



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 6 AUGUST 2014 AT 2.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith 0239283 4057

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Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Colin Galloway, Stephen Hastings, Lee Mason, Les Stevens, Sandra Stockdale and Gerald Vernon-Jackson

Standing Deputies

Councillors Alicia Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New, Darren Sanders, Rob Wood, Paul Godier, Stuart Potter and Julie Swan

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests are accepted. Contact: Julie Watson 023 9283 4826 or planning.reps@portsmouthcc.gov.uk

AGENDA

- 1 **Apologies**
- 2 **Declaration of Members' Interests**
- 3 **Minutes of the Previous Meetings Held on 18 June and 9 July 2014**
(Pages 1 - 18)

The minutes of the Planning Committee meetings held on 18 June and 9 July 2014 are attached.

RECOMMENDED that the minutes of the Planning Committee meetings held on 18 June and 9 July 2014 are agreed as correct records to be signed by the Chair accordingly.

4 Updates Provided by the City Development Manager on Previous Planning Applications

Planning Applications

- 5 14/00587/FUL - 33 Cardiff Road Portsmouth (Report item 1) (Pages 19 - 84)**

Change of use from dwelling house (class c3) to purposes falling within class c4 (house in multiple occupation) or class c3 (dwelling house)

- 6 14/00337/FUL - Public Conveniences adjacent Tescos, Paradise Street, Portsmouth (Report item 2)**

Change of use from public conveniences to cafe/takeaway (class a3/a5); external alterations to include installation of new doors and windows and extract flue to roof

- 7 14/00591/FUL - 21 Allens Road, Southsea (Report item 3)**

Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house)

- 8 14/00725/FUL - 88 Gruneisen Road, Portsmouth (Report item 4)**

Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C3 (dwelling house)

- 9 14/00442/FUL - Old Canal Inn, 2 Shirley Avenue, Southsea (Report Item 5)**

Change of use of first floor and part ground floor to form two self-contained flats; external alterations to include blocking-up of ground floor windows and installation of bin stores, bicycle stores and condenser units

**10 14/00128/FUL - Land Adjacent Fratton Park, Fratton Way, Southsea
(Report Item 6)**

Construction of a retail store (use class A1) of up to 10,475sqm gea, petrol filling station (sui generis) with an associated kiosk up to 86sqm gea, canopy and jet wash, new access/egress arrangements, car parking including replacement stadium car parking, service yard, highway and footpath works, landscaping, and other associated works (after demolition of existing structures)

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 18 June 2014 at 2.00 pm in the Council Chamber - The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Aiden Gray (Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Lee Mason
Les Stevens
Sandra Stockdale
Rob New (Standing Deputy)
Hugh Mason (Standing Deputy)

Also in attendance

Councillor Lee Hunt

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The chair, Councillor Gray, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

69. Apologies for absence (AI 1)

These had been received from Councillor Gerald Vernon-Jackson who was represented by Councillor Hugh Mason as his standing deputy and from Councillor Frank Jonas who was represented by his standing deputy, Councillor Robert New.

70. Declaration of Members' Interests (AI 2)

Councillors Sandra Stockdale and Les Stevens declared that they were ward councillors for St Thomas however this is not a pecuniary or personal interest and they would keep an open mind.

The chair gave his introductory information and invited introductions from members of the committee and supporting officers. He also reported that there would be recording of the meeting by the media however this would not include filming of the deputations.

**71. Planning Application: 14/00489/FUL The Camber East Street Portsmouth - Mixed use development to include the erection of a building to incorporate Class B1(c) light industrial and Class B1(b) research and development uses, team headquarters comprising Class B1(a) offices and meeting rooms, training and medical facilities, public access and viewing facilities and associated external hardstanding and car parking following the demolition of existing buildings
(AI 3)**

The City Development Manager reported that there had been a site visit the previous evening which had been well attended and members' attention was drawn to the supplementary matters list which gave the following additional information, which included additional highway comments and amended detail regarding conditions:

(i) Amended plans

The site boundary has been amended to exclude the parking spaces along Trimmers Court. This removes the requirement to obtain a formal stopping up order and retains 11 car parking spaces for public use. As such, the following plans have been amended:

- Site Location Plan - 14.001.101 A
- Site Plan - 14.001.102 B
- Site Management Plan - 14.001.103 C

(ii) Further comments from the Highways department

Further comments have been received in response to the amended site boundary which were attached to the Supplementary Matters list.

In summary, the Highways department are satisfied with the removal of 11 spaces along Trimmers Court from the site boundary. These, along with the parking spaces that would be provided for the public house and the dry boat storage, make adequate public parking provision and retain the option for the authority to define these either as shared use or resident only spaces.

With regards to the parking provision for BAR employees, this would continue to be sufficient following the removal of the 11 spaces along Trimmers Court from the site boundary. The applicant has demonstrated that a maximum of 50 parking spaces would be required for staff. This is a lesser parking accumulation than may ordinarily be associated with an unfettered B1 use of this scale.

With regards to the revised Site Management Plan, this is not sufficiently detailed to determine whether or not the spaces fronting East Street compromise the highways boundary. There is scope to remodel the car park to ensure that this boundary is not compromised whilst retaining sufficient parking to serve the proposed development. The Highways department have recommended a condition is imposed to require the submission of detailed

plans concerning the remodelling of the car park. This is addressed by Condition 7.

(iii) Amendments to conditions

Condition 7 has been amended since the committee report was published to reflect the amended site boundary and to address the further highways comments. This is now as follows:

Condition: Before any part of the development is first brought into use the car parking spaces and access thereto shown on the approved site layout plan (or such alternative parking layout as may be submitted to and agreed in writing with the Local Planning Authority), including not less than 3 'disabled' parking bays, shall have been surfaced in materials/finishes shown on the approved schedule pursuant to condition 10, marked out and made available for use; and these parking spaces shall thereafter be retained.

Reason: To ensure adequate provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

Condition 22 has also been added to ensure than an appropriate parking management plan would be agreed with the Local Planning Authority prior to occupation. This is as follows:

Condition: Before any part of the development is first brought into use a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority; and the approved Parking Management Plan shall be implemented in full (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To ensure adequate provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

(iv) Additional representations

Since the committee report was published on the 10th June, an additional 26 letters / emails of objection and 32 letters / emails of support have been received. A summary of these comments is set of below.

In the 26 additional letters / emails of objection, the following concerns were raised:

Design and Heritage Issues:

- The design of the proposed scheme does not comply with the Old Portsmouth Conservation Guidelines.
- The comments of the Design Review Panel appear to have been ignored.

- Whilst the Camber was originally an industrial area, it has since been redeveloped as a residential area. The scale of the proposed building should be sympathetic to the scale of these residential buildings.
- An alternative scheme has not been sought.
- Views of the Bridge Tavern would be lost.

Committee Report

- The committee report lacks sufficient detail to enable the committee make a lawful decision.
- This report fails to address all requirements and criteria set out in the NPPF, the Portsmouth Plan and the City Council's Supplementary Planning Documents (SPDs), particularly with regards to the Tall Buildings SPD, Conservation Areas and Environmental Impact Assessment Regulations (EIA) 2011.
- The committee report and the application documents do not give a full and comprehensive analysis of the harm, the effects of the harm and how this harm can be outweighed by wider benefits. In the absence of this information, the Planning Committee cannot make a decision that would comply with the NPPF.

Alternative Locations:

- Vacant office space at the Civic Offices or Guildhall.
- Dockyard - reusing the vacant shipbuilding facilities.
- Other areas along the Portsmouth coastline.
- Building a temporary structure that could be removed when no longer required.
- Vacant land at the point - a slimmer tower structure could be constructed with a lower level 2 storey building to house the visitor centre, educational facilities and hospitality suites and also including a viewing tower. A lower level building at the application site could then house the manufacturing, training and office facilities.

Highways Issues:

- Increased traffic due to deliveries to the proposed boat building site.
- Potential construction impacts - disturbance and reduced parking.

Other Issues:

- No consideration given to the retention of the fish market or to providing a more aesthetically pleasing home for the boat storage and other small maritime based businesses.
- With a greater foresight from BAR and the planning department, a more appropriate development could have been achieved.
- Is there any need to have the associated operations of a HQ and not just the assembly element.
- Boundary fence of KB Boats now placed closer to the Bridge Tavern than shown on the submitted plans leaving only enough room for access.

- The manner in which this has been dealt with is poor. Not enough notification - wider communities not informed until the planning application was submitted.
- Enabling works - site clearance - without informing local residents of the loss of parking or the extent of the works is upsetting residents further.

In the 32 letters / emails of support, the following concerns were raised;

- Potential return on investment in sailing (a significant untapped market) would be great for the city.
- Even without winning the America's Cup, hosting America's Cup Works Series competitions annually along Southsea Seafront would have significant benefits in terms of return on investment.
- Bring semi-skilled and skilled and unskilled jobs to Portsmouth.
- Associated industries may wish to locate here bringing further economic benefits.
- Increased media coverage for Portsmouth.
- Investment and international recognition for the city.
- Futuristic design and cutting edge technology associated with the America's Cup.
- Prestige associated with having such an event in the city - boosting tourism.
- Boosting local morale and promoting pride in our city.
- Retaining the specialist boatbuilding skills.
- Proposed building has a strong architectural merit, enhancing the site on which it is to be built.
- America's Cup - one of the oldest sailing competitions in the world - also one of the most exciting and fiercely fought. Great opportunity to have a British team based here.
- Ambitious project that will enhance Portsmouth's maritime industry.
- The city needs tourism - drawing on the maritime history of the city and diversifying it to bring a different type of tourist.
- Greater opportunities for young people.

(v) Other matters

A number of representations have raised concern about the potential construction impacts including noise and disturbance during construction and an increase in traffic due to construction vehicles. This would not however represent a reason for refusal. Condition 18 has been imposed to ensure that construction takes place in accordance with the approved Construction Management Plan.

The City Development Manager presented the committee report and addressed the issues of the impact on heritage assets of a building at the proposed height and explained the applicant's reasoning for a building of the size and design proposed which included the three parts of the application for the assembly and storage use, team facilities and thirdly for public facilities with visitor centre and associated sponsors' area.

Reference was made to the guidelines for Conservation Area No. 10, and to the statutory duties, because of the proximity of the Grade II listed Bridge Tavern, to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving/ enhancing the character of the conservation area. The City Development Manager also referred to the National Planning Policy Framework requirements regarding the significance of heritage assets and their settings, which should also be taken into account when considering the impact of a proposal within a conservation area. The committee was advised that they would need to give substantial weight to the potential harm to the heritage building and its setting in a conservation area (that could result from a building of the height proposed) and weigh such harm against the substantial public benefits of the scheme from the economic growth associated with the development. Officers believed that the nautical character of the area was reflected within the proposal and that it was a worthy design for this unique project. The City Development Manager therefore would recommend acceptance for this tall building in an area that was not identified as an area of opportunity for a tall building in the Tall Building SPD for the reasons set out in the report, as updated in the supplementary matters list.

Deputations were then made firstly by objectors to the proposal.

(i) Mr Clapham whose points included:

- Public concerns had been ignored for this sensitive site.
- The building was too high and bulky (the height was to allow VIPs a view of the Solent rather than allow public access).
- The wider public benefits were not explained so the report which was open to challenge.
- The slipway was currently used by many people with the boat trailer parking being lost and the livelihood of fishermen being affected as well as boating enthusiasts being inconvenienced.
- There was harm to the historic conservation area.

(ii) Mr Higham also spoke as a local resident whose objections included:

- Whilst the BAR project was welcome to the Camber the objection was to the building. It should not be compared to office structures in the city centre but to the structures in the Camber area such as the Bridge Tavern when considering the impact of its height.
- The illumination at night was not welcomed.
- There was a breach of planning policies and there would be long term harm to the conservation area, the harm to the heritage area not being sufficiently tested within the report.
- The height for the VIP area sponsors entertainment was questioned. This would harm the conservation area.
- English Heritage had said that the building was disproportionate and would detract from the historic nature of the conservation area.
- The proposal would sanitise the environment of the fishing and boating area. The Camber belonged to all of Portsmouth not just the VIPs.

Deputations were then made by those wishing to support the application.

(iii) Ms C Buggy on behalf of Shaping the Future of Portsmouth

- She was representing the local businesses and had a letter of support from Hampshire Chamber of Commerce and there had been 1500 signatures of support on a petition.
- This had been a dream project after the BAE announcement and would raise the aspirations and skills of the young.
- It would attract government funding and bring new skills as well as redeploying others.
- The scheme included innovation and sporting prowess.
- It would attract positive press attention reflecting Portsmouth well.
- The area had been a working dock area which needed investment.

(iv) Dr Mitchell who lived in the local area and was involved in education and the business community whose points included:

- As a resident of Old Portsmouth she had attended the public meeting and was very impressed by the proposal and saw this as a great opportunity for the city and should not be refused.
- There was a public contribution of jobs as well as the opportunity to support a world class project on behalf of future generations.

(v) Mr Page, who was also a local resident whose points included:

- There would be an improvement to the current view of the old sheds and a general improvement in the appearance of the area.
- The structure would be iconic and promote Portsmouth as a great waterfront city.
- The area should not just be developed for retirement homes but be an active part of a modern boatbuilding city.

(vi) Mr Guy on behalf of Portsmouth Sailing Club whose points included:

- Local sailing organisations had agreed a statement of support for basing the facility at the Camber and did not believe their access to the scene would be restricted but had been told that the public slipway would be maintained which would require the co-operation of users.

(vii) Mr Edwards whose points included

- He was a local resident and was involved in a local charity which sought to provide real world experiences to inspire young people which this project would do by giving young people practical hands-on experience in an inspirational and exciting way.
- He welcomed the architecture and felt this would be an iconic building within Old Portsmouth.

(viii) Mr Harding whose points included

- He lived in the Spice Island area and went to school in Portsmouth and would be studying physics and chemistry further and felt this project would inspire young people in both sailing and science inviting school trips, encouraging them to go into areas of science such as sailing technology, and to return to the city when seeking graduate employment.

(ix) Mr Reay in support of the application as the agent whose points included:

- The floorspace was necessary and had been reviewed by the architect.
- There needed to be world class provision to attract sponsorship hence the need for VIP provision to ensure that the building was of a good quality.
- Most of the floorspace were where the yachts were being assembled and built.
- There also needed to be a team HQ which would require space and this would be sustainable being at one location.
- Ben Ainslie Racing Limited (BAR) wished to involve the public and invite the participation of schoolchildren so there was incorporation of a public viewing area
- Part of the English Heritage response referred to this as an exciting and vibrant proposal with benefit to Portsmouth as a whole.
- He believed that this would enhance the conservation area.
- A tall building statement had been submitted and the other areas of opportunity had not been suitable due to the space requirements and the siting not being at the waterfront. There was adequate separation from listed buildings and this was a landmark building appropriate to the location. The process had not been rushed but had been prepared within a short period of time.

(x) Sir Ben Ainslie whose points included:

- He thanked all involved in the consultation and preparation of this proposal and explained why Portsmouth had been chosen as the base for the America's Cup preparations with a desire to put back into the marine industry.
- The project would include a charitable foundation and outreach work and technical apprenticeships as well as hoping to bring young people into sailing from the area and he hoped that the building design would add to the maritime heritage of Portsmouth.

(xi) Councillor Hunt spoke as spokesperson for Culture, Leisure & Sport in support of the application whose points included:

- The economic importance of sport to hosting cities as seen with benefits of the Commonwealth Games in Manchester and the America's Cup in New Zealand.
- The regeneration benefits as well as enhancing the waterfront as Portsmouth.

- The site was suitable and there had been great support from local residents and this would bring great investment to the city and this opportunity to bring a world class event to the city should be welcomed.

Members' Questions

Members of the committee asked questions including the angle from the top of the building to the nearest residential property in consideration to whether there would be loss of light, the access to the waterway used by existing boats and it was reported by the City Development Manager that the Port had been involved in working with BAR to ensure they would be good neighbours and the multiple users would be in dialogue. It was asked if the Camber area was typical of the conservation area. The level of potential harm to the conservation area was queried and the basis of this being height would need to be weighed against the wider economic benefits. The life expectancy of the materials being used were queried and the future use of the site, as well as the adequacy of public utilities.

Members' Comments

Members of the committee referred to the site visit and public meeting as well as the points raised by the deputations. They felt that the history of the Camber had been varied but a modern building would not be out of place on this site. They felt that there was a great opportunity for jobs and training as well as the promotion of the city worldwide and they believed this was an opportunity that should not be missed. They felt that the great presence of the building was suitable in the setting in the harbour and the design was appropriate in reflecting sails.

RESOLVED (1) that conditional permitted be granted;

(2) that delegated authority be granted to the City Development Manager to add/amend conditions where necessary.

The meeting concluded at 3.35 pm.

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Signed by the Chair of the meeting
Councillor Aiden Gray

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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 9 July 2014 at 2.00 pm in the Executive Meeting Room - Third Floor, The Guildhall.

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Aiden Gray (Chair)
Frank Jonas (Vice-Chair)
Ken Ellcome
David Fuller
Colin Galloway
Stephen Hastings
Lee Mason
Les Stevens
Sandra Stockdale

Also in attendance

Councillor Michael Andrewes
Councillor Luke Stubbs

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The chair, Councillor Fuller, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

72. Apologies (AI 1)

Councillor Gerald Vernon-Jackson sent his apologies.

73. Declaration of Members' Interests (AI 2)

Item 6

Councillor Frank Jonas declared a personal interest as he knows the applicant.

Councillor Ken Ellcome declared a personal, non-prejudicial interest as Mr Hayes is a former conservative councillor.

Councillor David Fuller declared a personal interest as his best friend is the applicant's neighbour.

74. Minutes of the Meetings of the Planning Committee (AI 3)

RESOLVED that the minutes of the Planning Committee held on 11 June 2014 were agreed and should be signed by the chair as a correct record.

75. Updates Provided by the City Development Manager on Previous Planning Applications. (AI 4)

There were no updates.

**76. 14/00491/HOU - 6 Holdenby Court Portsmouth (AI 5)
Extend existing dropped kerb to provide vehicular access.**

The City Development Manager introduced the report.

A deputation was heard from Mrs Dickson objecting to the application, who included the following points in her representation:

- Photos were circulated to the committee showing vehicles parked in Holdenby Court.
- Holdenby Court cannot support full on-street parking as this would prevent the residents beyond no.s 1 and 6 from accessing their properties as the street is too narrow.
- Vehicles are parked here from other streets.
- The single garages on properties in Anchorage Park cannot accommodate a vehicle.
- The driveways have not been modified in any way since their original development.
- There is direct access to all three garages. Access on and off the driveway of no. 6 is no more hazardous than for any other resident in Portsmouth.
- The difficulties we all experience have to be accepted and dealt with.
- She requested that the committee consider limiting the extension of the dropped kerb to 1.5m.

A deputation was also heard from Mr Alexander on behalf of his father, the applicant in support of the application who included the following points in his representation:

- The photos show cars parked illegally; straddling the pavement.
- The area that would be dropped would not inconvenience Mrs Dickson.
- A pit was recently installed for maintenance of classic cars that have lower suspension.
- The extended dropped kerb would increase safety when coming on and off the driveway.
- On one occasion, Mr Dickson's car was struck because of where he had parked.
- Mr Dickson converted his garage for business use.
- The Highways Agency had no objection to this application.

In response to questions from the committee, Vanessa White clarified that:

- There is no minimum or maximum length stipulated for dropped kerbs,
- This location is not classified as a highway and therefore there are no highways issues with regard to safety.

Members' Questions.

There were no questions from members.

Members Comments.

There were no comments from members.

RESOLVED that the application be granted subject to the conditions set out in the City Development Manager's report.

77. 14/00529/FUL - 424A London Road, Portsmouth (AI 6)
Installation of external stairs to include new door to first floor level and new window to ground floor level of the rear elevation and formation of courtyard.

The City Development Manager reported in the supplementary matters list that the comment section of the Committee Report refers to an existing residential use at first floor level. This is incorrect. At the present time the ground floor of this property (no.424 London Road) is used as a shop whilst the first floor of this property (no.424A London Road) is used for storage purposes ancillary to the ground floor shop use. Historically, the first floor of this property was used for residential purposes. Under the provisions of Part 3, class F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), this property could be used for a mixed use within Class A1 (shops) and as a single flat. The principle of the use of the first floor as a residential flat does not however, form part of this application.

A deputation was heard from Mr Malcom Hey objecting to the application, who included the following points in his representation:

- This property has undergone a significant transformation from a shop storage unit to two flats.
- It was quiet during the day and silent at night; now the noise is intrusive.
- The outside area is now completely covered and the external staircase is dangerous and noisy.
- Access used to be via the front of the shop. Now it is via the rear passageway and the door opens outwards and poses a risk to passing vehicles.
- He has lived opposite the premises for 25 years.
- It was quiet and not used at night.
- Three windows overlook his and neighbouring properties.
- Parking is at a premium.
- The smoke from the barbeque will annoy the neighbours.
- A site visit would be useful for members.

Members' Questions.

Members sought clarification on access, the windows and the external staircase.

Members' Comment.

There were no comments.

RESOLVED that permission be granted to the conditions set out in the City Development Manager's report.

78. 14/00411/FUL - 34 Taswell Road, Southsea (AI 7)
Retrospective planning application for use a house in multiple occupation (sui generis) for up to eight persons.

The City Development Manager reported in the supplementary matters list that two further objections have been received from the occupiers of neighbouring properties on the grounds that the proportion of HMOs in the area should take account of properties that have been split into small flats and bedsits and that the proposal would result in increased noise and disturbance, imbalances community, adverse impact of street scene, increased parking pressure, loss of family accommodation,

added pressure of community facilities and adverse restructuring of local services and amenities.

A deputation was heard from Mrs Gallien objecting to the application who included the following points in her representation:

- She lives at no. 36, flat 2 and also represents Mr Simon Davis who lives at flat 3.
- The calculation is based on an artificial rationale.
- It would have been better to have three modest flats rather than six cramped flatlets.
- There are others properties operating as HMOs but which are not classed as such
- This property has been operating as an HMO illegally for a number of years.
- After 6pm it is impossible to park in the area.
- Noise disturbance is a problem because of thin party walls and parties in the gardens.

