

LAND TO THE SOUTH OF LIMBERLINE ROAD AND NORTH OF NORWAY ROAD, HILSEA.

DEMOLITION OF EXISTING SITE BUILDINGS, ERECTION OF BUILDINGS FOR USE CLASSES E, B2, B8 (APPLIED FLEXIBLY), INCLUDING DETAILS OF NEW ACCESS ON LIMBERLINE ROAD, PARKING, SERVICING, LANDSCAPING, BOUNDARY TREATMENT AND ASSOCIATED WORKS.

**LINK TO ONLINE DOCUMENTS:**

[23/00063/FUL | Erection of buildings for E, B2, B8 \(applied flexibly\), including details of access, parking, servicing, landscaping, boundary treatment and associated works. | Land To The South Of Limberline Road And North Of Norway Road Hilsea \(portsmouth.gov.uk\)](#)

**Application Submitted By:**

Lyndon Gill  
Barton Wilmore now Stantec

**On behalf of:**

Wrenbridge (FREOF V Portsmouth LLP)

**RDD:** 17<sup>th</sup> January 2023.

**LDD:** 18<sup>th</sup> April 2023.

**SUMMARY OF MAIN ISSUES**

- 1.1 This application is being presented to Planning Committee due to the number of objections received (from six addresses/businesses).
- 1.2 The main considerations are:
  - The principle of the development;
  - Design Considerations;
  - Impact on amenity for Existing Residents;
  - Highways & Parking;
  - Appropriate Assessment & Biodiversity
  - Trees
  - Flooding
  - Ground Conditions & Pollution (Contaminated Land)

**SITE AND SURROUNDINGS**

- 2.1 The Site is located to the north of Norway Road and to the south of Limberline Road and is close to the east to the railway with Hilsea train station located to the south east of the site.
- 2.2 The site is roughly rectangular in shape and measures approximately 1.82ha. The site has two vehicular access points and an open forecourt along its northern edge on Limberline Road, and a vehicular access point at its south-west corner with Norway Road. The site comprised of existing commercial buildings with neighbouring commercial buildings to the north, west and south, the railway line to the east and commercial buildings beyond. An electrical Infrastructure site lies to the north-east boundary of the application site. To the south west of the site on the other side of

Norway Road is a post-war residential estate, with the nearest roads being Kestrel Road and Sparrowhawk Close.

- 2.3 The surrounding area is commercial in nature and comprises a range of industrial and commercial buildings that form part of the wider Hilsea employment site. The site buildings are now substantially demolished, with works still in-progress.

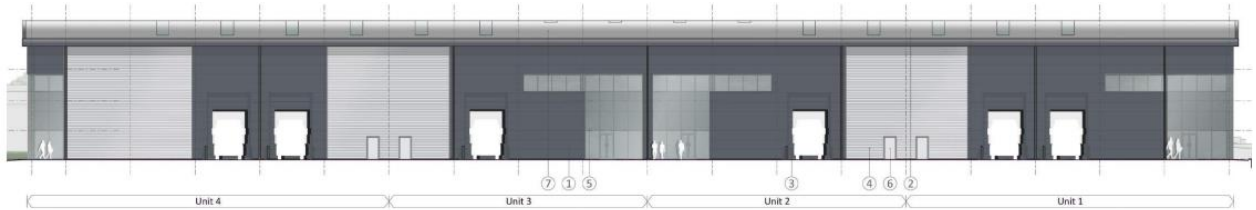
## PROPOSAL

- 3.1 The development proposes the demolition of the site existing buildings, and the erection of seven industrial-commercial units of various floorspaces, totalling 9,848 sqm (Gross Internal). The two accesses on Limberline Road would be closed, and a new access point formed, running north-south through the centre of the site, with the new buildings and lorry and car parks positioned on both sides. The north-south spine road would terminate at its southern end with a turning head to the west, and access to the rear of the largest unit, Unit 7, on the east side of the site. The access point on Norway Road would be retained, serving a relatively small parking area only. Demolition of the buildings has already commenced pursuant to Prior Approval 22/01690/DEM. The seven units would be predominantly single storey warehouse structures with ancillary first floor office space. Pockets of landscaping would be distributed around the site.

