

ST JAMES HOSPITAL, LOCKSWAY ROAD, SOUTHSEA, PO4 8LD**CONSTRUCTION OF 58 NEW RESIDENTIAL DWELLINGS (19 X 2-BEDROOM; 35 X 3-BEDROOM; AND 4 X 4 BEDROOM) INCLUDING ACCESS, PARKING, LANDSCAPING, AND OTHER ASSOCIATED WORKS****LINK TO ONLINE DOCUMENTS [HERE](#)****Applications Submitted By:**

Mr Alex King
Mission Town Planning Ltd

On behalf of:

Vistry Southern

RDD: 13th September 2024**LDD:** 18th December 2024**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is being presented to Planning Committee as it relates to a significant Major category development. Councillor Sanders has also requested that the application be heard at Committee.

1.2 The main considerations are:

- Principle of development;
- Housing supply, density, mix and affordable housing;
- Design and heritage;
- Residential amenity;
- Transport and Highways;
- Trees and landscape;
- Appropriate Assessment, ecology and biodiversity;
- Flood risk and drainage;
- Energy and sustainability;
- Archaeology;
- Contaminated land;
- Community Infrastructure Levy and Planning Obligations;
- Human Rights and the Public Sector Equality Duty; and
- Conclusion and planning balance.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises an area of approximately 1.98 hectares and is located within the Milton area of Portsmouth, a residential area on the eastern edge of Portsea Island, 2 miles from the City Centre.

2.2 The site once formed part of the grounds of the former 19th century Grade II listed St James' Hospital and then the former Harbour School (constructed in the 1960's but since demolished), and is accessed off of Locksway Road to the north, which connects with Milton Road (A288) to the west. It is roughly rectangular in shape, and is currently a mix of undeveloped land, demolished foundations, access road, open air paved car park, and boundary walls. It is unmanaged and unkempt, with the

foundation remains of the former modern school that once occupied the northern part of the site fenced off from the rest of the site. The undeveloped areas of the site are grassed, which is long and unmanaged, and the western edge of the site contains trees and mature vegetation. The southern and eastern boundaries are well defined with brick walls, and the western and northern boundaries are fenced. Part of the southern boundary wall is considered curtilage listed and comprises a mix of Victorian fabric with modern repairs and alteration. The car park is maintained and in use.

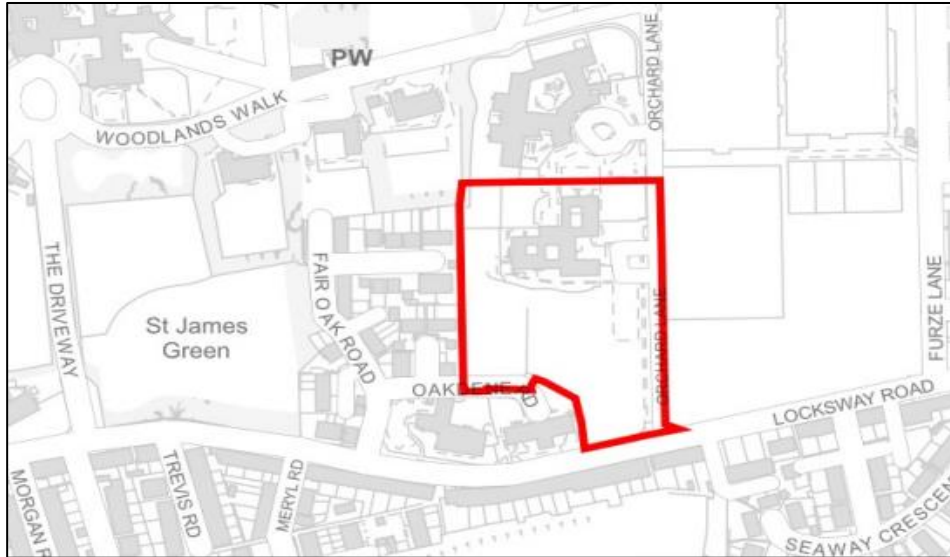


Figure 1 - Existing site plan



Figure 2 - Aerial view of site (prior to the demolition of the school building)

2.3 The site, as shown in **Figure 1** and **Figure 2** above, is owned and being put forward by Homes England. It is bounded to the north by 'The Orchards' and to the east by playing fields belonging to the Langstone Sports Site of the University of Portsmouth; to the south by Locksway Road, Oakdene Road, and an NHS supported housing unit; and to the west by a modern housing development and the grounds of the former St. James' Hospital. St James' Park to the west of the site is identified in Saved Policy MT2 of the Portsmouth Plan as land for Public Open Space.

- 2.4 Within the wider landscape, to the north of the application site, is a mix of former hospital infrastructure, residential housing, and open space in the form of Milton Common; to the east of the site are student apartments, and a mix of private residential and commercial properties; to the south is a thin strip of residential and a sizeable allotment complex; and to the west is a mix of parkland, sports fields, and residential suburban development which continues to the heart of Portsmouth.
- 2.5 The overall surroundings of the site are predominantly liminal edge of settlement with a mixed character of recreational amenities, hospital facilities, student and private residential properties.
- 2.6 Some of the ancillary buildings associated with the former St James' Hospital are still operational and owned by the NHS. This includes the 'Limes National Health Service (NHS) Adult Mental Health unit' and 'The Orchards' which border the northern edge of the site and have access through the site, which must be retained. These buildings along with the surrounding landscape including mature trees (category B and C trees), open spaces and vistas are the key contextual features for the development to respond to.
- 2.7 The site forms part of a wider masterplan for the area. Saved Policy MT3 of the Portsmouth City Local Plan allocates the land at St James' Hospital for a mix of new mental health care development and housing. The provision of the healthcare element of this allocation has already been fulfilled through the provision of 'The Orchards' and 'Lime NHS Solent Trust' buildings to the north of the site, within the policy allocation area and these are intended to remain.
- 2.8 As well as The St James' Hospital main building and chapel, Saved Policy MT4 of the Portsmouth Plan allows for proposals that maintain and enhance the buildings, for a range of uses including healthcare, residential and educational. The site formed part of a previous outline application (ref. 18/00288/OUT) to develop a wider site, including land to the north and north-west of the site, to provide a total of 107 dwellings, which was withdrawn in September 2024 in lieu of the development now proposed.
- 2.9 The Pre-Submission Portsmouth Local Plan (2024) identifies the site as part of a wider strategic site (St James and Langstone sports campus) for development within Policy PLP8.
- 2.10 The Milton Neighbourhood Plan (2022) identifies the St James' site as a special policy area, with Policy STJ1 supporting the delivery of high quality mixed use development, including, inter alia, residential development comprising houses and apartments/flats.

3.0 PROPOSAL

- 3.1 The proposal seeks planning permission to redevelop the site to provide 58 new residential units with associated landscaping, parking, cycling and refuse storage. Of the 58 new residential units proposed, 31% (18 units) are intended to be affordable housing units.
- 3.2 The proposed development would comprise a mixture of two-storey pitched roof detached, semi-detached and terraced blocks comprising 56 houses (17 x 2-bedroom; 35 x 3-bedroom; and 4 x 4-bedroom units) and 2 flats (2 x 2-bedroom).
- 3.3 The two- and three-bedroom houses proposed would be arranged largely as semi-detached or small runs of terraces, akin to the character of the surrounding roads. The three bedroom corner turning houses would be detached with four x 4-bedroom detached houses framing the crescent. Two x 2-bedroom flats (Plots 43 and 49) are

proposed at first floor level above two detached garages ('FOG') to the northern end of the site. These units would be accessed internally via entrance doors located at ground level and accessed from the street.

3.4 **Table 1** below provides a breakdown of the proposed residential unit mix and tenure type of the proposal.

| Bedrooms | Shared Ownership | Affordable Rent | Market Units | Total Number of Units |
|--------------|------------------|-----------------|--------------|-----------------------|
| 2 | 2 | 8 | 10 | 20 |
| 3 | 2 | 5 | 27 | 34 |
| 4 | 1 | 0 | 3 | 4 |
| TOTAL | 5 | 13 | 40 | 58 |

Table 1 - Proposed residential Unit Mix

3.5 The layout of the proposal, as shown in **Figure 3** below, has been created to provide a focus on the proposed central 'Orchard Park', a publicly accessible open space, with the secondary roads and mews leading to this amenity space. This would retain the trees and key natural features of the site.

3.6 The proposed dwellings would be positioned fronting the street, to create vista views with set backs to create a delineation between public and private areas.



Figure 3 - Proposed Site Plan (Drawing ref. 23.135.010 Rev B - Site Layout)

3.7 The development would be accessed from Orchard Lane which would see alterations made to the existing site access. Orchard Lane would be widened to 4.8 metres and supported by a kerb radius of 10 metres on its western side. The eastern radius would remain as existing. The footway, which is currently offset approximately 6 metres from

the carriageway would be incorporated to be adjacent to the access on the western side and would measure 2 metres wide. The existing boundary wall and gate is intended to be removed. Access to 'The Orchards' NHS Clinic would be retained and a new gate provided on the northern site boundary.

- 3.8 The main pedestrian/cycle access to the site would be via the existing site access off Orchard Lane and Locksway Road providing a direct and convenient route for residents to access local amenities and public transport links on Locksway Road. Within the development, footways would connect to a network of footpaths integrated into the site layout, including a 3 metre footway/cycleway which would run on the western part of the site between Oakdene Road, past Orchard Park and connecting to the site's internal network. The development would also benefit from the provision of a new cycle path, which also runs through the PJ Livesey site to the north (granted planning permission on appeal under ref. 20/00204/FUL). This path would provide a north-south cycle route through the site and enhance connectivity to this site, including cycle route 601.
- 3.9 A mix of parking solutions are provided across the site which includes, courtyard, street and on plot parking. In total, 87 allocated vehicle parking spaces are proposed (equating to 1.5 spaces per dwelling) together with a car club vehicle parking space next to Plot 48 and 124 cycle parking spaces for residents and visitors. Each of the dwellings would be provided with EV Charging Points. The cycle spaces associated with the 2-, 3- and 4-bedroom houses would be in the form of a shed in the rear of each garden or where rear access is not available cycle parking would be provided within the curtilage of each unit.
- 3.10 In addition to the cycle parking provision outlined above, 3 Sheffield stand short-stay cycle parking spaces would also be provided within Orchard Park on the western part of the site to support visitors to the development.

