

# PLANNING COMMITTEE

## 4 DECEMBER 2019

10 AM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> FLOOR, 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>

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**SOUTHSEA SEAFRONT FROM LONG CURTAIN MOAT IN THE WEST TO EASTNEY MARINE BARRACKS IN THE EAST**

**FLOOD AND COASTAL EROSION MANAGEMENT SCHEME COMPRISING A COMBINATION OF VERTICAL SEA WALL, RAISING AND REALIGNMENT OF THE PROMENADE, CONSTRUCTION OF STEPPED REVETMENT, ROCK ARMOUR REVETMENTS AND GROYNES, SECONDARY DEFENCE WALLS AND BUNDS, BEACH WIDENING AND MANAGEMENT, AND ALL ASSOCIATED WORKS, HIGHWAY ALTERATIONS, REMOVAL OF TREES AND LANDSCAPING. SCHEME INCLUDES THE REMOVAL AND REPOSITIONING OF 34NO. GRADE II LISTED LAMP COLUMNS, 3NO. GRADE II LISTED SHELTERS AND 6NO. GRADE II LISTED MONUMENTS, WORKS AFFECTING THE GRADE II LISTED SOUTH PARADE PIER, REGRADING AND WORKS TO THE GRADE II LISTED SOUTHSEA COMMON AND WORKS TO THE GRADE I LISTED NAVAL MEMORIAL. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT.**

**Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of PCC

**RDD:** 16th July 2019**LDD:** 6th November 2019

This application represents a major infrastructure project to reduce the risk of coastal flooding, accompanied by an Environmental Statement (ES). There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it. The local planning authority must take into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application.

Eastern Solent Coastal Partnership (ESCP) is applicant on behalf of Portsmouth City Council. ESCP was formed in 2012 to provide a comprehensive coastal management service acting for and directly employed by the four partner authorities: Portsmouth City Council, Havant Borough Council, Fareham Borough Council and Gosport Borough.

**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the principle of the development is acceptable in the location proposed and whether the submitted ES adequately assesses the significant environmental impacts of the proposed scheme having regard to the international and national nature conservation designations and heritage assets in and around the area. Other important issues include the design/impact on heritage assets, ecological impacts, highways implications, impact on amenity of residents and any other material matters raised in representations.

## Site and surroundings

The application site covers 55.75 hectares. The linear shape site extends along a seafront frontage of 4.5km, from Long Curtain Moat (in the west) to Eastney Esplanade (in the east).

The seafront is characterised by long stretches of pebble beach separated to the west and east by Southsea Castle. A continuous promenade runs along the beach edge. An array of Victorian era street furniture includes (listed) cast-iron lamp columns and shelters. The promenade also hosts seven (listed) memorials/monuments including the RN War Memorial (Grade I). The application site covers three Conservation Area designations and three Scheduled Ancient Monuments.

Parkland, including Southsea Common (Grade II listed park and garden), extends along most of the seafront providing critical green infrastructure for the city. Military defensive landscapes including King's Bastion, the east and west batteries of Southsea Castle and Lumps Fort also define the local landscape and views of the city from the sea.

The site contains, or is adjacent to, several ecologically designated sites:

- Portsmouth harbour: SPA and Ramsar, SSSI
- Chichester and Langstone Harbours: SPA and Ramsar, SSSI
- Solent Maritime SAC
- Solent and Dorset Coast pSPA
- Eastney Beach SINC (Site of Interest for Nature Conservation)
- Land north and west of Fort Cumberland SINC

## Proposal

The seafront has an assortment of existing coastal defence structures. ESCP describe these as offering an inadequate standard of protection and at the end of their serviceable life; due to the low-lying nature of the land, the condition of existing coastal defences and the predicted effects of climate change, there is considerable and immediate flood risk to the Southsea area.

Flood inundation modelling shows a present-day major flood event (1 in 200 year) would directly or indirectly affect 8077 residential and 704 non-residential properties; a potential depth of water around the Great Morass of over 4m highlights a significant risk to life. The fragility of the seafront defence structures has been realised over recent years. There has been a breach in Long Curtain Moat counterscarp wall in February 2014, a critical failure of a 30m length of seawall in front of the Pyramids in December 2015 as well as collapse of a 40m length of seawall and promenade in April 2018.

The Outline Business Case to the Environment Agency as part of ESCP's funding application shows that recovering from a major flood event in Southsea could cost up to £950 million.

The Southsea Coastal Scheme is a proposed Flood and Coastal Erosion Risk Management (FCERM) project to upgrade the existing coastal defences along 4.5km of frontage at Southsea.

The Portsea Island Coastal Strategy Study (PCC, 2012) identifies seven discrete flood cells around Portsea Island. Coastal water flooding within each of these seven flood cells will not interact with, or encroach into, a neighbouring flood cell. The submitted proposal covers 'flood cell 1' and the whole scheme is required to reduce flood risk within this cell.

The scheme is, however, divided into the following seven sub-frontages in response to the varied character and constraints along its length:

- Sub-frontage 1 - Long Curtain Moat
- Sub-frontage 2 - Clarence Pier
- Sub-frontage 3 - Southsea Common
- Sub-frontage 4 - Southsea Castle
- Sub-frontage 5 - Pyramids & South Parade Pier
- Sub-frontage 6 - Canoe Lake Park
- Sub-frontage 7 - Eastney Esplanade

The proposed scheme combines both a primary element, at a lower intermediate defence level, and a secondary set-back defence, landward of the primary defence alignment. ESCP explain the primary defence seeks to provide protection from coastal erosion and reduce safety risk for pedestrians on the promenade for lower return period storms and the secondary defence provide the required standard of protection for properties in Southsea from a major flood event.

The new structures are designed to last 100 years. Construction would be phased over 5 - 7 years based upon the condition of the current defences, the standard of protection provided by the current defences and the level of risk immediately behind the defences. Subject to funding and permission/consent, work is scheduled to begin on site in spring 2020.

Generally, the relative defence heights are calculated as +5.0m AOD for primary and +5.5m AOD for secondary defences. Due to existing changes in topography along the seafront, the range of land-raising and proposed structures vary between 0.0m-2.5m above existing ground level; these will be subject to further detailed modelling and the current scheme is based on a worst case scenario but do not envisage need for any increased heights.

#### - Sub-frontage 1 - Long Curtain Moat

ESCP advise that this sub-frontage represents the most difficult combining a designated scheduled ancient monument, restricted space, proximity to the navigation channel and significant wave action.

A new vertical wall with a berm along the full length of the sub-frontage would form a primary defence. The design of the vertical wall has been split into two areas. On the western area, it would be stone clad. It has been subject of amendment. The caponier has been judged to be sound and so can remain exposed; this means that the tie in to the new seafront works would no longer need to approach the caponier at an awkward angle. In the eastern area the new vertical wall would be clad in concrete (precise finish to be agreed). A 1.1m upstand along the eastern area is required, due to the variable promenade levels, along its seaward edge. A total of three floodgates are also required.

The associated promenade would be raised to +5.0mOD on the western area and kept at a lower level of +4.2mOD in the eastern area. It would tie in flush with Clarence Pier car park and at this point the promenade would ramp down to existing levels at Clarence Pier. The existing promenade width on this sub-frontage is typically 8m, locally narrowing in several places. Improvements to the promenade are designed to be around 10m in width.

The secondary defences comprise a mixture of the existing high ground at King's Bastion, a new reinforced concrete wall at the north eastern end of the moat, floodgates (3no.) and a raised existing bund along the eastern edge of the moat.

#### - Sub-frontage 2 - Clarence Pier

No primary defence works are proposed. The secondary defence proposes an earth bund to the southern perimeter of Clarence playing fields (with a short length of concrete wall at the clubhouse) and a combined bund and wall around Esplanade Car Park. Highway ramps to Pier

Road have been designed to keep the flood gate requirement to a maximum 1m height, and with gradients and vertical curves to cater for this as a bus route.

The existing commercial properties at Clarence Pier are not afforded protection by this proposal. Future redevelopment would provide a new primary defence and the secondary bund solution has been designed to be as reversible as possible.

#### - Sub-frontage 3 - Southsea Common

A managed widened beach with stepped revetment and raised promenade forms the primary defence. A combination of earth bund and reinforced concrete wall would provide a secondary defence. A one-way - westbound only - road with 20mph speed limit would include parallel parking on the seaward side and a contra-flow eastbound cycle lane on the landward side. The raised promenade would be resurfaced with an exposed aggregate finish (except around the Grade I listed Memorial, in stone blocks).

The managed beach seeks to ensure long-term retention of seaside amenity. Using the beach as the primary part of the defence allows the heights of the hard structures to be minimised. A timber groyne at the boundary of the Hovertravel landing pad is designed to retain beach material. A rock armour 'stub' groyne is proposed adjacent 'Mozzarella Joes' restaurant to reduce risk of wave action reflections from the existing vertical seawall, protecting the beach by helping prevent drawdown of the beach material.

The secondary defences comprise a mixture of earth bunds and stone-clad reinforced concrete retaining wall locally adjacent the grade I listed R N War Memorial, along the landward side of Clarence Esplanade. The earth bund is designed with a 1 in 3 slope on the seaward side and shallower 1 in 10 slope on the landward side blending into the Common. ESCP hope with further detailed modelling that the earth bund does not prove necessary but the planning application represents the worst case scenario.

The design around the listed memorial has evolved in discussion with the Commonwealth War Graves Commission and Historic England. It comprises the raising of the existing seating and planters on the southern side as well as a pedestrian priority zone where on-street parking is removed and all street furniture minimised. At the stepped access points, three sets of flood boards would be put in place at existing gaps in the secondary defence (only in storm events).

There are also listed ornamental lamp columns and 6no. other listed structures - Trafalgar, Chesapeake, Peel Shannon, Aboukir, Trident and Crimean - that require relocation as part of the flood defence works (subject of related Listed Building Consent applications).

#### - Sub-frontage 4 - Southsea Castle

A rock armour revetment would form the primary defence around the Castle and 'Blue Reef' aquarium. It would be built over the existing, to a similar gradient. Existing high ground and an earth bund with reinforced concrete walls would provide the secondary defence.

The promenade would be raised where required, surfaced in an exposed aggregate finish. A concrete upstand crown wall between the rock revetment and promenade would form a parapet and barrier to wave action where the promenade levels are below the primary defence design level (+5.0m AOD).

The secondary defence earth bund along the landward side of Clarence Esplanade would continue up to the junction with Serpentine Road and transition into a reinforced concrete wall around the boundary of the aquarium. This wall would continue east and tie into the West Battery at the existing steps.

Existing high ground at the West battery and East Battery act as secondary defence for the remainder of the sub-frontage. A short section of concrete retaining wall around the auxiliary battery west of the castle (where ground is required at +5.5m AOD secondary defence design level) would be approximately 0.5m high, in a plain white concrete finish to differentiate from the existing heritage assets.

- Sub-frontage 5 - Pyramids & South Parade Pier

A managed widened beach, stepped revetment with sheet pile and buried rock armour toe would form the primary defence. The height of the promenade would be raised by around 1m. A combination of reinforced concrete wall at the landward side of the promenade and stepped upstand would provide the secondary defence.

Either side of South Parade Pier the secondary defence switches over the promenade, with the stepped upstand on the seaward side. Flood gates and boards are proposed where there are gaps in the secondary defence at South Parade Pier for pedestrian access. A sloped bank would be formed on the landward side of the secondary defence adjacent the Pyramid Centre and Rock Gardens.

Four historic shelters (3no. listed) would require dismantling, repair and reconstruction to approximately their former locations as well as listed ornamental lamp columns that require relocation (subject of related Listed Building Consent applications).

- Sub-frontage 6 - Canoe Lake Park

A continuation of the primary defence from sub-frontage 5 is proposed by a managed widened beach, stepped revetment with sheet pile and buried rock toe. The road and promenade would be raised by around 0.5m.

At the western end, the secondary defence of reinforced concrete retaining walls would continue the alignment along the landward side of the promenade before transitioning into earth bunds along the southern boundary of the park/car park at Canoe Lake and then tie into existing high ground at Lumps Fort.

East of Lumps Fort, the secondary defence line by reinforced concrete wall on the landward side switches over to the seaward side.

- Sub-frontage 7 - Eastney Esplanade

Works at this sub-frontage would be minimal. Beach depth is considered to provide sufficient level of protection for many years. Unless coastal processes dramatically change it is likely to be 50+ years before any works (by beach replenishment) are required.

Linked applications

Accompanying the full planning application are five related Listed Building Consent applications. These are grouped by type and subject of separate reports on this agenda:

- 19/01088/LBC - removal and repositioning of 6no. (Grade II) monuments/plinths
- 19/01089/LBC - removal and repositioning of 34no. (Grade II) lamp columns
- 19/01090/LBC - removal and repositioning of 3no. (Grade II) seafront shelters
- 19/01091/LBC - alterations to Portsmouth Naval War Memorial (Grade I)
- 19/01129/LBC - alterations to South Parade Pier (Grade II)

The planning and \*listed building consent applications are supported by the following:

- Environmental Statement (ES)\*
- ES Non- Technical Summary
- Planning, Design & Access Statement

- Visuals

### Relevant planning history

Across a site area of 55.75 hectares there will be various planning records within the application 'red line' boundary, however, the cumulative impact is considered within Chapter 22 to the ES and few of them would have any direct relevance to the current proposal.

A recent scheme for "Siting of landing craft tank 7074 and construction of canopy protection with associated landscaping works (including relocation of eight holm oak trees); new access from the highway to the public car park and repositioning of one (listed) lamp post" ref 18/01131/FUL was permitted for the D Day Story in August 2018. It includes changes to the D Day car parking arrangements with a new access moved further west of its current position and closer to the junction with Serpentine Road, opposite 'Blue Reef' aquarium.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include:

PCS9 (The seafront), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation), and saved policies DC21 (site contamination) of the Portsmouth City Local Plan. The application site also falls within the area covered by the Seafront Masterplan SPD (2013).

The National Planning Policy Framework (NPPF, 2019) sets out the presumption in favour of sustainable development, which means approving development proposals that accords with development plan policies without delay (para 11). However, as set out in para 177, the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (unless an appropriate assessment concludes it will not adversely affect the integrity of the habitats site). This issue is addressed in this section and further in the comments section of this report.

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

- 8 Overarching objectives of sustainable development - economic, social & environmental
- 38 Core planning principles for decision making
- 54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations
- 80 Significant weight on the need to support economic growth through the planning system
- 81 Policies should positively and proactively encourage sustainable economic growth
- 95 Promote public safety, reduce vulnerability, increase resilience
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 110 Give priority to pedestrian and cycle movements; address needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive etc.
- 130 Refuse poor design that fails to improve the character and quality of an area
- 149 Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change etc.
- 174-176\* Protect and enhance biodiversity and ecological networks, including the hierarchy of international, national and locally designated sites (SPA/SAC/Ramsar, SSSI etc)
- 177 Presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (unless an appropriate assessment concludes it will not adversely affect the integrity of the habitats site)
- 178 Ensure a site suitable for its proposed use takes account of ground conditions and any risks (contamination)
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets



- 190 Local Planning Authorities (LPAs) to identify and assess significance of any heritage asset
- 193 Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)
- 194 Any harm/loss of a designated heritage asset requires clear and convincing justification; substantial harm to assets of highest significance (such as scheduled monuments and grade I listed buildings) should be wholly exceptional
- 195 Where leads to substantial harm, should be refused (unless substantial public benefits)
- 196 Where leads to less than substantial harm, to be weighed against public benefits
- 197 Weight to non-designated heritage assets (where significant)
- 199 Developers to record/advance understanding of significance, made publicly available

\*When determining planning applications, LPAs should apply the following principles (para 175):

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats... should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy 26 of the Hampshire Minerals and Waste Plan (adopted in 2013) is also relevant to the determination of this planning application. This policy seeks to protect waste management infrastructure that provides strategic capacity against redevelopment and inappropriate encroachment. In this case, as the proposal would be located in close proximity to a 'safeguarded site' it is important that the potential impacts of the proposal on the operation of the safeguarded site are considered.

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

As set out in the relevant regulations (as amended) and the 'Planning Practice Guidance' by MHCLG, there are specific arrangements for considering and determining planning applications that have been subject to an EIA. This includes consideration of the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The LPA should take into account the information in the ES, the responses to consultation and any other relevant information when determining the planning application. Further assessment of the submitted ES will be made in the comments section of this report.

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

the appropriate assessment undertaken. This issue is addressed further in the comments section of this report.

## **CONSULTATIONS**

### **Historic England**

In summary, the proposed scheme would impact on designated (and undesignated) heritage assets on the Southsea and Old Portsmouth coastal frontages. Whilst the principles and overarching design of the scheme are accepted, and note it would result in high level heritage benefits, the proposals are considered harmful to individual designated heritage assets. In relation to the Grade I listed war memorial that harm is identified to be of a high level but less than substantial, and for the scheduled monument of Long Curtain Moat the harm is identified to be substantial.

The memorials, shelters and lamp columns along the length of Southsea seafront would all need to be dismantled and re-erected. In all cases their immediate context would change and some would move slightly. The proposals indicate the process could take place without damaging the fabric of the structures. HE is content that moving them would have only minor impact on their significance and do not object - this is relevant to related LBC applications on this agenda.

To meet the requirements of the NPPF it will be necessary for the applicant to demonstrate that they have minimised harm to heritage significance as far as is possible through careful design of the proposals. The proposals should also sustain and enhance the significance of heritage assets, and make a positive contribution to the distinctiveness of the local area. Overall, while the harm to designated heritage assets from the coastal defence scheme will be considerable, if harm is minimised as far as possible, that harm might be outweighed by substantial public benefits. Further refinements are required, however, before this can be suitably demonstrated.

The proposals need further design consideration and additional supporting information to be submitted for review, in order to satisfy the requirements of the NPPF and fulfil local policy requirements in relation to heritage matters.

Consequently, following amendments and an addendum to the Heritage Impact Assessment, the updated HE advice raised no objection to the application on heritage grounds. However, HE consider that some issues and safeguards outlined in their advice may need to be addressed to meet heritage related requirements of the NPPF, adding *"It has always been our view that a considerable level of detail should be submitted prior to the determination of the planning application, however it is at the discretion of the LPA to decide this and which matters are to be controlled by condition."*

### **The Portsmouth Society**

The submitted scheme lacks detail but overall the dull and featureless design is disappointing, without local distinctiveness or special character. Significant embellishment is needed before permission is granted. The period for comment is too short. The suggested use of planning conditions for adding detail to the scheme is a secretive and opaque process with little opportunity for public scrutiny. Much greater clarity on the timescale of the detailed design of each sub-section is required with design input from local talent/interest and continual public consultation throughout. Questions/comments are raised concerning: examination of the physical modelling of the sea defences; retention of the defences, through beach management of shingle shifted by the tide; whether the Environment Agency would support this aspect of the scheme; opportunity to resolve flooding of Southsea Common, where construction compounds are proposed; durability of concrete with an exposed aggregate finish; involvement of local artists and designers to achieve local distinctiveness; salvage of historic material, principally stonework, incorporated as decorative features into secondary defences; renovation of the historic lampposts before being reinstalled; cycling provision offers little improvement; many of the society's members believe on-street parking along the seafront should be removed (except disabled bays) confined to existing car parks; the Seafront Masterplan seeks to increase public

realm and ask that the sea defence scheme design comply; park and ride should be extended to the seafront; represents a missed opportunity to address transport problems of the city; progress on the Seafront Masterplan SPD has stalled.

Further questions/comments are raised regarding heritage assets: the promenade between the Rock Gardens and South Parade is unclear and more visuals welcomed; removal and reinstatement of seafront shelters requires specialist subcontractor; 'Trafalgar' monument is surrounded by clutter and the preferred option is relocation, adjacent Lord Nelson statue in Grand Parade; relocation of 'Crimean' memorial is supported; little detail about renovation of other minor monuments upon relocation; query whether the seafront car park should remain and new public realm created; the owners of the hotel and pier must be brought into the design process; the roundabout by the pier is over capacity and requires redesign along with designated cycle path and dedicated footpath; the vast expanse of rock armour at Southsea Castle may prove disappointing; various beach management groynes are not represented truthfully on the submitted views; Rock Gardens drainage questioned in the event of another sea flood; either side of South Parade Pier the access arrangement will be very difficult for anyone with mobility issues and the high wall of the raised promenade is unattractive, needing special attention to design; extending the shingle beach will make access for disabled swimmers more difficult.

Details pursuant to planning conditions are not published in the public domain. For this beloved landscape, the scheme must be a complete exception and require clear public explanation rather than a process for details through closed committees.

#### **Defence Estates (SW Region)**

No comments received.

#### **Environment Agency**

No objection, subject to the imposition of planning conditions on any planning permission granted, requiring relevant details to be submitted and approved by the Local Planning Authority for: Construction Environment Management Plan (controlling risks to water quality); and, piling during prescribed periods only (noise impact on migratory fish).

Other advice offered to the Local Planning Authority and Applicant (concerning works during the bathing water season and flood risk during construction).

#### **Natural England**

Without appropriate mitigation the application would:

- \* have an adverse effect on the integrity of Portsmouth Harbour Special Protection Area (SPA) and Ramsar site, the Chichester and Langstone Harbours SPA and Ramsar site, the Solent and Dorset Coast SPA and the Solent Maritime Special Area of Conservation
- \* damage or destroy the interest features for which Portsmouth Harbour and Langstone Harbour Site of Special Scientific Interest has been notified.

In order to make the development acceptable, detailed mitigation measures have been included in the consultation response. NE advise that appropriate planning conditions or obligations are imposed [as specified] to any planning permission to secure these measures.

Natural England (NE) has a statutory duty to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. NE notes the shadow appropriate assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question and *"Having considered the assessment, and the measures proposed to mitigate for all defined adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing all mitigation measures are appropriately secured in any permission given."*

NE also recommends that a Biodiversity Mitigation and Enhancement Plan includes

- \* a mitigation, management and monitoring plan for the vegetated shingle communities is appropriately secured in any permission given
- \* mitigation measures in relation to loss of trees and potential impacts to birds during nesting period, and sets out biodiversity enhancement measures that can be secured post-construction; the landscape planting would be expected to utilise appropriate native species.

### **The Gardens Trust**

The Trust is statutory consultee for development affecting Southsea Common as an historic landscape of national importance that is included by Historic England on the Register of Parks and Gardens of Special Historic Interest (at Grade II). The Trust does not wish to comment on the proposal at this stage but emphasise this does not signify approval or disapproval.

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

Following a briefing from ESCP, QHM is fully aware of this large environmental project civil works intended to commence in 2020. Once works methodology, especially regarding seaborne access by the contractor, is clear QHM would appreciate being consulted again since deconfliction by other marine users will be required and a Local Notice issued to Mariners (prior to commencement of operations) to ensure all mariners are informed.

### **RSPB**

No comments received.

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

No comments received.

### **Marine & Coastguard Agency**

No comments received.

### **Hampshire Garden Trust**

No comments received.

### **Ecology**

The supporting ES and Information for Habitat Regulations Assessment (HRA) document (Southsea Coastal Scheme, July 2019) have been reviewed. The ecological assessment is based on a Preliminary Ecological Appraisal undertaken in 2017 and historical ecological assessment work undertaken by Royal HaskoningDHV and Natural England in 2013, along with desk study data. No targeted Phase 2 surveys have been undertaken at the site in recent years; detailed comments of concerns are provided where more information is required. The LPA must be able to demonstrate through a HRA Assessment that there would not be a likely significant effect. If this cannot be concluded, permission should only be granted if further assessment in the light of the site's Conservation objectives (the Appropriate Assessment) can demonstrate that the proposal would not adversely affect site integrity.

### **Marine Management Organisation**

\*The MMO was awaiting an update on the city council's position on adopting the HRA, which has since been provided. Any views of the MMO will be reported at the meeting.

### **Arboricultural Officer**

The content of an accompanying Arboricultural Survey and Impact Assessment (prepared by Gristwood and Toms) is accepted and agreed. There are no arboricultural objections to the development. Replacement mitigation tree planting exceeds the number of trees to be felled in order to facilitate the proposal.

### **Asset Management Service**

No comments received.

### **Archaeology Advisor**

The ES (Chapter 14) has been reviewed for the archaeological implications and, in summary, these aspects of the EIA are largely endorsed to you, and the detailed comments made are relatively minor.

Much of the detail is deferred to a post-determination stage and in most cases (including the Archaeological Mitigation Strategy) this is appropriate. However, the more fundamental questions relating the technical feasibility of cladding and finish to the works where they impact the setting of the nationally important Scheduled monuments, which will heavily influence the understanding of the visual impact of development, are appropriately to be resolved prior to determination.

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

Before any of these coastal major works start, Colas should be contacted (details provided); this is for coordination purposes of the Highway Network in Portsmouth.

### **Crime Prevention Design Advisor**

No comments received.

### **Highways Engineer**

In summary, the proposal represents a significant change to the existing transport and movement networks within Southsea. From a highways perspective, the main effects are:

- o Restriction of the seafront section of Clarence Esplanade, to a one-way road;
- o Reduction of on-street car parking provision on Pier Road, Clarence Esplanade and Eastney Esplanade and other further slight reductions in off-street car parking provision;
- o Realignment of the promenade along the Southsea frontage, including some areas of reduced width and some of increased width;
- o Provision of new and replacement cycle lanes and cycle tracks on sections of Clarence Esplanade, South Parade and Eastney Esplanade; and
- o Speed restrictions changes and revised carriageway widths.

The benefits of the scheme from a highways perspective are considered overstated in both the Transport Assessment (TA) and Environmental Statement (ES). There are impacts on network capacity which cannot be mitigated#, the intended provision for cyclists involving the introduction of contraflow cycleways is retrograde and the reduction in car parking provision will add further pressure in the residential parking areas where the demand for parking currently exceeds the space available particularly overnight and at weekends. However, on balance, given the broader objectives of the scheme it is not considered that the highways impacts are sufficient to justify a reason for refusal of the application.

#Whilst the mitigation necessary to resolve the impacts on junction capacity, specifically at the Pier Rd/Gordon Rd/Duisburg Way roundabout, may be considered disproportionate as they would involve the installation of traffic signals; it remains the case that in the absence of such works the effect of the proposal would not be mitigated at this junction.

Similarly, whilst the summary of impacts only identifies a parking shortfall on the busiest days of the year it must be recognised that at those times the reduction in car parking provision will add further pressure in the residential parking areas where the demand for parking currently exceeds the space available particularly overnight and at weekends.

That said, and despite the retrograde provision for cyclists, which would be better made on the south side of the road as an extension to the promenade, on balance, given the broader objectives of the scheme it is not considered that the highways impacts are sufficient to justify a reason for refusal of the application.

## **Environmental Health**

This consultation considers the likelihood of significant traffic movements; the HGV usage will only increase during the construction phase, and the proposed one-way scheme and reduction to the speed limit would reduce traffic flows.

The air quality assessment has concluded that the changes in the road usage will have a negligible effect in the area. No objection raised to this proposal.