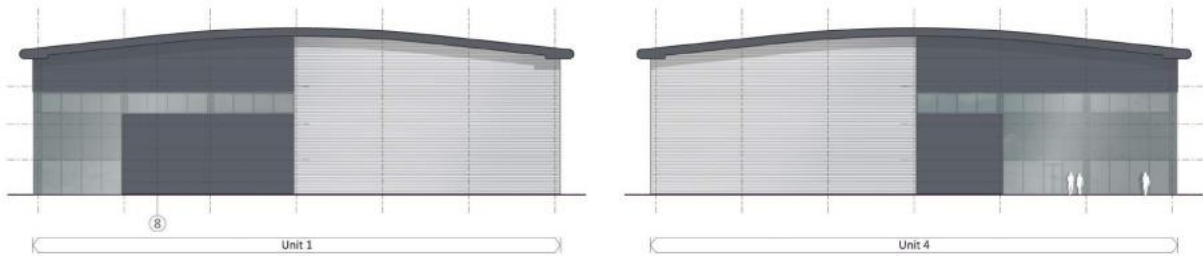


**Image 1: Proposed Site Plan**

- 3.4 The seven units would range in size from approximately 10m to 16m in height and 457 sq.m to 3,148 sq.m.
- 3.5 The buildings would be of a modern commercial appearance and constructed using composite insulated panelling, metal sheet roofing materials and insulated sliding loading doors. The applicant also proposes solar PV roofing panels. The site is proposed for 24 hour operation.



**Image 2: Proposed Front elevation to Units 1 - 4.**



**Image 3: Proposed Side elevation to Units 1 and 4.**



**Image 4: Example Materials**

## PLANNING CONSTRAINTS

4.1 The site is subject to the following key constraints

- Designated Employment Area in the Local Plan
- Flood Zones 2 & 3 (Medium & High Risk)

## POLICY CONTEXT

5.1 The planning policy framework for Portsmouth is currently provided by:

The Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012.

5.3 Having regard to the location of this site and the nature of the proposal, the relevant policies within the Portsmouth Plan would include:

- PCS11 - Employment Land
- PCS12 - Flood Risk
- PCS13 - A Greener Portsmouth
- PCS15 - Sustainable Design and Construction
- PCS17 - Transport
- PCS23 - Design and Conservation

5.4 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006):

- Policy DC21 - Contaminated Land

## RELEVANT PLANNING HISTORY

- 7.1 The site has a limited planning history, dating back to the 1970's which relates to former use of the site as a social club. Aside from the demolition consent 22/01690/DEM, there is no history of apparent relevance to the current proposal.

## CONSULTATIONS

Highways Development Control	Require Traffic Road Order (double yellow lines) at/opposite site access in order to ensure no blockage of the highway with particular reference for large HGVS to turn into and out of the site . Considering the proposed parking level on-site for staff, not convinced by the TRICS evidence provided to justify the proposed level of parking, and so some concern that over-spill parking could occur to surrounding industrial estate roads. However, given the straightness of these roads, this does not amount to an objection of Highway Safety grounds but in terms of amenity for other users of the industrial estate, this is to be considered as a planning matter. Conditions: * Prior to occupation the access to be constructed as outlined within the TS statement with the inclusion of the amended Traffic Road Order: * Construction Environmental Management Plan; * provision of parking spaces: * Electric Charging Point; * Cycle storage; * Travel Plan.
Regulatory Services	NO OBJECTION subject to a condition regarding noise control
Contaminated Land Team	NO OBJECTION subject to conditions.
Ecology Adviser	NO OBJECTION is raised to the scheme subject to conditions to secure biodiversity enhancements and an informative regarding bats.
Drainage Team	NO OBJECTION subject to suitably worded condition(s) including SuDS infiltration type, separate water catchment from the highway network and maintenance schedule.
Environment Agency	NO OBJECTION subject to conditions re contamination and piling.
Natural England	NO OBJECTION
Network Rail	NO OBJECTION

## REPRESENTATIONS

- 9.1 Objections have been received from 6 addresses in the vicinity of the site. These are concerned with:
- The scheme will only serve to make already congested roads worse, existing roads within the estate are often blocked;
  - Additional traffic will impact upon road safety, particularly around the Gunstore Road/Norway Road roundabout;
  - There are already too many HGV's, the scheme will only make this worse.
  - Outdated approach for one of the largest industrial estates in the city to be served by a single access road in and out.

## PLANNING CONSIDERATIONS / COMMENT

### Principle of the development

- 10.1 The application site is located within the Hilsea Employment Area where Policy PCS11 is of relevance. Policy PCS11 of the 2012 Portsmouth Plan states sustainable economic development will be promoted by the provision of a flexible supply of good quality office,

manufacturing and warehouse land and floorspace. Policy PCS11 further states that in existing employment areas the City Council will promote office, manufacturing and warehouse development.

