.



*North-western elevation (northern-most part of the plant)*





North-western elevation (eastern-most part of the plant)

2.3 The proposed development would allow for a proportion of sea-won marine dredged sand and gravel imported by ship to be sorted, cleaned and processed into different size fractions so that they can be supplied directly to the customer, mainly the local construction market.

2.4 The aggregates would be fed into the plant by a loading shovel, before being mechanically sorted into size fractions. Processed materials would then be stockpiled prior to loading onto HGVs. There would be no significant waste generation from the process, as all of the aggregates would be retained within the finished materials, including any fine silt which would be retained within the sand fraction.

2.5 The sorting and washing process would use mains water to separate the aggregate size fractions and as such has a low dust generating potential. The mains water used to wash the material would be retained within a closed loop system and would be reused.

2.6 No restrictions on operating hours are proposed for the proposed activity.

2.7 The proposed development would be served by the existing vehicular site access which leads onto the M275 motorway to the east.

2.8 The proposal would create 10 full-time employment opportunities.

### 3.0 Planning history

3.1 There are historic records relevant to the site, however, they are not relevant to the determination of this application.

## 4.0 POLICY CONTEXT

4.1 Hampshire Portsmouth, Southampton, New Forest National Park & South Downs National Park Minerals and Waste Plan

- Policy 19: Aggregate wharves and rail depots
- Policy 34: Safeguarding potential minerals and waste wharf and rail depot infrastructure

4.2 Portsmouth Plan (2012):

- Policy PCS11 Employment Land

- Policy PCS13 A Greener Portsmouth
  - Policy PCS23 Design and Conservation
  - Policy PCS24 Tall Buildings
- 4.3 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:
- Saved policy DC21 Contaminated Land
  - Saved policy PH1 Portsmouth Harbour Coastal Zone
- 4.4 Other guidance:
- National Planning Policy Framework (2021)
  - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- 4.5 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

## **5.0 CONSULTATIONS**

- 5.1 Natural England - no objection, considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.2 Environment Agency - no comments received.
- 5.3 Lead Local Flood Authority - no comments as the site is within Flood Zone 1 and there is no change to impermeable areas or drainage arrangements.
- 5.4 Coastal Partners - no objection in principle, advises that flood resistance and resilience measures should be incorporated and that the applicant sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.
- 5.5 Historic England - commented that consultation is not required.
- 5.6 PCC Conservation Officer - no objection, subject to a condition (further construction details of the internal retaining wall and method statement for the removal of existing structures to be submitted and agreed prior to work commencing on site).
- 5.7 Mineral And Waste Consultation - no objection, principle of development acceptable.
- 5.8 Marine Management Organisation - no comments received.
- 5.9 Queen's Harbour Master - no comments received.
- 5.10 Defence Estates (SW Region) - no comments received.
- 5.11 Local Highway Authority - raises objection on the grounds of insufficient information submitted in respect of additional vehicular movement and car parking provision for new employees.
- 5.12 PCC Contaminated Land Team - no objection subject to a condition requiring a method statement and an informative in respect of a watching brief.
- 5.13 PCC Environmental Health - do not envisage any significant loss of amenity to local residents due to the operation of the aggregate processing plant in terms of air quality, however, raises concerns in terms of noise pollution, that can be addressed by limiting the operation of the aggregate processing plant to 07:00 - 23:00hrs daily.



## **6.0 REPRESENTATIONS**

6.1 None received.

6.2 Publicity dates: Site notices displayed 1.10.2021 - 22.10.2021.

## **7.0 COMMENT**

### 7.1 Principle of development

7.2 The application site is located on land that is part of a wider area identified in the Hampshire Minerals and Waste Plan that is safeguarded as an area for a potential minerals and waste wharf (Policy 34).

7.3 Policy 19 of the Hampshire Minerals and Waste Plan (2013) supports wharf proposals that are sustainable development that meets the following criteria:

- 7.4 i. have a connection to the road network; and
- ii. have a connection to the rail network or access to water of sufficient depth to accommodate the vessels likely to be used in the trades to be served; and
- iii. do not pose unacceptable harm to the environment and local communities.

7.5 Furthermore, the application site is an operational commercial port where Policy PCS11 applies. This Policy promotes sustainable economic development in the City and protects land at the port for uses directly related to the operational requirements of the port.

7.6 Finally, Policy PH1, Portsmouth Harbour Coastal Zone is also applicable. This Policy states that proposals that may have a direct impact on the Portsmouth Harbour will only be permitted if they have no adverse effect upon the coastal landscape, public access to the waterfront, navigation within the harbour or nature conservation interests.

7.7 The submission satisfactorily demonstrates that the site meets both the first two criteria set out in Policy 19 of the Hampshire Minerals and Waste Plan (2013). Therefore, it is considered that the principle of the proposed development is acceptable subject to no unacceptable harm to the environment and local communities.

7.8 Therefore the assessment has to be made whether the proposal is acceptable in terms of its visual impacts, impacts on the setting of nearby heritage assets, impacts on residential amenity, highways and ecology, including impacts on the Solent Special Protection Areas.

### 7.9 Impact on the character and appearance of the area and associated heritage assets

7.10 The application is supported by a Landscape and Visual Impact Assessment which assess the surrounding landscape character, the extent of visibility of the proposed development from a short and long-distance and evaluates the proposal's impacts on visual amenity, the fabric of the site and the adjacent land. It considers a range of receptors including residents, road users, employees of nearby businesses as well as the Royal Naval Base.

7.11 The assessment notes that application site is located with the Portsmouth International Port which accommodates commercial good handling activities, associated building and structures, such as warehouse style sheds, storage tanks, containers and cranes.

Therefore the surroundings are characterised by harbour, shipping and storage facilities and buildings in the nearby employments areas of up to 19m height. Given the nature of the surroundings, the landscape impact of the proposed development is not considered to be harmful.

- 7.12 In terms of visual impacts on public vantage points, long-distance views of the plant would largely be restricted by other buildings, such as warehouses and office buildings. The main area where a glimpsed view of the upper section of the plant would exist is to the east from Flathouse Road (a photograph below). However, as the plant would be seen in the context of the surrounding area, its visual impact would be acceptable.



- 7.13 Overall, Officers concur with the conclusions contained within the Landscape and Visual Impact Assessment and consider that the visual impact of the proposed development would be acceptable and there would be no harm to visual amenities of local residents, road users and employees of nearby businesses.

- 7.14 In terms of impact on heritage assets, the application is supported by a Heritage Statement which assesses the impact of the proposal on the nearby designated or non-designated heritage assets, including The Round Tower and Fredericks Battery. The Statement concludes that the proposal would cause no harm to the setting of these assets. The PCC Conservation Officer has been consulted and raised no objection, subject to a condition requiring further detail of works to the internal retaining wall and method statement for the removal of existing structures.

- 7.15 Historic England has also been consulted, however, they did not consider it necessary to provide comments on the proposed development.

