

**TIPNER EAST LAND OFF TWYFORD AVENUE AND TIPNER LANE PORTSMOUTH**

**CONSTRUCTION OF 221 DWELLINGS, NEW ACCESSES ONTO TIPNER LANE AND TWYFORD AVENUE, INTERNAL ACCESS ROADS & CYCLEWAYS, OPEN SPACE, PARKING AND ASSOCIATED INFRASTRUCTURE, INCLUDING POTENTIAL LINKAGES TO THE PROPOSED RESIDENTIAL DEVELOPMENT TO THE NORTH, EXISTING RESIDENTIAL DEVELOPMENT TO THE SOUTH AND TO THE EXISTING AND PROPOSED ENHANCED PARK & RIDE FACILITIES TO THE WEST. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT. (REVISED SCHEME).**

**WEBLINK: THE PLANS AND DOCUMENTS ASSOCIATED WITH THE APPLICATION CAN BE VIEWED [HERE](#).**

**Application Submitted By:**

Savills  
FAO Mr Cliff Lane

**On behalf of:**

Bellway Homes Ltd (Wessex) And Homes England

**RDD:** 13th September 2021

**LDD:** 4th January 2022

**SUMMARY OF MAIN ISSUES**

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

The main considerations are:

- whether the proposals comprising the construction of new housing on this site would contribute to the achievement of sustainable development in accordance with national and local planning policy
- the acceptability of the design (layout, scale and access);
- traffic/transportation implications;
- ecology
- loss of trees;
- flood risk/drainage;
- sustainable design and construction;
- site contamination; and
- residential amenities

**SITE DESCRIPTION**

The application site comprises an irregularly shaped parcel of land approximately 3.17 Ha (7.83 acres) in size, and includes previously developed, recently raised and part-remediated land. The site was previously developed and now consists of a few small buildings, hardstanding, a demolished greyhound track, scrubby grassland and some smaller trees.

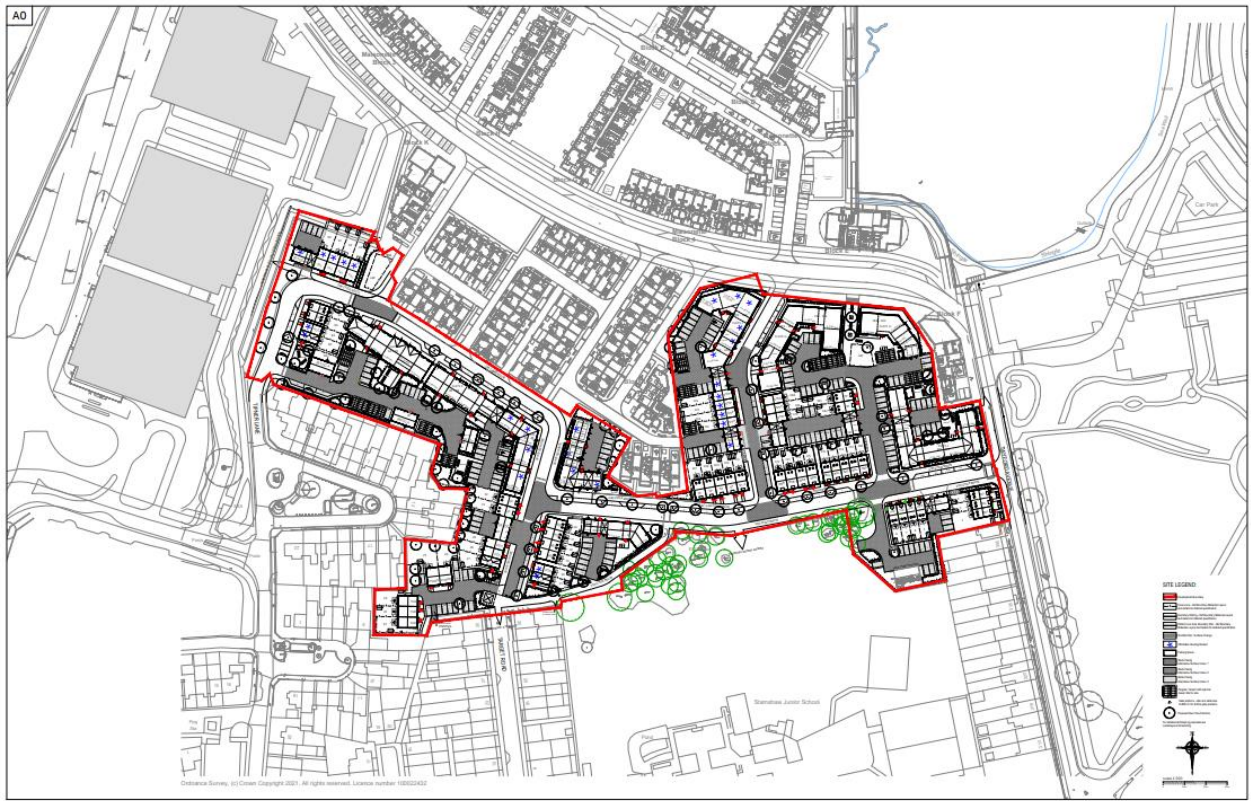


Figure 1- Site Location Plan



Figure 2 - Site Layout in colour

The application site, shown in Figure 1 above, is within the Tipner policy area of Portsmouth, approximately 3km to the north of Portsmouth City Centre and around 1.8km north of HM Naval Base Portsmouth. The Tipner policy area is split in two, Tipner East and West, with the M275 dividing the two areas. The Site is located within the southern parcel of Tipner East. It is close to

several strategic highways including the M275 approximately 130m west of the site, 1.6km south of the M27 and 130m north-west of the A3.

The site extends from Twyford Avenue to the east, and Tipner Lane to the west, and is directly accessible from an existing access off Twyford Avenue. Twyford Avenue, connects to the A3 to the south and would serve as the primary vehicular access to the Site. Tipner Lane to the west, would provide pedestrian and cycle access, as well as providing the eastern part of the Site with vehicular access for 41 units.

The Pilgrims Trail (a long-distance footpath) is a Public Right of Way (PRoW) which runs east to west across the south of the site (linking Twyford Avenue to the east with Target Road to the south west of the Site). Pedestrian and cycle connectivity will remain from the site to Target Road, but no vehicular access is proposed in this location. National Cycle Network 22 (NCN22) also runs through the site to Target Road.

## **PLANNING CONSTRAINTS**

The site is subject to the following constraints:

- Contaminated land
- Flood Zone 2/3 (part of the site only)
- Adjacent to Portsmouth Harbour RAMSAR, Portsmouth Harbour SSSI and Portsmouth Harbour SPA

## **POLICY CONTEXT**

The planning policy framework for Portsmouth is currently provided by:

The Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).

This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).

Having regard to the location of this site within the Tipner area of the city, the relevant policies within the Portsmouth Plan are:

PCS1 - Tipner  
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 the Provision of Affordable Homes  
PCS21 - Housing Density  
PCS23 - Design and Conservation

This framework is supplemented the following saved policy from the Portsmouth City Local Plan (2006).

Policy DC21 - Contaminated Land

Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).

