

19/00420/FUL

WARD: EASTNEY & CRANESWATER

**FRASER RANGE FORT CUMBERLAND ROAD SOUTHSEA
PART DEMOLITION, REDEVELOPMENT AND CONVERSION OF THREE EXISTING
STRUCTURES AND CONSTRUCTION OF NEW BUILDINGS. TO CREATE 116
APARTMENTS AND 18 HOUSES, CONSTRUCTION OF NEW SEA WALL FLOOD
DEFENCES AND WALKWAY (TO INCLUDE REMOVAL AND REINSTATEMENT OF TANK
TRAPS), ACCESS ROAD, PARKING AND LANDSCAPING WORKS (AMENDED
DESCRIPTION, AMENDED PLANS (06-01-23) DOCUMENTATION (03-02-23), AND
UPDATED INFORMATION (09-10-23) RECEIVED). THE APPLICATION COMPRISES EIA
DEVELOPMENT.**

LINK TO ONLINE DOCUMENTS:

[19/00420/FUL | Part demolition, redevelopment and conversion of three existing structures and construction of new buildings to create 116 apartments and 18 houses, construction of new sea wall flood defences and walkway \(to include removal and reinstatement of tank traps\), access road, parking and landscaping works \(amended description, amended plans \(06-01-23\), documentation \(03-02-23\), and updated information \(09-10-23\) received\). The application comprises EIA development. | Fraser Range Fort Cumberland Road Southsea \(portsmouth.gov.uk\)](#)

Application Submitted By:

Pearce Planning Ltd
FAO Mr Alan Pearce

On behalf of:

Orangestar Capital (Portsmouth) Ltd

RDD: 14th March 2019

LDD: 31st July 2019

EOT: 4th September 2024

1. SUMMARY OF MAIN ISSUES

- 1.1. This application is being presented to Planning Committee as it is a significant major development involving the part demolition, redevelopment and conversion of three existing structures and the construction of new buildings to create 116 apartments and 18 houses.
- 1.2. The main planning issues are considered to be:
 - Principle of development
 - Design and character
 - Heritage considerations, including impact upon Scheduled Monument and Grade II* listed heritage assets.
 - Impact on amenity and standard of accommodation
 - Highways and parking
 - Ecology (including Environmental Impact Assessment (EIA), Biodiversity Net Gain (BNG) and Appropriate Assessment (AA)).
 - Proposed sea defences
 - Landscape and Visual Impact
 - Viability
 - Sustainable design & construction

2. SITE DESCRIPTION

- 2.1. The application relates to a 6.5ha site located adjacent to Eastney Beach, to the south-east of Fort Cumberland Road. The site was a former 20th century military training and experimental establishment and is occupied by a number of buildings and structures, which are in various states of disrepair / dereliction.
- 2.2. The site was formally closed in 2006 and has been vacant since that time. It is currently closed off to the public by high metal security fencing and gates. Land surrounding the existing buildings comprises a mix of coastal grassland, scrub, shingle, low coastal vegetation and hard surfacing.
- 2.3. The application site lies immediately adjacent to and incorporates part of Fort Cumberland, which is a Scheduled Ancient Monument and is Grade II* listed.
- 2.4. The site is surrounded by three Sites of Importance for Nature Conservation (SINCs), including the Fort Cumberland SINC and Land West of Fort Cumberland SINC to the north and Eastney Beach SINC to the south. A section of the Fort Cumberland SINC adjacent to the access road falls within the application site.
- 2.5. Areas of land in and around the site are identified for their importance for Solent Waders and Brent Geese. This includes two areas of beach to the south of the site, one identified as a Primary Support Area, and one identified as a low use area. There is also a nearby area of land to the north-east of Fort Cumberland which is identified as a Secondary Support Area (P127).
- 2.6. When the application was submitted, it was identified as being within Flood Zone 1 (low risk) on the Environment Agency (EA) flood maps. When the EA flood maps were updated in 2020, the site was moved into Flood Zone 3 (high risk).
- 2.7. To the west of the site is Southsea Leisure Park caravan park and there are residential properties further to the north on the opposite side of Fort Cumberland Road, as well as Southsea Marina and Boatyard. To the east of the site is a Southern Water storm tank and combined sewer outfall. To the south there are far reaching views across the Solent.
- 2.8. Access to the site is via the road which links to Fort Cumberland Road. There is a public footpath that runs from the access road down to Eastney Beach to the west of the site, adjacent to the caravan park.



View of the site looking east to west.



Red line boundary of the site with the block of existing buildings.

3. PLANNING CONSTRAINTS

3.1. The site is subject to the following key constraints

- Site lies within Flood Zone 3
- The site's southern boundary is the Solent
- Lies in close proximity to the Historic Fort Cumberland
- Three Sites of Importance for Nature Conservation (SINCs), including the Fort Cumberland SINC and Land West of Fort Cumberland SINC to the north and Eastney Beach SINC to the south

4. PROPOSAL

- 4.1. Planning permission is sought for a residential development of the site, comprising part conversion of existing buildings and part new build, to provide a total of 134 new dwellings



- 4.2. The proposed buildings are referenced within the application documents by numbers, summarised as follows:

- 4.3. Block 1, comprise of -

- Block 1A - 3-storey, 5x 4-bedroom houses, 1x4 bedroom duplex, 1x2 bed apartment;
- Block 1C/D - 3-storey, 3x3-bedroom houses, 1x3 bedroom apartment, 2x2 bedroom apartment, 3x4 bedroom houses;

- 4.4. The main works to Block 2 would comprise a roof extension, along with repair works and the installation of new fenestration including new entrance doors on the south elevation. The roof extension would be set in from the south, east and west facades of the building and would measure 2.65m (top of parapet) and 12.88m (plant room) in height with a flat roof, constructed of powder coated aluminium. Block 2 will increase by 2.65m (from top of existing parapet) and 650mm (new tower to the top of existing plant room)

Block 2 - Conversion and extension of existing building to provide 22 flats (3 storey)

- 6 x 1-bed
- 9 x 2-bed
- 7 x 3-bed

Block 3 - New build 2-storey building (7.1m height) to provide 7 flats:

- 2 x 1-bed
- 4 x 2-bed
- 1 x 3-bed

Block 4 - New build 5-storey building (15.75m height) to provide 26 flats:

- 6 x 1-bed
- 15 x 2-bed
- 5 x 3-bed

- 4.5. The main works to Block 5 would comprise a first-floor extension on the south side of the building and a roof extension. The first-floor extension would measure 3.5m in depth, extending partially over an existing flat roof, and 11.09m in height. The roof extension would be constructed of powder coated aluminium and new glass balustrading would be installed on the southern side. Increase in height from existing is 3.5m.

Block 5 - Conversion and extension of existing building to provide 26 flats (3 storey):

- 2 x 1-bed
- 15 x 2-bed
- 9 x 3-bed

Block 6 - New build 5-storey block (16.1m height) to provide 27 flats:

- 8 x 1-bed
- 16 x 2-bed
- 3 x 3-bed

Block 7 - New Build terrace (8.5m height) of 7 houses and 2 duplex:

- 2 x 3-bed duplex
- 1 x 2-bed house
- 6 x 4-bed house

- 4.6. Ancillary buildings - The predominant materials for the new buildings and extensions would comprise facing brickwork, powder coated aluminium and glazing. The buildings consist of a gate house, management suite and management storage.