A deputation was also heard from Councillor Andrewes objecting to the application who included the following points in his representation:

- A similar application was rejected by the committee because of loss of amenities for neighbours.
- He has doubts about how the number of HMOs was calculated.
- The Planning Inspector said that the pattern and use of a property with seven or more residents is different to other premises. The principal consideration should be the affect on neighbours' amenities in terms of noise and disturbance.
- The Inspector also expressed concern regarding the size of the premises at 43 Stanley Street. This property is smaller.
- The area is under massive pressure from HMOs.
- Parking is very difficult.
- A large number of residents contacted me over the last few days.

Members' Questions.

Members asked questions regarding the calculation, the impact on amenities, the number of doorbells and cycle storage.

Members' Comments.

Members expressed concern about possible overpopulation and the small dimensions.

Some members commented that whilst they may sympathise with residents, the policy should be followed.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

79. **14/00414/FUL - Northern Pavilion and Bowling Green Adjacent to Eastern Parade, Southsea (AI 8)**
Change of use from bowls club to day nursery and construction of single storey side extension, enclosure of veranda, construction of refuse store and installation of 1.8m high chain link boundary fence.

The City Development Manager reported in the supplementary matters list that the wording of Condition 9 has been amended to 'The day nursery hereby permitted shall remain closed from 6.30pm each evening until 7am of each following day and on each Saturday and Sunday'.

A deputation was heard from Mr Martin Jewell objecting to the application who included the following points in his representation:

- The officers' report is misleading.
- The Parks and Open Spaces Strategy 2012 - 12 - document PCS13 states that 'the city council will protect green infrastructure by refusing planning permission for proposals which would result in the net loss of existing areas of open space.'
- A commercial nursery fenced off from the public is no longer open space, it is closed space.
- He asked why the planning officer did not bring to the committee's attention the relevant sections of the Parks Strategy e.g. pages 11 and 42.
- The level of publicly accessible open space is poor and will worsen by 15%.
- The bowling green is a natural part of the park. The fact that a bowling club has operated it in the past on behalf of the council does not make it any less of a part of the park.
- Justification for the loss of recreational land has not been provided as required.
- Canoe Lake Leisure made a formal offer to operate the site for leisure use at no cost to the council.

A deputation was also heard from Mr Williams objecting to the application who included the following points in his representation:

- The proposed use does nothing to preserve or enhance the conservation area.
- The premises would lead to an imbalance to the residential profile.
- The noise emanating from the nursery would have an adverse impact on residents.
- The city needs accessible public spaces.

A deputation was also heard from Mrs McMinn, the applicant who included the following points in her representation:

- Care will be taken to ensure that the development is in keeping with the existing surroundings and will enhance the beauty.
- The nursery will meet the gap in provision in this ward.
- It is essential for children to develop vital skills and be successful in life.
- It will be only open during the day for a maximum of 49 children.
- Road safety is paramount. There have been no pedestrian road injuries in the vicinity.
- There is ample parking; on street and in the pay and display area.
- Guidance will be issued to parents asking them to respect the neighbours.
- The drop off and collection times are short and will have minimal impact on residents.

A deputation was also heard from Councillor Luke Stubbs objecting to the application who included the following points in his representation:

- He received approximately thirty letters from residents raising concerns about parking and disturbance.

- In Bruce Road, which is nearby an application for an HMO was refused by officers using their delegated powers to officers because of loss of open space.

Members' Questions.

Members sought clarification on parking issues, the definition of parks and open spaces, the number of letters of objection, possible alternative uses of the site, the role green areas play and the key policies.

Members' Comments.

Members expressed concern regarding the potential loss of open space but also recognised the need for nursery provision and opportunity for eight new jobs.

RESOLVED that the application be refused for the following reasons:

- Loss of open space contrary to PCS13.
- Noise and disturbance that would be generated by nursery.

80. 14/00375/FUL - Southern Pavilion and Bowling Greens Adjacent to Eastern Parade, Southsea (AI 9)

Change of use of bowling pavilion to café and external alterations to include construction of 2 single storey side extensions and replacement cladding, formation of 4 artificial grass tennis courts to southern bowling green, installation of temporary dropped kerb and access from Eastern Parade; installation of 2.75m high chain link boundary fence; regrading of northern bowling green and associated landscaping.

The City Development Manager reported in the supplementary matters list that the wording of Condition 11 has been amended to 'The café premises hereby permitted shall remain closed and vacated by members of the public from 8pm each evening until 7am of each following day'.

The City Development Manager also informed the committee that in light of the decision on the previous item, this application must be amended.

A deputation was heard from Councillor Luke Stubbs objecting to the application who included the following points in his representation:

- He would prefer that officers be granted delegated authority.
- He welcomed this application in principle which would improve a tired building and provide an exciting opportunity for people to play tennis at no cost to the taxpayer.

Members' Questions.

Members sought clarification regarding soil use and the link with the previous application.

Members' Comments.

There were no comments.

RESOLUTION:

The committee was informed that the proposal will be amended to revise the regrading proposal and make alternative provision for removal of topsoil. Subject to further notification procedures being completed, the Committee resolved to grant permission, and delegated to the City Development Manager the responsibility of considering imposition of any relevant conditions having regard to the anticipated amendments.

81. 14/00384/HOU - 22, St John's Road, Portsmouth (AI 10)

Members' Questions.

There were no questions.

Members' Comments.

There were no comments.

RESOLVED that permission be granted subject to the conditions set out in the City Development Manager's report.

The meeting concluded at 4.30pm.

.....
Signed by the Chair of the meeting
Councillor Aiden Gray

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Agenda Item 5

PLANNING COMMITTEE 6 AUGUST 2014

**2 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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33 CARDIFF ROAD PORTSMOUTH**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Colin Clark

RDD: 27th May 2014

LDD: 28th July 2014

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

The Site and its Surroundings

This application relates to a two-storey mid-terraced dwelling located to the western side of Cardiff Road, just to the north of its junction with Angerstein Road. The property is set back from the highway by a small front forecourt and comprises two reception rooms, a kitchen and a bathroom at ground floor level with three bedrooms at first floor level. A small rear garden benefits from an access onto Monmouth Road. The surrounding area is predominantly residential in character with a district centre located to the east on London Road.

The Proposal

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is as a dwellinghouse within Class C3.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document would also be material to this application.

CONSULTATIONS

None.

REPRESENTATIONS

One letter of representation has been received from the occupier of an adjoining property to the west. The objection can be summarised as follows: (a) Increased noise and disturbance; and (b) increase in litter and rubbish within the rear alleyway.

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3).

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, it has been established that one of the 82 residential properties within a 50 metre radius was in use as an HMO. As the granting of permission would increase the proportion of HMOs to less than 2.5%, it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

The representation refers to the potential increase in noise and disturbance resulting from the use of the property as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is only one other HMO within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, and given that the site is within a short walk of local transport links and local shops and services, it is considered that an objection on car parking standards could not be sustained. It is also noted that a Residents' Parking Scheme operates within this area which would limit the amount of vehicles that could be associated with this particular property.

The submitted drawings indicate the provision of cycle storage within a shed in the rear garden. This is considered to be of an appropriate scale to accommodate the number of bicycles likely to be associated with the property when in Class C4 use. The retention of these facilities can be controlled by a suitably worded planning condition. The property also benefits from a rear garden which could provide additional informal bicycle storage space if required. The storage of refuse and recyclable materials would remain unchanged.

Conclusion

It is considered that the use of this property for C3/C4 purposes would not give rise to an imbalance of uses within the local community and would not have a detrimental impact upon the living conditions of local residents and as such is capable of support subject to the recommended conditions.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Proposed Floorplans and Garden Plan received on 21.07.2014.
- 3) The bicycle storage facilities shown on approved drawing: 'Garden Plan' shall be provided prior to the first occupation of the property as a Class C4 House in Multiple Occupation, and shall thereafter be retained for the continued ancillary storage use by the occupants of the property.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

PUBLIC CONVENIENCES ADJACENT TESCOS PARADISE STREET PORTSMOUTH**CHANGE OF USE FROM PUBLIC CONVENIENCES TO CAFE/TAKEAWAY (CLASS A3/A5);
EXTERNAL ALTERATIONS TO INCLUDE INSTALLATION OF NEW DOORS AND
WINDOWS AND EXTRACT FLUE TO ROOF****Application Submitted By:**

Mr David James

On behalf of:

Mr Surab Ali

RDD: 26th March 2014**LDD:** 17th June 2014

This application has been brought to the Planning Committee at the request of Councillor Donna Jones.

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed, whether the external alterations are visually acceptable in relation to the recipient building and the wider street scene and whether the proposed use would have any significant adverse impact on the residential amenity of nearby occupiers.

The Site and Surroundings

This application relates to the former public conveniences located to the corner of Paradise Street and Buckingham Street. The site comprises a single-storey brick structure with a flat roof set behind a low parapet wall and access/egress points to the north and west facing elevations. The building backs onto a stairwell serving the adjoining multi-storey car park above the Tesco supermarket. The site is located within the 'Commercial Road shopping area' locality of the City Centre as defined by policy PCS4 of the Portsmouth Plan. The surrounding area is characterised by a range of commercial uses with service yards fronting onto Paradise Street. A large nine-storey block of flats is located immediately to the south (Chandos Rise) above a large retail unit.

The proposal

Permission is sought for the change of use from public conveniences to a cafe/takeaway (Class A3/A5) and external alterations to include the installation of new doors, windows and an extract flue to the roof.

Relevant planning history

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS17 (Transport), PCS23 (Design and Conservation). The City Centre Masterplan SPD would also be relevant to the determination of this application.

CONSULTATIONS

Highways Engineer

No comments received.

Environmental Health

Despite the proximity of residential dwellings within Chandos Rise, this is considered to be a mixed commercial area with existing kitchen extract systems operating in the locality within a similar distance, which do not appear to cause any problems.

This is not considered to be a totally inappropriate location for the proposed development provided adequate mitigation measures are employed to reduce the potential impact of odour and noise from the operation of the kitchen extract system.

It is normal practice for kitchen extracts to vent at high level in order to ensure efficient dispersion of cooking odours, however given the height of Chandos Rise this will prove impossible to achieve so it will probably be beneficial for the system to vent at low level as there is no nearby residential accommodation or outdoor amenity areas at ground floor level.

The proposed odour control system has specified carbon filtration to achieve a dwell time of 0.4 seconds, which should be appropriate for most cuisines at the anticipated capacity for an outlet of this size. As always there is no guarantee there will never be any detectable odour but provided the system is maintained and the filters changed at the recommended intervals this should represent best practicable means.

The submission does not include predicted noise levels from the operation of the system, however this can be overcome by condition should permission be considered appropriate.

It is suggested that the opening hours be restricted to 07:00- 22:00hrs in order to prevent people from loitering outside the premises or being attracted into the area late at night.

City Centre Consultation

No comments received.

REPRESENTATIONS

One letter of representation has been received objecting on the grounds that the application should be refused so that the public toilets can be re-opened. The objector considers that these were "amongst the most heavily used public toilets in the city and were a particularly valuable facility for the drivers and customers using the taxi rank next to them".

COMMENT

The determining issues in this application are:

1. Principle of the proposed development;
2. Design;
3. Impact on residential amenity;
4. Highways/Parking Implications;
5. Storage of refuse and recyclable materials.

Permission is sought for the change of use of the building from public conveniences to a cafe/takeaway (Class A3/A5). This would involve alterations both internally and externally including the installation of new windows and doors to the north and west facing elevations and extraction equipment to the roof.

Whilst the concerns raised within the representations are noted, the decision of City Council, as land owner, to close public conveniences is not material to the determination of this planning application and should be considered on its individual planning merits.

Principle of the proposed development

The site is located within the 'Commercial Road shopping area' locality of the City Centre as defined by policy PCS4 of the Portsmouth Plan. This area contains the main retail streets of Commercial Road, Arundel Street, Edinburgh Road, The Cascades Shopping Centre and Paradise Street & Buckingham Street. The policy states that: 'To ensure that the Commercial Road Shopping Area retains its principle function as a shopping destination, at least 75% of the frontage in this locality must remain in use as shops (Class A1)'.

However, notwithstanding the provisions of the policy detailed above, it is considered that by virtue of the building's current lawful use as public conveniences, the change of use to a mixed Class A3/A5 use would not reduce the amount of frontage within the 'Commercial Road Shopping Area' that is in use as shops (Class A1). Furthermore, policy PCS4 identifies the need for an additional 9,500 sq.m of food and drink (A3, A4 and A5) development in the city centre.

Therefore, given that the proposal would not reduce the quantity of Class A1 shopping offer within the 'Commercial Road Shopping Area' and would contribute towards the identified need for food and drink uses within the city centre, it is considered that the proposal would be acceptable in principle. The proposal would also bring a long term vacant building back into use.

Design

The site comprises a fairly nondescript red brick building with a flat roof set behind a low parapet wall. The building results in 100% site coverage and is set forward of the large supermarket by a footway and a tall stairwell serving the adjoining multi-storey car park. As part of the conversion works minor alterations are required to all elevations of the building with the installation of new windows and doors to serve the kitchen and cafe/takeaway seating and waiting areas. Whilst not specified within the application, the applicant has confirmed that the windows and doors would be fabricated in powder coated aluminium which is a common treatment for shopfronts within the surrounding area. Overall, it is considered that the alterations are relatively minor and would relate in an acceptable manner to the recipient building and the surrounding area.

At roof level, permission is also sought for the installation of extraction equipment to serve the new commercial kitchen. The applicant has provided amended drawings repositioning the equipment to the rear of the flat roof behind the existing parapet wall to minimise its visual impact. However, as a result of its size, which is necessary to reduce any potential impact on residential amenity (addressed below), it is accepted that part of the equipment would be partially visible from ground level on Paradise Street.

Whilst the equipment would be visible from certain locations, it is considered that it would not amount to an incongruous or overly prominent feature, and its impact on the appearance of the wider street scene would not be sufficiently harmful to sustain a reason for refusal on design grounds. The inclusion of a condition requiring the equipment to be colour treated in black would help reduce any limited visual harm.

Impact on residential amenity

Whilst located within a predominantly commercial area, a large 9-storey block of flats (Chandos Rise) is located approximately 16 metres to the south. At this proximity there is the potential for harm to the amenity of the occupiers of these properties from odours, fumes and noise emitted from cooking operations at the site.

The application has been considered by the City Councils Environmental Health Team who comment that the proposed use would not be inappropriate in this location and point to a number of existing kitchen extract systems that operate within the surrounding area (Burger King, KFC, Tesco etc.) without significant harm. It is highlighted that it is normal practice for kitchen extraction systems to vent at high level in order to ensure efficient dispersion of cooking odours. However, given the stand alone nature of the building and the height of Chandos Rise, this would be impossible to achieve. Therefore, it would be beneficial for the system to vent at low level as there is no nearby residential accommodation or outdoor amenity areas at ground floor level. With the installation of the mitigation measures proposed at roof level, it is considered that the extraction equipment would not have a significant adverse impact on the amenity of adjoining residential occupiers.

Whilst located within the city centre, the site and the surrounding area has a much quieter character into the early evening when the majority of shops and facilities close for the day. Having regard to the proximity of residential units in Chandos Rise, it is considered necessary and reasonable to impose a condition requiring that the premises remain closed and vacated by members of the public outside of the hours of 7am and 10pm daily.

Highways/Parking Implications

Having regard to the sites location within the city centre and the range of shops and services within the surrounding area, it is considered that the proposal would not place significant additional pressure on the surrounding highway network. Public parking is available within the adjoining multi-storey car park and on-street to the south on Paradise Street. Loading bays for deliveries are located immediately opposite the application site to the rear of properties fronting Commercial Road.

Storage of refuse and recyclable materials

The existing building has 100% site coverage which restricts opportunities for the storage of refuse and recyclable materials. The submitted drawings show the location of a small refuse storage area adjacent to the service entrance on the western elevation. Given the restricted nature of the site, this is considered to be an acceptable solution. It would be the responsibility of the applicant to ensure that this is emptied on a regular basis so that sufficient storage capacity is maintained.

Conclusion

The proposed A3/A5 use is considered to be appropriate within this city centre location and is unlikely to have a significant adverse impact on the amenity of the occupiers of nearby residential properties, subject to the proposed safeguarding conditions to minimise any nuisance from cooking fumes/odours and noise/general disturbance. The proposal is therefore in accordance with policies PCS4, PCS17 and PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Revised Proposed Elevations (received 16.06.2014), Revised Proposed Ground Floor Plan (received 13.06.2014), Revised Proposed Roof Plan (received 16.06.2014) and Revised Proposed Section (received 16.06.2014).

- 3) The café/takeaway (Class A3/A5) use hereby permitted shall not commence until equipment to suppress and disperse odour and fumes emitted from cooking operations has been installed in full working order in accordance with the approved details (Technical details/quotation included within email of 13.02.2014 from Dean Blamire reference number Q46075; Technical Details - HEPA Type FBEC10 & Technical Details - Cater Carb Odour Control Unit HEPA FBEC10). The equipment shall then be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.
- 4) The noise rating level (LAeq(T)) 1 metre from the facade of the nearest residential dwelling due to the operation of the extraction equipment hereby permitted shall be no greater than the background noise level (LA90) as defined in British Standard BS 4142.
- 5) The extract flue and associated external equipment hereby permitted shall be finished in matt black (or such alternative colour finish or treatment that may be agreed in writing with the Local Planning Authority) and thereafter retained in such condition.
- 6) The windows and doors hereby permitted shall be fabricated in powder-coated aluminium to be colour-finished in dark blue or such other colour treatment as may otherwise be agreed in writing by the Local Planning Authority.
- 7) The premises shall remain closed and vacated by members of the public from 10.00 p.m. each evening until 7.00 a.m. of each following day.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To protect the residential amenities of the occupiers of nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the residential amenities of the occupiers of nearby residential properties in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure a satisfactory appearance in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To ensure a satisfactory appearance in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To protect the residential amenities of the occupiers of nearby residential properties from noise and general disturbance into late night/early morning hours, in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

21 ALLENS ROAD SOUTHSEA**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)****Application Submitted By:**

Mr Danny Moore

RDD: 27th May 2014

LDD: 8th August 2014

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

The site and its surroundings

This application relates to a two-storey mid-terraced dwelling located on the northern side of Allens Road, between its junctions with Waverley and Welch Roads. The property is set back from the highway by a small forecourt and comprises two reception rooms, a bedroom, kitchen, and toilet to the ground floor level, with three bedrooms, bathroom, toilet and shower room at first floor level with a further bedroom located within the roofspace.

The proposal

This application seeks planning permission for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is as a dwellinghouse within Class C3.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies the National Planning Policy Framework and the Houses in Multiple Occupation (HMOs) Supplementary Planning Document (adopted in October 2012) are also material to the consideration of this application.

CONSULTATIONS

None.

REPRESENTATIONS

Objections have been received from 8 neighbouring properties and from Ward Councillors Hall, Stubbs and Winnington on the following grounds: proposal would exceed threshold for HMOs in road; exacerbation of parking problems; unknown nature of future occupiers; impact on community; area suffers anti-social behaviour; need for more family homes; loft conversion illegal; and no site notice displayed. The representations also includes the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD.

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the existing community and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and the storage of refuse and recyclable materials.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3).

Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, it has been established through investigations that four of the 71 residential properties within a 50 metre radius were in use as HMOs. The granting of permission would increase the proportion of HMOs to 7% of the residential properties in the area around the site. The proportion of uses would fall below the 10% threshold set out in the SPD and as such it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses.

Representations have referred to the level of HMO's in surrounding streets and have identified other alleged HMOs. Of the HMOs referred to by objectors, many fall outside of the 50 metres radius and as such their existence should not be given significant weight in the determination of this application. Of the five properties identified which are located within the 50 metre radius, four (1, 9, 11 and 16 Allens Road) are known or suspected to be HMOs and are those referred to in the preceding paragraph. This leaves one property (8 Gains Road) which has been occupied as separate flats for over 20 years and therefore is in planning terms not a HMO.

Impact on Amenity

A number of the representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the property as a HMO. It is however, generally

considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. Having regard to the low number of HMOs in the area, it is considered that the impact of one additional HMO would not give rise to significant harm to amenity.

Car Parking

There is no off street parking provision at this property and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse and that the property is located within a short walk of local transport links, shops and services, it is considered that the proposal would not result in any significant additional demand for parking or affect highway safety.

Other Matters

No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property.

The storage for refuse and recyclable materials would remain unchanged. Given that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that the proposal would not result in significant waste management issues.

The consultation and advertising of this application was carried out in accordance with the requirements of the relevant legislation and the Council's normal practice. Issues associated with whether the loft conversion benefits from an approval under the Building Regulations would not be material to the determination of this application. The representations also include the suggestion that the determination of the application should be deferred pending a review of the methodology in the HMO SPD. Such a deferral would be inappropriate as the failure to determine this application in a prompt manner would give rise to a right of appeal that if exercised would result in the application being determined by the Planning Inspectorate rather than by the Council.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location and Floor Plans.

3) Prior to the first occupation of the property as a Class C4 House in Multiple Occupation (or such other alternative timescale as may be agreed in writing with the Local Planning Authority), secure and weatherproof cycle storage facilities shall be provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained for use by the occupants of the property.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that provision is made for cyclists to promote the use of sustainable modes of transport in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

04 14/00725/FUL

WARD:NELSON

88 GRUNEISEN ROAD PORTSMOUTH

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)

Application Submitted By:
Town Planning Expert

On behalf of:
Mrs J Mills

RDD: 18th June 2014
LDD: 26th August 2014

SUMMARY OF MAIN ISSUES

The determining issues for this application relate to the suitability of the proposed C3/C4 use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements relating to car and cycle parking.