Regard also has to be had to the following SPDs:

- Air quality and pollution



- Developing Contaminated Land
- Housing Standards
- Nitrate mitigation strategy
- Planning Obligations
- Parking Standards and Transport Assessments
- Reducing Crime Through Design
- Solent Special Protection Area
- Sustainable Design and Construction

## STATUTORY DUTIES

The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:

- Section 70 of The Town and Country Planning Act 1990
- Section 38(6) of The Planning and Compulsory Purchase Act 2004
- The Equality Act 2010

## RELEVANT PLANNING HISTORY

The complex planning history of this site is best illustrated on a site plan:



Figure 3 - Tipner Planning History - image © Savills

In detail:

- i. 10/00849/OUT - An application for outline planning permission which provided a detailed plan to remediate the land and sought permission for 518 dwellings, CHP plant, sea wall and coastal path. This was conditionally granted on the 30th March 2012.
- ii. 11/00362/OUT - An application for outline planning permission for up to 80 dwellings and up to 615 sqm (gross external) of commercial floor space for uses within classes A1/A2/A3/A5; construction of a new access from Twyford Avenue. A conditional outline approval was granted on the 30th March 2012.

- iii. 13/00202/OUT - An application for outline planning permission for 23 dwellings which also sought consideration of the access and layout. This was granted on the 29th March 2018.
- iv. 13/00203/OUT. An application for outline planning permission for 5 dwellings, conditionally granted on the 29th March 2018. It also considered the access and layout of the scheme.
- v. 15/01854/REM - A Reserved Matters application in respect of layout, scale, appearance and landscaping, for the construction of 80 dwellings and 235 sqm of commercial floor space for uses within classes A1/A2/A3/A5 pursuant to outline planning permission ref 11/00362/OUT. This was approved on the 9th February 2016

In addition, development proposals on the adjacent Park and Ride (P&R) site and the ex TRC land to the north of the application site (now owned by VIVID Homes) are material to this application.

With regard to the P&R site, an outline planning application, with all matters reserved, for the construction of a multi-storey Transport Hub (up to 28.5m above existing ground level) incorporating a park and ride facility and ancillary uses (up to 840sqm), with access from Junction 1 on the M275 was granted on 6 July 2022 (Ref. 22/00024/OUT); the submission of reserved matters is awaited.

In respect of VIVID Homes, a planning application was submitted in September 2022 (Ref. 22/01292/FUL). This application was determined at Planning Committee meeting held on 1 March 2023 wherein it was resolved that:

1. Permission was granted subject to a s106 agreement and conditions, including the obligation to provide an Employment and Skills Plan as part of the finalised s106 agreement;
2. Authority was delegated to the Assistant Director of Planning and Economic Growth to finalise the wording of the draft conditions and to finalise the s106 agreement in line with the Heads of Terms listed in the report.

## PROPOSAL

The planning applications that is now for determination has been through a number of revisions since it was originally submitted in September 2021 as set out below:

| Date       | Notes                                                                         |
|------------|-------------------------------------------------------------------------------|
| Sept 2021  | Original submission                                                           |
| June 2022  | Revised drawings and additional information, when numbers increased 203 > 221 |
| Sept 2022  | Updated and supplementary information and drawings following consultation     |
| Nov 2022   | Further updated and supplementary information and drawings                    |
| April 2023 | Latest updated drawings and supplementary information                         |

The key changes have been

- An increase in the number of units from 203 to 221
- A requirement to integrate the scheme with the VIVID proposals north of the site
- Providing family housing in line with Council policy
- Including pocket parks and LAPs
- Respecting local context and residential amenity for the adjacent establish community to the south of the site
- Providing a highway layout that could accommodate a bus route in the future and provide safe passage for cyclists and pedestrians as well as cars

As such the latest iteration of the scheme comprises:

- 221 dwellings (a 42% increase in dwellings since the preapplication process started in November 2018),
- Increased use of apartments and strategically located flats over garages to raise density,
- A greater proportion of 4 storey buildings and stronger building enclosure to the streets, routes and spaces,
- Reduced parking levels to a maximum of 1 space per apartment and less for smaller 1 bed units,
- Open space and green infrastructure provided in the form of; LAPs and street trees, innovative vertical green walling to the ends of 'public' roadside parking pergolas, private and communal gardens and pocket spaces, with juliette balconies to blocks with communal space at a premium, but large open spaces now deleted at the SEDRP / Council's request in favour of densification and mitigated by contributions towards off-site provision,
- Amendments to the NE corner / northern edge apartments to a flat roof design echoing the likely 'language' of the Vivid proposals,
- An east-west spine to the fore with street trees and cycle ways within it linking new and existing facilities including a potential pedestrian / cycle link to the proposed park and ride facility and the Alexandra Park / Mountbatten Centre,
- A contemporary design language with 70% of the dwellings within bespoke designed buildings,
- Aspirations to embed public art in key locations across the wider Tipner West regeneration area to reinforce local distinctiveness and culture (two southern 'gateway' locations proposed for the Bellway/HE land and 3 no. strategic (eastern gateway, central space and waterfront) locations for the Vivid/TRC land.
- A contemporary design language that will stand the test of time and link both new and existing communities with a materials palette and colour scheme suited to a marine environment, and
- A commitment to meeting the interim 2023 Future Homes standard in advance of it becoming a formal national requirement (fabric first, efficient water use and services, MVHR, air source heat pumps and solar pv used to secure measurable carbon reduction) plus exploration of innovation in construction for Bellway through the experimental use of SIPPs construction.

The proposed development would comprise 221 new homes comprising a mix of apartments and family homes, 30% of which would be affordable.

Access to the site would be via Twyford Avenue. Tipner Lane may become available subject to future enhanced bus route provision. Pedestrian and cycle access would use the same access points including Tipner Lane and Target Road

It is anticipated that the development would be constructed in one continuous phase lasting approximately 3 years.

## CONSULTATIONS

**Responses were received from the following consultees:**

| Consultee              | Response                                                                                                                                                                                                                                                                                                                        |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Archaeology Advisor    | No objection                                                                                                                                                                                                                                                                                                                    |
| Coastal And Drainage   | The overall principle of surface water run-off for the development site (discharge to Tipner Lake) is sound and acceptable to LLFA, however this is assuming Southern Water permissions are attained in writing and submitted to LPA. Without this information the LLFA is unable to approve the Drainage Strategy at this time |
| Contaminated Land Team | No objection subject to conditions requiring: <ul style="list-style-type: none"> <li>• Remediation method statement</li> <li>• Verification</li> <li>• Removal of PD rights</li> </ul>                                                                                                                                          |