- 4.7. It is proposed that the North Cape building be converted into a dwelling which is acceptable. This building lies within the boundary of the Fort Cumberland Scheduled Monument (SM). Drawings have been submitted proposing to convert the building into a three bedroomed house.

- 4.8. The scheme also includes the following associated works:

- i. The flood defence works would comprise the creation of a rock armour revetment to reduce wave overtopping, which entails the positioning of layers of rock beneath the beach shingle. The defences would extend along the southern side of the application site and along part of its length a concrete retaining wall would be provided. The extent of the rock features and height of the wall would vary along its length. This wall would form part of the boundary of a new coastal footpath.
- ii. Widening of the existing access road by 250mm (excluding new pavement) and 2.25m (with pavement) on its northern side to measure 5.53m or 7.53m with pavement.



4.9. A summary of the revised and updated plans and their respective amendments are as follows:

- Blocks 1A and 1C/D have been reorientated to frame the key view from the Fort to the north toward the ocean to the south. Rear domestic gardens are less visible from the Fort as a result of this change.
- Block 1B has been removed from the scheme, with dwellings added to Blocks 1C/D and Block 7 has been reorientated such that it faces / is accessed from the west and frames the entrance to the site from the south.
- A 'gatehouse' feature building is proposed to the north of the site entrance, to help frame the gateway into the site and provide an opportunity for an interpretation panel detailing the history of the site.
- Corner elements to Blocks 1C/D and 7 have been amended to have softer corners and wider frontal aspects.
- The changes to Blocks 1A, 1C/D and 7 have created a landscaped space which serves as a central focal point for the scheme.
- Parking provision has largely been consolidated at 4 no. main parking areas (west of Block 1A), between Blocks 5 and 6, north of Block 2 and to the east of Block 4. This allows for a largely simplified and 'uncluttered' public realm in the centre of the scheme. Parking areas on the northern portion of the site would feature pergolas with climbing planting. Parking areas adjacent to the southern boundary would feature light-weight structures to provide protection during storm events.
- Two small existing buildings to the north of Block 2 are now also proposed to be demolished.

4.10. Buildings 1A-D

Buildings A and D have been realigned along a roughly north/south axis, forming a well-defined open space and shared outlook designed to reinforce a key historic view between the ravelin of Fort Cumberland and the sea forts of the Solent. This realignment also reduces the amount of north-facing facades and associated private amenity space, providing attractive east- and west facing views and defensible outdoor space to the majority of new dwellings.

In addition, Building C has been moved northwards and adjoined to Building D to create a single L-shaped block which presents a prominent architectural form at their intersection.

4.11. Building 7

The previous appearance of this building was deemed to be too imposing and 'sharp', necessitating a redesign more appropriate to its prominent location when entering the site. This involved breaking up its repetitive nature by incorporating an architectural feature element incorporating apartment dwellings and additional outdoor roof space allowing a better visual outlook over the entrance for residents and reinforcing the prevailing residential character of the site upon arrival.

The new positioning of building 7 also improves the setting and amenity of the public footway accessing the seafront, providing an attractive and sheltered outlook for residents and improving overall security through an increased sense of occupancy.

4.12. Site entrance

Building 7 has also undergone a reorientation in order to better 'anchor' the main entrance, contributing to an improved sense of arrival through a prominent and visually striking entrance that is easily distinguished from other buildings on site. This space around the entrance has been further enhanced with appropriate landscaping, lighting and other complementary architectural elements.

The replacement of building 1B with a smaller gatehouse structure contributes to this sense of arrival by defining a recognisable entry point to the site within the surrounding landscape. Additionally, the access road has been designed in a way that naturally guides people around the site through strategic landscaping and footpaths. This assists in user orientation, and where the existing road deviates to serve other parts of the site, a clear footpath continues to delineate its historical passage through the central public space.

4.13. Phasing

A phasing plan has been submitted as part of the application. It shows that development will be split into 3 parts

- 1 - the required coastal defences will be installed first
- 2 - the infrastructure will be constructed including the roads and drainage
- 3 - the residential development will commence

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

5.2. Having regard to the location of this site, the relevant policies within the Portsmouth Plan would include:

- PCS9 (The Seafront)
- PCS10 (Housing Delivery)

- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure)
- PCS17 (Transport)
- PCS19 (Housing)
- PCS23 (Design and Conservation)

Portsmouth City Local Plan 2006

- Saved Policy DC21 Contaminated Land

5.3. Regard also must be had to the following SPDs and guidance:

- Seafront Master Plan 2021;
- Conservation & Built Heritage 2021;
- Parks and Open Spaces Strategy 2012-2022;
- Sustainability Strategy 2010;
- Tall Buildings Study 2009;
- Portsmouth Transport Strategy 2021-2038;
- Housing Provision in Portsmouth 2006-2027;
- Parking Standards and Transport Assessment Supplementary Planning Document 2008;
- Solent Recreation Mitigation Strategy 2017;
- Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021- 2023/24 Period) 2022;
- Air Quality and Air Pollution 2006;
- Developing Contaminated Land 2007;
- Housing Standards 2013;
- Planning Obligations 2012

5.4. The National Planning Policy Framework (December 2023) (NPPF) is also an important material consideration and is supported by guidance in the National Planning Practice Guidance (NPPG).

Seafront Masterplan

5.5. Portsmouth City Council adopted a Seafront Masterplan Supplementary Planning Document in March 2021. This document has been prepared to guide proposals for regeneration and development of the seafront and immediate surroundings. The overall aim of the Masterplan is to attract more people to the area (both local and tourists), to sustain and enhance the city's economy, whilst ensuring that the heritage and nature conservation values of the area are protected.

5.6. Fraser Range lies within the Eastney Beach character area as defined by the Seafront Masterplan. This section extends from the junction of St Georges Road eastwards to the Haying Ferry and incorporates the areas surrounding Eastney Barracks, Southsea Leisure Park, and Fort Cumberland. The document states that as the Fraser Range site is vacant, then if a redevelopment proposal comes forward, then it should be careful consideration should be given to how a scheme could be sensitively designed in relation to its proximity and relationship with Fort Cumberland and its setting, in terms of building heights, style, materials and opportunities to improve physical connections to Fort Cumberland and the coastal path.

- 5.7. Fraser Range has opportunities to enhance the natural environment in terms of providing for net-gain in biodiversity and the enhancement of flood defences.
- 5.8. It must be recognised that the Seafront Masterplan is intended to guide the development and regeneration of the publicly accessible areas of the seafront and associated public realm. The Masterplan does not seek to set out principles for the development of adjacent, privately owned sites which may come forward for development. For this reason, the Masterplan does not include any specific objectives relating to the potential redevelopment of Fraser Range. However, an important consideration in the determination of this application will be how the development responds to its wider context and the objectives of the Seafront Masterplan.