- 7.16 In light of the above, it is considered that the character and appearance of the area would not be materially affected by the proposed development and, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings is satisfied.
- 7.17 Impact on residential amenity
- 7.18 In terms of protection of public health, safety and amenity, including noise impacts, the application is supported by a Noise Assessment and an Air Quality Note.
- 7.19 The Noise Assessment sets out noise levels arising from the operation of the proposed plant and the associated activity such as the use of a loading shovel to assess impacts on the nearest dwellings to the site. The Assessment concludes that there would be no adverse noise impacts on the residents in Grafton Street, Wingfield House and Estella Road for both the daytime/evening and night times. This is due to presence of intervening buildings as well as other existing sources of noise, in particular from the road and the port itself.
- 7.20 In terms of air quality, the submitted air quality assessment concludes that the impact of the proposed development in terms of dust and particulate matter emissions during operation would not be significant. Similarly, as the proposal would not result in increased traffic flows, additional emissions from road traffic are not envisaged.
- 7.21 The PCC Environmental Health Officer reviewed the submitted information and raised no objection, subject to a condition restricting the plant's operating hours to 07:00 - 23:00 daily.
- 7.22 Impact on highway safety
- 7.23 The application site is located with the Portsmouth International Port which is a major UK port that handles ferry, cruise and commercial transport and as a consequence already generates a significant volume of a road traffic. The Port is also a major employer in the City and high volumes of employee trips using variety of transport modes are already taking place and are accommodated within the City and the Port. The proposed development and the associated activities would form an integral part of the operation of the Port.
- 7.24 The Local Highway Authority consider that insufficient information has been submitted to assess the traffic generation likely to be associated with the operation of the proposed plant as well as the car parking provision for the proposed 10 employees. Officers are however satisfied, in light of the current use of the quayside as a commercial port that the proposed use will not result in a demonstrably adverse increase in vehicular movement compared to the continuation of normal unloading and shipping in this area.
- 7.25 At the time of writing this report, further information is awaited from the applicant. Any further developments in this respect will be reported in Supplementary Matters (SMAT) at the Planning Committee meeting.
- 7.26 Impact on ecology, including the Solent Special Protection Areas
- 7.27 Natural England has commented that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England recommend that any environmental risks during construction are managed through best practice measures outlined in a Construction

Environment Management Plan (CEMP), produced prior to start of the works and submitted and approved in writing by the LPA.

7.28 In terms of a net biodiversity gain, Policy PCS13 (a greener Portsmouth) expects development to produce a net gain in biodiversity wherever possible. In this case, the site is located within an operational industrial site with the area extensively covered with hard surfaces that accommodate necessary infrastructure and activities associated with the Port use. The site offers limited opportunity to provide biodiversity enhancement measures, and given the nature of its surrounding, it is considered that in this case, producing a net biodiversity gain would not be practicable.

#### 7.29 Contaminated Land

7.30 The Contaminated Land Team has commented that the application site was formerly used for gas works and fuel storage that could cause contamination. Therefore conditions have been recommended to ensure that any risks from land contamination to the future users of the site are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and other offsite receptors.

#### 7.31 Conclusion

7.32 The application seeks planning permission for a processing plant that would generate construction materials to be supplied to the local construction industry reducing the need for aggregates to be imported into the local area from further afield. The development would improve the sustainability of the supply chain for the local construction projects and would reduce carbon emissions through reduced road traffic flows. The proposed development would also generate 10 full-time employment opportunities.

7.33 The proposed development is considered to be in accordance with the relevant planning policies and any potential environmental impacts can be managed through measures secured with planning conditions. Subject to the applicant providing sufficient information demonstrating that the proposed development would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe, the application is recommended for a conditional approval.

## **RECOMMENDATION**

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to the following conditions:

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

### **Time Limit**

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

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

### **Approved Plans**

- 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:
- PORT/018 rev A Location Plan and floor plan
  - PM/020 rev A Elevations
  - Planning, Design and Access Statement
  - Air Quality Note by Air Quality Consultants (July 2021)
  - Heritage Statement by Andrew Josephs Associates (March 2021)
  - Landscape and Visual Assessment by Bright & Associates Landscape and Environmental Consultants (July 2021)
  - BS 4142 Noise Assessment by WBM Acoustic Consultants (July 2021)

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

### **Contaminated Land**

- 3) No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement (for site contamination) documenting the previous and current land uses of the site and how the scheme shall be implemented without exposure to pollution being caused; all works at the site shall be carried out in accordance with the approved Method Statement, unless otherwise agreed in writing with the Local Planning Authority beforehand.

Reason: 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.

### **Construction Environmental Management Plan**

- 4) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP), to cover all construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: development site compound and hoarding; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas; storage of materials; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work; and
- (b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction works are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of nearby occupiers and manage environmental risks in accordance with Policies PCS23 and PCS13 of the Portsmouth Plan (2012).

### **Conservation method statement**

- 5) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Conservation Method Statement, covering construction details of the internal retaining wall and a method statement for the removal of any existing structures has been submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the approved method statement pursuant to part (a) of this condition and shall continue for as long as construction works are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the integrity of the Fredericks Battery Listed Building Grade II in accordance with Policy PCS23 the Portsmouth Plan (2012).

### **Operating Hours**

- 6) The operation of the aggregate processing plant hereby approved shall not carry out beyond the hours of 07:00hrs and 23:00hrs daily.

Reason: In the interests of residential amenity having regard to the proximity to residential accommodation in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

### **INFORMATIVES**

- 1 If signs of pollution are found in the soil at any time, the soil be quarantined and the location, type and quantity must be recorded and an Environmental Consultant notified for advice on how to proceed. It will be reported within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. An approval from the LPA must be sought prior to implementing any proposed mitigation action. Signs of pollution include visual (e.g. staining, asbestos fragments, fibrous materials, ash, inclusions of putrescible materials, plastics, or actual remains from an industrial use), odour (e.g. fuel, oil and chemical, sweet or fishy odours), textural (oily), wellbeing (e.g. light headedness and/or nausea, burning of nasal passages and blistering or reddening of skin due to contact with soil) or the soils may be unusual (fume or smoking upon exposure to air) or simply different in character to expected soils.
- 2 The applicant is advised to sign up to the Environment Agency's Flood Warning Service to ensure adequate warning before any type of extreme flood event.

37 WORSLEY STREET SOUTHSEA PO4 9PR

CONSTRUCTION OF FIRST FLOOR REAR EXTENSION ABOVE EXISTING GROUND  
FLOOR REAR PROJECTION

[21/00908/HOU | CONSTRUCTION OF FIRST FLOOR REAR EXTENSION ABOVE EXISTING  
GROUND FLOOR REAR PROJECTION | 37 WORSLEY STREET SOUTHSEA PO4 9PR  
\(PORTSMOUTH.GOV.UK\)](https://www.portsmouth.gov.uk/planning-and-building-control/planning-applications/21/00908/HOU)

**Application Submitted By:**

Ms Jackie Collins

**On behalf of:**

Ms Jackie Collins

**RDD:** 17th June 2021

**LDD:** 14th September 2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as the applicant is an employee of Portsmouth City Council.

1.2 The main issues for consideration relate to:

- Design;
- Impact upon the amenity of neighbouring residents.

## 1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 This application relates to a two-storey mid-terraced dwelling located to the southern side of Worsley Street just to the east of its junction with Adair Road. The property fronts directly on to the footway and benefits from a relatively deep single-storey rear projection with a small enclosed garden beyond.

1.5 The neighbouring properties benefit from similar rear projections which are set in slightly from the shared boundaries to form lightwells with neighbouring properties. The surrounding area is characterised by similar terraced properties.

### 1.6 The proposal

1.7 Planning permission is sought for the construction of a first floor rear extension above part of the existing ground floor projection to form an en-suite shower room for the rear bedroom. This would measure approximately 2.2 metres in width, 2 metres in depth and would be positioned towards the western boundary maintaining a degree of separation to the neighbouring dwelling to the east. The extension would be topped with a fully hipped roof with an eaves height to match the recipient building and a subservient ridge. External materials would match the existing dwelling.

## 1.8 Planning History

1.9 There is no relevant planning history.

## 2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (2021) due weight has been given to the relevant policies in the above plan.

## 3.0 CONSULTATIONS

3.1 None.

## 4.0 REPRESENTATIONS

4.1 One letter of objection has been received on behalf of the occupier of No.41 Worsley Street located next door but one to the west of the application site. The objection relates to the potential loss of light to the rear of the property which has already been impacted by development at No.39 Worsley Street and subsequent impacts on living conditions.