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|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Crime Prevention Design Advisor (Hampshire Constabulary) | The proposed design and layout is considered to be conducive to crime and disorder for the reasons outlined in their response. In our opinion the design does not conform to the adopted Local Plan (Core Strategy), Policy PCS23; Hampshire Constabulary cannot support this application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Ecology                                                  | <p>Comments received on 19 January 2023:<br/>No objection, subject to a Reptile Mitigation Strategy being secured via a Planning Condition). Also recommend that the measures detailed within the ES Addendum Chapter A09 'Biodiversity' are secured via a Planning Condition.</p> <p>In addition, in order to address the impacts on loss of Priority Habitat on site, you may wish to request the creation of high distinctiveness habitats offsite, if the reduction of proposed residential units and onsite habitat creation is not possible. This will ensure compliance with the NPPF, The Environment Act 2021 (Commencement No. 5 and Transitional Provisions) Regulations 2022</p>                                                                                                                                                                         |
| Environment Agency                                       | No objection, subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Environmental Health                                     | <p>No objection, subject to conditions requiring:</p> <ol style="list-style-type: none"> <li>1. details of mitigation methods to lessen vibration activities shall be submitted for approval, prior to any works commencing, where pile driven activities are to be carried out within 20 meters of sensitive dwellings (existing or newly occupied).</li> <li>2. Details of the glazing and ventilation specification shall be agreed with the Local Authority prior to installation.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                    |
| Fareham Borough Council                                  | No comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Hampshire & Isle of Wight Fire & Rescue Service          | No objection. The development will need to be constructed in accordance with Approved Document B5 of the Building Regulations, Section 12 of the Hampshire Act 1983 and the Fire and Rescue Services Act 2004.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Havant Borough Council                                   | No comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Health & Safety Executive                                | <p>No objection, subject to a 'Grampian Condition' requiring the Hazardous Substances site licence that affects the land being revoked prior to first occupation of the development:</p> <p><i>'No residential units shall be occupied within the inner and middle zones until the hazardous substances consent for Hattons Gas (H1777) has been revoked in its entirety under the provisions of the Planning (Hazardous Substances) Act 1990, and written confirmation of the necessary revocation has been issued by the Hazardous Substances Authority'.</i></p>                                                                                                                                                                                                                                                                                                  |
| Highways Engineer                                        | <p>No objection subject to conditions and a S106 agreement to secure the following:</p> <ul style="list-style-type: none"> <li>• Full details of the means of access to Twyford Avenue to be submitted to and agreed by the LPA/LHA prior to commencement of development with the access to be provided as agreed via a S278 agreement prior to first occupation of the development.</li> <li>• NCN route to be retained at the existing width, with details of layout, surfacing, waymarking etc to be submitted to and agreed by the LPA/LHA and subsequently provided prior to first occupation of the development.</li> <li>• A s106 contribution (value to be agreed) toward the implementation of active travel improvements at the A3 Northern Parade and LCWIP route 307 section C is to be paid prior to the first occupation of the development</li> </ul> |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                          | <ul style="list-style-type: none"> <li>• Mitigation works at Twyford Avenue/Walker Road junction (as identified in the Transport Assessment) to be implemented prior to occupation of the development</li> <li>• Details of parking provision (including total spaces, size and layout, and EV provision) to be submitted to and agreed by the LPA/LHA prior to commencement of development and parking spaces provided as agreed prior to occupation of the development and thereafter retained for use by residents/visitors of the development</li> <li>• Travel Plan to be submitted to and agreed by the LPA/LHA prior to first occupation of the development to cover a period of 5 years</li> <li>• A travel plan audit fee of £5500 is to be paid prior to first occupation of the development</li> <li>• A Construction Traffic Management Plan is to be submitted to and agreed by the LPA/LHA prior to commencement of development</li> </ul> <p>These conditions are required to ensure the safety of all highway users and for the promotion of sustainable travel in support of NPPF paras 112 &amp; 113; and Portsmouth Plan policy PCS17.</p>                                                                                                                     |
| Housing Enabling Officer | The new development scheme will provide desperately needed new affordable housing for the city as well as new private housing and is fully supported by Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Landscape Group          | <p>We have reviewed the submitted information and have the following comments regarding the landscaping:</p> <ul style="list-style-type: none"> <li>• Comments submitted in November 2021 specifically regarding tree size and species mix of the mixed perimeter hedge still apply, as well as comments regarding the dominance of cars.</li> <li>• Fencing - LAP area 1 shows a rectangular fenced area set within a wider area of wildflower. It would be preferable to extend the railings around the whole area to avoid creating a little 'holding pen' and make the entire area more useable.</li> <li>• There appears to be a very small strip of planting between property 171 and the back garden of property 172 which is shown as a planted area surrounded by a 1.8m brick wall and 1.8m close board fence, this should be reviewed. At the moment it looks like this space might become a problem as it appears to be just a leftover bit of land with no apparent use. Narrow strips surrounded by high fences/walls with no apparent use filled with planting should be avoided in general.</li> <li>• Hard surfacing - a sample of the coloured tarmac, as well as blocks and slabs proposed, should be submitted for approval prior to installation.</li> </ul> |
| National Highways        | <p>No objection, subject to the following condition:</p> <p>1. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). It should include but not be limited to construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. Agreed details should be fully implemented prior to start of construction works.</p> <p>Reason: To mitigate any adverse impact from the development on the M27 Motorway and to ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.</p>                                                                                                                                                                                                                                                                                                                                                                           |
| Natural England          | No Objection – Subject to Appropriate Mitigation being secured.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



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|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Portsmouth Cycle Forum       | <p>Object.</p> <p>Portsmouth Cycle Forum recognise improvements have been made we are still in objection to the proposed provision for cycling at this site. The three main reasons for this are:</p> <ol style="list-style-type: none"> <li>1. The proposed segregated cycle route on Twyford Avenue is not LTN1/20 compliant.</li> <li>2. The north south crossing of the new site access road is not on the 'desire line'</li> <li>3. The internal shared use path on the north side of the access road is proposed at 2.5m wide with car parking on one side, and house frontages on the other, reducing its effective width to 1.5m. This is clearly in contravention with LTN1/20 and would be awful to cycle on with or without pedestrians being present</li> </ol> |
| Portsmouth Water             | No objection, subject to consideration being given to higher standards of water efficiency in new developments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| RSPB                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Scottish & Southern Electric | No objection provided the existing underground cables are not interfered with.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Southern Gas Network         | No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Southern Water               | <p>No objection subject to:</p> <ol style="list-style-type: none"> <li>1. the applicant making formal application to connect to the public sewer network</li> <li>2. the applicant applying to adopt the on-site SuDS</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| SUSTRANS                     | No objection, subject to the developer providing an LTN1/20 compliant cycle track.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Tree Officer                 | <p>No objection subject to the following conditions:</p> <p>Landscaping</p> <p>Tree protection</p> <p>Pre-commencement meeting</p> <p>Arboricultural site supervision (pre-commencement and post completion)</p> <p>Tree planting</p> <p>Tree pruning</p> <p>Tree retention</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Waste Management Service     | Expressed concerns regarding bin collection points, accessibility to bin stores by future residents, and the need for level access accessibility by RCVs and their crews.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## REPRESENTATIONS

Following the re-consultation and re-notification exercise following receipt of amended plans in April 2023 a further 9 objections have been received. These raise the following issues:

- Increased traffic on Tipner Lane
- Parking
- Local infrastructure - schools, GP surgeries
- Noise disturbance during construction
- Access should only be via Twyford Avenue
- Reduction in air quality

Prior to this, a total of 45 representations had been received from 29 addresses, including 4 deputation requests and a petition of 378 signatures, raising the following issues:

- Access to my garage at 35 Target Road
- Access via Tipner Lane
- Blocks of flats out of keeping with the area

- Congestion
- Contaminated Land
- Energy efficiency measures within the development
- Flats out of keeping with the character of the area
- Highway safety
- Impact on ecology
- Impact on local, infrastructure (schools, GP surgeries etc)
- Inadequate car parking
- Inadequate environmental mitigation
- Inadequate parking
- Increase in traffic
- Increase in traffic on Tipner Lane
- Loss of day / sun light
- Loss of privacy due to overlooking
- Loss of trees
- Noise and disturbance
- Object to vehicle access off Tipner Lane due to impact on amenity of residents and air pollution etc.
- Opening up of Tipner Lane to traffic and amenity issues
- Overdevelopment of the site
- Overlooking and loss of privacy
- Proximity of proposed flats to rear of property (Range Green)
- Risk of contamination
- Specific objections to Plots 85 and 86 - overlooking & loss of privacy
- Traffic congestion
- Unsuitability of Tipner Lane / Twyford Avenue

## **POSITIVE AND PROACTIVE ENGAGEMENT**

The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met in Portsmouth through the availability of pre-application advice.

As set out in the Statement of Community Involvement submitted with the application, the applicant carried out extensive pre-application consultation and engagement both with the council and with local residents and businesses. In addition, the scheme was reviewed by a Design Review Panel set up by Design South East. The application is also subject to a Planning Performance Agreement.

