



## Appeal Decisions

Inquiry Held on 27 June – 4 July 2023

Site visit made on 30 June 2023

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> August 2023

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### **Appeal A Ref: APP/Z1775/W/22/3302931**

#### **St James Hospital, Locksway Road, Southsea PO4 8LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by PJ Livesey Holdings Ltd against Portsmouth City Council.
  - The application Ref 20/00204/FUL, is dated 7 February 2020.
  - The development proposed is the 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).
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### **Appeal B Ref: APP/Z1775/Y/22/3302927**

#### **St James Hospital, Locksway Road, Southsea PO4 8LD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by PJ Livesey Holdings Ltd against Portsmouth City Council.
  - The application Ref 20/00205/LBC is dated 7 February 2020.
  - The works proposed are the 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).
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### **Procedural Matters**

1. As set out there are two appeals, one in relation to planning permission for development affecting 2 no. listed buildings, their setting and the significance of a non-designated heritage asset, and one in relation to listed building consent for works to 2 no. listed buildings. Although I have considered each proposal on its individual merits, to avoid duplication, I have dealt with the two schemes together in this document, except as otherwise indicated by reference to Appeal A and Appeal B.
2. As the proposal relates to 2 no. listed buildings, I have had special regard to sections 16(2) (Appeal B), and 66(1) (Appeal A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

3. The parties confirmed that the description of development for Appeal A, in terms of the number of proposed dwellings, was amended to read, *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, erection of new 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)*. I have dealt with Appeal A on this basis.
4. Furthermore, the parties confirmed that the description of works for Appeal B was amended to read, *Conversion of main hospital, mortuary building and the Chapel, including external alterations - demolition of boiler house, storage wings, service room and 20th Century buildings, window and door alterations, recessed and projecting dormers, new stairs; Internal alterations to include alterations to walls, doorways and staircases. Construction of new housing; provision of parking and landscaping (Amended Scheme)*. With the exception of, "construction of new housing; provision of parking and landscaping", which does not constitute works to a listed building, this better describes the proposed works to the listed buildings at the appeal site, and I have dealt with Appeal B on this basis.
5. I note the Reports to Portsmouth City Council's Planning Committee (the Council), dated 12 January 2022 in respect of the proposals under Appeals A and B, and the subsequent Report to the Planning Committee in respect of the proposal under Appeal A, dated 21 December 2022, submitted with the Council's statement. While these are not the application decisions as jurisdiction over those was taken away when the appeals were lodged, they give an indication of the decisions the Council would have made, had it been empowered to do so.
6. The Milton Neighbourhood Forum (MNF) decided not to seek Rule 6(6) status under the provisions of the Inquiries Procedure Rules. However, they were afforded the ability to submit opening and closing remarks, to take part in the round table sessions on heritage and trees and open space, and to ask questions of the appellant's highways witness.
7. A virtual Case Management Conference (CMC) was held on 21 September 2022, to discuss arrangements for the Inquiry scheduled to open on 22 November 2022. It became apparent that due to outstanding concerns from Natural England regarding the need for further information on the likely impact of the proposal on the Solent Special Protection Area, scope for mitigation and nutrient neutrality, the Inquiry would have to be postponed. Subsequent conferences to address the outstanding matters were held on 28 September 2022, 28 February 2023, 6 March 2023 and 5 May 2023, and I return to these matters below. The CMCs were attended by the appellant, the Council and the MNF.
8. A signed and dated Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) was submitted by the appellant<sup>1</sup>. This covers a bird aware contribution, nutrient neutrality mitigation, Milton Common mitigation, public open space and cyclepath obligation, a travel Plan monitoring fee and provision of the Chapel for community use. In addition, an Agreement between the appellant and the

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<sup>1</sup> Post Inquiry Document PID 1

Hampshire and Isle of Wight Wildlife Trust was submitted in respect of nitrogen credits for the proposed development. I return to these matters below.

9. It was confirmed at the Inquiry that 'The Fernhurst Wing' of the former hospital is incorrectly identified as 'Fenhurst' on the submitted plans. I have dealt with the appeal on that basis.
10. It was confirmed by the Council in opening<sup>2</sup> that it is unable to demonstrate a 5-years supply of housing land. The Council set out its supply as less than 3.48 years in the report to Committee<sup>3</sup> and the appellant<sup>4</sup> claimed a 2.9 years supply. I return to this matter below.

## Decisions

### Appeal A

11. The appeal is allowed and planning permission is granted for the redevelopment of the former St James' Hospital comprising the conversion of listed buildings to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, erection of new 2 storey housing and 3 storey apartments to provide 58 dwellings, retention of cricket pitch and listed chapel, provision of car parking, associated landscaping and other works (phased development) at St James Hospital, Locksway Road, Southsea PO4 8LD in accordance with the terms of the application, Ref 20/00204/FUL, dated 7 February 2020, subject to the conditions set out in the attached Annex.

### Appeal B

12. The appeal is allowed and listed building consent is granted for conversion of main hospital, mortuary building and the Chapel, including external alterations - demolition of boiler house, storage wings, service room and 20th Century buildings, window and door alterations, recessed and projecting dormers, new stairs; Internal alterations to include alterations to walls, doorways and staircases (Amended Scheme) at St James Hospital, Locksway Road, Southsea PO4 8LD in accordance with the terms of the application Ref 20/00205/LBC dated 7 February 2020 and the plans submitted with it, subject to the conditions set out in the attached Annex.

## Background and Main Issues

13. The lawful use of the building is a hospital and although the site remains occupied, it is not at full capacity, as it is part of a phased decommissioning by the NHS to release public sector land for development.
14. The applications under Appeals A and B were submitted to the Council on 11 February 2020. Amendments were made to the submitted scheme in response to comments received from the Council's Design Review Panel and Historic England. The applications were presented to the Council's Planning Committee on 12 January 2022 with a recommendation for approval, subject to completion of a Section 106 Agreement, and the resolution of the Appropriate Assessment.

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<sup>2</sup> Inquiry Document ID 5, Council's Opening Submission

<sup>3</sup> Core Document CD 8-1 Report to the Planning Committee 21 December 2022

<sup>4</sup> Inquiry Document ID 4, Appellant's Opening Statement

15. However, decisions on the applications were deferred by Members for the following reasons;
- to enable a reappraisal of affordable housing provision, specifically the request for an updated viability statement to reflect current market conditions and construction costs,
  - to reconsider the design of the new build housing, particularly in relation to the contemporary design and proposed flat roofs,
  - to look again at the tree retention and planting strategy, specifically in relation to the retention of more trees on the site, more detail on the proposed replacement planting strategy, and to provide an assessment of carbon sequestration and estimated water storage/transpiration from current trees on site, and
  - to look at off-site highways impact.
16. In response, amended site layout plans and elevation drawings in respect of roof design and relocation of bin and cycle stores and internal footpaths to facilitate retention of additional trees were submitted and consulted upon in February-March 2022. Following this consultation and the further comments of the Design Review Panel and Council Officers, amendments were made to the proposed roof design of the new build housing and to the proposed site layout to facilitate the retention of additional trees<sup>5</sup>.
17. The amended plans led to the statutory consultees, with the exception of Natural England, concluding that they had either no objections, or no objections subject to suggested conditions, in respect of both applications. Natural England submitted a holding objection response identifying potentially significant effects on the nearby Special Protection Areas (SPA) and Special Areas of Conservation (SAC) and requiring further information to determine the significance of the impacts and the scope for mitigation.
18. Subsequent to the appeals being made against the Council's failure to give notice within the prescribed period of its decisions on the applications, Natural England issued a request for further information on 14 September 2022, in respect of an update to the Habitats Regulations Assessment (HRA) with regard to alone and in-combination impacts from increased recreational pressure, proposed mitigation, and an updated nutrient budget.
19. The appeal scheme was then presented to the Council's Planning Committee on 21 December 2022, and Members resolved that had the Council been in a position to determine the application, it would have refused planning permission (Appeal A) for the following reasons;
1. in the absence of sufficient information being provided for the Habitats Regulations Assessment, as requested by Natural England, there is no certainty around the mitigation strategy which is required to address the likely significant effects in respect of recreational disturbance, as is identified in paragraph 4.1.8 of the Draft Habitats Regulations Assessment (ref. 200127 0991 HRA V1B) dated 18 December 2020 submitted. As such, the proposal should be refused due to the

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<sup>5</sup> Layout and elevational drawings Core Documents CD 1-47 to CD 1-61 and CD 1-108 to CD 1-114

- uncertainty regarding unmitigated adverse impact on protected habitats in accordance with the Habitats Regulations,
2. insufficient viability justification has been provided, noting the uncertainty arising from the cost of mitigation under the Habitat Regulations, to demonstrate that the scheme is unable to provide affordable housing contrary to Policy PCS19 of the Portsmouth Plan 2012, and
  3. the loss of protected trees is unacceptable and the replacement tree planting proposals do not enhance and protect the historic landscape. In particular, the loss of trees and open space on the site known as Matron's Garden, is wholly unacceptable and is in breach of policies PCS13 of the Portsmouth Plan and ENV1 and ENV2 of the Milton Neighbourhood Plan.
20. In the meantime, and in response to the holding objection from, and in consultation with, Natural England, the Council carried out mapping and data collection at Milton Common between October 2022 and December 2022 to inform an updated Milton Common Local Nature Reserve Restoration and Management Framework (MCLNRRMF). This was presented to the Council's Cabinet on 21 February 2023 and Members agreed to approve and adopt the update to the MCLNRRMF subject to any comments from Natural England being addressed.
21. On 27 February 2023, Natural England expressed concerns that the updated MCLNRRMF would not be able to act as mitigation for the identified impacts and requested that further updates should be made. A virtual meeting was held with Natural England, the Council, and the appellant on 2 March 2023 and additional changes were agreed. This resulted in a further updated document<sup>6</sup> which was approved by Members on 25 April 2023.
22. In tandem, the appellant prepared a Shadow HRA to be considered alongside the Council's further updated MCLNRRMF. This was submitted on 21 February 2023 and subsequently updated following receipt of the revised MCLNRRMF, with an updated Nutrient Neutrality Assessment and Mitigation Strategy submitted to the Council on 27 April 2023 to assist with the Council's HRA<sup>7</sup>.
23. Natural England were consulted on the Council's HRA and on 23 May 2023 confirmed it had no objection to granting planning permission subject to securing appropriate mitigation<sup>8</sup>. In addition, the Viability Assessment<sup>9</sup> was amended to take account of the increased S106 contributions arising from the updates to the MCLNRRMF, current market factors and the Milton Common and nitrates mitigation requirements. The Council undertook an independent review of the updated Viability Assessment which concluded in May 2023 that the scheme cannot support affordable housing<sup>10</sup>.
24. The Council confirmed that having worked highly cooperatively with the appellant to resolve outstanding matters on ecology<sup>11</sup>, it was no longer

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<sup>6</sup> Core Document CD-7-3

<sup>7</sup> Core Documents CD-4-1 and CD-4-2

<sup>8</sup> Core Document CD-5-9

<sup>9</sup> Core Document CD-4-3

<sup>10</sup> Core Document CD-8-6

<sup>11</sup> Council's Opening Statement, para 3, Inquiry Document ID5 and Statement of Common Ground para 3.39, Core Document CD 9-1

pursuing its putative reasons for refusal nos. 1 and 2 (para 19 above). I have dealt with the appeals on this basis.