## 5.0 COMMENT

5.1 The main issues for consideration relate to design and Impact upon the amenity of neighbouring residents.

5.2 Design

5.3 The proposed extension is modest in scale and has been designed to relate and appear subservient to the recipient building. The proposal is therefore, considered to be acceptable in terms of its relationship with the recipient building and surrounding properties.

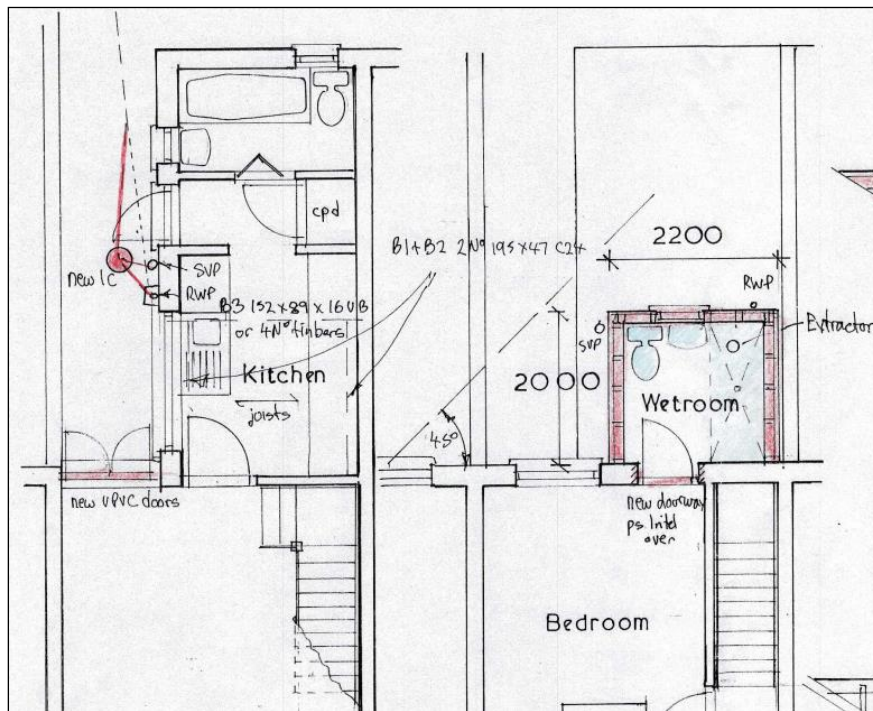
5.4 It is also noted that there are two similar examples of development within the same terrace (Nos 33 & 29 Worsley Street), although neither relate as well to their recipient dwellings as that proposed by this application. The more comparable extension in terms of scale at No.33 was granted planning permission in 2003 (ref. A\*25953/AB).





### 5.5 Impact upon Amenity

5.6 Properties within this terrace benefit from single-storey rear extensions which are handed to form lightwells with neighbouring properties. These lightwells include windows at ground floor level within the southern elevations serving habitable rooms contained within the main part of the dwelling and side facing windows within the rear projections looking into the lightwell. At first floor level both of the neighbouring properties (No.35 to the east & No.39 to the west) incorporate single rear facing windows at first floor level.



5.7 Having regard to the modest depth of the proposed extension, its position away from first floor windows within the neighbouring properties, its set in from the eastern boundary, and the south facing aspect of gardens/lightwells, it is not considered that the proposal would result in any significant adverse impacts on the amenity of the neighbouring occupiers in terms of loss of light, loss of outlook, overbearing impact or increased sense of enclosure.

5.8 The concerns of the residents at No.41 Worsley Street (next door but one to the west) are noted. However, having regard to the degree of separation and the view that has been reached in respect of the more closely related properties, it is not considered that the proposal would result in any significant adverse impacts on the amenity of the occupiers of No.41.

5.9 Properties to the south are considered to be sufficiently distanced from the proposed extension to avoid any significant amenity impacts.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time Limit:**

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

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

#### **Approved Plans:**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan, Proposed Plans & Elevations (Drawing 1 of 2).

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

#### **Materials:**

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

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

247 QUEENS ROAD

CHANGE OF USE FROM C3 TO C3/C4

LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QR59IDMOI2200>

**Application Submitted By:**

Mrs Rosie Parkinson

**RDD:** 30.07.2020

**LDD:** 29.12.2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee due to the applicant being an employee of Portsmouth City Council

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

## 1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surrounding

1.5 The site is a two-storey mid terrace dwelling on the north side of Queens Road in the Fratton area of the city. It has a small walled front garden but no on-site parking. There is a long garden to the rear.

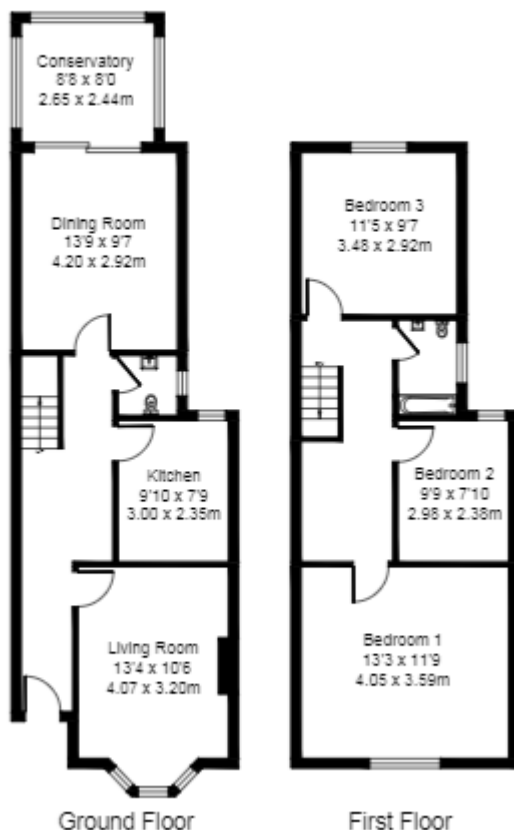
1.6 The area is residential in character with many similar style terraced dwellings,

1.7 Proposal

1.8 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

## 247 Queen's Road

Approximate Gross Internal Area  
1162 sq ft - 108 sq m



- 1.9 The internal accommodation would comprise the following:  
Ground Floor - Kitchen, Dining Room, Living Room, WC, Conservatory.  
First Floor - Three bedrooms and a bathroom

1.10 Planning History

1.11 No planning history

## 2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

### **3.0 CONSULTATIONS**

Private Sector Housing - No objections received

### **4.0 REPRESENTATIONS**

- 4.1 Site notice displayed 01 December 2021, expiry 29 December 2021
- 4.2 Neighbour letters sent 01 December 2021, expiry 29 December 2021
- 4.3 One letter of objection has been received raising concerns about the level of parking likely to arise and potential for noise and disturbance
- 4.4 For completeness, the application went through the Members' Information Service, on 17<sup>th</sup> September 2021. This was in fact not necessary, as it transpired the Applicant is a member of staff so the Application must be determined by the Planning Committee in any event.

### **5.0 COMMENT**

- 5.1 The main determining issues for this application relate to the following:
  - The principle of Development;
  - The standard of accommodation;
  - Impact upon amenity neighbouring residents;
  - Parking;
  - Waste;
  - Impact upon the Solent Protection Areas; and
  - Any other raised matters
- 5.2 Principle of development
- 5.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.
- 5.4 Policy PCS20 of the Portsmouth Plan states that application for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 5.5 Within this 50m radius (including the application site) there are 71 properties. This number takes into account any properties which have been subdivided into flats. There is 1 No. HMO within 50m radius. The addition of the proposal would fall well within the 10% threshold.