6. RELEVANT PLANNING HISTORY

- 6.1. The planning history most relevant to the determination of the application includes:
- 19/01704/LBC - Removal and reinstatement of World War 2 Anti-Tank Defences to facilitate new coastal defence and coastal path works - Approved 8 July 2022
 - 17/00003/EIASCO - EIA scoping opinion - issued 19 June 2017
 - A*26996/AP - Construction of 131 residential units in 3 new build blocks, associated car parking, provision of access and landscaping - application withdrawn 17 August 2011. *This scheme would have involved the removal of all existing buildings on the site and replacement with the 3 new tower blocks.*
 - A*26996/AN - certificate of lawfulness for existing use as offices, research and light industrial purposes (Class B1) together with ancillary storage/distribution (Class B8), general industrial (Class B2), and Sui Generis uses - granted 6 July 2004
 - A*26996/AL - installation of 2.4m high security fence and gates with pedestrian access to entrance of Fraser Range - permission 14 March 2003
 - In addition to the above, there have been a number of historic applications dating back to the 1960's, for masts, structures and building alterations associated with the former MoD use of the site.

7. CONSULTATIONS

- 7.1. The following consultation responses have been received following amended plans during the planning process:

Environment Agency	No objection subject to conditions
Coastal Partners	<u>Remove holding objection</u> to the proposed development, subject to the recommended planning conditions
PCC Highways	No objection subject to conditions and a financial contributions
Historic England	No objection subject to conditions

Historic England - Estates	Conditions requested in relation to the new water mains, CEMP, fencing/landscaping.
HCC Archaeology	No objection subject to conditions
HCC Ecology	No objection subject to conditions
Hampshire Constabulary Designing Out Crime Officer	Changes required to the layout however it is felt these can be dealt with via condition
Hampshire Fire and Rescue Service	No objections however it should be noted that the road layout and access arrangements are amended to comply with part B5 of the building regulations for Fire Service Access
PCC Contaminated Land	The regulatory consultations with PCC in the desk study confirm the land has not been determined as Part 2a Contaminated Land but do not consider our data holdings. Whilst the desk study appears to have found most uses from their use of other records, I am compiling a list of our data holdings so that the applicant can check that no historical uses have been omitted from their conceptual model, and at that time the CLT can confirm that the desk study, that underpins the investigative process is accepted. No objection subject to conditions
Housing Enabling Officer	In the developers original Planning Statement, it was stated that there would be no affordable housing due to viability. Nothing in their new submission indicates any change to their stance and in fact I could find no mention of affordable housing apart from the Planning Statement Addendum under 'CIL and S106', paragraph 5.30.
Landscape Officer	It is positive to see that the landscape strategy has been amended and further developed to reflect the changes of the proposal. The redesign allowing for the central amenity space is a positive amendment, which should give the development a green centre. Overall the scheme needs to be detailed further during the next stages.
Southern Water	No objection subject to conditions
Natural England	Still awaiting final comments
Tree officer	As the site is currently devoid of trees there can be no arboricultural objection to the current proposal as such. However, this is a site which has historically been composed of coastal shingle, salt marsh, grassland and scrub type environments and not featured significant tree growth - all significant trees across the area have been imported and planted around the developed sites - the caravan park and former naval

married quarters etc. It is therefore questionable whether the introduction of trees throughout this site should be encouraged or the retention and improvement of the existing distinct and diverse range of habitats promoted.

Portsmouth Cycle Forum	Object - would like to ensure cycle connectivity between any development and the proposed coastal cycle way along the sea wall, providing car-free routes north and east.
RSPB	Object due to insufficient information (received 2019, reconsulted 10/10/23 and 20/03/2024)
Havant Borough Council	No objection
Langstone Harbour	No objection
PCC Drainage	No objection subject to conditions
Emergency Planner	No objection subject to conditions
Active Travel England	Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.
PCC Waste	Still awaiting final comments.

8. REPRESENTATIONS

- 8.1. Following the display of the site notice and public notification, 656 neighbours were consulted and 87 letters of representation were received. Following on- going discussions with Council Officers and subsequent amended plans, further re-notification processes were undertaken on 14th February 2023 and 9th October 2023. A further 57 letters were received.
- 8.2. Site Notice Displayed 8th August 2019 and 18th October 2023. Press Notice Published 24th May 2019 and 27th October 2023
- 8.3. A total of 5 letters of support were received.
- 8.4. A total of 144 objection letters have been received, inclusive of all consultations undertaken. 2 of these letters are duplicates and 10 are from the same address. The letters raised the following concern:
 - Overdevelopment of the site
 - Impact on the wildlife
 - Increase in cars on the road
 - Sewage into the sea due to lack of capacity
 - The area should be left tranquil
 - Not in accordance with the Sea front master plan
 - Increase in pollution
 - No affordable housing being proposed

- No benefit for the city
- Area was used at a time of war, should be re-stored to pre-war state
- The access is not viable, existing is too narrow or via the Fort Cumberland estate which is already grid locked during holidays and suffers from daily anti social driving behaviour
- The structures proposed, the destruction of the existing environment, light pollution, noise pollution, substantially increased traffic flow - all would contribute to a serious detrimental effect on the environment.
- Cost of the defence - who will pay for it? Not tax payers.
- This is the wrong place for a major development, particularly one that depends so much upon car use.
- Increase in air pollution
- object to the history of the ranges grade II listed buildings and surrounding areas, natural habitat of the wildlife being destroyed, it should be kept for future generations
- loss of naturist beach

9. PLANNING CONSIDERATIONS/COMMENTS

Principle of the development

- 9.1. 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'.
- 9.2. In accordance with the Portsmouth Plan, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.
- 9.3. Paragraph 11 of the NPPF requires that 'decisions should apply a presumption in favour of sustainable development. For planning decisions, this means: *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect 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 policies in this Framework taken as a whole*'
- 9.4. Footnote 8 states that 'this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years'
- 9.5. Footnote 7 states 'the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.'

- 9.6. Currently, the Council can only demonstrate 3.31 years' supply of housing land. The Council therefore cannot currently demonstrate a five-year housing land supply, and the housing policies of the Portsmouth Plan would be considered out of date in the context of the NPPF. The application is therefore to be determined in accordance with paragraph 11(d)(i) of the NPPF, which requires consideration of whether the policies protecting the heritage and nature conservation assets would provide a clear reason for refusing the development.
- 9.7. The development would result in a net gain of 134 dwellings, which would make a positive contribution towards the Council's housing needs and this must be recognised as a significant benefit of the development.
- 9.8. Policy PCS21 of the Portsmouth Plan requires a minimum density of 40dph for sites in the city. The site is approximately 6.5ha in size and incorporates 134 dwellings resulting in an average density of 20.6 dph. This density is lower than that recommended in Policy PSC21. However given the site constraints, and the land take needed to incorporate mitigation measures including the expanded SINC area, flood defences, the setting of Fort Cumberland and incorporation of historic buildings on site, it is felt that the density proposed may be appropriate in this location.
- 9.9. Acknowledging that the development would have an increased burden on local infrastructure, the development would be liable for CIL (Community Infrastructure Levy). This is a charge which the Council levy on new development in the area. The revenue collected will be to help deliver the infrastructure needed to support development in the area.

The design of the proposal and its impact on the character of the area

- 9.10. The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (December 2023) states at paragraph 131: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 9.11. The NPPF in paragraph 135 it states that development should "add to the overall quality of the area" and "are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change". The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".
- 9.12. Paragraph 135 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.13. Policies PCS23 (Design & Conservation) echo 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.