## **Contaminated Land Team**

The submitted reports highlight areas where concentrations of pollutants exceed the adopted albeit conservative screening values for lead, arsenic, PAHs and hydrocarbons within the made ground and occasionally the natural soils. The extent of these areas is unknown but should be highlighted on a plan, along with an approach to the excavation and delineation of the area impacted.

The discussion of risk in Appendix K of the ES is based upon the data in the report in Appendix B and this may change during work because linear features such as sea wall are likely to pass through localised variations in grounds conditions. The Contaminated Land Strategy contained in section 8 of Appendix K contains a watching brief. It does not explain how soils will be stockpiled, stored, tested for reuse, or identification of further polluted soils, and the delineation of soil around the known areas of pollution.

It is, therefore, requested that the suggested conditions for a working plan and a watching brief are imposed on any planning permission.

## **Seafront Manager**

The requirement for a new coastal defence scheme to mitigate the potential flooding of a major city is understood, with elements of the principals of the scheme likely to be controlled by planning conditions. The complexity of the project is considerable. It is understood there will be opportunity to comment on detailed elements but some key areas of the proposed design require highlighting that are not considered to support the breadth of operations across the seafront.

It is believed the next stage of detailed designs enable review of how the designs may impact on the nature and atmosphere of the character of the seafront and how to support successful operation and future maintenance. However, essential to our understanding of how this critical shared public space is utilised by residents and visitors, areas for further discussion include but limited to: all surface finishes; nature/type of street furniture; maintenance requirements of new infrastructure; planting, proposed vegetation and landscaping; revised siting of memorial and shelters; lighting, especially decorative; access in all forms and including to the beach and water; signage and signposting; water safety; and, anti-social behaviour mitigations.

Areas of the proposal appropriate for reconsideration to support the diversity of operation that the seafront currently enjoys are, in particular:

- \* the transition features between seafront spaces where the desired lines and routes do not necessarily fit with experience of public transition between spaces, especially crossing points where short cuts are likely to be a common choice circumventing the safest option
- \* the scheme shows very frequent traffic mitigation bollards throughout the length of the parallel parking areas to prevent access onto the promenade but there must be a more aesthetically viable option from what will by accident become a defining feature along the whole of the seafront
- \* the proposed new road layout in the area south of Serpentine Road and along Clarence Esplanade to the D Day Story raises pedestrian and road safety concerns given high levels of footfall and of children/young people attending the splash pool (May-September) where two-way traffic meets the proposed one-way route, the proximity to new access arrangements to the busy D Day car park, parallel parking both sides of the road and relocated bus stop

\* the proposed new entrance way into the south of Serpentine Road is not considered to be suitably designed to support the delivery of significant infrastructure needed for larger scale events programme eg D Day 75 commemorations - a wider turning circle to safely accommodate the scale of HGVs for all the major activities is needed

The core principals highlighted by Historic England regarding the proposed treatment of different areas of designated and non-designated heritage assets are agreed; further consideration of the public realm or the potential for more local distinctiveness throughout the overall scheme are required.

Finally, water safety mitigations are essential at all points of the design process with the on-going and often changing nature of the beach frontage, to support safe access to the sea.

### **Mineral and Waste Consultation**

The proposal covers a linear area along the southern seafront and in several places intersects with a minerals site, safeguarded as a source of superficial sand and gravel.

As minerals can only be worked where they are found, the purpose of policy 15 is to safeguard existing minerals resources from needless sterilisation by new development, and part of the central area of the site is designated for brick clay resources under this policy. Development may progress without prior extraction for various reasons including if it can be demonstrated that sterilisation would not occur, if it would be inappropriate to extract mineral resources at that location, and the merits of the development outweigh the safeguarding of the mineral.

The development proposed, which passes through the safeguarded mineral resource, appears to be located along the existing line of defences. As such it is considered that the works will have minimal impact on safeguarded resources that have not already been impacted by the existing defences.

For the reasons highlighted above, the minerals and waste authority raises no objection.

### **Coastal and Drainage**

The final drainage scheme should address some detailed points raised but this is appropriate to resolve by the imposition of a drainage condition.

## **REPRESENTATIONS**

Following extensive publicity of the planning application and to subsequent amended/additional plans, a total of 27 representations (two from one organisation) have been received. These include objection/comments from the Commonwealth War Grave Commission, Naval Dockyard Society, Hampshire Building Preservation Trust, Portsmouth Cycle Forum, Friends of Old Portsmouth Association, Southsea Seafront Campaign, Southsea Clarence Esplanade Pier Company, Friends of the Earth and Solent Protection Society, each of which is summarised below.

#### **- Commonwealth War Grave Commission**

The history and national significance of the Grade I listed structure is outlined. CWGC recognise the benefit of decluttering the promenade (with reduction of risk of coastal flooding) but consider the scheme will significantly affect the setting of the Memorial and involve quite dramatic change by a small wall and road raising, 2m higher than existing.

CWGC describe pre-application involvement and without re-design the scheme was not considered to take account of conservation. Now improved, there is still concern with a lack of detail and that success of the work to the Memorial depends on detailing. Intentions to develop much of the detail later for this major phased project is understandable, however, the related listed building consent for such a major intervention to a Grade I listed structure needs to be developed in considerable detail at application stage. CWGC has yet to receive assurances on

who will undertake the detailed design but will need to be a suitably qualified conservation professional.

As detailed plans do not exist, planning conditions will be necessary for: final details to be agreed (before commencement); and, design work by qualified professional with extensive experience of working on Grade I listed structures.

- **Naval Dockyard Society**

NDS raise objection to a scheme "to achieve the greater good via engineering, rather than landscape architecture principles" and visually intrusive, changing familiar Southsea vistas. The objection relates mostly to the Long Curtain Moat, King's Bastion and Spur Redoubt element of the scheme, detailing the history and military importance of the scheduled monument. NDS consider the scheme should employ landscape architects with a national reputation and record of excellence. NDS also question the opinion that Eastney Barracks has only 'moderate' archaeological and historic interest and 'low to negligible' communal interest, in contrast with its strategic relationship with Southsea Castle, Lumps Fort, Eastney Forts and Fort Cumberland. Concerning the Ornamental lamp columns, the very tangible heritage of seeing the festoon lighting in the evenings is a rich experience which should not be lost. NDS conclude: an Archaeological Mitigation Strategy should consider carefully the points raised by the Heritage Baseline Report and the Archaeology consultee; landscape architecture should be a stronger element of the design; materials should be specified more precisely; and, the advice of the Environment Agency consultee should be implemented.

NDS have written again following publicity of amended/additional plans, describing the changes as moderate improvements. However, NDS do not consider they address Historic England's original concerns about the impact of the revetment upon the historic fabric of Southsea Castle and reservations about conservation works to Long Curtain Moat. NDS also echo Culture, Leisure and Regulatory Services' concern that there is insufficient separation between pedestrians and vehicles near the D-Day Museum; more local distinctiveness and variation of stonework along the whole seafront, to counteract the blandness of the design.

- **Hampshire Building Preservation Trust**

HBPT objects to the planning and related LBC applications, particularly in relation to the important heritage assets affected. The grounds for objection are that details about how these important heritage assets are affected by the engineering and landscaping proposals should be fully detailed. Only offering structural elements, without the level of detail of landscaping and materials expected in a detailed planning application is unacceptable. To postpone such important aspects of the sea defences to reserved matters is not conversant with the high standards expected of a responsible planning authority.

The history and national significance of the heritage assets are outlined, especially the scheduled monument of Long Curtain Moat, Kings Bastion and Spur Redoubt of outstanding interest, especially since it is the first section of sea defences to be built, starting in early 2020.

HBPT (like Historic England) expect landscaping proposals of the highest quality and robustness to reflect the area's important military history and unique setting. The promenade, moat and saluting platform are important both as a thoroughfare and as a unique open space where people gather to watch national events, including the departure and return of the national fleet and commemorations of historic events such as D Day. An application for detailed planning permission should employ the best possible landscape architects, with a national reputation and a proven record of excellence and responsiveness to local place.

The bare and featureless landscaping designs submitted lack any design flair or apparent knowledge of De Gomme's elaborate diagonal design, based on similar defences by military engineers in Europe such as Vauban and others. No materials have so far specified, and details of seating, lighting, walling and railings are not yet submitted. Given Long Curtain Moat's importance, HBPT do not cannot believe sketchy details are good enough for such an historic



area, or that detailed planning permission should be granted on their basis, especially when construction work is scheduled to start so soon.

HBPT is concerned that no landscaping details are yet available for the rest of the seafront, which affect the setting of Southsea Common, Southsea Castle and South Parade Pier. The crossing of the seawall to the west of the pier will need careful design if it is not just to be an awkward obstacle to pedestrians. Surface treatment forms a repeat of the current dull Grecian Fret pattern in tarmac and concrete panels; there is opportunity to redesign it with involvement of talented artists, architects and designers in the city. There is an opportunity to improve the public realm eg remove the seafront carpark at Long Curtain Moat and work with commercial owners where the promenade passes through the funfair. The vague landscaping designs are not considered to conform to the wider expectations of the adopted Seafront Masterplan.

Other cities threatened by rising sea levels are responding by reshaping their waterfronts as places of enjoyment and incident. Southsea's seafront could and should be transformed by making each section distinctive and special, so that walking along it is enjoyable, entertaining and exciting - and by designs particular to Southsea.

The period for public consultation and comment on this extremely complex scheme application is also not acceptable.

#### - **Portsmouth Cycle Forum**

PCF object to the proposal on the basis that insufficient attention has been given to making the seafront a sustainable place to visit although recognise the need for improvements to flood defences. PCF consider sections of the road layout would not make cycling any safer, with one section even more hazardous, which would not comply with a number of local and national planning policies and design standards.

PCF would be prepared to withdraw objection provided the proposed road layout is removed and the applicants work with the Seafront Masterplan team and PCF to design a safe, enjoyable and convenient space for cycling and other non-motorised use. PCF request that this be made a planning condition, noting previous positive discussions.

PCF provide details of their concerns and policy interpretation but, in summary, raise objection on the grounds that the proposal:

- \* provides a series of disconnected sections of mostly on-carriageway lanes, with no protection for cyclists from motor vehicles alongside, or stopping in them and in addition, the lanes switch sides at various points, with no provision for cyclists crossing lanes of traffic;
- \* unlikely to encourage anyone but the most confident cyclists to get to and along the seafront or families/other groups using the seafront by any means other than by car.
- \* road layout changes on Clarence Esplanade will make cycling westbound even more hazardous and in addition, for the busiest areas along Clarence Esplanade and South Parade will not prevent motorists stopping in cycle lanes, as they frequently do today;
- \* assumes that by reducing the speed limit to 20 mph this will be adhered to but without hard engineering this measure is unlikely to enforce lower speeds - along most of the seafront roads the traffic lane widths will be unchanged, and on the Clarence Esplanade section, reducing it to one-way operation is likely to increase speeds (where a number of wide entrances to side roads encourage drivers to turn at higher speeds than is desirable); and,
- \* removing some on-street parking spaces and re-orientating bays parallel to the road will still create conflict between vehicle occupants and pedestrians/cyclists.

#### - **Friends of Old Portsmouth Association**

FOOPA consider the project misses a major opportunity to influence the city and how it operates today rather than managing and reducing the effects of climate change and increasing the importance of other modes of transport than the private car.

A limited timescale is provided to examine the considerable amount of information in this application and it is hoped an opportunity is given to comment and influence more detailed design features as the detailed landscape design concepts are progressed.

To save duplication, the FOOPA committee fully support all the comments made by the Portsmouth Cycle Forum (PCF) compromising safety and well-being of cyclists who are considered the biggest losers in the scheme, where motorists take precedence and 20mph limits ignored, unless there are significant road engineering interventions, speeding would be made even easier particularly along the one-way traffic sections.

The detailed design and impact of the Long Curtain Moat section have yet to be produced and every effort must be made to highlight its unique history and ensure community involvement, recognising that compromises will need to be made but with a full understanding of its rationale and consequences.

A second representation by FOOPA ('Traffic issues') presents an analysis of seafront closure to pedestrians (during the Victorious Festival and other events) and asks that the route is not blocked during construction works or such events in the future to comply with: Portsmouth's strategies and policies to encourage active travel; maintain the attractiveness of the seafront for all residents and visitors to the city; best practice on the management of diversions during temporary situations; and, to facilitate access for less physically able people.

- **Southsea Seafront Campaign**

Objection and disappointment is raised to a proposal considered so dull and featureless, inadequate in design terms, lacking in landscaping detail, an absence of local distinctiveness, artistic flair or genuine public involvement, without joy or celebration for such a special place; the city deserves far better. Waterfront cities around the world vulnerable to rises in sea level are reinventing their coastlines, working with artists, the best architects and landscapers as well as engineers. This objection includes the points and broadly reiterates the detailed critique of the Portsmouth Society (see consultations section of this report).

- **Southsea Clarence Esplanade Pier Company** (prepared by Vail Williams LLP)

In summary, objection is raised on the grounds of: sterilisation of Clarence Pier as a development site; operational impact of the coastal defence scheme on future business operations; construction impact on future business operations; and, the scheme should include a primary defence scheme option.

The NPPF (para 2) requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This planning application hinders the delivery of a development opportunity promoted through the Portsmouth Plan (the development plan) and the review of the Seafront Masterplan SPD. There is a possible alternative for delivering both the development opportunity and a primary sea defence solution.

The sea defences sterilise the site by abandoning it to the sea, making development delivery harder in the future and significantly less attractive to the development market. SCPEPC also have significant concerns about operating their business through the construction period and when the sea defences are in place. SCPEPC consider the scheme to be contrary to NPPF policies at para's 8, 80 and 81 by jeopardising their future operations including [at para 80] "...decisions should help create conditions in which businesses can invest, expand and adapt."

SCPEPC consider that the planning authority should embrace a visionary approach and think proactively about the opportunity that Clarence Pier presents as a development opportunity. Whilst the proposed sea defences would provide necessary protection for other areas of Southsea, it presents a risk to the delivery of development in this location and therefore the delivery of local planning policy aspirations.

- **Friends of the Earth**

This is a car centric scheme, at a time when the city fails air quality standards. Support the objections of the Portsmouth Society and Portsmouth Cycle Forum; there should be public engagement in future details; this is an opportunity to provide safe, attractive and environmentally sustainable facilities for all users of the seafront; and, period for representations too short.

- **Solent Protection Society**

This forms a particularly complex engineering programme of work, needing to protect the homes/businesses while safeguarding important heritage assets of significant archaeological and architectural merit. SPS set the context of needing to minimise the impact on tourism and manage disruption to transport and parking in a congested city during construction as well as effective involvement of disparate stakeholder groups, with sometimes conflicting interests.

SPS has particular concern with safeguarding the views towards the shoreline by users of the Solent, representing a viewpoint not always considered a priority in planning applications, and will continue to monitor the design and materials elements of the evolving solution to ensure that this objective is met.

In addition, eighteen **other representations** have been received; some recognise new coastal defences are needed, engineering options may be limited and represent an improvement from previous schemes. The objections similarly reiterate many of points of detail already described above but also summarised below:

- \* Highway design/one-way route poor and ill-conceived, with landward side contra-flow cycle lane raising significant safety concerns and should be located adjacent to the seaward side of the promenade or designed to be shared by pedestrians/cyclists on the promenade;
- \* One-way route will unacceptably add to traffic and air/noise pollution on Clarence Parade that cannot be mitigated;
- \* Scheme is considered to conflict with the NPPF and Seafront Masterplan, which should improve and give priority to pedestrians/cyclists, promote safety, reduce the need to travel by car and encourage sustainable transport;
- \* Opportunity for car-free scheme is missed - flood improvements needed as a result of climate change yet car users are a major contributor but given priority and will add to pollution;
- \* Unacceptable loss of echelon bays on the seafront as well as other spaces will exacerbate existing parking problems in residential streets - Southsea residents would not consider a loss of 224 spaces "minor adverse" and no mitigation for the loss;
- \* Poor timing of the application in summer holidays and the submitted drawings are basic and details lacking;
- \* Importance of Long Curtain Moat requires the highest quality standards - the Millennium Walk is looking worn after only 20 years - and the flood defence project should be designed to international standards of excellence for our world class heritage;
- \* Long Curtain beach will be affected by new high wall and the embankment should be used for its protection, with moat and pathway sacrificed to the sea;
- \* Relocation of Beach Café to the west would increase noise and air pollution and better positioned to the east;
- \* Implications of Brexit, the election and cost escalation questioned;
- \* Any impacts that interface with heritage assets should be subject of Heritage Life Cycle Statement e.g. moving some artefacts for better public engagement with heritage interest;
- \* External lighting expensive, bring long-term maintenance, light pollution in the hours of darkness, unsustainable electrical demand over its lifetime and impact on birds;
- \* extensive use of rock armour would likely be impractical to prevent public access resulting in safety risks (impact on emergency services), unattractive, accumulate unsightly litter and attract vermin;
- \* impact and inadequate assessment on birds during construction; and,
- \* width of proposed promenade is excessive resulting in unnecessary height of retaining wall, fill volumes, rock armour and problematic surface water drainage.

## **COMMENT**

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

- \* the principle of the development is acceptable in the location proposed;
- \* the submitted ES adequately assesses the significant environmental impacts of the proposed scheme and, where appropriate, sets out the measures to avoid, reduce and, if possible, offset any major adverse effects of the development;
- \* the design of the scheme is acceptable and the proposal will result in harm to Scheduled Ancient Monuments, Grade I listed R N War Memorial and array of other designated and non-designated heritage assets;
- \* the proposal would have a significant impact on the ecologically designated sites;
- \* the proposal is acceptable in highway terms, including during the construction period;
- \* the proposal would have any significant impacts on the amenity of nearby residents, and,
- \* any impact in relation to other matters raised in representations.

### **Principle of the development**

Construction of a new flood and coastal erosion scheme is supported by both national and local planning policies. The NPPF (2019) highlights the importance of minimising vulnerability, considering the long-term implications of flood risk, and mitigating and adapting to climate change. It supports increasing the future resilience of communities and infrastructure, including ensuring provision is made for space for physical protection measures.

The Portsmouth Plan (2012) acknowledges that current flood defences are not sufficient to protect the city into the future and will need to be enhanced in order to reduce the risk of tidal flooding. It also acknowledges that Portsmouth, as an island city, is vulnerable to the effects of climate change with sea level rise increasing the risk of flooding. The flood and coastal defences for Southsea have formed part of local planning policy and guidance aspirations for many years, supported in both the Local Plan itself and supplementary planning guidance such as the Seafront Masterplan SPD. The 'Vision for Portsmouth' in the Local Plan states that flood defences will be improved so that the whole city is protected against tidal flooding and sea level rise. Objective 4 of the Local Plan is 'To make Portsmouth a city in which everyone feels and is safe', by reducing flood risk and improving the defences. The scheme itself, as well as protecting homes and businesses from the risk of flooding and erosion now and in the future, is considered to constitute sustainable development in other ways.

The proposal represents a key piece of infrastructure required to support the wider economic growth and development of the city, and to protect existing residents and businesses. It supports healthy communities by improving access to the beach and sea, it will retain and protect the existing open spaces along the seafront, as well contributing to protecting and enhancing both the natural and historic environment.

This application represents a major project to deliver those new coastal defences. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Portsmouth Plan (2012), in particular Policies PCS12 (Flood risk), PCS14 (A healthy city) and PCS16 (Infrastructure and community benefit), and be of significant benefit to the city as a whole.

### **Environmental Statement (ES)**

The application is accompanied by an ES, in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. Potential impacts of the preferred options for each sub-frontage have been considered in Chapters 8 - 22

of the ES, which detail the environmental assessment of the impacts, proposed mitigation and residual effects for the following receptors:

8. Coastal Processes;
9. Water Environment;
10. Marine Ecology;
11. Terrestrial Ecology;
12. Fish and Shellfish;
13. Ornithology;
14. Archaeology and Heritage;
15. Landscape and Visual Impact Assessment [L&VIA];
16. Noise and Vibration;
17. Traffic and Transport;
18. Ground Conditions;
19. Health and Air Quality;
20. Amenity, Recreation and Socio-economics;
21. Navigation and Commercial Fisheries; and
22. Cumulative impacts.

There will be disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site deliveries and closure / diversions of roads and footpaths etc., and views and access will be impacted temporarily. Whilst there will be short term, localised impacts on the environment, a full recovery is expected.

Chapter 23 of the ES identifies and summarises the mitigation measures (Tables 23.1 - during construction and 23.2 - during operational phase) to ensure the delivery of an environmentally acceptable solution along the 'flood cell 1' scheme frontage.

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

### **Design and Heritage impact**

The proposal seeks to respond to the varied character and constraints along its 4.5km length. The primary and secondary elements of the proposed defences for each sub-frontage are described in the 'Proposal' section of this report.

The surface finishes for the promenade are proposed to be concrete with exposed aggregate finish (where the final source for colour/texture and size of the aggregate to be secured by planning condition); this aggregate finish can be patterned, which is intended at key public realm areas, such as the space near 'Blue Reef' aquarium, adjacent the Rock Gardens and either side of South Parade Pier (where the precise locations and pattern would be secured by planning condition). Other areas of public realm, such as the Rose Garden, would be finished in natural stone. At Long Curtain Moat it is proposed to finish the promenade in exposed aggregate but with the addition of natural stone, reused historic stone where possible, used to delineate the line of the old moat. In front of the Naval Memorial, a pedestrian priority zone would be finished in natural stone blocks. The promenade around Southsea Castle would be designed in a combination of natural stone and exposed aggregate concrete finishes. The edges of the promenade/kerbs/stepped revetment would be smooth, pale concrete.

The construction of walls has been sought to be minimised as far as practicable but form part of the design at:

**Long Curtain Moat** - primary defence would be a vertical wall in high quality natural stone blocks (set in pre-cast concrete panels secured to the front of steel sheet piles) to replicate the character of the historic wall on the west side and concrete finish on the east side, to Clarence Pier;

**Pier Interchange** - low level dwarf walls (on east side);

**Naval Memorial** - short sections of wall around 0.3m high to tie into the raised planters on seaward side of memorial;

**Access points on stepped revetments** - at intervals, these would be marked either side by small feature walls;

**Sea walls** - A vertical wall would be placed around Southsea Castle behind rock armour, with a top section visible in places;

**Speakers Corner** - Raising of the promenade by 0.5m would increase the height of the existing retaining wall, to a total height of approximately 1.5m;

**Southsea Beach Café** - where the land ramps up towards South Parade Pier a retaining wall structure approximately 2m in height would be required landward of the promenade.

Excluding Long Curtain Moat and the Naval Memorial, the walls/feature walls would be largely concrete material but intended to be treated in differing finishes to soften the appearance; using a form liner can add pattern, text or picture treatment of the wall's surface (the details of which would be secured by planning condition, for each phase of development).

The durability of concrete with an exposed aggregate finish and involvement of local artists and designers to achieve local distinctiveness in the 'feature' walls have been raised in consultation responses and objections. Public and stakeholder involvement in the final surface finishes of the 'feature' walls is anticipated by the applicant.

There are limited opportunities to introduce or enhance soft landscaping, given the built-up character of the coastal defences and although the scheme has been designed to minimise the impact on trees, 48 existing trees would need to be felled. New tree planting is proposed to mitigate such loss; the final location and species of replacement trees would be for approval by the LPA/Tree Officer but the applicants suggest may include Maple, Corsican Pine, Monterey Pine, Holm Oak, White Beam, White Poplar and Northern Rata.

The designated archaeological and heritage assets located within, and/or in the vicinity of the construction footprint are as follows:

- o 3 Scheduled Ancient Monuments
- o 74 Listed Structures
- o 3 Conservation areas
- o 3 locally listed structures
- o 1 Registered Park and Garden

Particular obligations fall upon the LPA in determining any application which affects a listed building or its setting or within a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

When considering the impact, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) at para 193 of the NPPF; and, any harm/loss of a designated heritage asset requires clear and convincing justification, where substantial harm to assets of highest significance (such as scheduled monuments and Grade I listed buildings) should be wholly exceptional (at para 194). Where the proposal leads to substantial harm it should be refused unless demonstrated to achieve substantial public benefits (at para 195); or where leads to less than substantial harm, to be weighed against public benefits (at para 196).

The new sea defences have the potential to physically and visually impact the above array of heritage assets. Other assets outside of the scheme area that could be visually impacted have

also been assessed. Chapter 14 (Heritage and Archaeology) of the ES, Appendix O (Heritage Baseline) and Appendix P (Heritage Impact Assessment [HIA]) considers the significance, impact and where relevant harm to heritage assets.

Historic England (HE) considers this proposal would impact on heritage assets on the Southsea and Old Portsmouth coastal frontages. Whilst accepting the principles of the overall scheme that result in high level heritage benefits, HE identify that the proposals are harmful to individual designated heritage assets. In relation to the Grade I listed war memorial, HE identify harm to be of a high level but less than substantial, and for the scheduled monument of Long Curtain Moat HE identify the harm to be substantial.

To meet the NPPF requirements, HE advised of the necessity of the applicant to demonstrate that they have minimised harm to heritage significance as far as is possible through careful design of the proposals. The proposals should also sustain and enhance the significance of heritage assets, and make a positive contribution to the distinctiveness of the local area. Overall, HE considers that while the harm to designated heritage assets from the coastal defence scheme will be considerable, if harm is minimised as far as possible, that harm might be outweighed by substantial public benefits. HE concluded that further refinements would be required however, before this can be suitably demonstrated.

The proposal has been subject of amendments at both the scheduled monument of Long Curtain Moat and Grade I listed war memorial. Following these amendments, updated HE advice raised no objection on heritage grounds. However, HE consider that some issues and safeguards outlined in their advice may need to be addressed to meet heritage related requirements of the NPPF but add: *"It has always been our view that a considerable level of detail should be submitted prior to the determination of the planning application, however it is at the discretion of the LPA to decide this and which matters are to be controlled by condition."*

The views of the Council's Conservation Officer is available to view publicly in full and assesses the significance of impacts, heritage related consultation responses and impact on heritage assets. In summary, it recognises that a large number of designated and undesignated assets would be affected by the proposal. The range of heritage assets and the analysis undertaken by the applicant are both considered appropriate and proportionate. An assessment has been made of the impact of the scheme on assets which 'grades' them according to a hierarchy, ascribing a range of 'values' to the impacts - from 'neutral' at Eastney beach through medium low/high to high and finally 'substantial' for frontage 1 affecting Long Curtain Moat (where it should be noted, however, that in the majority of instances the impact of the proposal on each frontage has been identified as 'medium').

A balanced and proportionate consideration of the scheme and its merits, in combination with its scale and the nature of the proposed interventions make a finding of harm in relation to much of what has been proposed inescapable.

Notwithstanding this, a finding of substantial harm in respect of one aspect of a scheme, which following amendment has made significant progress towards reducing and mitigating heritage impacts, remains significant. As is noted in the text however the NPPF makes clear at (para 195) that: *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."*

The overall scheme would result in high level heritage benefits by protection from the risk of flooding. The harm to designated heritage assets from the sea defence scheme would be considerable but through the imposition of planning conditions on matters of detail raised by HE in their updated advice (so the harm is minimised as far as possible), such harm is considered to be outweighed by substantial public benefits of protecting homes/businesses, the Common and key infrastructure, from the considerable and immediate risk of coastal flooding and erosion.