- 5.6 Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.9 Standard of accommodation
- 5.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals with each of the four bedrooms meeting the minimum size standards for double occupation. Whilst the applicant has confirmed the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

HMO SPD (OCT 2019)	Area Provided (m <sup>2</sup> )	Required Standard (m <sup>2</sup> )
Kitchen (Ground)	7.05	7.00
Dining room (Ground)	12.26	11.00
Living room (Ground)	13.02	11.00
Conservatory (Ground)	6.67	Undefined
WC (Ground)		Undefined
Bedroom 1 (1 <sup>st</sup> )	14.54	11.00 (as large enough to be a double)
Bedroom 2 (1 <sup>st</sup> )	7.09	6.51
Bedroom 3 (1 <sup>st</sup> )	10.16	6.51
Bathroom (1 <sup>st</sup> )	4.2	3.74

- 5.11 The HMO would accommodate 1-4 persons. A footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004.
- 5.12 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.

#### 5.14 Impact on neighbouring living conditions

5.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 1 and 4 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

5.17 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would not be significantly different than the occupation of the property by between 1 and 4 unrelated persons as a house in multiple occupation. The proposed layout of the property would not be significantly altered with the only change being the conversion of an existing living room. It is concluded that the proposal would not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

5.18 Whilst activity may be increased with the introduction of a HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would have any demonstrable adverse impact to wider amenity.

#### 5.19 Highways/Parking

5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.

5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 2 bicycles. The property has a rear garden where a secure cycle storage could be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.

#### 5.22 Waste

5.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

5.24 Impact on Special Protection Areas

5.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.30 Conclusion

5.31 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time Limit**

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

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

#### **Approved Plans**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - 882.LP; 882.FP

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

#### **Cycle Storage**

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 2 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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



## 98 BERESFORD ROAD PORTSMOUTH

**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)**

**LINK TO ONLINE DOCUMENTS;**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QR59IDMOI2200>

**APPLICATION SUBMITTED BY:**

Applecore PDM Ltd

**ON BEHALF OF:**

Mr Christian Reynolds

**RDD:** 01.12.2020

**LDD:** 22.01.2021

### **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee due to the number of objections

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

### **1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY**

1.4 Site and Surrounding

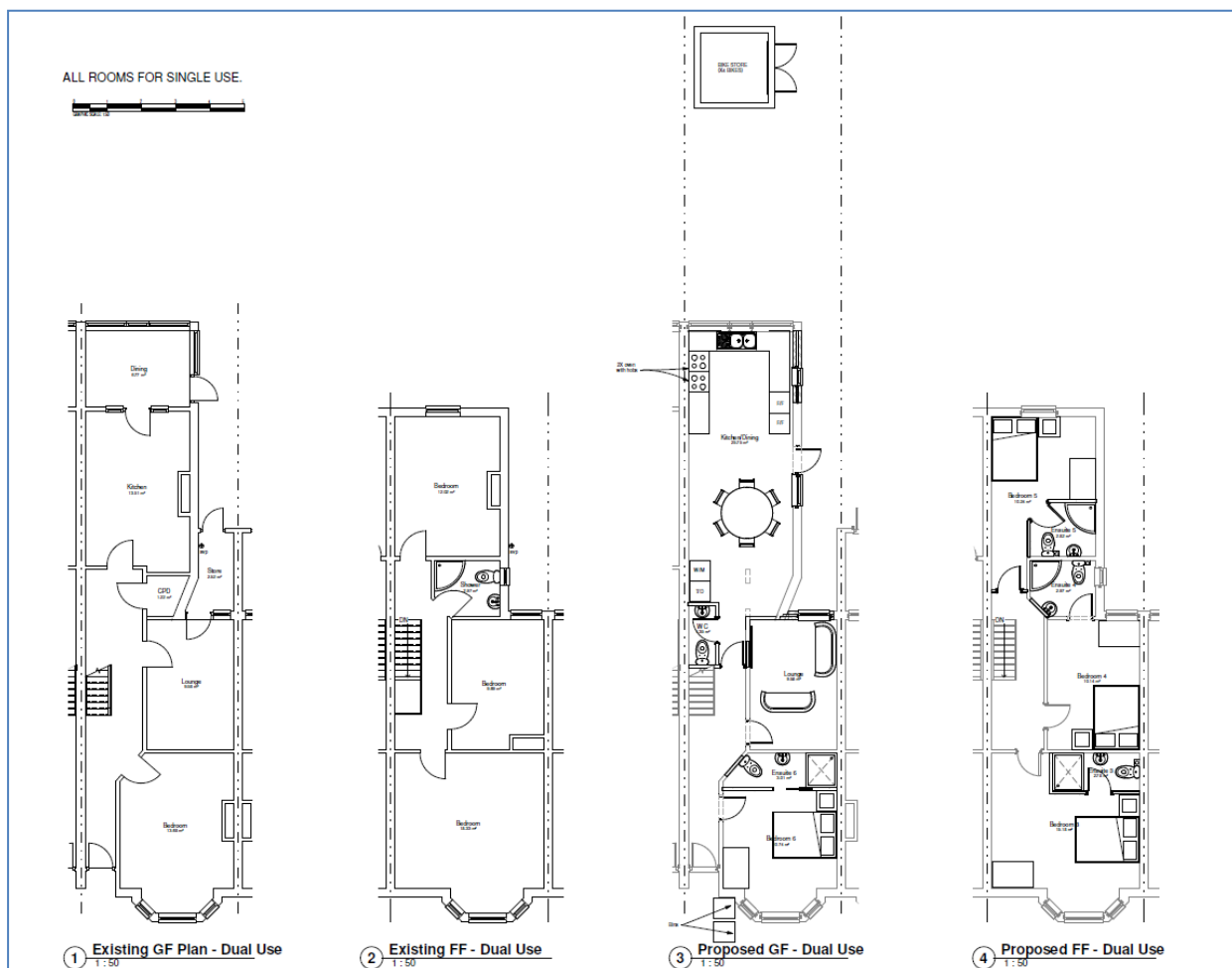
1.5 This application relates to a two-storey mid terrace dwelling located to the eastern side of Beresford Road.

1.6 The surrounding area is residential in character with similar terraced properties laid out in a grid

1.7 The area is residential in character with many similar style terraced dwellings,

1.8 Proposal

- 1.9 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).



- 1.10 As shown on the plans, internal alterations are proposed as follows:  
Ground floor

- create a kitchen dining room (25.75 sq.m)
- create a communal lounge (9.58 sq.m)
- install an en-suite shower room / wc to the ground floor front bedroom (3.01 sq.m)

First Floor

- To install en-suite shower rooms to all three bedrooms

- 1.9 The internal accommodation would therefore comprise the following:  
Ground Floor - Kitchen/dining room and lounge, bedroom with en-suite bathroom  
First floor - 3 bedrooms with en-suite bathrooms

1.10 Planning History

- 1.11 20/00087/GPDC - Construction of single-storey rear extension that comes out a maximum of 4.5m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves (Prior approval not required 02/09/2020)

## **2.0 POLICY CONTEXT**

### **2.1 Portsmouth Plan (2012)**

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

### **2.3 Other guidance:**

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

## **3.0 CONSULTATIONS**

Private Sector Housing - No objections received

## **4.0 REPRESENTATIONS**

4.1 A site notice was displayed on the street adjacent to the site

4.2 Neighbour letters sent 07.12.2020, expiry 28.10.2021

4.3 23 letters of objection has been received raising the following concerns-

- i. It will change the character of the street
- ii. It is rumoured this is for ex-offenders which will affect value
- iii. Parking is at breaking point

4.4 These representations were reported on the Members Information Service on 10th September 2021 (Expiring 17.09.2021). No request was received for the application to be presented to the Planning Committee for determination. However as a result of the change to the scheme of delegation the decision now rests with the Committee.

