
NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 27 APRIL 2016 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 0239283 4056

Email: lisa.gallacher@portsmouthcc.gov.uk

Planning Committee Members:

Councillors Aiden Gray (Chair), Stephen Hastings (Vice-Chair), Jennie Brent, Ken Ellcome, David Fuller, Colin Galloway, Scott Harris, Hugh Mason, Sandra Stockdale and Gerald Vernon-Jackson

Standing Deputies

Councillors John Ferrett, Margaret Foster, Hannah Hockaday, Suzy Horton, Lee Hunt, Donna Jones, Lee Mason, Robert New, Darren Sanders, Linda Symes and Rob Wood

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

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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 to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826

AGENDA

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of Previous Planning Meeting - 30 March 2016 (Pages 1 - 8)**
RECOMMENDED that the minutes of the Planning Committee held on 30 March 2016 be agreed as a correct record and signed by the chair.

- 4 Updates on previous applications by the Assistant Director of Culture & City Development**
- 5 15/00788/PAMOD - Request to modify legal agreement attached to planning permission ref 09/00643/OUT relating to land at 10 St James's Street Portsea (Pages 9 - 18)**
- 6 15/00787/PAMOD - Request to modify legal agreement attached to planning permission ref 11/00961/FUL relating to land at 61 Earlsdon Street Southsea (Pages 19 - 28)**

Planning applications (Pages 29 - 100)

- 7 15/01671/FUL - 46A Lealand Road Portsmouth PO6 1LZ**
- Construction of 6 semi-detached houses and single coach house unit to include vehicle parking and cycle/refuse stores accessed from Lealand Road (following demolition of existing dwelling) (amended scheme to 14/00863/FUL)
- 8 15/02059/FUL - Land Adjacent Trafalgar Academy London Road Portsmouth PO2 9RJ**
- Construction of three storey University Technical College (for Class D1 educational purposes), ancillary external play and sport areas, car parking, access and landscaping following demolition of existing single storey building.
- 9 16/00047/FUL - 9 Clarendon Road Southsea PO5 2ED**
- Conversion of existing rooms-to-let above restaurant to form 2 flats to include the construction of first floor rear extension to restaurant and construction of dormer windows and roof lights to rear and side roofslopes (Re-submission of 15/01268/FUL).
- 10 16/00152/FUL - 26 Carne Place Portsmouth PO6 4SY**
- Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).
- 11 16/00189/FUL - St James Hospital Locksway Road Southsea PO4 8LD**
- Construction of 2m high fencing with gates in the south east section.
- 12 16/00288/FUL - Connaught Arms 119 Guildford Road Portsmouth PO1 5EA**
- Construction of single-storey rear extension with external alterations to include installation of new door to front elevation (re-submission of 15/01738/FUL).

13 16/00309/FUL - Land Adjacent To 3 Harold Road Southsea PO4 0LR

Construction of new end of terrace dwelling (re-submission of 15/01009/FUL).

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, 30 March 2016 at 1.00 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 Ken Ellcome (Chair)
Jennie Brent
Colin Galloway
John Ferrett (Standing Deputy)
Scott Harris
Suzie Horton (Standing Deputy)
Hugh Mason
Darren Sanders (Standing Deputy)
Sandra Stockdale
Linda Symes (Standing Deputy)

Also in attendance - Councillor Luke Stubbs

27. Apologies for absence and election of chair for meeting (AI 2)

At the start of the meeting the Legal Adviser Robert Parkin opened the meeting (and gave the introductions and fire regulations) and in the absence of the chair and vice-chair he called for the nomination of a chair for this meeting. Councillor Ken Ellcome was duly appointed as chair for the meeting.

Apologies for absence had been received from Councillors Aiden Gray (chair), Steve Hastings (vice-chair), David Fuller and Gerald Vernon-Jackson who were represented by their standing deputies Cllrs John Ferrett, Linda Symes, Suzy Horton and Darren Sanders respectively. Councillor Harris had sent his apologies for his late arrival.

28. Declaration of Members' Interests (AI 1)

There were no declarations made. Councillor Harris did not take part in the discussion of the Wightlink Car Ferry item.

29. Minutes of the previous meeting - 2 March 2016 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 2 March 2016 were agreed as a correct record and signed by the chair.

30. Update on Previous Applications - by the Assistant Director of Culture & City Development (AI 4)

There were no updates reported.

31. Ref: 15/01731/FUL - Wightlink Car Ferry Terminal, Gunwharf Road, Portsmouth - Construction of second tier deck to form car boarding area including ramp access, upper link span, awning cover on east side over ground level, and three-storey facilities building (comprising ticketing, waiting room, WCs and shop (A1) at ground floor, offices (B1) at first floor, café (A3) and terrace at second floor, and plant and equipment at roof level) and associated works, after demolition of existing retail building (AI 5)

The City Development Manager reported in the supplementary matters list that:

"Six (6) additional representations had been received that include two from previous objectors, one from Friends of the Earth Portsmouth, one on behalf of The Federation of Small Business' Portsmouth & South East Hampshire branch committee and one from a resident of Old Portsmouth providing highways advice to FOOPA; the latter is attached as an Appendix. The grounds of objection reiterate the potential impact of additional traffic through the city centre with environmental benefits of relocation to the International Ferry Port and a chance to redevelop the Gunwharf terminal site. Deferral of the application is encouraged to address inadequate transport analyses and consideration of any need for highways mitigation works. Another considers the Officers report fails to acknowledge the cumulative effect, against a host of affected neighbours and other parties including Historic England.

Draft final Habitats Regulation Assessment (HRA) documents have been prepared by the MMO in their lead role as the 'competent authority', concluding no adverse effect. Natural England has been consulted on the draft versions and are in agreement with the MMO's conclusions. The documents will only become finalised when the MMO make their licensing determination after consideration of the proposals by PCC and IoW planning committees. The HRA documents are accepted and will be adopted by PCC (subject to Recommendation V of the officer's report)."

Appended to the Supplementary Matters report was a late representation from Mr Swinburne setting out his highway and traffic objections.

Alan Banting presented the City Development Manager's report and additional information was given by Richard Lee regarding the environmental impact issues and Vanessa White regarding the traffic implications arising from the application.

Deputations were then heard, whose points are summarised.