The site and its surroundings

The application site comprises a mid-terraced property fronting directly on to the pavement on the northern side of Gruneisen Road. The property has no off-street parking. The property currently comprises a lounge, kitchen/diner and a conservatory at ground floor level and a bathroom and two bedrooms on the first floor.

The proposal

The lawful use of the property falls within Class C3 (dwellinghouse) of the Use Classes Order. This application seeks to change the use of this property from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). Normally, a change of use between Class C3 and Class C4 would be classed as permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On the 1st November 2011 however, Portsmouth City Council implemented an Article 4 Direction relating to HMOs. As a result, planning permission is now required for a change of use between Class C3 (dwellinghouse) and Class C4 (House in Multiple Occupation) where between three and six unrelated people share at least a kitchen and/or bathroom.

The proposed layout would see the conversion of the conservatory to an additional bedroom and one of the first floor bathroom reduced in size to facilitate the provision of an additional bedroom upstairs. This would create a 4 bedroom property. All internal works would not require planning permission.

There is no relevant planning history.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

In addition to the above policies, the Houses in Multiple Occupation Supplementary Planning Document (which was formally adopted on the 16th October 2012) and the aims and objectives of the National Planning Policy Framework are also material to this application.

CONSULTATIONS

None.

REPRESENTATIONS

A petition of 37 signatures has been received objecting to the application on the grounds that: (a) it is considered the property is unsuitable for this purpose, (b) more noise, disturbance and distraction from 'comings and goings', (c) more rubbish, (d) increase the demand for parking, (e) property values could be affected/non-HMO properties could be difficult to sell.

COMMENT

The determining issues for this application relate to the suitability of the proposed C3/C4 use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements relating to car and cycle parking.

This application seeks permission to change the use of this property from purposes falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This would give the applicant greater flexibility to change between these two use classes.

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use.

Of the 92 properties located within a 50m radius of this property, none are currently known to be in Class C4 HMO use. The use of this property for purposes falling within Class C3 or Class C4 would increase this to 1 out of 92 or 1.08%. The Houses in Multiple Occupation SPD states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. Therefore, given that this threshold would not be exceeded by granting permission for a change of use of 88 Gruneisen Road to Class C4, the use of this property for C3/C4 purposes does not give rise to an imbalance of such uses.

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses. Having regard to the lack of any similar HMO uses in the locality, the impact of one HMO would not give rise to any adverse impacts at this point in time. It is therefore considered that the use of this property for C3/C4 purposes does not have a detrimental impact upon the living conditions of local residents.

There is no off street parking provision at this property and none is proposed as part of this application however, this property is located within a short walk of local transport links, shops and services. No cycle provision is demonstrated on the submitted plans and consequently, a condition would be required to ensure that cycle storage is provided and retained at this property. Storage for refuse and recyclable materials would remain unchanged.

Conclusion

It is considered that the use of this property for C3/C4 purposes would not give rise to an imbalance of uses within the local community and would not have a detrimental impact upon the living conditions of local residents and as such is capable of support subject to the recommended conditions.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Floor Plans.

3) Prior to the first occupation of the property as a Class C4 HMO, or such other period as may be agreed in writing by the Local Planning Authority, cycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for the use of occupiers of the property for that purpose.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that adequate cycle storage is provided for occupiers of this property in order to encourage an alternative use to the private car in accordance with policies PCS23 of The Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

05 14/00442/FUL

WARD:MILTON

OLD CANAL INN 2 SHIRLEY AVENUE SOUTHSEA

CHANGE OF USE OF FIRST FLOOR AND PART GROUND FLOOR TO FORM TWO SELF-CONTAINED FLATS; EXTERNAL ALTERATIONS TO INCLUDE BLOCKING-UP OF GROUND FLOOR WINDOWS AND INSTALLATION OF BIN STORES, BICYCLE STORES AND CONDENSER UNITS

Application Submitted By:
Axis Architecture

On behalf of:
Danny Mart

RDD: 17th April 2014
LDD: 16th July 2014

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed; whether the external alterations are visually acceptable in relation to the recipient building which is entered on the City Council's Local List of Buildings of Architectural or Historic Interest due to the positive contribution it makes to the character and distinctiveness of the local historic environment; whether the proposal would have any significant adverse impact

on the residential amenities of the occupiers of the existing and proposed dwellings; and whether the proposal would provide an appropriate standard of living accommodation for future occupants. Other issues to consider are whether the proposal complies with policy requirements in respect of housing size, car parking and the storage of refuse, recyclable materials and bicycles.

The Site and surroundings

This application relates to a former public house known as the Old Canal, located to the corner of Shirley Avenue and Maurice Road. The original two-storey building is set back from the Maurice Road frontage by an open forecourt and has been extended to the side with the addition of a single-storey flat roof extension. A small rear yard is accessed from Shirley Avenue. Internally the building comprised a bar and associated facilities at ground floor level with ancillary accommodation at first floor level. Whilst currently vacant and having had much of its interior removed at ground floor level, the lawful use of the site remains as a public house (Class A4).

The building is entered on the City Council's Local List of Buildings of Architectural or Historic Interest which includes the brief description of: 'Public House with 'United' green glazed brick and tiled ground floor, red brick first floor, red tiled roof, 1931'. Whilst not statutory listed the building has significant local historic, architectural and cultural interest and exhibits all of the classic hallmarks of the traditional Portsmouth public house. With the exception of two small additions to the rear, the building remains remarkably intact which, in combination with its relative scale, contributes to its local distinctiveness and presence within the street scene.

The surrounding area is predominantly residential in character with a mix of densely populated terraces and semi-detached dwellings. A small local centre is located to the east on Eastney Road and large areas of open space and recreation facilities are available to the south within Bransbury Park.

The proposal

Permission is sought for the change of use of first floor and part ground floor to form two self-contained flats, and external alterations to include blocking-up of ground floor windows and installation of bin stores, bicycle stores and condenser units. It was noted at the time of the site visit that the original timber windows frames and etched glass had been removed and their openings blocked up and rendered.

The applicant also proposes the conversion of the remaining part of the ground floor to form a convenience store. However, the change of use of part of the building from a Public House (Class A4) to a retail unit (Class A1) would benefit from the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and does not require the express permission of the Local Planning Authority. The use of part of the ground floor as a shop does not therefore, form part of this planning application.

Relevant planning history

Conditional permission was granted in 1993 (ref.A*18561/AA) for the construction of a single-storey side extension to form a family room.

Permission was granted in (A*18561/A) 1974 for alterations and extension to the premises.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23

(Design and Conservation). The Residential Car Parking Standards SPD, the Draft Parking Standards SPD and the Housing standards SPD are also relevant to the proposed development.

CONSULTATIONS

Environmental Health

Information has been provided for the Mitsubishi (FDC335KXE6) mini - outdoor condensers to be installed in the external retail storage area; the technical specification submitted for these condensers state the sound pressure level is 61dB(A), an assessment for worst case scenario has been carried out for all 3 condensers running at the same time. The proposed new boundary wall for flat 1 will offer some protection for the amenity of the garden during the day time. However, it is likely that the noise from the condensers will cause a loss of amenity for bedroom 2 of flat 1 if the condensers were operational through the night. The applicant may therefore wish to reconsider the type of condensers that are being installed by replacing them with a type that has lower noise levels or by constructing an acoustic enclosure for the proposed condensers.

When considering World Health Organisation - Community noise levels for sleep disturbance; it is likely that the condensers could cause a loss of amenity to 2 Maurice Road, 121 and 123 Kingsley Road should they wish to sleep with their windows open. This is given that the condensers are operating for 100% of the time. The boundary walls will also act as a sound barrier if the condensers are placed on the ground but due to the restricted location, the noise from the condensers may also reflect off the facades of any nearby walls causing an increase in the noise levels.

Therefore, should the proposed condensers be installed at this location, they would require acoustic attenuation to prevent a loss of amenity from being caused. It is recommended that details of any acoustic enclosures are submitted prior to construction and the installation of any condensers.

The permitted development A1 use would normally involve the installation of chillers (hence the application to install condensers) and although the first floor was previously used for residential occupation concerns are raised in respect of new equipment being introduced on the ground floor. The reason being is that it is known that noise from refrigeration equipment particularly at 100Hz can flank up walls and floors. It is therefore likely that this would have an impact upon the residential accommodation on the first floor and cause a loss of amenity.

Conditions are suggested to address these concerns.

REPRESENTATIONS

At the time of writing, seven letters of representation have been received from local residents. In addition, two petitions containing the signatures of 62 named individuals (some of which had also submitted individual letters of representation) from 44 properties in Maurice Road, Shirley Avenue and Kingsley Road had also been received in objection to the proposal. The objections can be summarised as follows: (a) Noise and disturbance associated with the use of the proposed condenser units and refuse stores; and (b) Harm to the visual character of the building from the blocking up of the windows, which has already been carried out without the benefit of planning permission, and from the installation of the condenser units.

Whilst not forming part of this planning application, objections were also raised in respect of the conversion of part of the ground floor to form a convenience store. These concerns related to (a) noise and disturbance from the use of the building as a shop; (b) Impact on the surrounding highway network and associated safety concerns; (c) the need for the shop given facilities on Eastney Road; and (d) Sale of alcohol and potential for antisocial behaviour.

COMMENT

The determining issues in this application are:

1. Principle of the proposed development;
2. Future living conditions
3. External alterations, including impact on the recipient building which is included on the City Council's Local List of Buildings of Architectural or Historic Interest;
4. Impact on residential amenity;
5. Highways/Parking implications;
6. Storage of refuse, recyclable materials and bicycles;
7. Solent Special Protection Areas mitigation

Permission is sought for the conversion of the former public house to form two self-contained flats with associated refuse and bicycle storage facilities. External alterations to include the removal of the window frames/glazing and the blocking up of their former openings, and the installation of three condenser units within the rear yard are also proposed. The external alterations relate primarily to the use of the retained section of the ground floor as a convenience store (Class A1). This use does not however, require the express permission of the Local Planning Authority in its own right, and does not form part of this planning application.

The existing building currently comprises a public house with ancillary living accommodation at first floor level which is accessed directly through the public house. Whilst the applicant has applied for the creation of two self-contained units of living accommodation, it has been suggested, by the applicant's current agent, that the use of the upper floor flat would remain ancillary to the use of the ground floor shop in a similar arrangement that existed with public house. It is suggested that the flat could be occupied by the owner/members of staff, and the proposed layout with a separate entrance at ground floor level would be more convenient to allow independent access to the flat when the alarm is set, and to avoid the need for staff living above to pass through the shop when they are not working.

Irrespective of how the first floor flat could be occupied, regard must be given to the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which would allow the change of use of the building (or part of) to a shop and then to a mixed use of shop with a flat/s above without the express permission of the Local Planning Authority (Part 3 Class F). The 'fall back' position (development that could be carried out without the need for planning permission) must therefore, be considered when addressing each of the issues identified below.

The submitted drawings do not include a proposed first floor plan, and despite requests to both agents and the applicant, additional drawings have not been forthcoming. The applicant has however, indicated that the first floor would remain unchanged from the existing layout shown on drawing 14-017-SR102.

Principle of the proposed development

The application site is located within a residential neighbourhood characterised predominantly by densely populated terraces and semi-detached dwellings. The lawful use of the premises is currently as a Public House (Class A4) with ancillary living accommodation at first floor level. By its very nature the use of the site would have resulted in a degree of activity with associated levels of noise and disturbance, deliveries and demand for parking.

This planning application seeks permission for a significantly less intensive use with the submitted drawings indicating part of the building being laid out as one two-bedroom flat (part ground floor) and one three-bedroom flat (entire first floor). Having regard to the prevailing

character of the surrounding area and the absence of any site specific policy restrictions, it is considered that the proposal would be acceptable in principle.

Future Living Conditions

Both of the proposed flats would exceed the minimum space standards set out within policy PCS19 of the Portsmouth Plan and the supporting Housing Standards SPD, and are laid out in a manner that would provide an appropriate standard of living accommodation for future occupiers. The site is also located within a short walk of shops, services and large areas of recreational space at Bransbury Park and the seafront.

Whilst the LPA would have no control over the hours of operation of the proposed shop and the timings of any deliveries, it can consider the potential impact of the existing lawful use or the proposed Class A1 use on the occupiers of the proposed residential units from general operational activities. In respect of the ground floor flat, having regard to the proposed entrance of the shop and its store on the Shirley Avenue frontage and the degree of separation provided by the common entrance corridor, it is considered that the use of part of the building as a shop would not have a significant adverse impact on the amenity of future occupiers in terms of noise and disturbance.

In respect of the upper flat, Building Regulations would require the installation of adequate acoustic attenuation should it be used as a self-contained unit of living accommodation. This would provide future occupiers with adequate protection from noise and disturbance associated with the operation of the shop below. Regard is also given to the existing lawful use of the site as a public house and its potential for associated operation disturbance.

External alterations, including impact on the recipient building which is included on the City Council's Local List of Buildings of Architectural or Historic Interest

To facilitate the conversion of part of the ground floor to form a shop, permission is sought for the removal of the window frames/original glazing and the blocking up of their former openings with rendered panels which would be painted green or used to display advertisements. The applicant suggests that the blocking up of the windows is necessary to improve security at the premises. Whilst not fully complete, it is noted that this element of the proposal has already been carried out.

Many of the older buildings in Portsmouth are protected by inclusion in the Statutory List of Buildings of Architectural or Historic Interest or are located within conservation areas which cover areas of particular character or historic interest. However, there are many buildings and structures of visual interest in the city which are not protected because they do not meet national criteria, but which add interest to the character and variety of the city. Schools, churches and public houses all contribute interest and variety to the streetscape and are often landmarks in areas of terraced housing. These buildings are often located in parts of the city such as North End, Fratton or Milton which have very few protected buildings. The City Council's Local List of Buildings of Architectural or Historic Interest (Local List) was created to help draw attention to a selection of these buildings to highlight the role they play in creating local distinctiveness and to encourage their retention. The Old Canal is one such building included on the Local List.

The Local List identifies public houses as playing a key part in the city's architectural and cultural heritage. It states: 'Public Houses have also played an important role in the visual character of the city with varied features and details such as turrets, mosaic fascias, stained glass, ceramic tiles, glazed bricks, half timbering and ceramic murals. Features such as green tiled 'United' pub fronts or the mosaic fascias of the competing Brickwoods were once common throughout the city but now only a handful of examples of each remain'.

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Paragraph 131 of the National Planning Policy Framework (NPPF) states that: 'In determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

In addition policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The Old Canal is a bespoke 1930s Queen Anne influenced public house that includes all of the classic hallmarks of a traditional Portsmouth pub. This includes the extensive use of green glazed bricks and tiles at ground floor and the name of the former brewery which in this instance was 'United', formerly the second largest brewery in the city after Brickwoods. As highlighted above, such buildings were once common throughout the city but only a handful survive. Whilst not Statutory Listed, the significance of this particular building is derived from its completeness and absence of any alterations to its original features. Indeed prior to the unauthorised blocking up of the window openings, which would materially change the external appearance of the building, fine examples of etched glass incorporating the name of the brewery was present in all but one small upper section of the ground floor windows. The building is also of a significant scale in comparison to the terraced houses that make the prevailing character of the surrounding area acting as a distinctive and prominent local landmark, and contributing to the architectural and cultural heritage of the area in part of the city that has few protected buildings.

The external alterations proposed by this application, and partially completed, are considered to be significantly harmful to the character and appearance of the building, eroding its unaltered completeness, disrupting the degree of symmetry and resulting in the loss of original features (ornate etched glass and window frames) that would be almost impossible to replicate. Whether finished in green paint or with advertisements, the proposal would create an overly fortified, unsympathetic and visually discordant appearance that would result in significant harm to the heritage asset. In the absence of any supporting evidence to the contrary, it is considered that the proposal has no public benefit to outweigh its harm. The proposal therefore fails to preserve or enhance the significance of the heritage asset as set out within the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.

Representations have also raised concerns in relation to the potential visual impact of the condenser units on the character of the main building. The condensers would be located at ground floor level within a small yard to the rear of the premises and adjacent to a non-original flat roof extension. On that basis and given that they would be obscured from public view, it is considered that the visual impact of the condensers would not be sufficiently harmful to warrant a further reason for refusal.

It is considered that the boundary walls and railings to the Maurice Road frontage would benefit from the provisions of Town and Country Planning (General Permitted Development) Order 1995 (as amended) by virtue of their height not exceeding 1 metre. However, the applicant is advised to enquire as to whether a 'stopping-up order' would be required for the enclosure of the front forecourt.

Impact on residential amenity

Having regard to the lawful use of the site as a public house with ancillary living accommodation above, it is considered that the conversion of the first floor and part ground floor is unlikely to have a significant adverse impact on the amenities of the occupiers of adjoining properties.

However, in relation to the use of part of the ground floor as a retail unit, the applicant proposes the installation of three condenser units. These would be positioned within a rear yard against a new 2 metre high brick wall marking the garden of the ground floor flat. The condenser units would be located approximately 4 metres from a bedroom window of the proposed ground floor flat and 11 metres from bedroom windows located to the rear of properties fronting Kingsley Road and Maurice Road. Whilst technical details have been submitted in respect of the proposed condenser units, no information has been provided in respect of acoustic screening to minimise their impact on adjoining occupiers.

The proposal has been considered by the City Council's Environmental Health Team who has assessed the worst case scenario of all 3 condensers running at the same time. They consider that whilst the new boundary wall would offer some protection to occupiers of the ground floor flat during the day, noise from the condensers is likely to cause an loss of amenity to bedroom 2 if they were operational throughout the night. In addition, it is also highlighted that the condensers could cause a loss of amenity to the occupiers of Nos. 2 Maurice Road and 121 & 123 Kingsley Road should they wish to sleep with their windows open. As a result of their restricted location within the rear yard, noise from the condensers may also reflect off the facades of any nearby walls causing an increase in the noise levels. The Environmental Health Team have therefore, advised that the applicant may wish to consider replacing the type of condenser proposed to a type that has lower noise output or construct an acoustic enclosure.

Notwithstanding these concerns, on the basis that there would be a technical solution to protect the amenity of the adjoining occupiers from noise, in the form of acoustic screening or housing, it is considered such measures could be required through a suitably worded planning condition. In reaching this conclusion regard is also given to the existing lawful use of the site as a public house which would have generated its own level of operational noise and disturbance.

Whilst not forming part of the application, the Environmental Health Team also highlight the potential impact of any refrigeration equipment installed internally within the retail unit. It is known that noise from such equipment can resonate through walls and ceilings which is likely to have a significant impact on the amenity of future occupiers of the first floor flat. Therefore, given that the use of the upper floor forms part of the application, it is considered that a suitably worded planning condition could be imposed requiring the installation of improved acoustic attenuation measures prior to first occupation of the flat.

Highways/Parking Implications

Both the current Residential Parking Standards SPD and the Draft Parking Standards SPD set the level of parking provision required for all new residential developments. These would seek the provision of between three and four spaces to serve the two flats. The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, regard must be given to the current lawful use of the site as a public house with ancillary living accommodation above comprising at least three bedrooms.

Whilst it is unlikely that customers of the public house would have arrived by private vehicle and parked within the surrounding roads, it is not unreasonable to assume that the former/lawful use of the site would have generated its own demand for on-road parking. This would have come from the use of the accommodation above, staff and deliveries. Therefore, whilst the absence of any off-road parking facilities is unfortunate, having regard to the site constraints and the previous demand for parking associated with the lawful use of the site, it is considered that the

proposal would not place significant additional pressure on the surrounding highway network or the demand for on-road parking spaces.

Representations have raised safety concerns in respect of increased traffic and larger delivery vehicles associated with the use of part of the building as a shop, highlighting the residential character of the area where children play outside of dwellings on the pavement. Whilst these concerns are acknowledged, it should be noted that the change of use of part of the ground floor to a shop does not require the express permission of the Local Planning Authority. Therefore, any increase in traffic associated with the use of the site as a shop could not form the basis of a further reason for refusal.

Storage of refuse, recyclable materials and bicycles

The submitted drawings show two bin stores positioned within a newly created forecourt on the Maurice Road frontage. Whilst these would be of a sufficient scale to serve the two residential units of living accommodation, such facilities would not be encouraged within a front forecourt where they would be clearly visible from the public realm. Having regard to the character and setting of the recipient building as highlighted above, it is considered that the introduction of these facilities would introduce visual clutter that would detract from the architectural and historic significance of the former public house.

These concerns have been raised with the applicant, who has indicated that these facilities could be repositioned to the rear of the building. Having regard to the scale of the proposed rear garden serving the ground floor flat, and the 'fall-back' position in respect of the upper floor flat, it is considered that alternative facilities for the storage of refuse and recyclable materials in a less obtrusive location could be sought through a suitably worded planning condition.

All new residential units are required to provide secure and watertight bicycle storage facilities to encourage more sustainable modes of transport. This is particularly important in developments where provision cannot be made for off-road parking. To address this, the submitted drawings indicate the provision of bicycle storage facilities within the rear garden and a shared rear yard.

In respect of the ground floor flat, future occupiers would need to navigate at least four doors, narrow corridors and a kitchen before reaching the rear garden where bicycle storage facilities would be positioned. Whilst this is not considered to be an ideal solution, given that the ground floor unit is acceptable in all other respects, it is considered that the inadequacies of the bicycle storage facilities would not be sufficiently harmful to sustain a further reason for refusal. The finer details of the storage facilities could be required through a suitably worded planning condition.

In respect of the upper floor flat, regard must again be given to the 'fall-back' position and the previous demand for bicycle storage at the site. On that basis, it is considered that facilities located within a shared rear yard would be acceptable in this instance.

The proposed short stay bicycle facilities (Sheffield hoops) located to the Maurice Road frontage associated with the use of the shop are considered to be appropriate. Their limited scale would not detract from the significance of the heritage asset.

Solent Special Protection Areas mitigation

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (SPAs). The Solent Special Protection Areas Supplementary Planning Document (SPD) sets out how the significant effect which the scheme would otherwise cause, could be overcome. Based on the methodology within the SPD, an appropriate scale of mitigation could be calculated as $(1 \times £172) = £172$. Whilst the applicant has indicated that they would be willing to provide SPA mitigation, no agreement or contribution has been received. Therefore, the proposal would be

likely to lead to a significant effect on the SPAs and does not meet the provisions of the Habitats Regulations.