- 10.2 The Policy states that the existing areas have the potential to provide approximately 62,000 sq.m of additional such floorspace.
- 10.3 Policy PCS11 is in accordance with the objectives of paragraph 81 of the NPPF which highlights that significant weight should be placed on the need to support economic growth and productivity, taking account of both local business needs and wider opportunities for development.
- 10.4 The development proposes a total of 9,848 sq.m of industrial and commercial units within Use Classes E(g)(i) (Offices to carry out any operational or administrative functions; E(g)(ii) Research and development of products or processes; E(g)(iii) Industrial processes; B2 General Industrial and B8 storage and distribution.
- 10.5 The provision of modern, purpose built and energy efficient industrial and commercial units within a designated employment area would be entirely in accordance with the objectives of Policy PCS11 of the 2012 Portsmouth Plan and therefore acceptable in principle.
- 10.6 The subtext to Policy PCS11 states, at paragraph 4.19 of the 2012 Portsmouth Plan that the City council will seek to deliver a varied supply of employment floorspace. The development would delivery both a variety in the uses permitted as well as a variety in the unit sizes thereby catering to a varied range of businesses.
- 10.7 In addition to the scheme being acceptable in principle the development provides for varied unit sizes which are set out as follows:

Unit No.	Size (sq.m)
1	1,496
2	1,163
3	1,187
4	1,632
5	457
6	756
7	3,148

- 10.8 Providing for a range of unit sizes, together with the range of uses permitted, would ensure the development caters for a range of business types thereby according with the overarching objectives of Policy PCS11 and the associated sub-text within the 2012 Portsmouth Plan.

### **Design Considerations**

- 10.9 The National Planning Policy Framework (NPPF), Chapter 12, 'Achieving Well Designed Places', states that 'the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. The NPPF is also supplemented by the National Design Guide (NDG).
- 10.10 Policy PCS23 (Design & Conservation) echoes the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment

for neighbouring and local occupiers as well as future residents/users of the development.

- 10.11 The surrounding area is predominantly commercial and industrial in character and consists of single and two storey commercial and industrial buildings that are constructed of red brick and cladding of varying colours and appearance. In addition to the materials the roof forms vary which together with the red brick residential properties to the south west has resulted in a varied character and appearance.
- 10.12 The proposed buildings comprise two terraces extending north-east/south-west and would have gable end elevations with a gently curving roof constructed using curtain wall insulated cladding with a simple colour palette consisting of light and dark greys with large glazed areas around entrance foyers and the ancillary offices. The units would vary from 10m in height to 16m.
- 10.13 The surrounding built form, in addition to the overall design and appearance, varies considerably in height and scale. Units 1 - 4 would be within the western terrace that would be of a uniform height of approximately 13 m. The eastern terrace of Units 5 - 7 would be a split level terrace of 10m in height for Units 5 and 6 and 16m in height for Unit 7.
- 10.14 Units 1 - 4 would appear to be taller than the neighbouring building by approximately 2-3 metres. It is considered however that due to the variety in the size and scale of the surrounding industrial and commercial buildings that the change in scale would not be harmful.
- 10.15 Views from within the site from Limberline Road would also show a change in levels from the surrounding buildings to the north of the site. However, the wider estate is characterised by variety in the size and scale of buildings and as such any differences between the buildings proposed and those in the immediate vicinity would not constitute a harmful change.
- 10.16 Furthermore, the buildings' gable end with gently curved roof would reflect the surrounding style of many of the surrounding commercial buildings further ensuring the development is of an appropriate design when assessed against the appearance of surrounding buildings.
- 10.17 In summary, the scheme proposes two terraces comprising 7 industrial and commercial units that would have a gable end design with a gently curved roof that would be similar to those in the surrounding vicinity and while those proposed would be taller than the existing buildings surrounding the site such changes in scale are characteristic of the wide Hilsea industrial estate. The materials palette would also be reflective of the curtain walled clad buildings within the immediate vicinity. It is considered therefore that the proposal would constitute good design in accordance with the objectives of Policy PCS23 of the 2012 Portsmouth Plan.