- 9.14. The Design and Access Statement (DAS) submitted with this application provides a detailed overview of the site context and factors that have influenced the design of the scheme. It is noted that the aim of the development is to provide 'a mix of homes that have the qualities that are admired and expected of a premium waterfront development: space, light and views.' The scheme has aimed to work with its existing context through the reuse of existing buildings and careful consideration of scale, orientation and design of new buildings to respect the site and surroundings. The design of the proposed new buildings has been inspired by the rectilinear, military aesthetic of the existing buildings, and materials include brickwork to blend in with existing materials, and the inclusion of contemporary detailing to allow a distinction to be made between old and new. The scheme also includes extensive landscaping proposals, taking account of the specific landscape features and characteristics of the site.
- 9.15. It is noted within the DAS that the two largest buildings on the site, whilst not formally recognised for their architectural or historic interest, have become local landmarks and the scheme has sought to retain these buildings to recognise their importance as part of Portsmouth's naval heritage.
- 9.16. The layout of the scheme has been informed by the existing layout of the site and the opportunities for making the most of sea views whilst protecting the visual connections and views from the adjacent Fort Cumberland.
- 9.17. The layout and design of the housing blocks on the northern side of the site (Blocks 1 A to D) were informed by discussions with Historic England, to protect historic sightlines from the Fort and to create a design that respected the architectural language of the larger buildings on the site to provide a coherent theme. These dwelling blocks have been designed in a double fronted, mews style.
- 9.18. The applicant has worked pro-actively with the LPA both through the course of the application discussions and the life of the planning application undertaking design and layout changes in order to address the challenges and obstacles that have arisen along the way, in order to address specific issues raised by the LPA and its consultees to ensure that the development would meet the requirements of the policies set out above.
- 9.19. The materials proposed are respectful to the existing buildings. The applicant has had surveys of the brickwork carried out to identify the existing colours and details to better inform the new building proposals. The exact details will be conditioned.
- 9.20. The resultant design is considered by Officers to be of an appropriate design and scale, which has been a result of lengthy negotiations between Officers and the applicant. Overall, the proposed development is considered to be of high-quality architectural standard in line with aims set out in the updated NPPF.
- 9.21. In reaching this conclusion significant weight has been placed on the specific design concept, the architectural detailing and high-quality materials and finishes indicated within the application drawings and supporting information.



Building 2 existing



Building 2 proposed

9.22. **Heritage Considerations**

Section 16 of the NPPF relates specifically to conserving and enhancing the historic environment. Paragraph 196 of the NPPF states that in determining applications, local authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

9.23 In relation to considering potential impacts on heritage assets, the following paragraphs are relevant:

205: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

- b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

207: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

208 : Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 9.24 The setting of Fort Cumberland was significantly altered during the mid to late 20th Century through residential development and the construction of Fraser Range. However, the spaced nature of the buildings at Fraser Range enable broken views through to the sea from all but the most oblique viewpoints from the Fort, which allows appreciation of the Forts connection with its wider surroundings and coastline.
- 9.25 The south-eastern portion of the application site extends within the Scheduled area of Fort Cumberland and includes historical features relating to the outer fort defences. The distribution of new buildings within the scheme has been designed to avoid encroachment on elements of the Fort defences and their immediate setting. Only limited proposals for the conservation and repair are proposed for the Scheduled part of the site, which are intended to display currently obscured historical features.
- 9.26 The height, massing and distribution of new and retained buildings have been designed to minimise effects on existing southward and south-westward views from the Fort and to permit, where possible, clear views of its landward and Solent approaches. The impact of sea defences on the setting and view lines from the Fort has also been considered.
- 9.27 There is a low potential for the presence of any archaeological remains which pre-date the construction of the first Fort Cumberland in the mid-18th century. Construction and demolition activities associated with the scheme may result in damage to buried archaeological resource.
- 9.28 Any potential impacts upon buried archaeological remains can be mitigated through conditions for archaeological supervision and recording.
- 9.29 Fort Cumberland stands as one of the most impressive pieces of 18th century defensive architecture remaining in England. Its significance is confirmed by its designation as a nationally important Scheduled Monument and Grade II* Listed Building.
- 9.30 The proposed development has been reviewed with the Councils Conservation Officer and Historic England.
- 9.31 The proposal would secure the removal of unsightly security fencing surrounding the site, and the clearance and control of vegetation at its the southern entrance, as well as repair

and conservation of a modest element of the scheduled monument which survives within the development area. All of which are welcome aspects of the proposal.

- 9.32 The applicant's interpretation of the impact of the scheme on the setting of the Fort is set out in their heritage statements. Consideration is given to the relationship of the views outwards from the Fort to the Solent. Bearing this in mind, it is notable that, the existing buildings on the site *already* disrupt the historic lines of sight and setting of the scheduled Fort. The new build elements of the scheme would inevitably intensify this, but it is acknowledged that, within the lengthy determination timeframe of this application, the scheme has gone through a significant re-design in terms of siting/ orientation, footprint, scale and height of the proposed new build elements of the proposal - the purpose of which has been to ameliorate/ mitigate the visual impact of the scheme on the setting of the Fort.
- 9.33 In contrast with previous proposals, and earlier iterations of the existing scheme for the site, the form, materiality and overall design language of the new build elements of the scheme are considered to complement/harmonise satisfactorily with the appearance and aesthetic of the existing large scale 20th century R&D buildings still present on the former Range. Arguably this also makes some (albeit relatively modest), contribution to mitigating the impact of the proposal on the setting of the Fort.

World War II Anti-Tank Defences at Eastney Beach (listed March 2010)

- 9.34 The 'Tank Traps' at Eastney have already been the subject of their own dedicated Listed Building Consent (LBC) Application (19/01704/LBC) for their: "Removal and reinstatementto facilitate new coastal defence and coastal path works". This application thoroughly considered the significance both of the structures, and of the merits of their (temporary) removal, storage and re-siting back to their original locations. Consent was granted for these works in July 2022. Conditions attached to this consent, ensures that no works to the Listed tank traps shall take place until such time as the application under consideration here (19/00420/FUL) *or* any subsequent planning application associated with the development of Fraser Range has been approved.
- 9.35 The significance of the Traps has been considered at length in the deliberations associated with this application, (and are not repeated here). The granting of a separate consent for these works has also effectively established the principle of their acceptability, and to an extent 'disaggregated' them (but not their timing) from the wider development proposals under consideration here.
- 9.36 Notwithstanding this, it is acknowledged that the grant of permission for this scheme *would* alter the backdrop (and therefore the setting of) the tank traps - introducing contemporary development of a significantly enhanced scale and presence into their immediate northern setting - visible in views (north) from both the sea and shoreline. This would appreciably alter the existing (and historic) setting of the asset, in a manner which it is difficult to credibly argue is positive.
- 9.37 The application has been supported by a number of documents in relation to archaeology and heritage. These documents have been received and are considered acceptable by Historic England and the mitigation measures outlined therein will be secured by condition. Overall, and noting the special regard that heritage requires, it is considered that the scheme represents a sensitive development in the context of the heritage designation and assets in and near this site and is in accordance with local and national policy in respect of heritage.