- i) Mr Mathew, objecting as a local resident, whose points included:
 - The proposal would impact on the balance of historic and new buildings, especially after recent developments such as BAR, thereby changing the character of the area and spoiling the Millennium Walkway views in a Conservation Area.
 - It would not bring permanent jobs and no significant increase in visitor numbers whereas there should be encouragement of use of the half-hour ferry crossings to increase punctuality
 - There would still be the need for emergency traffic management

- It would detract from visitors to Old Portsmouth, harming its economy
- He also raised privacy and lighting concerns and felt that there had been a lack of engagement.

ii & iii) Mr Marsh & Miss Kapitany, objecting jointly as local residents, whose points included:

- The effect on an historic area
- Public safety
- Loss of privacy with cars being at a height to overlook their windows
- Loss of light as their curtains would need to be closed and blocking of natural sunlight by the raised platform
- Increase in noise; their Grade II listed building could not have secondary glazing, and the noise of the construction
- Increase in fumes and light pollution from the car headlights
- More accurate pictorial representations of the development were needed to see the impact which needed to be mitigated.

iv) Ms G Baid, objecting as a local resident and on behalf of Friends of Old Portsmouth (FOOPA), whose points included:

- FOOPA wished a decision to be deferred until the transport issues were fully investigated, as they were concerned about gridlock, noise and congestion and felt that the traffic counts had not been undertaken at the busiest time of the year, and they had undertaken their own traffic modelling whilst PCC had relied on the modelling undertaken by AECOM, the applicant rather than an independent consultant.
- There was already congestion at St George's junction which needed improvement especially with the anticipated increase in traffic
- More information was needed to verify Wightlink's assertions.

v) Mr C Burns, objected as a local resident and businessman, whose points included:

- the application should be refused as it would increase the volume of traffic and emissions in the city centre
- instead this ferry terminal should be relocated to the International Ferry Port where it could be accommodated, as favoured by the City Growth Transport Group and there should be more discussions on the infrastructure funding for the city centre.

vi) Mr Dop of Wightlink, the applicant, spoke in support, whose points included:

- The company's wish to modernise and improve the customer experience for safe and efficient travel
- They were building an environmentally friendly double-decker ship for 2018
- They needed to compete with Red Funnel who were also making improvements on their route for Isle of Wight business
- Extra time had been taken to consider views and amendments had been made to their plans in discussion with the officers
- They had respected the heritage of the surrounding buildings and there would be provision of interpretation boards
- The terminal would reduce local traffic and be safer with the harmonisation of cars/cyclists/pedestrians
- They had met with FOOPA

- The unloading times would be shorter and noise levels near the same
- If approved this would provide extra capacity and was consistent with the Portsmouth Local Plan.

vii) Councillor Luke Stubbs spoke to support the application, whose points included:

- He had read the representations so was aware of the arguments of economic benefit and also the concerns of noise and disturbance and worry about the footpath and FOOPA regarding traffic
- He felt the number of extra vehicles was not significant
- The location or relocation of the facility was not up to PCC and Wightlink had a long lease on the site
- He commended the proposal to the committee as this would allow Portsmouth to compete with Southampton
- The economic impact was not just about new jobs but securing existing ones.

The City Development Manager stressed that it was the committee's responsibility to consider if the application on this site was acceptable.

Members' questions

Members raised questions regarding the capacity of the roads in this area, especially at peak seasonal times and if there could be improvements at St. George's Road junction and general traffic flow in the city. The transport officer did not feel that the extra 28 cars an hour would have a significant impact on the junction and there were benefits from the increased capacity on site so there would be an overall positive impact at busy times. It was hoped that increased use of Park & Ride would help with traffic flow. There were also improvements being made to traffic signals in the city. The City Development Manager stressed the need to consider if any increase on the traffic network would be acceptable or could be mitigated. Members also examined the potential economic benefits of the scheme and it was confirmed that there would be 28 construction jobs. It was asked how many times a year Gunwharf Road is closed to accommodate Wightlink; this is approximately 20 times a year. Members questioned the impact of the harm on the heritage assets and the environmental impact of the proposal which officers confirmed would be more environmentally friendly. They examined the distances to the nearest residential properties to consider the overlooking. Members also queried the recommended delegation to the Assistant Director to decide conditions and she confirmed that if she felt these to be of a significant nature she would choose to bring them to committee, otherwise the delegated power would be used.

Members' comments

Members felt that the economic benefit, including the securing of jobs, would outweigh the design concerns as this was a functional ferry terminal and the outlook was already one of a significant development. It was appreciated that a relocation was not relevant as there was a lawful use at this site. It was felt that there would be a more efficient movement of vehicles and there would be a reduction of movements on the local roads.

RESOLVED that:

I delegated authority be granted to the Assistant Director of Culture and City Development to grant conditional permission subject to the conditions outlined within the committee report and recommendations II and III set out below.

II the Assistant Director of Culture and City Development be instructed to notify the Secretary of State, Marine Management Organisation, Isle of Wight Council, Natural England and Environment Agency of the committee's decision and recommended conditions;

III delegated authority be granted to the Assistant Director of Culture and City Development to add/amend conditions in consultation with the Marine Management Organisation/other competent authorities where necessary, and

IV if the committee resolve that they are minded to approve the application in accordance with the above recommendations, that the committee confirm in their decision that they have taken into account:

- The environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011:
- All matters referred to in the Assistant Director of Culture and City Development's report including comments received from statutory consultees and other interested parties, and
- All other material considerations.

V delegated authority be granted to the Assistant Director of Culture & City Development to refuse planning permission if the MMO in their lead role as the 'competent authority' (under the Habitat Regulations) conclude that the proposed works would have a significant effect or would adversely affect the integrity of European marine sites.

- 32. Ref: 15/01912/FUL - King Richard School, Allaway Avenue, Portsmouth - Construction of replacement three-storey school building (plus lower ground floor) of 7868sqm gross floor space for 1000 secondary places (for education purposes in Class D1), including the laying out of reconfigured playing field space (following demolition of existing school buildings) together with associated landscape, access and ancillary works (AI 6)**

The City Development Manager reported in the supplementary matters list that: "Corrections are necessary to contamination/remediation conditions including reference to the 'eastern' site that should read 'western' (nos5-7) and following further information submitted, other updates are also necessary to nos3 & 7. The agents have provided specific details for biodiversity (condition 8) and for the Construction Management Plan (condition 20). Minor updates are also required to the approved drawing numbers (condition 2).