Therefore, it is considered that the proposed scheme would be in accordance with the Portsmouth Plan (2012), in particular Policies PCS16 (Infrastructure and community benefit) and PCS23 (Design and Conservation), guidance contained within the NPPF (2019) and be of significant benefit to the heritage assets and the city as a whole.

### **Ecologically designated sites**

There are numerous ecological designations within and in close proximity to the application site, including sites and species of local, national and international importance. Several chapters of the ES describe and assess the ecological impacts in detail, as well as setting out proposed mitigation: Chapter 10 - Marine Ecology; Chapter 11 - Terrestrial Ecology; Chapter 12 - Fish and Shellfish; and, Chapter 13 - Ornithology.

ESCP comment that all aspects of the scheme have been fully assessed from design, through to construction and long-term operations. Significant mitigation measures are proposed to ensure that biodiversity is protected and enhanced (as detailed within the ES). These measures are specific to the type of ecology and include consideration for a phased construction process, additional surveys, appropriate construction methods and timings, specific protection measures and ongoing monitoring. These measures should be secured through the submission and approval of a Construction Environmental Management Plan (prior to the commencement of each construction phase).

The ES recognises the importance of all habitats and species, e.g. feeding sites for Brent Geese. The scheme has been designed to minimise the impact on terrestrial and marine ecology including fish, shellfish and birds, with mitigation proposed to avoid significant harm. It has also been designed to protect and enhance biodiversity where possible, seeking to achieve a net gain overall with Section 6.18 of this report detailing the ecological enhancements that are being considered.

The design also takes opportunities to improve Southsea seafront for wildlife. Information for Habitats Regulations Assessment (HRA) is set out in Appendix F of the ES and submitted to enable the city council as the Competent Authority to determine the implications of the project on the relevant European nature conservation sites and their interest features. Where potentially significant adverse effects were identified, appropriate mitigation measures are proposed to ensure the protection of the European site features. The mitigation measures would prevent significant disturbance of non-breeding birds during the construction works and protect the availability of high tide roosting and feeding habitat. As such, there are not likely to be any significant long-term adverse population level effects on SPA / Ramsar birds. Furthermore, there is no realistic pathway for effects from the proposed scheme on the Solent Maritime SAC as any impacts on hydrodynamic or sedimentary processes will be very minor, localised, of short duration and they will not extend beyond the Southsea frontage.

The HRA has been produced by ESCP. It is adopted to fulfil PCC's duty as competent authority.

Natural England (NE) has a statutory duty to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. NE notes the shadow appropriate assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question and "Having considered the assessment, and the measures proposed to mitigate for all defined adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing all mitigation measures are appropriately secured in any permission given."

The consultation response from the County Ecologist does not completely align with Natural England's assessment; however, these are not in relation to the European sites, other than to confirm that Appropriate Assessment is required. ESCP undertook the AA and Natural England



confirm they find it acceptable with the proposed mitigation. In summary, the Ecologist's comments are not considered to affect the city council's position on adopting the HRA.

In conclusion, subject to the proposed mitigation measures secured by planning conditions, the proposed scheme is not likely to have an adverse effect on the integrity of the relevant European sites in view of their Conservation Objectives, either alone or in-combination with other plans or projects, thus accords with the Portsmouth Plan (2012), in particular Policies PCS13 (A Greener Portsmouth) and Saved Policy DC21 (Site Contamination) and guidance contained within the NPPF (2019)

## **Highway implications**

The proposal represents a significant change to the existing transport and movement networks within Southsea and the main effects identified (Appendix S of the ES) as:

- Restriction of the seafront section of Clarence Esplanade, to a one-way road;
- Reduction of on-street car parking provision on Pier Road, Clarence Esplanade and Eastney Esplanade and other further slight reductions in off-street car parking provision;
- Realignment of the promenade along the Southsea frontage, including some areas of reduced width and some of increased width;
- Provision of new and replacement cycle lanes and cycle tracks on sections of Clarence Esplanade, South Parade and Eastney Esplanade; and
- Speed restrictions changes and revised carriageway widths.

The local highways authority consider there are impacts on network capacity which cannot be (proportionately) mitigated, the intended provision for cyclists involving the introduction of contraflow cycleways is retrograde (suggesting it would be better made on the south side of the road as an extension to the promenade) and the reduction in car parking provision would add further pressure in the residential parking areas where the demand for parking currently exceeds the space available particularly overnight and at weekends.

Objections are raised by the Portsmouth Cycle Forum and others concerning cycling provision. PCF consider insufficient attention has been given to making the seafront a sustainable place to visit and sections of the road layout would not make cycling any safer, with one section even more hazardous (contrary to local and national planning policy and design standards). This aspect of the project polarises opinion from those who consider the scheme would be enhanced further by removal of seafront parking and/or Clarence Esplanade to others concerned with the implications for exacerbating existing parking difficulties by the loss of 224 spaces.

The promenade realignment would continue to provide significant benefits for walking. Retention of on-street parking provision, orientated as parallel bays, along the promenade side of the carriageway necessitates a contra-flow lane to make eastbound provision for cyclists without unacceptable loss of Southsea Common (as a 'listed' park/conservation area and brent geese roosting and foraging habitat) or unacceptable encroachment onto the beach (as an integral part of the sea defence). The views of the local highways authority are shared; it concludes, on balance, given the broader objectives of the scheme it is not considered that the highways impacts are sufficient to justify a reason for refusal of the application.

Therefore, it is considered that the proposed scheme would be in accordance with the Portsmouth Plan (2012), in particular Policies PCS16 (Infrastructure and community benefit) and PCS17 (Transport), guidance contained within the NPPF (2019) and be of significant benefit to the city as a whole.

## **Amenity impact**

The new sea defences would change views of the Solent from homes facing the sea across Southsea Common but this would not, in such circumstances, form a material planning

consideration. At South Parade Pier, there is a pinch-point where homes facing the sea are closest to the beach. Given the separation distance across South Parade/St Helens Parade and existing level of the promenade, raising its height with stepped revetment beyond would not be considered to have any significant effect on the outlook of neighbouring occupiers.

The one-way traffic circulation on Clarence Esplanade would inevitably alter traffic movements in the locality. An Air Quality Assessment (Appendix V of the ES) concludes that no exceedances of national and local limits/objectives for the assessed pollutants are expected. The potential impact is identified as negligible and thereby accord with para's 170 and 180 of the NPPF.

The proposal is not considered to result in any significant impact on amenity, to accord with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within the NPPF (2019).

### **Any other matters raised in representations**

- Objection by Southsea Clarence Esplanade Pier Company (various matters)  
ESCP advise that during the design evolution process the possibility of constructing the defences along the seaward edge of Clarence Pier was given consideration but a feasible solution could not be found, without removing the buildings or turning the pier structure into a land spit. All businesses which sit behind the proposed defences will benefit from the scheme but the Grant in Aid funding cannot be used to provide site-specific protection to private businesses where there is a more cost effective and efficient way to spend the public money. The alternative mechanism for protecting private businesses is through the installation of property level protection, which includes the installation of flood boards at the properties' entrances which can be deployed when floods are predicted, maintaining access at all other times. This sits outside public funding and it is the land owner's responsibility to install and operate these.

Some businesses along the seafront will benefit from the defences more directly due to their position relative to the proposed line of the defences, which is dictated by topography and other constraints. There is no statutory obligation on the city council to protect homes and businesses from flooding and as such, there is no conflict with planning policy. The proposed defences around Clarence Pier are not due to be constructed for several years. If the site comes forward for redevelopment then flood defences can be designed as an integral part. If the proposed (secondary) defences are already in place, they can largely be removed if required. They mainly consist of earth bunds behind low rise walls and so are somewhat reversible.

The land raising by earth bunds would form the required design height for flood protection and so cannot be reduced.

The six year construction period referred to is for the *entire scheme* across the 4.5km and so would not impact on Clarence Pier for the whole duration. Impacts from the construction process would be minimised as much as possible but with any development, there are always some temporary disruption and inconvenience. A phasing plan can be secured by condition but given the nature of the proposed works, the exact phasing needs to be flexible. It is currently based on constructing those sections of the seafront that are at the most significant risk of failing or flooding. If storm events occur that increase this risk at other sections then the phasing may need to change. Planning conditions requiring both a CEMP and CTMP would be submitted and approved prior to works commencing on each phase.

It is not understood what primary defence scheme is intended by SCEPC – the PDAS refers to a scheme being potentially designed as an integral part of any redevelopment of Clarence Pier so it does not yet exist. This scheme would need to be designed alongside any redevelopment scheme and would need to tie in to any existing/proposed new sea defences (if the current application secured planning permission).

In conclusion, this proposal for flood and coastal erosion defences does not in itself hinder the future redevelopment of Clarence Pier. It is currently at risk of flooding and the proposal does not alter this situation. There is no technically or financially feasible scheme that would protect it as it currently stands and there is no conflict with planning policy.

- Timing of application/consultation period

Publicity for the application fully accords with our normal procedures and the relevant requirements for EIA development; publicity for the modest but important amendments to Sub-frontages 1 and 3 were also considered appropriate and proportionate.

- Sacrifice moat and pathway at Long Curtain to the sea

Any alternative to a 'hold the line' approach for this heritage asset of national importance would not be appropriate.

- Relocation of Southsea Beach Café to the west would increase noise/air pollution

The sea defence scheme would make reprovision of a raised slab in the same location.

- Implications of Brexit/election/cost escalation

These factors should not affect earliest determination of the merits of the submitted applications.

- External lighting

The project assesses the existing uneven distribution along the promenade and proposes a layered approach to enhancing the sense of safety by sub-frontage. Along with other street furniture, it is a matter considered appropriate to secure by planning condition.

- Implications of use of rock armour

The use of rock armour in appropriate locations would form an integral component of the new sea defences and the issues of public access, litter and attracting vermin would not be considered justification for withholding planning permission.

- Excessive promenade width

The most important route for pedestrians at the seafront is the promenade. Realignment for a more consistent width is considered appropriate to promote access to and ease of movement along this vital route.

- Beach accessibility for all

The Seafront Masterplan SPD recognises that disabled access from the promenade onto the beach and into the sea itself is currently poor. ESCP comment that beach access can be difficult for all users, particularly naturally occurring fluctuations in beach levels. There is often a vertical drop from the promenade onto the shingle with a stepped access only at intervals. A combination of ramps and access steps are incorporated. Access points will contain handrails for users with restricted mobility. At the bottom of some ramps there is an opportunity to lay some beach matting, for wheelchair users and buggies further down onto the shingle. There will be a number of access ramps for vehicles associated with beach management activities. These will be situated at Memorial beach, Speakers Corner, and Canoe Lake and will be accessible to the public; other smaller pedestrian ramps are provided throughout, down onto shingle.

## **Conclusion**

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

It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted Environmental Statement, and subject to the imposition of

appropriate conditions to secure the mitigation measures, are considered acceptable and overall would result in significant harm or have any significant adverse impacts.

It is considered that the proposal would have substantial harm on the scheduled monument at Long Curtain moat and less than substantial harm on the Grade I listed Memorial heritage assets but would be outweighed by the substantial public benefit of protecting residential and other properties from the risk of tidal inundation.

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

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

The introduction to this report explains there are specific arrangements for considering planning applications that have been subject to an Environmental Impact Assessment, taking into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application as well as requirements to inform relevant parties (by notifying the Secretary of State and Natural England of the Planning Committee's decision and recommended conditions).

## RECOMMENDATION

That the Committee confirm in their decision that they have taken into account the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), all matters in the Officer's report including comments received by statutory consultees and other interested parties and all other material considerations; and then, grant

### Conditional Permission

#### Conditions

No	Summary of conditions
1	Timing - to be begun before expiry of 3 years
2	Approved drawing nos.
3	Phasing to be agreed
4	Contaminated land - Method Statement
5	Contaminated land - In the event of signs of pollution
6	Contaminated land - verification of remediation (if necessary)
7	Archaeological Mitigation Strategy
8	Beach Management Strategy
9	Limit construction activity times
10	Piling restrictions (vibro, as standard)
11	Piling restrictions in sub-frontages 3 & 6
12	Construction limitations in sub-frontages 3 & 6
13	Piling restrictions (fish migration)
14	Temporary construction hoardings (sub-frontage 3)
15	Temporary construction hoardings (sub-frontage 6)
16	Bird refuge area in sub-frontages 3, 4 & 6

17	Biodiversity Mitigation and Enhancement Plan (BMEP)
18	Tree protection measures to be agreed
19	Tree and other soft landscaping to be agreed
20	Landscape implementation
21	Details of earth bunds
21	Drainage scheme to be agreed
22	Construction Environmental Management Plan (CEMP)
23	Construction Traffic Management Plan
24	External lighting to be agreed
25	Other street furniture to be agreed
26	Flood gates to be agreed
27	Promenade and any other surface finishes to be agreed
28	Rock armour (source/colour) to be agreed
29	Highway construction to be agreed
30	Detailed construction method statement (sub-frontage 1)
31	Details of materials - limestone, some sandstone for variation, 'to match' (sub-frontage 1)
32	Other details to be agreed (sub-frontage 1)
33	Details to be agreed (sub-frontage 2)
34	Method statements for dismantle, refurbishment and re-installing of heritage assets
35	Final design/appearance - pattern, text or picture treatment - feature wall surfaces
36	Final design/appearance - pattern or treatment - public realm surfaces
37	Naval Memorial construction method statement, Portland Stone and other materials etc. sub-frontage 3
38	Southsea Castle detailed construction works, railings etc. sub-frontage 4
39	South Parade Pier detailed construction works etc. sub-frontage 5
40	Heritage methods sub-frontage 6
41	Any other mitigation specified in the ES tables 23.1 and 23.2

**VARIOUS LOCATIONS CLARENCE ESPLANADE, SOUTH PARADE AND EASTNEY ESPLANADE SOUTHSEA PO4 0SW****REMOVAL, REFURBISHMENT AND RELOCATION OF 3 SEAFRONT SHELTERS****Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of PCC

**RDD:** 16th July 2019**LDD:** 11th September 2019**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of the five Listed Building Consent applications accompanying the principal Sea Defences application (19/01097/FUL) elsewhere on this agenda.

The determining issue is whether the works of removal, refurbishment and relocation of the listed structures would preserve their special architectural or historic interest.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site

The application relates to a 200m section of promenade located between the Pyramids Centre and 'Speakers Corner' adjacent to Clarence Esplanade. To the north the promenade is bounded by 'The Rock Gardens', a restaurant, lifeboat station and a long timber canopy. To the south the promenade fronts on to a shingle beach. The site forms part of 'sub-frontage 5' as described within planning application 19/01097/FUL.

The three shelters the subject of this application are all sited within a section of the seafront that will be the subject of engineering operations to improve sea defences including the raising of levels along this section of promenade. Fuller details are set out in the principal Sea Defences application's report on this agenda.

The wider area has a number of heritage designations:

- The Seafront Conservation Area;
- The adjacent Southsea Common, Grade II registered park and garden, and
- Various Listed Buildings and/or Scheduled Ancient Monuments.
- Similar undesignated shelters

Proposal

Listed Building Consent is sought for the dismantling, repair/refurbishment and re-instatement of three Grade II Listed shelters following completion of the Southsea Sea Defence works. Whilst they would be re-instated in their existing and enhanced form (following repair and

refurbishment), they would be re-positioned to account for the changes to the design of the new promenade as follows:

Shelter C - re-positioned approximately 12 metres to the south-west located centrally within the new promenade;

Shelter D - re-positioned approximately 29 metres to the west;

Shelter E - re-positioned approximately 24 metres to the east towards the northern edge of the promenade.

The application is supported by a Design and Access Statement, a Baseline Heritage Assessment; a Heritage Impact Assessment and a Statement of Community Involvement.

#### Relevant planning history

Elsewhere on this agenda: 19/01097/FUL, Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development. The application is awaiting decision.

## **POLICY CONTEXT**

In addition to the aims and objectives of the NPPF (2019), the relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation).

## **CONSULTATIONS**

National notification procedures require Local Planning Authorities (LPA) to consult the Joint Committee of the National Amenity Societies, for Listed Building Consent (LBC) applications. The Joint Committee decides which of the individual National Amenity Societies it will consult for each LBC application, and the LPA receives any response from whichever Societies have been consulted.

#### Historic England

Historic England understands the rationale for improved flood defences at Portsmouth and it is clear that these seafront shelters must be dismantled and relocated if the new defences are to be built. All the shelters can be moved without damaging their fabric and while their locations would change slightly their relationship with each other, the promenade and the sea would remain the same. Therefore we are content that moving the monuments would only have a minor impact on their significance. If consent is granted moving the shelters would of course mean that they are no longer listed. An application would therefore need to be made to re-list them following completion of works.

No objection, on heritage grounds. It is considered that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 196.

In determining this application the LPA should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

### Ancient Monuments Society

No objection raised. Content to defer full assessment of the proposal to the City Council's Conservation Officer.

### Conservation Officer

The re-siting of listed structures is not generally considered to be good conservation practice. The process of removing/dismantling the shelters unless handled with great care could for example result in damage to their fabric. Notwithstanding this the requirements of the main scheme are such that their relocation is essential to the successful implementation of the wider works.

## **REPRESENTATIONS**

No representation have been received in respect of this particular application. See representations section of Sea Defences application ref 19/01079/FUL elsewhere on this agenda which details representations on the wider development.

## **COMMENT**

The determining issue is whether the works of removal, refurbishment and relocation of the listed structures would preserve their special architectural or historic interest.

Particular obligations fall upon the council in determining any application which affects a listed building (or its setting). The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

As required by the NPPF the applicant has carried out a Heritage Impact Assessment and has identified that the significance of the 3 Grade II listed seafront shelters as 'medium'. The LPA would agree with this assessment. Whilst the removal and re-siting of any listed structure is not generally considered to be good conservation practice, in this instance the removal of the shelters is considered to be unavoidable without leaving them partially 'buried' within a re-profiled promenade. It is also noted that the shelters were not originally sited in this location and have previously been repositioned.

The full assessment of the merits of this particular application are carried out in the report for the principal Sea Defences application, elsewhere on this agenda. For completeness, though, for this parallel Listed Building Consent, the assessment is summarised as follows, and in accordance with the NPPF;

- It is considered that the proposed relocation of the shelters would cause 'less than substantial harm';
- 'less than substantial harm' should be weighed against the public benefits of the proposal;
- The public benefits of the associated Sea Defence works are highly significant and positive, for thousands of people's personal safety, their homes and businesses;
- It is considered that the public benefits of the wider Sea Defence works clearly outweigh the 'less than substantial harm' to the listed shelters resulting from their re-location.

The Conservation Officer essentially concurs with the above conclusion. It is noted that their re-location is essential if the wider Sea Defences scheme is to progress, and notes the methodology associated with their dismantling and re-instatement as satisfactory mitigation. In addition, the proposal would also provide for the conservative repair of the assets and their general enhancement through cleaning, reinstatement of lost features, and repainting, all of which are considered positives.



It is also considered that the re-positioning of shelters C & D in combination with the unlisted shelter B will form a more coherent group which will enhance their heritage value and contribution to the historic setting of the seafront and the adjacent Rock Gardens.

## **Conclusion**

As the shelters will be re-instated in their existing and enhanced form, approximately within the same location, the application is recommended for conditional consent on the basis that the limited harm to heritage assets would be outweighed by the over-whelming public benefit of the associated Sea Defence works. As such the proposal would comply with the requirements of the Local Plan and provisions contained within the NPPF.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan\_shelters; Elevation - 13 - 0160Rev.P04; Elevation - 14 - 0161Rev.P04; Elevation - 15 - 0162Rev.P04; Key plan & elevations - 0099Rev. P04; Key plan & cross sections - 0100Rev.P04; General layout - sheet07 - Rock Gardens - 0107Rev.P05; General layout - sheet08 - Speakers Corner - 0108Rev.P05; General layout - sheet10 - Canoe Lake- 0110Rev.P04; General layout - sheet11 - Lumps Fort - 0111Rev.P04; Heritage constraints plan - 0400Rev.P03; Cross section - K&K1 - 0213Rev.P04; and, Cross section - K2&K3 - 0214Rev.P04.
- 3) a) Notwithstanding the submitted details, no works associated with the removal of the three Grade II Listed shelters shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re-instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6) has been submitted to and approved in writing by the Local Planning Authority; and  
b) The three shelters shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part a) of this condition.

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

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2019).

**MONUMENTS, VARIOUS LOCATIONS, CLARENCE ESPLANADE, SOUTHSEA****REMOVAL AND RELOCATION OF 6NO. GRADE II LISTED MONUMENTS - TRAFALGAR, CHESAPEAKE, PEEL SHANNON, ABOUKIR, TRIDENT AND CRIMEAN - TO INCLUDE CONSTRUCTION OF REPLACEMENT PLINTHS****Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of PCC

RDD: 16th July 2019

LDD: 11th September 2019

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of the five Listed Building Consent applications accompanying the principal Sea Defences application (19/01097/FUL) elsewhere on this agenda.

The determining issue is whether any works of alteration, extension and demolition of the listed structures would preserve their special architectural or historic interest.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site

The 6 Grade II listed monuments are sited at various locations along the 660m stretch of Clarence Esplanade between Southsea Hoverport to the north-west and the Blue Reef Aquarium to the south-east. The monuments from west to east are: Trafalgar monument, Chesapeake monument, Peel/Shannon monument, Trident monument, Aboukir monument and Crimean monument.

The wider area has an array of heritage designations:

- The Seafront Conservation Area;
- The adjacent Southsea Common, Grade II registered park and garden, and
- Various Listed Buildings and/or Scheduled Ancient Monuments.

Proposal

The monuments require re-siting due to the significant infrastructure works of the principal Sea Defences application - a major flood and coastal erosion management scheme, to protect some 8,077 homes and 704 non-residential properties from coastal flood events. Fuller details of the monuments' removal, repair and re-location are set out in the principal Sea Defences application's report elsewhere on this agenda.

The application is supported by a Design and Access Statement, a Heritage Impact Assessment, and a Statement of Community Involvement.

Relevant planning history

Elsewhere on this agenda: 19/01097/FUL, Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade,

construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. The scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development. The application is awaiting decision.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)

In addition to the above policy, the aims and objectives of the National Planning Policy Framework (NPPF, 2019) are relevant.

## **CONSULTATIONS**

National notification procedures require Local Planning Authorities (LPA) to consult the Joint Committee of the National Amenity Societies, for Listed Building Consent (LBC) applications. The Joint Committee decides which of the individual National Amenity Societies it will consult for each LBC application, and the LPA receives any response from whichever Societies have been consulted.

### Historic England

No objection. HE understand the rationale for improved flood defences at Portsmouth and it is clear that these monuments must be relocated. All the monuments can be moved without damaging their fabric and while their locations would change slightly, their relationship with each other and the sea would remain the same. HE is content that moving the monuments would have a minor impact on their significance, and in some cases the move will allow them to be better appreciated. If consent is granted, they will lose their listed status and an application will need to be made to relist them.

### Ancient Monuments Society

AMS is happy to defer to the Council's Conservation Officer's views.

### Conservation Officer

The significant of these heritage assets are identified as 'medium'. The proposed improvement works to the seas defences would unfortunately make their removal/dismantling unavoidable. Although the re-siting of the structures is not good practice, it is recognised that their relocation is essential to the new sea defences, and on the basis of information provided in the HIA with regard to methodology associated with dismantling and reconstruction, that there would be sufficient mitigation to make the works acceptable. The structures will be largely re-sited close to existing positions or close to the water and therefore will retain a similar setting. As such, re-siting would result in medium/low harm to the assets.

Conditions are suggested requiring further details on the methodology associated with the removal and re-siting of the monuments, and that the necessary applications will be submitted to relist them following the completion of works.

## **REPRESENTATIONS**

For other comments submitted, see the representations section of Sea Defences application ref 19/01079/FUL elsewhere on this agenda.

## COMMENT

The determining issue is whether the proposed works of removal, repair and re-location of the listed monuments would preserve their special architectural or historic interest.

Particular obligations fall upon the council in determining any application which affects a listed building/structure (or its setting). The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building/structure or its setting or any features of special architectural or historic interest which it possesses.

The full assessment of the merits of this particular application are carried out in the report for the principal Sea Defences application, elsewhere on this agenda. For completeness, though, for this parallel Listed Building Consent application, the assessment is summarised as follows, and in accordance with the NPPF;

- It is considered that the proposed relocation of the listed monuments would cause 'less than substantial harm';
- 'less than substantial harm' should be weighed against the public benefits of the proposal;
- The public benefits of the associated Sea Defence works are highly significant and positive, for thousands of people's personal safety, their homes and businesses;
- It is considered that the public benefits of the wider Sea Defence works clearly outweigh the 'less than substantial harm' to the 6no. listed monuments from their re-location.

The Conservation Officer essentially concurs with the above conclusion, noting that the relocation of the monuments is not generally considered good conservation practice, but relocation is the essential to accommodate the wider Sea Defences. The methodology associated with dismantling and reconstructing the monuments would employ appropriate mitigation to protect them, and that more detailed methodology could be secured by condition.

Re-siting of the monuments close to their existing settings and relationship to the sea would ensure that the proposed works would not result in substantial harm.

### Conclusion

The application is recommended for conditional consent given the over-whelming public benefit of the associated Sea Defence works outweighing the identified harm to heritage assets, to accord with the Local Plan and provisions contained with the NPPF.

## RECOMMENDATION                      Conditional Consent

### Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan\_monuments\_1; Location Plan\_monuments\_2; Heritage constraints plan - 0400\_P03; Key plan & elevation - 0099\_P04; Key plan & cross sections - 0100\_P04; 257135-0231 P01 (Trafalgar and Chesapeake); 257135-0232 P01 (Peel Shannon Trident); 257135-0233 P01 (Aboukir and Crimean); 257135-0102 P04 (General Arrangement Layout 02); 257135-0103 P04 (General arrangement layout 03); and, 257135-0104 P04 (General arrangement layout 04).

- 3) No development shall take place at the site until a method statement for the removal, storage, repair and re-instatement of the historic (Grade II listed) monuments shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic monuments shall be only be carried out in accordance with the approved method statement.

**The reasons for the conditions are:**

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2019).

**SOUTH PARADE PIER SOUTH PARADE SOUTHSEA PO4 0SW****RAISING AND RESURFACING OF THE EXISTING PROMENADE ADJACENT TO AND UNDER THE PIER AND CANOPY, CONSTRUCTION OF ADJACENT VERTICAL FLOOD DEFENCE WALLS AND ASSOCIATED WORKS, WIDENING OF THE BEACH AND THE INSTALLATION OF FLOOD GATES TO THE EASTERN ACCESS****Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of PCC

RDD: 19th July 2019

LDD: 16th September 2019

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of the five Listed Building Consent applications accompanying the principal Sea Defences application (19/01097/FUL) elsewhere on this agenda.