The Design Panel Report has been submitted with the application. The key recommendations were as follows:

- 'Provide a composite plan that shows all three development sites (Bellway, Vivid and Tipner West sites) in their broader context in order to understand how they will come together to form a new neighbourhood adjoining the existing suburban neighbourhood of Tipner.
- Clarify the 'vision' for this new neighbourhood, moving beyond consideration of planning constraints to envision who will live here, how they will live and what kind of place this will be, taking a place making- or landscape-led approach to the masterplan, rather than a capacity-led approach.
- Introduce a range of alternative housing typologies to increase densities across the site, which will also be achieved through additional height, less slack space between buildings and addressing different edge conditions to inform the location of higher density in the masterplan
- Foreground the east-west spine that unites the scheme and connects this development with the surrounding amenities, to create a high quality, green pedestrian and cycle route that links with wider networks.

- Reduce the parking ratios to take up less space, support car-free living and active travel and allow for increased building footprint, given the proximity of the adjacent Park and Ride site.
- Consider the introduction of some additional uses to support the new community and address future ways of living.
- Rethink the location and function of the green open spaces within the masterplan to ensure their use and value to the community.
- Enhance the sustainability credentials of the scheme, given Homes England's commitment to biodiversity net gain and Portsmouth City Council's sustainability aspirations.'

## **PLANNING CONSIDERATIONS / COMMENT**

### **Principle of the development**

As set out in the NPPF (paragraph 2), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.

The key issue in the determination of this application is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy.

As such the main planning considerations are:

- The principle of the development
- Design considerations;
- Impact on adjacent residential amenities
- Traffic/transportation implications;
- Ecology
- Flood risk/drainage;
- Sustainable design and construction;
- Site contamination;

### **Principle of the development**

With regard to the principle of this development, the National Planning Policy Framework makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (NPPF July 2021, paragraph 60).

Objective 5 and Policy PCS1 of the Portsmouth Plan seeks to tackle the issue of accommodating development and housing mix and to revitalise the Tipner area transforming it from a underused derelict site to a thriving community creating a new gateway for the city.

The policy states that any development at Tipner would need to:

- Include measures to avoid and mitigate any adverse effect on the integrity of European sites, in particular the Brent goose feeding sites at Tipner Range and Alexandra Park;
- Include measures to avoid and mitigate the impact on the Portsmouth Harbour SSSI;
- Have appropriate separation of foul and surface water;
- Contribute towards increasing the capacity of nearby schools as necessary;
- Mitigate noise from the motorway through the location / height of buildings;
- Be designed to take advantage of waterside location and this key gateway to the city;
- Take into account, and where appropriate protect, view points and the wider visual impact across Portsmouth Harbour;
- Create attractive and safe streets and spaces avoiding featureless and monotonous elevations;
- Retain, repair and find suitable new uses for the listed buildings at Tipner Point;
- Enhance the settings of the listed buildings; and
- Provide public open space with access to the waterfront, if this can be achieved without an adverse effect on the ecological integrity of Portsmouth Harbour

Policy S2 in the emerging draft Local Plan sets out three options for Tipner East. All three options put forward in the draft plan state that the area could potentially accommodate up to 700 dwellings albeit subject to safe vehicular access and highways mitigation where necessary.

As can be seen from the planning history section there have been previous planning applications on the land within the Bellway / Homes England redline:

- i. 10/00849/OUT - Detailed application for land remediation and raising including thermal desorption. Outline application for up to 518 dwellings, CHP plant, sea wall, coastal path. Main access from Twyford Ave. (Access, layout & scale to be considered)
- ii. 11/00362/OUT Outline application - upto 80 dwellings and upto 615sqm (gross external) of commercial floorspace for uses within classes A1/A2/A3/A5; construction of a new access from Twyford Avenue (only matter for approval)
- iii. 13/00202/OUT - Outline application for 23 dwellings (access & layout to be considered)
- iv. 13/00203/OUT - Outline application for 5 dwellings (access and layout to be considered)
- v. 15/01854/REM - Application for approval of reserved matters in respect of layout, scale, appearance and landscaping, for construction of 80 dwellings and 235sqm of commercial floorspace for uses within classes A1/A2/A3/A5 pursuant to outline permission ref 11/00362/OUT

On the basis that these were granted planning permission, albeit those permissions have now been allowed to lapse, this nevertheless demonstrates that acceptability of the site for redevelopment.

A further key consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the recently published [Annual Monitoring Report](#) the council can only demonstrate 2.9 years supply (Table 4.5, page 28). Whilst the Government has announced plans to scrap the 5-year housing supply test that is only for councils with up to date plans. As the development plan in Portsmouth is more than 5 years old, paragraph 74 of the National Planning Policy Framework (NPPF) states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.

Consequently, there is a presumption in favour for the development of this site as long as the proposal does not have a significant effect on a habitat site (either alone or in combination with other projects), unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 182).

### **Environmental Impact Assessment: Summary of Assessment Conclusions and Mitigation**

The application is considered to be 'EIA Development' pursuant to Schedule 2 Part 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as



amended) and an Environmental Statement (ES) is accordingly submitted. A Scoping Opinion for the ES was sought by the applicants in January 2021 and issued in March 2021.

As required by the Regulations, a Non-Technical Summary of the EIA has also been submitted <https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RHQS4RMOLV400>

The findings of the ES are briefly summarised here:

| Topic                          | Identified Effects                                                                                                                                                                                                                                                                                                                  | Mitigation Measures                                                                                                                                                                                                                                                                                  | Residual Impacts       |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Transport, Access and Movement | Likely significant impact on Twyford Avenue<br><br>Moderate impact at the junction of Walker Road and Twyford Avenue                                                                                                                                                                                                                | Mitigation measures will be required by planning condition and through the S106 (discussed below)                                                                                                                                                                                                    | No significant impacts |
| Air Quality                    | The impacts of emissions from two main sources associated with the Proposed Development have been assessed at nearby sensitive receptors. These are:<br>• Emissions of dust and fine particles (PM10) from construction; and,<br>• Traffic emissions from vehicles travelling to and from the Proposed Development during operation | Construction dust and pollution will be controlled through the CEMP<br><br>Traffic emissions arising once the site is operating as a housing development will not be mitigated                                                                                                                       |                        |
| Noise & vibration              | Noise impacts during site preparation and construction<br><br>Impact of noise when site is in operation as a housing development has been assessed as Not Significant                                                                                                                                                               | To be mitigated through the imposition of planning conditions requiring a CEMP                                                                                                                                                                                                                       |                        |
| Drainage and Flood Risk        | There is limited existing drainage on the Site, therefore disposal of surface water runoff from the eastern part of the Proposed Development will be made either direct to Tipner Lake or to an existing public surface water sewer on Twyford Avenue that also drains into Tipner lake. Runoff from the                            | To mitigate potential effects of future tidal flooding on the Site, floor levels will be raised above peak predicted sea levels, which will result in an insignificant flood risk and drainage effect.<br><br>Potential effects of surface water runoff on Tipner Lake will be mitigated by measures |                        |