Conclusion

It is considered that the conversion of part of the former public house to provide two self-contained flats would be acceptable in principle, and would provide an appropriate standard of living accommodation for future occupiers. In addition, the potential impact of the proposed external condenser units, and possible refrigeration equipment installed internally within the shop, could be mitigated through suitably worded planning conditions. However, the proposed external alterations to the building, principally the removal and blocking up of the windows is considered to be significantly harmful to the character and appearance of the Locally Listed Building and the contribution it makes to the visual and cultural heritage of the area. For the reasons set out above, the proposal is contrary to the aims and objectives of the NPPF and policies PCS13 and PCS23 of the Portsmouth Plan.

RECOMMENDATION Refuse

The reasons for the recommendation are:-

- 1) The removal of the ground floor window frames, etched glass and the blocking up of their former openings would amount to an unsympathetic and discordant form of development that would be significantly harmful to the character and appearance of the Locally Listed Building whose significance is derived from its architectural detailing, local distinctiveness and the extent to which the original building remains intact. The proposal is therefore contrary to the principles of good design and fails to preserve or enhance the significance of the heritage asset as set out within the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan.
- 2) In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, and that having been unsuccessful through negotiation to secure such amendments as to render the proposal acceptable, the application has been refused for the reasons outlined above

06 14/00128/FUL

WARD:MILTON

LAND ADJACENT FRATTON PARK FRATTON WAY SOUTHSEA

CONSTRUCTION OF A RETAIL STORE (USE CLASS A1) OF UP TO 10,475SQM GEA, PETROL FILLING STATION (SUI GENERIS) WITH AN ASSOCIATED KIOSK UP TO 86SQM GEA, CANOPY AND JET WASH, NEW ACCESS/EGRESS ARRANGEMENTS, CAR PARKING INCLUDING REPLACEMENT STADIUM CAR PARKING, SERVICE YARD, HIGHWAY AND FOOTPATH WORKS, LANDSCAPING, AND OTHER ASSOCIATED WORKS (AFTER DEMOLITION OF EXISTING STRUCTURES)

Application Submitted By:
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On behalf of:
Point Estates LLP

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LDD: 15th May 2014

This proposal is considered as a departure application and additional publicity undertaken in recognition of a strand of policy PCS7 of the Portsmouth Plan that it is not in accordance with. Furthermore, the Town and Country Planning (Consultation) (England) Direction 2009, provides guidance on which applications local authorities must notify the Secretary of State before approving certain types of very significant development. The 2009 Direction includes referral of "development outside town centres" for out-of-town retail over 5,000sqm and not in accordance with one or more provisions of the development plan. Prior referral to the Secretary of State would be necessary.

SUMMARY OF MAIN ISSUES

The principal issue is whether this proposal contributes to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (having regard to land allocated for a new or improved football stadium with enhanced facilities), the impact on existing retail provision within the area, transport and highways implications, design and townscape, sustainable design and construction, impact on residential amenity, ecology/landscape, employment opportunities and other matters raised in representations.

The site and surroundings

The application site has an irregular shape covering 4.37ha and comprises derelict and previously developed land beyond the north and west sides of Fratton Park Football Stadium (the 'Stadium'). It spans land between Fratton Way to the west and Specks Lane to the east (excluding an existing transformer compound at the corner of Specks Lane/Milton Lane and the Stadium). To the south is 'Safestore' self-storage premises. Beyond the northern site boundary is 'Sunnyside' medical centre, the former 'Pompey Superstore' off Rodney Road and 'Beneficial Foundation' and other nearby buildings accessed from Anson Road.

The western section of the site is used as a car park associated with the Stadium and for match day parking, which is accessed from Anson Road. An adopted public footpath, Milton Lane, dissects the western part of the site and continues to the eastern site boundary along the northern side of the Stadium.

The surrounding area is a mix of commercial/industrial/storage and retail uses as well as nearby residential properties fronting Frogmore Road, Carisbrooke Road and Alverstone Road. Immediately to the north of the site are office, industrial and storage units fronting Anson Road and Rodney Road. Fratton Way, to the west, provides access to mainly retail and commercial uses known as 'The Pompey Centre' that includes a large 'B&Q' DIY store, a medical centre and restaurants with customer drive-through facilities (permitted March 2001, ref A*37086/AA).

Proposal

This detailed application seeks full planning permission to erect a new retail store with an overall floorspace of 10,475sqm (gross external measurement). The net sales floorspace of the store would be 5,009sqm comprising of 3037sqm (around 60%) for the sale of convenience goods and 1972sqm (around 40%) for comparison goods. To put the net sales area of this proposal in context to other large foodstores in Portsmouth, the 'ASDA' store nearest to the site and located

in Fratton District Centre is the largest in the city at 5,294sqm and 'Tesco' Northharbour the next largest at 5,059sqm (both similarly expressed as net sales floorspace).

The proposal includes an eight pump Petrol Filling Station (PFS) with associated canopy and sales kiosk of 86sqm (gross external) floorspace. The PFS also includes a jet wash facility.

The stopping up and re-alignment of the public footpath and cycle route of Milton Lane, which runs through the site, would be necessary before construction of the store. The revised route would be a minimum of 4m in width, with streetlighting, positioned along the northern site boundary and around the PFS.

The store is proposed to be accommodated on the western section of the site located above much of the ground level car parking. A total of 579 car parking spaces would serve the store. This parking provision includes 27 widened disabled person bays and 24 parent/child spaces. Customer access to the store would be from a new 33m diameter three-arm roundabout onto Fratton Way approximately 160m north of an existing four-arm roundabout that provides access to the 'B&Q' store; the fourth arm of the existing roundabout would be remodelled to improve cycle and pedestrian links between the development and an existing Toucan crossing facility on Fratton Way. A separate access for service vehicles and 'home delivery' vans would be via Anson Road to a service yard, positioned over ground level parking and accessed by a ramp to the rear of the store at first floor level.

On the northern section of the site the application also proposes a Stadium car park, adjacent to the North Stand, which would be accessed from Anson Road. It would provide space for around 130 standard car parking bays, coach parking and disabled person spaces. Although there is an indicative layout, this has been designed to be flexible so it can be adapted for use on a match day to provide 201 spaces; these would comprise 50 disabled person spaces, coach and parking for VIPs/players and visiting clubs (37 cars and 2 coaches), 114 other spaces and a hard standing for media use (as necessary) or approximately another 35 cars, to be managed by PFC and match day officials.

The applicant describes the phasing of the proposed development in the following sequence:

- o Site clearance, demolition and enabling works.
- o Construction of PFC car park to ensure continuity of car parking provision and early delivery of this key benefit.
- o Commencement and completion of the Milton Lane footpath realignment. The existing Milton Lane footpath will be maintained in its current position and kept open until the realignment is complete and opened. The PFC car park works will need to be undertaken in such a way as to respect this arrangement.
- o The other Stadium Improvements within the planning application would be completed following completion of the car park.
- o Construction of the Retail Store, PFS and the immediate highway works would commence once the PFC car park and realigned Milton Lane footpath have been provided.

The applicant suggests the phasing sequence would be finalised once a contractor had been appointed and would be willing to accept an appropriately worded pre-commencement condition which requires the submission and approval of a phasing plan.

As an urban development project with a site area that exceeds 0.5ha the proposal comprises a 'Schedule 2' development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations (2011). The proposed development is not considered likely to have a significant effect on the environment and consequently the view has been taken that the proposal is not an EIA development, and no environmental impact assessment is required.

The application is supported by various documents including: Design & Access Statement, Planning Statement, Retail Assessment, Transport Assessment, Travel Plan, Match Day Pedestrian and Car Park Management Plan, BREEAM Pre-assessment, Flood Risk Assessment

& Surface Water Management Plan, Ecological Assessment, Environmental Noise Assessment, Air Quality Assessment, Preliminary Geo-Environmental and Geotechnical Assessment, Utilities Services Report, Lighting Assessment, Site Waste Management Plan and Statement of Community Involvement.

Relevant planning history to the site and surrounding area

The site was historically used in association with Fratton Railway Goods Yard. Whilst there is an extensive planning history to the site and its immediate surroundings only the following are considered of relevance.

In March 2001, planning permission was granted for "Redevelopment for 35,000 all seater football stadium with supporting facilities; non-food retail; office / industry / warehousing (B1/B2/B8) uses; restaurants with drive-through facilities (A3); associated vehicle parking and associated new access roads (as amended)" (ref A*37086/AA). The 2001 permission was part implemented and now forms The Pompey Centre, including the construction of the current road layout and Fratton Way. The replacement Stadium did not proceed.

In November 2004, planning permission was granted for "Construction of extensions to west stand (including a new upper tier); new north and east stands plus corner quadrants to south stand to provide a 35,000 all seater stadium, with ancillary club, hospitality, conference and catering facilities plus two bars (948sqm) and two restaurants (1146sqm) plus two office suites (1019sqm) plus outdoor dining terrace area with canopy accessed by new bridge link. construction of 536 residential units in 8 blocks situated above a raised amenity deck varying in height between 18,10,9,8,7 and 6 storeys plus plant rooms, a doctors surgery (864sqm); pharmacy (101sqm); offices (318sqm), residents sports centre (596sqm) and convenience food store (655sqm), plus a four storey multi-storey car park comprising 372 spaces and associated roads, parking and pedestrian areas" (ref A*38665/AA). The 2004 permission was not implemented and has since expired.

Planning permission was granted in December 2010 for the nearby 'B&Q' store for the "Sub-division of building to form an additional non-food bulky goods retail unit" (ref 10/01013/FUL). Key conditions imposed restrictions on the sub-divided unit to, firstly, only be used for the sale of non-food bulky retail items within a limited range of goods (DIY and/or garden goods; furniture; furnishings and textiles; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; electrical goods including computers; and pet supplies) [condition 3], and, secondly, not be sub-divided to form smaller units [condition 4]. This 2010 permission expired without being implemented, on 31st December 2013.

Also in relation to the nearby 'B&Q' store, in May 2012, a Certificate of Lawfulness of the proposed use of the site for purposes falling within Class A1 of the Schedule to the T&CP (Use Classes) Order 1987 (ref 12/00352/CPL) was issued, relating to the implementation of the 2010 permission, and giving effect to the following: (1) the operation of constructing a dividing wall so as to subdivide into two units would be lawful and (2) the use of the smaller unit so created of about 5,135sqm gross floorspace for the retail sale of goods subject to the conditions in the 2010 Permission, including the restriction as to the goods sold secured by Condition 3 of the 2010 permission, would be lawful. A third proposed use of the larger of the two units as unrestricted A1 was not certified as lawful by the city council. The applicant appealed against the rejection of the third element of the certificate application, and the appeal was allowed by an Inspector on behalf of the Secretary of State in October 2012. The Inspector's decision has been challenged by the city council, and the effect of the Inspector's decision is stayed until the court's judgment in the legal proceedings in the High Court is given or the challenge is otherwise determined.

The recent planning history of the 'B&Q' site mentioned above is included as having some relevance to the proposed foodstore since retail policy imposes a requirement to demonstrate

compliance with the sequential test, a matter that is addressed further in the comments section of this report.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS7 (Fratton Park & south side of Rodney Road), PCS11 (Employment Land), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services).

A detailed assessment of the proposal in relation to site-specific policy PCS7 is made in the comments section of this report.

Policy PCS18 includes the following: "Proposals for town centre uses in out-of-centre locations will have to follow national policy regarding town centre uses, including the sequential test." A detailed assessment in relation to local and national retail policy is also made in the comments section of this report.

Relevant guidance includes the following adopted Supplementary Planning Documents: Reducing Crime Through Design SPD (March 2006), Sustainable Design and Construction (January 2013) and Achieving Skills and Employment Plans (July 2013).

Other relevant central government guidance is set out in the National Planning Policy Framework. The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and there are three dimensions to sustainable development: economic, social and environmental. The application should be assessed against development management policies in the NPPF and, in particular, chapters 1 (Building a strong, competitive economy), 2 (Ensuring the Vitality of Town Centres), 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design), including the presumption in favour of sustainable development set out in paragraph 14. Further examination of relevant NPPF guidance will be made in the comments section of this report.

CONSULTATIONS

Environment Agency

The EA consider that planning permission could be granted to the proposed development as submitted if (specified) planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. The requested conditions relate to: site contamination investigation/remediation; verification that the approved site remediation requirements have been met; any unsuspected contamination found during the development is addressed; piling or any other foundation designs using penetrative methods demonstrate that there is no resultant unacceptable risk to groundwater; and, a Hydrogeological Risk Assessment (HRA) for the Petrol Filling Station be submitted to and approved (in consultation with the EA) and the HRA should include full details of the fuel storage facilities and tank design.

The EA has reviewed the Preliminary Geo-Environmental and Geotechnical Assessment report prepared by Tweedie Evans Consulting (ref 1304008.001.01 September 2013) and agrees with the recommendations that further intrusive investigations are required across the site. Specifically this should be conducted in areas of concern that have previously been untargeted.

The EA has also viewed the additional information provided in the Petrol Filling Station Storage Tank Site Specific Risk Assessment prepared by Pinnacle Consulting Engineers Ltd (27 March 2014). The report provides a good level of detail on the specification of the proposed tanks but further groundwater monitoring is required in the area of the proposed petrol filling station to fully assess groundwater levels and determine baseline groundwater quality. This should form part of

a hydrogeological risk assessment (HRA) to fully assess the risk of below ground fuel storage tanks to the underlying aquifer. Details of the tank design and safeguards will need to be included within the HRA particularly if the tanks are shown to be situated within groundwater.

Southern Electric

Southern Electric Power Distribution (SEPD) initially raised objection due to impact on existing 33,000volt underground cable infrastructure and provisions for relocating or protecting that infrastructure had not been agreed. SEPD has subsequently confirmed it has reached formal agreement on its relocation and withdrawn their objection.

Southern Water

Sewer records showing the approximate position of public foul, surface water and combined sewer within the site. The exact position of the public sewers (that follow Fratton Way and Anson Road) must be determined on site by the applicant.

Following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development; it would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows. Southern Water requests a condition is imposed on any permission for details of the approval of means of foul and surface water sewerage disposal before development commences.

Other advice and contact details are provided on potential drainage using Sustainable Urban Drainage Systems (SUDS), the proposal for vehicle washing facilities where connected to the foul sewer and land uses that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. An Informative is also requested.

Hampshire Fire & Rescue Service

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Access to the proposed site should be in accordance with Hampshire Act 1983 Section 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations. Due to the nature of this development, the fire service would like to engage in pre-Building Regulations consultation. Further advisory recommendations are set out in some detail in respect of:

- * Access for High Reach Appliances
- * Water Supplies
- * Sprinklers (strongly recommended by HFRS).
- * Other guidance on preventing pollution can be found in (specified) Environment Agency publications.

Environmental Health

In support of the application for the proposed retail store, Bickerdike Allen Partners (BAP) has carried out an environmental noise assessment. The report has identified that the development will change the noise environment in relation to noise from deliveries to and from the retail store, site noise from car's parking and fixed mechanical plant.

In relation to car park noise, the car park is located at ground floor level with the majority of the spaces underneath the building and whilst this will significantly reduce the noise levels, bedroom windows at first floor level of residential properties in Frogmore Road adjacent to the external

parking spaces will not benefit from the existing screening of the boundary wall. It is, however, anticipated that the store will not be busy between the hours of 23:00 to 07:00hrs and that customers visiting during these hours will park close to the store entrance on the western side of the site. Predictions carried out by BAP have implied that there will be no significant adverse noise impact upon the residential properties from the car park activity during the day time or late at night.

Regarding delivery noise, as the store is to be open 24 hours the worst case scenario has been carried out by using previous supermarket surveys to predict noise levels for service yard activity. Predictions indicate that the noise levels from this activity are unlikely to affect the properties on Frogmore Road due to the acoustic screening and the considerable distance of the service yard to the properties.

For fixed plant or machinery, BAP has recommended a condition to control the noise from their operation. As background noise levels have been assessed they are recommending that any noise from fixed mechanical plant should not exceed the background noise levels stated in the report. The condition recommended is "the rating level of the noise from fixed plant shall not exceed 42dB between 07:00 and 23:00, and 33dB 23:00 and 07:00hrs. This noise level shall be determined at the nearest noise sensitive premise. Any measurements and assessment shall be made in accordance with B54142:1997."

Air Quality Consultants carried out an assessment with regards to likely air quality impacts caused by traffic travelling to and from the proposed development and the likely effects that this would have on sensitive receptors in the area. Although traffic forecasts were based on over predicted travel flows from the traffic assessment report, the development will have a negligible impact on the levels of nitrogen dioxide levels, PM10 and PM2.5.

Finally, a Petrol Filling Station (PFS) is proposed as part of the development with a throughput of more than 500m³ of fuel per year. The PFS will have a stage 2 vapour recovery system installed and will be controlled under the Environmental Permitting Regulations 2010 as a low risk installation.

Contaminated Land Team

The Preliminary Geo-Environmental and Geotechnical Assessment (by Tweedie Evans Consulting Limited, Report Ref: 1304008.001.01, May 2013) has been considered by the Contaminated Land Team (CLT) as part of pre-application discussions, and reviewed in relation to the proposed scheme (when further details and drawings were available). Comments were provided to the consultant (Tweedie Evens Consulting Ltd) in August 2013. In summary, previous reports and historic information for the area was only obtained from the CLT after the preliminary site investigation works were carried out, and as such it was agreed that additional targeted investigation and assessment works are required to refine the geo-environmental assessment. This would also need to include a review of the final agreed site layout and landscaping to help identify where additional site investigation works are required. Ideally the scope of any further works should be agreed with the CLT prior to be undertaken on site. Site investigation/remediation conditions should be imposed on any planning permission.

Highways Engineer

Match Day Assessment

An assessment has been undertaken to establish the impact of a greater number of pedestrian movements as are experienced on a match day on the performance of the highway network. This has been considered by analysis of the effect of an increased number of pedestrian phases called at the traffic signal controlled junction at the Velder Avenue / Milton Road junction and the TOUCAN crossing immediately to the north of the proposed roundabout at the site access although none of the other pedestrian crossing facilities have been considered. The analysis assumes a reduction in the number of trips likely to be made to the proposed store on match days from the average number of trips derived from the TRICS database in the same proportion as has been observed to occur to the adjacent retail park. The Highways Engineer regards this as a reasonable assumption and will approximate the likely reduction in travel to the proposed development on match days.

The future year assessment assumes that traffic currently parking in the stadium car park which accesses via the existing B&Q roundabout will be redistributed to access the network via Anson Way which is also sensible.

The analysis of operation of the Velder Avenue / Milton Road junction establishes that the practical capacity is already exceeded by 1.3% in the pm peak period which will increase to 5.4% in the with development scenario. The effect of this will be to increase vehicle delay through the junction and extend queue lengths by a couple of vehicle on each arm. The effect is similar in the pre-match peak period although the junction is predicted to operate within practical capacity at this time. The proposed introduction of MOVA (a computer based signal controlled system to maximise operational efficiency of the junction) would reduce the degree to which the practical capacity of the junction is exceeded to 2.5% with minor increases to total vehicle delay through the junction and queue lengths which in the opinion of the Highways Engineer would not be considered to be material.

The analysis of the operation of Fratton Way establishes that a queue length of 5 vehicles is likely to arise in each direction on Fratton Way each time the TOUCAN crossing adjacent to the proposed roundabout at the site access is operated. This will extend through the roundabout but would not obstruct the access to the proposed store from the south.

Given the extension of queue lengths arising from the increased use of these pedestrian facilities it is considered likely that queue lengths will similarly extend from the other pedestrian facilities in the vicinity of the site. These should be determined to ensure that the queue lengths do not extend to such a degree that they compromise the discharge characteristics of modelled junctions and hence the reliability of the predictions of those models. This does mean that queue length will practically appear longer than predicted by the model predictions although this is not a reflection of the capacity of the individual junctions.

Model Validations

A comparison of actual observed queue lengths with those predicted in the junction models has been undertaken to validate the model predictions of junction operation. In a number of circumstances the observed queue lengths significantly exceed those predicted by the modelling results with there being a significant difference between the maximum and average queue length in a fifteen minute period. This inconsistency is thought to arise from the effect of the pedestrian crossing facilities on the approaches to the junctions which practically act to assemble the traffic flows into platoons rather than the modelling misrepresenting the performance of the junctions.

It would be appropriate to determine the degree to which these queue / platoon lengths will be extended in a with development scenario both at the individual junctions and the pedestrian crossing to ensure that these do not extend to compromise the discharge characteristics of preceding junctions or give rise to any over-riding safety concern.

Modelling Extension

The traffic signal controlled junctions of Milton Road with Goldsmith Avenue and Priory Crescent with Goldsmith Avenue have been modelled for the Friday pm and non-match day Saturday peak periods using LINSIG. These models were informed by traffic surveys undertaken on Friday 9th and Saturday 10th May 2014. The assumptions regarding the distribution of transferred trips from the ASDA store have been revised and a 'worst case' scenario modelled assuming that the pedestrian phases are called in each cycle to provide a robust analysis of the two junctions.

Goldsmith Avenue / Priory Crescent: The analysis indicates that this junction operates effectively when there is no pedestrian call demand although currently comes under greatest pressure during the non-match day Saturday peak period. Assuming a pedestrian call demand on each cycle it found a practical reserve capacity of 1.6% in 2014 with an average queue

length of 18 vehicles on the Goldsmith Avenue west approach. The junction is found to have - 9.1% practical reserve capacity in 2020 with a queue length of 24 vehicles on the Goldsmith Avenue west approach which increases to 28 vehicles with a further reduction in practical capacity to -14.2% once the effect of the proposed development is taken into account. Similar proportional increases in queue lengths are predicted on the other approaches to the junction.