Amendments

- 3.11 During the course of the application, the following design changes and clarifications to the proposed development have been submitted. These include:
- Removal of 9 car parking spaces (a reduction from 96 to 87 spaces) with the car parking spaces being replaced with soft landscaping amenity grass shown on Drawing 23.135.010 Rev B - Site Layout submitted.
 - Update to the 'Tenure Key Plan' shown on Drawing 23.135.010 Rev B - Site Layout submitted increasing the number of proposed affordable housing units from 17 to 18 (1 x additional 2-bedroom Affordable Rent) units, an increase from 29% to 31% in affordable housing provision overall.
 - Removal of the originally proposed ornamental chimney stacks from the proposal.
 - Provision of one car club space (next to Plot 48) as shown on Drawing 23.135.010 Rev B - Site Layout submitted.
 - Provision of 3 Sheffield cycle stands within the public open space 'Orchard Park'.
 - Further ecology and drainage information submitted.
- 3.12 The above amendments do not have a material impact upon the maximum quantum of floorspace or accommodation schedule sought for approval by the application as originally submitted and registered in September 2024.

4.0 RELEVANT PLANNING HISTORY

4.1 The planning history most relevant to the determination of the application includes:

Application Site

- 18/00288/OUT - outline application for the construction of 107 dwellings including provision of vehicular and pedestrian access, public open space, and hard and soft landscaping (principles of access, layout, and scale to be considered - withdrawn on 06/09/24.

NB - This site included additional land to the NW of the current application.

- 18/00475/LBC - partial demolition of boundary wall and construction of brick pier - concurrent application still to be determined.

Neighbouring site (to the north and west) - St James Hospital (PJ Livesey site)

- 20/00204/FUL - redevelopment of former St James' Hospital comprising the conversion of listed buildings and listed Chapel to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, construction of new 2 and 3 storey housing to provide 58 dwellings, retention of cricket pitch, club house and changing rooms, provision of car parking, associated landscaping and other works (phased development) - granted on appeal (ref. APP/Z1775/W/22/3302931) on 16/08/23.
- 20/00205/LBC - redevelopment of former St James' Hospital comprising the conversion of listed buildings to provide 146 dwellings and associated works including demolition of extensions and ancillary buildings, erection of new 2 storey housing and 3 storey apartments to provide 84 dwellings, retention of cricket pitch and listed chapel, provision of car parking, associated landscaping and other works (phased development) - granted on appeal (ref. APP/Z1775/W/22/3302927) on 16/08/23.

5.0 CONSULTATIONS

5.1 The following consultation responses have been received:

| | |
|---------------------------------|--|
| Hampshire Fire & Rescue Service | <u>NO COMMENTS</u> given on the proposal. |
| HCC - Archaeology Advisor | <u>NO OBJECTION</u> to the proposal subject to conditions relating to archaeological investigation and mitigation as suggested being attached to any permission granted. |
| HCC - Ecology | <u>NO OBJECTION</u> to the proposal subject to conditions relating to ecological mitigation / enhancement measures and Biodiversity Net Gain being attached to any permission granted. |
| Milton Neighbourhood Forum | <u>OBJECTION</u> on the grounds of non-compliance with achieving the City's "Affordable Housing" quota; excessive parking; and for excessive biodiversity losses, within the site. |

| | |
|-------------------------------------|---|
| Natural England | <u>NO OBJECTION</u> to the proposal subject to appropriate nutrient and recreation disturbance mitigation as suggested being secured and a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted and agreed in any planning permission granted. |
| NHS Hampshire Integrated Care Board | NO OBJECTION to the proposal subject to a contribution of £35,439 towards increasing primary care infrastructure. |
| PCC Arboricultural Officer | <u>NO OBJECTION</u> subject to conditions relating to arboricultural site supervision, tree planting and tree retention as suggested being attached to any permission granted. |
| PCC CIL Team | <u>NO OBJECTION to the proposal.</u> |
| PCC Conservation and Heritage | <u>NO OBJECTION</u> to the proposal subject to a condition requiring the submission and approval of sample materials (including bricks, roof covering, window frames, and doors for the proposed housing typologies) being attached to any permission granted. |
| PCC Contaminated Land Team | <u>NO OBJECTION</u> subject to conditions relating to contamination and remediation as suggested being attached to any permission granted. |
| PCC Drainage Team | <u>NO OBJECTION</u> to the proposal subject to a drainage condition being attached to any permission granted. |
| PCC Housing | <u>NO OBJECTION</u> to the proposal and content with the level of affordable housing now being proposed. |
| PCC Regulatory Services | <u>NO OBJECTION</u> to the proposal subject to conditions relating to noise as suggested being attached to any permission granted. |
| PCC Public Health | <u>NO OBJECTION to the proposal.</u> |
| PCC Transport Planning | <u>NO OBJECTION</u> to the proposal subject to financial contributions towards improvements to the Strategic Cycle /Pedestrian corridor (Gosport To St James Hospital/Langstone Campus Development) and travel plan monitoring being secured by s106 legal agreement and conditions securing parking, S278 highway works, cycle storage, electric charging points, a parking management plan and travel plan, as suggested, being attached to any permission granted. |

| | |
|------------------------|---|
| Portsmouth Water | <u>NO OBJECTION</u> to the proposal. Portsmouth Water have no concerns regarding impacts to groundwater quality, as the location is outside our Source Protection Zone boundaries, and do not recommend any planning conditions to be included on the planning permission. |
| Sport England | <u>NO COMMENT</u> to make on the proposal. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case |
| The Portsmouth Society | <u>OBJECTION</u> on the grounds of non-compliance with achieving the City's "Affordable Housing" quota; excessive parking; biodiversity concerns and lack of detail on access to the green space associated with plots 43 and 49. |

6.0 REPRESENTATIONS

6.1 Site Notices were displayed around the boundaries of the site on 24/09/24, a Press Notice was published on 27/09/2024 and letters were sent to neighbouring properties on 24/09/2024.

6.2 9 representations of objection to the proposal have been received. One letter did not provide a postal address. The comments raise the following concerns:

- Lack of affordable housing with the policy requirement of 30% affordable housing provision not being met.
- Overlooking and loss of privacy.
- Loss of outlook.
- Loss of trees
- Impact on ecology and bats.
- Loss of biodiversity and greenspaces.
- Overprovision of car parking.
- Increase in traffic and pressure from congestion on the existing road network.
- Increase in air pollution.
- Insufficient local infrastructure to cope with the proposed development leading to further pressure on local health services and education.
- Lack of access to NHS GP and dental surgeries.
- Concerns with impacts on the operation of The Orchards facility.

7.0 POLICY CONTEXT

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006) and the Milton Neighbourhood Plan (2022).

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS10: Housing Delivery
- PCS12: Flood Risk
- PCS13: A Greener Portsmouth
- PCS14: A Healthy City
- PCS15: Sustainable Design and Construction
- PCS16: Infrastructure and Community Benefit
- PCS17: Transport
- PCS19: Housing Mix, Size and the Provision of Affordable Homes
- PCS21: Housing Density
- PCS23: Design and Conservation

Portsmouth City Local Plan (2006) - saved policies

- DC21: Contaminated Land
- MT2: Land South of St James' Hospital
- MT3: Land at St James' Hospital
- MT4: St James Hospital (Main Building)

The Milton Neighbourhood Plan (2022)

- HSG1: Housing Mix
- HSG2: Housing Standards
- EER4: Connectivity
- PLD1: Sustainable Design
- ENV1: Local Green Space
- ENV2: Green Environment and Biodiversity
- MH1: Heritage Assets
- TSP1: Highway Capacity and Impacts
- TSP2: Balanced Transport Provision
- TSP3: Footpaths and Cycling Routes
- STJ1: St James' Hospital Site

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved for Regulation 19 consultation and submission for Examination at the meeting of Full Council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- PLP1: Design
- PLP8: St James' and Langstone Campus
- PLP16: Housing Target
- PLP17: Affordable Homes
- PLP18: Housing Mix
- PLP21: Residential Density
- PLP22: Space Standards
- PLP27: Employability and Skills
- PLP31: Flooding
- PLP32: Sustainable Drainage Systems
- PLP33: Sustainable Construction and Onsite Renewable Energy

- PLP34: Renewable Energy
- PLP35: Air Quality and Pollution
- PLP37: Contaminated Land
- PLP38: Green Infrastructure
- PLP39: Biodiversity
- PLP40: Biodiversity Net Gain
- PLP41: Trees and Hedgerows
- PLP42: Solent Waders and Brent Geese Sites
- PLP43: Recreational Disturbance on International Nature Designations
- PLP44: Nutrient Neutrality in International Nature Designations
- PLP45: Open Space
- PLP46: Local Green Spaces
- PLP47: Movement and Transport
- PLP48: Access and Parking
- PLP49: Public Realm
- PLP50: Infrastructure Delivery
- PLP53: Historic Environment
- PLP54: Listed Buildings
- PLP56: Archaeology

7.3 Having regard to paragraph 49 of the National Planning Policy Framework (NPPF) and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

Supplementary Planning Documents and Guidance

7.4 The following have been adopted by the Council as Supplementary Planning Documents (SPD) and are relevant to the proposal:

- Air Quality and Air Pollution SPD (2006);
- Housing Standards SPD (2013) and Review Briefing Note (2015);
- Sustainable Design and Construction SPD (2013);
- The Solent Recreation Mitigation Strategy (2017);
- Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period) (2022);
- Parking Standards and Transport Assessments SPD (2014);
- Reducing Crime Through Design SPD (2006);
- Planning Obligations SPD (2012);
- Achieving Employment and Skills Plans SPD (2013); and
- Milton Common Local Nature Reserve Restoration and Management Framework (2015).