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|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <p>western part of the development will be drained through the neighbouring Park and Ride site and discharged into an existing sewer in the north western corner of the Park and Ride, which also discharges into Tipner Lake.</p> <p>It has been established from previous studies that the Site could be at risk of future tidal flooding due to the existing levels, no other existing sources of flooding have been identified</p> | <p>detailed within the Drainage Strategy. These are to include permeable pavements and “downstream defender” devices for impermeable roads.</p> <p>Potential construction effects will be mitigated by strategies which are detailed in the CEMP which is submitted alongside this application.</p> <p>The assessment concludes that there will be no significant effects following the proposed mitigation strategies outlined in the chapter</p>                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Biodiversity | <p>Chapter 9 of the ES assessed the effects of the Proposed Development on biodiversity, including nearby European designated sites, Statutory and non-statutory sites and other habitats and species..</p>                                                                                                                                                                                                                            | <p>Measures will be required to mitigate the effects associated with construction on the nearby European Designated Sites, which will be secured by the CEMP. A Landscape and Ecological Management Plan (LEMP) will be required to mitigate habitat loss with Open Mosaic Habitat and bats. Reptiles must be translocated to an off-site receptor area to mitigate for the habitat loss caused by the Proposed Development.</p> <p>Mitigation for the loss of the SWBGS low use site P136 is to be in the form of enhancement works at the HIWWT Reserve at Southmoor, discussed below.</p> <p>Mitigation for the increased nitrogen load is to be via the implementation of land use changes at Knowle and the purchase of nitrogen credits from a suitable offsetting scheme such as Meon</p> | <p>some non-significant residual effects are predicted during construction for open mosaic habitat, reptiles and bats. The removal of open mosaic habitat is considered to be a moderate, permanent and irreversible impact due to only 7% of the area being mitigated for with habitat creation. Reptile translocation during construction is predicted to result in a negative minor impact due to it being unlikely that all animals will be caught or that all will survive at the receptor site. There is predicted to be a negative negligible impact on bats due to a temporary loss of habitat until soft landscaping is installed</p> |

|                                 |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 |                                                                                                                                                                                                                                                                                                                                       | Springs or Warneford Park for the residual nutrient levels not covered by capacity at Knowle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                   |
| Landscape & visual impact       | Considering the site's current derelict condition a change in landscape condition is likely                                                                                                                                                                                                                                           | Landscape strategy and mitigation planting to be secured by planning condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                   |
| Ground Conditions               | Historic ground contamination                                                                                                                                                                                                                                                                                                         | Mitigation will be necessary to ensure that piling works do not result in the contamination of the underlying aquifer. Measures must also be put in place to prevent the propagation of Japanese Knotweed. Once these mitigation measures have been put in place the potential significance of these effects are considered to be negligible.                                                                                                                                                                                                                                                                                                                                                                                                                                  | Residual risks relate to the reuse of site won material and working beneath the capping layers, which can be managed through the provision of a CEMP and Materials Management Plan. In addition, vapour protection measures, will be required for new buildings within Parcel IV. |
| Population and Economic effects | <p>Potential for residents to be affected by construction operations</p> <p>Increases in population as a result of the development could result in a significant effect on nearby schools due to lack of capacity to keep up with demand</p> <p>Local healthcare appears to have capacity to accommodate the proposed development</p> | <p>The potential for residents to be adversely affected by construction operations would be controlled and managed through implementation of the CEMP. This will be secured by planning condition and agreed with PCC prior to commencement of works at the Site. This will result in a negligible residual effect which is not considered significant</p> <p>This effect would be mitigated by a developer contribution to cover an increase in capacity to the local schools that may be required to meet the additional demand for school places resulting from the development. The specific details will be agreed and secured via the Community Infrastructure Levy (CIL). The proposed mitigation results in a negligible residual effect which is not significant.</p> |                                                                                                                                                                                                                                                                                   |

|                                                                                                                                                                                               |                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                                                                                               | On site open space provision is less than that required by PCS13`                                                                                                                  | <p>However, should further analysis by the Portsmouth Clinical Commissioning Group identify a requirement to increase the consulting room capacity in the Primary Care Network, a developer contribution would be made and secured via section 106</p> <p>The open space needs of the new residents is considered to be met by existing local open space and play provision at Alexandra Park and Stamshaw Park, both located within 0.5 km of the Site</p> |     |
| Consideration of other potential receptors / impacts:<br>• Heritage;<br>• Greenhouse Gases and Climate Change;<br>• Waste and Materials;<br>• Human Health; and,<br>• Accidents and Disasters | No significant effects                                                                                                                                                             | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                         | n/a |
| Cumulative effects                                                                                                                                                                            | Whilst there may be some potential cumulative effects should construction take place at the same time, the length of the construction period means that these are not significant. | Managed through the package of measures identified in the individual chapters including the provision of a CEMP                                                                                                                                                                                                                                                                                                                                             | n/a |

## Design Considerations

This application has been subject to a number of design and layout changes since originally submitted. These can be summarised as follows:

1. Iterative Design Changes - August 2021 – September 2022
  - a. Unit Numbers increased from 203 to 221 dwellings.



- b. Noted as a 42% increase in dwellings since the preapplication process started in November 2018.
- c. Density and number increase achieved by adding more flats over previous single flats over garages, adding linked flats over garages between terrace rows and swapping dwellings for flats at Flat Block J.
- d. Amendments result in a greater proportion of 4 storey buildings and stronger building enclosure to the streets, routes and public realm.
- e. Reduced parking levels to a maximum of 1 space per apartment and less for smaller 1 bed units.
- f. Open space and green infrastructure provided in the form of; LAPs and street trees, innovative vertical green walling to the ends of 'public' roadside parking pergolas, private and communal gardens and pocket spaces.
- g. Juliette balconies to blocks with communal space at a premium.
- h. Noted that large open space deleted at the SEDRP / Council's request in favour of densification and mitigated by contributions towards on-site provision.
- i. NE corner / northern edge apartment Blocks F G & H amended to a flat roof design to reflect the change in architectural language towards the Vivid proposals.
- j. An east-west spine to the fore with street trees and cycle ways within it linking new and existing facilities including a potential pedestrian / cycle link to the proposed park and ride facility and the Alexandra Park / Mountbatten Centre.
- k. A contemporary design language with 70% of the dwellings being bespoke design.
- l. Proposals to embed public art in 2 key locations which will then act as a contemporary design language that will stand the test of time and link both new and existing communities with a materials palette and colour scheme suited to a marine environment.
- m. A commitment to meeting the Future Homes standard in advance of it becoming a formal national requirement (fabric first, efficient water use and services, Mechanical Ventilation with Heat Recovery, air source heat pumps and solar pv used to secure measurable carbon reduction) plus exploration of innovation in construction for Bellway through the potential experimental use of SIPP's construction.

## 2. Further Design Changes - September 2022

- a. The following further design refinements have been made to respond to consultee comments (notably housing, highways, ecology and designing out crime), to define complex ownership boundaries along its northern edges and to respond to submitted development proposals in Vivid's detailed planning application for 835 new homes 22/01292/FUL for validated 29th September 2022 on the land at Tipner East to the north of the HE / Bellway site:
- b. Layout Revisions J-K Submitted September 2022:
- c. Affordable Housing Balance: plots 5-8 changed to Affordable and Plots 82-83 changed to Private and wheelchair accessible parking spaces indicated.
- d. Enlarged bin collection points.
- e. Flat Block J internal bin stores amended to decrease residents travel distances.
- f. Fencing and / or gates added to provide security to meet crime prevention objectives.
- g. Rear garden / 'garage' accesses provided for off-site dwellings at 30 and 35 Target Road.
- h. Highway amendments opposite Plots 90-93 and Twyford Road junction to accommodate potential future bus route.
- i. Flat Blocks A, B, E and F - Disabled Units added.
- j. Flat block plan references updated.
- k. House type swapped to FLE at Plots 4-8
- l. Site Sections prepared to show relationships between existing residential and proposed VIVID proposals.
- m. Additional information Submitted 28th September 2022: Ecology Technical Advice Note, Illustrative Materials and Identities Plan- 01 (ref. BELL180906 IP-01 REV P1) & Illustrative Identities Plan - CGI Views (ref. BELL180906 IP-02 Rev P1)

## 3. Further Design Changes - October – November 2022

- a. Further amended submissions made as follows:

- The resultant proposed layout is as shown below:



The overall effect of these changes is to create a new extended neighbourhood that is an evolution of the existing character to the south of the site and which provides a linkage to the VIVID site to the north. The proposed site is laid out to provide a strong continuous street frontage with minimal setbacks from the roads. Dwelling typologies to the main street frontages are predominantly long terrace rows often linking directly with flat blocks. Where the site meets Target Road the scale increases gradually from 2 storeys to 4 storeys within the street. Where the development meets the surrounding streets the roof forms are retained as traditional pitched roofs changing to flat roofed (flat blocks) where the proposals merge with VIVID site in the north-eastern area. To mirror the feel of the surrounding streets contemporary materials and design

features such as bay projections are used to provide a vertical emphasis within the street. Overall, by matching the scale, dwelling typologies, creating a strong street frontage and reflecting the character of the surrounding context the new development will provide a contemporary extension to the existing neighbourhood.