25. Against this background I consider the main issues to be:

- the effect of the works proposed on the significance of St James' Hospital and Chapel,
- the effect of the development proposed on the setting of St James' Hospital and Chapel, and on the hospital grounds,
- the effect on trees and open space, and
- the effect on highway safety.

## **Reasons**

### *The appeal site and proposal*

26. The appeal site extends to around 9.54 hectares. It is located in Milton, on the eastern side of Portsmouth, in a predominantly residential area. It is accessed from Locksway Road to the south, and Longfield Road to the north. It contains St James' Hospital (a former asylum, opened in 1879), a cricket pitch and club (designated an Asset of Community Value in 2017 under the Localism Act 2011) and extensive grounds.

27. Proposed under Appeals A and B is;

- the erection of 58 no. dwellings and the conversion of the main hospital building, mortuary building and Chapel to form 151 no. dwellings,
- demolitions within the grounds of the hospital including later extensions known as 'Kestrel Centre', 'Lancashire House', 'Wimbourne', 'Langstone Centre', 'Turner Centre' and associated ancillary buildings (garages, stores, sheds, polytunnels, greenhouses),
- removal of the bandstands and reinstatement,
- alterations to hospital to facilitate the conversion, including demolition of parts of the kitchen to provide suitable access and natural light into the proposed dwellings, removal of internal walls, changing existing windows and adding new door openings,
- retention of the cricket pitch including providing of 26 no. dedicated parking spaces and a dedicated access and parking along Solent Drive, accessed from Locksway Road,
- provision of 150 no. new trees of a range of size and species,
- provision of 343. no parking spaces and 20 integrated garages,
- provision of electrical vehicle charging points and passive charging facilities within parking courts,
- provision of publicly accessible open space, and
- provision of new cycle route connection from Locksway Road to Longfield Road, connecting the 601 cycle route on Locksway Road to the surrounding area.

*1<sup>st</sup> Main Issue - Effect on the significance of heritage assets*

28. The parties agree that there are three heritage assets of relevance to the determination of these appeals. These are St James' Hospital, attached piers and lamp posts, St James' Hospital Chapel and the former asylum grounds. When considering the impact of a proposal on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Both the hospital and Chapel are listed at Grade II and are therefore designated heritage assets.
29. The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.

*St James' Hospital*

30. St James' Hospital has a footprint of around 16,000m<sup>2</sup>, and varies in height from 2 to 3 storeys. It has undergone substantial alteration through the addition of modern, linked extensions. Originally designed to be fully self-sufficient, with farmland to the north and east to provide for the patients, the asylum included gardens run by the patients, a dedicated Chapel and a Mortuary (curtilage listed as part of the hospital).
31. The hospital incorporates a central core with extending wings, entrance block, main hall, airing courts and shelters designed as bandstands. It was laid out to have areas of green space including a cricket pitch. Its significance is principally architectural (surviving historic fabric, plan form and layout) and historical (an example of a Victorian institutional building). The building, the airing courts, the driveway approach and cricket ground display the importance of recreation in the treatment of the patients.
32. The proposal would see the restoration of many parts of the hospital, including the Mortuary, as part of its conversion to residential use. However, it would result in limited removal of historic fabric confined mainly to the rear of the building, which comprised the former service areas. A small part of original fabric of the Main Hall would also be removed. Internal subdivision of the historic plan form would also occur, including to the main hall, to facilitate the conversion to residential use. While the demolition of later additions would remove unsightly accretions, Lancashire House (also to be removed) is of some architectural merit. In addition, while the two remaining bandstands would be restored, they would be relocated from their original positions to be sited in the airing courts to the south. Consequently, I agree with Historic England and the Council's Conservation Officer who concluded in their consultation responses that the proposal would result in a low level of less than substantial harm to St James' Hospital.

*St James' Hospital Chapel*

33. The significance of this building is derived from its historic fabric and its function as a part of the designed asylum complex. Proposed is its conversion into 2 no. residential units, with the construction of a new partition wall at the

mid-point of the nave. The insertion of an intermediate floor would be restricted to allow the full height of the Chapel to be retained at the entrances, the chancel and apse. The existing window openings would be retained with simple glazed units inserted along with 2 no. rooflights. As such the proposed works would allow the conversion of this building to residential use with minimal intervention and disruption of historic fabric, the main source of its significance.

34. The landscape relationship between the Chapel and the former asylum building would be retained, with no built form between the two, and the proposed works would provide the former Chapel with a viable use securing its longer-term conservation. I consider that the removal of the post-war structures in the wider asylum landscape would also serve to better reveal the significance of the former Chapel, with intervention into its historic fabric and plan form kept to a minimum.
35. Accordingly, having regard to sections 16(2) and 66(1) of the Act, the proposed works and development would preserve the former chapel building and its features of architectural and historic interest, thereby sustaining the significance of this designated heritage asset. This would accord with Portsmouth Plan 2012 (PP) Policy PCS 23 and Milton Neighbourhood Plan (MNP) Policies STJ1 and MH1, which reflect NPPF paragraph 197 and the Act.

*The setting of the listed buildings*

36. The proposal under Appeal A includes the erection of dwellings in the grounds of St James' Hospital. These would be situated in the immediate environs of the listed buildings identified above. Section 66(1) of the Act states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development.
37. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
38. As already stated above, significance derives not only from a heritage asset's physical presence, but also from its setting and may be harmed through development within an asset's setting, making it necessary to determine the degree of harm that may be caused. Historic England guidance: The Setting of Heritage Assets<sup>12</sup>, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.
39. In this instance, I consider the setting of the hospital and the Chapel to be tightly contained by the degree of mature planting, both within, and on the boundaries of the appeal site. Inter-visibility between the buildings (the designated heritage assets) and the hospital grounds with the wider area is limited by the degree of planting, with the most striking view of the hospital and the grounds being gained along the driveway vista to the south. Moreover,

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<sup>12</sup> Core Document CD 7-17

most of the significance of the buildings derives from their historic fabric and plan form, with the setting contributing a small amount.

40. I note that both Historic England and the Council accept that any viable scheme for the site would necessitate enhancements in the form of enabling development to sustain the listed buildings into the longer term. This would include the erection of new build dwellings within the grounds of the hospital. From my assessment, I have no reason to disagree. I note the discussions that took place with Historic England which resulted in the proposed new development being concentrated to the north of the site. In my judgement, this serves to locate the majority of the new dwellings in a similar area to where much of the later accretions to the hospital were built. It also serves to recover the significance of the southern, principal elevation, which incorporates the entrance to the building. The concentration of new build to the north, the removal of later buildings from the south and the reinstatement of the southern airing courts, would serve to recover the overall significance of the heritage asset as it would leave the key approach to the site from the south, and a significant proportion of both the east and west elevations, uncluttered by built form.
41. The design of the new dwellings takes a distinctly contemporary approach. While the list description describes the hospital as being 'Byzantine Gothic' in style, I consider the discordant approach of the new design would be appropriate, as any attempt to ape the grandeur of the hospital would likely fail at the scale of a domestic building. In this regard, I agree with the conclusion of the Council's Conservation Officer that the designs for each house type would not visually compete with, or fundamentally fail to harmonise with, the hospital building in terms of height, scale, massing, materials and appearance. As such, the proposed new dwellings to the north of the hospital would politely integrate themselves into this setting.
42. Concerns were raised concerning a visual disconnect between the hospital (eastern elevation) and the Chapel with Falcon House and Baytree Villas. I heard that the latter were later additions to the area and stand outwith the appeal site. Furthermore, from what I observed, there is very limited inter-visibility between the listed buildings and these later additions, and no evidence that they were designed as part of a vista to be appreciated as part of the hospital setting. Consequently, I find no harm would arise in heritage terms from the proposal in this regard.
43. However, the construction of new houses in the area of the northern airing courts and within 'Matron's Garden', would cause a limited degree of harm to the significance of the designated heritage assets. This arises from the proximity of the proposed housing in the northern airing courts to the projecting wings of the hospital, and the proximity of the dwellings in 'Matron's Garden' to both the hospital and Chapel, in areas that were, for the most part, historically free from development. This would detract from the listed buildings as these areas have a positive effect on the, albeit minor, contribution setting makes to the significance of these assets.
44. Similarly, the intrusion of houses and car parking into the western airing courts, would also detract from the listed buildings as these areas also have a positive effect on the, albeit minor, contribution setting makes to the significance of these assets. As such, the harm arising in terms of the

development affecting the airing courts and 'Maron's Garden' as part of the setting of the listed buildings would be at the low end of less than substantial.

*The hospital grounds*

45. These are included in the Hampshire Gardens Trust Register as part of the historic grounds of the hospital. Thus, they are a non-designated heritage asset and fall within the NPPF definition of a heritage asset as an area identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. The significance of the grounds is derived from their relationship with the hospital and Chapel rather than with the wider environment.
46. Historically the southern and northern sides of the former hospital were quite private. The ornate southern façade faced south towards the cricket ground and was a key design aspect of the asylum, affording the most important view as visitors approached along the main drive. The significance of this landscape approach would be enhanced by the proposed removal of later post-war NHS buildings (principally the Turner and Langstone buildings).
47. The cricket pitch and much of the recreation area to its east is a notable survival of the designed landscape. No change is proposed in this area. The airing courts were also a key part of the asylum design and for the most part remain undeveloped although later buildings, paths and car parks have introduced notable change in areas next to the courts. The proposal would introduce limited new residential building in the northern part of the airing courts, with landscape restoration (including the bandstand relocations and restoration) in the retained southern areas.
48. As with my findings on the setting of the listed buildings, I consider that the new development in the vicinity of the northern and western airing courts, and the 3 no. dwellings within 'Matron's Garden' would result in a minor degree of harm to the significance of this non-designated heritage asset as it would increase the amount of built development within the grounds.