National Guidance

- National Planning Policy Framework (2024).
- National Planning Practice Guidance (2024).

8.0 OFFICER ASSESSMENT

8.1 The main issues for consideration in the determination of the application include the following:

- Principle of development;
- Housing supply, density, mix and affordable housing
- Design and heritage;
- Residential amenity;
- Transport and Highways;
- Trees and landscape;
- Appropriate Assessment, ecology and biodiversity;
- Flood risk and drainage;
- Energy and sustainability;
- Archaeology;
- Contaminated land;
- Community Infrastructure Levy and Planning Obligations;
- Human Rights and the Public Sector Equality Duty; and
- Conclusion and planning balance.

Principle of the development

- 8.2 As set out in the NPPF (paragraph 2), *'Planning law requires that applications for planning permission be determined in accordance with the development plan², 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'*.
- 8.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the LPA to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.
- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the LPA to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 8.5 In accordance with the Portsmouth Plan (2012), 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.
- 8.6 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'*.
- 8.7 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 78); 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'.

- 8.8 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 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, 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 75); and areas at risk of flooding or coastal change'.*
- 8.9 The NPPF also seeks, inter alia, to secure net gains in terms of economic, social and environmental objectives (paragraph 8). This includes ensuring sufficient land of the right type is available; coordinating the provision of infrastructure; providing a sufficient number and range of homes and protecting and enhancing the natural, built and historic environment. These objectives are reflected in both the PPG and the Council's local planning guidance.
- 8.10 Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. As set out within Policy PCS10 of the Portsmouth Plan, housing delivery will be promoted across the city. The site is set outside of the town and district centres and is within the *"rest of the city"* allocation of Policy PCS10 of the Portsmouth Plan, which seeks to provide an additional 1,674 homes in the plan period (2010 - 2027).
- 8.11 The overarching stance advocated by the NPPF and Policy PSC10 of the Portsmouth Plan is a presumption in favour of sustainable development that supports densification in the city confines. The site benefits from being located within a sustainable location nearby a wide range of facilities, public transport, services and shops but also has no policy restrictions on the change of use from educational purposes to residential.
- 8.12 Saved Policy MT3 of the Portsmouth City Local Plan allocates an area of land which includes the application site for a mix of new mental health care development and housing. Healthcare development has already been delivered by the provision of 'The Orchards' and the 'Lime NHS Solent Trust' buildings to the north of the site (outside of the application boundary for the proposed development, but within the boundary of the allocation). Although the circumstance of the whole St James Hospital site, and the potential for the future uses has evolved since the adoption of that saved policy in 2006 (the main St James' Hospital building and its immediate grounds are currently being converted and redeveloped to provide 209 new residential units under planning permission 20/00204/FUL), it was always envisaged that housing development would also form part of the former grounds as set out in the saved policy.
- 8.13 Policy STJ1 of the Milton Neighbourhood Plan supports development of the site for residential use, including houses and apartment or flats. Policy PLP8 of the Pre-Submission Portsmouth Local Plan further identifies the site as part of a wider strategic site (St James and Langstone sports campus) for a number of differing uses, but primarily housing. The change of use of the site to residential is further supported by the immediate surroundings of the site being predominantly residential in character.
- 8.14 The principle of residential development is therefore accepted. The development will make a significant contribution achieving the three sustainable objectives to planning outlined in the NPPF. The proposal will deliver 58 new, high quality, energy efficient homes within a soft landscaped setting. These will be delivered in a sustainable and accessible location in Portsmouth. In summary, the proposed residential development of the site would be fully in accordance with existing and emerging planning policy.

- 8.15 With regard to the principle of this development, the NPPF also makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (paragraph 61).
- 8.16 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the most recently published Annual Monitoring Report, the council can only demonstrate 3.31 years supply. As the development plan in Portsmouth is more than 5 years old, paragraph 78 of the NPPF states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.
- 8.17 Consequently, there is a presumption in favour for developing this site as long as the project does not have a significant effect on a habitat site (either alone or in combination with other projects, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 195).
- 8.18 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.

Housing supply, density, mix and affordable housing

Housing supply, density and mix

- 8.19 As housing delivery within the City has fallen below 75% of the housing requirement over the previous three years, the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with paragraph 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a strong reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.
- 8.20 However, as the Council has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.
- 8.21 The assessed housing need for the Pre-Submission Portsmouth Local Plan going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development.
- 8.22 Nevertheless, the Pre-Submission Portsmouth Local Plan has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. Policy PLP16 of the Pre-Submission Portsmouth Local Plan states that at least 13,603 net additional homes will be required over the plan period 2020-2040, which continues to support the provision of new housing in the City.
- 8.23 The proposal will significantly help to address the Council's housing delivery shortfall by providing 58 new homes. The units comprise a mixed range of sizes and vary from two-bed to four-bed units which will cater to a diverse array of prospective occupiers.

Policy PCS21 of the Local Plan states that outside of town centres, density of development should be no less than 40dph, due to the inherent land constraints, which requires new proposals to make an effective and efficient use of land. This minimum density requirement is reiterated in Policy PLP21 of the Pre-Submission Portsmouth Local Plan. The Milton Neighbourhood Plan, however, suggests a maximum density of 40dph for Milton in the sub-text to Policy HS2. The proposal provides a density of 30dph, which was previously accepted as being appropriate in the previous application on the site (ref. 18/00288/OUT) and would be in keeping with the pattern of development in the surrounding area and the Milton Neighbourhood Plan.

- 8.24 With regard to housing mix, Policy PCS19 requires that *"developments should achieve a target of 40% family housing where appropriate"* and that the *"appropriate number of family sized dwellings on a site (will be) dependent on both the character of an area, the site and viability of a scheme"*.
- 8.25 Policy HSG1 of the Milton Neighbourhood Plan stipulates that *"residential development must include a balanced mix of house types to meet documented local need"* and encourages the provision of *"3 bed, family houses suitable for local families to move into; 1 and 2 bed homes suitable for first-time buyers and those wishing to downsize; accommodation suitable for the elderly, vulnerable or disabled persons; accommodation for single people"*.
- 8.26 Policy PLP18 further advises that *"Development proposals for residential development, including as part of a mixed-used development, will be permitted where they provide a mix of dwelling sizes to meet projected future household needs for the City"* and provides suggested approximate mixes for affordable and market housing dwellings within developments.
- 8.27 The proposals are for 58 new residential units comprising 19 x 2-bedroom; 34 x 3-bedroom; and 4 x 4-bedroom dwellings as shown in **Table 2** below.
- 8.28 The proposals would deliver 38 new family housing units (65%) and would significantly exceed the target of 40% family housing. The proposed mix is considered to be acceptable focusing on the delivery of 2 (34%), 3 (59%) and 4 (7%) bedroom units.

| Bedrooms | 2 bedroom | 3 bedroom | 4 bedroom | Total |
|--------------------------|------------------|------------------|------------------|--------------|
| Affordable Rent | 8 | 5 | 0 | 13 |
| Shared Ownership | 2 | 2 | 1 | 5 |
| Market | 10 | 27 | 3 | 40 |
| Total | 20 | 34 | 4 | 58 |
| Total Provision % | 34% | 59% | 7% | |

Table 2 - Proposed housing dwelling mix

- 8.29 The principle of housing development on this site, the proposed housing density and mix accords with the aims of policies PCS10 and PCS19 of the Portsmouth Plan and Policies HSG1 and PLP18 of the Milton Neighbourhood Plan.

Affordable Housing

- 8.30 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Portsmouth Plan to contribute to meeting the identified need in the city. This is reiterated in Policy PLP17 of the Pre-Submission Portsmouth Local Plan.
- 8.31 Based on the development of 58 dwellings, this would equate to the provision of 18 affordable dwellings. The proposal would deliver 31% affordable housing within the

policy compliant mix as prescribed by Policy PCS19 of the Portsmouth Plan and Policy PLP17 of the Pre-Submission Portsmouth Local Plan. The split of units and tenure will be broadly 70% Affordable Rent and 30% Shared Ownership with 13 Affordable Rent (72%) and 5 Shared Ownership (28%) units being provided. A range of sizes would also be provided including 2, 3, & 4-bed units

- 8.32 Accordingly, the proposal would be in accordance with current and emerging planning policies in respect of housing delivery and mix and has also been informed by relevant planning guidance. The NPPF supports the Government's objective of significantly boosting the supply of homes and that land with permission is developed without unnecessary delay (paragraph 61). The proposal will deliver a significant number of homes (58) and contribute to a mixed and balanced community, directly responding to local and national planning objectives.

Design and Heritage

Design

- 8.33 The 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 NPPF 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."*
- 8.34 At paragraph 135, the NPPF states that development should *"...add to the overall quality of the area"* and be *"...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".
- 8.35 Policy PCS23 of the Portsmouth Plan 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. This is reiterated in the requirements set out in Policy PLD1 of the Milton Neighbourhood Plan. Policy PLP1 of the draft Portsmouth Local Plan requires new development to make a positive contribution design quality and place-making in the City.
- 8.36 The main hospital building, which is outside of the application site, is red brick in English bond with stone dressings built in the Byzantine Gothic style. The grounds of the hospital contain a number of ancillary buildings associated with the former mental hospital and medical use, of particular note is the chapel located to the south east of the main hospital built in the early English style and designed by George Rake and are Grade II listed buildings and built in 1879. The chapel is built in flint with a slate roof and similarly to the main hospital has stone dressings around the window and door surrounds and corners of the building.
- 8.37 The general characteristics of the context of the application site are that of domestic scale dwellings, interspersed with 2.5 storey houses and apartment blocks. The houses on Locksway Road are representative of the majority of the Portsmouth housing stock, Victorian and Georgian predominately terrace housing. With brick quoining, banding and brick and stone headers, and small forecourts, which provides a buffer between the public footpath.