Impact on the residential amenity and standard of accommodation

- 9.38 Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 9.39 There are no residential properties directly adjacent to the site. The nearest residential accommodation is at the caravan park, and there are a number of caravans located on the east side of this site. There is a footpath separating the application site from the caravan site. Overall, it is considered that the proposal would not result in any significant direct adverse impacts on the amenity of adjoining occupiers.
- 9.40 Policy PCS23 of the Portsmouth Plan requires new development to provide a good standard of living environment for future occupiers and Policy PCS19 states that dwellings should be of a reasonable size appropriate to the number of people that they are designed to accommodate. The Nationally Described Space Standards (NDSS) provides guidance on acceptable sizes for dwellings, including room sizes, depending on the number of proposed occupants. The rooms within the apartments would all provide a good standard of accommodation. The proposed floorplans show that the units would all have a good standard of light and outlook from windows to habitable rooms. Overall, it is considered that the development would provide an acceptable standard of living environment for future occupiers.
- 9.41 It is not considered the proposal would unduly impact upon surrounding residential amenity.

Highways and Parking

- 9.42 In terms of parking, the Portsmouth City Council parking standards are set out in the 'Parking Standards and Transport Assessments' Supplementary Planning Document (SPC) and are as follows: - 1-bed - 1 parking space plus 1 cycle space; - 2 or 3-bed - 1.5 parking spaces plus 2 cycle spaces.
- 9.43 The development will provide 147 allocated car spaces, and 49 unallocated car spaces with a provision of 28 visitor spaces which is compliant with the SPD. EV charging points are also being provided.
- 9.44 The highways department have reviewed the application. Since the LHA previous response, the applicants have provided the requested traffic survey data. This has been reviewed and the LHA are content with results and therefore would request no further information in this regard.
- 9.45 After reviewing the available traffic modelling, it is considered the development would not result in an unacceptable or severe impact to the highway function that would meet the threshold of Paragraph 111 of the NPPF and therefore no objection is raised in terms of highway impact.
- 9.46 In terms of parking provision, the revised plan outlines that the development would provide 196 spaces (147 allocated and 49 unallocated) with a further 21 spaces for visitors. This parking provision would be in line with Portsmouth Parking Standard (2014) and therefore no objection would be raised in terms of provision. It is noted that Paragraph 111E outlines that development should provide electric charging facilities, the applicants have indicated that they would comply with Part S of Schedule 1 of the building regulations, which sets out-

- *In developments where there are the same number of associated parking spaces as, or more associated parking spaces than, there are dwellings, then each dwelling must have access to electric vehicle charging point.*
- *Any remaining residential spaces should have cable routes for future electric vehicle charge points.*

9.47 With regards to Cycle Storage 270 spaces would be provided with an addition of 27 spaces would visitors. Whilst it is recognised the Portsmouth Cycle Forum (PCF) has highlighted the development lacks the provision of Cargo bike storage, whilst this would have been beneficial, the absence of this provision would not be sufficient to object to the application.

9.48 Paragraph 109 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car. It is considered that the development should contribute to the improvement of non-motorised infrastructure with improvements identified within the Local Cycling and Walking Infrastructure Plans. A contribution of £75,000 would be requested for these improvements.

9.49 Furthermore, it is considered that the measures contained within the Travel Plan are limited, it would be expected that financial measures should be included to shift residents away from the private motor vehicle and therefore if your minded to approve the application, a revised Travel Plan should be conditioned that included financial measures to increase modal shift.

9.50 It is considered that subject to the conditions and contributions, the proposal would not result in any unacceptable highway safety risk or severe impact to the function of the network.

9.51 Ecology (and Environmental Impact Assessment (EIA))

Environmental Impact Assessment

EIA Chapter Topic	Conclusion and Mitigation
Socio Economic	<p>The development provides an opportunity to boost the local economy by utilising unused space and creating high quality, premium homes for wealthier individuals. This will help sustain, but may also provide further opportunity, for local community, retail and leisure facilities.</p> <p>No mitigation measures are required as the impacts identified are either neutral or beneficial.</p>
Landscape and Visual Impact Assessment	<p>Post construction the development is expected to sit comfortably within its setting. The proposals concentrate the main cluster of new buildings around the eastern end of the site where most of the existing buildings are currently located. The physical landscape is changed with the introduction of new coastal defences and new buildings. At the same time</p>

	<p>areas of existing and new landscape around the site are brought into a positive new use and management regime. The changes to the physical landscape are generally assessed as minor or moderate beneficial effects; this is consistent with the objective to retain those features of interest on the site and to create a positive new residential setting.</p> <p>With the predicted degrees of effect no further 'mitigation' as such is envisaged; there will however be further design stages where the effects can be reviewed and additional enhancements made if this is deemed appropriate</p>
Heritage	<p>The creation of a suitable gap between Buildings 6 and 5, with an aligned sight-line between residential units 1A and 1C/D would enhance direct visual connection between the Fort Ravelin and the Solent. A reduction in height of Building 3 would enable clear views of the Solent approaches from the south-west bastion of the Fort. Subject to consultation with Historic England, the changed baseline conditions of the Amended Proposed Development, and their effects, have been partly mitigated by design and changes to the Amended Proposed Development masterplan.</p> <p>On this basis it can be concluded that, there would not result in any changes to residual significant effects</p>
Transport	<p>The development proposals will have no material impact on the local highway network or surrounding areas. The accessibility of the site is improved through the proposal of a new shared foot/cycleway which in turn connects the site to the existing pedestrian and cycling route and enhances the safety of the existing access routes.</p>
Marine Ecology	<p>No significant residual impacts on marine ecological features are anticipated as a result of the construction and operation of the proposed development.</p> <p>The scheme design has been developed with regards to the existing ecological features on site. The ecological</p>

	<p>mitigation and enhancement measures which are embedded within the scheme design form an integral part of the proposed development and have been designed specifically to avoid or otherwise reduce ecological effects. The assessment of ecological impacts has taken these embedded mitigation and enhancement measures into account, in relation to each important ecological feature.</p>
Terrestrial Ecology	<p>The site at Fraser Range and its surroundings support a variety of features of ecological value. Given this, the scheme incorporates mitigation built into the design.</p>
Contaminated Land	<p>Although impacts and risks of the development have been identified for both the construction and operational phase, these impacts can be mitigated to reduce the impact to the construction and operational phases of development.</p>
Minerals and Waste	<p>Following review of all the available data available thus far for the site, it is considered that potentially economically viable mineral resources do not exist on site.</p> <p>Mitigation measures are not considered to be required for the site as we do not consider there to be a viable resource on site and therefore the impact is considered negligible.</p>
Noise and Vibration	<p>Based on the results of the acoustic model and the assumed building fabric constructions, the proposed Lowest Observed Adverse Effect Level for internal noise is likely to be met during both the daytime and the night-time periods across the site. The impact would be up to minor adverse.</p> <p>With mitigation, it is expected that the significance of the noise and vibration effects of the construction phase of the proposed development, could be up to moderate adverse. However, further assessment of construction noise and vibration mitigation may be required as appropriate when detailed method statements and the construction programme are available.</p>
Air Quality	<p>It is concluded that there are no air quality constraints to the Proposed</p>

	Development of the site and no further air quality assessment is required.
Hydrology	It is considered that the release of the latest hydraulic model for the area (2018 Eastern Solent model) and subsequent change to the Environment Agency's Flood Zone map has no implications on the design recommendations set out in the 2018 FRA, and subsequently the ES 2019. Furthermore, the 2018 model indicates that all built residential development is still located within an area outside the defended 1 in 1000 (0.1%) annual probability flood extent (assuming the defences function as designed); therefore, the development proposals are still safe and do not increase flood risk to third parties