Whilst Officers are satisfied that the amended scheme would result in an acceptable layout in design terms with no materially adverse impact on the residential amenities of the existing development to the south or for future occupiers of the proposed development, the Council's Designing Out Crime advisers (Hampshire Police) have concerns from a public safety and crime viewpoint. They consider that the proposed mitigation measures would not be effective. However, officers consider that the proposed layout does allow for reasonably effective surveillance of the car parking areas and results in a well-connected and logical layout.

## **Housing Provision**

The proposed housing mix comprises a total of 221 units comprising 41, 1-bed units (21 market and 20 Affordable), 133, 2-bed units (94 market and 39 affordable) and 47, 3-bed units (39 market and 8 affordable). This mix is considered to meet local housing market needs and is acceptable.

The provision of 67 affordable units (30.3%) is policy compliant. In addition, following detailed discussion between the applicant and the council's housing enabling officer these units are to be provided in the following mix:

12 x 1-bed flats, 36 x 2-bed flats (in blocks B, E and F and including 4 disabled ground floor flats which have been specifically designed for PCC), 1 x 2-bed FOG, 2 x 2-bed FOGs, 4 x 2-bed houses, 4 x 3-bed 5 person houses and 4 x 3-bed 6 person houses. These all meet or exceed the minimum space standards as set out in the NDSS.

With regard to tenure type, the tenures will potentially be made up of a combination of Affordable rent (possibly Social Rent) and Low-Cost Home Ownership (LCHO - Shared Ownership). The tenure can be agreed later once there is a Registered Provider partner on board. All Affordable/Social rent units will be nominated to through the Portsmouth City Councils Housing Waiting Register and the LCHO through the 'Help to Buy - (South)' agent

As such the new development scheme will provide policy compliant affordable housing for the city as well as new private housing and is fully supported by Housing

As housing delivery within the city has fallen below 75% of the housing requirement over the previous three years the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with para. 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

However, as Portsmouth has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.

The Government's Standard Method has identified a need for the city of 16,161 homes for the plan period to 2038. However, the assessed need for the draft Portsmouth Local Plan (PLP) going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development. Nevertheless, the draft PLP has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. The proposal is for 221 dwellings within a site area of approximately 3.2 ha (equivalent to 69 dph). As such whilst the proposal, on its own, falls

short of the policy requirements under Portsmouth Plan Policy PCS21 for a minimum of 100 dph for Tipner as this application site is adjacent to and shares common infrastructure with the development approved on the adjacent site to be developed by VIVID homes which proposes 835 units on a site of approximately 5.95 ha this results in an density across the two sites of 130 dph. For information, the draft PLP stipulates that development at Tipner should be at least 120 dph.

With regard to mix, current Policy PCS19 requires that 'developments should achieve a target of 40% family housing where appropriate'. The proposed total number of 3-bed units (private and affordable flats and houses) account for 103 units (17.6%). This is below the aspiration of policy PCS19. Officers have consideration whether the applicant has done all that is possible to provide for family housing in line with the policy aspirations for the site given the known geographical constraints, and the need to balance overall supply of both market and affordable housing. It is considered that the failure to meet the aspiration of policy PCS19 in this case is a product of the applicant's intention, with the encouragement of Portsmouth City Council, to increase the density of development on the site and overall it is a reasonable response to the development constraints and opportunities of the site.

It is noted that the proposed affordable housing provision would meet the adopted policy requirement of 30%, which is supported.

### **Site Layout and Living conditions for Future Residents**

The surrounding streets to the south of the application site are predominantly 2 – 2.5 storey dwellings grouped into terraced rows with occasional semi-detached dwellings. The dwellings have a minimal set back from the street thus providing a strong continuous street frontage. The dwellings are traditional in style with front to back pitched roofs. The application proposals seek to reflect the character of the surrounding context to the south and link into the emerging contemporary proposals to the north (VIVID Site).

In keeping with the surrounding context, the proposed site is laid out to provide a continuous street frontage with minimal setbacks from the roads. Dwelling typologies to the main street frontages are predominantly long terrace rows often linking directly with flat blocks. Where the site meets Target Road the scale increases gradually from 2 storeys to 4 storeys within the street. Where the development meets the surrounding streets the roof forms are retained as traditional pitched roofs changing to flat roofed (flat blocks) where the proposals merge with VIVID site in the north-eastern area. To mirror the feel of the surrounding streets contemporary materials and design features such as bay projections are used to provide a vertical emphasis within the street. Overall, by matching the scale, dwelling typologies, creating a strong street frontage and reflecting the character of the surrounding context the new development will provide a contemporary extension to the existing neighbourhood.

### **Impact on Amenities of Neighbouring Residents**

With regard to the impact of the proposed development on the amenities of existing neighbouring residents living on Twyford Avenue, Target Road and Tipner lane, the site shares a 55 metre boundary with the curtilages of properties on Twyford Avenue and a 330 metre shared boundary with those on Target Road / Tipner Lane. The site has been designed so as to minimise adverse impacts on existing neighbours and is considered to represent a well-designed layout.

### **Highways and parking issues**

The proposal is for the construction of 221 dwellings, new access onto Tipner Lane, internal access roads, open space, parking and associated infrastructure.

The proposed development occupies part of a site that was previously in receipt of an outline consent to construct up to 518 dwellings (10/00849/OUT). There are several other relatively recent consents relevant to this site or the wider Tipner East strategic allocation site. However,



one of these consents has since expired and a further two are for much smaller developments (5 & 23 dwellings respectively) than proposed by the planning application.

The site proposes two accesses from the public highway, the main access is from Twyford Avenue, a 20 mph road that has housing and on street parking along its west side. The road is ultimately a "dead-end" however does also provide access for the Mountbatten Leisure Centre located east of the development site. This part of Twyford Avenue, from Tipner Lake to its junction with Northern Parade (A3) is not part of the classified road network.

The second access to the site is via Tipner Lane and will effectively extend the road northwards into the site. Tipner Lane is a 20mph road and is part of a predominantly residential area and is, like Twyford Avenue, ultimately a "dead-end". There is a link to M275 junction 1, though this is closed with bollards and is solely for use by active modes and emergency vehicles. There is not currently a route proposed through the site to join the two accesses, this is the result of an existing restriction placed upon one of the land parcels forming the wider site that prevents any access for vehicles or utilities to pass to the neighbouring land parcel. Therefore, only a small part of the development can be accessed via Tipner Lane (by vehicle) under the proposals. The site also incorporates a part of the National Cycle Network (NCN) route 22 which passes through the site to the southern boundary and joins Target Road.