- 8.38 The immediate surroundings of Oakdene Road are representative of more recent suburban housing developments. Varying in material palette, a mixture of brick styles, buff and red brick, render, and flint façades, and mostly off-road parking. There is not a dominant roof tile within the area, both red and grey tiles are used largely within the context of the site.
- 8.39 The wider surrounding area has greater variety in building form, 3 and 4 storey flat blocks are introduced within the urban fabric. Further towards Langstone harbour there are detached properties, with much larger gardens, as well as the University of Portsmouth Langstone Campus on which is a large tower block which used to be student accommodation.
- 8.40 The proposal would introduce a series of two-storey residential buildings, as shown in **Figure 4** below, that would remain in keeping with the local precedent.



Figure 4 - Proposed Orchard Park / Crescent and Spine Road Street Scenes

- 8.41 No objection has been raised by the Council's Conservation and Design officer to the proposal. Overall, the layout and design approach taken within the proposal is considered to be conventional in aspiration and conception and provides an appropriate quantum and mix of development (including green/ public space). The carriage/ footway layout of the scheme provides for a curved/ serpentine arrangement and related disposition of housing units. This is considered a positive attribute of the proposal.
- 8.42 The layout, as shown in **Figure 3** above, also provides for a quasi-perimeter-based development pattern whose grain can also be characterised as relatively loose by comparison with the pattern of earlier historic housing to the south and west of the site. These attributes are considered appropriate within the site's context and setting.
- 8.43 The proposal focuses on the central 'Orchard Park' with the secondary roads and mews leading to this amenity space. The mews style space at the heart of the scheme, the adjacent small park/ open space to the West, and the visual relationship these features could generate are also considered positive in terms of their environmental, amenity, and townscape contributions to the site. Dwellings are positioned to front the street and create vista stops with multi aspect detached dwellings on corners to highlight important junctions. The central, shared surface mews, creates a vista and strong axis and glimpse through to the retained trees in 'Orchard Park'. A mix of parking solutions are provided across the site which include, courtyard, street and on plot parking.

- 8.44 The proposed dwellings are designed to be stepped back from the road; this creates a buffer between the public and private areas (defensible frontage) and plots are positioned to create natural surveillance over the street and public space. This is achieved through active frontages onto the streets and open space, meaning people are coming and going at different times as well as people overlooking the space from inside. Plot sizes/ scales and ratios also appear consistent with a scheme of this nature and scale. Whilst some are of quite an 'unconventional' footprint and are notably lengthier and/or more modest than others, none however appear unreasonably small.
- 8.45 The new dwelling buildings proposed have been carefully designed to offer similar architectural styles to the surrounding locality, taking their inspiration from the surrounding context including the use of brick, prominent gable ends, windows and a restricted material palette.
- 8.46 Key entrance points have been celebrated by providing focal/ gateway houses with enhanced materials creating a distinctive character and easily identifiable way finding nodes. In common with most development, it is considered that the selection, specification and subsequent use of a limited, very carefully chosen range of high quality complementary materials will be critical to ensuring the overall success of the development in design terms.
- 8.47 Care should be taken to ensure both that the site itself enjoys a visual unity and coherence in terms of material selection, and that the approach taken also seeks to respond to the wider setting of the scheme in particular the Grade II listed former Hospital (in whose grounds (curtilage) the development site sits). To help secure this, the Council's Design and Conservation officer has suggested that a condition, relating to the provision of sample materials including bricks, roof covering, window frames, and doors for the proposed housing typologies, be attached to any permission granted.
- 8.48 Overall, a number of the principles set out in the scheme are very welcome including the provision of landscaping and green space across the development as a whole. The proposed new buildings within the scheme will be of excellent architectural quality and the resulting development will be high quality, legible and distinctive. It will provide a modern, sustainable and inclusive development and would be fully in accordance with the design objectives in the Portsmouth Plan (Policies PSC13, PCS15 and PCS23), Milton Neighbourhood Plan (Policy PLD1), policy PLP1 of the draft Portsmouth Local Plan, the NPPF and local planning guidance.

Heritage

- 8.49 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Section 66). In relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"* (Section 72).
- 8.50 Policy PCS23 of the Portsmouth Plan further advises that *"all new development must be well designed and, in particular, respect the character of the city"* with the *"protection and enhancement of the city's historic townscape and its cultural and natural heritage, in particular its links to the sea"* being sought within new development.

- 8.51 Policy MH1 of the Milton Neighbourhood Plan further advises *"Development to refurbish or reuse designated and non-designated heritage assets will be supported, providing it preserves or enhances the assets and their settings"* and *"The original features and details of buildings should be retained where they contribute to: a) the special architectural or historic interest of listed buildings; b) the special architectural or historic interest of conservation areas; c) the architectural or historic interest of non-designated heritage buildings"*. Policy PLP53 of the Pre-Submission Portsmouth Local Plan states that *"Development proposals will be permitted where they conserve or enhance the City's heritage assets in a manner appropriate to their significance"*.
- 8.52 The application site is not located within a conservation area, nor does it contain any listed buildings. An Archaeological and Heritage Assessment has been submitted in support of the application which establishes the historic environment baseline within the site and study area. The Assessment identifies which designated and/or non-designated heritage assets have the potential for development within the site to cause change to their significance. It also assesses the potential for archaeological remains to be present within the site and the potential for impacts on these through the proposed development.
- 8.53 The Assessment concludes that one building located within the site, comprising the boundary wall of St. James' Hospital, is considered to be curtilage listed for the purposes of the Assessment, Whilst this wall meets the criteria to be considered curtilage listed, its individual significance is considered to be no more than moderate, considering that it has not previously been identified as worthy of listing in its own right. The proposal would result in a small level of harm, at the low end of 'less than substantial', through removing open ground in the south-east of the site that reflects the historic setting of the boundary wall.
- 8.54 The NPPF requires that clear and convincing justification is provided in instances where development would result in harm to a designated heritage asset (Paragraph 213). Furthermore, in the case of 'less than substantial' harm, as in this instance, the harm would need to be outweighed by the public benefits of the proposals (Paragraph 215). Otherwise, the proposal is not identified as resulting in harm to the significance of any other designated heritage asset.
- 8.55 Within the surrounding 1km study area, 18 designated heritage assets were initially identified for consideration within the Assessment, but it was concluded that the proposal would not affect their significance either.
- 8.56 The Council's Conservation and Design officer has raised no objection on heritage grounds to the proposal and agrees with the findings of the Archaeological and Heritage Assessment.
- 8.57 In summary, it is considered that the changes brought by the proposal would on balance be relatively limited in terms of their scope and impact on relevant heritage assets, causing a **low** degree of **harm** to the identified asset *overall*.
- 8.58 In light of this it is important in policy terms to note that impact of the proposal is considered **'less than substantial'** in conservation heritage terms.
- 8.59 The proposal is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 215 of the NPPF. These benefits are considered to be:

- New Homes - delivery of 58 new homes provided in a range of sizes and contributing to a mixed and balanced community, with sustainable transport connections and public open space;
- 8.60 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.
- 8.61 The proposal would contribute to the economic viability, accessibility and environmental quality of the local area, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

Residential Amenity

Open Space, Recreation and Living Conditions for Future Occupiers

- 8.62 Policy PCS13 of the Portsmouth Plan states that the Council will work collaboratively to protect, enhance and develop the green infrastructure network, inter alia, requiring improved accessibility to green space by foot, cycle and public transport corridors, play value for the whole community including pocket parks of 1.5ha per 1000 population (sites above 50 dwellings). There is no bespoke open space standard set out in existing Local Plan policy or SPD; however, the NPPF makes it clear that resident access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Furthermore, guidance is contained in the Fields in Trust benchmark guidelines "*Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard (2015)*"¹ and in the Council's Parks and Open Spaces Strategy (2012 to 2022).
- 8.63 Policy PCS23 of the Portsmouth Plan requires that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD, emerging Policy PLP22 of the Pre-Submission Portsmouth Local Plan, and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate. Policy PLP1 of the Pre-Submission Portsmouth Local Plan states that "*development proposals will be refused where they give rise to unacceptable adverse impacts in relation to the amenity of neighbouring occupiers as well as future occupiers/users of the development.*"
- 8.64 Policy HSG2 of the Milton Neighbourhood Plan also states "*housing, including apartments, must have access to external amenity space in the form of gardens, shared private space, shared open space in close proximity, and/or external balconies*".

Open Space and Recreation

- 8.65 The proposal would benefit from a central space, Orchard Park, which forms the heart of the development as shown in **Figure 5** below. There is also a significant area to the west of the site which is allocated as open space within the Milton Neighbourhood Plan.
- 8.66 The central open space comprises seating, a picnic area, and play space for young children. The careful placement of a small, landscaped mound provides naturalistic separation between the play space and seating areas. The introduction of formal and informal paths will allow for easy movement across and around the site. The junctions of the paths will link to visual nodes at the end or beginning of site vistas which provide seating and soft landscaping at key locations in proximity of the adjacent dwellings.



- 8.67 Overall, the whole site layout provides an attractive and robust landscape, which aims to retain the heritage importance and enhance the site biodiversity, along with providing a robust landscaping and tree planting structure for future generations. Subject to such details being conditions, the proposal would be in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan, Policy HSG2 of the Milton Neighbourhood Plan and the NPPF.

Living Conditions of Future Occupiers

- 8.68 The proposed units would all meet the minimum gross internal floor areas set out in Table 1 of the 'Technical Housing Standards - Nationally Described Space Standard' ranging in size from 77.7sqm (2-bedroom flats) to 108sqm (4-bedroom houses).
- 8.69 All homes would be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate and a minimum of 5% of all homes would be provided as wheelchair user dwellings (Building Regulations M4(3)) and all (with the exception of the two, 2-bedroom flats) would be designed to accessible standard (M4(2)). This aligns with development plan policy which sets a target for 5% of all newly built dwellings to be wheelchair accessible homes.
- 8.70 In terms of the physical layout of the site, there is adequate separation provided between the proposed buildings to ensure that satisfactory levels of outlook and privacy for future occupiers is provided. The internal layout of all the proposed units has been carefully considered to ensure windows and doors are positioned appropriately to minimise the potential for overlooking.
- 8.71 All homes would have access to private and communal amenity space, in the form of private gardens, Orchard Park and the landscaped grounds of the site. In order to ensure that the privacy of residents is protected at ground floor level, details of boundary treatment / defensible space for these units would be secured by condition.
- 8.72 Overall, the proposal will provide adequate levels of daylight and sunlight to future occupiers. The external areas will provide good access to sunlit amenity space. The results are considered to be commensurate with urban schemes and accord with the BRE guidance and planning policy.
- 8.73 The proposals would provide spacious and high-quality accommodation for future occupiers in accordance with Policy PCS19 of the Portsmouth Plan and Policy HSG2 of the Milton Neighbourhood Plan.