## **5.0 COMMENT**

5.1 The determining issues for this application comprise the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

## 5.2 Principle of development

5.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

5.4 Policy PCS20 of the Portsmouth Plan states that application for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

5.5 Within this 50m radius (including the application site) there are 64 properties. This number takes into account any properties which have been subdivided into flats. There are 2 No. HMO within 50m radius. The addition of the proposal would therefore fall well within the 10% threshold (existing = 3.12%, proposed = 4.68%).

5.6 Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

5.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).

## 5.9 Standard of accommodation

5.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals if each of the relevant bedrooms met the minimum size standards for double occupation. Whilst the applicant has confirmed the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

HMO SPD (OCT 2019)	Area Provided (m <sup>2</sup> )	Required Standard (m <sup>2</sup> )
Kitchen/ Dining room	25.76	11
Lounge	9.58	14
Bedroom 6 (ground)	10.74	6.51 / 10
Ensuite	3.01	2.74
Bedroom 5 (1 <sup>st</sup> )	10.24	6.51 / 10
Ensuite	2.82	2.74

Bedroom 4 (1 <sup>st</sup> )	10.14	6.51 / 10
Ensuite	2.97	2.74
Bedroom 3 (1 <sup>st</sup> )	15.18	11
Ground Floor WC	1.35	1.17

- 5.11 The HMO could accommodate up to 5 persons (1 x double rooms, over 11sqm, and 3 x single rooms over 6.51 sqm but smaller than 11sqm). The applicant has unhelpfully labelled the bedrooms numbered '3' to '6', but for clarity it can be confirmed that there are only four bedrooms. -A footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004.
- 5.12 As all the bedrooms exceed 10sqm the minimum requirement for the combined kitchen/dining area is 22.5sqm. At 25.75sqm the provision exceeds this minimum. Furthermore a separate lounge is also provided in addition to this of 9.58sqm. As described above the bedrooms labelled as bedroom 6, bedroom 5 and bedroom 4 are adequate in size to serve single occupancy, notwithstanding the double bed illustrated on the submitted plans. And bedroom 3 is adequate to allow double occupancy. All ensuite shower rooms and the downstairs WC meet the published minimum size standard. It is considered that all of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 5.13 Impact on neighbouring living conditions
- 5.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by up to 8 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 5.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would not be significantly different than the occupation of the property by up to 8 persons unrelated persons as a house in multiple occupation. The proposed layout of the property would not be significantly altered with the only change being the conversion of an existing living room into a bedroom and the addition, as permitted development of a rear extension to be used as communal accommodation. It is concluded that the proposal would not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.
- 5.16 Whilst activity may be increased with the introduction of a HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not have any demonstrable adverse impact to wider amenity.

5.17 Highways/Parking

5.18 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.

5.19 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where a secure cycle storage could be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.

5.20 Waste

5.21 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

5.22 Impact on Special Protection Areas

5.23 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from three self-contained flats to one dwellinghouse which would be used for flexible C3/C4 use. The existing and proposed use would both allow up to 6 people and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.24 Conclusion

5.25 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

**RECOMMENDATION                      Conditional Permission**

**Conditions**

**Time Limit**

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

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

### **Approved Plans**

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Block plan; Location Plan; PG.5036 20 6, Rev A

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

### **Cycle Storage**

- 6) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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

PLOT E LAKESIDE BUSINESS PARK WESTERN ROAD PORTSMOUTH P06 3PQ

CONSTRUCTION OF A TWO-STOREY BUILDING AND ANCILLARY SINGLE STOREY BUILDINGS FOR CAR DEALERSHIP USE COMPRISING SHOWROOM, WORKSHOPS, VALET FACILITIES AND MOT TESTING, WITH PROVISION OF CAR PARKING, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED).

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=PX07ZIMOIYT00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=PX07ZIMOIYT00)

**Application Submitted By:**

DWD LLP  
FAO Mr Jon Bowen

**On behalf of:**

Guy Salmon Limited

**RDD:** 29th August 2019

**LDD:** 29th November 2019

**FURTHER UPDATE FOR JANUARY 2022 MEETING**

This application was deferred from consideration at the August 18<sup>th</sup> Planning Committee in order to allow for further negotiation with the applicants over the legal mechanisms by which the required ecology mitigation would be secured and implemented, having regard to the recent acquisition by PCC of much of the Lakeside business park (including land on which the mitigation measures are proposed to be provided).

The applicants have now provided a draft s.106 Unilateral Undertaking which commits them to make a financial contribution of £10,000 to PCC to implement the previously agreed SINC Habitat Management Plan on land previously agreed at the western edge of the business park (see plan below). This would be payable to PCC upon commencement of the development. PCC Property and Investment will provide, by way of written memorandum, an undertaking that it would implement the mitigation measures in line with the previously approved habitat management plan. The Unilateral Undertaking provided by the Applicant also reiterates previous obligations relating to the delivery of an Employment and Skills Plan as per the previous planning permission and equivalent Undertaking under ref: 17/01171/FUL).

The proposed development and recommendations remains otherwise as described in the report.





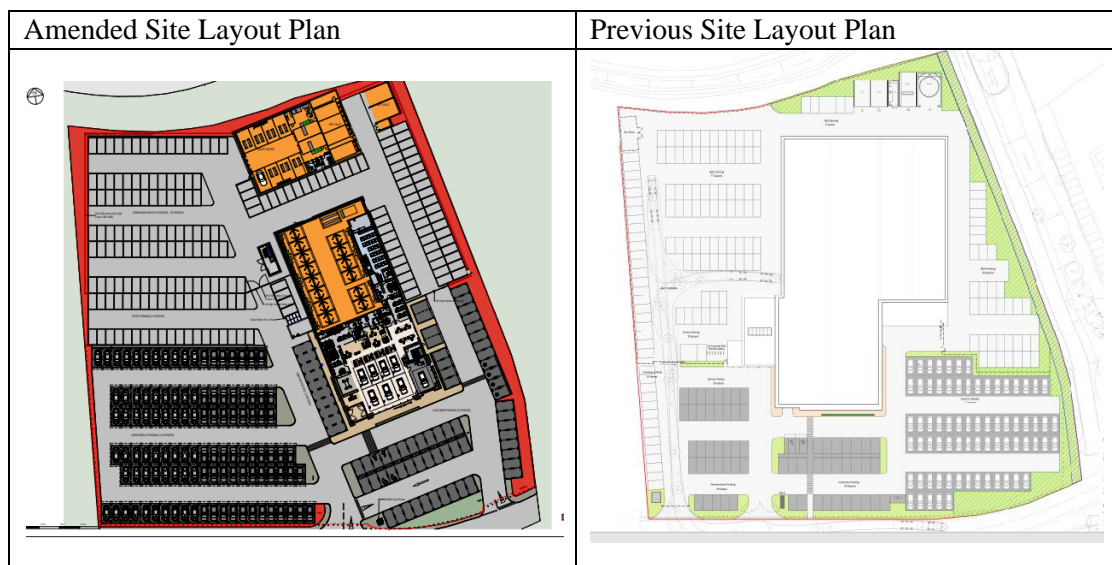
## 1.0 SUMMARY OF MAIN ISSUES - UPDATE

1.1 Planning permission was originally granted for a car showroom on the application site in June 2019 (application ref. 17/01171/FUL). This permission was subject to a 3 year implementation timeframe and is due to expire in June 2022.

1.2 The current application for a revised car showroom scheme, previously received a resolution to grant planning permission at the Planning Committee on 8<sup>th</sup> January 2020, subject to completion of a legal agreement to secure off-site ecology mitigation and an employment and skills plan. However, due to the acquisition of much of the Lakeside Business Park by Portsmouth City Council, it has not been possible to complete the legal agreement for ecology mitigation as originally envisaged, which has led to a delay in determination. An alternative agreement between PCC and the applicant to secure the off-site ecology mitigation is now being progressed and an update to this will be provided orally to the meeting.