- 9.52 The above table provide a summation of the findings of the submitted Environmental Statement.
- 9.53 The site is bordered by three Sites of Importance for Nature Conservation (SINCs), one at Fort Cumberland , one at land west of Fort Cumberland and one at Eastney Beach.
- 9.54 The site has been subject to a variety of environmental surveys to inform the layout of the proposed development, biodiversity mitigation requirements and landscape proposals.
- 9.55 Policy PCS9 includes objectives of protecting the nature conservation value of Eastney Beach, as well as protecting undeveloped areas and improving the quality of open spaces.
- 9.56 With regard to the SINC land (Land north and west of Fort Cumberland SINC), this SINC is known to be rich in plant species, with more than 100 species having been recorded, including several uncommon species. The access road works would result in the loss of a strip of vegetation within the SINC and its car park of approximately 10m wide. Just under half of the area affected is occupied by car park land, surfaced with compacted ballast and soil with no vegetation other than long grassland and scrub on low earth banks. The eastern end of the affected area close to the main gate to Fraser Range was noted to be severely trampled.
- 9.57 Overall, the vegetation communities within the part of the SINC land that would be lost by the proposed road enhancements were concluded to be predominantly of low intrinsic botanical value. The results of the vegetation survey recorded no species of national conservation importance. The survey results also noted that all of the vegetation in the survey area bore evidence of significant degradation as a result of factors such as lack of management, past disturbance and recreational trampling.
- 9.58 The presence of Little Robin, a Red Data Book County Notable wildflower species, at the site entrance is noted in the Environmental Statement Addendum (Stantec, January 2023), and has recently been flagged up by a local botanical expert, who has monitored the presence of this species for the last two years. The detailed botanical survey work is now out of date, however the updating walkover survey and other work undertaken at the site by the Applicant's Ecologists has monitored the status of the habitats present in the interim. The updating work and subsequent ecology updates/addenda to the Environmental Statement have been completed to a high standard in 2019, 2021 and 2023.

- 9.59 It is recommended that the detailed botanical work is updated under a pre-commencement condition to ensure that any discrete habitat changes can be detected and included in the Detailed Biodiversity Mitigation and Environmental Plan (BMEP), which should also be conditioned. There are also a number of other ecological surveys at the site that require updating such as a protected species survey, and would suggest that these are picked up in the same way to ensure mitigation proposed in the detailed BMEP is based on the most up-to-date information possible.

Impact on birds

- 9.60 A field survey of the intertidal areas surrounding the site was carried out between September 2016 and March 2017. The survey found that the majority of waterbird interest was focused on the estuarine/intertidal areas north/north-west of the site (Lock Lake and Milton Lake), with no regular use of the shoreline adjacent to the site by bird species included in the SPA and Ramsar citations. These areas adjacent to the site were mainly used by gull species, although flocks of shorebirds (e.g. turnstone, oystercatcher and sanderling), were sometimes present.
- 9.61 Due to the patterns and distribution of waterbird species, the applicants Environmental Statement concluded that direct impacts resulting from the proposed development would be considered unlikely. Impacts were more likely to be associated with increased recreational use by new residents of the accessible areas of the coastline in the local area beyond the site boundary.
- 9.62 A wintering bird survey was undertaken in 2016/17 and 2022. The updated survey recorded a total of 11 waterbird species, all of which had been recorded previously.
- 9.63 The pattern of sanderling distribution in the 2022 visits was very similar to that recorded in 2016/17 with the shingle along Eastney beach being favoured as well as some areas of shingle along the mouth of the estuary east of the Site. These areas of foreshore habitat represent suitable foraging areas for sanderling, with the birds observed spending virtually all their time foraging along the tideline immediately adjacent to the water's edge. As in previous surveys, sanderling were not recorded roosting or loafing in these areas but were distributed as loose flocks along the beach, constantly moving up and down both on foot and in flight (foraging activity).
- 9.64 During the 2022 surveys, the birds on the beach were again observed being flushed by existing human and pet dog activity on the beach. Species such as sanderling continued to use the beach, in spite of the existing levels of human activity, with flocks observed using the lower parts of the beach (waterline) for foraging.
- 9.65 The development includes the provision of a new coastal path, which would help to provide a clear route for the public, drawing people off the beach and therefore helping to dilute use of the wider coastal areas.
- 9.66 A Construction Environmental Management Plan (CEMP) is required to be approved prior to commencement of development. This will need to include measures to avoid or suitably mitigate for noise / vibrational and visual impacts which may otherwise result in a temporary adverse effect on the bird species associated with the European Sites over the duration of the site clearance and construction period.
- 9.67 The applicant has confirmed that the residual impact of increased recreational pressure on the SPA would be addressed through financial contribution towards a Solent Wide recreational mitigation strategy (Bird Aware), secured through planning obligation.

Marine ecology

- 9.68 This focuses on benthic habitats and species (benthic refers to habitats and species occurring at the sea bed). Impacts on fish and marine mammals were scoped out of requiring detailed assessment due to the limited nature of the proposed marine works.
- 9.69 The development overlaps with the Solent and Dorset Coast potential Special Protection Area (SPA). This SPA is proposed to protect foraging habitat for tern species. The revetment footprint is also within approximately 10m of the Solent Maritime Special Area of Conservation (SAC), which is designated for a range of marine habitat features. There is also a slight overlap of the site with the Chichester and Langstone Harbours Special Protected Area (SPA) and the Chichester and Langstone Harbours Ramsar site.
- 9.70 A project specific intertidal Phase 1 habitat survey was undertaken in August 2018. This used a pole mounted underwater camera to survey habitat and found that the majority of the shoreline in the vicinity of the development consists of barren shingle or gravelly sand with no fauna or algae species observed. The survey found much of the shoreline to be impoverished and of low ecological value. Some areas were colonised by a range of commonly occurring marine species, which are considered typical of habitats found in the wider area. No protected habitats or species were recorded.
- 9.71 Marine impacts:
- Change to benthic habitats and species as a result of construction activity;
 - Assessed as negligible because the effects would be highly localised and temporary.
 - Non-native species introduction and spread during construction;
 - Assessed as negligible subject to following best management practices and adhering to Marine Biosecurity Plan.
 - Habitat change as a direct result of the footprint of the revetment on benthic habitats and species.

The marine impacts have been assessed as negligible - whilst habitats under the revetment would initially be lost, sediment profiling is expected to create similar habitat to that which is already covering the majority of the area (i.e. shingle). The sediments placed as part of the profiling work is also expected to be colonised relatively rapidly.

- 9.72 Works within the Marine area required a licence from the Marine Management Organisation. It is down to the applicant to take the necessary steps to ascertain whether their works fall below the Mean High Water Springs level and the need for a licence.

Biodiversity Net Gain

- 9.73 The BNG metric calculation was updated as per the request of the County ecologist. The updated report and metric confirms a 33.52% gain for area-based habitats and 0.12 new units of hedgerow habitat.
- 9.74 The proposed gain will be achieved via off-site compensation, in which the conditions of habitats within the adjacent Land West of Fort Cumberland SINC will be uplifted to provide off-site compensation.
- 9.75 Incorporated into the legal agreement will be a condition to ensure that the off-site compensation is implemented and a 30 year management plan is secured as sought in the legislation.
- 9.76 A condition requiring a detailed Biodiversity Mitigation and Enhancement Plan (BMEP) is proposed.