Extensive discussions that have taken place between the highway authority and the applicant's consultants during the life of this application.

Following the submission of a further technical note by the applicant's consultants and review by the Highway Authority, it would appear that the outstanding issues are now:

- Twyford Road access has been improved, though could still go further to place pedestrians/cyclists on the desire line. The final design (and subsequent delivery) of this could acceptably be secured by condition to be submitted to and agreed by the LHA prior to occupation as part of a package of s278 works.
- Future bus route through the site remains unresolved. The inclusion of turning space to the east of the site at Tipner Lane is welcomed and is reasonably the most that could be delivered within the existing proposed spine road alignment. However, a reciprocal allocation of a bus route through the neighbouring Vivid site will be required to ensure this is not redundant.
- Principle of securing a contribution towards active travel improvements at the A3 Northern Parade, particularly focused around the roundabout junction with Twyford Avenue is agreed, with the value/method of proportioning scale of contribution to be agreed.
- All internal side roads should be engineered in such a way to afford priority to pedestrians and cyclists (where appropriate) to reflect the updated road user hierarchy within the Highway Code 2022.
- It is recommended that permitted development rights are extinguished in relation to the conversion of front gardens to car storage for units where this may be feasible (i.e. forecourts are of a sufficient size to accommodate a vehicle).
- The LHA retains a desire to adopt the main spine road(s) of the development, this is currently precluded by the inclusion of allocated parking spaces along the spine road. These should be relocated so as to not preclude to possibility of the development roads being adopted in future.
- Off road NCN 22 section is re-provided to a lesser width than the existing facility. It is acknowledged that the new path will almost certainly be of a higher quality, with improved boundaries, increased natural surveillance, and a better surface. However, the route is to be provided at the absolute minimum prescribed within latest guidance (3.0m).

Notwithstanding these issues, the Highway Authority is of the view that the application can be recommended for approval subject to conditions and a S106 agreement to secure the following:

- Full details of the means of access to Twyford Avenue to be submitted to and agreed by the LPA/LHA prior to commencement of development with the access to be provided as agreed via s278 agreement prior to first occupation of the development.

- NCN route to be retained at the existing width, with details of layout, surfacing, waymarking etc to be submitted to and agreed by the LPA/LHA and subsequently provided prior to first occupation of the development.
  - A S106 contribution (value to be agreed) toward the implementation of active travel improvements at the A3 Northern Parade and LCWIP route 307 section C is to be paid prior to the first occupation of the development
  - Mitigation works at Twyford Avenue/Walker Road junction (as identified in the Transport Assessment) to be implemented prior to occupation of the development
  - Details of parking provision (including total spaces, size and layout, and EV provision) to be submitted to and agreed by the LPA/LHA prior to commencement of development and parking spaces provided as agreed prior to occupation of the development and thereafter retained for use by residents/visitors of the development
  - Travel Plan to be submitted to and agreed by the LPA/LHA prior to first occupation of the development to cover a period of 5 years
  - A travel plan audit fee of £5500 is to be paid prior to first occupation of the development
  - A Construction Traffic Management Plan is to be submitted to and agreed by the LPA/LHA prior to commencement of development
- These conditions are required to ensure the safety of all highway users and for the promotion of sustainable travel in support of NPPF paras 112 & 113; and Portsmouth Plan policy PCS17.

## **Impact on Biodiversity / Ecology**

Protecting biodiversity and nature conservation areas is a key objective of the Portsmouth Plan and development at Tipner would be expected to deliver biodiversity enhancements. Policy PCS13, A Greener Portsmouth, seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain wherever possible with any unavoidable negative impacts being appropriately mitigated.

In this case reptiles, bats and a priority habitat have been identified on the site along with the requirement to carry out a Habitat Regulations Assessment (HRA).

With regard to reptiles, it has been confirmed that a receptor site has been found, which is currently not suitable for reptiles as the majority of the site is managed as short grassland. Therefore, prior to commencement of the development, a Reptile Mitigation Strategy should be submitted to the LPA with the receptor made suitable prior to any translocation being carried out (to be secured via a Planning Condition).

With regard to bats, further updated bat surveys have been carried out. The survey results are similar to those previously recorded but it is noteworthy that barbastelle passes have been recorded on site. As the proposals will result in new lighting which is likely to deter these species from using the site, with no meaningful green buffers created along the boundaries, the proposals will result in a minor adverse impact on foraging/commuting bats.

With regard to the issue regarding the loss of an area of 'open mosaic priority habitat (OMH)', the proposed development will result in the loss of all areas and due to the nature of the scheme there is no possibility of providing meaningful and connective replacement habitats on the site. This has been acknowledged by the applicant's ecologist and is therefore a matter that has to be weighed up in the balance.

As such, whilst OMH is a priority habitat<sup>1</sup> given that the proposal would deliver much needed housing on a brownfield site, regard has to be had to the NPPF which states that 'Local authorities should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. There is no statutory definition of high environmental value. As such it has to be assessed in this case as to whether the OMH on this site is of sufficiently high value to warrant refusing the application on the basis of no suitable mitigation being proposed.

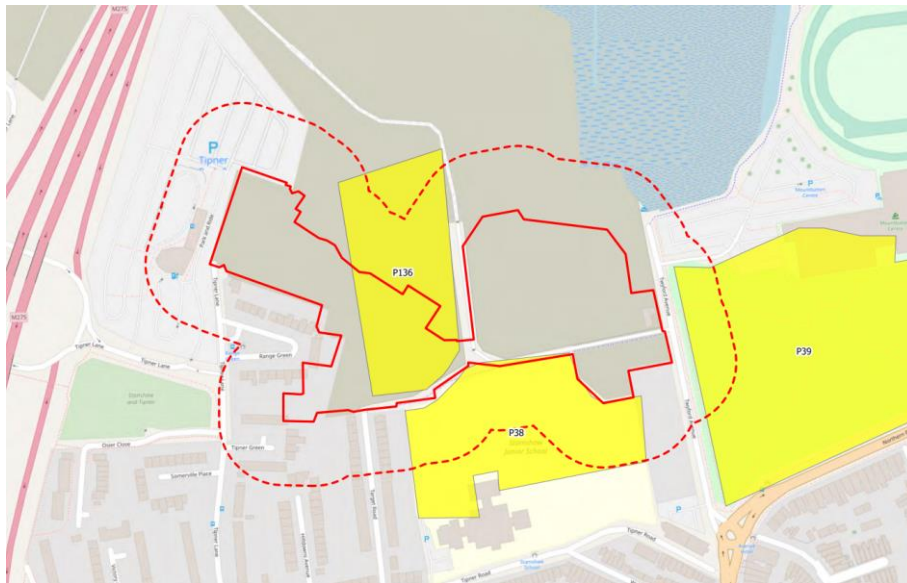
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<sup>1</sup> [Open mosaic habitats on previously developed land \(UK BAP Priority Habitat description\) \(jncc.gov.uk\)](https://jncc.gov.uk/open-mosaic-habitats-on-previously-developed-land)