#### **Impact on amenities of residential properties**

- 10.18 In addition to requiring good design, Policy PCS23 of the 2012 Portsmouth Plan also requires new development to protect the amenities of and to ensure a good standard of amenity for neighbouring and local residents.
- 10.19 The application site is surrounded to the north, south and west by other industrial and commercial buildings with the Hilsea railway station and trainline to the east with other industrial and commercial uses beyond.
- 10.20 The nearest residential properties are those that front Sparrowhawk Close to the south west of the site, the nearest of which is No. 1 Sparrowhawk Close. The south west

corner of Unit 4 would be approximately 40m from the back garden of No. 1 Sparrowhawk Close. Such separation distances would ensure there is no harmful impact in terms of loss of sunlight or daylight.

- 10.28 The proposed industrial and commercial use does however have the potential to give rise to a degree of noise that could impact upon the amenities of residential properties off Sparrowhawk Close. The Regulatory Services Officer has reviewed the plans and particulars submitted with the application including the Noise Impact Assessment.
- 10.29 The Noise Impact Assessment details the extent of the noise survey undertaken and the results of that survey which was undertaken during both the day and night time. The survey results confirm that due to the predominantly surrounding industrial and commercial nature of the area and road noise, resulting noise impacts would be low. The report does suggest the installation of two 2.5m high noise barriers.
- 10.30 The Regulatory Services Officer has confirmed that upon review of the noise assessment no objection is raised to the proposal subject to a condition regarding noise levels.
- 10.31 In addition to this it is considered necessary to impose a further condition ensuring details of the noise barriers referred to in the noise impact assessment are submitted and installed as approved.
- 10.32 It is considered that subject to these conditions that there would be no harmful impact on the occupants of properties off Sparrowhawk Close thereby ensuring compliance with Policy PCS23 of the 2012 Portsmouth Plan.

### **Highways and Parking**

- 10.34 The development proposes the main vehicular access off Limberline Road with a further access for car parking to the south off Norway Road. There would be parking areas outside each of the 7 units proposed.
- 10.35 The development would propose a total of 102 car parking spaces with each of the units also having their own bicycle parking area. Of the parking spaces, 8 would be accessible, with 20% active EV charging spaces and 80% passive EV spaces.
- 10.36 Other companies within the industrial area have objected to the application, and there have been various discussions with the Applicant and the Local Highways Authority. These have resulted in the Applicant carrying out various further work on parking and access matters. The LHA's concluding comments are summarised earlier in this report. Subject to a range of conditions addressing different matters, especially achieving suitable access in-out of the site, there is no objection from the LHA. The exact mechanism (eg condition and/or legal agreement) to secure the delivery of the access arrangements remains under discussion with the Applicant and LHA and will be reported to the Committee on the day of the meeting.
- 10.37 The above resolution is noted and supported. It is further noted that the site is located in a reasonably sustainable location with good access to bus stops and especially the Hilsea railway station. Such public transport links together with the bicycle parking proposed and a Travel Plan should ensure that any highway impacts would not amount to a severe impact on the safety of the surrounding highway network.

### **Ecology and Biodiversity**

- 10.41 Pursuant to the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not

directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.

- 10.42 Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitat site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.
- 10.43 As the development would not result in any additional residential units or overnight stays there is therefore no requirement for any nutrient neutrality mitigation. Further, Natural England have raised no objection to the proposal.

#### *Biodiversity*

- 10.44 The overarching objective of Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF is to ensure planning preserves and enhances a site's biodiversity.
- 10.45 Regarding ecology, the County Council's Ecologist has reviewed the ecological documents submitted with the application which include a Preliminary Ecological Appraisal and Preliminary Roost Assessment report, Nocturnal Bat Roost Assessment report, Biodiversity Net Gain report and HRA Screening report.
- 10.46 The buildings were considered to have the potential for roosting bats however the subsequent bat survey confirmed there were no bats in any of the buildings. Notwithstanding this, an informative is requested regarding bats and the legal protection.
- 10.47 Furthermore, the ecology officer has requested a condition ensuring the biodiversity enhancement measures set out in the report are undertaken in accordance with the report.

#### *Trees and Landscaping*

- 10.48 There are no trees or any vegetation on the site. The applicant has submitted a biodiversity enhancement planting plan which the ecology officer has requested is conditioned.
- 10.49 It is considered that subject to the two conditions and informative that the development would not have any harmful impact on protected species and would bring about a biodiversity enhancement thereby complying with the objectives of Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF.