Whilst it is unlikely that a pedestrian phase would be called in each cycle the frequency of such calls would be increased by pedestrians seeking to access the new development and the proportional impact of traffic associated with the development on the operation of the junction is a material consideration. This could be mitigated by refurbishment of the traffic signals to allow operation of the junction under MOVA control and provide puffin technology for call cancellation or an early cut off of the pedestrian phase when pedestrians are detected to have cleared the crossing to further minimise delays for vehicles

Goldsmith Avenue / Milton Road: The analysis indicates that this junction currently operates well within reserve capacity even if pedestrian phases are called in each cycle. Whilst the practical reserve capacity is reduced in 2020 and further impacted by the increases in traffic forecast as a result of the development, the operation is predicted to remain within capacity.

Milton Lane Diversion

Further information is provided with regard to the comparative lengths of the existing and proposed diverted Milton Road walking / cycling route between Fratton Way and Alverstone Road. Whilst this is not significant for those travelling west/east the diversion does extend the walking distance by approximately 100m for those travelling to and from the south via Specks Lane. The development density is significantly greater in this direction and consequently it may be inferred that the greater proportion of users of the route will be disadvantaged by the diversion having to walk approximately 435m rather than 333m.

This is not an appropriate solution given the policy intention (PCS17) to promote sustainable means of transport rather the facility should be retained on the existing or more direct alignment and priority afforded to pedestrians / cyclists on this established link.

Site Access Junction Options

Roundabout: The technical note of the applicant's transport consultants contends that the guidance given in DMRB - TD 16/07 (Geometric Design of Roundabouts) is intended to cater for scenarios where signalised crossings are placed on trunk roads in the vicinity of roundabouts where traffic flow and possibly approach speeds are likely to be higher with potential multiple lane entries rather than roundabouts in a more urban context which should more appropriately be informed by the advice in Manual for Streets (MFS).

MFS2 paragraph 9.6.8 emphasises that compact roundabouts are recommended for single carriageway roads and are particularly suitable where there is a need to accommodate pedestrian and cyclist movements. A compact roundabout is characterised by having a single entry and circulatory lane which helps control traffic speeds and avoids the need for lane selection of the approach. The roundabout proposed at the site access is a hybrid with a double circulatory lane and two approach lanes on two of the arms. As a consequence it is likely to have a higher entry and circulatory speed than that which would typically be expected with a compact roundabout and in such circumstances, there are elements of the DMRB guidance which are applicable and should be taken into account in more urban environments. In the opinion of the Highways Engineer the advice given in the DMRB guidance with regard to the proximity of signalised pedestrian crossings is relevant in such circumstances and that this is not an appropriate access arrangement.

Signal Controlled Access: The scope to provide an alternative signal controlled access has been explored. The applicant's transport consultants technical paper contends that this would require the relocation of the bus layby on the west side of the road and that this would be difficult to accommodate between the store and the Rodney Road junction. However the proposed

roundabout equally requires the relocation of this bus stop which is proposed to be provided to the south of the junction. It is not at all uncommon to have bus stops on the approach to signal controlled junctions and I do not consider this to present an unresolvable difficulty.

The modelling of the traffic signal controlled junction option developed indicates that it would have no practical reserve capacity in peak periods even in the event that the pedestrian phases were not called with extensive queuing on each arm.

The technical paper concludes that traffic signal junctions are statistically less safe than the roundabout arrangement proposed as part of the planning application. Whilst this is true for severe motor vehicle collisions cyclists can feel particularly vulnerable at roundabout where 10% of incidents involving cyclists have been found to occur [TAL 9/97 refers]. Traffic signal controlled junctions provide the safest environment for vulnerable road users and are most appropriate in urban environments.

In light of the performance of the signal controlled junction designed this does not seem to offer a practical alternative access arrangement.

As this application stands the Highways Engineer recommends refusal for the following reasons:

- * The proposal would introduce a new roundabout on Fratton Way in close proximity to the existing toucan crossing contrary to the guidance given in TD 16/07 Geometric Design of Roundabouts (para 5.7) and consequently would increase the likelihood of accidents contrary to policy PCS17
- * The proposal does not ensure improved links to Fratton Station for cyclists contrary to planning policy PCS7.
- * The proposal does not provide a safe and convenient crossing facility of Fratton Way to allow customers to access the bus stop on the western side of the road contrary to policy PCS17.
- * The proposal does not provide a sufficiently convenient facility to allow customers to access bus services operation on Goldsmith Avenue contrary to policy PCS17.
- * The proposal requires diversion of the pedestrian / cyclist link known as Milton Lane to a less direct and convenient route contrary to policy PCS7 and PCS17.
- * The transport assessment establishes that the development will cause the junction of Velder Road with Rodney Road to operate in excess of capacity at peak times (although does demonstrate that the installation of MOVA - a computer based signal controlled system to maximise operational efficiency of the junction as proposed would resolve the issue.)
- * The proposal would increase the degree to which the traffic signal controls at the Goldsmith Avenue Priory Crescent junction are predicted to operate in excess of practical capacity by up to 5.1% (from 9.1% to 14.2% in the non-match day Saturday peak period) with consequent increases in queue length and journey time delay.
- * Insufficient information has been provided to establish the traffic impacts of the proposal in that the degree to which queue / platoon lengths established at pedestrian crossings are extended or the impact of those on neighbouring junctions has not been established.

The Highways Engineer has considered the scope to which a package of off-site highway and transport improvements could mitigate the impacts of the development, and is satisfied that on balance the following package of improvements would overcome these reasons for refusal:

- * Upgrading of signal controls at Velder Avenue / Milton Road to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian.
- * Refurbishment of signal controls at Goldsmith Avenue / Priory Crescent to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian and CCTV coverage linked to PCC control centre.
- * Provision of on road cycle lanes from Fratton Way to link with the existing facilities to the west on Goldsmith Avenue in the vicinity of Talbot Road.
- * Provision of off road cycleway across site frontage to link with Toucan crossing to south on Fratton Way (including removal of 4th unused arm of existing roundabout).

- * Provision of boarding platforms to facilitate easy access to bus stops on Goldsmith Avenue immediately to east of Fratton Way junction.
- * Provision of real time information for bus services at stops on Goldsmith Avenue and Fratton Way linked to store atrium.
- * Bus service subsidy to secure increased service frequency on Fratton Way to at least hourly daytime services.
- * Provision of lighting and CCTV monitoring of diverted Milton Lane linked to PCC control centre.

If the applicant is minded to provide such a package of improvements the Council should secure these planning obligations through planning agreements together with the development of the framework travel plan to establish a series of SMART targets, monitoring mechanisms (with fee of £5500 for monitoring the first, third and fifth year to be met by the developer) and remedial measures in the event that the targets are not achieved. It would also be necessary to impose a series of conditions relating to the provision of facilities on site, match day management plans and phasing.

Crime Prevention Design Advisor

The proposal re-aligns the existing footpath between Fratton Way and Specks Lane/Milton Lane and creates a footpath and cycleway. As the footpath/cycle way passes behind the existing factory units it is to be bounded on either side within security fencing approximately 2.4m high. Such fencing will make escape difficult should an incident occur. Given that pedal cycles are used during the commission of thefts (such as mobile phones and handbags) bringing the two together in an area with little natural surveillance increases the opportunities for crime. To provide for the safety of those using the footpath/cycle way it is recommended that: (1) Lighting is installed along the entire length of the footpath, and (2) Closed Circuit Television Cameras are installed, the output to be monitored in real time at Portsmouth City Council's control room.

Other detailed comments are offered regarding safety at the PFS, external ATMs adjacent the entrance atrium and appropriate lighting levels provided throughout the car parks, especially within the undercroft.

Highways Contractor (Colas)

If there is any impact on the PFI contract, there will be commuted sums cost involved.

Landscape Group

Where landscaping is proposed the scheme is very comprehensive, with a good palette of lower plants/trees and good integration of native hedge where space allows. The landscape works specification is very thorough. The hard landscape schedule/materials palette is less clear, except for mention in the D&A statement of macadam paths with resin bound gravel. Some better quality treatment around the west side of the scheme as an approach to the supermarket would be expected. The cycle/footpath in macadam is appropriate.

However, for such a large footprint of development the proportion of trees is rather low. There is limited room to accommodate tree planting apart from around the edges. The western and northern sides are addressed well, but around the rear where the car parks meet and at the NW entrance to the football stadium it is very bare, entirely made up of hard standing and fencing. Understandably there would be a lot of people swarming into and out of the stadium on match days, but there are spaces where some trees could be planted to enhance this rather bleak setting and provide some vertical greenery. Also, the south elevation of the supermarket where there is a native hedge only along the edge, there is room to put some trees as some vertical buffer to the development, positioned against the hedge so emergency vehicles still have adequate room to circulate. In short, there are locations that would benefit from additional trees.

Road/Footpath Closure

If the diversion of Milton Lane is approved as part of the development proposal, formal diversion of Milton Lane under Section 257 Planning Act will be required in order to implement this scheme. The diversion order would be made under delegated powers.

Design Review Panel

Overall, for such a ubiquitous building type, the Panel regarded this as an acceptable scheme. They noted however that it appeared very similar to a store recently delivered in Fareham. They

commented that it was unfortunate to have the ground floor exposed suggesting it may improve the design to screen/hide the car parking, perhaps through the extension of elements of the cladding down to ground floor. There was also some discussion as to the durability/longevity of Larch as a cladding material. Panel recommendation: proposal supported, subject to above comments.

Ecology

The application is supported by a thorough and professional Ecological Assessment (Aspect Ecology, January 2014). This represents the ecological conditions at the site at the time of the survey. In summary, no concerns are raised over potential adverse ecological impacts arising from this development, and the Ecology Team supports the recommendations made, which should be secured via suitable planning conditions. Detailed comments are set out below:

In relation to designated sites, the application site is approximately 1.7km from Chichester and Langstone Harbours Special Protection Area (SPA) and 2.8km from Portsmouth Harbour SPA. The development will not directly affect the SPAs through habitat loss, pollution impacts, hydrological impacts or other similar concerns. The SPAs are vulnerable to increasing recreational disturbance arising from increasing residential development resulting in more people visiting the coastal SPA areas and causing disturbance to overwintering bird populations. However, this development does not seek to provide any new housing and therefore is unlikely to result in any increase in recreational use of the SPAs. It is considered that the development will not have a likely significant effect on any European designated sites. The harbours are also designated as Sites of Special Scientific Interest (SSSIs). Again, given the distance from the SSSIs and the nature of the proposed development, it is considered unlikely that the SSSI designated features would be affected by this proposal. There are no Local Wildlife Sites close to the application site.

Habitats: No protected or notable habitats were identified on site. Although a small area of Phragmites reed was identified in the ditch, this is an isolated area, small in extent and in poor condition due to the likely water quality and general contamination of the ditch. The loss of this would not constitute a significant ecological impact.

With regard to European protected species - bats and great crested newts (GCN) - these species are legally protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended) (commonly referred to as the Habitats Regulations). Local Planning Authorities have statutory obligations pursuant to the Habitat Regulations. Planning permission should not be granted (other concerns notwithstanding) unless a) the development is likely to result in a breach of the EU Directive that underpins the Regulations, and b) is likely to be granted a European Protected Species (EPS) licence from Natural England to allow the development to proceed under a derogation from the requirements of the Directive. With respect to bats, the buildings on site were assessed for their likely use by bats. The buildings were assessed as having negligible roost potential and no evidence of bat use was found.

With respect to GCN, there is a record of GCN in a pond some 400m away. However, the Council's adviser agrees with the assessment that there is no reasonable likelihood that GCN from that pond would utilise the application site, due to the intervening high-density development and the poor quality of the habitat at the application site. It is also agreed that the isolation of the small wet ditch on site, and poor quality aquatic and terrestrial habitat would mean that there is no reasonable likelihood that GCN (or indeed any other amphibians) would use this as a breeding site. Given these factors, advice is that the development is unlikely to result in a breach of the EU Directive that underpins the Habitats Regulations.

As for other protected and notable species, the Council's adviser agrees that the site is unsuitable to support a range of terrestrial mammal species. Some areas of the site appear to be developing into potentially suitable reptile habitat. However, this is a recent development, and given that the site is highly isolated from any other suitable reptile habitat, it is considered

unlikely that these areas would be colonised by reptiles. A number of birds were identified on site. However there is limited nesting habitat and the birds seen on site are likely to be representative of the general bird assemblage found across the wider area. The development proposals will not result in any significant adverse impact to these and indeed may represent a small beneficial impact from the landscaping elements and enhancements recommended by the ecologist.

Invasive species: A stand of Japanese knotweed was identified on site. This should be removed as recommended by the ecologists.

Biodiversity enhancements are proposed within the ecology report that sets out a range of appropriate measures that can be implemented to provide benefits to wildlife. The landscaping appears to have been designed to provide benefits to both birds and invertebrates, which is welcomed. However, further measures such as the bird boxes and invertebrate habitat boxes suggested in the ecology report do not presently appear to have been developed by the applicant and incorporated into the plans. These should be secured by planning condition prior to commencement.

In conclusion, the ecology report sets out a range of recommendations that would serve to avoid any lower-level impacts during construction and to provide biodiversity benefits. These are supported and if permission were granted, secured through suitable planning conditions for implementation of construction safeguards and approval of details of biodiversity enhancements. An Informative is also requested.

REPRESENTATIONS

(1) Representations in support of the proposal:

At the time of writing this report, 33 letters / emails supporting this application had been received. These include a letter of support from Portsmouth Football Club. The general grounds for these letters of support are as follows:

Portsmouth Football Club

- The proposed scheme would deliver immediate benefits to the stadium infrastructure at Fratton Park, enabling Portsmouth Football Club to provide the facilities required (car park, media centre and visitor congregation area) for a club of this size. The proposed works would enable Portsmouth Football Club to continue to operate at Fratton Park and would significantly enhance the match day experience.
- The proposed scheme would not prejudice the long term goal of Portsmouth Football Club to increase the capacity of Fratton Park in the future.

Improvements to Fratton Way

- The proposed Tesco store and associated petrol filling station would constitute a significant visual improvement to the land at Fratton Way, kick starting the regeneration of this area and enhancing both the image of the city and the setting of Fratton Park.

Employment

- The proposed Tesco store and associated petrol filling station would provide additional employment opportunities in this area.

Retail

- The proposed Tesco store would enhance the retail offer in this location, serving a large catchment area and providing an accessible store for local residents. Local shops within the Milton Village area would continue to provide for the day to day top up shopping needs of the local community.

Milton Lane

-The realigned Milton Lane would provide a safe and direct pedestrian access route to Portsmouth Football Club and would constitute a significant improvement on the existing, unsafe and unpleasant arrangement.

(2) Representations objecting to this proposal:

At the time of writing this report, 57 letters / emails objecting to this application had been received. This includes four deputation requests; two from city residents and two from members of the Milton Neighbourhood Forum. Two petitions objecting to this application have also been received. The first contains 1890 signatures and includes one deputation request. The second contains 1809 signatures and includes one deputation request. 406 standard 'pro-formas' have also been received from 295 residents. These comprise three standard letters of objection.

Whilst the grounds of objection for this proposal cover a wide range of issues, there are nevertheless some common themes. These are summarised as follows:-

Highways impacts

- The area surrounding Fratton Park is already constrained in terms of highway capacity, particularly on Portsmouth Football Club match days when traffic congestion is particularly bad. The proposed Tesco store and associated petrol station would increase the number of vehicles visiting this area, exacerbating traffic congestion and adversely impacting on highway safety, particularly along Goldsmith Avenue, Fratton Way and Milton Road. The poor layout of the proposed scheme would create hazardous conditions for pedestrians and cyclists and would be contrary to policy PCS23 of the Portsmouth Plan.
- The data contained within the submitted Transport Assessment is inaccurate and the resulting transport solution is inappropriate. Fratton Way provides access through this area and supports the development opposite the application site.
- The proposed access to the Tesco store and petrol filling station is contrived and would bend back on itself.
- The proposed road layout would interrupt the flow of traffic on Fratton Way, restricting the ability of people to access the Fitness First centre.
- Customers using the new store would block access out onto Fratton Way from the existing roundabout serving the Pompey Centre also blocking access out of Dickinson Road.
- The proposed development would have a considerable impact on accessibility to Sunnyside Medical Centre. This could create an additional hazard for patients (particularly elderly patients) and staff of the medical centre.

Proposed new roundabout

- No assessment has been made as to the potential for the existing roundabout serving the Pompey Centre to serve the proposed development.
- There are three existing roundabouts on Fratton Way. The proposal to construct a fourth roundabout would exacerbate an existing traffic problem, increasing congestion and associated delays for customers of the Pompey Centre.
- The existing roundabouts were designed to relieve traffic in this area. The proposed new roundabout would result in longer delays and would impair the function of Fratton Way.
- The proposed new roundabout is not necessary as there is already access to the site from the existing roundabout serving B&Q.
- Creating a new roundabout would be a waste of money as there is an existing roundabout which could be used to serve the proposed development.
- The proposed new roundabout would leave a redundant exit on the existing roundabout serving the Pompey Centre.

Portsmouth Football Club

-Policy PCS7 of the Portsmouth Plan states that any proposal should include; a) A new football stadium with a capacity up to 35,000; and b) The provision of at least 12,000m² of B1 and/or B2 employment space. The applicant has failed to effectively demonstrate that the proposal would not prejudice the ability of Portsmouth Football Club to provide a larger stadium at some point in the future. Furthermore, this proposal does not include any employment space. As such, this proposal is contrary to the aims and objectives of policy PCS7.

Provision for pedestrians/cyclists

-The proposed realignment of the Milton Lane footpath would direct pedestrians around the proposed petrol stadium, resulting in conflict between pedestrians, cyclists and motor vehicles and causing a potential risk to public safety.

-The two pedestrian links to the stadium from Fratton Way are too narrow/constricted and therefore potentially dangerous, especially the south-western footpath that lies on the most direct route to Fratton Station and likely to be particularly well used; this footpath does not meet the requirements of policy PCS7 now or allow sufficient space for its future provision.

Impact on retail (Waitrose)

-The retail analysis is significantly flawed with regards to the overall turnover of the Waitrose store in Southsea. The submitted retail assessment claims an overall turnover of £32.9m compared with the company average of £14.9m ie the store is overtrading by circa £18m. Waitrose has confirmed that the store is only trading about company average. The anticipated diversion of £3.7m would amount to circa 25% as opposed to the predicted 11.3%. The implications on the Waitrose store would be significant, especially given their anchor role in the town.

Impact on retail (others)

-The proposed Tesco store would adversely impact on the small, independent retailers in the surrounding area, potentially resulting in closure and reducing the independent shopping provision within the city. Whilst this proposal would provide new employment opportunities, this would be outweighed by the loss of jobs at smaller businesses within the local area.

-The proposed Tesco store would take trade away from the city centre and local centres within the city.

-There are already a number of Tesco stores within the city and another large Tesco store is not required. This proposal could result in an over concentration of Tesco stores within Portsmouth.

-This part of the city is already well served by a number of large food stores in addition to a number of small, independent traders. The proposed Tesco store would significantly alter the diverse retail offer in this location.

Other matters raised in representations

-A number of representations have raised concern that they were not directly consulted via letter.

-There is no need for another petrol station in the city.

-The proposed development could potentially impact on patient privacy if insufficient screening is provided between the proposed development and Sunnyside Medical Centre.

(3) General comments

One general comment has been received. This is broadly in support of the planning application however raises objection to the proposed new roundabout.

COMMENT

The main considerations relevant to the determination of this application are:-

- 1 Principle of the development
- 2 Effect on vitality and viability of town centres
- 3 Transport and highways implications

- 4 Design and townscape
- 5 Sustainable design and construction
- 6 Impact on residential amenity
- 7 Ecology/landscape
- 8 Employment opportunities
- 9 Other issues raised by local residents

1 Principle of the development

The proposal requires consideration of a key and site-specific policy that sets the framework for comprehensive redevelopment of land off Fratton Way at PCS7. The application site forms a significant part of an area shown on the Proposals Map relevant to PCS7. The policy states:

"Fratton Park and the surrounding land (including the south side of Rodney Road) is allocated for a new or improved football stadium with enhanced facilities. Any proposal should include:

- o A new football stadium with a capacity up to 35,000; and
 - o The provision of at least 12,000sqm of B1 and/or B2 employment space.
- Any development will have to be designed to be cycle and pedestrian friendly and will have to ensure improved links to and capacity at Fratton Railway Station.

Development may need to be phased in order to ensure the provision of necessary infrastructure, including access improvements.

The city council's preference is for comprehensive redevelopment, however, if individual sites were to come forward separately then any planning application would have to clearly demonstrate (including an indicative masterplan) how it would help to facilitate and not prejudice the ability of Portsmouth Football Club to provide a new/improved stadium and would ensure the co-ordinated development of the area."

It is noted that representations raising objection to this development express the view that the applicant has failed to effectively demonstrate that the proposal (a) would not prejudice the ability of Portsmouth Football Club to provide a larger stadium at some point in the future and (b) does not include any employment space, and is thereby contrary to the aims and objectives of policy PCS7. Whether a proposal is "in accordance with the Development Plan" will depend on all the circumstances of the case. The application of the provisions of the development plan which are in question to the particular facts, requires an exercise of judgment. Inevitably care is needed in interpretation since any planning application will engage a number of policy strands, or discrete elements of any specific policy, which may not pull in the same direction or may pull in very different directions. Furthermore, objective interpretation of one part of the Plan having precedence over another, or the greater weight to be given to the dominant policy, requires looking at the Plan as a whole to review whether the proposal is or is not in accordance with it.

In considering the site in the context of policy PCS7 it should be noted that there has been a long and varied history of professional football played at Fratton Park. Despite previously considering alternative locations in the city, since 2010 Portsmouth Football Club, supported by the city council, have realised Fratton Park and the surrounding land is the best location to provide a new or improved football stadium. Taking the Plan as a whole, the cultural and sporting significance are set out in the Portsmouth Plan's objectives (p.13) at "7 - To enhance Portsmouth's reputation as a city of culture, energy and passion offering access for all to arts, sport and leisure" (p.17) and an objective that will be achieved through "Celebrating the local football club and supporting the club's desire for a new stadium at Fratton Park".