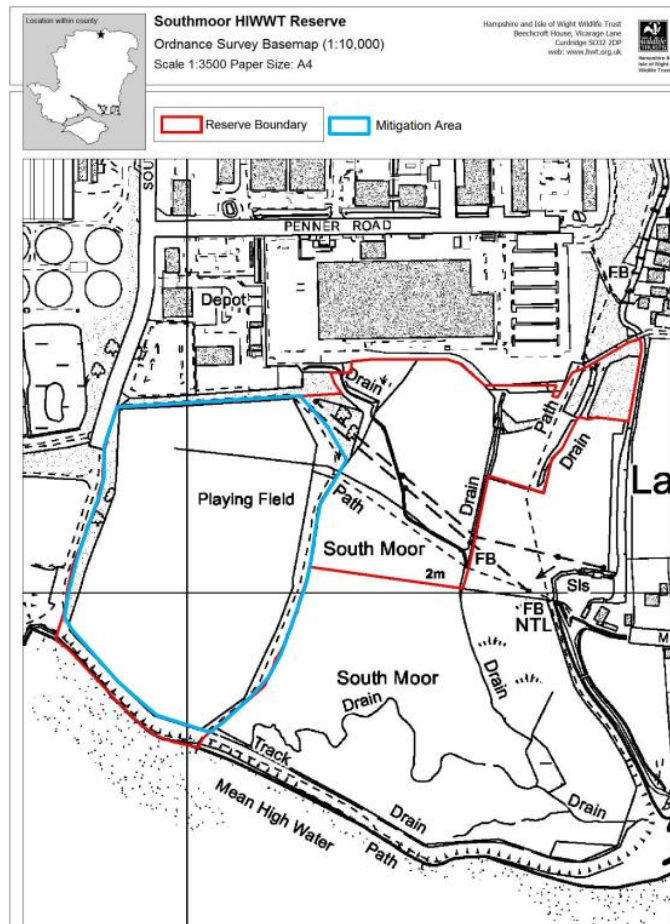
Officers consider that taking all matters into account that the need for housing delivery on this site including 30% affordable housing given the limited housing land supply available when assessed against the Government's 5-year standard are factors that weigh heavily in allowing this proposal.

By way of partial mitigation for this loss, the applicant has submitted updated landscape plans which identify proposed locations within the site where habitat creation is proposed (using site won soils and seed where possible) in accordance with Chapter 9 (Ecology) of the Environmental Statement (ES). These plans are in broad accordance with Figure 9.11 of the ES and also accommodate a number of further amendments to the site layout. These do not result in any significant change to the impact assessment set out in Chapter 9, including the assessment of residual effects (which are significant adverse for OMH).

With regard to the loss of SPA supporting habitat for Solent Waders and Brent Geese, the proposed development results in the partial loss of a low use site (P136), as shown below:



A reason as to why this application has taken so long to be presented to Planning Committee is due to the difficulties experienced by the applicant to find a suitable site to compensate for this loss. This has now been found in the form of land within the Hampshire and Isle of Wight Wildlife Trust's reserve off Southmoor Lane in Havant. Following consultation with Natural England, their opinion is that this mitigation appears ecologically robust and in line with the Solent Wader and Brent Goose Strategy Mitigation Guidance, and provided that this mitigation and management can be secured and provided for the lifetime of the development, Natural England can agree that there would be no adverse integrity on the Qualifying Features of the SPA.



A further issue that needs to be addressed is that of the impact of the development on nationally and internationally important wildlife sites in the Solent Catchment arising from excessive nutrients from wastewater discharge. In this case the applicant has secured suitable mitigation as it proposes to utilise HCA land at Knowle in the borough of Winchester

## Flood Risk and SUDS

Part of the site falls within Flood Zone 2 and 3 meaning that the site is at high risk of flooding. Based on the Flood Risk Assessment submitted with the application and following consultations with the Environment Agency and the City Council as Lead Local Flood Authority (LLFA), no objection is raised to the proposed development subject to conditions dealing with flood risk, previously unidentified contamination, SuDS infiltration of surface water, and Piling.

## CIL and S106

Part 11 of the Planning Act 2008 provides for the introduction of the Community Infrastructure Levy (CIL). The detail of how CIL works is set out in the Community Infrastructure Regulations CIL is intended to be used for general infrastructure contributions whilst S106 obligations are for site specific mitigation. The regulations have three important repercussions for S106 obligations:

- Making the test for the use of S106 obligations statutory (S122)
- Ensuring that there is no overlap in the use of CIL and S106 (S123)
- Limiting the use of 'pooled' S106 obligations post April 2014 (S123)

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15 / sqm. Most new development which creates over 99sqm of gross internal area



or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.

Based on figures provided by the applicant the gross CIL Liability for this site would be circa £2,819,523.

### **S106 - Heads of Terms**

The applicant has indicated its willingness to enter into a legal agreement under S106. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

The Heads of Terms are to be agreed with the applicant but are likely to comprise, inter alia, the following:

1. ENVIRONMENTAL
  - 1.1. SANG/SAMM Solent Protection Area contribution (TBC)
  - 1.2. Ecological Management and Enhancement
  - 1.3. Open Space Management Plan
  - 1.4. Replacement Open Mosaic Habitat
  - 1.5. Bird Aware Financial Contribution
  - 1.6. Nutrient Mitigation Delivery
2. HIGHWAYS AND TRANSPORT
  - 2.1. Public Highway Works (Highway Improvements):
  - 2.2. Highways (junction improvement works - Twyford Avenue)
  - 2.3. Travel Plan Audit Fee
  - 2.4. Bus Routing
  - 2.5. Car Club
3. INFRASTRUCTURE
  - 3.1. Affordable housing
  - 3.2. Linkage to VIVID
  - 3.3. SUDS

### **Human Rights and the Public Sector Equality Duty ("PSED")**

The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The

protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

## **CONCLUSION AND PLANNING BALANCE**

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision on a planning application should be made in accordance with the development plan unless material consideration(s) indicate otherwise. In considering Section 38(6) the proposal does not materially conflict with the development plan and the material considerations do not indicate otherwise.

This is a complex application that if implemented would take a significant period of time to complete. However, there are significant planning benefits in redeveloping this vacant site. These are:

- the delivery of much needed housing at a high density that makes efficient and effective use of land (a limited resource in Portsmouth) and at a time when PCC cannot deliver a five year land supply
- the provision of at least 30% affordable housing
- environmental improvements and enhancements compared with the existing site situation
- job creation

The officer recommendation is therefore to grant planning permission

## **RECOMMENDATIONS**

**Grant planning permission subject to conditions and a S106 Agreement.**

**Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the Draft Conditions (listed below) and finalise the S106 agreement in accordance with the draft Heads of Terms listed above.**

**That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within six months of the date of this resolution.**

### **Draft Conditions (Headings)**

1. TIME LIMIT
2. APPROVED PLANS AND DOCUMENTS
3. MATERIALS
4. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN
5. CONSTRUCTION TRANSPORT MANAGEMENT PLAN
6. CONTAMINATED LAND - RISK MITIGATION
7. *CONTAMINATED LAND - VERIFICATION*
8. CONTAMINATED LAND - WATCHING BRIEF

9. PREVIOUSLY UNIDENTIFIED CONTAMINATION
10. FLOODING - IMPLEMENTATION OF FLOOD RISK ASSESSMENT
11. FLOODING - GROUND LEVELS
12. SURFACE WATER DRAINAGE SCHEME
13. PILING METHOD STATEMENT
14. LOCAL HIGHWAY IMPROVEMENTS
15. LANDSCAPING - DETAILS
16. LANDSCAPE IMPLEMENTATION
17. LIGHTING SCHEME
18. RETENTION OF GARAGES
19. PERMITTED DEVELOPMENT RIGHTS
20. COMMERCIAL UNITS
21. ECOLOGICAL MITIGATION
30. GLAZING - SOUNDPROOFING (M275 NOISE)
31. CAR PARKING
32. CYCLE PARKING
33. CAR PARKING ACCESS AND MANAGEMENT PLAN
34. PROVISION OF REFUSE AND RECYCLING FACILITIES