The determining issue is whether the works would preserve the special architectural or historic interest of the Grade II listed pier.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site

This application relates to the land immediately surrounding and beneath South Parade Pier, which is a Grade II listed building originally constructed in 1908. Key features of the pier as recognised within the listing description include the supporting iron columns, open entrance canopy, patterned domed roofs and decorative detailing to doors and windows. In recent years, the structure has undergone a programme of refurbishment and repair, including new surfacing to the pier deck and the opening of new restaurants and leisure attractions.

The pier juts southwards from South Parade, opposite the junction with Alhambra Road. The area to the north of the pier is characterised by a mix of residential and hotel uses, with prominent buildings including the Best Western Royal Beach Hotel and the recently constructed Savoy House retirement apartments. The wider area has a number of heritage designations including:

- The Seafront Conservation Area
- The East Southsea Conservation Area
- Grade II listed building at 38-42 South Parade

Proposal

The proposals form part of the wider infrastructure works associated with the principal Sea Defences application, which is a major flood and coastal erosion scheme to protect 8,077 homes and 704 non-residential properties from coastal flood events.

The specific works to the area around South Parade Pier would comprise the following:

- Raising and resurfacing of the promenade adjacent to and under the pier and canopy;
- Construction of vertical flood defence walls and associated works;
- Widening of the beach;
- Installation of flood gates to eastern access.

Listed building consent is required as the works would directly affect the listed building.

The application is supported by a Design and Access Statement, a Heritage Statement and a Statement of Community Involvement.

### Planning History

Elsewhere on this agenda: 19/01097/FUL - flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development. The application is awaiting decision.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation).

In addition to the above policy, the aims and objectives of the National Planning Policy Framework (NPPF, 2019) are relevant.

### **CONSULTATIONS**

National notification procedures require Local Planning Authorities (LPA) to consult the Joint Committee of the National Amenity Societies, for Listed Building Consent (LBC) applications. The Joint Committee decides which of the individual National Amenity Societies it will consult for each LBC application, and the LPA receives any response from whichever Societies have been consulted.

#### Historic England

No comments to offer. Suggest seeking the view of the Council's specialist conservation adviser.

#### Ancient Monuments Society

Happy to defer to the Council's Conservation Officer on the acceptability of the proposals.

#### Conservation Officer

The significance of the grade II listed pier has been assessed and described at some length by the applicant, who has identified the value of the asset as 'medium'. I concur with this assessment.

At the pre-application stage a number of alternative options were presented for this part of the scheme. These included some extremely radical proposals for enclosed promenades of shops and other highly invasive measures. The pre-application process saw the scale, and impact of these

works progressively reduce. The most invasive solutions were subsequently deleted from the scheme and superseded by proposals which are far more restrained. These retain more of the existing character of the area, but would nevertheless still result in for example an increase in the height of the promenade around the pier by 0.6m from its current 1.5m above sea level.

Notwithstanding the 'positive' evolution of the proposal, Listed Building Consent is required in this context because there are elements of the proposed improvement works that would junction (abut) the structure on either side of its entrance. These principally include new concrete retaining walls (projecting off of the proposed secondary defence on the seaward side of the promenade). These would be installed on either side of the pier (to hold rock armour in position), and would also be accompanied by the installation of posts to accommodate flood gates.

The scheme would maintain the existing alignment of the promenade, and would meet its existing levels at the pier landing area (around and under the Porte Cochere). The current steps on either side of the pier to basement level would also remain as would the main entrance steps onto the Parade.

In terms of notable changes, the secondary defence would of course have a major physical/visual 'presence' in the context of the pier. It would, however, be profiled as 'up and over steps' to facilitate access to the beach. The scheme would also introduce a concrete stepped revetment with capping beam and sheet pile toe, and a rock armour toe on either side of the pier. It is understood, however, that these would be buried beneath a re-profiled beach.

The evolution of design details within the scheme that help to mitigate its impact has already been acknowledged. Overall however, the proposal will still have an appreciable impact not so much on the fabric of the pier, but on its setting (which is a material consideration in determining the acceptability of the proposal).

The increase in the height of the promenade and the introduction of a 'hard' engineering solution in the form of a secondary defence wall are acknowledged as essential to the successful implementation of the wider works, and therefore unavoidable.

Notwithstanding this, and despite efforts made to minimise any height increase and re-profile the wall, it remains the case that the impact of the scheme will be appreciable.

The increase in height to the promenade in front of the pier will also be particularly noticeable in the public realm surrounding the asset (views south towards the pier from the surrounding area). The road/carriageway narrows here creating a visual 'pinch point' of sorts. In this location the retaining wall of the promenade will present as a more significant vertical barrier than it does at present. This increase in height will intercede new development into views of the southern aspect (entrance) of the pier reducing the ability to read/appreciate the asset.

In light of the impacts considered, a finding of a medium/high degree of harm is considered a reasonable assessment of the impact of this proposal.

It is suggested that further (more detailed) scale drawings of the proposed works are sought, and that details of all of the proposed materials are sought and approved by the Authority prior to commencement of the scheme.

## **REPRESENTATIONS**

Two representations received, commenting that there should be better accessibility for disabled persons to the beach. One of the representations refers to examples of beach access at Nice and Cadiz, where ramps are provided down to the beach.

See also the representations section of the Sea Defences application ref 19/01079/FUL elsewhere on this agenda.



## COMMENT

The determining issue is whether the works would preserve the special architectural or historic interest of the Grade II listed pier.

Particular obligations fall upon the council in determining any application which affects a listed building (or its setting). The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The full assessment of the merits of this particular application are carried out in the report for the principal Sea Defences application, elsewhere on this agenda. For completeness, though, for this parallel Listed Building Consent, the assessment is summarised as follows, and in accordance with the NPPF;

- It is considered that the proposed works adjoining South Parade Pier would cause 'less than substantial harm';
- 'less than substantial harm' should be weighed against the public benefits of the proposal;
- The public benefits of the associated Sea Defence works are highly significant and positive, for thousands of people's personal safety, their homes and businesses;
- It is considered that the public benefits of the wider Sea Defence works clearly outweigh the 'less than substantial harm' to the listed pier.

The Conservation Officer essentially concurs with the above conclusion, noting that the works would affect the setting of the pier more so than the fabric itself. The impact on the setting would be particularly appreciable in views south towards the pier from the surrounding area, due to the increased height of the sea wall. However, it is acknowledged that the sea wall is an essential component of the wider sea defence scheme. The 'less than substantial' impact to the setting of the listed pier is therefore considered to be outweighed by the substantial public benefit of the sea defence works, in accordance with paragraph 196 of the NPPF.

### Other matters:

Comments have been raised within the representations about disabled access to the beach. This matter is not directly relevant to this listed building application and is addressed within the report for the Sea Defence scheme ref 19/01079/FUL.

## **Conclusion**

The application is recommended for conditional consent given the over-whelming public benefit associated with the sea defence works outweighing the identified harm to heritage assets, to accord with the Local Plan and provisions contained within the NPPF.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan1\_southparadepier; Elevation - 16 - 0163Rev.P04; Key plan & elevations - 0099Rev. P04; Key plan & cross sections - 0100Rev.P04; General layout - sheet09 - South Parade Pier -

0109Rev.P04; Heritage constraints plan - 0400Rev.P03; Cross section - L&M - 0201Rev.P04; and, Interface - South Parade Pier - 0462Rev.P04.

3) No development shall take place at the site until detailed plans at a scale of 1:20 of the area of works where the pier meets the promenade, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved plans.

4) No development shall take place at the site until manufacturer's details and samples of all materials associated with the proposed works have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details.

**The reasons for the conditions are:**

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

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

3) In the interest of preserving the architectural and historic interest of the listed pier, in accordance with Policy PCS23 of the Portsmouth Plan and the objectives of the NPPF (2019).

4) In the interest of preserving the architectural and historic interest of the listed pier, in accordance with Policy PCS23 of the Portsmouth Plan and the objectives of the NPPF (2019).

**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.

**VARIOUS LOCATIONS CLARENCE ESPLANADE, SOUTH PARADE AND EASTNEY ESPLANADE SOUTHSEA PO4 0SW****REMOVAL, REPAIR AND RELOCATION OF 34NO. GRADE II LISTED LAMP COLUMNS ALONG THE SEAFRONT****Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of Portsmouth City Council

RDD: 16th July 2019

LDD: 11th September 2019

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of the five Listed Building Consent applications accompanying the principal Sea Defences application (19/01097/FUL) elsewhere on this agenda.

The determining issue is whether any works of alteration, extension and demolition of the listed structures would preserve their special architectural or historic interest.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site

The 34 Grade II Listed lamp columns are sited across two stretches of seafront. First, a 660m stretch from the hovercraft terminal in the west, to the Blue Reef Aquarium in the east. Secondly, a 1.7km stretch from the Pyramids Centre/Southsea Rock Garden in the west, to the junction of Eastney Esplanade with St Georges Road in the east. The columns are to be reinstated in similar locations to the existing. Fuller details are set out in the principal Sea Defences application's report on this agenda.

The wider area has a number of heritage designations:

- The Seafront Conservation Area;
- The adjacent Southsea Common, Grade II registered park and garden, and
- Various Listed Buildings and/or Scheduled Ancient Monuments.

Proposal

The lamp columns require re-siting due to the significant infrastructure works of the principal Sea Defences application - a major flood and coastal erosion management scheme, to protect some 8,077 homes and 704 non-residential properties from coastal flood events. Fuller details of the columns' removal, repair and location are set out in the principal Sea Defences application's report elsewhere on this agenda.

The application is supported by a Design and Access Statement, a Heritage Impact Assessment, and a Statement of Community Involvement.

### Relevant planning history

Elsewhere on this agenda: 19/01097/FUL, Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. Scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development. The application is awaiting decision.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include:  
PCS23 (Design and Conservation)

In addition to the above policy, the aims and objectives of the National Planning Policy Framework (NPPF, 2019) are relevant.

## **CONSULTATIONS**

National notification procedures require Local Planning Authorities (LPA) to consult the Joint Committee of the National Amenity Societies, for Listed Building Consent (LBC) applications. The Joint Committee decides which of the individual National Amenity Societies it will consult for each LBC application, and the LPA receives any response from whichever Societies have been consulted.

### Historic England

No objection. We understand the rationale for improved flood defences and it is clear these lamp standards must be relocated. They can all be moved without damaging their fabric and while their locations would change slightly, their relationship with each other, the promenade and the sea would remain the same. We are content that moving them would only have a minor impact on their significance. If consent is granted, moving the standards would mean they are no longer listed, an application will need to be made to re-list them following completion of works.

### Ancient Monuments Society

Happy to defer to the Council's Conservation Officer's views.

### Conservation Officer

The significance of the 34 lamp columns affected by the main proposal has been assessed by the applicant and identified as 'medium'. I concur with this assessment.

The proposed improvement works to the sea defences would directly affect the columns. Altering the height of and/or (re)-aligning the promenade without first removing the columns could result in damage to the assets and would leave them at least partially 'buried' within a re-profiled promenade. For this reason their removal/dismantling is unavoidable.

The re-siting of listed structures is not generally considered to be good conservation practice. The process of removing/dismantling the lamps unless handled with great care could for example result in damage to their fabric. Notwithstanding this the requirements of the main scheme are such that their relocation is essential to the successful implementation of the wider works.

Having regard to this, and on the basis of the information provided in the HIA, in particular the outline details offered in respect of the methodology associated with their dismantling and reconstruction I am satisfied that the proposal (whilst not desirable), would be sufficiently mitigated to make it acceptable in heritage/conservation terms.

With some notable exceptions (in front of the marine memorial), the columns will largely be re-sited in accordance with their existing alignment and locations. Even where this is not the case their relationship with one another, the promenade and the sea, (and therefore the contribution they make to the character and setting of the conservation area and listed common), will largely be retained.

The retention and re-use of the city's beautiful and ornate columns was in part the outcome of lengthy and detailed discussion with the applicant. In my opinion it provides a strong sense of continuity and makes an important contribution to the acceptability of the proposal. In light of this the impact of the proposal is considered 'medium'.

It is suggested that details on the methodology/techniques associated with the removal and re-siting of the columns is sought by condition, and that any works are executed in accordance with the details provided

## **REPRESENTATIONS**

For other comments submitted, see representations section of Sea Defences application ref 19/01079/FUL elsewhere on this agenda.

## **COMMENT**

The determining issue is whether any works of alteration, extension and demolition of the listed structures would preserve their special architectural or historic interest.

Particular obligations fall upon the council in determining any application which affects a listed building (or its setting). The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The full assessment of the merits of this particular application are carried out in the report for the principal Sea Defences application, elsewhere on this agenda. For completeness, though, for this parallel Listed Building Consent, the assessment is summarised as follows, and in accordance with the NPPF;

- It is considered that the proposed relocation of the lamp columns would cause 'less than substantial harm';
- 'less than substantial harm' should be weighed against the public benefits of the proposal;
- The public benefits of the associated Sea Defence works are highly significant and positive, for thousands of people's personal safety, their homes and businesses;
- It is considered that the public benefits of the wider Sea Defence works clearly outweigh the 'less than substantial harm' to the listed lamp columns from their re-location.

The Conservation Officer essentially concurs with the above conclusion. He has noted that their re-location is essential if the wider Sea Defences scheme is to progress, and notes the methodology associated with their dismantling and reconstruction/reinstating as satisfactory mitigation.

## **Conclusion**

The application is recommended for conditional approval given the limited harm to heritage assets and the over-whelming public benefit of the associated Sea Defence works, making it in accordance with the Local Plan and provisions contained with the NPPF.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
  
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plans\_1 to 6 (inc); Elevation - 6&7 - 0154Rev.P05; Elevation - 11 - 0158Rev.P05; Elevation - 13 - 0160Rev.P04; Elevation - 14 - 0161Rev.P04; Elevation - 15 - 0162Rev.P04; Elevation - 16 - 0163Rev.P04; Elevation - 17 - 0164Rev.P04; Elevation - 19 - 0166Rev.P04; Key plan & elevations - 0099Rev. P04; Key plan & cross sections - 0100Rev.P04; General layout - sheet03 - Clarence Esp - 0103Rev.P04; General layout - sheet04 - Naval Memorial - 0104Rev.P04; General layout - sheet07 - Rock Gardens - 0107Rev.P05; General layout - sheet08 - Speakers Corner - 0108Rev.P05; General layout - sheet09 - South Parade Pier - 0109Rev.P04; General layout - sheet10 - Canoe Lake- 0110Rev.P04; General layout - sheet11 - Lumps Fort - 0111Rev.P04; General layout - sheet12 - Pitch and Putt - 0112Rev.P04; and, Heritage constraints plan - 0400Rev.P03.
  
- 3) No development shall take place at the site until a method statement for the removal, storage, repair and re-instatement of the historic (Grade II listed) lampposts shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic lampposts shall be only be carried out in accordance with the approved method statement.

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

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
  
  - 2) To ensure the development is implemented in accordance with the permission granted.
  
  - 3) To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2019).
-

**R N WAR MEMORIAL CLARENCE ESPLANADE SOUTHSEA****RAISING OF EXISTING PLANTERS AND SEATING (TO SOUTH OF MEMORIAL),  
PROVISION OF NEW ACCESS STEPS FROM THE PROMENADE AND NEW SEATING,  
REPLACEMENT LIGHTING BLOCKS AND ASSOCIATED RE-GRADING OF SOUTHSEA  
COMMON****Application Submitted By:**

Portsmouth City Council

**On behalf of:**

Portsmouth City Council

Eastern Solent Coastal Partnership On behalf of PCC

RDD: 16th July 2019

LDD: 11th September 2019

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee as it is one of the five Listed Building Consent applications accompanying the principal Sea Defences application (19/01097/FUL) elsewhere on this agenda.

The determining issue is whether any works of alteration to the Grade I listed Naval Memorial would preserve its special architectural or historic interest.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site

The Grade I listed Memorial is prominently positioned in an open setting of Southsea Common (Grade II registered park and garden, within 'The Seafront' Conservation Area) juxtaposed with the sea immediately alongside Clarence Esplanade, located between the hovercraft terminal and 'Blue Reef' Aquarium.

Proposal

Proposed change in the level of the promenade/carriageway by re-profiling (increasing the height of) necessitate alterations of the Memorial by the southern (seaward) facing retaining wall of the monument, adding further furniture (seating) and increasing the height of the integral stone planters to the northern face of the new wall, and reconfiguring the hard landscaping and steps on the monument.

It is also proposed that the Common surrounding the structure be re-profiled as part of the works to provide an earth bund as secondary defence for the scheme.

The works to the Grade I listed Memorial are required to integrate the significant infrastructure works of the principal Sea Defences application - a major flood and coastal erosion management scheme, to protect some 8,077 homes and 704 non-residential properties from coastal flood events.

The application is supported by a Design and Access Statement, a Heritage Impact Assessment, and a Statement of Community Involvement.

### Relevant planning history

Elsewhere on this agenda: 19/01097/FUL, Flood and coastal erosion management scheme comprising a combination of vertical sea wall, raising and realignment of the promenade, construction of stepped revetment, rock armour revetments and groynes, secondary defence walls and bunds, beach widening and management, and all associated works, highway alterations, removal of trees and landscaping. The scheme includes the removal and repositioning of 34no. Grade II Listed lamp columns, 3no. Grade II Listed shelters and 6no. Grade II Listed monuments, works affecting the Grade II Listed South Parade Pier, regrading and works to the Grade II Listed Southsea Common and works to the Grade I Listed Naval Memorial. The proposal constitutes EIA development. The application is awaiting decision.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)

In addition to the above policy, the aims and objectives of the National Planning Policy Framework (NPPF, 2019) are relevant.

## **CONSULTATIONS**

National notification procedures require Local Planning Authorities (LPA) to consult the Joint Committee of the National Amenity Societies, for Listed Building Consent (LBC) applications. The Joint Committee decides which of the individual National Amenity Societies it will consult for each LBC application, and the LPA receives any response from whichever Societies have been consulted.

### Historic England

The grade I listed Portsmouth Naval War Memorial is one of three identical memorials designed by Sir Robert Lorimer to commemorate naval personnel lost at sea during the First World War and extended to the designs of Edward Maufe to commemorate those who died in the Second World War. All were intended to function as sea marks and to be set within a formal landscaped setting. Together they are of outstanding significance as the principal memorials to those who died in both world wars serving with the Royal Navy and as the most architecturally dramatic war memorials of this era.

The proposed new sea defences would lie adjacent to the memorial and involve a degree of alteration to the landscaping around its base. While the Memorial's function as a sea mark would not be compromised the architectural quality of its immediate setting would be damaged, harming its significance. At present the seaward side of the monument benefits from a dignified setting, with a series of three steps leading down onto the esplanade and neat lawns flanking the main obelisk. The new sea defences would be considerably higher than the current road level and as a result the ground would rise by three steps immediately to seaward of the monument and the planters and seating that form the boundary with the esplanade would need remodelling. This results in a much less dignified and less impressive setting for the Memorial and HE judge the level of harm to be high, though less than substantial.

HE understand that there are major public benefits associated with improving the sea defences and that it is not practically possible to change their alignment. HE also acknowledge that careful thought has been given to the landscaping around the Memorial and efforts have been made to minimise the impact of the change in levels. Inevitably there are some elements that are not entirely satisfactory, particularly the cliff-like 6ft wall which marks the transition between the flanking lawns and the new level of the esplanade, but taken as a whole it would be difficult to improve on the current proposals. However, there is one refinement to the design that is needed if HE is to be convinced that the harm has been minimised. This is the layout and design of



seating/bollards for traffic management. These are bulky objects, closely spaced and make the space in front of the monument look very cluttered. Fewer, less bulky bollards are suggested.

The NPPF requires any harm to a designated heritage asset to be both minimised (paragraph 190), clearly and convincingly justified (paragraph 194) and outweighed by public benefits (paragraph 196). Improvements to the layout and design of the bollards are needed before we could consider that the harm has been minimised or justified. It is only appropriate to weigh harm against benefits once all that is reasonable steps to minimise and justify the harm have been taken.

Historic England has concerns regarding the application on heritage grounds and consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 194 and 196 of the NPPF.

Following submission of amended drawings, the design revision makes the addition of seating on the landward side of the defences; this is a positive move as it makes the sea wall appear less cliff-like. HE would suggest consideration is given considering bringing the seating a little further forward (ie landward) and creating a small space for planting between the seating and the wall behind. This would avoid the oddity of a broad ledge created by the seating backs that has no apparent purpose.

#### Conservation Officer

The significance of the grade I listed RN War Memorial has been assessed by the applicant, who has identified the value of the asset and the contribution made by its setting as 'high'. I concur with this assessment.

The overall approach taken to the scheme has been to emulate the configuration and detailed design (facing profiles and ornament) of the existing wall and to a degree simply elevate or 'stretch' it higher. The use of Portland (Whitbed) Stone to match the existing memorial was the subject of debate at the pre-application stage. Its use has been confirmed, a very important factor in mitigating the impact of the proposal on the memorial.

The physical changes to the memorial that would result from the scheme are significant. As the applicant has noted, they would 'invert the existing relationship between the memorial and adjacent highway. Where it is currently necessary to 'step up' in one's approach from the south, it would in future be necessary to step down.

In terms of the close context/setting of the memorial, the proposal will introduce a significant element of new fabric and would result in quite a striking and appreciable change to the character and setting of the structure. A relatively high wall will be introduced, curtailing the ability to read and appreciate the asset as was the original design intention. In this regard, I believe that the 'dignity' of the memorial as derived from its harmonious and carefully considered detailing/proportioning and symmetry would be somewhat eroded, (not catastrophically it must be stressed), but sufficiently to make the changes more than noticeable.

Notwithstanding the close impact of the proposal it is reasonable to suggest that the wider contextual/landscape significance of the structure, as an eye catching 'landmark' classically inspired obelisk - within the open setting of the Common, would essentially remain. As would the essence of its relationship with the Common and the sea.

In light of the matters considered above, the impact of the proposal on the significance of the asset is considered 'medium'. It is also considered reasonable to make the point (without commenting on the extent to which the submitted solution effectively mitigates its impact), that a solution which incorporates and protects the memorial is ultimately essential to its long term survival.

It is suggested that planning condition(s) for details of all of the proposed materials and the methods/techniques to be utilised in the scheme are sought and approved by the Authority prior to its commencement.

## **REPRESENTATIONS**

### Commonwealth War Grave Commission

The history and national significance of the Grade I listed structure is outlined. CWGC recognise the benefit of decluttering the promenade (with reduction of risk of coastal flooding) but consider the scheme will significantly affect the setting of the Memorial and involve quite dramatic change by a small wall and road raising, 2m higher than existing.

CWGC describe pre-application involvement and without re-design the scheme was not considered to take account of conservation. Now improved, there is still concern with a lack of detail and that success of the work to the Memorial depends on detailing. Intentions to develop much of the detail later for this major phased project is understandable, however, the related listed building consent for such a major intervention to a Grade I listed structure needs to be developed in considerable detail at application stage. CWGC has yet to receive assurances on who will undertake the detailed design but will need to be a suitably qualified conservation professional.

As detailed plans do not exist, planning conditions will be necessary for: final details to be agreed (before commencement); and, design work by qualified professional with extensive experience of working on Grade I listed structures.

For other comments submitted, see representations section of Sea Defences application ref 19/01079/FUL elsewhere on this agenda.

## **COMMENT**

The determining issue is whether any works of alteration to the Grade I listed Naval Memorial would preserve its special architectural or historic interest.

Particular obligations fall upon the council in determining any application which affects a listed building/structure (or its setting). The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building/structure or its setting or any features of special architectural or historic interest which it possesses.

In its original comments, Historic England consider the sea defence works would result in a much less dignified and less impressive setting for the Memorial, judging the level of harm to be high, though less than substantial. Following submission of amended drawings, the design revision of additional seating on the landward side of the defences is held to be a positive move as it makes the sea wall appear less cliff-like; however, HE suggest consideration is given to bringing the seating a little further forward (landward).

ESCP has contacted HE on the amendments advising "Consideration was given to siting the northern seating further forward to allow planting but in discussions with the Commonwealth War Graves Commission it was felt that the symmetry of the seating on both sides was a very important characteristic in the design. There was also a concern that high quality planting would be difficult to get established and maintain, given the height of the wall and the northern aspect." ESCP has also advised that "The proposed bollards which separate the traffic from pedestrians in front of the Naval Memorial have not been removed from the proposal but just aren't shown on the layout plan of the Naval Memorial structure. They are still shown on the relevant submitted general arrangement plan (General layout - sheet04 - Naval Memorial - 0104Rev.P04). The number of bollard structures shown is the worst case scenario and the actual number proposed will be based on the minimum required for highway safety standards

(we are awaiting the outcome of the Road Safety Audit and have specifically asked for guidance on the minimum number required). The design of these 'bollards' will also be sympathetic to the setting of the memorial."

The bollard structures form part of the setting of the wider sea defence scheme and details can be agreed as part of discharging conditions for the planning application but do not form part of the application for listed building consent.

The Conservation Officer essentially concurs with the views of HE of a less dignified and less impressive setting for the Memorial and the positive contribution of the amendments. The harm, whether high (HE) or medium (Conservation Officer) would be less than substantial harm, subject importantly to planning condition(s) for details of all of the proposed materials and the methods/techniques to be utilised and recognising the sea defences as essential to protect the long term survival of the Memorial.

## **Conclusion**

The application is recommended for conditional consent given the over-whelming public benefit of the associated Sea Defence works outweighing the identified harm to heritage assets, to accord with the Local Plan and provisions contained with the NPPF (2019).

## **RECOMMENDATION**

### **Conditions**

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan\_navalmemorial; Proposed site plan seating - A1045 220\_RevP1; Existing wall details - A1045 610\_RevP1; Proposed wall detail showing seating - A1045 620\_RevP1; Proposed wall details - A1045 622\_RevP1; Proposed wall detail through secondary sea defence - A1045 623\_RevP1; Elevation - 8 - 0155Rev.P05; Elevation - 10 - 0157Rev.P05; Elevation - 11 - 0158Rev.P05; Key plan & elevations - 0099Rev. P04; Key plan & cross sections - 0100Rev.P04; General layout - sheet04 - Naval Memorial - 0104Rev.P04; Heritage constraints plan - 0400Rev.P03; Cross section - E&F - 0208Rev.P04; Interface - Naval Memorial - 0457Rev.P04; Interface - Naval Memorial - 0465Rev.P04; NWM\_bund\_sketch; NWM\_section\_sketch\_A; and, NWM\_section\_sketch\_B.
- 3) No development shall take place at the site until manufacturer's details and samples of all materials associated with the proposed works have been submitted to and approved in writing by the Local Planning Authority, to include natural stone finishes to match existing ashlar blocks of Portland Stone (as specified on Proposed wall detail showing seating A1045 623\_RevP1 & GA Elevations Sheet08 no.257135\_0158-P05). The works shall thereafter be implemented fully in accordance with the approved details/samples.
- 4) No development shall take place at the site until a detailed method statement for the proposal alterations of the historic (Grade I listed) Memorial shall have been submitted to and approved in writing by the local planning authority; and the alterations shall be only be carried out in accordance with the approved method statement.