Appropriate Assessment

- 9.77 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.
- 9.78 Where the potential for likely significant effects cannot be excluded a competent authority must make an appropriate assessment ('AA') of the implications of the plan or project for that site, in view 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 habitats 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 over-riding public interest and if the necessary compensatory measures can be secured.
- 9.79 The Council is the competent authority in this case and the applicants have submitted a Shadow Habitat Regulations Assessment (HRA) to assist the LPA in assessing the project.
- 9.80 The relevant protected sites for the purposes of AA forming part of the National Site Network (formerly 'European sites') are those within a 10km Zone of Influence, taking a precautionary approach. These are:
- Solent Maritime SAC
 - Chichester and Langstone Harbours SPA and Ramsar
 - Solent and Dorset Coast SPA
- 9.81 The submitted Shadow HRA confirms that the development project would give rise to likely significant effects. There would be additional recreational pressure and human disturbance from the increased population the proposed development would bring within the 5.6km of National Site Networks and International Sites as a result of the increased nutrient loading from the proposed development. An AA is therefore required by the LPA as competent authority and a consideration of mitigation measures proposed by the applicant and whether these would result in no significant effects upon the integrity of these sites, where alone or in combination with other plans and/or projects in the area.
- 9.82 For the recreational pressures the application of the measures in the Solent Recreation Mitigation Strategy 2017 is proposed to be secured by a financial contribution based on the proposed number of residential homes. This would be secured by way of a S106 legal agreement.
- 9.83 For the nutrient mitigation, this will be secured by the applicant's participation in the Hampshire and Isle of Wight Wildlife Trust's nutrient reduction programme, with a financial contribution towards nitrogen credits being proposed. This would be in accordance with the Council's Nutrient Neutral Mitigation Strategy for New Dwellings (2022) and would also be secured by S106 legal agreement.
- 9.84 The Nutrient Neutrality calculations are still required to be agreed by all parties. It is anticipated that this can be agreed post committee as part of the S106 negotiations.
- 9.85 There remain some outstanding issues that need to be addressed with Natural England in relation to the assessed recreational disturbance. Again, it is anticipated that these can be agreed and resolved post-committee, with the necessary mitigation secured.

9.86 Subject to the necessary mitigation and compensatory measures being secured by S106 planning obligation as recommended above, the Council is able to conclude that the development would not harm the integrity of the National Site Network or Ramsar site and can proceed subject to other planning matters being satisfactorily addressed.

Proposed Sea Defences

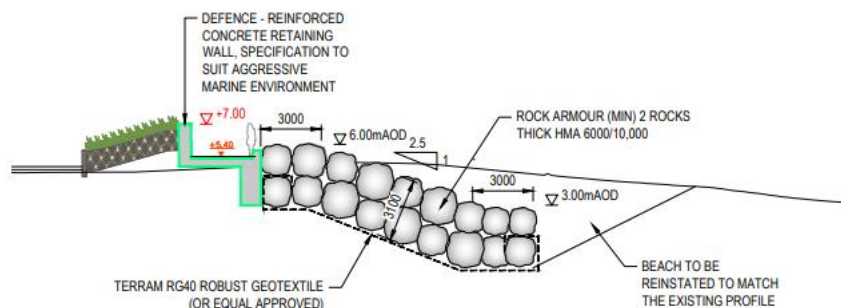
9.87 The proposed coastal defences are very important as they are required to make the proposed development acceptable. There have been years of discussion between PCC, Coastal Partners and Environment Agency on these details.

9.88 The applicant is proposing to deliver new sea defences to the southern frontage, including rock armour and a concrete wall to the western end of the site, to reduce the risk of wave overtopping. It is less clear what is proposed at the eastern end of the site's southern frontage (east of the 'Eastern Revetment' referred to within Appendix H of the FRA). Appendix H and Drawing 38045/4001/003 Rev B in the FRA suggest that the proposal is to retain the existing defence structure and add a new landscaped embankment landward.

9.89 The Environmental Agency previously asked for clarification of the condition of any sea defence structures to be retained as part of the development, to ensure the residual life is sufficient. It is their understanding that the eastern end of the frontage may not have been inspected and it is not clear if this section is capable of repair and subsequent maintenance or will require replacement. It is understood that the applicant proposes to address this through the Asset Management Strategy to be developed once planning permission is granted. The total cost to the developer of the required flood defence management work therefore remains uncertain.

9.90 The applicant has nevertheless agreed to take responsibility for the long-term maintenance and responsibility for the defences including the beach management for the lifetime of the development. This will be secured via a S106 agreement.

9.91 An overtopping assessment indicates that the site is at risk of flooding from waves overtopping the existing coastal defence line. The new coastal defence line, as part of the development proposals, will be constructed to reduce the risk of wave overtopping at the site.



9.92 It should be noted that the solution proposed does not provide a complete barrier to wave overtopping (for ecological and heritage reasons) but rather seeks to reduce the potential risk of flooding from wave overtopping to a risk level which is considered to be 'low'. Floodwater volumes from overtopping are managed within the proposed surface water drainage strategy.

9.93 In the unlikely event that the existing coastal defences at the site fail, rapid inundation is unlikely due to ground levels rapidly rising inland (northwards) from the defence line. As such, the residual risk of a breach of the proposed coastal defence line is considered to be 'low'. The proposals for the scheme are for upgrading and replacement of the coastal defence line

and therefore the residual risk of a breach of the new defence line will be further reduced. The draft Asset Management Strategy and Beach Management Strategy will be developed further throughout detailed design (and secured by condition) to ensure the coastal defence line and beach remains in good condition.

9.94 Overall the following mitigation measures are being implemented to ensure the development is safe through a number of measures -

- A new coastal defence line along the southern frontage is included in the development proposals. The design of the new coastal defence line will reduce the risk of wave overtopping at the site to a level which is considered to be 'low'. Some overtopping will be maintained post development for heritage and ecological reasons and is managed as part of the proposed surface water drainage strategy.
- Construction of a good condition coastal defence line along the southern frontage will reduce the risk of a breach flood event.
- Finished floor levels to be set a minimum of 5.38m AOD (600mm above the design 1 in 200 (0.5%) AP tidal flood level of 4.40m AOD for the year 2125 for all new residential buildings). Where existing buildings cannot be raised to an appropriate freeboard allowance, flood resilient measures will be incorporated to protect buildings up to the target threshold level of 5.38m AOD.
- Raising on site roads to a minimum of 4.48m AOD (above the design 1 in 200 (0.5%) AP tidal flood level of 4.40m AOD for the year 2125 using higher central allowance). The onsite road and paths range from 4.48mAOD to 5mAOD.
- A Surface Water Drainage Strategy has been developed in accordance with the national and local policy requirements, and best practice. This can be found in Appendix H.1 of Chapter 11 Flood Risk and Drainage in the ES Addendum. The design aims to mitigate the risk of surface water flooding at the Amended Site for all events up to and including the 1 in 100 (1%) annual probability rainfall event including 45% climate change allowance.