*Conclusion on the 1st Main Issue*

49. Taking all of the above together, it is clear that there would be harm to the significance of the designated heritage assets arising from the proposed works to the hospital and from the failure of the proposed development to preserve the setting of the hospital and Chapel, having regard to sections 16(2) and 66(1) of the Act.
50. However, given the intervention into the historic fabric and plan form of the hospital would be minor, and the majority of significance, in the case of the listed buildings, is derived from their surviving historic fabric and plan form rather than their setting, the resulting harm would be at the lower end of less than substantial. Under NPPF paragraph 202, this harm should be weighed against any public benefits of the proposal, including securing the assets' optimum viable use and this is a matter I return to below.
51. In addition, there would be harm to the significance of the hospital grounds in conflict with PP Policy PCS23 and MNP Policy MH1. However, NPPF paragraph 203 requires a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, the proposal would introduce a limited amount of development into the area of the

northern and western airing courts, and 'Matrons Garden'. While the historical designed relationship of the grounds to the hospital and the Chapel gives them a high level of significance, the scale of the harm, as set out above, would be of a minor nature.

52. Against this is the significant need for housing in an area lacking a deliverable supply of five-year housing land. I consider that the minor harm to significance, would be outweighed by the very significant benefit of the housing provision and the conservation of the grounds into the long-term, including the retention of the key designed elements of the original layout and the recovery of significance through the removal of post-war structures. This enhancement arising from the proposal would have the effect of recovering the significance of the original landscape design. The balanced judgement therefore, under NPPF paragraph 203, is clearly in favour of the Appeal A proposal, as it relates to the non-designated heritage asset.

*2<sup>nd</sup> Main Issue - Effect on trees and open space*

53. Trees at the appeal site are subject to Tree Preservation Order No 177 either individually or as part of a group. The appellant's Arboricultural Assessment<sup>13</sup> identifies 145 trees which are categorised as Category A (23), Category B (64), Category C (56) and Category U (2). This would suggest that several of the trees are of poor quality or have not been managed for a number of years and are showing signs of neglect.
54. Proposed is the removal of 47 no. trees in Categories A (1), B (20) and C (26) to facilitate the new build dwellings, access routes and roadway. A further 7 no. trees would be pruned. Tree removal would mostly be confined to the northern portion of the appeal site. Eighty-eight would be retained while 150 replacement trees would be planted. The trees would be planted to the front of the new build dwellings, within the former airing courts and where buildings are to be removed to the south of the appeal site. While there are objections to the amount of tree removal in general, I heard specific concerns regarding the loss of trees from Matron's Garden to facilitate the 3 no. new build dwellings and the loss of a Holm Oak (within G28) to the west of the Chapel, to facilitate access.
55. However, given the enclosed nature of the appeal site in terms of the strong boundary planting that would be retained and enhanced, the tree removal would not be readily seen from outwith the appeal site. Moreover, the mitigation planting would serve to enhance the sylvan nature of the site with the addition of street trees that would be expected to have long healthy life spans. The majority of the replacement trees would be 'extra heavy standard', being around 4.5 – 5.5m tall. While it may take a while for the replacement trees to reach maturity, this would not have an impact on visual amenity, given the number of retained mature trees on the site which would provide sufficient tree cover in the interim. It is common ground with the Council<sup>14</sup> that the trees to be removed are predominantly of poorer quality or dangerous and that the replacement trees would provide pest resilience and longevity to the landscape through staggered maturity.

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<sup>13</sup> Proof of Evidence, Chris Alder, Appendix 2

<sup>14</sup> Statement of Common Ground Section 7, Core Document CD 9-1

56. The relevant development plan policies in this regard are PP Policy PCS.13 and MNP Policies ENV.1 and ENV.2. These are permissive of tree loss where a replacement tree of at least equal value to that lost is provided. In my judgement, the proposal would provide equal value trees for the reasons set out above and that would include those removed from Matron's Garden and to the west of the Chapel.
57. Against this background, I agree with the Council's Tree Officer who concluded that there are no arboricultural objections to the proposal given the submitted Tree Report and Tree Protection Plan provide sufficient detail to enable suitably worded conditions to be formulated to safeguard the sylvan nature of the site, were planning permission to be granted. Accordingly, there would be no harm arising from the proposed works to protected trees in accordance with PP Policy PCS.13 and MNP ENV.1 and ENV.2, subject to suitably worded conditions, as suggested by the Council Officers and the appellant.
58. In respect of open space, I heard that there is no right of public access to the site which is in the ownership of NHS Property Services Ltd. Any historical access was permissive. The hospital and its grounds were designed to create an enclosed environment, accessible by patients, staff and visitors. Access roads are unadopted within the site. While a cycle route was identified through the appeal site by the Council in its Walking and Cycling Map, this has been restricted since the main hospital uses were discontinued in 2016. Since then, access has been restricted for safety and security reasons, the exception being for specific uses such as the Covid centre. The Chapel has been closed since this time.
59. This situation will change under the proposal. The removal of later buildings within the appeal site and the reinstatement of the formal landscape including the airing courts will provide additional open space which will be open to the public. In addition, the cricket pitch and club, which is identified as Protected Open Space within the Portsmouth City Local Plan (2012) and is designated as Local Green Space ('LGS2') within the MNP will remain as open space and further areas of landscaped grounds along the south-western site boundary and the southern access drive will provide further publicly accessible open space.
60. 'Matron's Garden', which extends to around 3,666m<sup>2</sup>, is separated from the main hospital complex by one of the east-west internal roads. The MNP identifies the area of 'Matron's Garden' as 'Open Space'. This is separate to the designation of Local Green Space. I note from the evidence given at the Inquiry that 'Matron's Garden' is held in high regard by local residents.
61. However, there is no extant right of access and nothing before me to suggest that that situation would change in the absence of this proposal. While it will become private curtilage, it is notable that 'Matron's Garden' accounts for a small proportion of the overall site, and its appearance as a sylvan area will be maintained, given the proposed retention of boundary trees and replanting within the area.
62. The existing green space within the appeal site totals around 15,904m<sup>2</sup> (around 39% of the appeal site area). The proposal would result in the loss of around 3,666m<sup>2</sup> of designated Open Space (Matron's Garden) and the creation of around 16,210m<sup>2</sup> of publicly accessible green space (around 40% of the appeal

site area)<sup>15</sup> through the demolition of later accretions and the creation of newly designed open spaces.

63. As with trees, the relevant development plan policies in this regard are PP Policy PCS.13 and MNP Policies ENV.1 and ENV.2. These seek to restrict the loss of open space unless such loss is outweighed by wider public benefits. In this instance, there is the net loss of 'Matron's Garden'. However, it is private land and not readily seen from outwith the appeal site. Accordingly, I consider the harm arising from the proposal in this regard to be minor. Set against that loss is the proposed increase in publicly accessible open space, including the Solent Drive parcel which would provide 5,372 m<sup>2</sup> of woodland walking opportunities. As such the proposal would be in overall compliance with PP Policy PCS13 and MNP Policies ENV.1 and ENV.2.

### *3rd Main Issue – Highway safety*

64. Concerns regarding highway safety were raised by the MNF, local residents, local councillors and the Members of Parliament for the constituencies containing the appeal site and that which adjoins immediately to the north.
65. I heard that the traffic flow data submitted by the appellant was gathered in 2019 and that since that time the local highway authority recommended refusal of planning permission at a nearby site, on the basis that the highways data was out-of-date. However, in that instance the data had been obtained in 2017 whereas the highway data for this proposal was updated by the appellant's Highway Witness in 2022, when further surveys were carried out to check if the earlier data remained valid. The morning and afternoon peaks were observed at 5 no junctions on the local road network, with several of them showing a reduction in flow from the 2019 figures. Accordingly, I am content that the appellant's evidence on peak hour traffic flows remains robust.
66. Particular concerns were expressed that the Milton Road/Locksway Road junction is operating over capacity and in a manner that is unacceptable. I observed the operation of the junction as part of my site visit when traffic was quite free flowing. While this was a snap-shot in time, there is nothing before me to demonstrate that the junction is currently beyond capacity nor to show that the NPPF Paragraph 111 threshold of "severe" impacts would be reached, were planning permission to be granted. Moreover, improvements are proposed for this junction which would see it changed from a mini-roundabout to a signalised junction. While SYSTRA<sup>16</sup>, acting for the Council in respect of the evidence base for the emerging Local Plan, found that modelling of the existing junction showed the A288 Milton Road northbound approach is operating over capacity, it was concluded by SYSTRA that the mitigation to replace the mini-roundabout with traffic signals would enable the junction to operate within capacity in a worst case future year.
67. Similar concerns were expressed regarding the Moorings Way and Eastern Road junction. Again, this was based upon SYSTRA's Local Plan evidence-based work. However, based on the evidence before this Inquiry, I consider that the survey work conducted by the appellant is robust and does not indicate that this junction is currently operating beyond capacity or would require mitigation works as a result of this proposal.

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<sup>15</sup> Inquiry Document ID3 Appellant's Open Space Note

<sup>16</sup> Proof of Evidence, Paul Corbett, Section 7

68. With regard to parking provision, proposed are 343 parking spaces with an additional 20 spaces provided within on-site garages. This is 2 no. spaces less than the PP requirement of 345 but more than the MNP requirement of 261. However, the latter requirement makes no allowance for visitor parking. While the MNF was concerned that the over provision of parking, in terms of the MNP figure, might encourage/render the proposal car dependant, I consider the number proposed to be reasonable given the need to avoid overspill into the surrounding area where I observed a high level of on-street parking.
69. Furthermore, occupiers of the proposed development are unlikely to be dependent on the use of the car as the site is highly accessible to everyday shops and services by other transport means. To the immediate south of the appeal site is the 601 cycle route that connects with Portsmouth city centre. Within walking distance are a range of facilities to meet the day to day needs of residents including a Post Office, Convenience Store, employment, health facility community buildings and infant, junior and primary schools, as set out within the Transport Statement<sup>17</sup>. There are additionally bus stops within close proximity providing connections to the wider city. It is therefore, an accessible location by modes of transport other than the private car.
70. Against this background, I consider that the proposal would be unlikely to harm highway safety in the area and note that both the County Highway's Consultant and the Council, subject to conditions attached to any grant of planning permission, came to that conclusion based on the highway evidence submitted with the applications. From my assessment, I have no reason to disagree. Accordingly, the proposal would not conflict with PP Policy PCS17, MNP Policies TSP1, TSP2 and TSP3 and NPPF paragraphs 110(b) and 111.