**The reasons for the conditions are:**

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
  - 2) To ensure the development is implemented in accordance with the permission granted.
  - 3) To preserve the special architectural or historic interest of the (Grade I listed) Memorial in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).
  - 4) To preserve the special architectural or historic interest of the (Grade I listed) Memorial in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).
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**FORMER DRAYTON DAIRY STATION ROAD PORTSMOUTH**

**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS IN RESPECT OF LAYOUT, SCALE, APPEARANCE, MATERIALS AND LANDSCAPING FOR THE DEVELOPMENT OF 108 DWELLINGS WITH ASSOCIATED ROADS, CYCLE PATHS, FOOTPATHS, CAR PARKING AND 'POCKET PARK' AS APPROVED BY OUTLINE APPLICATION 17/00224/OUT (AMENDED PLANS RECEIVED SEPTEMBER AND NOVEMBER 2019)**

**Application Submitted By:**

Miss Catherine Bartlett  
WYG

**On behalf of:**

Dandara Ltd  
Station Road Developments Ltd

**RDD:** 10th April 2019

**LDD:** 11th July 2019

**SUMMARY OF MAIN ISSUES**

This application is being heard at committee due to the significance of the scheme. The previous outline planning permission was heard at committee on 20 September 2017.

The application seeks approval of reserved matters following a previous outline planning permission for a development of 108 dwellings. The reserved matters for consideration are:

- Appearance (including details of materials and finishes)
- Landscaping (hard and soft landscaping, including details of materials, species planting, sizes and layout)
- Layout (layout of buildings, structures, roads and footpaths)
- Scale (massing and building bulk)

Other relevant matters for consideration include:

- Residential amenity (part of the consideration of layout)
- Ecology and biodiversity enhancements
- Impact on the Solent Special Protection Area

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**Site and Surroundings

The application relates to a 2.45ha site located on the west side of Station Road in Drayton, just north of the railway line. The site was formally occupied by a Dairy Depot, which ceased operating in 2007. The site is bounded by Station Road to the east and south, Wainwright Close to the west and an area of open space to the north (Karen Avenue open space).

The area immediately surrounding the site is predominantly residential in character, comprising a mixture of two-storey housing and bungalows, some of which back directly onto the site. The wider surrounding area is characterised by a mix of residential and industrial/commercial uses, with industrial estates located beyond Station Road to the east and to the south of the railway line. A former Southern Electric depot site to the west has recently been redeveloped for housing following the grant of planning permission in 2014 (ref. 13/01224/FUL).

## Proposal

Outline planning permission was granted for a development of up to 108 houses on the application site in March 2018 (ref. 17/00224/OUT). This application approved the principle of the development and details of access only, with all other matters reserved. The current application seeks approval of the reserved matters of appearance, landscaping, layout and scale.

The proposal is for a development of 108 dwellings, comprising a mix of detached, semi-detached and terraced housing and one block of flats. The maximum height of the development would be 3-storey. As per the approved outline plan, the vehicle access to the development would be from Station Road, and the layout would also include some pedestrian access points from Station Road and to/from the adjacent open space to the north of the site. An area of open space is proposed on the southern side of the site, adjacent to the site entrance, which would include a Local Area of Play (LAP). Landscaping would include a mix of tree and shrub planting around the site and within the open space.

The proposed mix of dwelling sizes and type is as follows:

House type A (2-bedroom) x 24  
House type B (3-bedroom) x 30  
House type C (4-bedroom) x 10  
House type D (4-bedroom) x 12  
House type E (3-bedroom) x 16  
House type F (2-bedroom) x 3  
House type H (4-bedroom) x 3  
Bungalow (3-bedroom) x 1  
Flats (2-bedroom) x 9

Total = 36 x 2-bed, 47 x 3-bed and 25 x 4-bed

The scheme would include 32 units of affordable housing, amounting to 30% provision. The affordable units would comprise a mix of 2, 3 and 4-bedroom houses and flats, including 3 flats and a bungalow for disabled occupancy.

Parking for the properties would comprise a mix of on-plot parking spaces, garages and small parking courts. In total, 192 parking spaces would be provided, which includes 4 disabled car parking spaces and 7 visitor spaces.

Amended plans have been received during the application process to address matters raised by the Highway Engineer and Landscape Architects. The most significant amendment was the removal of a secondary access to a parking court on the southern side of the site, following concerns raised by the Highway Engineer relating to visibility and road width. The internal layout was instead revised to provide internal access to the parking court. Other amendments included changes to plant and tree species, provision of service strips around internal roads and amendments to the parking layout.

## Planning history

An application to determine whether Prior Approval was required for demolition of the existing buildings on the site was submitted in April 2019 (ref. 19/00619/DEM). It was determined that prior approval was not required (decision issued 20 June 2019).

The outline planning permission to which this current application relates was granted on 22 March 2018 (ref. 17/00224/OUT). The outline permission was for a development of up to 108 dwellings (principle of access only to be considered). The permission was granted subject to a number of conditions, along with a legal agreement to secure the following:

- Provision of 30% affordable housing
- Payment of financial contributions towards off-site highway improvements
- Payment of financial contribution to mitigate the recreational impact of the development on the Solent Special Protection Area
- Provision and implementation of a Travel Plan
- Provision and implementation of an Employment and Skills Plan
- Provision of a local area of play and management of public open space

A previous outline planning application for the redevelopment of the site to comprise up to 150 dwellings with access from Station Road and emergency access from Karen Avenue was refused on 12 March 2008 (ref. 07/02454/OUT). The reasons for refusal related to the number of dwellings, access arrangements, flood risk and lack of planning obligations. An appeal against the refusal was submitted but subsequently withdrawn.

Planning permission was originally granted for a new Dairy on the site in 1958 (ref. A\*22117). This was followed by a number of applications for extensions, new buildings and other works associated with the use as a Dairy.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework (NPPF) 2019, the relevant policies within the Portsmouth Plan (2012) would include: 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, size and affordable homes), PCS21 (Housing Density), and PCS23 (Design and Conservation).

## **CONSULTATIONS**

### Natural England

Further comments received 5 November 2019:

Natural England advises that the submitted HRA assessment does not currently provide enough information and/or certainty to justify the assessment conclusion in relation to the deterioration of the water environment. It is Natural England's view that it is not possible to incorporate the nitrogen inputs from the industrial processes associated with the former commercial milk processing dairy at the above site within the nitrogen calculator and we do not concur with the nutrient budget calculation for the development proposal.

It is noted that the dairy buildings, whilst vacant, remained present and available for lawful reoccupation until at least February 2010. The buildings have now since been demolished. It is Natural England's view that the use of the site as a dairy is a historical use. The site has not been operation for at least 9/10 years and it is not possible for this land use to revert to a dairy without a new planning permission. Natural England therefore recommends that this historical use is not included within the nitrogen budget and a revised nutrient calculation is undertaken.

If the revised calculation identifies a nitrogen surplus, we recommend that mitigation measures are proposed and included within the Appropriate Assessment to ensure the proposal achieves nutrient neutrality.

Original comments:

The development has the potential to have significant effects on the Solent Special Protection Areas and Ramsar sites and the Solent Maritime Special Area of Conservation.

It is Natural England's view that there is a likely significant effect on the internationally designated sites due to the increase in waste water from the new housing, which would increase levels of nitrogen and phosphorus in the water environment.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

With regard to recreational disturbance, it is understood that an appropriate financial contribution to mitigate the impacts was secured through the outline planning permission.

Natural England recommends that a Biodiversity Mitigation and Enhancement Plan is implemented to ensure biodiversity enhancements on and off site.

Also recommend the incorporation of green infrastructure within the development and that the development adopts high levels of water efficiency.

#### Ecology

Further comments 17 October 2019:

No further comments on amended plans.

Biodiversity Mitigation and Enhancement Plan broadly acceptable.

Original comments:

The Reserved Matters application is not supported by any new ecological information. The comments provided by Natural England in respect of designated sites are noted and supported.

Regarding on-site ecology (habitats and species), the outline application 17/00224/OUT was supported by an Ecological Appraisal (Lindsay Carrington, July 2017) and Condition 16b of the Outline permission references delivery of the scheme of biodiversity enhancements at the site. Whilst landscaping is proposed, this reserved matters application does not provide express consideration of the ecological constraints and enhancements discussed at the outline stage and it may be helpful for the applicant to clarify that these will still be delivered. Overall, the ecological risks are considered to be low.

#### Southern Electric

No comments received.

#### Southern Water

No objection.

#### Network Rail

No comments received. Advice was provided to the applicants at the Outline application stage.

#### Eastern Solent Coastal Partnership

No objection in principle. Site within Flood Zone 3. FRA refers to hydraulic modelling, which shows that the site is protected in both the present day and future as a result of the construction



of the Farlington Marshes flood defence works and future flood defence works. These works together would put the site in Flood Zone 1 for the lifetime of the development. Even without future defence works being taken into account, the site is still predicted to be located within Flood Zone 1 until 2075, and is not predicted to be impacted by a breach event.

Floor levels for the development would be below predicted future extreme tidal flood levels. However, flood resistance and resilience measures are proposed within the FRA as well as safe access and egress along Station Road. These should be secured by planning condition.

Recommended that occupants of the site sign up to the EA's Flood Warning Service and prepare a Flood Warning and Evacuation Plan.

#### Highways Engineer

Further comments received 9 October 2019 in response to amended plans:

Insufficient turning heads / service strips shown in some locations.

Cycle parking provision considered acceptable.

Original comments:

Additional access proposed into a car park for 12 vehicles. No details provided of visibility splays or vehicle tracking. Widening of carriageway may be needed.

Any planting adjacent to 1m railings adjacent to road frontages would need to be limited to 1m to protect visibility.

1.8m wide service strip required in addition to carriageway width. This is not shown to be provided in the turning areas serving plots 26-36, 54-56 or 66-75.

Tracking diagrams should be provided to confirm acceptability of turning heads.

Highway construction, layout and surface finishes would need to be agreed through a S278 agreement.

Parking and cycle parking - concern about kerbside locations of visitors spaces. However, overall overprovision of parking, which is considered acceptable in this location given high levels of car ownership.

Further details of cycle storage needed (garage sizes, and provisions within apartment block and for properties without garages).

#### Environmental Health

No comments received. No objection raised to Outline scheme.

#### Contaminated Land Team

No objection subject to conditions to ensure that any contaminated land issues are fully addressed.

Necessary conditions were imposed on the Outline planning permission.

#### Head of Community Housing

Extent of affordable housing (32 units including wheelchair unit) agreed. Locations of affordable housing also acceptable.

Space standards for 2 bed shared ownership houses do not meet 4 person minimum standard but do meet that for 3 persons.

#### Waste Management Service

For the bin store serving flats 4-12, as there are 9 flats, there would need to be 2 x 1100L bins split 1:1 for refuse and recycling. The dimensions of these bins are 1.37m height x 1.38m width x 0.99m depth.

In regards to the bin store, there will need to be a way the doors can be held back with a hook, in case of high winds, and preferably to go back flush against the bin store walls. The doorway of the bin store will need to be no less than 1.4m. For access into the bin store a key safe or coded lock will need to be provided, as this is better than the collection crews keeping keys.

There needs to be smooth access and egress from the bin store (no step from the door and a drop kerb to the vehicle and gradient no greater than 1:12) also, on the plans it looks like there may be bollards in between the tarmac and the pavement. If this is the case, there will need to be enough space in between (no less than 1.5m) to safely get the bin through without hitting them as we would not take responsibility for any damage caused. The bin store would need to be no further than 25m from safe stopping of the vehicle. The collection vehicle will need to be able to enter the car park to collect the bins and able to manoeuvre (either backing into the car park or being able to turn the vehicle round).

#### Crime Prevention Design Advisor

Some concern about the potential for people taking short cuts through the development from the public open space.

#### Environment Agency

No objection.

#### Landscape Group

Further comments received 9 October 2019 in response to amended plans:

Concerns raised about planting species in various parts of the site and clarification sought in relation to boundaries with adjacent public open space.

Original comments:

Comments and queries raised - Unclear as to the nature of the dark green around the pocket park and to the front of the parking in that area; would like to understand what the shading to the mounds represents and the type of planting. Pocket park otherwise appears nicely laid out.

Query regarding position of railings in front of buildings 96-108, why they are behind the shrub planting. Would prefer to see the railings adjacent to the pavement, with planting enclosed within the front gardens.

General ground cover mix seems good with some height to it. However, shrub planting mix has a mixture of shade and sun loving plants and some are much lower than others. Would be useful to see a clearer layout plan for these areas, or more of a split of the mix for sun and shade plants.

Tree mixture and placement appears fine overall, but would prefer more variety within pocket park. E.g. birch, whitebeam and possibly rowan or crab apple mixed together would provide more visual interest and wildlife value to the area.

Would be beneficial to have some tree cover to the far south area in front of flats 4-12, to provide broken shade against full sun.

NOTE: In response to these comments, a meeting was held with the applicant's landscape architects and amendments were agreed.

### Southern Gas Network

Advice provided as to where to find information about existing gas pipes.

## **REPRESENTATIONS**

Two representations received raising objection to the proposals on the following grounds:

- a) Increased demand on sewage and surface water likely to worsen flood risk to adjacent properties;
- b) Concern about potential access onto private land to north of site;
- c) Increased congestion on surrounding roads;
- d) Increased air pollution from additional vehicles queuing on Grove Road;
- e) Overshadowing and loss of privacy to properties in Station Road from proposed houses at Plots 26, 27 and 28 - suggest these should be bungalows;
- f) Increased risk of accidents near to site entrance and new car park entrance.

Following consultation on amended plans in October 2019, one further objection was received, reiterating the concerns regarding the impact of Plots 26, 27 and 28 on the amenities of residents in Station Road.

Three representations received, making the following comments (neither in objection or support):

- a) query as to whether there would be a restriction on commercial vehicle parking within the new development, because if so, this would impact on parking on surrounding local roads;
- b) query as to the species of trees proposed behind plots 72-75, due to concerns about potential loss of light from tall trees;
- c) concern that some taller properties within the scheme would overlook neighbours;
- d) concern about potential impact on boundary wall from tree proposed in north-west corner.

Two representations received in support of the proposal, raising the following points:

- a) Support layout and design proposals for Plots 32 and 54 to reduce the impact on properties on Wainwright Close - suggest restrictive covenant to prevent loft conversions on these properties.
- b) Residential scheme preferable to former industrial use;
- c) Pleased that the site entrance would not be directly opposite Station Road properties;
- d) Good visibility provided at the site entrance;
- e) Positive provision of a play area.

## **COMMENT**

The determining issues in this application are:

- Whether the reserved matters of appearance, materials, landscaping, layout and scale are acceptable, including consideration of residential amenity;
- Ecology and biodiversity enhancements;
- Impact on the Solent Special Protection Area.

## Principle of the development

The principle of a residential development of up to 108 dwellings has been established through the granting of outline planning permission in 2018 (ref. 17/00224/OUT). The provision of 108 new dwellings would make a positive contribution towards meeting the City's housing needs, in accordance with Policy PCS10 of the Portsmouth Plan.

Along with the principle of development, the outline permission secured details of the main site access from Station Road, which remains unchanged. This application seeks approval of the reserved matters of appearance, materials, landscaping, layout and scale, to include the following details in accordance with Condition 1 of the outline planning permission (ref. 17/00224/OUT):

- a) Layout of the buildings/structures, the positions and width of all roads, footpaths and cycle ways, car parking and the provision of a pocket park on the site;
- b) The appearance and architectural design with a detailed schedule (including any samples, as may be necessary), specifying the proposed materials and finishes to be used for the external surfaces of all buildings/structures;
- c) The scale of the buildings indicating massing and building bulk, and
- d) The hard and soft landscaping of the site specifying species, planting sizes and numbers/densities of planting and proposed finished levels or contours as well as all hard surfacing materials/finishes and details of the alignment, type, appearance, dimensions and materials/finishes of all walls, fences and other means of enclosure.

The scheme would include 32 affordable dwellings, amounting to 30% provision in accordance with Policy PCS19 of the Portsmouth Plan. These would comprise a mix of 2, 3 and 4-bedroom houses and flats, including three flats and a bungalow for disabled occupancy. The tenure mix is currently under discussion and would be agreed as part of the S106 Agreement attached to the original outline planning permission.

In terms of overall housing sizes, the scheme would include a total of 72 dwellings with 3 or more bedrooms, which are classed as 'family homes' under Policy PCS19. The policy requires at least 40% of dwellings to be family sized and this scheme would provide 67%, making a positive contribution towards meeting a recognised need for family homes within the city.

## Layout

Housing layout:

Policy PCS23 requires new development to achieve an appropriate layout in relation to its context and to protect the amenity and provide a good standard of living environment for neighbouring residents and future residents of the development. In addition, Policy PCS19 requires new housing to be of a reasonable size appropriate to the number of people they are designed to accommodate.

The scheme comprises 108 new dwellings of various designs, arranged around a traditional perimeter block layout, with frontages predominantly facing towards public highways or public open space.

On the eastern side of the site, there would be a row of detached dwellings fronting onto Station Road, with tree planting between the plots. This layout has been specifically designed to respect the layout and tree lined frontage of existing properties to the east and north. On the southern side of the site, the dwellings have been designed to face towards the public open space, or to have windows overlooking the open space, in order to achieve a level of natural surveillance.

The layout of the western side of the site has been informed by the relationship of the development to the existing properties in Station Road and Wainwright Close. In particular, the

dwelling in the western corner of the site would be a bungalow to respect the scale of the adjacent bungalows in Wainwright Close. Other properties on this side of the site would either achieve a good set back from the boundary or would incorporate hipped roofs to 'step-down' in height in relation to the adjacent properties.

One of the representations has raised specific concern about the impact of Plots 26, 27 and 28 on the amenities of the occupiers of 186 Station Road and immediate neighbours, in terms of loss of outlook, light and privacy. Plot 26 is a proposed two storey dwelling and would be located to the north-east of the Station Road properties. There would be a separation distance of approximately 15m and 18m respectively between the rear elevations of Nos.188 and 186 Station Road and the southern corner of Plot 26. The windows of the proposed dwelling and the neighbouring properties would not directly face each other therefore any overlooking would be at an oblique angle. Having regard to the relationship between these dwellings, including the orientation and separation distances, it is not considered that there would be a significant impact on the amenities of the Station Road residents in terms of loss of outlook, light or privacy.

Within the site, it is considered that a good level of separation would be achieved between dwellings, ensuring a good standard of natural light and outlook for future residents. Garden lengths for the properties would predominantly range between 10m and 15m, which is typical of garden sizes found within the adjacent development to the west of the site.

In terms of dwelling size, all of the dwellings have been designed to meet the size standards set out within the Nationally Described Space Standards (NDSS). In addition, the bungalow and three of the flats have been designed to meet specific building regulations standards for disabled occupancy. The dwelling sizes are summarised as follows:

House Type A (2 bed, 3 person) - 70m<sup>2</sup> (NDSS requirement - 70m<sup>2</sup>)  
House Type B (3-bed, 4 person) - 88m<sup>2</sup> (NDSS requirement - 84m<sup>2</sup>)  
House Type C (4-bed, 6 person) - 113m<sup>2</sup> (NDSS requirement - 106m<sup>2</sup>)  
House Type D (4-bed, 6 person) - 110m<sup>2</sup> (NDSS requirement - 106m<sup>2</sup>)  
House Type E (3-bed, 5 person) - 100 - 103m<sup>2</sup> (NDSS requirement - 99m<sup>2</sup>)  
House Type F (4-bed, 5 person) - 112m<sup>2</sup> (NDSS requirement - 103m<sup>2</sup>)  
House Type H (4-bed, 6 person) - 112m<sup>2</sup> (NDSS requirement - 112m<sup>2</sup>)  
Bungalow (3-bed, 5 person) - 110m<sup>2</sup> (NDSS requirement - 86m<sup>2</sup>)  
Flats (2-bed, 4 person) - between 74m<sup>2</sup> and 76m<sup>2</sup> (NDSS requirement - 70m<sup>2</sup>)

The overall housing layout is considered acceptable in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.

#### Layout of public open space / pocket park:

An area of public open space measuring approximately 0.1ha is proposed to be provided on the southern side of the site, adjacent to the site entrance. This would incorporate a local area of play (LAP), comprising natural play features including wooden structures and low earth banks. The provision of the LAP accords with the requirement set out in the S106 Agreement associated with the outline planning permission.

Policy PCS13 of the Portsmouth Plan seeks to protect, enhance and develop the city's green infrastructure and requires major developments to provide a pocket park to a standard of 1.5ha per 1,000 population. Using this calculation, and based on the level of occupancy of the proposed dwellings as per the submitted plans, a pocket park of 0.7ha would be required. The proposed pocket park of 0.1ha therefore represents a substantial shortfall in the policy requirement.

In order to mitigate the shortfall of public open space on site, the applicants have set out a proposal to carry out works to improve the existing Council owned public open space located to the north of the site (Karen Avenue open space). This open space currently has a somewhat

neglected feel with overgrown trees and shrubs, and the principle of improving the space has been agreed with the Council's Parks Team. Proposed works would include vegetation clearance, new native planting, creation of clearer paths/trails, provision of benches, and signage. The aim of the works is to create a more welcoming environment to the open space and to encourage better use by the public. The works would be secured through a Deed of Variation to the original S106 Agreement.

The Karen Avenue open space currently has access points from Karen Avenue and Station Road and two new pedestrian entrances are proposed on the northern side of the development site, to provide direct access for future residents. It is noted that the Crime Prevention Design Adviser has raised concerns about the potential for surrounding residents to use the site as a shortcut. However, the provision of access to the adjacent open space is considered to represent a positive feature, encouraging future use of these public areas. The entrances themselves would be un gated to encourage access, but the applicants have agreed to install bollards to prevent anti-social behaviour such as speeding bikes and mopeds.

In addition to the adjacent public open space, the site also lies within 500m of Drayton Park, which provides a range of children's play equipment and recreational facilities.

Overall, in determining the acceptability of the proposed open space provision, it is important to balance the requirements of Policy PCS13 with other relevant policy matters. For instance, to achieve a policy compliant level of public open space on-site would either require a reduction in the number of dwellings or a change to the type of dwellings (e.g. more flats and / or higher rise buildings), which in turn would have an impact on the Council's overall housing delivery targets in relation to the provision of affordable and family sized homes.

On balance, having regard to the proposals for improving the adjacent public open space and taking account of the wider benefits of the proposed development, particularly in terms of the provision of family and affordable housing, it is considered that the reduced level of on-site open space is acceptable in this instance. This decision is made taking account of the specific circumstances of the case and the proposed off-site improvements and it is not considered that this would set a precedent for allowing a shortfall of open space provision on other development sites.

#### Roads and parking layout:

The internal road layout has been agreed in liaison with the Council's Highways Engineer to ensure the provision of adequate vehicle turning space, visibility and service strips, and access for emergency vehicles.

The scheme would include a total of 192 parking spaces (including 4 nos. disabled and 17 nos. visitor spaces), comprising a mix of on plot spaces, garages and forecourt parking, visitor parking and a small number of parking courts. The aim of the design has been to provide as much parking as possible to the sides of houses or set back from the building line. Where this is not possible, trees and shrub planting has been proposed to break up the visual appearance of the parked cars to reduce their prominence in the streetscene. The parking provision for visitors would total 17 spaces. The overall level of parking would exceed the required number of spaces as set out in the Council's Adopted Parking Standards and is considered to be acceptable.

In accordance with the Adopted Parking Standards, there would also be a requirement for 266 cycle parking spaces and 27 visitor spaces. The applicants have confirmed that the houses would each be provided with an individual cycle store and there would be communal cycle stores within the ground floor of the block of flats. Whilst a slight under-provision of cycle storage facilities is shown for the flats (14 spaces instead of 18), the Highways Engineer considers this to be acceptable given that three of the flats are designed for disabled occupancy with additional storage space that could accommodate bikes if required.

## Appearance / design

Policy PCS23 of the Portsmouth Plan requires a high standard of design to be achieved for new development, with an appropriate appearance and materials in relation to the particular context.

The proposal is for a mix of detached, semi-detached and terraced housing, along with a block of flats in the southern corner of the site. Materials for the buildings would predominantly comprise brick (mix of red/brown multi and buff multi), which is considered appropriate in relation to the appearance of surrounding development, and roof tiles would be a mix of grey slate effect and terracotta clay effect. The new properties would also incorporate a mix of other materials and features such as weatherboarding, stepped brick detailing, grey UPVC windows and doors and projecting corner features, to add visual interest throughout the scheme and to give the development its own identity.

The buildings would mainly be traditional in form with pitched roofs, but some would incorporate more modern features including projecting window frames and cladding. The properties on the corners of roads (House Type C), have been specifically designed to 'stand out', with the incorporation of projecting corner extensions with floor to ceiling windows. When the plans were originally submitted, these properties were indicated to be constructed in a buff coloured brick, to contrast with the predominant red brick of the surrounding houses. There was concern that this contrast would be too strong and in response the applicants amended the brick colour to red. With the red brick and the modern corner features, it is considered that these properties would achieve the aim of adding interest to the appearance of the streetscenes, whilst integrating better with the overall appearance of the development.

The design of the elevations of the flat block were also amended during the course of the application to create a more attractive entrance feature and a better proportion of fenestration to brickwork. The materials for the flat block would be similar to those used on the housing, with a mix of red brick and weatherboarding for the walls, grey window and door frames and terracotta coloured roof tiles.

In conclusion, the design and appearance of the dwellings and the proposed materials are considered to be acceptable, in accordance with Policy PCS23 of the Portsmouth Plan.

## Scale

Policy PCS23 requires, among other matters, new development to be of an appropriate scale, density and layout in relation to its particular context.

The proposal is for a total of 108 dwellings on a 2.45ha site, which represents a density of 44 dwellings per hectare. This complies with the minimum density requirement of 40 dwellings per hectare as set out in Policy PCS21 of the Portsmouth Plan. It is also considered to respond well to the low density character of surrounding development.

The development would predominantly comprise 2-storey dwellings, which respects the scale of existing housing developments in the surrounding area. One bungalow is proposed in the western corner of the site, which has been specifically designed to respect the position and layout of an existing bungalow within Wainwright Close. The tallest properties would be 3-storey in height which would be taller than the scale of surrounding development. However, these taller properties would be spread around the site in small terraces and it is not considered that they would appear overly dominant or out of keeping with the wider development or surroundings. The presence of some taller properties would also add interest to the streetscenes within the development. Overall, the scale of the development is considered to be acceptable in accordance with Policy PCS23 of the Portsmouth Plan.

## Landscaping

### Hard and Soft Landscaping:

A pocket park is proposed on the southern side of the site. This space would incorporate a seating area with sensory planting, ornamental planting, and an equipped play space incorporating natural wood play equipment and landforms. The Design and Access Statement notes that this would be designed for play by young children.

Throughout the site, the scheme would incorporate street trees, grass verges, formal hedgerows and ornamental shrubs. Hard landscaping would include tarmac roads and footways and textured paving to access paths. On the main road junctions within the site, block paving would be used with a low kerb line to create a softer appearance and add variation to the road surfaces.