A consultation response has been received from Southern Water, providing detailed comments and request for imposition of condition(s) for measures to protect existing public sewers and details of the proposed means of foul and surface water drainage as well as an Informative for the detailed design to take account of the possibility of surcharging (to the proposed lower ground floor level) and wastewater grease trap

provided on the kitchen waste pipe or drain." Therefore delegated authority was sought for the Assistant Director of Culture & City Development to update/add/amend relevant conditions, which would be of a minor drafting nature.

There were no deputations on this item.

Members' questions

Questions were raised regarding any further future expansion of the school on the site and the City Development Manager confirmed that there was strategic planning on pupil numbers to accommodate school places in line with increased housing numbers in the city, and any extra building would need to be by an extra storey. There had been negotiations with Sport England on the re-provision of sports facilities to the west of the site. It was also asked why solar/PV panels had not been incorporated in the design and it was reported that there were already very good energy ratings being met by the proposal.

Members' comments

Members welcomed the improvements which had been needed for several years at the school for new facilities to improve the amenities of the pupils. Whilst there was some concern regarding the loss of playing fields the re-provision of sports facilities was appreciated.

RESOLVED that conditional permission be granted subject to the conditions outlined within the committee report as amended by the supplementary matters report for the City Development Manager to use delegated authority to update/add/amend relevant conditions.

33. Ref: 16/00088/FUL - 48 Laburnum Grove, Portsmouth, PO2 0EP - Change of use from dwelling house (Class C3) to 7 bed house in multiple occupation (sui Generis) (AI 7)

This application had been called in to be considered by the committee by a local resident.

Deputations were heard from Mr Critchley (as agent) and Mr Wormington (as the applicant) in support of the application, who included the following points in their representations:

- There was a need for flexible entry level housing at the base of the residential housing market to house students, academics, and professional people who were not buying properties
- Such housing in HMOs is important to support new employment opportunities in the city
- This part of the city was short of this sort of accommodation and is near major employers
- The applicant was careful to be trained to look after his tenants and was catering for a professional market and would use an agent to vet tenants.

Members' questions

It was asked the smallest room size which was a bedroom of 10.5m sq. The impact of car ownership of the increased occupancy (with change from a 3 bed family house to a 7 bed HMO) was questioned in the area which had parking problems; the transport officer did not believe this would have an impact on highway safety and there were no parking restrictions in the immediate area.

Members' comments

Members gave consideration to the balance of property types in the area. There was concern that this would have an adverse impact on the residential amenity, including the generating of more noise with increased occupancy.

RESOLVED that permission be refused for the following reasons:

The proposed use of the property as a house in multiple occupation for more than 7 persons (sui generis) would result in an over intensive use of the property that would have a detrimental impact on the amenities of the neighbouring occupiers in terms of noise and disturbance. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

The meeting concluded at 3.15 pm.

Signed by the Chair of the meeting
Councillor Ken Ellcome

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Decision maker:	Planning Committee
Subject:	15/00788/PAMOD Request to modify legal agreement attached to planning permission ref 09/00643/OUT relating to land at 10 St James's Street Portsea
Report by:	Assistant Director of Culture & City Development
Wards affected:	Charles Dickens
Key decision:	No
Full Council decision:	No

1 Purpose

This relates to a request to modify a legal agreement, completed on 8 December 2009. The agreement secures planning obligations associated with (outline) permission for a halls of residence (ref 09/00643/OUT), which has been implemented. The agreement restricts the way the halls of residence are occupied to ensure that the property does not become permanent dwellings. The principal occupation of the halls of residence (36 study/bedrooms) for term-time accommodation for students would remain unchanged.

A clause of the agreement is sought to be modified. It presently limits occupation to students only and, as a consequence, during the period of the summer vacation the premises may be empty (in accordance with the current terms of the planning agreement). The owner/operators seek temporary accommodation for non-students outside of the academic year (for periods not exceeding 2 months in the case of any individual resident). For this reason, they are seeking to vary the agreement.

This matter was originally reported to the meeting held on 24 June 2015. The committee resolved that this modification request be deferred to enable the owner/operators to investigate working with the university regarding the use of their car parks.

The owner/operators have provided updated information addressing this case, as set out in a letter dated 6 April 2016 attached as an Appendix, leading now to this report.

2 Recommendations

That the agreement be varied (within three months of the date of the Committee's decision) so that during academic terms only students may occupy the accommodation (as now) and at all other times the accommodation must be used as temporary residential accommodation for periods not exceeding two months in the case of any individual resident so occupying any of the accommodation at such times.

3 Background

The owners/operators of two sites for halls of residence branded 'Unilife' providing term-time accommodation at 61 Earlsdon Street and 10 St James's Street implemented permissions in March 2012 and December 2009 respectively. Both permissions were subject to legal agreements containing, amongst other things, clauses restricting the use and occupation in the halls of residence for no purpose other than as residential accommodation for students during their period of study.

In the adopted Student Halls of Residence Supplementary Planning Document the standard provisions seek to secure that *"During University of Portsmouth Academic Terms not to use nor permit or allow the use of any of the<insert> study/bedrooms in the Halls of Residence for any purpose other than as temporary residential accommodation for a Student during his or her period of study"*.

The same 'Unilife' developer secured planning permission on 22 Middle Street for a proposed halls of residence, in 2013. The development is restricted to use as specialist residential accommodation for students by legal agreement but includes provision for limited and temporary 'unrestricted' (non-student) occupation outside of term time.

The applicants' agent accompanying letter includes the following comments: *"The ability to make student accommodation at St James's Street available to provide temporary accommodation for non-students and use out of term time to support events such as conferences, seminars and a whole range of cultural attractions would (as at Middle Street) contribute to the wider local economy of the City and business community (through investment and spend), including leisure and tourism. This could include events hosted or operated by the University."*

4 Representations

One representation was received and previously reported. Whilst it comments generally about the quality of construction on a very tight site "However I am very disappointed in the strong yellow colour of the finish of the structure. The detailed original design agreed with your planning and conservation officers called for a white structure over a small brick plinth."

This approved white finish 'colour' for the new building complements the adjoining award winning University Portland building designed by the late Sir Colin Stansfield Smith and Hampshire CC Architects Department. The strong yellow colour prevents the intended composition and it is considered to do nothing for the streetscape.

In the representation it suggests if the City is minded to extend the buildings use in the manner of this application which would be assumed to increase its overall profitability, in return for the amendment to the planning approval the owners should undertake to repaint the building in a white finish, before the new use can be implemented.