Impact on amenities of adjoining residential properties

- 8.74 With regard to any impact on neighbouring amenity, the only residential properties that might be impacted, are those to the west of the site on Cheriton Road, and Oakdene Road. However, retention of the tree and landscape buffer on the western boundary and location of the green space as proposed would mitigate any discernible impact from the site.
- 8.75 The proposal has been very carefully designed to ensure that these neighbouring properties do not have their amenity inhibited. The orientation of the proposed dwellings within the application site being parallel to their neighbours ensures the proposal would not appear visually overbearing or result in any undue overlooking or loss of light or privacy to neighbouring residential properties. While there will inevitably be change for neighbours, the proposal has sought to ensure that any impact would be minimal and be acceptable in planning terms.
- 8.76 It is recognised that that there is the potential for some level of light pollution arising from the development. However, it is not considered light generating from the dwellings would be unreasonable given they are expected to be used in a normal residential fashion. It is recommended that details of any external lighting are provided by condition to ensure that this will be acceptable in relation to existing neighbouring residents and future occupiers of the development as well as ensuring that there is not an unacceptable impact on local wildlife and the surrounding landscape.

Impacts on other adjoining uses

- 8.77 In the 3rd party objections, a representation has been received on behalf of the adjoining Orchards facility which provides NHS in-patient mental health services for adults. This raises concerns with potential overlooking into patient spaces and gardens from the proposed dwellings and also if extended upwards into the future.
- 8.78 The layout of the Orchards indicates that along the southern boundary adjoining the site are a car park and an enclosed compound with the buildings set further north into the site. The properties closest to the northern boundary are a short terrace of 2-storey properties at Plots 40 - 42 in the north-east corner. These properties face east-west and from their rear elevations would have oblique views towards the Orchards at 1st floor level. There is a similar terrace in the north-west corner at Plots 54 - 58 with a similar relationship to the adjoining site.
- 8.79 The plots at 43 - 47 sit at an angle to the northern boundary. The nearest 1st floor bedroom window would be at Plot 44 which would be approximately 10m from the boundary. This would face the Orchards car park. Further west, there would be approx. 17m from the rear 1st floor windows of Plot 47 to the southern boundary of the Orchards.
- 8.80 The concerns raised have been given due consideration. In terms of later upwards extensions from loft conversions to the proposed properties, this would not alter the distances set out above. Otherwise, the scheme provides separation distances which are considered to provide acceptable privacy in a residential context. Regard has been had to the layout of the Orchards as set out above and that the objection does not indicate a minimum distance below which operation of the facility might be compromised. In the circumstances, it is considered that based upon separation distances and oblique views, the relationship between the two sites is acceptable.

Transport and Highways

- 8.81 Paragraph 109 of the NPPF seeks to locate development in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emissions and improve air quality and public health. The NPPF and local policies PCS17 of the Portsmouth Plan and PLP47 of the Pre-Submission Portsmouth Local Plan also promote travel by way of walking, cycling and public transport, rather than reliance upon the private car.
- 8.82 Policies, TSP1, TSP2 and TSP3 of Milton Neighbourhood Plan and Policy PCS17 of the Portsmouth Local Plan state development proposals should not have a significant or unacceptable impact on highway safety or the existing road network, should make vehicle parking provision in accordance with the adopted standard and take up opportunities to enhance accessibility for non-motor vehicles.
- 8.83 A Transport Statement (TS) and interim Travel Plan (TP) have been submitted in support of the application outlining the acceptability of the development when considered from a transport perspective.

Existing transport conditions

- 8.84 The site is bounded by residential properties to the west, playing fields to the east and the medical building to the north. The adjacent carriageway roads are single lane and are subject to a 20mph speed limit. All these roads benefit from footpaths

and street lighting. There are bus stops located within walking distance of the site, one of which is located immediately outside the site on Locksway Road. This is served by the No.13 service which operates on an hourly service and provides access from the Baffins to Portsmouth City Centre.

- 8.85 Fratton Railway Station is located approximately 2.5kms from the site providing links to the neighbouring urban settlements and further beyond including London.
- 8.86 In terms of cycle infrastructure, National Cycle Network Route 222 is located adjacent to the site, which runs along Milton to Hilsea and then connecting to NCR 2 heading towards Hayling Island.
- 8.87 The Manual for Streets Guidance (2007) suggests walkable neighbourhoods are typically characterised by having a range of facilities located within 800m walk. The CIHT guidance on 'Providing for Journeys on Foot' (2000) also identifies 2,000m as the preferred maximum walking distance for commuting and schools and 1,200m to other destinations. Table 1 in the Transport Statement (TS) outlines that a number of these facilities and amenities are at or above the maximum distance. It therefore considered the development should contribute to the cycle/pedestrian infrastructure to encourage a modal shift away from the private motor vehicle.
- 8.88 A commensurate financial contribution towards cycle/pedestrian infrastructure improvements within the Strategic Cycle / Pedestrian corridor (Gosport To St James Hospital/ Langstone Campus Development) is considered to be appropriate and would be secured by s106 legal agreement in any permission granted.

Access Arrangements

- 8.89 The proposal would be accessed by all modes from the existing access point on Locksway Road. The existing access point would be amended to allow a widening to 4.8 metres and would be supported by a kerb radius of 10 metres on the western side. The eastern radius would remain as existing.
- 8.90 The footway, which is currently offset approximately 6 metres from the carriageway would be incorporated to be adjacent to the access on the western side and would measure 2 metres wide. In terms of internal arrangements within the site, several bellmouths would be created, a 2m footway would be installed adjacent to the highway, a new cycle path link and associated traffic calming along Orchard Lane.
- 8.91 No objection has been raised by the Council's Transport Planning team to the proposals, subject to confirmation being provided as to whether the roads would be adopted. In addition, some further detailed highway works would need to be undertaken to demonstrate pedestrian infrastructure within the site (i.e. crossing points), details of which would be secured by condition in any permission granted.

Parking

- 8.92 The TS submitted references both the Parking Standards set out in the Portsmouth Plan and Milton Neighbourhood Plan within Table 3, as replicated in **Figure 6** below, and provides details of the current local car ownership statistics. The Portsmouth Plan parking standards, as referenced in Policy PCS17, indicate that 89 allocated spaces and 9 visitor spaces, a total of 98 parking spaces, should be provided. Policy TSP2 of the Milton Neighbourhood Plan, however, indicates that the proposal should provide a lower provision of 82 parking spaces for residents with no standards for visitors being set.

| Number of Bedrooms | Requirement per Unit | Number of Units | Required Provision |
|--|---|-----------------|--------------------|
| PCC's Parking Standards | | | |
| 2 | 1.5 | 19 | 28.5 |
| 3 | 1.5 | 35 | 52.5 |
| 4 | 2 | 4 | 8 |
| Visitor | 10% of the total number of parking spaces (8.9) | | |
| Total | | | 98 |
| Milton Neighbourhood Plan Standards | | | |
| 2 | 1.25 | 19 | 23.75 |
| 3 | 1.25 | 35 | 43.75 |
| 4 | 1.75 | 4 | 7 |
| Total | | | 82 |
| Table 3: PCC and Milton Parking Standards | | | |

Figure 6 - Portsmouth Plan and Milton Parking Standards

- 8.93 The proposal, as originally submitted, included a total of 88 allocated parking spaces and 8 visitor spaces, totalling 96 spaces. Following amendments to the site layout to accommodate additional soft landscaping, to comply with Biodiversity Net Gain requirements, this provision has been reduced to 87 allocated spaces and would bring the site more in line with the parking requirements set out in Policy TSP2 of the Milton Neighbourhood Plan. This revised figure would be below the Portsmouth Plan standards (by 7 spaces) but 5 spaces above the Milton Neighbourhood Standard and is considered to be acceptable. Where there is potential conflict between adopted policies, the established position is that the most recently adopted document - in this case the Neighbourhood Plan - will take precedence. It is not considered the parking level proposed would result in unacceptable impact that would justify a reason for the refusal given the applicants have followed the principles set out in Paragraph 112 of the NPPF.
- 8.94 The proposal would also benefit from an allocated car club space (to be provided next to Plot 48) to help mitigate some demand from the private motor vehicle. This would be secured by condition in any planning permission granted and provided once the development is occupied.
- 8.95 In term of cycle storage, 124 spaces would be provided in accordance with policy either in the form of a shed in the rear of each garden or where rear access is not available, cycle parking would be provided in the curtilage of each unit. In addition, a small number of Sheffield stand short-stay cycle parking spaces (3 spaces) would also be provided within 'Orchard Park' on the western part of the site to support visitors to the development.

Highway capacity and safety

- 8.96 In order to assess the movements associated with the proposed land use, the TS has used historic data for the current lawful use and has used TRICS to establish the proposed trip generation for the new development. It is noted by the Council's Transport Planning team that a number of assumptions have been made by the applicants (which the transport team has questioned), in particular that trips are currently lower because of Covid 19 and the closure of the wider St James Hospital site. Notwithstanding this, the latest survey data along Locksway Road has been reviewed which show that during peak hours 410 vehicles and 390 (AM and PM respectively) travelled along Locksway Road.
- 8.97 The TRICS outputs outlined that during the AM peak, 31 additional vehicle trips would occur, and the PM peak vehicle trips would be 26 vehicles. Compared to current flows along Locksway Road, this would result in approx. 7% increase in traffic during those peak periods. It is not considered that this increase in traffic

would result in a cumulatively severe impact to warrant refusal of the application as outlined by Paragraph 116 of the NPPF.