The details of the landscaping in terms of the planting species, density and layout, has been agreed in liaison with the Council's Landscape Architect. When the plans were first submitted, the Landscape Architect raised a number of queries and concerns about some of the specific details shown on the plan and the species types. For example, some of the shrubs shown to the front of houses were known to be large species that would require significant management to prevent problems of shading and conflicts with access. A meeting was subsequently held with the applicant's and their Landscape Architect and amendments were agreed to the scheme. This included agreement to use alternative, lower growing plants to the fronts of houses, and to change some of the boundary trees to more compact species to prevent long term issues of overshadowing of neighbouring properties.

In response to some specific queries / concerns of neighbouring residents about tree species on the site boundaries, the following changes have been made:

- Trees on northern boundary - the original plans showed a row of five trees on the northern boundary but it was not clear what species they would be and a neighbouring resident raised concerns about potential overshadowing if these were large species. In response, the applicants have reduced the number of trees in this location and have proposed Turkish Hazel trees, which are medium trees with a compact form.
- Tree in north-west corner - A neighbouring resident raised concern about the proposed tree in the north-west corner of the site and the potential impact on their boundary wall. This tree would be a Hornbeam and the applicants have agreed to install a root barrier to prevent damage to the adjacent wall.

The majority of the landscaped areas within the development would be managed by a private management company, the details of which would be secured through the S106 Agreement attached to the outline planning permission, in agreement with the Local Planning Authority. Landscaping within private rear gardens would be the responsibility of the individual residents.

Following amendments as referred to above, the landscaping details, including species types, numbers and densities, are considered to be acceptable.

### Boundary treatments:

Boundary treatments would include a mix of brick walls, low level metal railings and close board fencing. The close board fencing would be used for garden boundaries with the exception of those that would face onto the public realm, which would be constructed of brickwork to match the associated dwelling. Where dwellings would have front gardens, these would be surrounded by low 1m high black railings, which would allow for the delineation of private areas without dominating the streetscene with intrusive high fencing.

Two pedestrian entrances to the Karen Avenue open space would be created on the north side of the site. These entrances would be un gated with adjacent low level post and rail fencing to



create a 'soft' boundary to visually integrate the development with the adjacent open space. There would be no formal boundary to the pocket park, which would instead be defined by low rise earth mounds to maintain a natural appearance.

Overall, subject to condition(s), the mix and type of boundary treatment is considered acceptable.

### Flood risk

Both the previous outline application and current application have been accompanied by a Flood Risk Assessment, which determines that the site would remain safe from flooding for its lifetime and would not increase flood risk elsewhere, and this has been agreed by the Environment Agency. A drainage strategy was also agreed in principle with the Council's Drainage Team at the outline application stage, which would see a reduction in surface water run-off rates as a result of the proposed development. No objections have been received from the Environment Agency or the Eastern Solent Coastal Partnership in respect of this reserved matters submission, although conditions have been recommended to ensure that the flood resistance and resilience measures outlined within the FRA are implemented.

### Refuse storage

The Waste Management Officer has provided comments in relation to the refuse requirements for the scheme, including requirements for suitable access. The applicants have confirmed that the requirements regarding level access, door details and locks would be met and space has been provided for the appropriate number of bins. The submitted vehicle tracking plans demonstrate satisfactory access for refuse vehicles.

### Ecology and Biodiversity Enhancements

Policy PCS13 of the Portsmouth Plan seeks to enhance and develop the City's green infrastructure network and ensure that developments achieve a net gain in biodiversity value where possible.

The previous outline application was supported by an Ecological Appraisal report, which confirmed that the site was of limited ecological value, comprising predominantly hardstanding around the buildings with some brash piles and ornamental shrubs. The buildings on site were determined to have the potential to accommodate bats, but follow up emergence surveys of the buildings determined no presence of bat species. The buildings have since been demolished.

Given the limited ecological value of the existing site, the proposed residential development offers the potential to create an enhancement in biodiversity. A Biodiversity Mitigation and Enhancement Plan has been submitted with the current application, which outlines various measures to be implemented to enhance biodiversity on the site. The measures include the following:

- Installation of bird boxes in 10% of the gardens;
- Five swift boxes to be installed on the proposed block of flats;
- Four sparrow terraces to be installed around the development;
- Installation of bat boxes and bat tubes on 15% of the dwellings and bat access tiles;
- Planting of tree species of high biodiversity value including Field Maple, Whitebeam, Rowan and Hornbeam, along with some fruit trees;
- Planting of shrubs to attract wildlife within rear gardens and pocket park, including dogwoods, Rosemary, Rock Rose and Lavender;
- Planting of meadow and grassland mixes within verge areas;
- Creation of a log/brash pile within pocket park to benefit invertebrates;
- Provision of hedgehog holes within garden fencing to allow movement of hedgehogs.

Following comments from the County Ecologist, the applicants have removed proposals to install bat boxes on poles due to concerns about them being ineffective due to the risk of damage.

Having regard to the general increase in soft landscaping that would be achieved through the residential development, and with the additional measures outlined above, the development would achieve a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

#### Impact on the Solent Special Protection Area

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

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.

#### Recreational pressure:

In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. The outline planning application was granted subject to a S106 Agreement, which secures appropriate mitigation in the form of a financial contribution towards the Solent Recreation Mitigation Strategy. Having regard to the mitigation already secured, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

#### Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants 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. 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.

The Council's Mitigation Strategy sets out that the credit per new dwelling will be charged at £4,345.17. In order to avoid disproportionate impact on development viability, this full-cost will only be considered for Major-category development schemes. The sum for each application will be negotiated depending on the financial viability of that particular development scheme, especially to ensure the delivery of development yielding Affordable Housing will not be prejudiced.

At the time of publication of this application report at the former Drayton Dairy site, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 4<sup>th</sup> December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the applicant has provided a Nutrient Balancing Statement, setting out the methods undertaken to assess and consider ways of reducing nitrogen output from the development. These can be summarised as follows:

- Comparison of the estimated nitrate output from the proposed development compared with that of the former dairy use, showing that the development would result in reduced levels of nitrate release. This approach was put forward to Natural England but was not accepted. Natural England did not feel that the former use could be relied upon given the length of time since the dairy use ceased and the fact that all buildings associated with the former use have been demolished.
- Consideration of the potential to use the pocket park to reduce nitrogen output. This solution was determined to be unworkable due to the small size of the pocket park.
- Consideration of off-site mitigation solutions. The applicants have stated that they do not control any other land within the region that could offer the potential for mitigation for nitrogen.
- Meeting to discuss Solent wide off-site agricultural off-setting. The mechanism for a wider off-setting solution is not yet in place so could not be relied upon.

Having regard to the above, the applicant has confirmed that they are unable to provide nitrate mitigation via Option 1 or 2 and would therefore like to provide mitigation using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased (which will be just prior to actual occupation, which would be at least some months hence in the case of this development). In accordance with the Strategy, and given the viability challenges with this particular development, the actual sum charged for each credit will be negotiated by officers, and finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. Subject to these matters, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

#### Response to other matters raised within representations

Concerns have been raised within representations about the potential increase in traffic congestion as a result of the development. This matter were assessed through the previous outline planning application process. The outline planning application was granted subject to a S106 Agreement which, amongst other things, requires the developers to make a financial contribution towards off-site improvements to the Grove Road and Eastern Road traffic light junction. With this mitigation, it was determined that the level of traffic generated by the proposed development would not result in an unacceptable impact on the local highway network. The S106 Agreement also requires implementation of a travel plan as part of the new development to promote a reduction in car dependency.

A query has also been raised about whether there would be a ban on commercial vehicle parking within the development, as this could lead to issues with parking on surrounding roads. No suggestion of such a ban has been made by the applicants and it is not something that would be requested by either the Local Planning Authority or Highway Authority.

One representation also raises concerns about the potential for residents of the development to trespass onto private land to the north of the Karen Avenue open space. This would be a legal matter relating to land ownership and not something that could be managed or controlled through the planning process.

### Community Infrastructure Levy (CIL)

The development would be liable for contributions towards the Council's Community Infrastructure Levy (CIL), the money from which would be used to improve infrastructure throughout the city. This could include improvements to flood defence infrastructure, public open spaces, public realm enhancements and contributions to city wide strategic schemes such as the Horsea Island Country Park and Park and Ride.

### Conclusion

Following negotiations with the Local Planning Authority during the course of the application, the details of layout, appearance, scale and landscaping are considered to be acceptable in accordance with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework.

## **RECOMMENDATION**

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Approve subject to completion of a Deed of Variation to Legal Agreement to secure the development as Nutrient-Neutral and to secure off site open space improvements;

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

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Deed of Variation to Legal Agreement to secure the development as Nutrient-Neutral and to secure off site open space improvements has not been completed within three months of the date of this resolution.

### **Conditions**

1) 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:

SITE PLANS: 18111/2002-PL-M Proposed Site Plan; 18111/2004-PL-E Coloured Site Plan; 18111/2005-PL-E Accommodation Plan; 18111/2009-PL-E Proposed Parking; 18111/2013-PL-B Proposed Facing and Roofing Materials; 18111/3005-PL Cycle Store 2-bed Units; 18111/3006-PL Cycle Store 3&4-bed Units.

LANDSCAPE PLANS: 18111/2501-PL-H Landscape General Arrangement; 18111/2502-PL-E Boundary Treatments; 18111/2503-PL-B Feature Paving; 18111/2504-PL-D Pocket Park; 18111/2506-PL-F Detailed Planting Sheet 1; 18111/2507-PL-F Detailed Planting Sheet 2; 18111/2508-PL-F Detailed Planting Sheet 3; 18111/2509-PL-F Detailed Planting Sheet 4; 18111/2510-PL-F Detailed Planting Sheet 5; 18111/2511-PL-F Detailed Planting Sheet 6; 18111/2512-PL-D Detailed Planting Sheet 7; 18111/2513-PL-E Detailed Planting Sheet 8;

18111/2514-PL-E Detailed Planting Sheet 9; 18111/2515-PL-F Detailed Planting Sheet 10; 18111/2516-PL-F Detailed Planting Sheet 11; 18111/2517-PL-F Detailed Planting Sheet 12; 18111/2518-PL-E Hard Landscape Plan Sheet 1; 18111/2519-PL-D Hard Landscape Plan Sheet 2; 18111/2520-PL-E Hard Landscape Plan Sheet 3; 18111/2521-PL-E Hard Landscape Plan Sheet 4; 18111/9014-PL-A Boundary with Karen Avenue Open Space; 18111/1301-A Public Realm Precedents; 18111/2523-PL-A Example Planting Layouts.

STREETSCENES: 18111/4101-PL-B Street Scenes; DRA-ENG-CGI-01 CGI Plots 93-95

HOUSE TYPE PLANS: 18111/A-3001-PL-A House Type A Layout 1; 18111/A-3002-PL-A House Type A Layout 2; 18111/A-4001-PL-A House Type A Elevations 1A&1B; 18111/A-4002-PL-A House Type A Elevation Variations; 18111/A-3001-PL-A House Type B Layout 1; 18111/A-3002-PL-A House Type B Layout 2; 18111/A-3003-PL-A House Type B Layout 3; 18111/A-4001-PL-A House Type B Elevations 1A&1B; 18111/A-4002-PL-A House Type B Elevations 2A; 18111/A-4003-PL-A House Type B Elevations 1C; 18111/A-4004-PL-A House Type B Elevations 3C; 18111/A-3001-PL-A Bungalow Floor Plans; 18111/A-4001-PL-A Bungalow Elevations; 18111/A-3001-PL-A House Type C Floor Plans; 18111/A-4001-PL-B House Type C Elevations; 18111/A-3001-PL-A House Type D Floor Plans; 18111/A-4001-PL-A House Type D Elevations; 18111/A-3001-PL-A House Type E Layout 1; 18111/A-3002-PL-A House Type E Layout 2; 18111/A-3003-PL-A House Type E Layout 3; 18111/A-4001-PL-A House Type E Elevations 1A&2A; 18111/A-4002-PL-A House Type E Elevations 1B&1C; 18111/A-4003-PL House Type E Elevations 3B&3C; 18111/A-3001-PL-A House Type F Layout 1; 18111/A-3002-PL-A House Type F Layout 2; 18111/A-4001-PL-A House Type F Elevations; 18111/A-3001-PL-C Flats Ground Floor Plan; 18111/A-3002-PL-C Flats First Floor Plan; 18111/A-3003-PL-C Flats Second Floor Plan; 18111/A-3004-PL-A Flats Roof Plan ; 18111/A-4001-PL-B Flats Elevations 1; 18111/A-4002-PL-A Flats Elevations 2; 18111/A-3001-PL-A House Type H Layout 1; 18111/A-3002-PL-A House Type H Layout 2; 18111/A-4001-PL-A House Type H Elevations.

HIGHWAY PLANS: 6716/04/01 A External Works Layout 1 of 5; 6716/04/02 A External Works Layout 2 of 5; 6716/04/03 A External Works Layout 3 of 5; 6716/04/04 A External Works Layout 4 of 5; 6716/04/05 A External Works Layout 5 of 5; 6716/22 C Refuse Vehicle Swept Path Analysis; 6716/21 A Fire Tender Swept Path Analysis.

2) The dwellings hereby permitted shall incorporate flood resistant and resilient measures in accordance with the details outlined in Section 2.10 of the Flood Risk Assessment Addendum Report (2), prepared by Cole Easdon Consultants, dated April 2019, unless alternative measures are first agreed in writing with the Local Planning Authority.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) (or any Order amending, revoking and or re-enacting that Order with or without modification), no building, structure, addition, hard surface, or other alteration permitted by Class A, Class B, Class C, Class D, Class E or Class F of Part 1 or Class A of Part 2 of Schedule 2 of the GPDO shall be constructed/carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

4) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme.

**The reasons for the conditions are:**

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) To ensure that occupants of the development will be protected from flooding, in accordance with Policy PCS12 of the Portsmouth Plan.
- 3) In the interest of visual and residential amenity having regard to the constrained nature of the site and relationship between buildings, in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

**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.

**KNIGHT & LEE 53-57 PALMERSTON ROAD SOUTHSEA PO5 3QE**

**MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF BUILDING, WITH PARTIAL DEMOLITION AND EXTENSION AT ROOF LEVEL (500SQ.M. NET FLOORSPACE) AND EXCAVATION WORKS AT BASEMENT LEVEL, TO PROVIDE RETAIL (CLASS A1), CAFE (A3), BARS (A4), 43-BED HOTEL (C1), GYMNASIUM (D2), CINEMA (D2) AND OFFICES (B1) WITH ASSOCIATED PLANT, EQUIPMENT AND ENCLOSURES**

**Application Submitted By:**

Terence O'Rourke Ltd  
FAO Mr Andrew Elliott

**On behalf of:**

THAT Portsmouth Company 2 Ltd

**RDD:** 9th September 2019

**LDD:** 5th November 2019

**SUMMARY OF MAIN ISSUES**

The application has been brought to the Planning Committee for determination following deputation requests from members of the public.

The main issues for consideration are:

- The principle of the development;
- Design and Impact on heritage assets;
- Impact on residential amenity;
- Flood risk;
- Highway Impacts;
- Impact on nature conservation interests.

**SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

Site and Surroundings

The application relates to the former Knight & Lee department store, an impressive three storey building bounded by Stanley Street, Clarendon Road and a pedestrianised section of Palmerston Road. Constructed in the mid-1950s following bomb damage sustained in 1941, the building provided a significant retail presence within Southsea Town Centre until its closure in the summer of 2019.

The building is neither statutory nor locally listed and is not located within a conservation area. It is however, a fine example of a 1950's department store and includes a number of interesting and elegant architectural features that contribute to its local historic significance. In combination with the Debenhams department store opposite, the two buildings provide distinctive and popular local landmarks that form the gateway to the pedestrianised section of the town centre and contribute significantly to the character of the area. In addition, the site backs directly onto the 'Stanley Street' Conservation Area to the east, and is sited opposite the 'Owen's Southsea' Conservation Area that extends to the south.

The surrounding area has a mixed character but typified by commercial uses at ground floor level with residential uses above. The pedestrian precinct provides the main retail focus of the centre with a mix of national retailers, cafes and a library, with smaller independent boutiques, cafes and restaurants extending into Marmion Road and Grove Road South further to the north. A large supermarket site (Waitrose) is located to the north-east on Marmion Road which incorporates a large car park. Osborne Road, Clarendon Road and the southern section of Palmerston Road contain a greater mix of restaurants and drinking establishments which form a more vibrant night time economy in comparison to the quieter pedestrian precinct and Marmion Road. Whilst many of the surrounding buildings incorporate residential uses above commercial premises, Stanley Street, located immediately to the east and extending eastwards from Richmond Place, is solely residential in character in the form of terraced houses.

The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan. The area is well served by bus routes, although the nearest railway stations at Portsmouth & Southsea and Fratton are both located approximately 2km to the north. At its western extent where it meets the Pedestrianised precinct, Stanley Street includes a number of loading bays, an emergency vehicle parking bay and two disabled parking spaces.

### Proposal

Planning permission is sought for a mixed use development comprising the change of use of the building to provide shop (Class A1), food and drink (A3) and bar (A4) uses; a 43-bed Hotel (C1); Gym (D2); a small Cinema (D2) and Offices (B1a) following the partial demolition and extension at roof level and excavation works at basement level.

Much of the original building fabric externally would be retained with the main public access taken from the four existing entrances to the corner of Palmerston Road and Stanley Street, Palmerston Road and from Clarendon Road. New entrances to serve a bicycle store, a plant room and a retail unit would be inserted at ground floor level. An existing service and delivery entrance on Stanley Street that previously serviced the large department store would be retained for similar purposes and emergency escape routes would remain unchanged.

At ground floor the proposal would incorporate four small retail (Class A1) units ranging between 32 and 48 sq.m. (south-west and north-west corners of the building); food and drink concessions facing onto Palmerston Road; three small cinema screens ranging between 36 and 60 seats; entrance facilities for office floorspace; changing facilities for a gym; a large reception area supporting the office, hotel, cinema and food and drink uses; and associated bike storage facilities, stores, kitchens, plant and staff accommodation located to the north-east corner of the building and within a small basement. To accommodate the larger auditorium below first floor level, a small area of excavation works would be required to the south-east corner of the building.

The first floor of the building would incorporate approximately 670sq.m. of office (Class B1a) floorspace occupying much of the building's frontage; an event space and 18 hotel rooms positioned towards the rear of the building taking light and outlook from the north towards Stanley Street and the south onto Clarendon Road. Whilst no new window openings would be inserted into the building's facades, at their closest point the distance between existing windows on the north and eastern elevations and the gardens of neighbouring dwellings would be just 2 metres, and 8 metres between windows. The second floor would have a similar layout to the first with approximately 750sq.m. of office floorspace and 18 hotel rooms.

At roof level the proposal includes the construction of a further storey following the removal of, or the incorporation of existing structures resulting in approximately 500sq.m. of additional floorspace. The resultant structure would be set back approximately 5m from the building's existing façades and would incorporate an external terrace for a gym and bar to the Palmerston



Road frontage. A further seven hotel rooms would be positioned towards the northern elevations. An open plant enclosure and a lift over-run would be positioned above the additional storey. Amended drawings have been received re-positioning the plant enclosure towards the centre of the building, further from neighbouring properties.

The application is supported by a Design & Access Statement, A Flood Risk Assessment, Heritage Statement, Transport Statement and a Statement of Community Involvement. No details in respect of hours of operation and potential employment numbers have been suggested.

### Planning History

There is no directly relevant planning history for this site.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework (July 2018), the relevant policies within the Portsmouth Plan (Jan 2012) would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan, The Southsea Town Centre Area Action Plan (July 2007), the Parking Standards SPD, the Solent Recreation Mitigation Strategy and Interim Nutrient Neutral Mitigation Strategy (November 2019) would also be material to the determination of the application.

## **CONSULTATIONS**

### The Portsmouth Society

No comments received.

### Environment Agency

The documents submitted with the planning application do not make it clear how the occupants of the proposed cinema Screen 3 in the sub-basement would be protected and / or safely evacuated during a tidal flood event.

The proposed evacuation route is shown to the south-west across Osborne Road when it would be more logical to use the north-west corner of the existing building to evacuate onto the Palmerston Road Precinct. The Planning Practice Guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, it is recommended that the LPA consult its emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

A condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and in particular the mitigation measures is requested.

### Natural England

Deterioration of the water environment – further information required.

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

The proposal comprises new overnight development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new overnight development. As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question.

Solent Recreation Management Strategy - This application is within 5.6km of Portsmouth Harbour SPA and Chichester and Langstone Harbours SPA and will lead to a net increase in overnight accommodation. The Solent Recreation Mitigation Strategy notes that the requirement for mitigation as a result of proposals for hotel accommodation should be assessed on a case by case basis.

Natural England refer the authority to national standing advice for protected species and the NPPF (2018) to enhance the natural environment.

#### Eastern Solent Coastal Partnership

No objection in principle subject to the inclusion of a planning condition relating to the implementation of mitigation measures set out within the Flood Risk Assessment.

#### Ecology

The emerging advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing.

The Knight & Lee building was constructed in the late 1950s and comprises a mix of brick and concrete architecture with a flat roof. Based on photographs, it appears unlikely to support any potential roosting features for bats. The flat roof may make it attractive to nesting gulls, however.

If the LPA is minded to grant permission, informatives in respect of bats and nesting birds are suggested.

#### Crime Prevention Design Advisor

The development appears very permeable, increasing opportunities for crime and anti-social behaviour. The general public should not have unrestricted access to the guest room corridors of the hotel or the reception desk. To reduce the opportunities for crime, the reception desk should be designed to prevent access by the general public to the rear of the desk.

### Highways Engineer

The site is located within a highly accessible area and the LHA would not anticipate the associated traffic generation to be of such a scale as it would have a material impact on the operation of the local highway network.

Essentially the same servicing arrangements as are provided for the existing use are proposed to be retained to service the proposed use. The LHA is content that these are adequate to meet the servicing demands of the proposal.

The principal issue of concern in relation to the redevelopment of this site is the availability of sufficient parking facilities as none are proposed to be provided on the site. A parking accumulation assessment for the proposed development establishes a peak parking demand of 28 spaces on a weekday and 22 at a weekend.

The on-street parking survey establishes that there are very few on street parking opportunities available in close proximity to the site although there is reasonable capacity in Clarence Parade and Avenue De Caen within a 220m - 400m walking distance. As a consequence the LHA is satisfied that there are adequate on street parking opportunities within a reasonable walking distance of the site to accommodate the anticipated parking accumulation.

No highway objection raised subject to a planning condition requiring the submission and approval of a construction management plan.

### Environmental Health

Cinema - Three screens are proposed on the lower-ground and ground floors. The screens are located in the south-east location of the building, in close proximity with the party wall with 4 Stanley Street (located at the rear of 5 Clarendon Road). Significant levels of noise can be produced within cinemas and so a good standard of sound insulation is required to ensure that sensitive neighbouring uses are not adversely affected.

Plant and Equipment (noise) - External mechanical plant and equipment (which could include air handling units, condensers and kitchen extraction equipment) has the potential to significantly impact on neighbouring sensitive uses. Space has been reserved on the fourth floor and on the roof of the fourth floor and it is proposed to enclose the equipment in a metal louvred enclosure. The areas indicated for plant/ equipment are adjacent to properties in Stanley Road and so the potential for a negative impact exists.

Several areas have been identified on the ground floor for 'food and beverages'. Other than in situations of the most basic of food preparations (toasting, microwaving etc), a kitchen extraction system is required to extract the cooking fumes and combusted gas bi-products away from the kitchen and vented externally. Cooking odour has the potential to significantly impact on the amenity of neighbouring sensitive uses and so odour control must be built into the system.

Gym - The proposed gym on the third floor carries significant risks of noise and particularly vibration from the dropping of free-weights impacting on the uses on the second floor. It is likely that a floating floor will be required for areas of the gym where free-weights are used.

Terraces - The use of the external terraces by customers of the gym and the bar represents a new noise source at this location. External heating and lighting will encourage prolonged occupation of these spaces by customers and along with the inclusion of speakers there is a risk that a significant adverse impact on the amenity of neighbouring uses will occur. Lighting of the external terraces has the potential to negatively impact on existing residential uses if it is not sensitively implemented.

Whilst raising no objection in principle, conditions to minimise the impacts identified above are requested.

#### Contaminated Land Team

Given the scale of the development and location on and adjacent to former potentially contaminative uses conditions in respect of land contamination are requested.

#### Coastal And Drainage

No objection raised.

#### Archaeology Advisor

Having reviewed available records and considering the very low levels of ground disturbance involved in the proposals, no archaeological issues are raised in this instance.

#### Waste Management Service

Though the refuse store is good size it doesn't currently appear to be sufficient. There is one single door in and out and no external door. This would indicate that at present the plan is to move the commercial waste bins out via the loading bay or the transformer and switch room. Neither of which is suitable or safe.

For this type of building the waste store should come out directly to the pavement or loading bay. Large waste bins should not be moved through the corridors of the building, it is not safe from a health and safety point of view, especially in the case of a fire.

#### Licensing

No comments received.

#### Twentieth Century Society

No comments received.

### **REPRESENTATIONS**

At the time of writing eight letters of representation had been received, five in objection and three in support. The objections and concerns can be summarised as follows:

- a) Insufficient or inadequate information has been provided for the Local Highways Authority and members of the public to make a full assessment of the impacts of the development on the surrounding highway network;
- b) The application does not accord with the requirements of the Parking Standards Supplementary Planning Document or with advice offered by the City Council's Highways Engineer;
- c) Impact on parking within the surround roads included within Residents' Parking Zones;
- d) Increased noise and disturbance associated with the commercial activities;
- e) Overlooking and loss of privacy between hotel rooms and neighbouring residential properties;
- f) Disruption during development works.

The comments in support of the application can be summarised as follows:

- a) The proposal represents a good re-use of the building;
- b) The alteration and additions are sympathetic to the character of the building.

## COMMENT

The main issues for consideration are:

- The principle of the development;
- Design and Impact on heritage assets;
- Impact on residential amenity;
- Flood risk;
- Highway Impacts;
- Impact on nature conservation interests.

### The principle of the development

The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan (AAP) (July 2007). The AAP was produced to address a decrease in footfall and the potential impact of significant retail proposals within the city centre at that time (Northern Quarter development). It was considered that the centre would be facing significant changes and needed to redefine itself to create a clear identity, to protect and develop businesses, drive footfall and deliver customer loyalty.

It was envisaged that the document would cover a ten-year period from the date of adoption but remains the relevant local policy document for the centre until the City Council adopts a revised local plan. It is acknowledged that the document is now 12-years old and developments foreseen within the city centre at the time of adoption have not materialised. However, whilst the town centre has not seen the predicted impacts resulting from the expansion of the city centre shopping offer, there have been significant changes within high streets across the country with changing shopping habits providing different challenges for the centre.

Southsea Town Centre mirrors national trends with the loss of major national retailers across the plan period including Woolworths, Laura Ashley and more recently Knight & Lee (John Lewis) at the application site, a general reduction in demand for retail floorspace (Class A1) and the growth of supporting uses such as cafés, bars restaurants and community uses including the introduction of Southsea Library into the precinct. The large department store (Debenhams) located opposite is also expected to close early in 2020.