1.3 While the legal matters were being progressed, the applicant also requested to submit amendments to the scheme, comprising the following:

- Reorientation of main building on the plot and the provision of separate ancillary buildings;
- Reduction in overall development footprint from 4,172m<sup>2</sup> to 2,874m<sup>2</sup>;
- Change in parking layout with reduction in staff and customer parking spaces and increase in sales display and repair/storage spaces.
- Reposition of entrance / egress points on southern side of the site.



- 1.4 The main determining issues for the scheme remain the same, as follows:
- Principle of the development including whether it is acceptable in accordance with relevant employment policies;
  - Design and appearance;
  - Sustainable design and construction;
  - Highway impact and parking;
  - Ecology / nature conservation;
  - Flood risk and drainage;
  - Land contamination.
- 1.5 Site and Surroundings
- 1.6 The application site covers 1.62ha of land located within Lakeside Business Park, to the south of the main entrance and to the west of the Village Hotel. The Lakeside Business Park comprises a large complex of predominantly office buildings with extensive parking, set among large areas of open grassland and lakes.
- 1.7 The Lakeside Business Park is allocated as an office campus under Policy PCS5 of the Portsmouth Plan, to provide up to 69,000m<sup>2</sup> of B1a office floorspace. In 2010, outline planning permission was granted for an extensive development of the site to provide 69,030sqm of B1a floorspace along with various other uses including a hotel (now Village Hotel), private hospital and associated shops, restaurants and cafés (refer to planning history). The application site forms part of the area of land that was proposed for office development under this permission. However, to date, none of the new office floorspace has been provided.
- 1.8 The application site itself currently comprises an area of open grassland, part of which is designated as a Site of Importance for Nature Conservation (SINC) and is partially within an indicative high tide roost under the Solent Waders and Brent Goose Strategy (Secondary support area). The site also lies within Flood Zone 2 and around the boundaries of the wider Lakeside site there are many trees that are protected by Tree Preservation Orders. To the south of the site, the elevated motorway embankment separates Lakeside from Ports Creek, which is part of the Portsmouth Harbour designated Ramsar Site, Special Protection Area and Site of Special Scientific Interest). The nearest heritage asset to the site is a Grade II listed office building located to the east of Lakeside at No.1 Northern Road (Lynx House).
- 1.9 Proposal
- 1.10 **The amended scheme would comprise three separate buildings: two-storey main building with sales area, showroom, workshops and offices; smart repair building; and valet / wash building. The main building would measure 64m (L) x 30m (W) x 8m (max height). The smart repair building would be located to the north of this and would measure 35m (L) x 21m (W) x 5.5m (max height). The wash building would measure 8.5m (W) x 13.5m (max length) x 4.2m (max height) and would be located in the north-east corner of the site.**
- 1.11 **A landscape buffer zone around the boundary of the site would be provided of the same size as agreed in the original planning permission.**

## 1.12 The amended parking provision is summarised as follows:

Type	No. spaces amended layout	No. spaces previous layout	Total
Staff and customer parking	103	150	- 47
Display, storage, maintenance	269	147	+ 122
<b>Total</b>	<b>372</b>	<b>297</b>	<b>+ 75</b>

## 1.13 Planning History

- 1.14 17/01171/FUL - Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping - conditional permission 14 June 2019
- 1.15 18/00945/NMA - application for non-material amendment to planning permission 08/02342/OUT to relocate the private hospital to the south east of the site and offices to the north east of the site - approved 27 June 2018
- 1.16 16/02108/REM - reserved matters in respect of appearance, landscaping and scale associated with the Spur Road extension of Lakeshore Drive, pursuant to outline permission 08/02342/OUT - approved 27 March 2017
- 1.17 15/01492/FUL - construction of six storey hotel, car parking and associated landscaping - condition permission 15 December 2015. This has since been constructed, now the Village Hotel.
- 1.18 11/00354/REM - reserved matters pursuant to permission ref. 08/02342/OUT, for part of road access and landscaping adjacent to new access within Phase A - approved 25 August 2011
- 1.19 08/02342/OUT - outline application for 69,030sqm of B1(a) offices and 21,140sqm of other development to include shops, restaurants/cafes, 150-bed hotel and 40-suite aparthotel, private hospital and car dealership, with access roads/footways, landscaping and associated plant (access and layout) - conditional outline permission 15 October 2010.

## 2.0 POLICY CONTEXT

### 2.1 Portsmouth Plan (2012)

- o PCS5 (Lakeside Business Park)
- o PCS11 (Employment Land)
- o PCS13 (A Greener Portsmouth)
- o PCS12 (Flood Risk)
- o PCS15 (Sustainable Design and Construction)
- o PCS16 (Infrastructure and Community Benefit)
- o PCS17 (Transport)
- o PCS23 (Design and Conservation).

- 2.2 Site-specific Policy PCS5 states 'Lakeside Business Park is allocated as an office campus providing 69,000sqm of B1(a) office floorspace'. The sub-text explains that the site benefits from planning permission for 69,030sqm gross floorspace for offices and other ancillary facilities.

- 2.3 Portsmouth City Local Plan (2001-2011)
  - o Saved Policy DC21 (Contaminated Land)
- 2.4 Other Guidance
  - o National Planning Policy Framework (NPPF) (2019)
  - o National Planning Practice Guidance (2014)
  - o The Car Parking and Transport Assessments Supplementary Planning Document (2014)
  - o Achieving Employment and Skills Plans Supplementary Planning Document (2013)

### 3.0 CONSULTATIONS

#### 3.1 Highways England

**3.2 No change to comments following amended plans. No objection raised.**

3.3 Advise that all lighting inside the development that is visible from the M27 is to use concealed light fittings and any external lighting is to be constructed and maintained to face vertically down at all times.

#### 3.4 Southern Water

**3.5 A formal application for connection to the public foul sewer will need to be made to Southern Water. Advice provided to the applicant regarding SuDS drainage systems. Recommend condition for detailed drainage strategy to be agreed.**

#### 3.6 Environment Agency

3.7 **No further comments on amended plans.** No objection subject to conditions relating to contamination and piling.

3.8 The proposed development is located over Tidal Flat Deposits overlying Chalk Principal Aquifer. Principal Aquifers are designated for providing significant quantities of water for people. Groundwater is therefore particularly sensitive in this location.

3.9 The site is located on an historic landfill associated with the reclamation of land in Portsmouth Harbour. Development at the site, including piling foundations, poses risks to groundwater from mobilising contaminants and creating new pathways for pollutants.

#### 3.10 Environmental Health

3.11 **No objection. No noise concerns and amended lighting strategy is acceptable.**

#### 3.12 Contaminated Land Team

3.13 **No further comments following consultation on amended plans. Conditions required as previously advised, to ensure that any potential contamination impacts are addressed.**