The building has been finished in a 'through colour' render but there is now precedent in the City for the redecoration over such finishes using the appropriate spirit based paints, manufactured by national paint companies, such as the former Horseshoe PH site

development by PLC Architects at Kings Road Southsea (roundabout). The representation comments "I do not think the cost of such work would be unreasonable if set against the continued long term additional rents such an amendment would provide."

5 Assistant Director of Culture & City Development comments

The request to modify a legal agreement at 10 St James's Street would be consistent with the Student Halls of Residence SPD and more recent decisions securing planning obligations for other students halls of residence; unrestricted use outside of term time, additional to the principal occupation as a halls of residence for students during the academic term, presents a more sustainable approach to development that avoids empty property and, as outlined by the agents, some potential contribution to the local economy.

The agents have drawn attention to the fact that "The Council has previously supported and agreed to the use of Unilife student accommodation out of term time elsewhere in the City at Middle Street with no need to consider alternate car parking arrangements (in that case for 124 study bedrooms)." This is correct and the same provisions accepted for other halls of residence now being developed at 'Zurich House' (1000 study/bedrooms) and Greetham Street (836 study/bedrooms). The merits of allowing temporary short-stay accommodation outside of term time contributing to the local economy has been held to outweigh any impact on parking demand.

The letter from the applicant's agent comments that the UoP has a car park ('Portland') next to 10 St James's Street with spaces to park 50 cars (including 4 disabled bays). During the vacation period when the car park would have little or no UoP use, the car park would be available to occupiers of Unilife.

As previously reported, there is no justification for amendment to the colour finish of this building or relevance to the applicant's modification request. The original outline application (ref 09/00643/OUT) excluded appearance and landscaping, for Reserved Matters approval. The Reserved Matters application ref 10/00143/REM proposed external materials to include a render finish in *white or off white* (above a brick plinth). The 'cream' colour render finish accords with the Reserved Matters approval.

6 Highways comments

The Highways Authority comment that the site falls within a highly sustainable location, where reliance on the private car is not necessary and having regard to permit controls there is no available on-street car parking (but ample cycle parking should this be required). The Highways team raise no objection to these premises being used outside of term time, although suggest an advisory: 'The web site and any information communicated to enquiries for the use of this accommodation includes information on the fact that there is no available car parking within the near vicinity of the site, and any cars would need to be parked in public car parks'.

7 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

8 Legal services' comments

The statutory provisions of Section 106A (S106A) regulate the modification and discharge of planning agreements made pursuant to Section 106 Town and Country Planning Act, 1990 ("the Act"). An agreement may only be modified by deed undertaken in accordance with the provisions of S106A. The effect of the provisions is that where an agreement (which does not relate to affordable housing provision) has been completed for a period in excess of five years, it may be modified by agreement with the local planning authority responsible for its enforcement. The consent of all parties against whom the modified agreement is enforceable is required. An application has been made on the standard form available which proposes the specific terms of the modification required.

Having been completed on 8th December 2009, the agreement in this case is in excess of 5 years old. In such a case S106A provides a statutory process of application for modification or discharge of the agreement. The Member's decision is subject to a right of appeal to the Secretary of State in the same way as any other form of planning application. Such an application for modification is made pursuant to Section 106A(3) and must be submitted and determined in accordance with the statutory provisions.

By S106A subsection (6), the authority may determine

- That the planning obligation shall continue to have effect without modification
- If it no longer serves a useful purpose, that it shall be discharged (this does not have to be a useful planning purpose)
- If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

It has been judicially determined that in the case of an application under Section 106A the Council have only the discretions provided for by the Act. It is not open to the Council to make a decision that the agreement might be modified, but rather than a modification in the terms proposed within the application, by a modification in some other terms.

In particular, in this case, it is not open to the Council, in determining the application under Section 106A, to require any variation or modification of the development itself.

Having regard to the terms of the modification proposed, and the advice of the City Development Manager, the Member's must therefore determine the application, if they consider that the agreement no longer serves a useful purpose, by resolving that it be discharged, and if they consider that it does serve a useful purpose, in the terms of the modification proposed by the application.

Although the reference is to the terms proposed by the application, if modification is authorised to proceed, the terms of the deed of variation, taken together, would need to be effective to secure the modifying effect approved, rather than use directly the terminology in the application, which may not be apt to achieve the modification effectively. Whilst the revised terms of the covenants would accord with the application, the structure of the

document would have to be one that accorded with the standard legal practice in such matters.

If the recommendation of the Assistant Director of Culture & City Development to modify the agreement is approved by Members, it will be necessary to prepare a Deed of Variation. It is not open to parties to an agreement to vary it by unilateral undertaking.

8 Finance comments

None.

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Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Student Halls of Residence SPD (October 2014) 15/00788/PAMOD - includes <ul style="list-style-type: none">• Agent's letter dated 8 May 2015 & 6 April 2016• Copy of the S106 Agreement dated 8 December 2009	

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Our ref: RB/1544 & 1789

6 April 2016

Mr A Banting
Development Management Team Leader
Portsmouth City Council
Civic Offices
Guildhall Walk
Portsmouth
PO1 2AL



Dear Alan

10 ST JAMES STREET, PORTSMOUTH - 15/00788/PAMOD
61 EARLSDON STREET, PORTSMOUTH – 15/00787/PAMOD

You will recall that these applications to modify existing legal agreements were considered by the Planning Committee last year. The applicant is Big Sur Properties and the full justification in support of the applications was explained in our letters dated 8 May 2015.

In essence it is to allow temporary non-student occupation of the applicant's 'Unilife' student accommodation at St James Street and Earlsdon Street out of term time. This would be to support events such as conferences, seminars and a whole range of cultural attractions that contribute to the wider local economy of the City and business community, including leisure and tourism (e.g. through investment and spend). It could also include events hosted or operated by the University. It would help to raise the profile of the City. These are acknowledged cross-cutting corporate interests of the Council, including in its capacity as the local planning authority and as reflected in the Council's adopted and emerging development plan policies.

The Council has previously agreed to allow Unilife to use some of its other buildings in this way elsewhere in the City and seeks the same flexibility at St James Street and Earlsdon Street.

St James Street

The Committee Resolved to defer this application for the applicant to investigate potential use of the University of Portsmouth's (UoP) car parks during the (student) vacation period.¹ The Member's apparent concern was that non-student use of this Unilife building would cause additional pressure on local public car parking facilities, including on-street parking.

You have recently met with a representative of the applicant, Adrian Parnell. Mr Parnell has investigated the use of the UoP car parks. The UoP has a car park ('Portland') situated next to the Unilife building at 10 St James Street. It has spaces to park 46 cars plus 4 disabled spaces, making a total capacity for 50 spaces all off-street.