Under policy PCS7, land that includes the application site is allocated for a new or improved Football Stadium (for capacity up to 35,000) with enhanced facilities and of at least 12,000sqm of B1 and/or B2 employment space. Supporting text (at paragraph 3.98, p.62) to policy PCS7 describes the overall policy objective to safeguard Fratton Park as a football stadium with the possibility for an improved or new stadium. It notes that an enhanced stadium could itself act as

a trigger for the regeneration of the surrounding commercial areas. It also comments on the need to consider the benefits of any supporting development comprising entertainment, retail and leisure uses, against the impact on nearby designated centres.

Policy PCS7 presents a preference for comprehensive redevelopment. However, the policy also allows for circumstances where an individual site comes forward. In a case such as the current application, the policy includes an alternative requirement that the application can clearly demonstrate how the proposal would (positively) 'help to facilitate' and (negatively) 'not prejudice' the ability of PFC to provide a new or improved stadium and 'ensure the co-ordinated development of the area'. Assessment of these 3 strands is outlined below.

(i) The proposal should not prejudice the ability of PFC to provide a new or improved stadium

PFC confirm in a supporting letter accompanied by their 'Stadium Improvements and Infrastructure Statement' that the current scheme including the land to be secured for their key objective to deliver a dedicated car park, media area, access routes and visitor congregation area on land within the Club's control (to a standard expected of a Football League club) "...has been designed specifically to accommodate and not prejudice our long term improvement plans to increase the Stadium's capacity as and when it is required".

The PFC Statement also identifies "No anticipated increase in Stadium capacity beyond the present capacity up to 2018 based on anticipated attendances" and the longer term objective "...to achieve an overall masterplan capacity of circa 30,000". It describes the proposals that PFC is considering for the long term extension and improvement of the stadium, namely: refurbishment of the South Stand; partial or complete rebuilding of the North Stand to maximise capacity; rebuilding of the East Stand (Milton End); extending the West Stand (Fratton End) to the rear; and a new corner link stand between the proposed North Stand and extended Fratton End. The PFC Statement goes on to say "The Point Estates scheme and the land provided by them will ensure that these objectives are not prejudiced as there will be sufficient land to accommodate these requirements. Securing the land around the Stadium also underpins our ability to bring forward these works in the future as the Club will no longer be reliant on third party land owner consents or acquisitions."

Whilst PFC is satisfied the land acquired for Stadium improvements in the short term is sufficient to accommodate their longer term objectives and an intention for a feasibility study to be carried out in the next 18 months to achieve increased capacity, there is presently no masterplan for the stadium.

In September 2011, examination of the Portsmouth Plan by the Planning Inspectorate had considered evidence of whether the aspirations for an improved/new stadium are realistic and achievable and whether the policy was sufficiently flexible to enable the provision of an improved/new stadium. The current position of PFC remains consistent with their response in November 2010 to the then draft Portsmouth Plan stating: "The Club also acknowledges that the previous aspirations to achieve a 35,000 seater stadium are unlikely to be viable and wish the City Council to be aware that any new proposals would likely comprise a more modest increase in capacity - for example in the range of 25,000 to 28,000 seats."

Having regard to PFC's long term objective to achieve an overall masterplan capacity around 30,000 and the Club's view that land secured "will ensure that these objectives are not prejudiced as there will be sufficient land to accommodate these requirements", the applicants contend that the policy PCS7 allocation for the provision of a new football stadium with a capacity of up to 35,000 is (a) not currently required by PFC due to the current league position and trading conditions and (b) an objective overtaken by events and is effectively not viable or deliverable when compared with the NPPF. The applicants cite para's 186 & 187 of the NPPF that local planning authorities should "...approach decision-making in a positive way to foster the delivery of sustainable development" and "...look for solutions rather than problems, and

decision-takers at every level should seek to approve applications for sustainable development wherever possible."

It is considered that the current scheme, with land secured for enhanced facilities to the stadium, need not prejudice the ability of PFC to provide for the longer term objective of a new or improved stadium at Fratton Park (more likely to be of capacity around 30,000 seats rather than up to 35,000).

(ii) The proposal should help to facilitate the ability of PFC to provide a new or improved stadium

PFC's 'Stadium Improvements and Infrastructure Statement' focuses on improving the existing Stadium and its current operational deficiencies in 3 key areas: (a) no formal pedestrian and vehicular access, and match day parking on land within its control; (b) no formal visitor and match day circulation and congregation area outside of the Stadium and within its control; and (c) no formal dedicated area for media vehicles.

The applicant's proposal to remedy these deficiencies would, firstly, be a car park designed to meet PFC's immediate operational needs. Phased to ensure continuity of parking (before construction of the retail store/PFS), early delivery of the car park works would be secured by condition, and the land to be made exclusively available to the Club for this purpose would be secured by a planning agreement, to support compliance with policy PCS7. Secondly, a congregation and circulation concourse would be created immediately adjoining the north and west stands, also phased to be undertaken before construction of the retail store/PFS and again to be made exclusively available to the Club for this purpose by a planning agreement. Thirdly, provision of a dedicated area for media vehicles within the club's control would be included and available (when necessary) as part of the car park improvement works.

PFC's Statement comments "Securing the land around the Stadium also underpins our ability to bring forward these works in the future as the Club will no longer be reliant on third party land owner consents or acquisitions."

The proposal is considered to help facilitate the ability of PFC to provide a new or improved Stadium.

(iii) The proposal should ensure the co-ordinated development of the area

The applicants contend this element of policy PCS7 was to require a master-planned approach that ensures co-ordinated development but they question how the policy requirement would be achieved in practice, including its commercial viability, or offer a realistically deliverable goal, and is probably not 'up to date' for the purposes of the NPPF.

The applicants reiterate that the requirement for at least 12,000sqm of B1/B2 employment space would remain feasible on the remaining land elsewhere within the wider PCS7 allocation should market conditions permit.

The examination of the Portsmouth Plan by the Planning Inspectorate (September 2011) gave consideration to whether the requirement for 12,000sqm of B1/B2 employment space on the remaining land elsewhere within the wider PCS7 allocation was practical. Justification for the figure of 12,000sqm of employment space was that it equates to the amount of existing employment floorspace currently located on the south side of Rodney Road, which forms part of Fratton Industrial Estate. Land within the wider PCS7 allocation has been excluded from the application site means that this proposal does not enable comprehensive redevelopment. However, land beyond the application site but within the wider PCS7 allocation would still be available and capable of providing at least 12,000sqm of B1/B2 employment space. There is nothing proposed in this application that would prevent or preclude the redevelopment of the rest of the land covered by policy PCS7.

Within the representations, suggestion has been made that consideration of the application be deferred to enable the applicant, with PFC, to provide layout plans in diagrammatic form of how the proposed development would still allow the existing stadium to be extended to a capacity of 30,000 or ideally 35,000; it need not commit PFC to a solution but prove whether it could (or could not) be achieved.

There is also evidence from the 2004 permission (ref A*38665/AA) to demonstrate how construction of extensions to the west stand (including a new upper tier) and new north & east stands, with corner additions to the south stand, would be capable of accommodating a 35,000 all seater stadium at the site. Broadly modelled on a similar basis to the 2004 permission and the current proposal making provision for a gap of 13m separating the existing west stand (Fratton End) to the boundary of the store car park the objective of an improved football stadium with enhanced facilities is considered capable of being accommodated at the site. Further, PFC is satisfied there will be sufficient land to accommodate their long term Stadium objectives.

It is considered that provided the proposed development would be appropriately integrated into the Stadium and its surroundings then it need not prejudice the development of the amount of employment space required by policy PCS7 in the wider area of developable land.

In summary, the application does not address or propose comprehensive redevelopment however it does not prejudice redevelopment of adjoining land covered by PCS7. The proposal is considered to be consistent with the overall objective of policy PCS7 and demonstrates how it would help to facilitate and not prejudice the ability to provide an improved football stadium with enhanced facilities, remedying some existing deficiencies in key areas identified by the club in line with their operational requirements. Whilst the proposal would not ensure the co-ordinated development of the land allocated under policy PCS7 it is considered, on balance, to achieve compliance and align with the policy objectives through the enhanced facilities to the Stadium at Fratton Park that remains the most sustainable location for a football stadium.

2 Effect on the vitality and viability of designated centres

The policy framework to support the vitality and viability of a defined network and hierarchy of centres, to promote competitive town centres, provide customer choice and a diverse retail offer, requires *evidence based assessment*. The thrust of the framework is that development proposals should be refused where an application fails to satisfy the **sequential test** (see reference below to the National Planning Policy Framework [NPPF]) or is likely to have **significant adverse impact**.

The city's retail hierarchy comprises the following designated centres, in order of importance:

- o Portsmouth City Centre
- o Southsea Town Centre
- o District Centres at: Fratton, North End, Albert Road/Elm Grove & Cosham, and
- o Local Centres (including Winter Road, Fawcett Road and Eastney Road, closest to the application site).

The application site is outside of any of these designated centres. It is, therefore, out-of-centre in relation to the definition in the NPPF. The NPPF is a material consideration in determining planning applications.

National retail policy in the NPPF seeks to ensure the vitality of designated town centres.

Relevant NPPF guidance is set out in paragraphs 23 to 27 that, in summary, state:

- o Para 23 - local planning authorities "... should recognise town centres as the heart of their communities and pursue policies which support their vitality and viability".
- o Para 24 - requires a sequential test for main town centre uses and local planning authorities "should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference

should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

o Para 26 - requires impact assessment for retail development outside of town centres and advises such assessments include: the impact of a proposal on public and private investment (existing, planned and committed) in a centre or centres of the catchment of the proposal; and, the impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the date the application is made.

o Para 27 - "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact ... it should be refused." This is of key importance.

Revised Practice Guidance indicates that it is for the applicant to demonstrate compliance with both the sequential and impact tests. This has been carried out by Barton Willmore (BW) on behalf of the applicants. The council has commissioned its own expert retail consultants, DPDS, to provide independent advice to the council.

In the Portsmouth Plan, policy PCS18 identifies Local Centres and encourages retail development up to 500sqm and other town centre uses provided that they would not undermine the local shopping function of the centre or cause harm to residential amenity. The policy also notes that out-of-centre development will be subject to the national policy [that is the policy in paragraphs 23-27 of the NPPF which is referred to above] but that the local and national constraints will not be applied to shops less than 280sqm net.

Other Development Plan (retail related) policies at PCS4, Southsea Town Centre Area Action Plan and PCS8 are not strictly applicable to the proposal given its location outside of any designated centre. The evidence base for the Portsmouth Plan included the Portsmouth Shopping Study 2009 (by Colliers CRE); it provides useful background to policy development and retail position. Key findings of the Study included, amongst other things, a need for about 3000sqm of retail floorspace by 2016 with 5500sqm by 2016 and the study identified that ASDA (Fratton) is significantly overtrading and there is a need for additional convenience goods floorspace in the southern half of Portsea Island.

Other than reference to out-of-centre development being subject to national policy in PCS18, there is no other relevant guidance in the Portsmouth Plan. Therefore, the key issues arising from relevant retail policy consistent with the NPPF are the requirements to demonstrate compliance with the sequential and impact tests.

(a) Sequential test

The proposed store would have a net retail sales floorspace of 5009sqm, of which no more than 40% would be devoted to the sale of comparison goods. The proposal includes a customer café and would represent the third largest store in the city after ASDA (Fratton) and Tesco (Northharbour). A sequential assessment has been carried out on behalf of the applicant by BW.

Development for main town centre uses should 'be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered' (NPPF para 24). When considering whether there are sequentially preferable sites in or on edge of centres alternative site should be suitable and viable for the development proposed and available in a reasonable period of time. Developers should be flexible in their requirements. The site is out-of-centre and therefore an in-centre or edge of centre site would be sequentially preferable, so would out-of-centre sites which are accessible and well connected to a town centre.

The proposal is for a large foodstore with substantial comparison goods sales and sites considered suitable need to be able to accommodate such a store and be deliverable, hypothetical ways in which the need could be met should not be sequentially preferable; the

question of how much flexibility the applicant should be expected to demonstrate is a matter for the local planning authority so long as it acts reasonably.

The applicant considers that the comparison goods (non-food) sales could not be disaggregated from the convenience goods (food) sales and accommodated on a separate site. Officers concur with the Council's retail consultants (DPDS) that "The comparison goods sales offer has developed from what can be conveniently sold to people on food shopping trips and which do not form a reason for special shopping trips. Even the clothing tends to be of everyday wear, particularly for women and children, and this has been traditionally available in more local centres. That is not to say that such comparison goods sales do not impact on town centres... However, for the purposes of the sequential test, the sales are so interlinked in the shopping patterns that they cannot be disaggregated."

BW take the view that their evidence demonstrates:

- o Sufficient flexibility has been shown in the application of the Sequential Test to accord with paragraph 24 of the NPPF.
- o There are no City Centre Masterplan sites which could potentially accommodate the Proposed Development.
- o There are no Town and District Centre sites which could potentially accommodate the Proposed Development.
- o There are no other Out-of-Centre sites which are more accessible and better located to a Centre than the Application Site.

To conclude on the sequential test issue, in line with DPDS independent advice, the applicant's assessment (through the main report and supplementary information) is considered thorough and demonstrates no sequentially preferable sites that could accommodate a large foodstore.

(b) Retail impact assessment

Retail impact assessment is based on judgment of a number of variable factors rather than being based on demonstrable fact, and the various experts acting on behalf of the applicant (BW), the council (DPDS) and Waitrose (Firstplan) (who raise objection to part of the applicants submitted evidence base), will have adopted their own methodologies/assumptions and interpretation of data based on their professional judgment, giving rise to differences between their respective assessment of impact.

DPDS offer a general impression that overall Portsmouth is under-shopped (at least in terms of comparison goods) for a city of over 200,000 people and has a City Centre that remains quite small for a city of this size. Historically it has been characterised by strong district centres and a relatively weak City Centre in shopping terms, evidenced by Debenhams and John Lewis group stores in Southsea, tending to operate in competition to the City Centre rather than as part of the retail hierarchy. This is a view that I would support.

DPDS comment that the investment trend in recent years for retail and shopping transferring to larger centres has meant the City Centre has picked up and expanded whilst district centres have suffered, particularly Fratton, North End and Albert Road/Elm Grove. They suggest the district centres seem to lack a clear function that is sufficient to fill the available space. DPDS conclude that district centres are facing significant problems and that BW is over-optimistic in considering them healthy. DPDS comment that shopping behaviour is favouring larger centres with wider choice and district centres are orientated towards the value end of the market where low rents do not support investment but are still recognised to have an important local function. Again, this is a view that I would support.

The applicant's impact assessment (BW) provides a quantitative assessment of the impact of the proposal on existing retail provision within the area. The applicant consider the convenience goods element of the scheme will primarily compete with existing main foodstores in the

southern part of Portsea Island and, in particular, ASDA (Fratton), Waitrose (Southsea), and Tesco (City Centre).

The applicant's impact assessment has also assessed the health of the designated network of centres. Overall DPDS conclude that BW has overestimated the health of all the centres but this does not mean they are necessarily vulnerable to the impact of the proposal.

BW considers their assessment of scheme turnover and approach undertaken to be robust, from data derived from household survey results. This shopper survey supports the turnovers of the various stores identified. Stores trade at different levels and BW consider Waitrose and ASDA are both trading extremely well. It is accepted that stores trade in the range of 50% of company average to 200% of it.

The applicant's impact assessment, based on the household shopping survey, shows the pattern of a single weekly main food shop by 64% of respondents. Most journeys were made by car at 65% followed by walking at 25%; DPDS suggest the latter is a relatively high percentage but typical of larger cities where car ownership tends to be lower. However, given the level of car ownership in the city and the density of development within walking distance from shops it is not considered that this figure is unreasonable. From the breakdown by survey 'zone' the ASDA store has overwhelming market dominance. The pattern for top-up shopping is more varied. As for comparison goods shopping, the City Centre is predominant for clothing/fashion shopping and well used for other goods (except DIY/large electrical items - where bulky goods shopping is well established from retail parks). ASDA is a significant destination for comparison goods shopping, although not for clothes shopping; DPDS observe that this probably relates to the question asked where you normally shop for clothes, reflecting the destination where clothes shopping is the main or one of the main purposes of the trip, rather than where clothes are bought as part of the food shopping trip.

The turnover of the proposed store is calculated by BW as £55.71m (estimated as £41.49m from convenience and £14.22m from comparison goods sales). BW comments that Tesco's own estimate of the turnover is lower than this, at about £49m. This would be below the company average and is not unlikely given its proximity to the ASDA store (depending on how well it manages to compete with the nearby competitor). DPDS comment on the considerable uncertainty in impact assessments and the need for them to be used with caution but conclude that the estimated turnovers given by BW to be reasonable. Based on their own assessment of the market shares identified by BW this broadly supports the trade diversion figures. In general BW expects greater impact on the main food stores (than the DPDS exercise) but this is not held to be unreasonable.

BW summarise the main trade diversions for convenience goods floorspace at 2017 from Study Area stores as:

ASDA (Fratton) - £10.0m diversion / 14.3% impact

Tesco (City Centre) - £4.8m / 20.3%

Waitrose (Southsea) - £3.7m / 11.3%

Morrisons (Anchorage Park)* - £3.3m / 13.5%

Tesco (Northarbour)* - £3.0m / 5.3%

Morrisons (Victory Park)* - £2.6m / 15.2%

[* out-of-centre stores which are afforded no protection in policy terms]

These trade diversions account for around 70% of the store's (convenience goods) turnover. In addition, there is expected to be trade diversion of £1.7m from Lidl (Goldsmith Avenue) and £1.1m from stores outside of the Study Area. Local stores in the Study Area are expected to continue to perform their top-up role and function without being significantly impacted upon by the proposed development.

BW summarise the main trade diversions for comparison goods at 2017 from Study Area stores as:

Portsmouth City Centre, excluding Tesco - £6.4m diversion / 3.3% impact

Ocean Retail Park - £1.7m / 4.0%

Southsea Town Centre - £1.6m / 5.2%

ASDA (Fratton) - £1.3m / 8.3%

These trade diversions account for around 80% of the store's (comparison goods) turnover. Trade diversion from other District Centres is expected to be relatively low and the impact negligible, not giving rise to any impact concerns. There will also be minor trade diversions from other locations but these are considered minimal and should not give rise to any trading/impact concerns, primarily from out-of-centre locations which are not protected in policy terms.

Impact by centre: **City Centre**

BW estimates a turnover of the City Centre at £223.59m, the total trade diversion at £11.62m and the impact as 5.2%. This is a significant impact. However, comparison goods trade would be a substantial part of the impact and DPDS consider this may be overestimated. The main impact would be on Tesco (Crasswell Street). It is estimated to have a total turnover of £25.71m (£23.8m convenience and £1.91m comparison goods) and the combined trade diversion at £4.94m, giving a total impact of 18%. Potential loss of the main convenience store would reduce the City Centre offer, the range of facilities for local residents and would impact the level of spending and footfall more generally. In addition, there would be some impact on Sainsbury (Commercial Road). This is an edge of centre position but BW estimates about 12% impact overall. Although comparison goods turnover appears too high for a small foodstore it is unlikely to close solely as a result of this impact.

The main focus for investment in the City Centre is the Northern Quarter that currently has no planning permission but is allocated for development under policy PCS4. The offer is intended to be very different and with the level of competition limited. Provided the scheme is not dependent on a foodstore for viability it is unlikely to be adversely affected by the proposal some distance away.

Impact by centre: **Southsea Town Centre**

BW estimates a turnover of the centre at £69.53m, the trade diversion at £5.68m and the impact as 8%. DPDS suggest this could be considered significantly adverse; however, the true percentage could be significantly less. Inclusion of a John Lewis department store in the previous Northern Quarter scheme would have a major effect on the centre but now too early a stage to consider any cumulative impact grounds in the context of this future proposal. The greatest impact would be on Waitrose (Marmion Road), with an estimated turnover of £32.9m (by BW) and a trade diversion of £3.7m forecasting an impact of about 11%. DPDS express doubts that its turnover is as high as BW estimate. In an objection from Firstplan on behalf of Waitrose, it states the store trades at about company average and that BW's estimate of trade diversion (at £3.7m) would be 25%. Even at a turnover of £15m (rather than £32.9m) DPDS consider at this level of impact there would be little risk of its closure as a result of the proposal.

There are no major proposals for retail development in the centre that could be affected.

Impact by centre: **Fratton District Centre**

BW estimates a turnover of the centre at £102m, the majority comprising of the turnover of ASDA at £85m (£70m convenience and £15m comparison goods). The estimated trade diversion at £11.6m gives an impact of 11.3%. DPDS comment this would be significant adverse impact to a rather weak and vulnerable centre, although there appears to be very little interaction between the foodstore and the centre despite how busy ASDA is. Similarly, no major retail development is proposed in the district centre that could be adversely affected.

Impact by centre: **North End and Albert Road/Elm Grove District Centres**

BW estimates North End has a turnover at some £40m, the trade diversion of £1.1m would occur and impact of about 3%. DPDS suggests the trade diversion is unlikely to be seriously adverse.

For Albert Road/Elm Grove BW estimates a turnover of about £28.5m, with some £11.7m derived from convenience goods. Again, DPDS suggests the impact is unlikely to be seriously adverse. Cosham District Centre is sufficiently far away and with too many intervening shopping opportunities to require detailed consideration.

Impact by centre: **Local Centres**

Adverse impact on smaller independent retailers in the surrounding area, potentially resulting in closure and reducing the independent shopping provision within the city, is raised in objections. The applicant's supporting evidence (paras 4.46-4.51 of the Retail Assessment) describe the nearest Local Centres to the site at Winter Road (0.5km to the south-east), Fawcett Road (1.1km to the south-west) and Eastney Road (1.1km to the south-east). The Retail Assessment describes this area as performing a largely top-up shopping role complementing the main-food role of existing stores in the wider area which justifies their designation as a Local Centres and an expectation that the role will continue and be largely unaffected by the proposed development. Although change to shopping patterns may give rise to some impact on these Local Centres DPDS consider that they would be largely unaffected and not so great that the proposed store would have any significant adverse effect on the services they provide to the local community.