9.95 A finalised Asset Management Plan and Beach Management Plan will be completed during the detailed design stage and secured by condition.

9.96 The provision of new flood defences is also supported by Policy PCS 12 of the Portsmouth City Local Plan which encourages maintaining and improving the cities flood defences, which the provision of the onsite defence would do.

Landscape and visual impact (see also EIA above)

9.97 The site has a sense of informal remoteness in contrast to other areas of the seafront. This would be changed with the presence of development. The impact of this needs to be balanced against the benefits of the scheme.

9.98 The current site does not provide any recreational or public access or social function and, while some users have praised the remoteness of this stretch of beach as a benefit it is considered overall that the condition of the site makes adjoining areas of public open space less attractive to the majority.

9.99 The site is visible from many external viewpoints, including from surrounding residential areas, from the adjacent beachfront and from longer distance views both on land and from the sea.

9.100 The scheme includes retention of historic features and reestablishment of semi natural habitat vegetation cover. The development will not significantly impact on the SINC public open space, existing footpaths and beach.

- 9.101 A new footpath will create new view of Fort Cumberland, and new, dramatic coastal views. The proposed beachfront walkway is in line with the objective of Policy PCS13 to improve Southsea seafront for recreational users, visitors and wildlife. The proposed walkway will have potential health benefits increasing the opportunity for formal and informal exercise in line with the second point of PCS14, and promote walking and cycling in line with PCS17. The proposed walkway is also in line with the objective in the 2013 Seafront Masterplan SPD to create a new route around Fort Cumberland to enable walkers to access this part of the coast at high tide.
- 9.102 A condition will be imposed for a detailed landscaping scheme to be submitted.

Viability

- 9.103 A viability report was submitted as part of the original submission to demonstrate affordable housing would not be viable as part of the development. The report was reviewed independently. It was concluded that the scheme as presented was not sufficiently viable to support affordable housing.
- 9.104 Due to the years since the original viability report was reviewed, an updated report was requested and submitted. This report will be independently reviewed however this has yet to be concluded. From assessment already carried out it is highly unlikely that the independent review outcome of the report will be different and if possible, verbal update will be provided at the Committee meeting.

9.105 Sustainable Design and Construction

- 9.106 An Energy Statement has been submitted in support of the planning application. In accordance with the aspirations of Policy PCS15 of the Local Plan, the new development should achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition).
- 9.107 It is worth noting that on June 15 2022, Part L was updated with the mandate to improve the current minimum standard for carbon emissions by 31%.
- 9.108 All new apartment blocks will utilise flat roof construction methods to allow for installation of biodiverse roofs (brown roof) across two different floor levels which will benefit top floor apartments with an element of soft landscaping. These brown roofs will also contribution to improve the ecology on the site.
- 9.109 The buildings are being designed so that their fabric (walls, floors and roofs) have low U-values to reduce thermal heat loss. The flat roofs of the buildings allow for roof-mounted renewable technologies. The windows will be high performance to minimise heat loss and maximise natural light. The buildings will also be required to be constructed to the latest building regulations.
- 9.110 Overall, the proposed development will comply with the sustainable design and construction standards set out within Policy PSC15 of the Local Plan.

CIL and S106

- 9.111 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); and
 - Limiting the use of 'pooled' s106 obligations post April 2014 (S123).
- 9.112 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105 per sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2024 basic rate is £179.39 per 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.
- 9.113 Based on the figures provided by the applicant, the indicative CIL liability is £2,790,644.75.
- 9.114 This could be pooled and put towards funding improvements in primary care, provision, policing, education and other infrastructure.
- 9.115 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.
- 9.116 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.
- 9.117 As such the applicant has indicated a willingness to make contributions and those that are considered to meet the statutory tests are:
- Off-site improvements to SINC (including management / maintenance)
 - Long-term management of heritage assets (Heritage Management Plan) (tank traps)
 - Provision to secure mitigation in respect of the net increase in Nitrate load (TBCkg/TN/yr) resulting from the proposed development in line with the City Council's Interim Nutrient Neutral Mitigation Strategy. Mitigation to be calculated by the number of residential units - Total to be agreed
 - Provision to secure a contribution towards setup/monitoring of Travel Management Plan £5,000. The Travel Plan itself to be secured by Planning Condition;
 - Provision to secure the agreement and implementation of an Employment & Skills Plan;
 - Project Management/Auditing Fee £620 (Employment and Skills Plan). To be controlled by condition.
 - Coastal defence management and maintenance
 - £75,000 for improvement to sustainable infrastructure within the vicinity (Highland Road and Festing Road)

Human Rights and the Public Sector Equality Duty (PSED)

- 9.118 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.

- 9.119 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.
- 9.120 The proposed development is fronting onto a naturist beach which is used by many people throughout the year. It provides a less commercialised area for people to use. Notwithstanding the proposed development, the beach can still be used as a naturist beach and others who wish to use the beach.
- 9.121 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.

10 Conclusion and Planning Balance

- 10.1 The proposed development would bring forward the regeneration of the site. As a previously developed site which is currently vacant and underutilised, the proposed development for housing is supported.
- 10.2 There is a pressing need for housing, and the Council has an extremely challenging housing delivery target. The Council is currently not meeting the Government's Housing Delivery Test and the 'presumption in favour of sustainable development' and the 'tilted balance' applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 10.3 The design principles set out in the scheme are welcomed. Utilising the existing building and complementing them with new development is a positive. The height and massing of the development has been assessed in relation to its impact from a wide range of viewpoints and has been found to be acceptable and justified.
- 10.4 Paragraph 202 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, "this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."
- 10.5 Given the distance and orientation to the nearest residential properties, and the inclusion of appropriate mitigation measures, the proposal would not result in any significant material impact in terms of overlooking and privacy.
- 10.6 Officers have taken into account the benefits of the scheme and weighed these against the impacts of the proposals. The overall conclusion in respect of the development is that it results in sustainable development contributing to the housing supply for the city and bringing a derelict site into beneficial use.

RECOMMENDATION

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 line with the Heads of Terms listed above.

Draft Conditions (Headings)

1. Time limit
2. Approved Plans
3. Material samples
4. Boundary treatments
5. Detailed landscaping scheme including 'brown roofs'
6. Landscape implementation timetable
7. Finished floor levels
8. Contamination - desk study
9. Contamination - prior to occupation
10. Pre-commencement survey work (ecology)
11. Detailed Landscape and Ecological Management Plan (LEMP)
12. Detailed Construction Environmental Management Plan (CEMP)
13. Biodiversity Mitigation and Environmental Plan (BMEP)
14. Detailed lighting plan
15. Recreational Impacts
16. Residual risk of flooding
17. Flood risk assessment - development to be carried out in accordance with the revised FRA and Summary Statement
18. Surface water drainage scheme
19. Final Beach Management Plan
20. Asset Condition and Management Strategy
21. Travel Plan
22. Monument Management Plan
23. Conservation Management Plan
24. Building recording prior to conversion or demolition
25. Flood Warning and Emergency Plans
26. Public sewer connection
27. No development within 5metres of the public sewer without consent.
28. No soakways/swales within 5m of public water distribution mains
29. Refuse and recycling details including collection points
30. Cycle parking
31. Car parking
32. Piling method statement
33. Water efficiency
34. Sustainability measures