During UoP term time, weekday use of this car park is for UoP permit holders only between 8.00am and 5.00pm Monday to Friday. However, during the student vacation period when this car park would have little or no UoP use, the car park would be available to occupiers of the Unilife building, including weekends. The Unilife building has 36 single study bedrooms.

¹ As confirmed by the minutes of the meeting.

Earlsdon Street

The Committee also Resolved to defer this application, including for the same reason as St James Street.²

The UoP has a car park ('Uni House') situated 250 metres walking distance from the Unilife building at 61 Earlsdon Street. It has spaces to park 54 cars plus 2 disabled spaces, making a total capacity for 56 spaces all off-street.

As at St James Street during UoP term time, weekday use of this car park is for UoP permit holders only between 8.00am and 5.00pm Monday to Friday. However, during the student vacation period when this car park would have little or no UoP use, the car park would be available to occupiers of the Unilife building, including weekends. This Unilife building has 35 single study bedrooms.

At Earlsdon Street the Committee was also uncertain if there was satisfactory provision of cycle parking spaces at the Unilife building; thus whether travel to the building by cycle during out-of-term time use was a realistic, attractive proposition and alternative to using a car.

You met Mr Parnell at the Earlsdon Street Unilife building and inspected the cycle parking. This comprises 10 industry standard secure cycle lockers and 15 secure cycle racks, 25 cycle parking spaces in total offering flexibility and choice (locker or rack). These are all located within the ground floor of the building with level access via a secure door (key fob entry system). The cycle store is monitored 24 hours a day by 5 security cameras. While this is less than 1 cycle space per study bedroom it is almost 75% provision.

Mr Parnell explained to you that Unilife acknowledges that an adjoining landowner has a right of way across the Unilife site (i.e. which is now provided for through the ground floor of the building), but the adjoining owner has not been able to reasonably agree with Unilife the precise extent of the right of way. At present Unilife could provide 5 more internal cycle spaces (making 30 secure, covered internal spaces in total) without interfering with the right of way. Unilife could also provide racks for 6 external cycle parking spaces within a small enclosed 'courtyard' area of land that it owns next to the building and the main entrance, though Unilife confirmed to you that the existing provision has been more than adequate to serve the demand for cycle storage.

Conclusion

The Council has previously supported and agreed to the use of Unilife student accommodation out of term time elsewhere in the City at Middle Street with no need to consider alternate car parking arrangements (in that case for 124 study bedrooms).

The Portland and Uni House UoP car parks are conveniently located to these Unilife buildings and have capacity to serve the proposed out of term time use.³ Both Unilife buildings also have secure on-site cycle parking. Surrounding on-street parking is either prohibited (e.g. by yellow lines) or is short stay and/or resident permit parking only and thus unavailable to serve the proposed out of term time use that is sought (so there would be no additional pressure on local resident on-

² As confirmed by the minutes of the meeting.

³ Even assuming all visitors travelled in their own car which is considered to be unlikely given the highly sustainable location of the buildings.

street parking). In transport terms both locations encourage and facilitate easy and convenient access by alternative (to the car) transport including walking, cycling, bus/coach, train, taxi and ferry. The applicant considers that these arrangements are a reasonable and proportionate response in both cases and for a smaller number of units of accommodation to be used in this way than previously supported by the Council.

I hope that this information allows you to take a report back to the next available Planning Committee meeting, which may be 27th April, but I would be pleased to discuss this further meantime if you wish and/or to provide any further relevant information.

Many thanks.

Regards,
Yours sincerely



ROBIN BUCHANAN MRTPI
DIRECTOR



cc Big Sur Properties



Decision maker:	Planning Committee
Subject:	15/00787/PAMOD Request to modify legal agreement attached to planning permission ref 11/00961/FUL relating to land at 61 Earlsdon Street Southsea
Report by:	Assistant Director of Culture & City Development
Wards affected:	St Thomas
Key decision:	No
Full Council decision:	No

1 Purpose

This relates to a request to modify a legal agreement, completed on 27 March 2012. The agreement secures planning obligations associated with planning permission for a halls of residence (ref 11/00961/FUL), which has been implemented. The agreement restricts the way the halls of residence are occupied to ensure that the property does not become permanent dwellings. The principal occupation of the halls of residence (35 study/bedrooms) for term-time accommodation for students would remain unchanged.

A clause of the agreement is sought to be modified. It presently limits occupation to students only and, as a consequence, during the period of the summer vacation the premises may be empty (in accordance with the current terms of the planning agreement). The owner/operators seek temporary accommodation for non-students outside of the academic year (for periods not exceeding 2 months in the case of any individual resident). For this reason, they are seeking to vary the agreement.

This matter was originally reported to the meeting held on 24 June 2015. The committee resolved that this modification request be deferred to enable the owner/operators to investigate working with the university regarding the use of their car parks. Also, following issues raised by adjoining occupiers the committee requested a report regarding compliance with the current planning permission, which is addressed in section 10 below.

The owner/operators have provided updated information addressing this case, as set out in a letter dated 6 April 2016 attached as an Appendix, leading now to this report.

2 Recommendations

That the legal agreement be varied (within three months of the date of the Committee's decision) so that during academic terms only students may occupy the accommodation (as now) and at all other times the accommodation must be used as temporary residential accommodation for periods not exceeding two months in the

case of any individual resident so occupying any of the accommodation at such times.

3 Background

The owners/operators of two sites for halls of residence branded 'Unilife' providing term-time accommodation at 61 Earlsdon Street and 10 St James's Street implemented permissions in March 2012 and December 2009 respectively. Both permissions were subject to legal agreements containing, amongst other things, clauses restricting the use and occupation in the halls of residence for no purpose other than as residential accommodation for students during their period of study.

In the adopted Student Halls of Residence Supplementary Planning Document the standard provisions seek to secure that *"During University of Portsmouth Academic Terms not to use nor permit or allow the use of any of the <insert> study/bedrooms in the Halls of Residence for any purpose other than as temporary residential accommodation for a Student during his or her period of study"*.

The same 'Unilife' developer secured planning permission on 22 Middle Street for a proposed halls of residence (124 study/bedrooms) in July 2014. The development is restricted to use as specialist residential accommodation for students by legal agreement but includes provision for limited and temporary 'unrestricted' (non-student) occupation outside of term time.