On the issue of retail impact, having regard to the evidence based assessment presented by BW and the review of the retail impact by DPDS, the following conclusions are drawn:

- o the impact on the city centre is acceptable
- o the impact on Southsea would not be significantly adverse
- o the impact on North End and Albert Road/Elm Grove is not likely to be significant
- o Cosham does not require detailed consideration, and
- o the impact on Local Centres will be largely unaffected

There is, however, a differing conclusion on the *significance* of the impact on Fratton District Centre between BW and DPDS.

As described earlier, BW estimates a turnover of Fratton centre at £102m, including ASDA at £85m (£70m convenience and £15m comparison goods). BW estimate trade diversion by the proposed store of £11.6m, representing an impact on Fratton centre of 11.3%. In the view of DPDS, an impact of over 10% on a centre cannot be regarded as insignificant, particularly a centre that is not trading strongly. Having made the best estimate of trade diversion as a percentage of the centre's turnover DPDS then explore what this would mean for the centre (on the whole of the town centre turnover and not just on the convenience goods sector); this varies from centre to centre but key factors are the importance of convenience retailing in the centre compared with other attractions, the health of the centre, the location of the main outlets that would be affected in relation to the centre and the contribution that those stores make to the footfall.

DPDS conclude that the level of impact would not lead to the closure of ASDA. DPDS go on to consider the impact on the rest of the centre, assessing the importance of linked trips from relevant sources (beyond the shopping survey data relied upon by BW who indicate that 5% of main food shoppers link their shopping trip with a trip to Fratton Centre) and observe "this indicates that there is "relatively little linkage" (ie very few ASDA shoppers visit the rest of the centre).

BW agrees with DPDS approach and confirms the appropriateness of assessing the impact on the centre as a whole, not just on an individual store or retailer. BW draws the following conclusions:

- **Trading position:** ASDA is overtrading and following trade diversion by the proposed store would continue to be in a healthy trading position; as recognised by DPDS, the level of impact would not lead to the closure of ASDA.
- **Role in centre:** ASDA is not a traditional anchor store upon which the vitality and viability of the centre is dependant and acknowledge DPDS view that there is “relatively little linkage” between ASDA shoppers and the rest of the centre;
- **Linked trips/footfall:** If there is “relatively little linkage” of trips then diversion of some ASDA shoppers to the proposed new store will not have a wider impact on footfall in the rest of Fratton centre and its attraction/footfall will therefore be materially unchanged.
- **% impact:** DPDS seem to place weight on the percentage level of impact and this informs their main conclusion and recommendation. This issue is not just the pure percentage but how the effects will manifest themselves and what the impact will be on the remainder of the centre. The majority of this percentage impact will be felt by the ASDA store and is within acceptable limits (for the reasons above).

In short, BW agrees with DPDS on the impact characteristics on Fratton District Centre but differ in terms of their conclusion on policy magnitude. As outlined in the introductory paragraph of this section of the report, the retail impact assessment is based on judgment of a number of variable factors. The conclusions by DPDS, in referring to the impact on Fratton District Centre, are a nuanced response to the evidence in their review of the applicant's retail impact assessment. The requirement of the NPPF is that where there is a "significant adverse impact" the proposal should be refused. However, the robust expression of opinion that it may be inferred should be given to necessitate such a refusal, is not considered to be found in the DPDS conclusions. In light of that, whilst the NPPF is a significant material consideration, it is not considered that the DPDS conclusions are so strongly expressed as a material concern that a refusal is justified by reference to the percentage-based retail impact assessment alone.

Based on the applicant's impact assessment and having regard to the advice of DPDS, the following conclusions are drawn. Fratton District Centre is clearly not trading strongly and linked trips do not seem important to the operation of the district centre as a whole. There is likely to be little change to the trade or footfall to Fratton District Centre by the reduced number of trips to ASDA as a consequence of the proposed new store. Given the dominance of ASDA to the area there seems no realistic risk of its closure as a result of the proposed store. Whilst the percentage level of impact is not insignificant, the weight that should be given to the likely retail impact on the centre as a whole cannot be concluded to be “significant adverse” (for the above reasons) and not to conflict with policy PCS18 and NPPF (paragraph 27).

3 Transport and highways implications

This forms one of the key concerns raised in representations.

Relevant transport related policies include PCS7 (Fratton Park & the south side of Rodney Road), PCS17 (Transport) and PCS23 (Design and Conservation). Policy PCS7 requires 'any development' to be cycle and pedestrian friendly and improve links to and capacity at Fratton Railway Station. However, these should not be considered out of context of the allocation for a new or improved football stadium. Improvements must be fairly and reasonably related to the proposal for a new retail store and not seek to make good deficiencies associated with the existing Stadium until relevant improved or enhanced facilities are brought forward to the Stadium.

At the core of policy PCS17 is a sustainable and integrated transport network, encouraging development in accessible locations and improvement to public transport, cycling and walking in the city. In addition, adequate parking to serve the development and travel plans is required. Policy PCS23 requires "Accessibility to all users" through well designed development.

The above policies are consistent with the NPPF, where the basis of transport policy (para 29) recognises its important role in facilitating sustainable development and for all developments that generate significant amounts of movement to be supported (para 32) by a Transport Assessment for plans and decisions to take account of "the opportunities for sustainable transport modes... to reduce the need for major transport infrastructure", "safe and suitable access to the site can be achieved for all people" and "improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development... should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

A Transport Assessment (TA) was submitted with the proposal as required by para 32 of the NPPF and supported by a Travel Plan as required by para 36 of the NPPF. Additional information has been submitted by the applicant's transport consultants, as a series of Technical Notes, in response to matters raised by the Highways Authority.

Detailed highways comments are set out within the 'Consultation' section of this report. In essence the approach taken by the Highway Authority is that there should be no detriment to the satisfactory operation of the highway network arising from the development. There have been extensive discussions and meetings to address a range of highway impacts, which have taken a precautionary approach to ensure that no detriment occurs to the operation of the highway network. The Highways Authority has offered a balanced recommendation identifying significant highways impacts to warrant refusal as well as a package of off-site highway and transport improvements that could mitigate the impacts of the development sufficient to overcome the reasons for refusal.

The highways impacts include the following:

- * The proposal would introduce a new roundabout on Fratton Way in close proximity to the existing toucan crossing contrary to the guidance given in TD 16/07 Geometric Design of Roundabouts (para 5.7) and consequently would increase the likelihood of accidents contrary to policy PCS17.
- * The proposal does not ensure improved links to Fratton Station for cyclists contrary to planning policy PCS7.
- * The proposal does not provide a safe and convenient crossing facility of Fratton Way to allow customers to access the bus stop on the western side of the road contrary to policy PCS17.
- * The proposal does not provide a sufficiently convenient facility to allow customers to access bus services operation on Goldsmith Avenue contrary to policy PCS17.
- * The proposal requires diversion of the pedestrian / cyclist link known as Milton Lane to a less direct and convenient route contrary to policy PCS7 and PCS17.
- * The transport assessment establishes that the development will cause the junction of Velder Road with Rodney Road to operate in excess of capacity at peak times (although does demonstrate that the installation of MOVA - a computer based signal controlled system to maximise operational efficiency of the junction as proposed would resolve the issue.)
- * The proposal would increase the degree to which the traffic signal controls at the Goldsmith Avenue Priory Crescent junction are predicted to operate in excess of practical capacity by up to 5.1% (from 9.1% to 14.2% in the non-match day Saturday peak period) with consequent increases in queue length and journey time delay.
- * Insufficient information has been provided to establish the traffic impacts of the proposal in that the degree to which queue / platoon lengths established at pedestrian crossings are extended or the impact of those on neighbouring junctions has not been established.

The package of off-site highways related improvements identified by the Highways Authority that could mitigate the impacts of the development sufficient to overcome the reasons for refusal (together with the development of the framework travel plan to establish a series of SMART targets, monitoring mechanisms with monitoring costs of £5500 for review in the first, third and fifth years to be met by the developer and remedial measures in the event that the targets are not achieved) include:

- * Upgrading of signal controls at Velder Avenue / Milton Road to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian.
- * Refurbishment of signal controls at Goldsmith Avenue / Priory Crescent to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian and CCTV coverage linked to PCC control centre.
- * Provision of on road cycle lanes from Fratton Way to link with the existing facilities to the west on Goldsmith Avenue in the vicinity of Talbot Road.
- * Provision of off road cycleway across site frontage to link with Toucan crossing to south on Fratton Way (including removal of 4th unused arm of existing roundabout).
- * Provision of boarding platforms to facilitate easy access to bus stops on Goldsmith Avenue immediately to east of Fratton Way junction.
- * Provision of real time information for bus services at stops on Goldsmith Avenue and Fratton Way linked to store atrium.
- * Provision of lighting and CCTV monitoring of diverted Milton Lane linked to PCC control centre.
- * Bus service subsidy to secure increased service frequency on Fratton Way to at least hourly daytime services.

In response, the applicant accepts the above mitigation package (with the exception of a bus service subsidy, which is not considered justified on the basis of frequency and proximity of buses on Goldsmith Avenue located well within recommended walk distances and improvements to the access to those bus stops) to mitigate the impacts of the development.

The main access/egress serving customers to the store and PFS (including fuel tanker supplies) would be from a new roundabout junction onto Fratton Way (A2030). A separate access arrangement is proposed from Anson Road via a ramp to first floor service yards for all delivery vehicles, including dot.com (internet) sales.

Whilst provision for pedestrians and cyclists has received some critical comment the applicant has responded to concerns raised by the Portsmouth Cycle Forum (PCF). Cycle parking provision at the store and the stadium would be 'Sheffield' type stands. An off-road shared footway/cycleway across the frontage of the store would be linked to the existing Toucan crossing to the south on Fratton Way (including removal of the 4th unused arm of the 'B&Q' roundabout) and other improvements to improve the existing cycle lanes on Goldsmith Avenue between Fratton Way and Talbot Road, subject to completion of public consultation and amending of the traffic regulation order to enable implementation of cycle lanes along the northern side of Goldsmith Avenue. The proposed measures are considered reasonably proportionate for the trips that would be generated as a result of the proposed store to accord with policy PCS7 requirement for 'any development' to be cycle and pedestrian friendly and improve links to and capacity at Fratton Railway Station.

A contentious highways implication of the proposal is raised in objection by owners of 'The Pompey Centre' (Sellar Properties) and a number of nearby (largely commercial) occupiers that consider a new roundabout junction as resulting in longer delays and impairing the function of Fratton Way, ignoring the benefits site access from the existing 'B&Q' roundabout.

In the objection to the layout/access arrangements made on behalf of Sellars Properties, supported by a Transport Appraisal by their consultants (WSP), it considers it would be contrary to law for the council to grant permission for this development for three reasons. These relate, firstly, to the absence of proper consideration of the feasibility and desirability of access using B&Q roundabout in the Design and Access Statement, secondly, to the position on land ownership and thirdly, a misleading impression given that there has been widespread consultation. It is the applicant's intention to respond to these points that they consider to be without merit and further explanation sought of any legal defects related to the determination of the application.

The 'B&Q' roundabout may be regarded as potentially the most obvious location from which to access the proposed development. However, the applicant's Design & Access Statement

identifies site constraints and it includes site access from the existing B&Q roundabout as “not achievable for land ownership reasons”; this reiterates the land ownership constraint previously expressed at pre-application stage. In the objection by Sellar Properties Ltd this is claimed to represent a complete misrepresentation, is available as an access and no consultation or negotiation undertaken by the applicant. It is not without precedent that the existence of third party land ownership may affect the feasibility or viability of a development proposal.

The access arrangements proposed by the current planning application for servicing via Anson Road and for customers of the store/PFS via a new roundabout onto Fratton Way have been properly considered in the context of para 32 of the NPPF. In response to the suggestion of the Highways Authority, the applicant's explored an alternative design for a traffic-light controlled junction to facilitate access for customers of the store/PFS on Fratton Way. The Highways Authority assessed (as set out in the consultation section of this report) the performance of the applicant's design for a signal controlled junction and conceded "this does not seem to offer a practical alternative access arrangement." In concluding a package of off-site highway and transport improvements could mitigate significant impacts of the development to overcome harm identified in potential reasons for refusal, the harm was not considered so severe that the development should be prevented or refused on transport grounds.

4 Design and townscape

With an overall floorspace of 10,475sqm the proposed development represents a building of some significant scale and bulk. The architecture is based on a 'Tesco' model store on stilts and variations of this model design of building have been successfully implemented elsewhere in the country. The building is of contemporary design. The proposed siting and orientation of its glazed entrance atrium onto the most visually prominent west elevation seeks to provide a strong built edge with focal point for customers and a more active frontage to Fratton Way, to make a positive townscape contribution onto a main arterial route through the city. Location of supermarket trading at first floor level seeks to maximise the potential use of the site and partially conceal, as far as practicable, the ground level car park serving the store. Although the resulting built-form (above parking) would be effectively taller than a store at ground floor level, the overall ridge height would still be lower by 1m than the adjoining 'Fratton End' (west) Stand. The large volume of the 'double-height space' main sales floor part of the building would be moderated by the lower atrium at the store entrance and smaller volume toward the rear, containing back of house facilities and on-line deliveries.

The Design Review Panel has considered the scheme and overall regard it as an acceptable scheme "for such a ubiquitous building type"; the Panel noted its similarity to a store recently delivered in Fareham and commented that it was unfortunate to have the ground floor exposed suggesting it may improve the design to screen/hide the car parking, perhaps through the extension of elements of the cladding down to ground floor. The durability/longevity of Larch as a cladding material was also commented upon.

There are, of course, ways to reduce the visual impact of parked cars and the scale/massing of the store further by seeking to 'bury' the parking but such design change must be weighed against the practical implications for access for both cars and pedestrians, construction of retaining structures affecting ease of movement for customers laden with shopping bags or loaded trolleys, removal of material from the site and the underlying (groundwater) aquifer.

Enhancement of the south-west corner of the store was sought to secure a more distinctive design and streetscape contribution in (pre-application) discussion with officers. Cladding of the external envelope by larch (timber) to the more prominent street facing elevation and glazing to the entrance atrium, with aluminium brise soleil to the glazed areas most prone to heat gain from direct sunlight, are considered to deliver a suitable quality appearance to the store. In visually less conspicuous or sensitive parts of the north and south 'side' elevations (toward the rear of the building) cladding to the store would be in composite metal panels (white finish). Above the double-height space of the sales floor would be covered by a shallow standing seam pitched

roof designed with overhanging eaves detail to the roof's edge. At a height of up to 14.3m and the building's position directly onto the frontage of the site, the roof would not be readily viewed in the streetscene or represent a significant visual feature of the scheme.

Details of safety and security lighting around the site have been identified as part of the planning application; less clear is the inclusion of any architectural lighting intended to enhance the store's appearance during hours of darkness, given the 24-hour operation of the site (as limited by Sunday trading hours) and visual prominence of the store. Details of an architectural lighting design/feature to enhance the appearance of the store are considered reasonable and necessary, capable of being addressed by planning condition. Subject to this, it is concluded that the siting, scale and appearance are well designed and make an appropriate contribution to the townscape character of this part of the city to comply with policy PCS23.

The proposal includes an 8-pump PFS, with forecourt canopy, 86sqm sales kiosk and associated jet wash facility to the north of the proposed store. The design of a PFS is typically functional in nature and determined by operational requirements. However, the small kiosk facing the station's forecourt would be clad in white composite panels visually tying its appearance back to cladding elements of the main store building. The layout and scale of this element of the scheme would be largely screened by existing buildings (behind 'Sunnyside' surgery and adjoining premises) and within a landscaped setting and tree planting at the vehicular entrance of the site. It is considered appropriate to the overall design strategy for the development.

The other component to the planning application has been developed with Portsmouth Football Club to provide a car park layout, accessed via Anson Road, to meet the club's requirements. Due to safety and management issues the club expressed its preference for the car park to be fully enclosed by high fencing. In addition the club require a flexible car park layout in a continuous tarmac finish with painted bays and any other features (kerbs/fences/barriers) kept to a minimum. The space provides for around 130 standard parking bays, coach parking and includes disabled spaces. It is designed to be flexible for adaptation on match days to provide disabled parking, coach and parking for VIPs, players, visiting Clubs and a hardstanding for media use (as necessary). A large area of unrelieved tarmac, enclosed by high security fencing, cannot be reasonably argued to achieve the highest design standards. Whilst this particular aspect of the proposal diminishes the overall design quality, the car park would be largely screened by substantial neighbouring buildings (including the Stadium, foodstore and properties on Fratton Way/Anson Road) and having regard to the club's desire for its flexible adaptation on match days its visual impact is not considered so harmful to warrant refusal.

5 Sustainable design and construction

All development in the city must contribute to addressing climate change. Relevant sustainable design and construction standards are set out in policy PCS15 and the requirements expanded upon in a Supplementary Planning Document (SPD). The SPD (in section 4.3) requires this type of non-domestic development to achieve a BREEAM level 'Excellent', from 2013 onwards. As part of this, further minimum standards must be achieved to ensure compliance with the Portsmouth Plan (summarised on p.23 of the SPD): cyclist facilities - two credits in issue TRA03; low or zero carbon (LZC) energy technologies - a 10% mitigation of emissions through issue ENE04. The SPD sets out an expectation of inclusion of pre-assessment details as part of an application. A BREEAM pre-assessment summary report has been submitted.

This BREEAM pre-assessment, Design & Access Statement and Planning Statement all confirm that the applicant has engaged with the issue of sustainability. Initially this uses natural daylight together with high levels of insulation and natural ventilation. This fabric first approach is welcomed. Other features which have been incorporated into the design, in order to achieve improvements on the design's sustainability and ensure that maximum BREEAM credits include: sustainable drainage systems providing on-site storage/soakaway to assist water collection and control surface water run-off; LED lighting to reduce energy consumption; selection of materials

with a BRE Green Guide rating of A or A+ only; use of rainwater harvesting; use of low global warming potential refrigerants; and, provision of a Combined Heat & Power (CHP) unit to provide electrical generation and heating from one source reducing the main electrical supply loading.

A BREEAM Pre-Assessment provides details of the provision of a 'shell' building by the applicant. Further energy saving measures relating to the operation and management of the store and its equipment would form the responsibility of 'Tesco' in the fit-out of the store building. To secure the relevant standard to comply with policy PCS15 and related SPD appropriate planning conditions are considered necessary and reasonable.

6 Impact on residential amenity (noise etc)

The application site adjoins protected employment land (policy PCS11) to the north and located within an area that is predominantly business and commercial in character. There are residential properties immediately to the south fronting Fratton Way and Frogmore Road. Since the proposed store would be open 24 hours (subject to Sunday trading law limitations) potential noise impacts have been assessed for daytime and night time periods. In the consultation section of this report Environmental Health has provided comments on the applicant's environmental noise assessment submitted in support of the proposed retail store and the identified change to the noise environment in relation to deliveries to and from the retail store, car parking and fixed mechanical plant.

The siting and layout of the development, and store in particular, seeks to minimise the impact of the proposal on neighbouring occupiers. The main form of mitigation would be the incorporation of 4.5m high acoustic timber fencing (to match other timber cladding on the building) above a solid parapet to the delivery operations of the service yard's edge on the southern elevation closest to the Frogmore Road properties. To minimise any potential for noise and general disturbance it is considered reasonable and necessary to prohibit deliveries or loading/unloading in the service yard areas during the period between midnight and 7am (when people are normally sleeping).

The nearest houses in Frogmore Road are located around 50m to the south-east of the proposed store. The scale/massing of the building steps down toward the rear and include external service yard areas, which are intended to be enclosed by acoustic fencing. The outlook from the nearest houses in Frogmore Road would change from the current 'open' character of the adjacent land (up to the 'B&Q' roundabout on Fratton Way) to the presence of a new store, however, the separation distance of some 50m and a gap between 'Safestore' (self-storage) and the proposed store would ensure no significant impact.

Subject to relevant mitigation measures (for provision/retention of acoustic fencing, noise levels from fixed plant and hours restriction for deliveries) the proposed development is not considered to give rise to any significant adverse impact on the occupiers of existing adjoining houses, to accord with policy PCS23.

7 Ecology/landscape

Based on the advice of the council's ecologist that the application is supported by a thorough and professional Ecological Assessment (representing the ecological conditions at the site at the time of the survey) and observations at the site, no concerns are raised over potential adverse ecological impacts arising from this development, subject to the recommendations made in the report being secured by suitable planning conditions.

The council's landscape architects views are more balanced. On the western and northern sides of the development the applicant's landscape scheme is very comprehensive and well considered with a good palette of lower plants/trees and good integration of native hedge where space allows. The landscape works specification is very thorough. However, for such a

significant footprint of development, the proportion of trees is rather low. Whilst it is appreciated that this is a large supermarket and car parks, there is still some limited room to accommodate tree planting apart around the edges. Around the rear where the car parks meet and at the NW entrance to the football stadium it is very bare, entirely made up of hard standing and fencing. Understandably there would be a lot of people swarming into and out of the stadium on match days, but there are spaces where some trees could be planted to enhance this rather bleak setting and provide some vertical greenery. Also, the south elevation of the supermarket where there is a native hedge only along the edge, there is room to include trees as some vertical buffer to the development, positioned against the hedge (so emergency vehicles still have adequate room to circulate). In short, there are locations that would benefit from additional trees. Furthermore, the hard landscape schedule/materials palette is less clear, except for mention in the D&A statement of macadam paths with resin bound gravel. Some better quality treatment around the west side of the scheme as an approach to the supermarket would be expected to secure an attractive public realm. Imposition of a planning condition for approval of all hardsurface treatments around the site is considered necessary and reasonable to satisfactorily address this matter.