#### 3.14 Highways Engineer

3.15 **No comments received on amended plans. Previous comments as follows:**

- 3.16 This site forms a part of the land included in outline consent 08/02342/OUT for Lakeside Business Park which identified a significant package of off-site highway improvement and required a proportional contribution for the developments included in that consent to facilitate implementation of those improvements.
- 3.17 Planning application 17/01171/FUL sought consent for a similar scale car dealership on this site. In response to that application the LHA did not seek to raise a highway objection to the proposal subject to securing a proportional contribution to the off site highway improvements. No such contribution was secured although despite that the application was consented contrary to the advice of the LHA. Given that consent, a case for payment of a contribution towards wider off-site highway improvements could not be sustained despite the cumulative and material off-site highway impact that would result. The LHA does not agree with the statement in the Transport Statement that says the proposal would not have a significant impact on the highway network in isolation.
- 3.18 The red edge of the application site does not include the length of access road on the southern boundary necessary to connect it to the existing highway. This access road was consented under 16/02108/REM and would need to be implemented prior to the construction of this proposal.
- 3.19 The SPG 'Parking Standards & Transport Assessments' does not define parking standards for non-residential uses rather requires applicants to submit evidence based on the guidance provided to justify the quantum of parking provision proposed and to demonstrate how users of the site will be encouraged to travel by sustainable modes of transport. A parking accumulation assessment has been provided in table 6.2 of the TA which establishes a maximum parking accumulation for staff and customers/visitors to the site of 46 spaces.
- 3.20 Table 5.1 of the TA indicates that 150 parking spaces will be provided for staff and customer parking with 121 of those being provided for staff. This is a significant over provision and is inconsistent with the intention to 'encourage the facilitation of sustainable transport behaviours by site users' (para 4.19 of the TA refers).
- 3.21 Recommend refusal due to the overprovision of parking contrary to the aim of reducing reliance on car use and encouraging sustainable means of transport.
- 3.22 Southern Electric
- 3.23 No comments received.
- 3.24 Coastal and Drainage
- 3.25 **The drainage strategy appears well considered. Clarification on some points relating to levels and sewer sections requested.**
- 3.26 Eastern Solent Coastal Partnership
- 3.27 **No further comments received on amended scheme. Previous comments as follows:**
- 3.28 No objection in principle. A Flood Risk and Drainage Technical Note and a Flood Risk Assessment has been submitted, which sufficiently outline how flood risk at the site will be mitigated. The applicant has proposed that the submitted floor levels for this development will be set 700mm above existing ground levels, well above the 1:200 year present day and extreme tidal flood levels. Advised that the applicants sign up to the Governments Flood Warning Service and prepare a Flood Warning and Evacuation Plan.

- 3.29 Natural England
- 3.30 **No further comments on amendments subject to securing ecology mitigation as previously agreed through the extant planning permission.**
- 3.31 Fareham Borough Council
- 3.32 No comments received.
- 3.33 Havant Borough Council
- 3.34 No objection
- 3.35 Ecology
- 3.36 **The submitted details confirm no additional ecological impacts arising from the amendments. Previous comments as follows:**
- 3.37 The application is supported by an Ecology Technical Note (Seasons Ecology, August 2019). The site has extant planning permission for a slightly different layout.
- 3.38 The site is within a Site of Importance for Nature Conservation (SINC), partially within an indicative high tide roosts under the Solent Waders and Brent Goose Strategy and has the potential to support a range of protected species as identified by the ecological survey work undertaken.
- 3.39 The granting of approval on the extant permission was supported by the County Ecologists as a result of an extensive process of discussion between the applicant, Natural England and Hampshire County Council. The discussions resulted in the evolution and production of acceptable mitigation strategies for both international statutory and non-statutory designated nature conservation sites. A review of the slightly altered proposals and the information provided in the Technical Note have confirmed that there will be no additional ecological impacts arising from the alterations. As a result it should be possible to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan. Suggest a condition to secure the measures outlined in the SINC mitigation strategy.

#### **4.0 REPRESENTATIONS**

- 4.1 **PCC publicity dates (amended plans):**
- **Neighbour letters sent: 26 May 2021; expiry 21 June 2021**
  - **Site notices displayed: 2 June 2021; expiry 23 June 2021**
  - **Press Notice: published 4 May 2021; expiry 25 May 2021**
- 4.2 None received.

#### **5.0 COMMENT**

- 5.1 Principle of the proposal
- 5.2 The principle of providing a car showroom on the site (subject to ecological mitigation), has been secured through the previous permission in June 2019 and the matter to consider is whether there has been any material change in the policy position or other factors that would warrant a different determination at this point in time.

- 5.3 The application site forms part of an area of land that was originally indicated to provide B1(a) offices under planning permission ref. 08/02342/OUT, in accordance with Policy PCS5 of the Portsmouth Plan. The proposal therefore represents a departure from adopted policy. However, in determining the previous application for a car showroom at the site (ref. 17/01171/FUL), it was demonstrated that the office development previously permitted under the 2010 outline planning permission could be provided elsewhere on the wider Lakeside site. It was therefore determined that allowing the car showroom would not prejudice the delivery of office development on the site as a whole. There has since been no material change in the policy position that would warrant a different determination. The principle of the proposed car showroom is therefore considered to remain acceptable, subject to all other relevant policy considerations.
- 5.4 The previous planning permission was subject to a legal agreement to secure an Employment and Skills Plan to contribute towards developing local workforce skills in accordance with the Council's Adopted Employment and Skills Plan Supplementary Planning Document (2013). **The applicant has agreed to enter into a Deed of Variation to the legal agreement to continue to secure this requirement.**
- 5.5 Design and Appearance and Impact on Heritage Assets
- 5.6 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out in the NPPF, stating that all new development must be well designed and in particular, respect the character of the city.
- 5.7 **The applicants have explained within the Design and Access Statement that the reason for the latest amendments to the site and building layouts is focus customer facing activities on the southern side of the site, maximising the view from the approach from the new access road. The new separation of buildings and revised internal layouts are to improve the efficiency and 'flow' of the internal accommodation. The buildings would follow a similar design approach to that previously proposed, comprising a combination of grey and silver steel clad walls with glazing to the car display areas and entrances.** Precise details of the materials would be requested by condition to ensure that a high quality finish is achieved. Having regard to the context of the site, with other similar clad buildings in the vicinity (e.g. Village Hotel and nearby Porsche Car Dealership), the design is considered acceptable in accordance with Policy PCS23 of the Portsmouth Plan.
- 5.8 The nearest heritage asset to the site is the Grade II listed Lynx House office building, which lies approximately 300m away to the east. Due to the presence of intervening buildings and trees, there would be no inter-visibility between the proposed car showroom and this nearby listed building, or to any other heritage assets. The development is therefore not considered to impact upon heritage assets.
- 5.9 The site has archaeological potential and therefore a condition requiring an archaeological watching brief is proposed as per the previous permission to ensure that any artefacts are correctly identified and recorded.
- 5.10 Sustainable Design and Construction
- 5.11 Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change by achieving at least BREEAM 'Excellent' and by using low or zero carbon technologies to reduce carbon emissions by 10%.
- 5.12 The application is accompanied by a BREEAM pre-assessment, which concludes that the building can achieve a BREEAM rating of 'Good'. Whilst this is below the level required by Policy PCS15, it is in line with the rating agreed through the previous

planning permission following negotiations with the applicant and can be secured by condition.

5.13 Highway Impact and Parking

5.14 The Lakeside Business Park is accessed from the A27 Western Road and there is currently an internal access road that runs alongside the northern boundary of the application site. The proposed car showroom would be accessed via an extension to the internal access road, the details of which were approved under reserved matters permission ref. 16/02108/REM. **The amended layout has moved the access / egress points further to the east on the southern side of the site and has been designed to ensure safe manoeuvring of vehicles on site to prevent reversing onto the access road.**

5.15 The Local Highway Authority (LHA) has raised concerns about the potential impact of the development on the local highway network, noting that they do not agree with the conclusions of the submitted Transport Statement. In the view of the LHA, there is the potential for the development to have an effect on the highway network in combination with the wider development permitted through the outline permission in 2010, and therefore a proportionate financial contribution towards off-site highway improvements should be sought. This matter was considered as part of the previous application process for the car showroom and it was determined that there was no justification to seek off-site contributions in relation to the proposed standalone development. There has been no change in circumstance that would warrant reaching a different decision on this matter.