The agent's accompanying letter includes the following comments: *"The ability to make student accommodation at Earlsdon Street available to provide temporary accommodation for non-students and use out of term time to support events such as conferences, seminars and a whole range of cultural attractions would (as at Middle Street) contribute to the wider local economy of the City and business community (through investment and spend), including leisure and tourism. This could include events hosted or operated by the University."*

4 Assistant Director of Culture & City Development comments

This request to modify a legal agreement would be consistent with the Student Halls of Residence SPD and more recent decisions securing planning obligations for other students halls of residence; unrestricted use outside of term time, additional to the principal occupation as a halls of residence for students during the academic term, presents a more sustainable approach to development that avoids empty property and, as outlined by the agents above, some potential contribution to the local economy.

The agents have drawn attention to the fact that "The Council has previously supported and agreed to the use of Unilife student accommodation out of term time elsewhere in the City at Middle Street with no need to consider alternate car parking arrangements (in that case for 124 study bedrooms)." This is correct and the same provisions accepted for other halls of residence now being developed at 'Zurich House' (1000 study/bedrooms) and Greetham Street (836 study/bedrooms). The merits of allowing temporary short-stay accommodation outside of term time contributing to the local economy has been held to outweigh any impact on parking demand.

The agents comment that the UoP has a car park ('Uni House') 250m from No61 Earlsdon Street with spaces to park 56 cars (including 2 disabled bays). During the vacation period when the car park would have little or no UoP use, the car park would be available to occupiers of Unilife. The Earlsdon Street site also has secure storage for 25 cycles (in locker or rack).

5 Highways comments

The Highways Authority comment that the site falls within a highly sustainable location, where reliance on the private car is not necessary and having regard to permit controls there is no available on-street car parking (but ample cycle parking should this be required). The Highways team raise no objection to these premises being used outside of term time, although suggested an advisory: 'The web site and any information communicated to enquiries for the use of this accommodation includes information on the fact that there is no available car parking within the near vicinity of the site, and any cars would need to be parked in public car parks'.

6 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

7 Legal services' comments

The statutory provisions of Section 106A (S106A) regulate the modification and discharge of planning agreements made pursuant to Section 106 Town and Country Planning Act, 1990 ("the Act"). An agreement may only be modified by deed undertaken in accordance with the provisions of S106A. The effect of the provisions is that where an agreement (which does not relate to affordable housing provision) has been completed for any period less than five years, it may only be modified by agreement with the local planning authority responsible for its enforcement. The consent of all parties against whom the modified agreement is enforceable is required.

Having been completed only in March 2012, the developer must refer to the Council in accordance with the statutory provisions which make the Council's decision in such a case the final decision (subject to the requirement to make the decision reasonably, or be susceptible to successful judicial review). In determining the issue before them, Members must take account of relevant considerations, disregard considerations that are not material and avoid making a decision which might be regarded as perverse (i.e. a decision that no decision-maker, rightly advised and being aware of all the relevant facts could reasonably be expected to make).

If the recommendation of the Assistant Director of Culture & City Development to modify the agreement is approved by Members, it will be necessary to prepare a Deed of Variation. It is not open to parties to an agreement to vary it by unilateral undertaking.

8 Finance comments

None.

9 Supplementary Matters reported in June 2015

Update sheets at the June 2014 meeting reported receipt of a letter from neighbouring occupiers of commercial premises (to the north) objecting, in summary, on the grounds of: safety; security; privacy; noise; parking/cycle parking; occupation density; inappropriate use; and, failure of 'Unilife' to comply with existing planning requirements.

The following comments were also reported on the update sheets: "The main agenda report explains that the principal use of the premises as a Halls of Residence, providing term-time accommodation for students, remains unchanged. It seeks temporary accommodation for non-students outside of the academic year (for periods not exceeding two months in the case of any individual resident). Whether an occupier is a student or tourist is not considered likely to alter the privacy or noise at the premises. The issue of car parking is addressed in the committee report. The nature/size of rooms for short-term visitor accommodation will inevitably be made clear by the owners in managing and marketing its availability. For the reasons set out in the report, this secondary use for leisure and tourism stays outside of term time is considered to offer some potential contribution to the local economy. The objector lists possible alternative occupiers as including the homeless, ex-offenders, asylum seekers and others recovering from substance misuse or mental illness. The owners of the Halls of Residence will wish to protect their investment in purpose-built student accommodation when marketing availability for short-term visitor accommodation.

The objection also raises private interest matters of boundary security, rights of way and a fire escape that have been taken up with the site owners of 61 Earlsdon Street; it also refers to non-compliance of existing planning requirements. Complaints concerning breaches in planning control have previously been investigated and resolved at this site. Consideration of the request to modify a legal agreement should be treated separately from other private interest matters."

10 Breaches of planning control

Complaints concerning breaches of planning control have previously been investigated at this site. A corner projecting feature was originally to be constructed in timber. Alternative treatment in a 'Trespa' (blue) finish cladding system was approved, as a non-material amendment (12/00811/NMA) in 2012. A simple render finish was carried out but was not considered a satisfactory design response. The 'Trespa' cladding was eventually completed to resolve the breach of planning control. In addition, a condition of the relevant planning permission imposed a requirement of windows to upper floors on the east elevation to be both obscure glazed and non-opening (at least 1.7m above internal finished floor levels). Non-compliance of condition 11 was resolved with the developer. Finally, condition 5 imposed a requirement for the approved cycle storage facilities to be provided before first occupation (and retained). Secure storage has been provided in a combination of lockers and racks for up to 25 cycles but does not accord with approved details; at 75% provision and in the absence of demand by occupiers (given the location of the halls of residence) action against non-compliance is not considered reasonable and necessary.

.....
Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
<p>Student Halls of Residence SPD (October 2014) 15/00787/PAMOD - includes</p> <ul style="list-style-type: none">• Agent's letters dated 8 May 2015 & 6 April 2016• Copy of the S106 Agreement dated 27 March 2012	

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Our ref: RB/1544 & 1789

6 April 2016

Mr A Banting
Development Management Team Leader
Portsmouth City Council
Civic Offices
Guildhall Walk
Portsmouth
PO1 2AL



Dear Alan

10 ST JAMES STREET, PORTSMOUTH - 15/00788/PAMOD
61 EARLSDON STREET, PORTSMOUTH – 15/00787/PAMOD

You will recall that these applications to modify existing legal agreements were considered by the Planning Committee last year. The applicant is Big Sur Properties and the full justification in support of the applications was explained in our letters dated 8 May 2015.