*NPPF paragraph 202 balance*

71. The proposal would bring public benefits by securing optimal viable uses for the listed buildings which will secure their conservation in the longer term and I give this very significance weight. In addition, the proposal would serve to recover the significance of the designated heritage assets by removing later additions to, and around, the hospital which detract from their significance. This would better reveal the significance of the most important elements of the listed buildings and in combination with the restoration of the bandstands and the southern airing courts, would add further public benefits that attract significant weight. The proposal would also deliver additional housing in an area which lacks a 5-year supply of housing land and I give this public benefit very significant weight.
72. By contrast, I give considerable importance and weight to the desirability of preserving the buildings, their settings and their features of special architectural and historic interest, as part of the conservation of these designated heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm identified must attract, in this instance, I consider that the accrued public benefits would very much outweigh the less than substantial harm arising from the proposal.
73. As a result, while there would be less than substantial harm from the proposed works and development in conflict with PP Policy PCS23 and MNP Policy MH1,

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<sup>17</sup> Core Document CD-1-24

the balancing exercise in NPPF paragraph 202 is clearly in favour of the proposal.

### *Conclusion on Main Issues*

74. I have found that the proposal would preserve the special architectural and historic interest of the Grade II listed Chapel, and the less than substantial harm caused to the significance of the Grade II listed St James' Hospital through works to convert it to residential use and to the significance of both the hospital and Chapel as a development within their setting, would be outweighed by the public benefits arising from the proposal. Furthermore, having found the significance of the non-designated heritage asset to be bound up in its relationship with the listed hospital building and Chapel, and the enhancement the proposal would bring to this significance, the harm from the development within the hospital grounds would be minor, and would not conflict with NPPF paragraph 203.
75. Furthermore, with regard to Appeal A, I have found that there would be no harm to highway safety in accordance with the Development Plan and the NPPF, and the minor harm arising from the loss of open space would be outweighed by the benefits of the scheme, in accordance with the balance within PP Policy PCS.13. By contrast, even if I were to conclude, as suggested by the Council and the MNF, that there was harm arising under Policy PCS13 in respect of the loss of open space, this harm would be minor in nature. Given the Council cannot demonstrate a five-year supply of deliverable housing sites, Paragraph 11d of the NPPF would be engaged. Under such circumstances, the benefits of the proposal, in terms of housing delivery and providing a net increase in publicly accessible open space, would significantly and demonstrably outweigh the adverse impacts of the proposal, when assessed against the policies of the NPPF taken as a whole.

### *Other matters*

#### *Section 106 Agreement*

76. The Bird Aware Contribution, Nutrient Neutrality Mitigation and Milton Common Mitigation are necessary and consistent with the strategic aims of the PP Policy PSC13 and the provisions of the Habitats Regulations and the Council's Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings<sup>18</sup> for the 2021-2023/24 period, dated June 2022. They are justified as to the amount delivered on the basis of the calculations shown in the Community Infrastructure Levy (CIL) Compliance Statement<sup>19</sup> produced by the Council.
77. In addition, The Portsmouth Plan Policy PCS13 and Milton Neighbourhood Plan Policies ENV1, ENV2 STJ1, LGS1 and LGS2 seek the retention and provision of public open space, including associated tree planting and hard and soft landscaping. The contribution in respect of on-site public open space would serve the needs of the local community.
78. The provision of a new cyclepath through the appeal site is supported by Portsmouth Plan Policy PCS13 and Policies PLD1, TSP2 and TSP3 of the Milton Neighbourhood Plan. It would provide a north-south cycle route through the site and enhance connectivity to the wider area, including cycle route 601.

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<sup>18</sup> Core Document CD 7-8

<sup>19</sup> Core Document CD 9-13

79. The contribution towards a Travel Plan Monitoring Fee is also necessary to cover the Council's costs in the initial appraisal and annual review and administration of monitoring the Travel Plan. Such costs are enabled by Regulation 122 (2A) CIL Regulations 2010 in respect of costs incurred in monitoring a S106 Agreement. In my judgement, the sum to be paid to the authority does not exceed the authority's estimate<sup>20</sup> of its cost of monitoring the development in respect of the Travel Plan.
80. With regard to the provision of the Chapel for Community Use, the appellant has agreed to market the existing Chapel for Community Use for a period of 12 months within 30 working days of commencement of Development, were planning permission to be granted. The marketing obligation would be in accordance with paragraph 93 of the NPPF in order to plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
81. From my assessment, I consider that the contributions in the S106 Agreement are necessary, are directly related to the development, and are proportionate to this scheme as part of proposal for this site in terms of delivering necessary infrastructure and safeguarding community facilities. Accordingly, the S106 Agreement accords with PP Policy PCS16, passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of the CIL Regulations 2010. I can therefore give it considerable weight.

#### *Ecology*

82. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 provides that: "A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives".
83. In addition, Regulation 63(5) provides that: "In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be)".
84. As set out under "Background" above, Natural England issued a request for further information on 14 September 2022, in respect of an update to the HRA. This related to alone and in-combination impacts from increased recreational pressure arising from the proposed development, proposed mitigation and an updated nutrient budget.
85. In response, under recreational pressure and mitigation, the Council carried out work on updating its MCLNRRMF between October 2022 and April 2023, based upon comments from, and an agreed methodology with, Natural England. The Council then prepared an updated Appropriate Assessment<sup>21</sup> dated 26th April 2023.

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<sup>20</sup> Monitoring Charges for S106 Agreements, Core Document CD 7-9

<sup>21</sup> Core Document CD 8-9

86. Natural England confirmed on 12 May 2023 that it was content that the MCLNRRMF allowed the common to provide mitigation for alone impacts to the SPA(s). The MCLNRRMF requires financial contributions to be provided as mitigation, and this is secured by the submitted S106 Agreement by means of payment of a Milton Common Mitigation Contribution of £1,991,454.41.
87. Natural England confirmed<sup>22</sup> on 23 May 2023 that, having considered the Appropriate Assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, it concurred with the Assessment conclusions.
88. Against this background, sufficient consultation has taken place with the statutory nature conservation body and regard has been paid to its representations. I am satisfied beyond all reasonable scientific doubt that it has been ascertained that the proposal would not have an adverse effect on the integrity of the protected sites, subject to the measures set out which provide appropriate mitigation in respect of recreational pressure on the designated habitat sites.
89. With regard to the updated nutrient budget and mitigation, in April 2023 the appellant provided an updated nutrient budget<sup>23</sup> and this informed the Council's updated Appropriate Assessment. The appellant has also been in discussion with the Hampshire and Isle of Wight Wildlife Trust ('HIWWT') since November 2022 regarding the purchase of "credits" as appropriate mitigation for the impact of the proposed development on nitrates in the Solent Marine Sites SPA and SAC catchment. This accords with the Council's 'Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings' (June 2022) guidance.
90. HIWWT<sup>24</sup> has identified it has sufficient credits available (based upon 272kgTN/yr). On this basis, the appellant and HIWWT have entered into a legal agreement<sup>25</sup> which will secure these credits as set out in Schedule 4 of the submitted S106 Agreement. Against this background I am satisfied that this provides appropriate mitigation in respect of nitrates.
91. Accordingly, compliance with the provisions set out in the submitted, signed and dated S106 Agreement, enable it to be ascertained that the proposal would not adversely affect the integrity of the designated, protected sites and the proposal would not conflict with PP Policy PCS13 and MNP Policy ENV2.

*Affordable housing*

92. It is common ground between the Council and the appellant that the proposal cannot viably support the provision of any affordable housing. PP Policy PCS19 allows reduced/zero affordable housing provision where this is justified on viability grounds. The viability of the proposal was monitored by the parties during the application and appeal process. The Financial Viability Assessment Report<sup>26</sup> (March 2023) took account of the S106 Agreement costs associated with the mitigation set out in the MCLNRRMF. The gross profit from the proposal, identified as 18.84%, is accepted in the independent review undertaken on behalf of the Council by BNP Paribas<sup>27</sup> in May 2023.

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<sup>22</sup> Core Document CD-5-9

<sup>23</sup> Core Document CD-4-2

<sup>24</sup> Post Inquiry Document PID 3

<sup>25</sup> Post Inquiry Document PID 2

<sup>26</sup> Core Document CD 4-3

<sup>27</sup> Core Document CD 8-6

93. The level of profit included in the appraisal is low for a development with a large element of conversion which means that each proposed dwelling makes a significant contribution to the viability of the overall scheme. It is concluded by the main parties that the zero provision of affordable housing is necessary in order to secure the wider benefits associated with the appeal proposals, several of which are incorporated into the submitted S106 Agreement.
94. Robust evidence on viability has been provided and independently reviewed, in accordance with policy PCS19, which concluded that the appeal proposals cannot viably provide affordable housing, either on site or by way of off-site contribution. From my assessment, I have no reason to disagree.

*Site Disposal*

95. The MNF and others, raised concerns regarding the disposal of the site by the NHS, in respect of an unrealistic sales price which ignored the issue of viability. I heard that the appeal site was placed on the Government website 'e-PIMS', in 2018, offering the site to other public sector bodies. No expressions of interest were received within the 40-day period and Montagu Evans was instructed to undertake a full national marketing campaign, exposing the property to developers and investors. The received bids were then reviewed in accordance with NHS guidance on the disposal of surplus assets and Historic England's Guidance on the Disposal of Heritage Assets. There is nothing before me to demonstrate that the process followed was flawed or led to an unrealistic sales value being realised.

*Further concerns of local Members of Parliament and residents*

96. Portsmouth Clinical Commissioning Group declared the hospital surplus to health requirements in 2014. NHS Property Services engaged with the Council on the development of a masterplan for the wider area, including other landowners such as Portsmouth University. The Council also invited Homes England to purchase part of the hospital site (Phase 1 - in the southeast corner of the site) to provide affordable homes for Portsmouth. The sale of the Phase 1 parcel of land was completed in 2015. The intention was that Phase 1 was released first so that homes could be delivered whilst Phase 2 (the appeal site) was continued to be decanted.
97. The masterplan has not yet been fully developed and I heard concerns, that in the absence of such a plan, this proposal is piecemeal rather than holistic. However, I note the Council considers that the proposal is policy compliant in terms of the principle of housing development at the site, the supply of housing, the housing mix and the standard of accommodation (PP Policies PCS10, PCS14, PCS15 and PCS21, and MNP Policies HSG1, HSG2, PLD1 and STJ1) and from my assessment, I have no reason to disagree. In which case, I consider that the development of the appeal site as proposed, would not be piecemeal and would be unlikely to prejudice any masterplan coming forward for the wider area.
98. It is common ground between the Council and the appellant that the proposal would not harmfully change the living conditions of the occupiers of nearby dwellings, or of future occupiers of the development, in respect of outlook, overlooking, overshadowing, space standards, noise and air quality. In addition, I note that in terms of drainage and flood risk (PP Policy PCS12), the Council, as advised on these matters by Southern Water, raised no objections,

subject to suitably worded conditions being attached to any grant of planning permission. From my assessment, I have no reason to disagree.