- 8.98 Accident data analysis has also been undertaken of the network in the vicinity of the site covering the most recent five-year period. The data reveals that there has been only one collision within the vicinity of the proposed site access. Although several collisions have been recorded on Locksway Road, the severity was recorded as light. Based on the low number of collisions, and the fact that there are no clusters, it is considered that there are no known highway design features that contribute to the occurrence of accidents in the vicinity of the network.

Servicing, Fire and Deliveries

- 8.99 Swept path analysis has been undertaken to ensure refuse, fire and servicing vehicles can enter the site, manoeuvre within the site safely and leave in a forward gear, and that emergency vehicles can satisfactorily manoeuvre around the site.
- 8.100 Refuse collection would be undertaken in line with the bin carry distances identified in the Manual for Streets guidance for refuse collectors and residents. Where necessary, Bin Collection Points (BCP) have been provided to assist collection.
- 8.101 Fire tender access to all dwellings would be achieved within 45 metres of the highway and would not require emergency vehicles to reverse more than 20 metres, in line with Building Regulation requirements.

Travel Plan

- 8.102 As part of the redevelopment proposals, a Travel Plan (TP) has been prepared. The TP provides a long-term strategy with the aim of decreasing the number of private vehicle trips generated by the site, as well as increasing both public transport usage and Active Travel.
- 8.103 The TP sets the following objectives:
- Reduce single occupancy vehicle trips and their subsequent impact on the local road network;
 - Maximise the opportunities for travel by alternative means;
 - Promote pedestrian and cycle routes both on and off-site;
 - Promote local public transport; and
 - Ensure safe and easy access for all site users
- 8.104 Meeting these objectives will help achieve a development that has a high standard of sustainable travel practices and a decreased reliance on the private car, thus reducing the impact of car travel on the local road network.
- 8.105 Whilst the submitted TP has covered the key matters, prior to occupation of the development, a detailed final travel plan would be secured by condition, with the applicant being required to enter into a s106 agreement to pay the sum of £5,500 towards the monitoring of the travel plan.

Summary (Transport and Highways)

- 8.106 The TS has demonstrated that the proposal would not have any severe transport impacts. Overall, Officers are satisfied that, subject to the above conditions suggested and the proposed obligations within the s106 agreement, the proposal appropriately promotes active and sustainable transport and does not result in a significant harm to the operation of the highway network or highway safety risk. The

development is considered therefore to be in accordance with national and local policies regarding transport and movement.

Trees and landscape

- 8.107 Policy PCS13 of the Portsmouth Plan requires that development enhances the City's green infrastructure, while the emerging plan in Policy D1 requires that new development should "*be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the...existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure*".
- 8.108 The proposal incorporates a sensitive landscape design approach knitting together the proposed buildings within a mature tree canopy and well-designed landscape as shown in **Figure 5** above. Several mature trees would be retained, where appropriate, instantly providing a mature and attractive landscape setting. In addition, in the heart of the proposal, the open space 'Orchard Park' centres on the existing mature trees and would offer future residents a high quality publicly accessible communal amenity space area with seating, a picnic area, and play for young children. The careful placement of a small, landscaped mound would provide naturalistic separation between the play space and seating areas.
- 8.109 Along the main road through the development, a low post and rail fence, with ornamental planting behind, would offer privacy to future residents while ensuring a consistent landscape treatment. The boundaries of the site, and relationship to the surrounding properties has been carefully considered. On the southern boundary proposed structural planting softens the appearance of the existing fence and on the western boundary the existing vegetation, being an important ecological corridor, has been retained.
- 8.110 New parking areas are to be integrated well within the overall site, with several pocket green spaces comprising pleasing sculptural quality with attractive and biodiverse planting design. Buildings have been given good defensible spaces around their curtilages, with attractive shrub planting to soften the overall built form. The siting of the refuse and cycle storage has also been well considered and integrated appropriately and final details of these would be secured by condition.
- 8.111 There is considerable permeability in terms of access, a wide range of diverse spaces and routes, created by the existing structure to work within. The proposed open space to the centre of the site creates amenity for both social interaction and would enhance green infrastructure in accordance with PCS13 of the Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan.
- 8.112 The application site contains trees in a variety of species, sizes, condition and age. Trees are generally individuals or in small, often linear groups scattered across the site, near the site boundaries and in small clusters within the site..
- 8.113 An Arboricultural Development Statement, including a Tree Survey and Tree Protection Plan, have been submitted in support of the application. The emphasis of the Statement is predominantly that of preservation and tree protection. It identifies methodologies to provide protection for trees, to ensure their healthy and safe retention during the post development, as guided by BS5837:2012 and current best practice.

- 8.114 The proposals include the removal of generally British Standard Category C and U trees, with the exception of a single Category B tree, with the U category trees needing to be removed for good site management, regardless of development.
- 8.115 Eighteen trees, one group of trees and the partial retention of a further two groups would be retained within the development layout.
- 8.116 The removal of twenty six trees and the partial removal of a further three groups would be required as part of the development layout. Of these twenty six individual trees, one is moderate grade (Category B), twenty two are low grade (Category C) and three are considered to be of poor grade (Category U). The three groups and hedge to be removed are considered to be of low grade classification.
- 8.117 A comprehensive soft landscaping scheme has been designed to enhance the biodiversity of the site and will in time mature with the development to provide long term tree cover. A specimen Lombardy Poplar has been included within the pocket park (Orchard Park) as a reference to the significant number of Poplars planted historically in the grounds of St James Hospital. An information board would be provided nearby to provide reference to the relevance of this species to the site.
- 8.118 The intended planting strategy takes into consideration the position and orientation of the planting areas, the character created by the species selection, achieving year-round interest in the landscape, and the soil conditions of the area. Ornamental planting mixes with smaller plants have been specified to front garden plots, with different mixes for sunny and shady front gardens. Public areas, such as planting along fences, have mixes which comprise mainly larger, structural species. The sensory features of different species was considered when selecting planting for the central open space. Particularly for the planting beds around the play area, an ornamental planting mix featuring tall grasses was selected providing an additional playful element and filtered views. The evergreen *Osmanthus x burkwoodii* hedge is proposed as a softer boundary treatment where separation between front gardens is required.
- 8.119 A variety of trees have been selected to provide a subtle variation in character. This not only responds to the surrounding context but also provides a more resilient and biodiverse landscape. *Carpinus betulus* 'Lucas' is proposed along the main road, where possible, providing structure with a neat, narrow canopy. On the south east corner of the open space, the feature tree *Tillia cordata* 'Winter Orange' is selected for its striking autumn colour. Specimen multi-stem trees are dotted around the open space, complimenting the existing mature trees.
- 8.120 No objection has been raised by the Council's Arboricultural Officer to the proposal. Conditions relating to landscaping (tree planting, pruning and retention), tree protection and arboricultural site supervision, as suggested would be attached to any permission granted. The intended tree removals would not have a significant adverse impact on amenity and will be substantially compensated for by the individual new trees and planting shown in the Landscape Masterplan submitted and to be secured by condition.
- 8.121 Overall, the proposal ensures the long-term preservation of trees within the conservation area and removes predominantly poor quality Category C and U trees, and provides significant replacement tree planting, which is entirely considered to be compliant with Policy PCS13 of the Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan

Appropriate Assessment, ecology and biodiversity

- 8.122 The application is supported by a Preliminary Ecological Appraisal Report, Bat Survey, Biodiversity Net Gain Assessment and Nutrient Neutrality Note.

Appropriate Assessment

- 8.123 Pursuant to the [Conservation of 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.
- 8.124 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 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.
- 8.125 The Council is the competent authority in this case. 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:
- [Portsmouth Harbour Special Protection Area \(SPA\) and Ramsar Site](#) - Qualifying features: internationally important site for wintering birds with non-breeding Annex 1 waterbirds and intertidal mudflats and saltmarshes;
 - [Chichester and Langstone Harbours SPA and Ramsar](#) - Qualifying features: breeding and nonbreeding species, including dark-bellied Brent gees and waterbird assemblage;
 - [Solent and Dorset Coast SPA](#) - Breeding tern species
 - [Solent Maritime SAC](#) - Coastal features: major estuary hosting *Spartina* swards and salt meadows.
- 8.126 The Preliminary Ecological Appraisal Report submitted by the applicant states that there are six internationally important wildlife sites within the 5km desk study search area, three Special Protection Areas, two Ramsars and one Special Area for Conservation. There are three nationally designated wildlife sites within 2km, two Sites of Special Scientific Interest and one Local Nature Reserve. Additionally, there are six non-statutory sites of local importance within 1km, five Sites of Importance for Nature Conservation and one Road Verge of Ecological Importance within 1km.
- 8.127 There are records of a range of protected or notable species in the locality, including birds, invertebrates, terrestrial mammals, flowering plants and terrestrial reptiles, together with five Priority Habitats: Deciduous Woodland, Mudflats, Coastal Saltmarsh, Coastal and Floodplain Grazing Marsh and Lowland Dry Acid Grassland.
- 8.128 The application site comprises 1.98 hectares of informal landscaping and grounds associated with the former Harbour School now demolished. A large area of grassland with sections of woodland, scrub, tall forbs and scattered trees dominate the southern and western extents. The north and east comprises sealed surfaces in form of building foundations and an access road. The wider landscape is characterised by dense urban development, interspersed with green spaces particularly to the north, south and west. (Chichester and) Langstone Harbours Site

of Special Scientific Interest / Special Protection Area / Ramsar and Solent Maritime Special Area of Conservation lie approximately 264 metres south-east of the survey area. No ponds lie within 500 metres of the survey area.