Policy STC2 of the AAP states that within the Town Centre as a whole, planning permission will be granted for: A1-A5 uses (subject to restrictions set out elsewhere in the AAP); offices B1a (upper floor only on the primary frontage); leisure uses (D2); community uses, including arts, tourism and cultural facilities (D1 & D2) and theatres; and residential uses (upper floors only).

Policy STC3 of the AAP states that within the Primary Frontage planning proposals for town centre uses (as set out by STC2), other than A1 Shops, will only be granted permission if at least 75% of the Primary Frontage would be in A1 use after the development is completed.

Policy STC15 relates specifically to the application site and was imposed to address the imminent relocation of the John Lewis store to the Northern Quarter development. The policy states that the Knight & Lee building is allocated for a mixed-use development incorporating some or all of the following: retail (A1); community uses (e.g. library); offices; restaurant; residential (on 2nd and 3rd floors only).

Based on most recent monitoring figures, the level of Class A1 frontage within the Primary Frontage area stands at 78%. The application would see the loss of approximately 44m of Class A1 frontage reducing the overall level within the Primary Frontage to 72.3%. Whilst this would be below the threshold set out by Policy STC3, the proposal is wholly consistent with the wider aims and objectives for the centre with the potential to significantly increase footfall, develop new and support existing business, deliver a new identity for an important local landmark and

long term use for a large vacant building where the prospects of attracting retail occupiers appear limited. The proposed range of uses is also consistent with the policy requirements of STC2 and STC15.

Notwithstanding the reduction in retail frontage, it is considered that the principle of the re-use and enlargement of the existing building is acceptable, subject to the policy considerations below, with the proposal providing a positive mix of uses that would have the potential to contribute significantly to the vitality and vibrancy of the Town Centre mitigating the loss of the former department store.

### Design and Impact on heritage assets

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. The key planning objectives requirements to help to build strong, vibrant and healthy communities; create well-designed and safe built environments and to contribute to protecting and enhancing natural, built and historic environments. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

With the exception of minor changes to the fenestration at ground floor level on Stanley Street and the extension at roof level, the proposal retains all of the existing, and largely original, external fabric of the building which is extremely positive. Following a community involvement exercise by the applicant prior to submission, the proposal also seeks to retain a number of original internal features including vestibules, staircases and an escalator identified as contributing to the historic character of the building. Whilst this is again a positive step, on the basis the building is not statutory listed, the LPA could not enforce the retention of these features by way of planning condition.

The most significant changes would come at roof level where an extension would be constructed towards the western side and central areas of the building following the removal of various smaller structures. This would be set back from the main façade of the building by approximately 5m so as to not compete visually, and has been designed to mirror the architectural form of the southern elevation façade with a series of vertical concrete mullions replicating the concrete grid of the floors below. Amended drawings have been provided reducing the depth of floor slab along the building's frontage to provide a more slender banding comparable to the banding found just above the canopy at ground floor level. The new bays formed by the concrete frame would be filled with full height glazing to replicate the existing pattern of fenestration. External terraces along the western elevation would be enclosed by metal railings, and whilst the precise details are not known at this stage, it has been indicated that these will take inspiration from the internal staircases. Overall, it is considered that the new third floor has been sensitively designed and positioned to appear as a subservient addition that would respect the original character of the building.

Above the third floor small lift over-runs and a larger plant enclosure would be positioned towards the centre of the building. This would accommodate plant and equipment associated

with the control of the buildings climate which will need to vary between uses and extraction equipment associated with cooking operations. This equipment would be housed within a louvered enclosure which will act as a visual screen and provide noise attenuation benefits given the proximity to neighbouring properties. Whilst the enclosure is not considered to be ideally designed or located in visual terms, having discussed the matter at length with the applicant, the solution proposed is considered to be the most appropriate which balances design and potential impact on residential amenity.

The application site backs directly onto the 'Stanley Street' Conservation Area to the east which contains a number of locally listed properties (Nos.14-44 evens only) to the southern side of the road and Nos.49 & 51 towards its eastern end which are statutory listed (Grade II). 'Owen's Southsea' Conservation Area extends to the south-east of the application site. In short range views the alterations at roof level would not be noticeable from within the public realm but would be more obvious in longer range views along Clarendon Road, Palmerston Road, Osborne Road, Stanley Street and between gardens areas between Stanley Street and Clarendon Road.

As set out above, it is considered that the third floor has been sensitively designed and would preserve the setting of the adjoining heritage assets. The roof top plant however, would not represent a sensitive or particularly attractive addition to the building. Whilst this feature would not be overly prominent, it would be visible within longer views and could not be regarded to preserve or enhance the setting of the heritage assets detailed above. Although there would be an element of harm, having regard to the degree of separation and limited positions from which the structure would be seen, it is considered that the harm would not be 'substantial' as defined by the NPPF, but would fall within the 'less substantial' category.

In line with the NPPF (paragraphs 193-196), the harm must be balanced against the wider public benefits that would result from the development. In this instance it has been identified that the proposal would re-purpose a large vacant building that possesses significant local historic, cultural and architectural value with the potential to contribute significantly to the vitality and vibrancy of the town centre. In these circumstances, it is considered that the public benefits of the proposal would outweigh the less than substantial harm to the identified heritage assets.

The Crime Prevention Design Advisor has raised some concerns in respect of the internal layout of the building. Whilst these concerns relate principally to the management of the building, the applicant has provided further details indicating how visitors will be managed between the separate uses. This includes details showing the secure demise and circulation areas of each individual use and the location of key card access points.

#### Impact on residential amenity

Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of 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.

Whilst the proposal incorporates a wider range of uses than previously operated from the site, it must be acknowledged that until recently the building was extensively used throughout the day and attracted large numbers of visitors with associated members of staff and deliveries to and from the site on Stanley Street. Therefore, whilst the nature of the activity is likely to change, it is considered that the general day to day activities associated with the proposed uses would not be significantly different from the previous or lawful use of the site which is appropriate for a town centre location.

The proposal does incorporate uses that could extend later into the evening/night in the form of food and drink and cinema uses at ground floor level, a bar at roof level and potentially the event space at first floor level. In this respect regard is made to the location of the site within a town centre but acknowledging that its position is very much at a junction where the character of the

centre begins to change later into the evening. This is acknowledged by the AAP which encourages bars and restaurants to locate within the 'restaurant quarter' including Clarendon Road, the southern section of Palmerston Road and Osborne Road which has a vibrant late night economy.

Extending northwards, the number of late night uses reduces within the pedestrian precinct where residential properties are located immediately above commercial premises. Marmion Road is quieter still and Stanley Street immediately to the east beyond Richmond Place is entirely residential in character. Therefore, whilst the principle of further late night uses at this location is considered to be acceptable, careful regard must be given to the proposed hours of operation striking a balance with typical hours of operation to the north and south and potential impact on the amenity of closest residents. In this respect the LPA has had regard to a recent (December 2018) appeal decision at 36-38 Palmerston Road (currently the Panero Lounge café/restaurant) where the Inspector acknowledged the changing character and proximity to residential properties concluding that the premises should remain closed between 23:00 and 08:00 the following day and that the initial request for 23:30 opening was "unsocially late" in that location.

No suggested hours of operation or noise impact assessment has been submitted by the applicant. Whilst it is considered that the noise within the building will be relatively well contained and self-regulated to a degree by the inclusion of hotel accommodation, sources of noise would still exist from the operation of the roof terraces and from customers leaving the premises and dispersing through the precinct and into the surrounding streets. On the basis the application site is located slightly further to the south than 36-38 Palmerston Road and does not incorporate residential accommodation above, it is considered that a midnight closing time for the food and drink uses and the bar and 01:00 for the cinema use would be reasonable in the absence of further supporting assessments.

The Environmental Health Team (EHT) has reviewed the application and highlight that the external terrace areas at their elevated level would increase opportunities for noise to travel further from the site and external lighting to impact adjoining residents. As a result the EHT suggest that these areas are vacated at 21:00, doors closed to prevent noise leakage from the building and external lighting other than for security purposes switched off. The LPA would concur with this concerns and conditions to this affect are proposed. Conditions are also proposed seeking a scheme of insulation for the cinema screens and to control smells and odours from cooking operations given the proximity of the site to neighbouring dwellings.

As highlighted above, the applicant has relocated the external plant area further from neighbouring properties to minimise potential impacts. The EHT raise no objection to this approach and consider that there are technical solutions to minimise the impacts of noise, smells and odours associated with their use. Conditions to this effect are suggested.

Concerns have been raised by residents of Stanley Street in respect of the proximity of hotel windows to the gardens and rear facing windows of their properties. These concerns are acknowledged and having observed the outlook from the vast majority of windows on the east and north facing elevation of the application building, it is apparent that there are direct and short distance views into the garden spaces and towards rear windows. Windows at lower floor levels offer more the direct views towards these dwellings whereas views from windows at upper floor levels tend to be direct across the roof slopes and beyond.

Whilst the LPA recognises residents' concerns, it must be acknowledged that these are existing relationships and no new window openings are proposed. Furthermore, whilst the spaces served by these windows within the application building were previously used as a mix of offices, storerooms, toilet facilities and plant rooms, alternative uses could have been relocated to these spaces which would have offered a greater degree of overlooking without the need for planning permission. In addition, permitted development rights also exist that could allow for the



conversion of this part of the building to residential uses without the need for full planning permission.

Therefore, whilst the nature of activity behind the windows would change as a result of this planning application, on the basis that the relationships already exist and no new openings are proposed, it is not considered that the LPA could sustain a reason for refusal on overlooking or privacy grounds. The applicant has indicated that the hotel rooms would incorporate secondary glazing and elements of obscure glazing to the lower sections of windows to protect the privacy of neighbours and their own hotel guests. However, based on the assessment above, it is not considered that the inclusion of a planning condition to this effect could be imposed.

The set back of the additional storey from the original façade would prevent direct overlooking into neighbouring gardens and a planning condition is proposed restricting the use of the roof spaces (with the exception of the bar and gym terrace) as accessible spaces for hotel guests.

### Flood Risk

The application site is shown to be located within Flood Zone 2 of the Environment Agency's (EA) Flood Maps but not within an area of high/very high hazard as shown within the Strategic Flood Risk Assessment. As highlighted by Policy PCS12 of the Portsmouth Plan and the National Planning Policy Guidance, the sequential and exception tests will not be applied to applications for a change of use.

The application is accompanied by a Flood Risk Assessment (FRA) which highlights that there would be no change in vulnerability classification between the existing and proposed uses at ground floor level and that the more vulnerable hotel use would be located at first floor level (7.5m AOD), well above predicted flood levels for the lifetime of the development. Mitigation measures in the form of flood resilience construction techniques, sign up to the EA's flood warning service and a flood evacuation plan are suggested.

Whilst raising no objection to the proposal, the EA highlight that the FRA does not make it clear how the occupants of the proposed cinema in the sub-basement would be protected and/or safely evacuated during a tidal flood event. It is acknowledged that with sign up to the flood warning service, the use of the building is likely to cease prior to a predicted event. However, there may be instances where occupants of the ground and semi-basement floors would need to take refuge at upper floors of the building or use wet escape routes. Safe refuge for a short period of time at upper floors is not considered unreasonable given the size and nature of the accommodation.

In response to the EA's comments in respect of emergency planning, the City Council's Emergency Preparedness Resilience and Response Team has confirmed that a series of flood response, evacuation, support and recovery plans are in place to deal with an emergency in the event of flooding in the City and raise no objection to the proposal. The Eastern Solent Coastal Partnership and the City Council's Drainage Team raise no object to the proposal in principle.

Having regard to the existing lawful use of the site and the location of new more vulnerable uses at upper floor levels well above predicted flood levels, it is considered that the proposal would not result in an unacceptable risk of flooding at the site or within the surrounding area. A condition requiring the development to be carried out in accordance with the recommendations of the FRA is considered necessary and reasonable to minimise risk to life and property.

### Highway Impacts

In considering the highways impacts of this development regard must again be made to the lawful use of the site as a large shop (Class A1) which has in the past and could again generate its own trip and parking demand. The site is also located within a designated town centre where

the types of uses proposed by this application are encouraged to locate. Whilst not located in close proximity of a railway station, the site is served by a number of bus routes, is located close to a large population and opportunities for linked trips with other shops and services within the town centre and the seafront exist. The site is therefore, considered to be located within a sustainable location.

The application is supported by a Transport Statement which has been considered by the Local Highways Authority (LHA). The LHA highlight that the site is located within a highly accessible area and do not anticipate that the associated traffic generation would be of such a scale that would have a material impact on the operation of the local highway network. Whilst there will be some changes to the nature of the use, it is considered that the existing servicing arrangements from Stanley Street would be adequate to meet the servicing demands.

The principal issue of concern for the LHA, and raised within a number of representations, centres around the availability of sufficient off-site parking facilities. It is accepted that the previous use of the building as a large shop typically generated a greater demand for parking during the day and was generally closed in the evening and overnight when there is a greater demand for resident parking. Whilst this pattern of use is likely to be reflected by the proposed office and retail elements, the hotel is likely to introduce additional demands for overnight parking.

A parking accumulation assessment for the proposed development included with the submitted Transport Statement establishes a peak parking demand of 28 spaces on a weekday and 22 at a weekend. Whilst this assessment has been criticised within objection letters, the LHA is satisfied that the assessment is robust. An on-street parking survey provided by the applicant establishes that there are very few on street parking opportunities available in close proximity to the site which is reflected by the City Council's own records held for the KC Residents' Parking Zone. The parking survey does however, establish that there is reasonable capacity in Clarence Parade and Avenue De Caen within a reasonable walking distance to the application site (220m-400m) where parking is controlled by pay and display parking meters. These surveys were undertaken on multiple days both during the day when the greatest parking accumulation associated with the proposal is anticipated and in the evenings/overnight when the resident demand for on street parking is greatest.

Based on the results of the parking survey, the LHA is satisfied that there are adequate on street parking opportunities within a reasonable walking distance of the site and no objection to the proposal is raised. It should also be noted that there are currently no planning conditions restricting opening times at the site and an alternative retailer could choose to operate a large shop at the existing premises later into the evening and overnight without the need for planning permission.

The site bounds the public realm along much of its perimeter and is located in close proximity to residential properties. Having regard to the extent of the internal fit out works, construction activity at roof level and limited servicing opportunities from Clarendon Road, a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) is considered necessary to minimise disruption to residents and the surrounding highway network.

The City Council's Waste Team has raised concerns in respect of the location of the waste store. However, the applicant has clarified that the facilities for the storage or refuse and recyclable materials would be directly linked to the loading bay and can be collected through the existing loading bay doors. This is considered to be adequate and in line with previous operations at the site. As the proposal would result in a larger building with a number of separate uses operating from within, it is considered necessary and reasonable to impose a planning condition seeking the submission and approval of a Delivery and Servicing Strategy to ensure that delivery and collection vehicles are adequately managed to avoid stacking on the surrounding highway network and disruption to neighbouring occupiers.

## Impact on nature conservation interests

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 effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

There are two potential impacts resulting from the hotel element of this development the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.

1. The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

In terms of mitigating the impacts of the hotel accommodation, the Solent Recreation Mitigation Strategy states (paragraph 6.9): 'The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the LPA. The key 'test' is based around the likelihood of the proposed development generating recreational visits to the SPA(s)... New hotels and other holiday/tourist accommodation - defined as both wholly new establishments and extensions of existing ones - is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the LPA in relation to the 'tests'. Mitigation is unlikely to be required for new hotel development within the city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast. On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend some time walking or pursuing other recreational activities at the coast'.

The LPA has no precise details of the target market for the hotel. However, having regard to the site's location within a town centre; its close association with B1(a) office facilities situated within the same building and close proximity to retail and leisure facilities within the city centre and Gunwharf Quays; attractions within the Historic Dockyard and the Seafront; and civic and university uses, it is considered that the hotel is likely to cater predominately for business travellers and city visitors. Whilst some visits to the more sensitive coastlines around the SPAs cannot be ruled out, any increase in numbers is likely to be negligible and disturbance from dogs unlikely. As a result it is considered that the hotel element of the proposal would not have a likely significant effect on the SPAs in terms of recreational disturbance.

2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy 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. 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. For hotel related development, the Council's Mitigation Strategy sets out that the credit per hotel bedspace will be charged at £903.82.

At the time of writing, Natural England had confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 4th December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the Applicant has indicated that they are unable to provide nitrate mitigation via Option 1 or 2 and so would like to provide mitigation by using the Council's Mitigation Credit Bank which is accepted in this instance. A planning condition is proposed seeking to prevent the occupation of the hotel accommodation until the mitigation is actually provided, i.e. when the credits are purchased (which will be just prior to occupation which is likely to be some months from the grant of planning permission). In accordance with the Strategy, the actual sum charged for each credit will be negotiated by officers, and finalised and secured by way of a Section 106 legal agreement.

Therefore, there is certainty that nitrate mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. With this mitigation, the LPA can conclude that the adverse effects arising from the proposal would be consistent with and inclusive of the effects detailed within the Interim Nutrient-Neutral Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can be concluded that there will be no adverse effect on the interest features of the Solent Special Protection Areas.

The City Council's Ecologist concludes that the site currently has limited potential to support protected species and there are no concerns that the development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. It is however, highlighted that the flat roof may be attractive to nesting gulls and an informative in this respect is proposed. In line with the aims and objectives of the NPPF and Policy PCS13 of the Portsmouth Plan which seeks to encourage a net gain in biodiversity wherever possible, a planning condition seeking the submission of a Biodiversity Mitigation and Enhancement Plan is proposed.

### Conclusion

Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would represent a positive and ambitious form of development that would rejuvenate a socially and historically important local landmark with opportunities to establish and support local businesses that would contribute to the vitality and viability of the town centre. Having considered that there would be no significant/unacceptable adverse impacts on residential amenity, heritage assets, the surrounding highway network, flood risk and nature conservation interests, the development would contribute to the achievement of sustainable development as required by the NPPF.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral.

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

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral pursuant to Recommendation I has not been completed within three months of the date of this resolution.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

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

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: DR-A-00-0001 P3; DR-A-14-0001 P2; DR-A-14-0002 P4; DR-A-14-0003 P2; DR-A-14-0004 P2; DR-A-14-0005 P2; DR-A-14-0006 P2; DR-A-14-0010 P1; DR-A-14-0011 P1; DR-A-14-0012 P1; DR-A-14-0013 P1; DR-A-14-0020 P1; DR-A-14-0021 P2; DR-A-14-0022 P2; DR-A-14-0023 P2; DR-A-02-0030 P3; DR-A-02-0031 P6; DR-A-02-0032 P6; DR-A-02-0033 P6; DR-A-02-0034 P5; DR-A-02-0035 P7; DR-A-04-0001 P5; DR-A-04-0002 P6; DR-A-04-0003 P5; DR-A-04-0004 P5; DR-A-05-0001 P4; DR-A-05-0002 P4; DR-A-05-0003 P4; DR-A-05-0004 P4; and FN-A-02-0040 P2.

3) Unless otherwise agreed in writing with the Local Planning Authority, no excavation works shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

(a) A desk study (undertaken in accordance CLR11\* 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, with network diagram) showing the potential pathways to contaminants both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth.  
and once this 'Phase 1' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

(b) A site investigation\*\* report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. 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; if so the remedial options appraisal shall include consideration of sustainability, 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 works 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 BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, and shall include nomination of a competent person\*\*\* to oversee the implementation and completion of the works.

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 3(c) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 3(b) above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

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

5)(a) Prior to the commencement of any building operation associated with the building's conversion or enlargement, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Crane siting; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from 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 building operations are taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

6)(a) Unless otherwise agreed in writing with the Local Planning Authority, no building operations associated with the external alterations and additions hereby permitted shall commence until detailed constructional drawings of key architectural features and a full schedule of materials and finishes to be used in the construction of the external surfaces of the development (including but not limited to: samples where requested; full facade and window design and detailing at 1:20 scale; plant enclosure design and colour treatment; and railing design and colour treatment) has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall thereafter be carried out in full accordance with the architectural details and the schedule of materials and finishes agreed pursuant to part (a) of this condition.

7)(a) Prior to the commencement of construction works at roof level, a biodiversity enhancement management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority; and

(b) A verification report demonstrating that the biodiversity enhancements contained within the approved BEMP have been fully implemented shall be submitted to and approved in writing prior to first occupation/use of the enlarged third floor of the building hereby permitted; and

(c) The approved biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

8)(a) Prior to the commencement of any building operations associated with formation of the cinema uses, a scheme of sound insulation measures designed to reduce the transmission of sound (including vibration from deep-toned noise) from the cinema screens to adjoining noise sensitive uses shall be submitted to and approved in writing by the Local Planning Authority; and  
(b) The scheme of sound insulation measures approved pursuant to part (a) of this condition shall be completed in full prior to first use of any cinema screen hereby permitted and thereafter permanently retained.

9)(a) Notwithstanding the submitted details, prior to the installation of any external fixed plant or mechanical equipment, an assessment of noise from the operation of the plant or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report detailing the results, any noise attenuation measures to mitigate any identified observed adverse effect levels and a maintenance programme shall be submitted to and approved in writing by the Local Planning Authority; and

(b) Any fixed plant, mechanical equipment or associated noise attenuation measures approved pursuant to part (a) of this condition shall be installed and operated in accordance with the approved details and thereafter permanently retained in that condition unless replaced with equivalent plant, mechanical equipment or associated noise attenuation measures which do not exceed the noise levels set out in part (a) of this condition.

10)(a) Notwithstanding the submitted details, prior to first use of each commercial kitchen, precise details of any fixed plant and mechanical equipment required to suppress and disperse odours and fumes, and an associated maintenance programme shall be submitted to the Local Planning Authority for approval in writing. This shall include a risk assessment as per the method in 'The Guidance on the control of odour and noise from commercial kitchen exhaust systems'; and

(b) Any fixed plant and mechanical equipment approved pursuant to part (a) of this condition shall be installed and operated in full accordance with the approved details and thereafter permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.

11)(a) Prior to first use of the 'gym terrace' and the 'bar terrace' at third floor level as shown on the approved drawings, an assessment of noise from the operation of the terraces shall be submitted to and approved in writing with the Local Planning Authority. The report shall include, but not limited to: An assessment of existing ambient noise levels; A prediction of noise at peak trading times; The impact on neighbouring residential uses; and any mitigation measures considered necessary to minimise impacts; and

(b) Any mitigation measures required pursuant to part (a) of the conditions shall be fully implement prior to first use of any terrace area and thereafter permanently retained.

12)(a) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation/use of any part of the development hereby permitted a Travel Plan based upon the Framework Travel Plan contained within the Transport Assessment (produced by tpa transport planning associates, dated September 2019) shall be submitted to and approved in writing with the Local Planning Authority. The Travel Plan shall set long term strategies for each of the permitted uses with the objectives of reducing dependency on single occupancy vehicles, and encouraging sustainable travel; and

(b) The development shall thereafter be implemented in accordance with the measures set out within the Travel Plan approved pursuant to part a) of this condition.

13)(a) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation/use of any part of the development hereby permitted a Delivery and Servicing Strategy (including refuse and recyclable materials management) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall require that all servicing takes place from Stanley Street and that no deliveries to or dispatched from the site takes place outside of

the hours of 07:30hrs and 20:00hrs Mondays to Saturday or between 09:00hrs and 17:00hrs on Sundays and any recognised public holidays; and

(b) The development shall thereafter be permanently operated in full accordance with the Delivery and Servicing Strategy approved pursuant to part (a) of this condition.

14) The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment (ref: 218722, dated 30 August 2019, by Elliott Wood Partnership Ltd) including the mitigation measures specified by Section 4.2 (flood resilient/proofing measures) and 4.3 (Flood Warning and Flood Alerts) which shall thereafter be permanently retained.

15)(a) Unless otherwise agreed in writing with the Local Planning Authority, no part of the building shall be occupied/brought in to use until the facilities for the storage of bicycles have been provided in accordance with the approved drawings; and

(b) The approved facilities shall thereafter be permanently retained for the storage of bicycles at all times.

16)(a) None of the hotel rooms hereby permitted shall be occupied/brought into use until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development (hotel/overnight stay element) has been submitted to and approved in writing by the Local Planning Authority;

(b) The development shall then be carried out in full accordance with the scheme of mitigation approved pursuant to part a) of this condition with any mitigation measures thereafter permanently retained.

17) The 'gym terrace' and the 'bar terrace' at third floor level as shown on the approved drawings shall be vacated and remain closed to all customers, members, patrons and members of the public; all doors and windows to these areas closed; and any external lighting turned off (with the exception of security lighting and architectural lighting agreed in writing with the Local Planning Authority) between the hours of 21:00hrs and 07:00hrs the following day.

18) The 'Food and Beverage' areas at ground floor level, the 'Event Space' and associated bar at first floor level and the 'bar' at third floor level as shown and annotated on the approved drawings shall remain closed to and vacated by members of the public (excluding guests of the hotel use at the site) between the hours of 00:30hrs and 07:00hrs.

19) The cinema screens at ground floor level as shown on the approved drawings shall remain closed to and vacated by members of the public (excluding guests of the hotel use at the site) between the hours of 01:00hrs and 08:00hrs.

20) With the exception of the 'gym terrace' and the 'bar terrace' as shown and annotated on the approved drawings, the remaining areas of the roof shall not be accessed other than for the purposes of maintenance and repair.

21) The areas shown yellow and annotated as 'retail' at ground floor level on the approved drawings shall only be used for purposes falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose without the prior written permission of the Local Planning Authority sought through the submission of a formal planning application.

22) The areas annotated as 'office' and 'co-working' floorspace on the approved drawings shall only be used for purposes falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose without the prior written permission of the Local Planning Authority sought through the submission of a formal planning application.

23) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) the guestrooms and associated



hotel facilities shown on the approved drawings shall be used in connection with a hotel use only and for no other purpose whatsoever, including any other purpose falling within Use Class C1, without the express permission of the Local Planning Authority obtained through the submission of a planning application.

24) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) the areas shown and annotated as 'cinema' and 'gym' on the approved drawings shall be used as a cinema (including activities associated with the delivery of lectures, talks, presentations etc.) and a gym respectively and for no other purpose whatsoever, including any other purpose falling within Use Class D2, without the express permission of the Local Planning Authority obtained through the submission of a planning application.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of neighbouring occupiers having regard to the close proximity of the site in accordance in with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 6) To secure a high quality finish in the interests of visual amenity having regard to the specific architectural character of the application building and proximity to the 'Stanley Street' and 'Owen's Southsea' Conservation Areas in accordance with Policy PCS23 and the aims and objectives of the National Planning Policy Framework.
- 7) To enhance biodiversity value of the development site in accordance with Policy PCS13 of the Portsmouth Plan and Paragraph 175 of the National Planning Policy Framework..
- 8) To protect the residential amenity of neighbouring occupiers against noise associated with the use of the cinema screens in accordance with Policy PCS23 of the Portsmouth Plan.
- 9) To protect the residential amenity of neighbouring occupiers against noise associated with the use of external plant and equipment in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) To protect the residential amenity of neighbouring occupiers against odours and fumes associated with cooking operations at the premises in accordance with Policy PCS23 of the Portsmouth Plan.
- 11) To protect the residential amenity of neighbouring occupiers against noise associated with the use of the external terrace areas in accordance with Policy PCS23 of the Portsmouth Plan.