In response, the applicant's take the view that "Due to the limited space available in the area and the anticipated pedestrian usage, even if the species selected were to be fastigiated or columnar in habit, any trees that were planted would not be expected to survive. Tree planting in this location should therefore be avoided to avoid dead trees and regular and ultimately futile re-planting". The council's landscape architects consider appropriate tree species, structural soil preparation and planning for design/maintenance could deliver a more acceptable design for the setting of the store. In summary, where the applicants propose landscaping to enhance the development their design approach is suitable. Elsewhere around the development the landscape solution is disappointing and a better quality and more attractive treatment would be expected.

Whilst some elements of the proposal falls short of the highest design quality and requirements of a strand of policy PCS23 for "All new development must be well designed and ... [amongst other things, seek] ... Public and private spaces that are clearly defined, as well as being safe, vibrant and attractive" the elements that lack the preferred quality are in the less conspicuous parts of the site and considered, on balance, to be acceptable.

8 Employment opportunities

The Portsmouth Plan's objectives include "To develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all" and states that Portsmouth will need to raise aspirations and diversify the skills of the local workforce in order to continue to strengthen the economy and ensure local people can make the most of new job opportunities that will arise in the city. Policy PCS16 "Infrastructure and Community Benefit" seeks to achieve community benefits related to the development. Skills training can be included as a community benefit and is developed upon in the Achieving Employment and Skills Plan SPD. The SPD states (at paras 2.4/2.5) that "All new development creates employment opportunities at the construction stage therefore employment and skills plans will be requested for the construction phase of all major development in the city, as defined [>1000sqm] ... Some development will create job opportunities at the occupation stage as well, such as retail or hotel developments. Therefore, employment and skills plans will be requested to cover the end user where the development will create 50fte jobs or more."

The applicant's Planning Statement states that "The scheme will also create 250 jobs at the Site in the construction phase and around 300 ongoing jobs at the Retail Store and Petrol Filling Station which will be sourced mainly from the local community." A supporting letter from 'Tesco' reaffirms the proposal will generate about 300 full and part time jobs.

The SPD clarifies (at para 3.1) the expectation that an Employment and Skills Plan should be submitted to the council and that its implementation would be secured through a Section 106

agreement. The applicant has offered to meet this planning obligation as part of a Section 106 Agreement, to accord with policy PCS16 and meet one of the objectives of the Portsmouth Plan to develop "employment opportunities for all".

9 Other matters raised in representations

Impact on independent retailers

Adverse impact on smaller independent retailers in the surrounding area, potentially resulting in closure and reducing the independent shopping provision within the city, is raised in objections.

The sequential and retail impact assessments are set out in detail in the 'comments' section (2) of this report. The policy framework seeks to support the vitality and viability of designated town centres (areas defined on the local authority's proposal map as city centres, town centres, district centres and local centres) but that, by definition within the NPPF, exclude small parades of shops of purely neighbourhood significance or existing out-of-centre developments.

The applicant's supporting evidence (paras 4.46-4.51 of the Retail Assessment) gives consideration to the nearest Local Centres to the site, at Winter Road (0.5km to the south-east), Fawcett Road (1.1km to the south-west) and Eastney Road (1.1km to the south-east). The applicant's Retail Assessment describes a largely top-up shopping role complementing the main-food role of existing stores in the wider area which justifies their designation as a Local Centres, an expectation that the role will continue and be largely unaffected by the proposed development, and in the absence of clear evidence cannot be shown to give rise to significant adverse impact.

For the reasons set out in in the 'comments' section (2) of this report, there would be no significant adverse impact on nearby Local Centres.

Pedestrian access to Fratton Park

The main Stadium access via Anson Road to a dedicated car park and congregation/circulation space around the north and west Stands is considered by PFC to provide the future opportunity for the North Stand to become the Stadium's 'front door'. The realignment of Milton Lane, at some 4m in width, would continue to provide access to the Stadium from Fratton Way (to the west). The congregation/circulation space extends around the west Stand (Fratton End) and includes a forecourt access point south of Tesco car park, linking Fratton Way with the football ground, designed to alleviate pressure from the Frogmore Road stadium entrance.

Supporting information confirms that "The works to the S-W forecourt will not affect the accessibility of the pedestrian link with Frogmore Road currently running between the club owned buildings at the south boundary of the application." Objection is raised to the adequacy and suitability of these two links to serve the Stadium from Fratton Way as too narrow and constricted, and therefore potentially dangerous. The south-western footpath is described as "particularly important as it lies on the most direct route between the stadium and Fratton Station, and is therefore likely to be particularly well used." In addition, "Policy PSC7 requires that any development 'will have to ensure improved links to and capacity at Fratton Station' and this path certainly does not achieve this now or allow sufficient space for its future provision."

The south-western link would measure 8m at its widest narrowing to some 4.5m. The realigned Milton Lane would be 4m wide. The circulation space at the rear of the west Stand would be some 13m wide. These footpaths south of Tesco car park and around the north side of the PFS, connecting the congregation/circulation space, are considered an appropriate provision to serve the Stadium and not in conflict with the objectives of a strand of PCS7 for any development to be "...cycle and pedestrian friendly and will have to ensure improved links to and capacity at Fratton Railway Station."

Publicity for the application

Some representations raise concern that they were not directly consulted by letter. The statutory requirements for publicity for the application have been met and individual letters to adjoining occupiers carried out in addition to the minimum requirements for a press notice/site notice. Further publicity was undertaken as a 'departure' in light of the assessment of the proposal that a strand of policy PCS7 cannot reasonably be argued to have been fully met, to demonstrate it 'would ensure the co-ordinated development of the area'.

No need for another petrol station in the city

There is no relevant or specific policy relevant to a PFS. This aspect of the proposal, along with a jet wash facility, represents a component of the function of the store that some customers consider convenient to combine with their shopping trip.

Patient privacy at Sunnyside Medical Centre

Suitable boundary screening would ensure no significant impact, to be secured in accordance with appropriate details for approval and subsequent implementation by planning condition.

Conclusions

A presumption in favour of sustainable development is a key principal of the NPPF. The proposal would provide a number of benefits contributing to the achievement of the three dimensions to sustainable development: of economic, social and environmental roles, in accordance with the policies and objectives of the NPPF and the Portsmouth Plan; the latter includes policies PCS7 (Fratton Park & the south side of Rodney Road), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS18 (Local shops and services), PCS23 (Design and Conservation) and saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan 2001-2011.

The proposal represents a significant regeneration opportunity. It would redevelop a brownfield site which might not otherwise be developed in the near future. New employment opportunities and skills training as a community benefit would be created; an Employment and Skills Plan would seek to ensure local people can make the most of new job opportunities. Trade draw from other stores may lead to a potential loss of some existing jobs, albeit not as many as would be created. A new foodstore within a densely populated largely residential area should reduce the need to travel to access those goods for some shoppers and improve local accessibility to those services. The existing District Centre some 750m away and other convenience stores serving the nearby residential areas would, however, limit this benefit. The off-site highways improvements to make the proposal acceptable, whilst necessary for the peak periods, would also act provide increased capacity off-peak, potentially reducing congestion at that time.

It would provide additional retail facilities and consumer choice to residents of Portsea Island, since convenience goods shopping facilities on the southern part of Portsea Island is considered rather limited. There would be no significant adverse impact on the City Centre, Southsea Town Centre, Fratton, North End and Albert Road/Elm Grove District Centres or Local Centres.

The proposal does not accord with a narrow understanding of policy PCS7. However, taking the plan as a whole, and having carefully considered all material planning issues, including those raised by consultees and those arising from publicity for the application, it is considered that the merits of the scheme are sufficient to outweigh concerns. In taking a broader understanding of the development plan, it is acknowledged that there is a degree of compliance so that the impact of a strand of policy PCS7 of non-compliance is diminished.

Before granting permission, to ensure provision by the applicant of measures that will outweigh specific concerns expressed in respect of, for example, providing land for Stadium enhancements, the applicant will be required to complete relevant agreements securing planning obligations. Such agreements may only constitute a reason for granting planning permission for the development if they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development (in accordance with regulation 122 of the Community Infrastructure Regulations 2010). In addition, permission should be subject to the conditions referred to in this report, which are reasonable in all the circumstances explained, and necessary to make the development acceptable in planning terms.

Prior referral to the 'Secretary of State' would, however, be necessary under the powers conferred by The Town and Country Planning (General Development) Procedure Order 1995 and application of The Town and Country Planning (Consultation) (England) Direction 2009 as "development outside town centres" [5(1)(b), which is not in accordance with one or more provisions of the development plan] where a strand of policy PCS7 'would ensure the co-ordinated development of the area' cannot reasonably be argued to have been met.

RECOMMENDATION I Delegated authority be granted to the City Development Manager to grant Conditional Permission subject to Referral to the Secretary of State under the (Consultation) (England) Direction 2009 and to the prior completion of agreements pursuant to section 106 Town & Country Planning Act 1990 and section 278 Highways Act 1980 to secure the following planning obligations:

- o Land for Stadium enhancements (car park, dedicated area for media vehicles and congregation/circulation areas) to be made exclusively available to PFC for these purposes
- o Prepare and implement Employment and Skills Plan
- o Any necessary commuted sum for future maintenance of the public footpath and possibly of landscape planting margins (if considered suitable for adoption)
- o Project management and monitoring fee for the S106 Agreement (subject to agreement as to the amount of such a fee)
- o Provision of lighting and CCTV camera/cabling linked to PCC control centre for monitoring of diverted Milton Lane, installed and available before first use of the (diverted) public footpath
- o Upgrading of signal controls at Velder Avenue / Milton Road to provide MOVA operation.
- o Refurbishment of signal controls at Goldsmith Avenue / Priory Crescent to provide MOVA operation with pedestrian detection allowing early cut off of pedestrian and CCTV coverage linked to PCC control centre.
- o Provision of on road cycle lanes from Fratton Way to link with the existing facilities to the west on Goldsmith Avenue in the vicinity of Talbot Road.
- o Provision of off road cycleway across site frontage to link with Toucan crossing to south on Fratton Way (including removal of 4th unused arm of existing roundabout).
- o Provision of boarding platforms to facilitate easy access to bus stops on Goldsmith Avenue immediately to east of Fratton Way junction.
- o Provision of real time information for bus services at stops on Goldsmith Avenue and Fratton Way linked to store atrium.
- o The development of the framework travel plan to establish a series of SMART targets, monitoring mechanisms (with monitoring costs over a 5-year period of £5500 to be met by the developer, payable upon commencement of development) and remedial measures in the event that the targets are not achieved.

RECOMMENDATION II That delegated authority be granted to the City Development Manager to add/amend conditions where necessary.

RECOMMENDATION III That delegated authority be granted to the City Development Manager to refuse planning permission if the Section 106 agreement has not been completed within three months of the date of the resolution.

Conditions

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 3505-PL-003 B; 3505-PL-005 D; 3505-PL-006 C; 3505-PL-007 D; 3505-PL-008 C; 3505-PL-009 B; 3505-PL-010 C; 3505-PL-015 D; 3505-PL-019 D; 3505-PL-020 C; 3505-PL-021 D; 3505-PL-028 C; 3505-PL-036 C; 3505-PL-043 C; 3505-PL-048 A; 3505-PL-050 C; NT2013-004-02 E; NT2013-004-03 B; NT2013-005 F; NT2013-005-01; NT2013-006-01 G; NT2013-006-02 G; NT2013-006-03 G; NT2013-006-04 G; NT2013-006-05 G; NT2013-006-006 G; NT2013-006-07 G; NT2013-006-08 G; NT2013-006-09 G.

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+ A1:2013;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011+ A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) No development shall take place until details of (a) the proposed means of foul and surface water sewerage disposal and (b) the measures to be undertaken to protect any existing public sewers infrastructure, shall have been submitted to and approved in writing by the Local Planning Authority; and the store shall not be brought into use until the drainage works have been carried out in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

6) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the Preliminary Geo-Environmental and Geotechnical Assessment report prepared by Tweedie Evans Consulting (ref 1304008.001.01

September 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

7) No occupation of any part of the development hereby permitted shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

10) No development shall take place until a Hydrogeological Risk Assessment (HRA) for the Petrol Filling Station should be submitted to and approved in writing by the Local Planning Authority. The HRA should include full details of the fuel storage facilities and tank design. The development shall be carried out in accordance with the recommendations and mitigation measures identified in the approved HRA.

11) The rating level of the noise from fixed plant shall not exceed 42dB between 07:00 and 23:00, and 33dB 23:00 and 07:00hrs. This noise level shall be determined at the nearest noise sensitive premises. Any measurements and assessment shall be made in accordance with B54142:1997.

12) All planting, seeding or turfing comprised in the approved details of landscaping shown on drawings no.NT2013-006-005F, NT2013-006-01G/, -02G/, -03G/, -07/G, -08G/ & -/09G, and landscape cross-sections NT2013-004-02E & -03E (or such alternative landscape scheme as may be submitted to and approved in writing by the Local Planning Authority) shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

13) No development shall take place until details of all hardsurface treatments proposed across the site, including the types/textures and colour finishes, shall have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved details.

14) Development shall proceed in accordance with the construction safeguards set out in Section 6.4.1 of the Land at Fratton Way, Portsmouth Ecological Assessment report (Aspect Ecology, January 2014).

15) No development shall take place until details (including locations and specifications, supported by plans as appropriate) of additional biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details and the development shall not be occupied/brought into use until there has been submitted to and agreed in writing by the Local Planning Authority a verification report to demonstrate implementation of the approved biodiversity enhancements. Thereafter the approved biodiversity enhancements shall be retained.

16) No construction of the store hereby permitted shall commence until the Stadium improvements shown on the approved plans and comprising

* the Stadium car parking area,

* dedicated area for media vehicles, and

* congregation/circulation areas adjacent to the north and west stands,

shall have been fully implemented, surfaced (in materials to be approved pursuant to condition 13) and made available for use.

17) No development shall commence on site until details shall have been submitted to and approved in writing by the local planning authority of the following:

(a) The design and specification of the Combined Heat and Power (CHP) plant; and

(b) Confirmation that including the CHP plant would result in an overall BREEAM level of Excellent, including two credits in TRA03. This will be demonstrated through a design stage BREEAM assessment which has been prepared by a licensed BREEAM assessor.

18) Before any part of the development is occupied, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum of level Excellent of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

19) The store hereby permitted shall not be brought into use until the car parking spaces shown on the approved plan <insert site plan number> and access thereto shall have been surfaced in materials to be approved (pursuant to condition 13), marked out and made available in accordance with the details on the approved plan, and shall thereafter be retained and kept available for users of the store including the spaces shown to be set aside for disabled people and parent/child parking.

20) The net retail floorspace of the store hereby permitted shall not exceed 5009 square metres of which no more than 1972 square metres of the net retail floorspace shall be used for the sale of comparison goods. At no time shall any additional net retail floorspace be provided to the store without the prior written permission of the local planning authority obtained through the submission of a planning application.

- 21) No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, plant, equipment or machinery or any other item shall be stacked or stored outside any building on the site.
- 22) No development shall take place until a detailed schedule of full details (including any samples as may be necessary) of the proposed external facing materials to be used on the walls and roof of any building/structure shall have been submitted to and approved in writing by the local planning authority; and the development shall only be carried in accordance with the approved external materials.
- 23) Before the store is first brought into use a scheme of architectural lighting to enhance the appearance of the building during the hours of darkness shall be carried out as an integral part of the development in accordance with details that shall have been submitted to and approved in writing by the local planning authority and shall specify the size, appearance and position of any luminaires or LED feature; and the architectural lighting scheme shall thereafter be retained (unless otherwise agreed in writing by the local planning authority).
- 24) Before any part of the development is first brought into use details of the type, alignment, height, appearance, materials/finishes of any proposed boundary treatment or other gate/fence/railing/barrier/bollard or similar means of enclosure shall have been submitted to and approved in writing by the local planning authority. The development shall only be carried in accordance with the approved boundary treatment/similar means of enclosure and shall thereafter be retained (unless otherwise agreed in writing by the local planning authority).
- 25) Before any service yard area is first brought into use the approved 4.5m high acoustic fencing (above a solid parapet to the service yard's edge) shown on proposed elevations (south & east) drawing 3505-PL-010C, shall have been erected to match the appearance/texture/finish of other timber cladding on the building; and the acoustic fencing shall thereafter be retained.
- 26) No deliveries shall be taken at or despatched from the permitted store and no loading/unloading within any service yard areas shall take place between the period of midnight and 0700 hours daily.
- 27) Before the store is first brought into use details of the car park management, including match day management, shall have been submitted to and approved in writing by the local planning authority. The control measures shall be implemented in full and retained at all times thereafter (unless otherwise agreed in writing by the local planning authority).
- 28) No development shall take place until full details of the siting, height, appearance and finishes of the Closed Circuit Television camera monitoring equipment (linked to city control centre) and streetlighting provision to facilitate the proposed realignment of Milton Lane footpath/cycleway shown on drawing no3505-PL-036RevC shall have been submitted to and approved in writing by the local planning authority; and the Closed Circuit Television camera monitoring equipment and streetlighting provision shall only be carried in accordance with the approved details.
- 29) The proposed footpath/cycleway realignment to Milton Lane hereby permitted shall not be brought into use until the provision of streetlighting and Closed Circuit Television camera monitoring (linked to city control centre) to fully accord with the measures approved under condition 28 shall have been installed and made available for use.
- 30) The store hereby permitted shall not be brought into use until the following approved measures shall have been completed:
- upgrading of existing signal controls at the Goldsmith Avenue / Priory Crescent / Winter Road junction, to integrate MOVA operation (Microprocessor Optimised Vehicle Actuation, to provide enhanced traffic responsive signal operation) with pedestrian

detection allowing early cut-off of the pedestrian phase and Closed Circuit Television camera coverage (linked to city control centre);

- provision of off-road cycleway across the site frontage to link with an existing Toucan crossing facility located to the south on Fratton Way that shall include the removal of a fourth (unused) arm of existing roundabout;
- provision of raised boarding platforms to facilitate easy access to bus stops on Goldsmith Avenue located immediately to the east of the Fratton Way/Goldsmith Avenue roundabout junction; and
- provision of real time information for bus services at nearby stops on Goldsmith Avenue and Fratton Way linked to store atrium.

31) Unless otherwise agreed in writing, the store hereby permitted shall not be brought into use until the following approved measures shall have been completed:

- provision of on-carriageway cycle lanes along the north side of Goldsmith Avenue (to tie in with the existing cycle lane provision on Goldsmith Avenue) on the alignment shown on drawing 1302-74-CL.

32) Before the store is first brought into use short-term (customer) and long-term (staff) secure/weatherproof cycle storage facilities shall have been constructed and made available for use in accordance with details showing the siting, appearance, height and materials/finishes that shall have been submitted to and approved in writing by the local planning authority beforehand. The cycle storage facilities shall only be carried in accordance with the approved details and shall thereafter be retained.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

2) To ensure the development is implemented in accordance with the permission granted.

3&4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

6) The site lies above the Portsmouth and Whitecliff Sandstone and River Terrace Deposits which are designated Secondary A Aquifers. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site.

7) To ensure that any remediation, if deemed necessary is satisfactorily completed, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

8) To ensure that any contamination identified during the construction works is fully characterised and assessed, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

9) Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

10) In the interests of the protection of water quality, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

- 11) To protect the amenity of adjoining occupiers from the nuisance of excessive noise, to accord with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12&13) To secure a high quality setting for the development in the interests of the visual amenity of the area, in accordance with policy PCS23 of the Portsmouth Plan and the principles of good design in the NPPF.
- 14) To avoid impacts to biodiversity, in accordance with Policy PCS 13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 15) To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 16) To secure improvements to Fratton Park and enable the Club to remain in this sustainable location, in accordance with policy PCS7 of the Portsmouth Plan.
- 17&18) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 19) To ensure adequate parking is provided to serve the development in the interests of highway safety, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 20) To provide a predominantly food store and to safeguard the vitality and viability of the city's defined network and hierarchy of centres (to promote competitive town centre uses, provide customer choice and a diverse retail offer) based on clear evidence to satisfactorily demonstrate the sequential test and no significant adverse impact, and ensure adequate parking and no detriment to the satisfactory operation of the highway network arising from the development, in accordance with policies PCS17 and PCS18 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 21) To secure a high quality appearance to the development in a visually prominent location (on an arterial route through the city) in the interests of the amenity of the area and in order to limit the net sales floorspace to that satisfactorily demonstrated to meet the sequential test and no significant adverse impact safeguarding the vitality and viability of the city's defined network and hierarchy of centres, in accordance with policies PCS18 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 22) To secure a high quality appearance to the development in a visually prominent location (on an arterial route through the city) in the interests of the amenity of the area, in accordance with policy PCS23 of the Portsmouth Plan and the principles of good design in the NPPF.
- 23) To secure a high quality appearance to the development - during the hours of darkness - in a visually prominent location (on an arterial route through the city) in the interests of the amenity of the area, in accordance with policy PCS23 of the Portsmouth Plan and the principles of good design in the NPPF.
- 24) To secure a high quality appearance to the development in a visually prominent location (on an arterial route through the city) and to protect the privacy (where relevant) of adjoining users, in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 25) To secure a high quality appearance to the development and in order to protect the amenities of occupiers of nearby properties from noise and general disturbance by activities within the service yard areas, in accordance with policy PCS23 of the Portsmouth Plan.

26) In order to protect the amenities of occupiers of nearby properties during the hours that people are normally sleeping, in accordance with policy PCS23 of the Portsmouth Plan.

27) To ensure effective parking management and no detriment to the satisfactory operation of the local network in the interest of highway safety, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF.

28) To secure the safety and security of pedestrians and cyclists using the (realigned) footpath/cycleway and in the interests of the amenity of the area, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.

29-31) To secure all components of the package of off-site highways and transport improvements required to mitigate the highway impacts of the development and ensure no detriment to the satisfactory operation of the local network in the interest of highway safety, in accordance with policies PCS7, PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

32) To promote and encourage alternative modes of transport to the private car and ensure that adequate provision is made for cyclists (staff and customers) using the premises, to accord with policies PCS7, PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

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City Development Manager
28th July 2014

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