- 8.129 The development project would give rise to likely significant effects and has identified several impact pathways deriving from the proposed development which include an impact upon bird species on the Solent coast as a result of additional recreational pressure and human disturbance from the increased population the proposed development would bring within 0.2 km of National Site Networks and International Sites; and water nutrient levels to 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, whether alone or in combination with other plans and/or projects in the area. Subject to recreational pressure mitigation being secured ('Bird Aware'), the LPA as competent authority does not consider there to be likely adverse effects upon breeding tern populations within the designated Solent and Dorset Coast SPA.
- 8.130 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.
- 8.131 For the nutrient levels (the Shadow Habitat Regulations Assessment states that there will be an excess nutrient budget of 76.85 kg TN per year as a result of the development), a number of mitigation measures will be incorporated within the design of the proposed development (for example green walls and permeable paving) to reduce the potential nutrient load. Further mitigation would be provided by participation in the Hampshire and Isle of Wight Wildlife Trust's nutrient reduction programme, with a financial contribution towards nitrogen credits is proposed. This would be in accordance with the Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period), February 2022 and would also be secured by s106 legal agreement.
- 8.132 No objection has been raised in principle by Natural England to the proposal. Subject to the necessary mitigation and compensatory measures being secured by s106 planning obligations as recommended above, the Council is satisfied that the development would not harm the integrity and coherence of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the HRA to go beyond the appropriate assessment stage to consider alternative solutions to the project as currently proposed.

Ecology and Biodiversity

- 8.133 The NPPF (paragraph 193) states that when determining planning applications, the Council should apply the following principles:
- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination*

with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists; and

- c) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

- 8.134 Policy PSC13 of the Portsmouth Plan seeks to protect, enhance and develop the green infrastructure network, ensuring that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated.
- 8.135 Policy ENV2 of the Milton Neighbourhood Plan states "*Development should wherever possible protect and enhance Milton's local green environment including wildlife habitats and corridors, green spaces, trees and woodland spaces. Development must achieve biodiversity net gain*".
- 8.136 A Preliminary Ecological Appraisal report (PEA) and a Biodiversity Net Gain Assessment and accompanying metric (BNG) have been submitted in support of the planning application. The majority of the site is of low ecological value comprising predominantly grassland, shrubs, trees and sparse vegetation. However, significant constraints to development have been identified including designated sites and the potential presence of nesting birds, roosting / commuting / foraging bats and reptiles.
- 8.137 Recommendations are made within the PEA for further ecological surveys and impact assessment to determine the value of the site for these species and to formulate a suitable mitigation strategy. Precautionary and ecological protection measures are recommended on an interim basis to enable offences under the relevant legislation to be avoided, along with recommendations for ecological enhancement post-construction as summarised in the report. The measures proposed would ensure that bats, breeding and nesting birds, reptiles and retained trees and hedgerows are suitably protected both during construction and once in operation, in accordance with Policy PCS13 of the Portsmouth Plan and Policy ENV2 of the Milton Neighbourhood Plan.
- 8.138 HCC Ecology have raised no objection in principle to the proposal. Any bats commuting and foraging in the local area could be adversely affected by additional

artificial lighting associated with the scheme proposals, as well as other nocturnal wildlife. As such, it is considered appropriate for all details of external lighting, including layouts and design, to be secured by planning condition, thereby avoiding or minimising as far as possible any spill of artificial light away from the built environment and into the surrounding landscape. A condition requiring the suggested ecological enhancement measures and mitigation, as referenced above, to be undertaken is also considered to be appropriate and would be attached to any permission granted.

- 8.139 The proposal incorporates the creation of wildflower areas and the planting of individual trees and soft landscaped areas. A number of ecological features have been recommended to enhance the site's value for wildlife and increase biodiversity in the local area. These include features such as bird boxes, bat tubes and boxes, bee bricks, reptile habitat piles and hedgehog highways to allow travel through boundary treatments into the wider area.
- 8.140 The BNG assessment and supporting Metric identifies an anticipated calculated net loss of -7.82 habitat units, equivalent to -52.23%, associated with the current development proposals. Mitigation can however be off site as set out and allowed for within the BNG regulations and in line with Natural England's guidance if compliance cannot be achieved on-site. The offset could be on an accredited and identifiable site being developed and secured in conjunction with Wild Capital¹. The applicant has agreed to a condition requiring a 10% BNG net gain to be provided on-site or alternatively offsite if this is not achievable. This is acceptable under current local and national policy and the enhancement measures set out in the report would be secured via a detailed enhancements plan condition.
- 8.141 The proposed development will deliver improvements in the site's ecological value through the introduction of a significant uplift in tree planting and soft landscaping across the site. Full landscaping details are to be secured by condition and will include for a variety of species and habitats.
- 8.142 Subject to the above conditions and securing the necessary 10% BNG, the proposed development will provide a significant and measurable improvement in the site's ecology and biodiversity in accordance with Policy PSC13 of the Portsmouth Plan and the NPPF (paragraphs 193 and 194).

Flooding and Drainage

- 8.143 The NPPF requires sites within Flood Zone 1 (i.e. land having a less than 1 in 1,000 annual probability of river or sea flooding) or over one hectare to provide a site-specific Flood Risk Assessment (FRA). The Environment Agency's Flood Map for Planning shows the site is located within Flood Zone 1. The EA surface water mapping indicates that the site is at 'very low' risk of flooding from surface water.
- 8.144 However, the Council's published Strategic Flood Risk Assessment data shows that in long term the site is predicted to be affected by the rise in sea levels in the future, due to the effects of climate change with parts of the west and south of the site failing within flood zones 2 & 3 by 2115. The submitted Flood Risk Assessment acknowledges this and the applicant has engaged with the Environment Agency who have advised that their data has been updated and the Environment Agency (EA) has confirmed that the entire site remains within flood zone 1 in both the defended and undefended scenarios in 2115. This represents the lifetime of the development (100 years) for residential under the National Planning Practice Guidance on flooding.

¹ <https://wild-capital.co.uk/>

- 8.145 Policy PCS12 of the Portsmouth Plan comprises a flood risk management hierarchy which will Assess, Avoid, Substitute, Control and/or mitigate flood risk. An FRA (including Addendum), incorporating a drainage strategy for the site, has been submitted with the application, which considers the potential effects of flooding on the proposed development with any associated mitigation measures proposed.
- 8.146 The site has been assessed from tidal, surface water (pluvial), groundwater and reservoir flooding. The summary of residual flood risk is shown below:
- Fluvial and tidal flooding is considered to be at low risk.
 - Surface water flooding is considered to be at very low risk.
 - Groundwater flooding is considered to be at very low risk.
 - Reservoirs flooding is considered to be unlikely.
- 8.147 The existing site is brownfield, therefore discharge rates are proposed to be restricted to greenfield rates to improve the existing conditions.
- 8.148 Shallow groundwater levels were encountered during site investigations; therefore, infiltration is not considered viable. The proposals for surface water drainage are to attenuate on site using geo-cellular crates and discharge to the nearest Southern Water sewer at greenfield rates using a complex flow control.
- 8.149 The revised drainage proposal submitted would restrict the surface water discharge rate to Q_{bar} (2.82 l/s), providing significant betterment from the existing “do-nothing” brownfield rate of 8.35l/s, which is generated from the pipes connected to the existing building on site.
- 8.150 Additional rain gardens have been provided within the layout and would help to increase biodiversity net gain (BNG) and water quality. Runoff from portions of the roads shall be directed towards rain gardens, tree pits, and where possible existing trees.
- 8.151 Driveways and parking spaces shall be Type C permeable paving systems to provide attenuation, source control and increase water quality uplift. A non-return valve is proposed at the demarcation manhole to prevent any risk of on-site flooding in-case of a surcharge in the Southern Water network.
- 8.152 Further communication has been conducted with Southern Water regarding the capacity of their network and the proposed connection point. While discussions are ongoing, it should be noted that, under the Water Industry Act 1991, Southern Water, as the sewerage undertaker, is obligated to provide a connection to the proposed site regardless of capacity constraints. It is Southern Water’s responsibility to carry out the necessary network upgrades to accommodate the development, following the granting of planning permission. This development forms part of an allocated site; therefore, it is expected that Southern Water will include provisions for the discharge of the development within their network upgrade plans.
- 8.153 In accordance with the drainage hierarchy outlined in Building Regulations Part H, the practicability of discharging surface water into the surface water sewer located in Oakdene Road has been assessed. However, as detailed in the submitted FRA Addendum, discharging into this sewer is not a viable solution as it would require the surface water to be pumped, which will pose as a flood risk to surrounding dwellings should the pump not be operational. As such, the proposal is to discharge into a combined sewer.

- 8.154 No objection has been raised by the Council's Drainage Team / LLFA to the proposal subject to conditions relating to flooding and surface water drainage being attached to any permission granted. Subject to the above conditions being attached, the proposal would fully accord with national and local planning policy.

Energy and Sustainability

- 8.155 Policy PCS15 of the Portsmouth Plan seeks sustainable design and construction in all development. Building design should maximise solar efficiency and development should include recycled construction material. This is reiterated in Policy PLD1 of the Milton Neighbourhood Plan and Policies PLP33 and PLP34 of the Pre-Submission Portsmouth Local Plan which encourage development to provide a fabric first approach following the principles of the energy hierarchy seeking to achieve a reduction in carbon emissions and opportunities to provide low carbon, heating and cooling systems.
- 8.156 An Energy and Sustainability Statement has been submitted in support of the application. It is proposed that the development would be designed to incorporate all applicable guidance contained within Policies PCS15 and PLP33 relating to carbon dioxide emissions reductions and the construction of highly efficient and sustainable buildings which seek to minimise energy demand and CO₂ emissions as well as considering sustainable construction methods. The Statement provided demonstrates how the proposed development would deliver lower energy and water use, lower associated global warming potential (GWP) carbon dioxide equivalent (CO₂e) emissions and lower operational costs than a Building Regulations compliant design, with an energy performance certificate (EPC) rating of B.
- 8.157 It is also proposed that the dwellings would be constructed following a Fabric First approach to meet, and exceed the current Building Regulations, with insulation standards, thermal bridging and air leakage all improved beyond the minimum compliance standards. In addition, consideration would also be given to building design, passive solar design and energy efficiency site layouts where possible, together with the installation of low carbon energy systems to further reduce carbon emissions arising from the development to ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy, and where necessary 'allowable' solutions in accordance with Policy PCS15 and PLP33.
- 8.158 As well as a building fabric first approach, the development would be constructed in timber frame and heated by highly efficient combi gas boilers delivering lower cost energy. Every dwelling will also include photovoltaic arrays varying in size depending on house type to meet ADL 2021 regulatory standards. This would contribute positively towards keeping energy costs low for future occupants. Every dwelling would also be provided with an electric vehicle charging point. The statement provided clearly demonstrates how the scheme would accord with Policy PCS15 of the Portsmouth Plan, Policy PLD1 of the Milton Neighbourhood Plan and Policies PLP33 and PLP34 of the Pre-Submission Portsmouth Local Plan.
- 8.159 Overall, the proposed development will exceed the sustainable design and construction standards set out within Policy PCS15 of the Portsmouth Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

Archaeology

- 8.160 Paragraph 202 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Paragraph 207 requires applicants to describe the

significance of a heritage asset sufficiently to *"understand the potential impact of the proposal on their significance"*.