99. My attention was drawn to 2 no. previous applications at the appeal site ref 14/01615/FUL and 16/00189/FUL, both in respect of the erection of fencing which were refused consent on the grounds of the less than substantial harm arising. However, given the absence of public benefits, I do not consider them to be directly comparable to the proposal under Appeals A and B, and I afford them limited weight.

### *Conditions*

100. Before and during the Inquiry the parties discussed (without prejudice) potential conditions to be considered were planning permission and listed building consent to be granted. The wording of the conditions (including those with pre-commencement requirements) was agreed between appellant and the Council. I have amended the wording where necessary having regard to the tests set out in para 56 of the NPPF and to assist with clarity. The numbers in brackets relate to the condition in the attached annex.
101. Firstly, in respect of Appeal A, in addition to the standard time (1) and plans (2) conditions which are necessary to provide certainty, I shall attach conditions in respect of sample materials (3), earthworks (4), landscaping details, implementation, maintenance schedule and management plan (5, 6, 7 and 8), tree protection (9), construction management plan (10), bat roost features and enhancement (11), biodiversity management and enhancement plan (12), netting to cricket pitch (13), foul water strategy (14), drainage (15), noise insulation (16), site contamination (17), programme of archaeological assessment (18), provision of parking (19), provision of electric car charging points (20), submission of a travel plan (21), cycle parking (22), removal of permitted development (23), obscure glazing to window in plot 32 (24), details of external lighting fixtures (25), submission of a disability access statement (26), submission of documentary evidence on emission rate and water use (27) and completion of off-site highway works (28).
102. The wording for these conditions was agreed with all parties and they are necessary in the interests of protecting character and appearance (3, 4, 23 and 25), protecting landscape character (5, 6, 7 and 8), safeguarding trees (9), safeguarding living conditions (10, 13, 14, 15, 16, 17 and 24) protecting bats (11), enhancing biodiversity (12), safeguarding the archaeological potential of the site (18), ensuring sustainable development (20, 21, 22 and 27), securing access for all (26) and safeguarding highway safety (19 and 28).
103. Secondly, with regard to Appeal B, in addition to the standard time (1) condition which is necessary to provide certainty, I shall attach conditions in respect of the submission of a scheme of investigation and recording (2), the submission of a method statement and 1:20 drawings (3), a demolition and repair methodology statement (4), methodology for the identification, retention and incorporation of original features (5), submission of survey of the recreation hall (6), methodology for repair works to historic fabric (7), detail of mezzanine floor to Chapel (8), detailed plans of work to Mortuary (9) and detailed plans of works to airing courts (10).

104. The wording for these conditions was also agreed with all parties and they are all necessary in the interests of safeguarding the architectural and historic interest of the listed buildings.

**Conclusion**

105. For the reasons given above, I conclude that Appeal A would accord with PP Policies PCS10, PCS12, PCS13, PCS14, PCS15, PCS16, PCS17, PCS19, PCS21 and PCS23, MNP Policies HSG1, HSG2, STJ1, PLD1, MH1, ENV.1, ENV.2, TSP1, TSP2 and TSP3, and NPPF paragraphs 110(b), 111, 197, 202 and 203, and there are no additional material considerations that would warrant taking a decision otherwise than in accordance with the Development Plan. Furthermore, Appeal B would accord with NPPF paragraphs 197 and 202 and the Development Plan Policies which reflect the approach set out in the NPPF and the Act. Accordingly, I allow the appeals.

*Richard McCoy*

INSPECTOR

## **Annex**

### **Appeal A Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 127-00-1001 Location Plan Rev A
  - 127-00-1002 Existing Topo Plan, Sheet 1 Rev A
  - 127-00-1003 Existing Topo Plan, Sheet 2 Rev A
  - 127-00-1004 Existing Topo Plan, Sheet 3 Rev A
  - 127-00-1005 Existing Site Plan Rev A
  - 127-00-1006 Demolition Site Plan Rev B
  - 127-00-1101 Proposed Site Plan Rev J
  - 127-00-1102 House Types Site Plan Rev J
  - 127-00-1103 Refuse & Parking Plan Rev J
  - 127-00-1105 Boundary Treatment Plan Rev K
  - 127-00-1107 Phasing Plan Rev L
  - 127-00-1109 Cricket Pitch Rev J
  - 127-00-1111 Vis Splay Plan Rev G
  - 127-00-1112 Parking Rev G
  - 127-00-1113 Refuse 1 of 3 Rev G
  - 127-00-1114 Refuse 2 of 3 Rev G
  - 127-00-1115 Refuse 3 of 3 Rev G
  - 127-00-1116 Car Swept Path Rev G
  - 127-00-1117 Fire Engine Swept Path 1 of 2 Rev G
  - 127-00-1118 Fire Engine Swept Path 2 of 2 Rev G
  - 127-00-1119 Publicly Accessible Open Space Rev GF
  - 127-01-10LG SJH - Existing Plans LGF Rev A
  - 127-01-1000 SJH - Existing Plans GF Rev A
  - 127-01-1001 SJH - Existing Plans FF Rev A
  - 127-01-1002 SJH - Existing Plans SF Rev A
  - 127-01-1010 SJH - Turner Proposed Plans Rev D
  - 127-01-1011 SJH - Goddard Proposed Plans Rev D
  - 127-01-1012 SJH - Lowry Proposed Plans Rev B
  - 127-01-1013 SJH - Fenhurst Proposed Plans Rev C
  - 127-01-1014 SJH - Exbury Proposed Plans Rev D
  - 127-01-1015 SJH - Overton Proposed Plans Rev B

- 127-01-1016 SJH - Langstone Proposed Plans Rev B
- 127-01-1017 SJH - Beaton, Proposed Plans Rev D
- 127-01-1018 SJH - Hall, Proposed Plans Rev D
- 127-01-1019 SJH - Turner Proposed LGF Rev B
- 127-01-1020 SJH - Proposed Plans GF Rev D
- 127-01-1021 SJH - Proposed Plans FF Rev C
- 127-01-1022 SJH - Proposed Plans SF Rev C
- 127-01-1023 SJH - Proposed Plans TF Rev C
- 127-01-1024 SJH - Proposed Plans Roof Rev B
- 127-01-1101 SJH - Existing Elevations, Turner Wing, 1 of 2 Rev A
- 127-01-1102 SJH - Existing Elevations Turner Wing 2 of 2 Rev A
- 127-01-1103 SJH - Existing Elevations Goddard Wing Rev A
- 127-01-1104 SJH - Existing Elevations Lowry Rev A
- 127-01-1105 SJH - Existing Elevations Fenhurst Rev A
- 127-01-1106 SJH - Existing Elevations Exbury Rev A
- 127-01-1107 SJH - Existing Elevations Overton Rev A
- 127-01-1108 SJH - Existing Elevations Langstone Rev A
- 127-01-1109 SJH - Existing Elevations Beaton Rev B
- 127-01-1110 SJH - Existing Elevations, Hall Rev A
- 127-01-1111 SJH - Proposed Elevations, Turner Wing, 1 of 2 Rev C
- 127-01-1112 SJH - Proposed Elevations, Turner Wing, 2 of 2 Rev A
- 127-01-1113 SJH - Proposed Elevations, Goddard Wing Rev B
- 127-01-1114 SJH - Proposed Elevations, Lowry Rev A
- 127-01-1115 SJH - Proposed Elevations, Fenhurst Rev B
- 127-01-1116 SJH - Proposed Elevations, Exbury, 1of2 Rev B
- 127-01-1117 SJH - Proposed Elevations, Exbury, 2of2 Rev C
- 127-01-1118 SJH - Proposed Elevations, Overton Rev A
- 127-01-1119 SJH - Proposed Elevations, Langstone Rev A
- 127-01-1120 SJH - Proposed Elevations, Beaton Rev C
- 127-01-1121 SJH - Proposed Elevations, Hall Rev C
- 127-01-1501 Typical Window to Door Details Rev A
- 127-01-1502 Typical Floor Details Rev A
- 127-01-1503 Typical Wall Details Rev A
- 127-01-1504 Typical Roof Details Rev A
- 127-02-1001 Shaws Trust - Existing Plans and Elevations Rev A
- 127-02-1002 Shaws Trust - Proposed Plans and Elevations Rev B
- 127-03-1001 Chapel - Existing Plans and Elevations Rev A

- 127-03-1002 Chapel - Proposed Plans and Elevations Rev C
  - 127-10-1001 Fairfield - Proposed Plans & Elevations Rev B
  - 127-11-1001 Claybury - Proposed Plans & Elevations Rev B
  - 127-15-1001 Earlsleigh - Proposed Plans & Elevations Rev B
  - 127-20-1001 Braithwaite - Proposed Plans & Elevations Rev A
  - 127-21-1001 Oxlade - Proposed Plans & Elevations Rev A
  - 127-22-1001 Harrison - Proposed Plans & Elevations Rev A
  - 127-25-1001 Cartwright - Proposed Plans & Elevations Rev A
  - 127-26-1001 Bin & Cycle Store Rev B
  - Tree Protection Plan 19140-7
  - 29324-RG-L-08 Landscape Masterplan Rev M
  - 29324-RG-L-08-1 Landscape GA Sheet 1 Rev J
  - 29324-RG-L-08-2 Landscape GA Sheet 2 Rev J
  - 29324-RG-L-08-3 Landscape GA Sheet 3 Rev J
  - 29324-RG-L-08-4 Landscape GA Sheet 4 Rev I
  - 29324-RG-L-08-5 Landscape GA Sheet 5 Rev G
- 3) No development above slab level shall take place in any phase of development (other than phase 1 'demolition/site clearance/below ground works'), as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L, until samples of the materials to be used in the construction of the external surfaces of the new build housing in that phase have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place in any phase of development (other than phase 1 'demolition/site clearance/below ground works'), as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L until details of earthworks in that phase have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place in any phase of development (other than phase 1 'demolition/site clearance/below ground works'), as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L until full details of both hard and soft landscape works, in that phase, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing

functional services above and below ground (e.g. Drainage, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

- 6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works in each phase shall be carried out prior to the occupation of that phase of development, or in accordance with the programme agreed with the local planning authority in writing.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

- 7) Prior to the occupation of development, a schedule of landscape maintenance for a minimum period of five years should be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule.
- 8) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of any phase of the development for its permitted use. The landscape management plan shall be carried out as approved.
- 9) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with Tree Protection Plan 19140-7 and Barrell's Arboricultural Assessment dated 10th February 2022 (Ref: 19140-AA7-DC) with British Standard:5837 (2012) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with welded mesh panels of a minimum 2m in height about ground level securely fixed to a vertical and horizontal scaffold framework, well braced to resist impacts in accordance with British Standard:5837 (2012)
- Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.
- 10) No works shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of:
- Site storage of construction materials/chemicals and equipment;

- Location of construction compound
- Movement of construction traffic/routes and delivery times
- Contractor's parking area
- Wheel washing facilities
- Method Statement for dust suppression and control of emissions from construction and demolition
- Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols
- Chemical and/or fuel run-off from construction into nearby drains or watercourse(s)
- Demolition and waste disposal
- Percussive piling or works with heavy machinery (i.e., plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor\*) shall be avoided during the bird overwintering period (i.e., October to March inclusive).