5.16 **The amended parking layout would increase the number of parking bays on the site from 297 to 372 (increase of 75 spaces). These additional spaces would be used for display vehicles and storage, and the number of staff and customer spaces would be reduced (from 150 to 103). It is noted that the previous layout included a significant over-provision of staff parking (150 spaces against a predicted need of 46). The number of staff/customer spaces now proposed would continue to represent an overprovision but not to such a significant degree. Given that the additional spaces would be for storage/display, which would not generate a significant level of daily vehicle movements to and from the site, the change in parking layout is not considered to result in an increased impact on the local highway network.**

5.17 Ecology / Nature Conservation

5.18 Policy PCS13 of the Portsmouth Plan seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible.

5.19 The site lies within a Site of Importance for Nature Conservation (SINC) and partially within an indicative high tide roost area for wading birds and has the potential to support a range of other protected species. During the application process for the extant planning permission, the ecological impact of the development was given extensive consideration in liaison with Natural England and the County Ecologists. The previous application was supported by a variety of Ecological Surveys and Reports, including an Ecology Appraisal, Botanical Assessment and SINC Mitigation Strategy. It was concluded that the development would result in the loss of 38% of the East of Lakeside SINC (approx. 1.5ha) along with the partial loss of the indicative high tide roost area. In order to mitigate the ecological impact, a range of mitigation measures were agreed and secured through Legal Agreement as follows:



- o Retention, protection and enhancement of a 1.93ha mitigation area within Lakeside Business Park, through appropriate grassland management, removal of scrub and seeding with pale flax for at least 80 years following completion of the development;
- o Payment of a financial contribution of £73,000 towards enhancing, managing and monitoring the wider Solent Wader and Brent Goose ecological network as compensation for the loss of the functional area of the indicative high tide roost area. **This payment has since been made.**

**5.20 The County Ecologist has reviewed the amended scheme and submitted information, which confirms that the revised layout would not result in any increased ecological impacts. The mitigation land within Lakeside Business Park is now within the ownership of Portsmouth City Council and an agreement is being reached between PCC and the applicant to ensure that the land is maintained and managed as agreed. Subject to this, the ecological impact of the development would be satisfactorily mitigated in accordance with Policy PCS13 of the Portsmouth Plan.**

5.21 Flood Risk and Drainage

5.22 The site lies within Flood Zone 2 and is therefore considered to be at risk of experiencing a 1 in 1000 year (0.1% annual probability) extreme tidal flood event. No objection has been raised by either the Eastern Solent Coastal Partnership or the Environment Agency subject to finished floor levels being set above predicted tidal flood levels (at least +300mm above ground level), and subject to restrictions on piling methods. Both of these requirements would be secured by condition. **With regard to drainage, a Drainage Strategy was submitted with the application, but requires some further detail to be clarified. A condition is therefore imposed requiring full details of the strategy to be approved prior to commencement of the development.** Subject to conditions, it is not considered that the development would result in an increased risk of flooding.

5.23 Land Contamination

5.24 The site lies close to potentially contaminative historical uses and conditions have therefore been recommended to ensure that any potential risk from contamination is fully assessed and mitigated where required. Subject to conditions, it is considered that any potential risks to future users of the site would be satisfactorily minimised.

5.25 Conclusion

5.26 **The amended layout and design of the development is considered to be acceptable in relation to the site and surroundings and subject to securing relevant mitigation, the development is considered acceptable in terms of ecological impact. Subject to conditions, the scheme is also considered acceptable in relation to parking provision, flood risk, contamination and sustainable construction. The development therefore accords with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework.**

**RECOMMENDATION I:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant **Conditional Permission** subject to the **completion of an agreement / legal mechanism to secure the following:**

- a) Mitigation area of 1.93ha to be retained, protected and in accordance with SINC Mitigation Strategy;
- b) Preparation and implementation of an Employment and Skills Plan

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**RECOMMENDATION III:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse permission if the Legal Agreement has not been completed within three months of the date of the resolution.

## **Conditions**

### **Time limit**

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

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

### **Approved plans**

- 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: Existing Site Plan 3523/106 B; **Proposed Site Plan 101 P5; Site External Lighting Layout 8611-02-ME01 P1; Proposed Elevations 301 P2; Proposed Ground Floor Plan 203 P1; Proposed First Floor Plan 204 P1; Proposed Roof Plan 205 P1; Site Wide Elevations 208 P1; Smart Repair Planning 206 P4; Wash Building 207 P2; Drainage Schematic 9001 P1; Visual from motorway TD6003\_SK 400; Visual view on approach TD6003\_SK 401 and Visual view on approach TD6003\_SK 401\_P2.**

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

### **Potential for contamination**

- 3) No works pursuant to this permission shall commence 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 Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- c) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design

report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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 (2006).

#### **Contamination verification**

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 3c.

Reason: 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 (2006).

#### **Piling restriction**

5) Piling or any other foundation designs using penetrative foundation methods shall not be carried out unless otherwise agreed in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater; and the development shall be carried out in accordance with the approved piling details.

Reason: The scheme is located over Tidal Flat Deposits overlying Chalk Principal Aquifer (designated for providing significant quantities of water for people) and where groundwater is particularly sensitive, to accord with policies PCS14 & PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

#### **Materials details**

6) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed building 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 materials/finishes.

Reason: In the interests of the visual amenities of the area and the attractive parkland setting of the Lakeside site, in accordance with policy PCS23 of the Portsmouth Plan (2012).

#### **Parking provision**

7) Prior to the first occupation of the car dealership the proposed car parking shown on the approved Site Plan drawing ref. **Proposed Site Plan 101 P5** and including provision of 'disabled' bays shall be surfaced, marked out and made available for use; and those parking facilities shall thereafter be retained at all times for the parking of vehicles to serve the proposed development (excluding ancillary vehicle display and storage associated with car sales).

Reason: In the interests of highway safety and to ensure adequate on-site parking provision in accordance with policies PCS17 & PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

#### **Lighting details**

8) No development above foundation / slab level shall take place at the site until details of the height, appearance and luminaires to external lighting columns in the positions shown on approved drawing **Site External Lighting Layout 8611-02-ME01 P1**, shall have been submitted to and approved in writing by the local planning authority; the external lighting shall be carried out in accordance with the approved details and retained in such condition, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure any external lighting visible from the M27 is constructed/maintained to face vertically down in the interests of highway safety, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan (2012).

#### **Construction management**

9) No development 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; all works carried out during the period of construction at the site shall be undertaken strictly in accordance with the approved Construction Environmental Management Plan, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent nuisance and minimise adverse effects on the local environment from highway impacts onto a major arterial route through the city (A27), as far as practicable, during works of demolition/construction, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

#### **Drainage strategy**

10) No development shall take place at the site until a drainage scheme based on the **Drainage Schematic 9001 P1**, shall have been submitted to and approved in writing by the Local Planning Authority, to include:

- (a) the detailed layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

#### **Flood mitigation measures**

11) The development shall only be carried out in accordance with the approved Flood Risk Technical Note (produced by RLRE Consulting Engineers, August 2019) and the following mitigation measure:

- (a) Finished floor levels are set 300mm above existing ground level;
- The mitigation measure shall be fully implemented before the development is first brought into use.

Reason: To reduce the risk and impact of flooding to the proposed development within tidal Flood Zone 2, in accordance with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **BREEAM**

12) Within 4 months of the car dealership being first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum score of 50 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan (2012).

### **Cycle storage provision**

13) Prior to the first use of the car dealership facilities secure/weatherproof bicycle storage facilities for staff (long-term) and visitors (short-term) shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

Reason: To promote and encourage alternative transport modes to the private car by ensuring that adequate provision is made for cyclists, in accordance with policies PCS14 and PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Landscaping details**

14) No development shall take place above foundation / slab level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the building.

Reason: To secure a well-planned and quality setting to the development, in the interests of the amenities and parkland character of the Lakeside campus, in accordance with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Archaeology investigation**

15) (i) No development shall take place at the site until the applicant has secured the implementation of a programme of archaeological assessment 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 monitor and record archaeological remains exposed during the relevant stages of groundworks where those groundworks exceed the depth of made ground.

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

Reason: 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 to survive within the site

and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

#### 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.