#### **Flooding and Surface Water Drainage**

- 10.50 When determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. The site is located in Flood Zone 2 and 3, areas of greatest risk of flooding. The applicant has submitted a Flood Risk Assessment which refers to flood risk as well as surface water drainage and the sequential test. The environment Agency has required the application and have raised no objection subject to conditions regarding contamination. No issues have been raised regarding flood risk.
- 10.51 Regarding the Sequential Test; as commercial uses are classified as 'less vulnerable' and with the wider estate being designated employment land in both the existing Local Plan and emerging Local Plan the Sequential Test is satisfied.



- 10.52 Regarding the drainage scheme itself, the proposal has been reviewed by the Drainage Officer who has confirmed that the drainage proposal has been well thought out. There are a small number of details that need to be clarified in due course. The details include infiltration and SuDS, the separation of water catchments around the access and the maintenance and operation of the drainage works and oil receptors.
- 10.53 Such details can be secured by way of a condition(s). As such, subject to this condition the scheme is considered appropriate in flood risk terms.

### **Ground Conditions and Pollution (Contaminated Land)**

- 10.52 The Contaminated land team have submitted detailed comments regarding the sites history and that of the wider estate that refer to a number of matters including the need for more targeted sampling and an updated reports and have requested a multi-part condition.
- 10.53 In addition the Environment Agency have requested a total of four conditions that all relate to contamination.
- 10.54 Both sets of conditions requested require a further desk study to be undertaken that need to include a conceptual model which includes a source-pathway-receptor assessment; a site investigation reports and a remediation method statement. These would be pre-commencement and a further pre-occupation element requiring a stand along verification report to be undertaken. The Environment Agency have requested a further condition that relates to piling. As the Environment Agency's suggested conditions refer to the Local Planning Authority it is considered appropriate to use the multi-part condition requested by the Contaminated Land Team with an additional condition relating to piling from the Environment Agency.
- 10.53 Subject to these conditions it is considered that the scheme is acceptable with regard to ground conditions

### **CIL**

- 10.54 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. 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 per sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy.
- 10.55 The CIL Form 1 submitted with the application that the CIL charge on the 9,848 sq.m proposed would be £1,646,117.49. If however the use(s) of the units proposed are restricted by condition to Use Classes E(g), B2 and B8 then the charge would be zero.

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

- 10.56 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.
- 10.57 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 do not. 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.

### **Other Issues**

- 10.58 To the east of the site is the railway line and an electricity substation. Network Rail have confirmed they have no objection to the proposal. In addition the applicant themselves would have a duty of care in undertaking any construction works associated with the permission, but attaching an Informative is nevertheless a responsible reminder.

### **CONCLUSION AND PLANNING BALANCE**

- 11.1 There is no objection to the proposed industrial and commercial buildings both in terms of the principle due to the site's designation as an Employment Area nor the design, scale and layout of the buildings/site.
- 11.2 The development, subject to two conditions regarding noise, should not have a material impact on neighbouring residents' amenities. Transportation matters have been addressed with the assistance of the Local Highways Authority.
- 11.3 As such, the proposals constitute Sustainable Development, they accord with the Local Plan and the NPPF, and planning permission should be granted subject to various conditions and a legal agreement to secure the Travel Plan Monitoring fee and an employment and skills plan.

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

- (a) satisfactory completion of a Legal Agreement to secure a Travel Plan Monitoring sum, and an Employment and Skills Plan.

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

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

### **Conditions**

#### **Implementation**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - To be provided in the Supplementary Matters Report.

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

### **External Materials**

3) 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the application form, the Design & Access Statement (CMP Architects, January 2023) and Plan No's P03-CMP-U5-ZZ-DR-A-00200 Rev. PL1 & P031-CMP-U1-ZZ-DR-A-00200- Rev. PL1.

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

### **Contamination**

#### Prior to Commencement

- 4) No works (except for demolition) pursuant to the development hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:
- a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice) documenting all the previous and current land uses of the site and potential contaminants associated with those uses. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including sampling rationale for a site investigation scheme based on the conceptual model, explaining all proposed sample locations and depths (Phase 1 report).
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas – Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end use or can be made so by remediation. Remedial options shall be detailed with a remedial options appraisal. The report shall include a detailed assessment of the risk to all receptors that may be affected, including those off-site (Phase 2 report).
  - c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, detailing proposals for future maintenance, monitoring and arrangements for contingency action as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality – Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion (Phase 3 report).

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

with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 183 of the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as approved.