\*Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g., high tide roosting site). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through Discretionary Advice Service.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and shall continue for as long as construction/demolition is taking place at the site.

- 11) Development shall proceed in accordance with the measures set out in Paragraphs 5.5.8 to 5.5.23 (Avoidance, Mitigation and Compensation Measures: Roosting Bats) of the St James' Hospital, Portsmouth, Ecological Impact Assessment report (Wharton Natural Infrastructure Consultants, December 2020) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.
- 12) Prior to first occupation, a detailed Biodiversity Management and Enhancement Plan (BMEP) to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation. The BMEP should seek to secure enhancements for wildlife within the new urban areas by incorporating the following biodiversity net gain measures:
  - A lighting strategy
  - A long term tree management strategy for all trees on site. This should include measures to secure enhanced management of the site to mitigate the increase in recreational pressure that will arise from the development and secure biodiversity enhancements

- Incorporate swift, house martin, sparrow and or bat boxes and bricks into the design of the new dwellings located adjacent to new and existing natural green space.
  - Planting of native trees characteristic to the local area to make a positive contribution to the local landscape and biodiversity.
  - Provision of fruit trees (e.g., apple, pear etc.) and appropriate native species within the new gardens.
  - Using native plants in landscaping schemes to provide nectar and seed sources for pollinators and birds.
  - The creation of species rich low maintenance grass verges for the new urban road network. Further information on the principles and value of creating road verge
  - habitats that contribute to biodiversity and ecosystem services may be found at:  
<https://www.sciencedirect.com/science/article/pii/S0301479716310556>
  - Provision to facilitate the use of the urban areas and gardens by hedgehog.
- 13) Prior to first occupation details of the ball stop netting to be installed around the cricket pitch to mitigate the risk of ball strike on persons/vehicles from the cricket pitch, and the maintenance strategy of that netting shall be submitted and approved by the local planning authority and installed around the cricket pitch and maintained thereafter. To identify the optimum location and height of protective netting it will be necessary to first undertake a risk assessment, and which shall form part of the submission to the local planning authority.
- 14) None of the dwellings in each phase of development, as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L, shall be occupied until works for the disposal of sewage for that phase have been provided on the site to the serve the development permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 15) Prior to commencement of any phase of the development (other than phase 1 'demolition/site clearance/below ground works'), as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L, a full drainage strategy covering all phases shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained for the lifetime of the development.
- 16) Prior to the commencement of any phase of development (other than phase 1 'demolition and site preparation'), as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L a scheme for insulating habitable rooms in that phase against road traffic noise and adjoining residential units, shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:
- Daytime LAeq(16hr) (7:00 to 23:00) 35 dB

- Night-time LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB
- 17) No demolition works shall occur until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A mitigation scheme to control the risks of asbestos to future occupiers, written by a suitably qualified person and verified. The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264.
  - b) A scheme to deal with contamination of the site, to include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public/buildings/environment when the site is developed.

The development shall be undertaken in accordance with the agreed mitigation schemes.

- 18) No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located in areas within the proposed development not currently occupied by standing buildings to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

The development should be implemented in accordance with the Written Scheme of Investigation and reported.

- 19) Within each phase of development as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L, no dwellings shall be occupied until parking within that phase has been laid out in accordance with approved drawing 127-00-1112 Parking Rev G.
- 20) Prior to the car parking areas being surfaced within the development, full details of the electric car charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The buildings within each phase shall not be occupied unless electric car charging points for that phase have been provided in accordance with the approved plans and thereafter retained permanently.
- 21) Prior to the first occupation of any residential unit hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority with the aim of promoting alternative / low carbon transport options for residents. For the purposes of this condition the Travel Plan shall include the following provisions, measures and/or initiatives:
- (i) A programme for its implementation;
  - (ii) The promotion of car sharing initiatives such as [www.liftshare.com](http://www.liftshare.com);
  - (iii) The promotion of a car club;

- (iv) Bus services operating in the vicinity of the development including service timetables and connections with any other public transport service provider;

The plan shall include suitable and measurable targets with the aim to reduce transport related emissions.

- 22) Prior to occupation of dwellings within each phase, a scheme for the siting, dimensions and appearance of cycle parking for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in accordance with the approved scheme and retained for the storage of bicycles at all times.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no building or alteration or structure within Schedule 2, Part 1 and Part 2, Classes as listed below shall be erected, altered or carried out to any dwelling house hereby permitted without the prior written permission of the Local Planning Authority through the submission of a planning application:
- Class A (enlargement of a dwelling house), including a garage or extension,
  - Class D (porch),
  - Class E (curtilage structures), including a garage, shed, greenhouse, other outbuilding etc.,
  - Class F (hard surface area)
  - Class A of Part 2 (gates, fences, walls or other means of enclosure)
- 24) The first floor side window to Plot 49 and first floor front window to Plot 32, as shown in House Type Site Plan 127-00-1102 Rev J, shall be installed with obscure glazing to a minimum obscurity level 4 and fixed shut to a height of 1.7m above internal finished floor level (FFL) and permanently maintained thereafter for the lifetime of the development.
- 25) For each relevant phase of development, as detailed in the Phasing Plan Refer dwg. No. 127-00-1107-L, details of all external lighting fixtures, in accordance with the submitted lighting report, shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the approved lighting scheme and completed prior to first occupation of the development within that phase.
- 26) Prior to first occupation of the development a Disability Access Statement shall be submitted to and approved in writing by the local planning authority and should indicate the provision to be made for disabled people to gain access to the converted hospital building and the new build housing. The agreed scheme shall be implemented within each phase of development hereby permitted before that phase is brought into use.
- 27) The dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.
- 28) The development hereby permitted shall not be occupied until the offsite highway works, including the junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue, as shown on SYSTRA drawing numbers 107890-dwg-07-01 and 107890dwg-05-01 P2, have been carried out and completed.

### **Appeal B Conditions**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to the commencement of works to the fabric of the listed buildings a scheme of investigation and recording of features shall be submitted to and approved by the local planning authority, to include details of the methodology, intrusive and non-intrusive surveys, recording to include photographic survey, supervision and programme of works. All works shall be carried out in accordance with the approved scheme.
- 3) Prior to the commencement of works to the fabric of the listed buildings other than those approved under Condition 2, a method statement with supporting drawings at a scale of 1:20 and samples shall be submitted and approved by the local planning authority which clarifies the appearance, materials and method of construction of new window/ door openings, including all new rooflights, and existing openings blocked up and subsequently made good. All works shall be carried out in accordance with the approved details.
- 4) A detailed demolition and repair methodology statement shall be submitted and approved prior to the commencement of any demolition works on site and all demolition works shall follow the approved methodology. The methodology statement shall include details of the following:
  - a) site for the storage of salvaged materials until reused.
  - b) detailed demolition drawings including elevations.
  - c) detailed information for any temporary protection, propping or making good works.
  - d) elevation drawings to a scale of 1:20 with repair materials specified.
- 5) Prior to the commencement of repair works on the interior of the listed buildings to features identified within Condition 4, a detailed methodology statement shall be submitted to and approved by the local planning

authority setting out the methodology for the identification, retention and incorporation within the development works of these original or early features. All repair works shall follow the approved methodology.

- 6) Prior to the commencement of works to the Recreation Hall a detailed methodology of repair informed by specialist survey of the Recreation Hall shall be submitted and approved by the local planning authority. All works to the recreation Hall shall follow the approved methodology.
- 7) Prior to the commencement of works to the existing historic windows, sill and string courses of the listed buildings on site a detailed methodology for the repair in-situ of these features shall be submitted and approved by the local planning authority prior to any works starting on these elements of the listed buildings to be converted to residential use. All repair works shall follow the approved methodology. All new openings should seek to replicate the proportions, materials and design details of existing historic doors and windows on the listed buildings.
- 8) Prior to the commencement of works to the Chapel building details of how the mezzanine floor will bisect the north windows shall be submitted and approved by the local planning authority. The submitted details shall also include a detailed window schedule. All works to the Chapel shall be implemented in accordance with approved details.
- 9) Prior to the commencement of works on the Mortuary building detailed plans shall be submitted to and approved by the local planning authority. All works to the Mortuary shall be implemented in accordance with approved details. The details should include:
  - A photographic survey of the interior and exterior of the building.
  - Details of historic fixtures and fittings of the building to be retained and reused
  - Materials to be used in any repairs or alterations.
- 10) Prior to the commencement of the repair and reinstatement of the airing courts, as identified on drawing 127-00-1119 Rev G, detailed plans shall be submitted to and approved by the local planning authority for these areas. All works to the Airing Courts shall be implemented in accordance with approved details.