In essence it is to allow temporary non-student occupation of the applicant's 'Unilife' student accommodation at St James Street and Earlsdon Street out of term time. This would be to support events such as conferences, seminars and a whole range of cultural attractions that contribute to the wider local economy of the City and business community, including leisure and tourism (e.g. through investment and spend). It could also include events hosted or operated by the University. It would help to raise the profile of the City. These are acknowledged cross-cutting corporate interests of the Council, including in its capacity as the local planning authority and as reflected in the Council's adopted and emerging development plan policies.

The Council has previously agreed to allow Unilife to use some of its other buildings in this way elsewhere in the City and seeks the same flexibility at St James Street and Earlsdon Street.

St James Street

The Committee Resolved to defer this application for the applicant to investigate potential use of the University of Portsmouth's (UoP) car parks during the (student) vacation period.¹ The Member's apparent concern was that non-student use of this Unilife building would cause additional pressure on local public car parking facilities, including on-street parking.

You have recently met with a representative of the applicant, Adrian Parnell. Mr Parnell has investigated the use of the UoP car parks. The UoP has a car park ('Portland') situated next to the Unilife building at 10 St James Street. It has spaces to park 46 cars plus 4 disabled spaces, making a total capacity for 50 spaces all off-street.

During UoP term time, weekday use of this car park is for UoP permit holders only between 8.00am and 5.00pm Monday to Friday. However, during the student vacation period when this car park would have little or no UoP use, the car park would be available to occupiers of the Unilife building, including weekends. The Unilife building has 36 single study bedrooms.

¹ As confirmed by the minutes of the meeting.

Earlsdon Street

The Committee also Resolved to defer this application, including for the same reason as St James Street.²

The UoP has a car park ('Uni House') situated 250 metres walking distance from the Unilife building at 61 Earlsdon Street. It has spaces to park 54 cars plus 2 disabled spaces, making a total capacity for 56 spaces all off-street.

As at St James Street during UoP term time, weekday use of this car park is for UoP permit holders only between 8.00am and 5.00pm Monday to Friday. However, during the student vacation period when this car park would have little or no UoP use, the car park would be available to occupiers of the Unilife building, including weekends. This Unilife building has 35 single study bedrooms.

At Earlsdon Street the Committee was also uncertain if there was satisfactory provision of cycle parking spaces at the Unilife building; thus whether travel to the building by cycle during out-of-term time use was a realistic, attractive proposition and alternative to using a car.

You met Mr Parnell at the Earlsdon Street Unilife building and inspected the cycle parking. This comprises 10 industry standard secure cycle lockers and 15 secure cycle racks, 25 cycle parking spaces in total offering flexibility and choice (locker or rack). These are all located within the ground floor of the building with level access via a secure door (key fob entry system). The cycle store is monitored 24 hours a day by 5 security cameras. While this is less than 1 cycle space per study bedroom it is almost 75% provision.

Mr Parnell explained to you that Unilife acknowledges that an adjoining landowner has a right of way across the Unilife site (i.e. which is now provided for through the ground floor of the building), but the adjoining owner has not been able to reasonably agree with Unilife the precise extent of the right of way. At present Unilife could provide 5 more internal cycle spaces (making 30 secure, covered internal spaces in total) without interfering with the right of way. Unilife could also provide racks for 6 external cycle parking spaces within a small enclosed 'courtyard' area of land that it owns next to the building and the main entrance, though Unilife confirmed to you that the existing provision has been more than adequate to serve the demand for cycle storage.

Conclusion

The Council has previously supported and agreed to the use of Unilife student accommodation out of term time elsewhere in the City at Middle Street with no need to consider alternate car parking arrangements (in that case for 124 study bedrooms).

The Portland and Uni House UoP car parks are conveniently located to these Unilife buildings and have capacity to serve the proposed out of term time use.³ Both Unilife buildings also have secure on-site cycle parking. Surrounding on-street parking is either prohibited (e.g. by yellow lines) or is short stay and/or resident permit parking only and thus unavailable to serve the proposed out of term time use that is sought (so there would be no additional pressure on local resident on-

² As confirmed by the minutes of the meeting.

³ Even assuming all visitors travelled in their own car which is considered to be unlikely given the highly sustainable location of the buildings.

street parking). In transport terms both locations encourage and facilitate easy and convenient access by alternative (to the car) transport including walking, cycling, bus/coach, train, taxi and ferry. The applicant considers that these arrangements are a reasonable and proportionate response in both cases and for a smaller number of units of accommodation to be used in this way than previously supported by the Council.

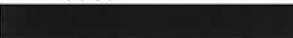
I hope that this information allows you to take a report back to the next available Planning Committee meeting, which may be 27th April, but I would be pleased to discuss this further meantime if you wish and/or to provide any further relevant information.

Many thanks.

Regards,
Yours sincerely



ROBIN BUCHANAN MRTPI
DIRECTOR



cc Big Sur Properties

Agenda Item 7

PLANNING COMMITTEE 27 APRIL 2016

**1 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*, 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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04	16/00152/FUL	26 Carne Place Portsmouth PO6 4SY	PAGE 50
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07	16/00309/FUL	Land Adjacent To 3 Harold Road Southsea PO4 0LR	PAGE 62

46A LEALAND ROAD PORTSMOUTH PO6 1LZ

CONSTRUCTION OF 6 SEMI DETACHED HOUSES AND SINGLE COACH HOUSE UNIT TO INCLUDE VEHICLE PARKING AND CYCLE/REFUSE STORES ACCESSED FROM LEALAND ROAD (FOLLOWING DEMOLITION OF EXISTING DWELLING) (AMENDED SCHEME TO 14/00863/FUL)

Application Submitted By:

Snug Architects
FAO Mr Paul Bulkeley

On behalf of:

Rhema Project Management Ltd

RDD: 6th October 2015

LDD: 23rd December 2015

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are: whether the proposal is acceptable in principle; whether it would give rise to increase risk from flooding; whether the proposal is acceptable in design and amenity terms; whether the proposed access and parking arrangements are acceptable and whether the proposal is acceptable in ecological terms.

The Site

The application site is an 'L-shaped' parcel of land' comprising the curtilages of numbers 46 and 46A Lealand Road. No 46 is a two-storey detached dwelling located on the western side of Lealand Road. No 46A is a vacant bungalow located in a 'backland' plot and accessed via a drive between numbers 46 and 48. The site also is host to a substantial garage/workshop building. Due to its backland siting, no 46A is located to the rear of properties in Lealand Road, South Road and Central Road. The site is located in Flood Zone 3 and has a history of flooding.