#### Prior to Occupation

- 5) The development shall not be occupied until a stand-alone verification report has been submitted by the competent person approved pursuant to condition 4 c) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement and demonstrate that site remediation criteria have been met. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 4 c).

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006), and paragraph 183 of the National Planning Policy Framework (2021). The responsibility for safe development rests with landowner / developer.

#### **Noise/Amenity**

- 6) The rating level of the noise emitted by all fixed plant and/or equipment on the site shall not exceed 46dB at the boundary of any noise sensitive premises between 07:00 and 23:00hrs and 40dB between 23:00 and 07:00hrs. The measurement and assessment shall be made according to BS4142:2014+A1.  
Reason: In the interests of amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.
- 7) Prior to the occupation of the buildings hereby approved details of the acoustic fencing shall be submitted to an approved in writing by the Local planning Authority. The fencing shall then be installed as approved and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

#### **Lighting/Amenity**

- 8) The external lighting within the site shall be installed in accordance with the External Lighting Assessment Report and Plan No. 22-087-PL-EX-001 Rev. PL2 (MBA Consulting Engineers, January 2023) unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of residential amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

#### **Ecology/Biodiversity**

- 9) Biodiversity protection and enhancement measures for bats, birds and planting shall be carried out in line with Section 5: Ecological Constraints, Opportunities and Recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (MKA Ecology, November 2022), with photographs and a report of

the implemented measures submitted by an ecologist for approval to the Local Planning Authority prior to occupation.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

- 10) Development shall proceed in accordance with the planting measures proposed in Appendix 3 of the Biodiversity Net Gain Plan (MKA Ecology, January 2023) in order to provide the measurable net gains outlined in the report. Annotated photographs of the implemented landscaping shall be submitted to the Local Planning Authority for approval prior to occupation.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

### **Drainage**

- 11) Prior to the occupation of the development hereby approved an updated Drainage Strategy shall be submitted to an approved in writing by the Local Planning Authority. The updated Strategy shall provide information on the SuDS Infiltration details and information on the separation of water catchments between the site and the adopted highway and details on the operation and maintenance schedule for all drainage works. The works shall then be implemented as approved.

Reason: In the interests of flood risk and surface water drainage pursuant to Policy PCS12 of the 2012 Portsmouth Plan.

### **Hard/Soft Landscaping**

- 12) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high-quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### **Highways**

#### **CEMP**

- 13) No development (with the exception of remedial works) shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period In the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.

## Parking

- 14) The proposed commercial units contained within this application shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy PCS17 of the Portsmouth Plan.

## Electric Charging Points

- 15) No part of the development shall commence above slab level until details of the provision of the electric vehicle charging points being submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 111E of National Planning Policy Framework 2021.

## Cycle storage

- 16) The development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric charging points, security measures to protect cycles and users; and (b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

## Travel Plan

- 17) Prior to the first occupation of the commercial units, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision of the arrangements for the appointment of a Travel Plan Coordinator, SMART targets and initiatives (including financial) for promoting sustainable transport with particular emphasis on walking, bicycle use together with details of future monitoring and update procedures. The Travel Plan shall be implemented upon first use of the venue and shall be kept in place, and updated, thereafter. The approved travel plan shall be continually monitored with the results of the monitoring and any recommended actions submitted to and approved in writing to the Local Planning Authority on an annual basis starting from the date of the approval of the first Travel Plan, with the approved recommendations implemented as agreed as part of the annual review, improvement and reduction of car dependency.

Reason: To minimise impact on the surrounding highway network and to encourage the use of more sustainable modes of transport in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

#### Energy Sustainability

- 18) Within 3 months of first occupation of the buildings hereby approved an Energy Confirmation Report shall be submitted to the Local Planning Authority. The report shall set out the energy efficiency measures employed in the buildings to achieve the efficiency measures set out in the Energy Strategy by MBA Consulting Engineers (Issues P1, January 2023).

Reason: In the interests of energy efficiency and sustainability pursuant to Policy PCS15 of the 2012 Portsmouth Plan.

#### Planning Uses

- 19) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent act, the development hereby shall only be used for uses falling within Use Class E(g)(i), E(g)(ii), E(g)(iii), B2 and B8 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of employment and the economy pursuant to Policy PCS11 of the 2012 Portsmouth Plan.

#### Informatives

Bats: Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Infrastructure: The Applicant/land Owner is respectfully reminded of the proximity of the site to the railway line and an electricity substation, and so must secure the necessary consents, licenses, etc. with the relevant parties.