END OF CONDITIONS



Mrs Viola Langley	Local Resident
Mr Hilary Stainton	Local Resident
Ms Paula Ann Savage	Local Resident
Mr Richard Curtis	Local Resident
Mr Reginald Puntis	Local Resident
Mr Peter Crocket (Statement read in absentia by Mrs Langley)	Local Resident
The Rt.Hon. Penny Mordaunt	Member of Parliament, Portsmouth North Constituency

## **INQUIRY DOCUMENTS**

- 1 Council Inquiry Notification Letter
- 2 Appellant's Planning Policy Parking Standards Note
- 3 Appellant's Open Space Note
- 4 Opening Statement on behalf of the Appellant
- 5 Opening Statement on behalf of the Council
- 6 Opening Statement on behalf of the Milton Neighbourhood Forum
- 7 Evidence of Cllr Steve Pitt
- 8 Evidence of Cllr Gerald Vernon-Jackson
- 9 Evidence of Cllr Kimberly Barrett
- 10 Evidence of Cllr Sander
- 11 Legal Agreement between the Appellant and Hampshire and Isle  
of Wight Wildlife Trust
- 12 Evidence of David Langley
- 13 Evidence of Viola Langley
- 14 Statement of Common Ground Addendum - Appendix 1 and 2 -  
Updated List of Conditions with agreed Tracked Changes
- 15 Position Statement of the Council and the Appellant on Viability  
and Affordable Housing
- 16 Note on 2 no. applications for erection of fencing at appeal site
- 17 Appellant's Statement on Permissive Access
- 18 Position Statement of the Council and the Appellant on Ecology
- 19 Agenda for Heritage Round Table Discussion
- 20 Agenda for Trees and Open Space Round Table Discussion
- 21 Statement of Common Ground Addendum - Appendix 1 and 2 -  
Further Updated List of Conditions with Agreed Tracked Changes
- 22 Site Visit Itinerary and Plan
- 23 Evidence of Paula Ann Savage
- 24 Evidence of Richard Curtis
- 25 Evidence of Reg Puntis
- 26 Evidence of Peter Crockett
- 27 Evidence of Hilary Stainton
- 28 Unaccompanied Site Visit Route
- 29 Facebook comments by local residents to Milton Neighbourhood  
Forum
- 30 Mr O'Hara Speaking Notes from Heritage Round Table Discussion
- 31 Appellant's Agreement to Pre-commencement Conditions
- 32 Milton Neighbourhood Forum Closing Statement
- 33 Council's Closing Statement
- 34 Appellant's Closing Statement

## **PLANS**

- A Drawing 127-00-1119-F Publicly Accessible Open Space - with correction
- B Drawing 127-00-1119-G Publicly Accessible Open Space - amended plan

## **POST INQUIRY DOCUMENTS**

- 1 Signed and dated Section 106 Agreement
- 2 Signed and dated Agreement on Nitrate Credits
- 3 Nitrate mitigation correspondence with Hampshire and Isle of Wight Wildlife Trust

## **CORE DOCUMENTS LIST**

- CD-1-1 Covering Letter Barton Willmore now Stantec
- CD-1-2 Planning Application Form Barton Willmore now Stantec
- CD-1-3 Listed Building Consent Application Form Barton Willmore now Stantec
- CD 1-4 CIL Additional Information Form July 2022 Barton Willmore now Stantec
- CD 1-5 Design and Access Statement January 2020 Rev A
- CD-1-6 Planning Statement February 2020 Barton Willmore now Stantec
- CD-1-7 Air Quality Assessment Rev 1.7 April 2021 Entran
- CD-1-8 Arboricultural Assessment and Method Statement 19140-AA7-DC Barrell Tree Consultancy
- CD-1-9 Tree Protection Plan 19140-7 Barrell Tree Consultancy
- CD-1-10 Manual for Managing Trees for Construction Sites 9781916455108 V3.0 Barrell Tree Consultancy
- CD-1-11 Ecological Impact Assessment 201013 0991 ECIA V2A Wharton
- CD-1-12 Energy Statement Rev 5 11 November 2021 Technical Solutions Direct
- CD-1-13 Environmental Noise Assessment Rev 1.3 December 2020 Entran
- CD-1-14 Flood Risk Assessment December 2020 BWB Consulting
- CD-1-15 Geo-environmental and Geotechnical Assessment 305003R01(00) RSK
- CD-1-16 Draft Habitat Regulations Assessment 200127 0991 HRA V1B Wharton
- CD-1-17 Health Impact Assessment January 2020 Barton Willmore, now Stantec
- CD-1-18 Heritage Assessment November 2019 Cotswold Archaeology
- CD-1-19 Heritage Addendum December 2020 Cotswold Archaeology
- CD-1-20 Lighting Impact Assessment December 2020 BWB Consulting
- CD-1-21 Statement of Community Involvement Barton Willmore now Stantec
- CD-1-22 Sustainable Drainage Statement December 2020 BWB Consulting
- CD-1-23 Townscape and Visual Appraisal December 2020 Barton Willmore, now Stantec
- CD-1-24 Transport Statement CBO-0571-002 Issue 5 CBO Transport
- CD-1-25 Travel Plan Framework CBO-0571-003 Issue 6 CBO Transport
- CD-1-26 Transport Update Note December 2020 CBO Transport
- CD-1-27 Cumulative Traffic Impact Assessment CBO-0571-006 Issue 2 CBO Transport
- CD-1-28 Response to Site Layout Comments CBO-0571-007 CBO Transport

CD-1-29	Proposed Site Plan (File title: Draft Site Plan for Discussion, related to above 'Response to Site Layout Comments') 127-00-1101 C
CD-1-30	Utility Service Due Diligence Assessment December 2020 BWB Consulting
CD-1-31	Conservation Architect's Statement January 2020 Rev A
CD-1-32	Design Justification Document December 2020
CD-1-33	Nitrogen Budget Calculator December 2020 Wharton
CD-1-34	Biodiversity Metric August 2020 Wharton
CD-1-35	Nitrates Technical Note 210126 0911 TECH V2A Wharton
CD-1-36	Water Use Calculator January 2021
CD-1-37	Open Space Note December 2021 Barton Willmore, now Stantec
CD-1-38	Viability Assessment Report, plus Appendix 12 Construction Cost Report February 2021 Keppie Massie
CD-1-39	Addendum Report (Viability) July 2021 Keppie Massie
CD-1-40	Schedule of Accommodation July 2022
CD-1-41	Site Location Plan 127-00-1001 A
CD-1-42	Topographical Plan Existing Site, Sheet 1 127-00-1002 A
CD-1-43	Topographical Plan Existing Site, Sheet 2 127-00-1003 A
CD-1-44	Topographical Plan Existing Site, Sheet 3 127-00-1004 A
CD-1-45	Existing Site Plan 127-00-1005 A
CD-1-46	Demolition Site Plan 127-00-1006 B
CD-1-47	Proposed Site Plan 127-00-1101 J
CD-1-48	House Types Site Plan 127-00-1102 J
CD-1-49	Proposed Refuse and Cycle Store 127-00-1103 J
CD-1-50	Boundary Treatment Site Plan 127-00-1105 K
CD-1-51	Phasing Plan 127-00-1107 L
CD-1-52	Cricket Pitch Site Plan 127-00-1109 J
CD-1-53	Visibility Splay Plan 127-00-1111 G
CD-1-54	Parking Strategy 127-00-1112 G
CD-1-55	Refuse Swept Path Site Plan Sheet 1 of 3 127-00-1113 G
CD-1-56	Refuse Swept Path Site Plan Sheet 2 of 3 127-00-1114 G
CD-1-57	Refuse Swept Path Site Plan Sheet 3 of 3 127-00-1115 G
CD-1-58	Car Swept Path Site Path 127-00-1116 G
CD-1-59	Fire Engine Swept Path Site Plan 1 of 2 127-00-1117 G
CD-1-60	Fire Engine Swept Path Site Plan 2 of 2 127-00-1118 G
CD-1-61	Publicly Accessible Open Space Site Plan 127-00-1119 F
CD-1-62	Public Cycle Routes 127-00-1120 E
CD-1-63	Existing Plan St James' Hospital Lower Ground Floor 127-01-10LG A
CD-1-64	Existing Plan St James' Hospital Ground Floor 127-01-1000 A
CD-1-65	Existing Plan St James' Hospital First Floor 127-01-1001 A
CD-1-66	Existing Plan St James' Hospital Second Floor 127-01-1002 A
CD-1-67	SJH Turner Proposed Plans 127-01-1010 D
CD-1-68	SJH Goddard Proposed Plans 127-01-1011 D
CD-1-69	SJH Lowry Proposed Plans 127-01-1012 B
CD-1-70	SJH Fenhurst Proposed Plans 127-01-1013 C
CD-1-71	SJH Exbury Proposed Plans 127-01-1014 D
CD-1-72	SJH Overton Proposed Plans 127-01-1015 B
CD-1-73	SJH Langstone Proposed Plans 127-01-1016 B
CD-1-74	SJH Beaton Proposed Plans 127-01-1017 D
CD-1-75	SJH Hall Proposed Plans 127-01-1018 D
CD-1-76	SJH Recreation Hall Sections 127-01-1019 A(30.06.21)
CD-1-77	Turner Wing Lower Ground Floor Bin & Bike Store 127-01-1019 B
CD-1-78	SJH Main Block Ground Floor 127-01-1020 D