- 12) To reduce dependency on single occupancy vehicles and encouraging sustainable modes of travel in the interests of reducing impacts on the surrounding highway network in accordance with Policy PCS17 of the Portsmouth Plan.
- 13) In the interests of residential amenity and Highway Safety having regard to the proximity of the site to residential properties on Stanley Street and the wider range of uses that will operate within the building in accordance with Policy PCS17 and PCS23 of the Portsmouth Plan.
- 14) To minimise the risk from flooding in accordance with Policy PCS12 of the Portsmouth Plan.
- 15) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 16) To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.
- 17) To protect the residential amenity of neighbouring occupiers against noise and light disturbance associated with the use of the external terrace in accordance with Policy PCS23 of the Portsmouth Plan.
- 18) To protect the residential amenity of neighbouring occupiers against noise associated with late night food and drink uses and associated comings and goings having regard to the quieter character of the town centre precinct and proximity to residential properties in accordance with Policy PCS23 of the Portsmouth Plan.
- 19) To protect the residential amenity of neighbouring occupiers against noise associated with the cinema uses and associated comings and goings in accordance with Policy PCS23 of the Portsmouth Plan.
- 20) To protect the residential amenity of neighbouring occupiers from noise and overlooking having regard to the proximity of these spaces to residential dwellings at an elevated position in accordance with Policy PCS23 of the Portsmouth Plan.
- 21) To ensure a shopping element is retained at the site in the interests of maintaining the vitality and viability of the Town Centre in accordance with Policy STC3 of the Southsea Town Centre Area Action Plan.
- 22) To control the scope of the permission granted in the interests of residential amenity and highway safety having regard to the range of uses within the building and potential alternative trip generation and parking demands in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 23) To allow the Local Planning Authority to consider the implications of alternative uses having regard to the range of uses within Class C1 and the potentially more intensive pattern of activity/parking/servicing, adverse effects on the Solent SPAs and impact on the adjoining and nearby occupiers and differing policy implications associated with other specialist residential uses for temporary term-time accommodation as a Halls of Residence for example, to accord with policies PCS13, PCS17, PCS19 and PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 24) To allow the Local Planning Authority to consider the implications of alternative uses having regard to the wide range of uses within Class D2 and the potentially more intensive pattern of activity and associated noise and disturbance in close proximity to residential properties, to

accord with policies PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

### **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.

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142 MILTON ROAD PORTSMOUTH PO4 8PN

**CONSTRUCTION OF 4 STOREY RESIDENTIAL BLOCK TO FORM 12 FLATS; TO INCLUDE 13 CAR PARKING SPACES WITH ASSOCIATED BICYCLE AND REFUSE STORAGE (FOLLOWING DEMOLITION OF PUBLIC HOUSE)**

**Application Submitted By:**

Mr Mark Holman  
HRP Architects

**On behalf of:**

Mr Karim Sattari  
KRS Retail Ltd

**RDD:** 20th December 2018

**LDD:** 22nd March 2019

**SUMMARY OF MAIN ISSUES**

The principal matters raised by this application include:

- \* The principle of demolition of the former public house, and the residential use of the land;
- \* Scale, design and townscape;
- \* Neighbouring residents' amenities;
- \* Future residents' amenities;
- \* Transportation matters;
- \* Ecology;
- \* Affordable Housing;
- \* Sustainable Design and Construction;
- \* Other environmental matters.

Councillor Vernon Jackson requested the application be determined by the Planning Committee.

Background:

Members may recall that a report for this application was published for the Planning Committee meeting of 10th April 2019. Consideration of the application was deferred because it transpired a couple of days before the meeting that the Applicant stated he was actually unable to make provision for Affordable Housing. Determination of the application has also been affected by the nitrates problem, since late April.

The following report, therefore, is largely the same as published in April. It is updated with respect to:

- Affordable Housing;
- Nitrates;
- Air Quality.

PROPOSALS

The application proposes the demolition of the former public house and the erection of a four storey building to contain twelve flats. The building would be predominantly three storey, with the fourth storey set back from all elevations. The building would be clad in brick (buff colour

shown), with white, projecting window surrounds and to the central entrance feature, and a stonework course between ground/first floor, and at parapet level. The top (roof) storey would be finished in dark grey cladding. Design is contemporary, with a distinctive appearance provided by the central entrance feature and window placing and surrounds. The building would be set back between 2 and 4.7m from the back of pavement. Thirteen car parking spaces would be provided to the northern side of the development, three of which would be in an undercroft. The integral cycle store indicates space for a minimum of fifteen bikes. Landscaped gardens would be provided to the front side and rear of the site, with a brick and railing front boundary shown.

The development would provide:

- six no. one-bedroomed flats;
- five no. two-bedroomed flats, and;
- one no. three-bedroomed flats.

The Applicant has stated that the development's finances do not allow for the provision of Affordable Housing, and he has submitted a Development Appraisal to support his position. The Application is supported by a Design and Access Statement. Site area: 838 sqm, development density: 142 dwellings per hectare.

## SITE AND SURROUNDS

The Applicant states that the former public house was last open in December 2017. It is a three storey original, 19th Century building (two storeys plus roofspace) with extensive, single-storey additions to its side and rear. These buildings occupy the northern part of the site, they are vacant and boarded-up. The southern half of the site is hoarded off from the street and consists of the former car park. The site is bounded by a recent three-storey flatted development to the north (Holmes Park), a petrol station with car wash to the south, and houses on Maylands Avenue to the west (rear). Two-storey Victorian housing is sited on the opposite side of Milton Road, with a church and church hall (with children's day nursery) opposite to the south-east. Inter-war, two-storey, terraced housing lies to the rear (west) of the site on Maylands Avenue. These properties have back gardens of 14m to 17m length, albeit with mostly fairly substantial single-storey outbuildings at their foot, alongside the application site's rear boundary.

## PLANNING HISTORY

No relevant planning history apparent apart from noting that the applicant sought pre-application advice from the Local Planning Authority (LPA).

## CONSULTATIONS

### Colas

The Developer should contact Colas for Highway coordination purposes.

### Transportation

The trip generation is not likely to have a material impact on the capacity of the local highway network and as a consequence I would not require a transport assessment to be provided, I also note the site is reasonably proximate to public transport services.

Need to widen vehicular access to 5.5m to avoid a vehicle standing in the carriageway waiting to enter the site while one exits. Boundary treatment should be a maximum of 1m high for a distance of 2m on either side of the access to ensure that drivers are able to see pedestrians when emerging.

The SPD 'Parking Standards and Transport Assessments' expectation for this proposal is 15 vehicle parking spaces and 18 cycle parking spaces. Only 13 vehicle parking spaces are provided, and the number cycle parking spaces is not identified although the space provided for those does not appear sufficient to accommodate more than a dozen cycles. No parking survey has been provided to establish the scope for this parking shortfall to be accommodated on-street. This site is located in a predominately residential part of the city where few of the properties have off street parking provision. As a consequence, the existing demand for local parking does not provide capacity to accommodate further demand, particularly overnight and at weekends. The site is not located in that part of the city found to be sufficiently accessible so as to allow the consideration of a reduction in the residential parking standards and consequently it is essential that any new development achieves those standards. Therefore, I must recommend that the application be refused.

#### Waste Reduction

The requested amendment/ clarification of the storage capacity, and layout of the bins, has been satisfactorily provided.

#### Contaminated Land Team

Given the residential occupation and siting between current and former fuel storage sites, need conditions to address contaminated land.

#### Environmental Health

Noise: No objection subject to insulating habitable rooms from road traffic noise and the operation of the petrol station.

Air Quality: March 2019 - The latest air quality monitoring has generated provisional data that shows that nitrogen dioxide levels in this Air Quality Management Area (AQMA) is still exceeding the national Air Quality Objective (NAQO). The development would introduce a very limited number of parking spaces, generating very limited car movements, having a negligible impact on local air quality. However, given that the proposal would introduce additional relevant exposures (the new residents) into the AQMA the building design has to make sure that the air quality impact on them is kept to a minimum - a design that can draw clean air into the building from an area other than the front of the building, secured by condition. November 2019 - no change to earlier comments.

#### Lead Local Flood Authority

It would appear the site is currently 100% impermeable (or close to) in which case there is an opportunity to provide betterment in terms of surface water run-off from the site. This would be PCC's favoured approach as the site must currently drain to the combined sewer as there are no surface water sewers or watercourses in the vicinity of the site according to our mapping. Implementing even a 20% landscaped / greenfield area on the site would imply a near 20% decrease in run-off from the existing. It would also likely mean that attenuation of any sort will not be required. I would welcome a view of the Drainage Strategy once it is available.

#### Southern Water

No objections, request condition to address the means of foul sewerage and surface water disposal. It appears that the existing site may be discharging surface water runoff to the public sewer. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey. The survey should show the existing roof, drive and highway areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

### Environment Agency

No response received.

### Housing

January 2019: The S106 offsite Commuted Sum figure for the Affordable Housing provision due from this particular development is £235,500.

November 2019: the Applicant's development appraisal is noted. Our own independent assessor has confirmed that any profit made from the scheme would be below 10%, a difference between that and the developer's appraisal which stated there was no profit at all. With this in mind, I feel there should be some contribution even if it is a very small Commuted Sum payment of £15 - £20,000 which for example, would help on an affordable development where we are looking for bespoke disabled accommodation.

### Police

No response received.

## **POLICY CONTEXT**

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

Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.

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

## **REPRESENTATIONS**

Six letters of objection received, raising the following points:

- (a) Should be no higher than Holmes Park, three storey would be better. Will lose light to our properties;
- (b) Oppose proposed balconies, would cause loss of privacy including for our young children, please remove or relocate to front of building. Also, we were told that the windows would be angled away;
- (c) For privacy, noise reduction and security, request a new, tall wall in line with existing wall at rear of petrol station;
- (d) Should not be yet more flats for the area;
- (e) We applied for planning permission for our house opposite to be changed into just two flats, we were refused on the basis that there were too many flats in the area, this seems a bit unfair. Can I re-submit my plans and get planning consent?
- (f) Not enough parking spaces provided.
- (g) Bend in the road will make the vehicular access dangerous. The access will also disrupt traffic flow south, as cars wait to turn into the site. There are accidents in this area;
- (h) Would it be more sensible to place the parking area next to the petrol station, rather than the flats? Why were people to the rear (Maylands Avenue) favoured over Holmes Park residents?
- (i) Need to avoid construction dirt and dust for the neighbours;
- (j) Putting a family-sized, three-bedroomed flat at the top, with no lift, is not good planning;
- (k) There should have been pre-application consultation, as nothing will be changed once the application is made.
- (l) There should be affordable housing provision made.

## COMMENT

The principal issues arising with this application include:

- \* The principle of demolition of the former public house, and the residential use of the land;
- \* Scale, design and townscape;
- \* Neighbouring residents' amenities;
- \* Future residents' amenities;
- \* Transportation matters;
- \* Ecology;
- \* Affordable Housing;
- \* Sustainable Design and Construction;
- \* Other environmental matters.

### The principle of demolition of the former public house, and the residential use of the land

The building has been subject to unfortunate alterations over the years, principally the forward extensions and the paintwork, reducing the quality of what appeared to have been quite an attractive building originally. Also, there have been extensive single-storey additions around the side and rear of the original building. While these alterations and additions are probably reversible and/or able to be mitigated and the building restored to a better quality visually, I do not consider it would make such an important contribution to the streetscene that its retention could be insisted upon. As such, I have no objection to its demolition.

The site lies within the urban area and within a predominantly residential area, it is 'previously developed land', it is within close distance of various shops, services, public open space and is on a bus route. As such, the principle of the residential use of the land is acceptable.

On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework and Planning Practice Guidance regarding housing needs and housing supply. Following those changes, the Council can demonstrate 4.7 years supply of housing land.

The NPPF states that decisions on planning application should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below.



## Scale, design and townscape

The main body of the existing building is not of large footprint but it is of a good height, with its two-storey eaves matching those of the adjacent three storey building (Holmes Park) to the north. There is a strong pitched roof above. The proposed building would be of broadly-similar height, albeit with a recessed top storey and much greater footprint and mass. Milton Road is a heavily-trafficked and wide distributor road with a strong urban form, with three and four storey buildings nearby. As such, I consider the scale of the three-storey-plus-roof building proposed would make an entirely acceptable addition to the streetscene. It would also provide a suitable built-form to front the highway and provide a link to the petrol station to the south, where there is presently what could be viewed as a weak gap.

Aside from its scale, I consider the elevational design to be of good quality also - there is a positive articulation and rhythm to the elevations (assisted by the projecting framework around the windows), and the front door and access core above are clearly marked by a similar framework approach. Subject to choice of good quality materials (controlled by condition), and the quality of construction, I consider the building would make a good addition to Milton Road.

## Neighbouring residents' amenities

The proposed building constitutes a significant change to the amount of built form on the site, especially for the nearest residents to the rear (west) on Maylands Avenue. This would affect their outlook, light and privacy.

The site's rear boundary is approximately parallel to the rear elevations of the houses on Maylands Avenue. The proposed building, though, like the existing, would be parallel to Milton Road, and splayed away from the Maylands Avenue houses (by c. 30 degrees). This means the nearest parts of the proposed building would be 20.4m from the nearest rear elevations on Maylands Avenue (nos. 20-24), and a maximum of 23.3m (from no. 18). The building would be between 4.6m and 6.6m from the shared boundary with Maylands Avenue gardens.

## OUTLOOK

No. 24 Maylands Avenue is at the northern end of the road, and looks directly at the rear of the existing building (which has a large, unattractive kitchen flue). The northern element of the new building would be of similar scale to the existing, positioned slightly closer (1.9m) but further to the south (5.2m). The impact of the new building, could therefore be deemed to be similar to the existing. However, these residents' more open aspect further to the south, across the former pub car park, would be significantly altered by the new building, as would the more direct aspect from nos. 22 - 18. Therefore, I have to carefully consider the acceptability of this change.

I note the separation of between 20.4m and 23.3m is not excessively close, especially in a densely-developed city like Portsmouth. Further, a building of this sort of form and scale is to be expected at a site such as this, fronting a sizeable and busy main road. I consider the design of the building, with its stepped rear elevation and well-composed fenestration, would also assist in reducing the overall perceived impact of the development.

## LIGHT

Daylight: I do not consider daylight reaching residents' gardens, and windows especially, would be affected to an extent to consider refusing the application.

Sunlight: by my own judgement on site, I considered early-morning, low sunlight would be blocked by the new building, to Maylands Avenue gardens and windows. This is corroborated by the Applicant's shadow diagrams. However, this would be short-lived at the start of the day only, and the residents' own garden structures would already cast their own shadows over the gardens in a similar manner. Again, given the densely-developed nature of the city, such an

impact is to be expected and I do not consider the effect would be unreasonable for nearby residents.

## PRIVACY

The distance of 20.4m to 23.3m is at the margins of acceptability in my opinion, for inter-visibility between habitable rooms. Similarly, I consider the distance between new windows and the nearest points of the Maylands Avenue gardens (beyond their outbuildings) to be close, at some 7-8m. Again, the angle of the proposed building would also assist slightly in lessening perceptions of loss of privacy, as would the outbuildings in the Maylands Avenue gardens. As originally submitted, the upper storeys had sizeable, rear-facing balconies. This raised concerns about privacy from the Maylands Avenue Residents, and I shared that concern. The Applicant has therefore removed the rear balconies. Also, I considered the full-height rear windows would have given a perception of more visual connection between new and existing residents, and so the Applicant has replaced the lower glass pane with an opaque or tinted panel (details to be agreed, by condition).

With all the above considerations, and notwithstanding the scale and proximity of the new building proposed, I am not persuaded, on balance, that the effect would be so significant on Maylands Avenue residents' amenities as to withhold planning consent.

With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met. I have identified a significant effect on residents' amenity that I consider this proposed development would produce. With respect to the two NPPF tests:

Test (i) (and Paragraph 177) is engaged due to potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment. These matters are addressed later in this report. In brief, though, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy. Subject to these being satisfactorily addressed (including an 'Appropriate Assessment'), Test (i) would be complied with.

For test (ii), the development would provide twelve new dwellings to help meet the city's housing supply, which is below the required 5 year total. The new dwellings are an important benefit of the application. I consider the impacts on residents' amenity of granting permission would not 'significantly and demonstrably outweigh the benefits' of the scheme, when assessed against the policies in the NPPF taken as a whole. As such, planning permission must be granted.

For the neighbouring residents away from Maylands Avenue:

The Holmes Park flats building to the immediate north has a first-floor side window, facing the application site. Approved plans suggest it serves a corridor, and no neighbour has objected concerning this matter. In any event, the new building would be site further away from the window than the existing, so there would be an improvement in amenity for the neighbouring site.

Lastly, for residents opposite on Milton Road, the effect of the proposal on amenity is acceptable, given existing scale in the area, and the width of and traffic movements on the main road between.

### Future residents' amenities

The flats all exceed the minimum sizes set out in the Nationally Described Space Standards. The development would have landscaped gardens to the front and rear and the site is near the

pleasant Milton Park and other public open space. As such, I am satisfied the future residents would have suitable amenity.

### Transportation matters

PCC Highways requested the vehicular access be widened to 5.5m, the Applicant has made the amendment. PCC Highways note the importance of visibility of pedestrians for vehicles exiting the site, that will be secured by condition.

PCC Highways object due to the shortfall of two parking spaces on-site: the SPD standard for this development would be fifteen, thirteen spaces are proposed. They note existing high on-street parking demand in the area. Notwithstanding, I note the sustainable nature of the site, close to a wide range of shops and services, parks, bus routes, and 1.3km from Fratton train station. Along with meeting the city's housing need strongly in favour of the application, and the shortfall of just two spaces, there would be no justification for withholding planning consent on the matter of parking.

One resident considers the position of the proposed site access is dangerous, and would also cause a disruption to traffic flow south as cars wait to turn into the site. Your Highways Officer has not raised any concerns on these matters.

### Ecology

Bats: an assessment of bats' presence is required for the demolition of an older building. The LPA consulted the Hampshire Ecologist at pre-application stage, who advised that given the site location and apparent good quality of the roof, a bat survey would not be necessary.

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

Wading birds:

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation for this development is £5,094, which the Applicant has opted to pay through a Section 111 agreement prior to planning consent being issued, rather than through the s.106 legal agreement. With this mitigation, the LPA has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The LPA's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation is both directly related to the development and be fairly and reasonably related in scale to the development.

## Nitrates:

Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.

The Council's Interim Nutrient-Neutral Mitigation Strategy 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. 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.

The Council's Mitigation Strategy sets out that the credit per new dwelling will be charged at £4,345.17. In order to avoid disproportionate impact on development viability, this full-cost will only be considered for Major-category development schemes. The sum for each application will be negotiated depending on the financial viability of that particular development scheme, especially to ensure the delivery of development yielding Affordable Housing will not be prejudiced.

At the time of publication of this application report at 142 Milton Road, Natural England have confirmed they have no significant objections to the approach of the Council's Interim Strategy, subject to feedback from their own legal team in due course. Any updates on this position may be communicated to the Planning Committee as necessary, at its meeting on 4<sup>th</sup> December. The LPA will also send its own 'Appropriate Assessment' of the application, for Natural England's comment.

Meanwhile, and wishing to bring forward development as soon as possible, the LPA is progressing this matter with Applicants. In this instance, the Applicant has confirmed that he is unable to provide nitrate mitigation via Option 1 or 2, and so would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. I attach a condition which prevents occupation of the development until the mitigation is actually provided, i.e. the credits are purchased (which will be just prior to actual occupation, which would be at least some months hence in the case of this development). In accordance with the Strategy, and given the viability challenges with this particular development, the actual sum charged for each credit will be negotiated by officers, and finalised and secured by way of a Section 106 legal agreement.

Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. As such, the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

## Affordable Housing

The Applicant's Design and Access Statement offered nine affordable flats, i.e. 75% of the site's total. This transpired to have been an error. Irrespective, Portsmouth's policy requirement for on-site affordable housing derived from a development of twelve flats is 25%. This figure is increased to 33% for off-site provision which, in this instance equates to a sum of £235,500. In

this instance, on-site provision would very likely be unattractive to a Registered Provider as part of a small block with private housing, so the Local Planning Authority's (LPA) preference is to provide it off-site, by way of a commuted sum secured in a S.106 legal agreement. After publication of the Officer report for the 10<sup>th</sup> April Planning Committee meeting, the applicant stated that he was in fact unable to pay that sum. The decision on the application was therefore deferred to address the matter. The required procedure in this circumstance is for the Applicant to submit a Development Appraisal to set out the scheme's finances, for assessment by the LPA.

The standard approach to viability assessment is the Residual Land Value method. This assumes a normal profit of 15-20% of Gross Development Value (in this instance, 17.5%), which is subsumed within the scheme's Costs, which include the Benchmark Land Value. If monies are available after the Costs are subtracted from the scheme's Value, those monies may be put towards Affordable Housing.

The Applicant's Development Appraisal (V1) showed a 'negative' surplus, of -£436,673, i.e. no monies available for Affordable Housing, according to the Residual Land Value method. In fact, on-paper, this deficit would have exceeded the sum of the 17.5% profit, i.e. the development would have lost money.

The LPA's consultants made various adjustments (V2) to the Appraisal's inputs, especially lower build costs and a lower land purchase price. This resulted in a 'negative' surplus, of -£257,062, i.e. still no monies available for Affordable Housing (if normal profit of 17.5% were to be achieved).

After further discussion and corresponding adjustments, the LPA's consultants produced V3, with a 'negative' surplus, of -£239,258, i.e. still no monies available for Affordable Housing.

I note again that the Residual Land Value method inputs from the outset a developer profit, in this instance of 17.5%. I calculate that if the developer accepted 5.4% profit (£111,617), this scheme would otherwise 'break even'. The question arises as to whether the LPA should seek to take some of that 5.4% profit for Affordable Housing (as also requested by our Housing Officer). I consider the simple answer is 'no' - the NPPG is clear that expected profit is in the 15-20% range, and so to demand that the developer takes even less than the already low 5.4% shown would be difficult to justify. However, should the scheme *actually* yield more than this sum, the LPA would be entitled to seek Affordable Housing provision, and the manner to test the *final* scheme's viability as actually developed is to have a review mechanism in the S.106 legal agreement.

Viability can be a complex area but the above, attempts to summarise the situation. Lastly, I should note that the above does not take into account any costs that will accrue from providing nitrates mitigation (discussed elsewhere in this report). I conclude, regrettably, that the scheme's finances do not allow for normal profit *and* Affordable Housing to be achieved, and therefore that the development should be allowed to proceed without any contribution to Affordable Housing (but importantly, this is subject to viability review).

### Sustainable Design and Construction

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

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force and can be required through suitably worded planning conditions.

#### Other environmental matters

The Contaminated Land Team have noted current and past land uses adjacent to the site, and its wider current context, and requested conditions for contaminated land, these are attached.

The site is in an Air Quality Management Area. Our Air Quality colleague was consulted on the proposals at pre-application stage and again following application submission, and he requires a special scheme to draw clean air into the flats (from the rear of the building), given the pollution problems on the Milton Road frontage. Such a condition is attached. Given the time elapsed since the last consultation in early 2019, our Air Quality colleague has been consulted again in November, and his comments remain unchanged.

Drainage - the site should achieve drainage 'betterment', as it is covered in 100% impermeable surfaces currently, and areas of landscaping would be introduced with the new development.

One resident has raised concern about construction dust. This matter can be controlled to at least some extent by a construction management condition.

#### Letters of objection

The majority of the points raised in the letters of objection have been addressed in my report. I address the last points as follows:

Some residents have requested a new, tall wall at the site rear, this will be addressed by the boundary treatment condition.

One resident has questioned consistency of decision-making, but has not provided the address in question so I cannot reply.

One resident has questioned the wisdom of having a 'family-sized', three-bedroomed flat at the top with no lift, but this is not a planning matter.

### **CONCLUSION**

The site is well-located within the urban area for a range of shops, services and public transport and is acceptable in principle for residential development. The development would provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5 year requirement. Scale and design is appropriate for the context. Amenity for Maylands Avenue residents would certainly be affected, but not unduly and on balance in my opinion. Also, as set out above, it is considered that any harm on residents' amenities would not significantly and demonstrably outweigh the benefit of providing new dwellings. The NPPF therefore requires that the application should be approved. I consider the development is acceptable, constitutes Sustainable Development, and should be approved, subject to the following conditions.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to completion of a Legal Agreement to secure the development as Nutrient-Neutral, and to secure a development viability review mechanism to address a potential Affordable Housing contribution.

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

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development as Nutrient-Neutral, and a development viability review mechanism, pursuant to Recommendation I has not been completed within three months of the date of this resolution.

## **RECOMMENDATION                      Conditional Approval**

### **Conditions**

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

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 8716 01 Rev. A (Site plan)

8716 03 Rev.A (main Proposed Elevations)

8716 04 Rev. A (South Elevation)

8716 02 Rev.A (Proposed Floor Plans)

3) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

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

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

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

6) A lighting scheme shall submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented prior to first occupation of the development hereby approved. The development shall be occupied in accordance with the approved scheme thereafter.

7) No works pursuant to the construction of the new build blocks hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning

Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

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

and unless otherwise agreed in writing by the LPA,

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

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

8) None of the residential accommodation hereby permitted shall be occupied until it has been insulated against external noise in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.

9) None of the residential accommodation hereby permitted shall be occupied until a scheme for clean air ventilation has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.

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

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

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

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

12) Boundary treatment and landscaping should be a maximum of 1m high for a distance of 2m on either side of the access to ensure that drivers are able to see pedestrians when emerging.

13) The development hereby permitted shall achieve:

Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations. This shall be evidenced in the form of a pre or post-completion report, to be submitted to the Local Planning Authority prior to first occupation of the development.

Water efficiency - a maximum water use of 110 litres per person per day as defined in Regulation 36(2)(b) of Part G of the Building Regulations 2010 (as amended). This shall be evidenced in the form of a pre or post-completion stage water efficiency calculator, to be submitted to the Local Planning Authority prior to first occupation of the development.

14) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by, the Local Planning Authority, and (b) implemented in



accordance with the approved scheme with any mitigation measures thereafter permanently retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of the visual amenities of the area in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.
- 4) To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 5) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 6) In order to protect residents' and local amenity, and provide adequate security/safety for the residents of the development, in accordance with PCS23 of the Portsmouth Plan.
- 7) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 8) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To ensure that acceptable air quality within the dwellings is provided, in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 10) To minimise environmental effect on neighbouring residents, and to minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 and PCS23 of the Portsmouth Plan.
- 11) To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the aims and objectives of the NPPF and policy PCS12 of the Portsmouth Plan.
- 12) To protect pedestrian/highway safety in accordance with the aims and objectives of the NPPF and policy PCS17 of the Portsmouth Plan.
- 13) To ensure that acceptable energy efficiency within the dwellings is provided in accordance with policy PCS15 of the Portsmouth Plan, and to ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.
- 14) To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

## 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.