- 8.161 An Archaeological and Heritage Assessment has been submitted in support of the application which assesses the potential for archaeological remains to be present within the site and the potential for impacts on these through the proposed development. The archaeological element of the Assessment concludes that there is a low potential for the proposal to impact upon any archaeological remains of significance. Archaeological remains most likely to be present were considered to be of a negligible level of archaeological interest, and do not justify a detailed assessment. As such, it concludes there is no reason why a planning application should not be treated favourably in terms of archaeology. This is in line with relevant national and local planning policy, specifically Policy PCS23 of the Portsmouth Plan.
- 8.162 No objection has been raised by The Council's Archaeological Advisor subject to further archaeological investigations and mitigation being secured by way of a planning condition. The scope of any intrusive work would be agreed in consultation with the Council's Archaeological Advisor and in accordance with an approved archaeological Written Scheme of Investigation.
- 8.163 Subject to the above condition being attached, the proposal would comply with Policy PCS23 of the Portsmouth Plan and the NPPF in relation to below ground archaeological heritage potential.

Contaminated Land (ground conditions and pollution)

- 8.164 The NPPF, paragraph 201 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land. In this respect as set out in Paragraph 196, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in paragraph 197, the responsibility for securing a safe development rests with the developer and or landowner.
- 8.165 The Council's Contaminated Land Team have raised no objection to the proposal. In accordance with the advice given, details to deal with the contamination of the site to avoid risk to health and the environment will be required by condition. Subject to the recommended conditions provided being attached requiring both compliance with the submitted proposed measures and further details to be submitted in the form of a Remediation Method Statement and a Verification Report, the proposed development is considered acceptable in terms of contaminated land and in line with relevant guidance including paragraph 196 of the NPPF.

Community Infrastructure Levy (CIL) and Planning Obligations

CIL

- 8.166 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 and 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).

- 8.167 The proposal would result in the creation of 58 new dwellings totalling 5474.41sqm of GIA floorspace. The likely CIL chargeable amount will be £982,079.70. A CIL Form 1 was submitted with the application, but the estimate is based on proposed floor plan measurements. The additional 116.6sqm of GIA floorspace from the figures provided is due to the garages in the FOG units not being included. The application indicates an intention to apply for CIL Social Housing Relief, any claim will need to be validly applied for and granted in accordance with the CIL Regulations 2010 (as amended). It will be important to note that no commencement of development should occur prior to any CIL relief matters being fully resolved.
- 8.168 This could be pooled and put towards funding improvements in primary care provision (as requested by the NHS Hampshire integrated Care Board), policing, education and infrastructure.

Planning Obligations - s106 Heads of Terms

- 8.169 The applicant has indicated a 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.
- 8.170 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.
- 8.171 As such the applicant has indicated a willingness to make financial contributions and those that are considered to meet the statutory tests are:

| Obligation | Requirement / Financial Contribution | Trigger |
|------------------------------------|---|---|
| Affordable Housing provision | Provision of 18 affordable housing units comprising 13 affordable rent (8 x 2-bedroom and 5 x 3-bedroom) units and 5 shared ownership (2 x 2-bedroom; 2 x 3-bedroom; and 1 x 4-bedroom) units as shown on drawing number 23.135.010 Rev B - Site Layout. | Not to occupy 50% of the open market dwellings until all affordable rent and shared ownership units completed and ready for occupation. |
| Bird Aware Contribution of £47,490 | Bird Aware financial contribution of £47,490 towards mitigating the recreational impact of the development on the Portsmouth and Chichester and Langstone Harbours Special Protection Areas (and also the more recently designated Solent and Dorset Coast SPA) pursuant to the Solent Recreation Mitigation Strategy published by the Partnership for South Hampshire in 2017 (as amended and updated), and current tariff for 1 April 2024. | Prior to first occupation of the development. |

| | | |
|---|--|---|
| Nutrient Neutrality Mitigation | Nutrient Neutrality Mitigation - In combination effects to reserve Nutrient Neutrality Mitigation credits equal to 76.85 kg/TN/year in perpetuity to mitigate the impact of adverse effects arising from the occupation of the Development in respect of nitrogen and phosphorous input into the Solent Marine Habitat Sites period. | Submission of Nutrient Neutrality Measures prior to commencement of development and not to occupy any dwellings prior to such credits being secured in perpetuity and confirmed in writing. |
| Public Open Space, Play space and Management Scheme | <p>Provision of the public open space (meaning the Amenity Grass, Species Rich Grass and Planted Beds) within the development as shown on drawing ref DR-0001 Rev S4-P9 - Landscape Masterplan submitted and Management Scheme (including the establishment of a Management Company) to manage it.</p> <p>Provision of the play space in Orchard Park within the development in accordance with the Open Space Specification shown on drawing refs DR-0001 S4-P7 - Landscape Masterplan and DR-0005 Rev S4-P4 - Play Area Proposals submitted.</p> | Submission and agreement of Management Scheme details prior to first occupation of the development. |
| Strategic Cycle / Pedestrian corridor improvement contribution of £35,155 | To provide a financial contribution payment of £35,155 towards cycle/pedestrian infrastructure improvements within the Strategic Cycle / Pedestrian corridor (Gosport To St James Hospital/ Langstone Campus Development). | Prior to first occupation. |
| Employment and Skills Plan | Submission of a draft Employment and Skills Plan 6 weeks prior to building work commencing and a final Plan to be submitted and agreed prior to commencement of development. | Submission of a draft Employment and Skills Plan 6 weeks prior to development commencing and final plan submitted and agreed prior to development commencing. |
| Travel Plan Monitoring fee of £5,500 | Payment of £5,500 fee for Travel Plan Monitoring. The monitoring fee has been calculated on the basis of 2 days of officer time at a rate of £50 per hour for the initial appraisal, plus 2.5 days per annum over 5 years for an annual review and administration and is required to cover the cost of monitoring the Travel Plan, which itself would be | To be paid within 12 months of the planning permission. |

| | | |
|-------------------------------|---|-----|
| | secured by condition if planning permission were granted. | |
| S106 Monitoring Fee of £2,480 | Payment of £2,480 s106 agreement monitoring fee. | TBC |

Human Rights and the Public Sector Equality Duty (PSED)

- 8.172 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.
- 8.173 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.

9.0 CONCLUSION AND PLANNING BALANCE

- 9.1 The proposed development includes a significant quantum of new homes on a brownfield site in a sustainable location. As a previously developed site which is currently underutilised, the proposed development for housing is fully supported by policies for boosting the supply of homes.
- 9.2 This application proposes a redevelopment of the site through a high-quality designed scheme within a sylvan setting, which makes significant improvements to public realm and connectivity. The proposal will deliver a significant number of homes and contribute to a mixed and balanced community, directly responding to local and national planning objectives.
- 9.3 There is a pressing need for housing, including affordable homes, 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' therefore applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 9.4 With regard to the identified social, economic, environmental and sustainability value that the scheme would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified.
- 9.5 The proposed buildings have been sensitively designed, taking inspiration from the surroundings and historic context of the site and would respect the character, context and the form and scale of neighbouring buildings and would sit comfortably within

the streetscene and surrounding area. The appearance, materials, detailed facade treatment and landscape design of the development will be high quality, displaying an appropriate response to the surrounding character.

- 9.6 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.
- 9.7 The proposed development would meet all relevant residential space standards and the provision of communal amenity space proposed is considered to be acceptable. Adequate levels of daylight would also be provided within the flats for future residents. The proposal provides units with a good standard of accommodation, in terms of unit sizes, aspect and amenity space provision, being provided.
- 9.8 The development would be of sustainable construction, meeting all of the relevant sustainability standards. The likely impact of the reduction in car parking spaces and the merits of encouraging sustainable travel options have been fully assessed and are welcome.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory agreement of an internal local authority approval mechanism (an equivalent legal agreement) to secure:

- (a) Affordable Housing provision;
- (b) Bird Aware Contribution of £47,490;
- (c) Nutrient Neutrality Mitigation;
- (d) Public Open Space, Play space and Management Scheme;
- (e) Strategic Cycle / Pedestrian corridor improvement contribution of £35,155;
- (f) Employment and Skills Plan;
- (g) Travel Plan Monitoring fee of £5,500; and
- (h) S106 Monitoring Fee of £2,480.

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 an internal local authority approval mechanism has not been satisfactorily agreed within six months of the date of this resolution.

RECOMMENDATION

Conditional permission.

Conditions:

1. Time limit - 3 years
2. Approved plans
3. Materials
4. Boundary treatment, including defensible space measures/planting
5. Contaminated land - risk mitigation
6. Contaminated land - verification
7. Contaminated land - watching brief
8. Previously unidentified contamination
9. Drainage

10. Flood mitigation
11. Ecological enhancement measures and mitigation
12. Biodiversity Net Gain
13. Landscaping, tree planting and retention
14. Landscape implementation
15. Tree protection
16. Arboricultural site supervision
17. Archaeology
18. Water efficiency
19. External plant
20. Noise mitigation
21. Lighting scheme
22. Sustainability measures
23. Car parking and management plan
24. Car Club
25. Cycle parking
26. Provision of refuse and recycling facilities
27. Travel Plan
28. EV Charging
29. S278 local highway improvement works
30. Construction Environment Management Plan (CEMP)

Informatives:

1. British Standard compliance for tree works