CD-1-79	SJH Main Block First Floor 127-01-1021 C
CD-1-80	SJH Main Block Second Floor 127-01-1022 C
CD-1-81	SJH Main Block Third Floor 127-01-1023 C
CD-1-82	SJH Main Block Roof Plan 127-01-1024 B
CD-1-83	Existing Elevations St James' Hospital Turner Wing 1 of 2 127-01-1101 A
CD-1-84	Existing Elevations St James' Hospital Turner Wing 2 of 2 127-01-1102 A
CD-1-85	Existing Elevations St James' Hospital Goddard Wing 127-01-1103 A
CD-1-86	Existing Elevations St James' Hospital Lowry 127-01-1104 A
CD-1-87	Existing Elevations St James' Hospital Fenhurst 127-01-1105 A
CD-1-88	Existing Elevations St James' Hospital Exbury 127-01-1106 A
CD-1-89	Existing Elevations St James' Hospital Overton 127-01-1107 A
CD-1-90	Existing Elevations St James' Hospital Langstone 127-01-1108 A
CD-1-91	Existing Elevations St James' Hospital Beaton Wing 127-01-1109 B
CD-1-92	Proposed Elevations St James' Hospital Hall & Courtyard Buildings 127-01-1110 A
CD-1-93	Proposed Elevations St James' Hospital Turner Wing Sheet 1 of 2 127-01-1111 C
CD-1-94	Proposed Elevations St James' Hospital Turner Wing Sheet 2 of 2 127-01-1112 A
CD-1-95	Proposed Elevations St James' Hospital Goddard Wing 127-01-1113 B
CD-1-96	Proposed Elevations St James' Hospital Lowry 127-01-1114 A
CD-1-97	Proposed Elevations St James' Hospital Fenhurst 127-01-1115 B
CD-1-98	Proposed Elevations St James' Hospital Exbury Sheet 1 of 2 127-01-1116 B
CD-1-99	Proposed Elevations St James' Hospital Exbury Sheet 2 of 2 127-01-1117 C
CD-1-100	Proposed Elevations St James' Hospital Overton 127-01-1118 A
CD-1-101	Proposed Elevations St James' Hospital Langstone 127-01-1119 A
CD-1-102	Proposed Elevations St James' Hospital Beaton Wing 127-01-1120 C
CD-1-103	Proposed Elevations St James' Hospital Hall & Courtyard Buildings 127-01-1121 C
CD-1-104	The Shaws Trust Existing Plans and Elevations 127-02-1001 A
CD-1-105	The Shaws Trust Proposed Plans and Elevations 127-02-1002 B
CD-1-106	The Chapel Existing Plans and Elevations 127-03-1001 A
CD-1-107	The Chapel Proposed Plans and Elevations 127-03-1002 C
CD-1-108	Proposed Plans & Elevations Fairfield 127-10-1001 B
CD-1-109	Claybury Plans & Elevations 127-11-1001 B
CD-1-110	The Earlsleigh Plans & Elevations 127-15-1001 B
CD-1-111	Proposed Plans & Elevations Braithwaite 127-20-1001 A
CD-1-112	Proposed Plans & Elevations Oxlade 127-21-1001 A
CD-1-113	Proposed Plans & Elevations Harrison 127-22-1001 A
CD-1-114	Proposed Plans & Elevations Cartwright 127-25-1001 A
CD-1-115	Bin and Cycle Stores 127-26-1001 B
CD-1-116	Landscape Masterplan RG-L-08 Rev M Barton Willmore, now Stantec
CD-1-117	Landscape Masterplan Sheet 1 RG-L-08-1J Barton Willmore, now Stantec
CD-1-118	Landscape Masterplan Sheet 2 RG-L-08-2J Barton Willmore, now Stantec
CD-1-119	Landscape Masterplan Sheet 3 RG-L-08-3J Barton Willmore, now Stantec

- CD-1-120 Landscape Masterplan Sheet 4 RG-L-08-4I Barton Willmore, now Stantec
- CD-1-121 Landscape Masterplan Sheet 5 RG-L-08-5 G Barton Willmore, now Stantec
- CD-1-122 Window to Door Details 127-01-1501A
- CD-1-123 Typical Generic Floor Details 127-01-1502A
- CD-1-124 Typical Wall & Lining Details 127-01-1503A
- CD-1-125 Typical Roof Details 127-01-1504A
- CD-1-126 Dropped Garden Sketch 127-00-1504 A
- CD-1-127 Visual 1 December 2020
- CD-1-128 Visual 2 December 2020
- CD-1-129 Visual 3 December 2020
- CD-1-130 Publicly Accessible Area Comparison (for information only) 127-00-1121 B
- CD-1-131 Open Space Visual Amenities Site Plan (for information only) 127-00-1122 B
  
- CD-2-1 Report of the Design South East Panel (03 November 2020)  
Design South East
- CD-2-2 Consultation Response from Historic England (March 2020)  
Historic England
- CD-2-3 Consultation Response from Historic England (October 2020)  
Historic England
- CD-2-4 Consultation Response from Historic England (February 2021)  
Historic England
- CD-2-5 Consultation Response from Historic England (July 2021)  
Historic England
- CD-2-6 Consultation Response from Historic England (December 2021)  
Historic England
- CD-2-7 Email correspondence between Historic England and the Appellant  
(May 2021)
- CD-2-8 Consultation Response from Portsmouth City Council Conservation  
Officer (March 2021)
- CD-2-9 Consultation Response from The Victorian Society (September 2020)  
The Victorian Society
- CD-2-10 Consultation Response from The Victorian Society (February 2021)  
The Victorian Society
- CD-2-11 Consultation Response from The Portsmouth Society (March 2022)  
The Portsmouth Society
- CD-2-12 Consultation Response from PCC Arboricultural Officer (09 March  
2020) The Council's Arboricultural Officer
- CD-2-13 Milton Neighbourhood Planning Forum (15 March 2020)
- CD-2-14 Milton Neighbourhood Planning Forum (16 March 2021)
- CD-2-15 Milton Neighbourhood Planning Forum (18 March 2022)
- CD-2-16 Milton Neighbourhood Planning Forum (21 October 2022)
- CD-2-17 Milton Neighbourhood Planning Forum (27 October 2022)
- CD-2-18 Consultation Response from Portsmouth City Council Landscape  
Architect (20 December 2021)
- CD-2-19 Email from Natural England (dated 11 January 2022)
- CD-2-20 Email from Natural England (dated 3 March 2022)
  
- CD-3-1 Notification of Appeal Letter to the Council Barton Willmore now  
Stantec

CD-3-2	Appeal Form (Planning Application) Barton Willmore now Stantec
CD-3-3	Appeal Form (Listed Building Consent) Barton Willmore now Stantec
CD-3-4	Appeal Questionnaire (Planning Application)
CD-3-5	Appeal Questionnaire (Listed Building Consent)
CD-3-6	Statement of Case Barton Willmore now Stantec
CD-3-7	Draft Statement of Common Ground Barton Willmore now Stantec
CD-3-8	Inspector's Pre-CMC Note (dated 15 September 2022)
CD-3-9	Inspector's Post-CMC Note (dated 30 September 2022)
CD-3-10	Inspector's Post-CMC Note (dated 09 March 2023)
CD-3-11	Inspectors Post-CMC Note (dated 16 May 2023)
CD-4-1	Shadow Habitats Regulations Assessment February 2023 Tyler Grange
CD-4-2	Updated Appendix to Shadow HRA - 'Nutrient Neutrality Assessment and Mitigation Strategy' April 2023 Stantec
CD-4-3	Financial Viability Assessment (March 2023) Bespoke Property Consultants
CD-5-1	Representations from Milton Neighbourhood Planning Forum (14 September 2022)
CD-5-2	Representations from Cllr Vernon-Jackson, Cllr Pitt and Cllr Barrett (12 September 2022)
CD-5-3	Representation from Cllr Barrett (15 September 2022)
CD-5-4	Representations from Cllr Sanders, Cllr Stagg and Cllr Kadir (14 September 2022)
CD-5-5	Letter from Cllr Vernon-Jackson (20 September 2022)
CD-5-6	Letter from Stephen Morgan MP (19 December 2022)
CD-5-7	Consultation response from Natural England (dated 26 September 2022)
CD-5-8	Consultation response from Natural England (dated 12 May 2023)
CD-5-9	Consultation response from Natural England (dated 23 May 2023)
CD-6-1	The Portsmouth Plan (Portsmouth's Core Strategy) (24 January 2012)
CD-6-2	The Portsmouth City Local Plan (Saved Policies) (21 July 2006)
CD-6-3	Milton Neighbourhood Plan (made 11 October 2022)
CD-6-4	Draft Portsmouth Local Plan (not yet adopted)
CD-7-1	National Design Guide MHCLG
CD-7-2	Manual for Streets Department for Transport
CD-7-3	Milton Common Local Nature Reserve Restoration and Management Framework 2015 (as updated 2023)
CD-7-4	Air Quality and Pollution SPD (2006)
CD-7-5	Housing Standards SPD (2013) and Review Briefing Note (2015)
CD-7-6	Sustainable Design and Construction SPD (2013)
CD-7-7	Solent Recreation Mitigation Strategy (2017)
CD-7-8	PCC Interim Nutrient Neutral Mitigation Strategy
CD-7-9	Monitoring Charges for S106 Agreements
CD-7-10	Parking Standards and Transport Assessments SPD (2014)
CD-7-11	Reducing Crime through Design SPD (2006)
CD-7-12	Parks and Open Spaces Strategy (2012)
CD-7-13	Urban Characterisation Study (2011)
CD-7-14	British Standard 5837:2012 Trees in relation to design, demolition, and construction – Recommendations

CD-7-15	Portsmouth City Council, Local Plan Support: Transport Assessment (23 October 2020) SYSTRA
CD-7-16	Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008) Historic England
CD-7-17	Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (Second Edition) (2017) Historic England
CD-7-18	Statements of Heritage Significance: Analysing Significance in Heritage Assets' (Historic England Advice Note 12 2019) Historic England
CD-7-19	Principles of Cultural Heritage Impact Assessment in the UK (2021) IEMA, IHBC and Cifa
CD-8-1	St James Hospital Committee Report of 12.01.22
CD-8-2	St James Hospital Committee Minutes of 12.01.22
CD-8-3	St James Hospital Committee Report of 21.12.22
CD-8-4	St James Hospital Committee Minutes of 21.12.22
CD-8-5	Updated Appropriate Assessment (updated 26 April 2023)
CD-8-6	Review of 'Financial Viability Assessment' (May 2023) BNP Paribas
CD-8-9	Updated Appropriate Assessment (with clarification provided) (updated 18 May 2023)
CD-8-10	Committee Supplementary Matters of 12.01.22
CD-8-11	Committee Supplementary Matters of 21.12.22
CD-9-1	Statement of Common Ground – Updated (May 2023) (With Council) Barton Willmore now Stantec
CD-9-2	Statement of Common Ground (May 2023) (with Milton Neighbourhood Forum) Barton Willmore now Stantec
CD-9-3	Proof of Evidence of Robin Shepherd (Planning) Barton Willmore, now Stantec
CD-9-4	Proof of Evidence of Richard Lawrence (Design) PJ Livesey
CD-9-5	Proof of Evidence of Robert Sutton (Heritage) Robert Sutton, Cotswold Archaeology
CD-9-6	Proof of Evidence of Paul Corbett (Highways) CBO Transport
CD-9-7	Proof of Evidence of Chris Alder (Arboriculture) Barrell Tree Consultancy
CD-9-8	Proof of Evidence of Matthew Chard (Landscape) Barton Willmore, now Stantec
CD-9-9	Proof of Evidence of Councillor Hugh Mason
CD-9-10	Milton Neighbourhood Forum Statement of Case including Appendix – response from Council's Public Health section
CD-9-11	Draft Section 106 Agreement (as of 13/06/23)
CD-9-12	Legal Agreement between the Appellant and Hampshire and Isle of Wight Wildlife Trust securing nitrate credits
CD-9-13	CIL Compliance Statement
CD-9-14	Draft Section 106 Agreement (as of 22/06/23)