The Proposal.

Planning permission is sought for the residential redevelopment of the site following the demolition of number 46A. The proposal would comprise the construction of three pairs of two-storey semi-detached houses and a first floor flat above undercroft parking. The garden and driveway of no 46 Lealand Road would be altered to create improved access and parking facilities for the proposed redevelopment. A total of 13 parking spaces would be provided to serve the proposed dwellings.

The proposed dwellings would be contemporary in their design with shallow lean-to roofs with extensive use of timber cladding to the upper floor. The proposed dwellings would be a maximum of six metres high. The proposed dwellings would comprise four 3-bed and two 2-bed houses with the proposed flat having two bedrooms. The proposed dwellings would be located close to the common boundaries of the site with the rear gardens of neighbouring properties.

Planning history

A previous application (14/00863/FUL) for a similar proposal was withdrawn in November 2014. Planning permission was granted in 1978 for the existing bungalow.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

The NPPF, Nationally Described Space Standard and the Parking Standards, Sustainable Design & Construction, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making this means approving development proposals that accord with the development plan without delay. The following paragraphs within the NPPF are relevant to the proposal:

- 17 Core planning principles for decision making
- 35 Development designed for sustainable transport
- 56 Good design is indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Encouraged to regard design review panels and their comments
- 96 New development should minimise energy consumption
- 100 Directing development away from areas at risk of flooding
- 103 Ensuring development does not increase flood risk
- 118 Principles should be applied to conserve and enhance biodiversity
- 190 Pre-application early engagement
- 197 Presumption in favour of sustainable development
- 204 Planning obligations and conditions used to make development acceptable

The following sections in the Planning Practice Guidance are also relevant:

Design

Flood Risk and Coastal Change

Housing - Optional Technical Standards

Land affected by contamination

Natural Environment

Noise

Planning Obligations

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

Water supply, wastewater and water quality

CONSULTATIONS

Ecology

In summary, the Ecological Constraints and Opportunities Assessment (Enims, December 2015) submitted with this application is not sufficient to address concerns relating to protected species, due to the lack of results of detailed surveys as recommended by the Assessment.

This concern relates primarily to the demolition of the existing buildings. From the information provided on the outbuildings, notably building 2 (garage/workshop) and building 4 (bunker) it is not possible to conclude that roosting bats are not likely to be present and affected by the proposed development. In addressing bats and building 2, the submitted Ecological Constraints and Opportunities Assessment recommends that two dusk emergence or pre-dawn re-entry survey should be carried out. Should an emergence or re-entry be confirmed during these surveys then a total of two dusk emergence surveys and one pre-dawn re-entry survey should be carried out. These surveys will confirm the presence or likely absence of any active bat roost, determine its character and identify the species present. Furthermore, in addressing building 4 the Assessment recommends that one surveyor is positioned close to the entrance of the bunker during the bat roost surveys of the garage/workshop should there be any roosting activity during the active season. Should an emergence or re-entry be confirmed during these surveys then a total of two dusk emergence surveys and one pre-dawn re-entry survey should be carried out.

Bats are 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) and it is my advice that the application should be supported by sufficient information for the planning authority to assess the impacts of the development on bats.

This required survey information will assist Portsmouth City Council in ensuring that the development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible, as required by The Portsmouth Plan Policy PCS13 and supported by the NPPF. Furthermore, Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

In this case, It is considered that there is a reasonable likelihood that protected species would be present and affected by the development (as identified by the submitted information) and it is therefore necessary to request the applicant to provide further information on this issue.

I note that the Ecological Constraints and Opportunities Assessment makes recommendations for avoiding and mitigating potential impacts on nesting birds, hedgehogs and stag beetles through the use of a sensitive site clearance methodology, including timing of site clearance works. I would support these recommendations but would request that they be broadened to include reptiles (although the techniques currently proposed are likely to benefit a range of species).

A number of sensible potential biodiversity enhancements are included in the Ecological Constraints and Opportunities Assessment, currently presented as options. Any revised and updated ecological information could include more detail on these and a firm commitment to the options selected; the provision of a detailed plan of enhancements could otherwise be secured by planning condition.

The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects. To address this issue, Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £174 per new dwelling for the SRMP.

Coastal Partnership

The Eastern Solent Coastal Partnership has no objection to the above application. Although the property is in Flood Zone 3 (high risk, 0.5% AEP from tidal flooding), the applicant has set out sufficient resilience and resistant measures and has mitigated the residual flood risk appropriately. The Flood Risk Assessment includes first floor refuge for all properties, flood proofing to all ground floors and an alarm flood evacuation system, using the Environment Agencys flood warnings.

Coastal And Drainage

The site is partially below 5.0mCD (2.27m AoD) which is the trigger level for tidal flood monitoring in Portsmouth. Given this information, it is likely groundwater levels are high and potentially influenced by the tide.

There does not appear to have been any investigation into groundwater levels. This is an essential element for determining the surface water drainage strategy and design for the site. Porous paving may not be suitable dependent on the findings.

There does not appear to have been any investigation into the site geology which again could impact on the drainage design and strategy

There are many objection comments from neighbouring properties stating they suffer flooding. In addition, I have collected photographic evidence of the site and neighbouring properties in flood conditions, following investigations into the matter last year - some attached. This supersedes the EA statement of having no records of the site flooding.

During investigation of the area with a Southern Water representative last year we were not able to conclude why the area floods. This is an important part of mitigating flood risk. If the reason for flooding is unclear how can it be mitigated?? We did note that many of the surface water sewers in the vicinity were quite shallow i.e. close to surface level.

The surface water sewers here drain to Farlington Marshes, and are not subjected to any pumping that I am aware of. Therefore these are gravity sewers on a shallow gradient. The Farlington Marshes ditch is subject to tidal influence. Some of the statements in the FRA are not correct

There is a proposed increase in impermeable area in the proposal. This can only increase flood risk to the area, including the new development

A full investigation of how the site presently drains is necessary information that is missing.

The Southern Water surface water sewer running along the south of the site also needs investigation in terms of condition and location, this information is also missing

Overall, the Drainage Team are unable to accept the development proposal. There is good evidence of flooding on and around the site, the source or reason for which is unclear although there is definitive influence from rain events.

Contaminated Land Team

The applicant has submitted the following report which has been reviewed: Geo-Environmental Desk Study/Preliminary Risk Assessment for 46a Lealand Road, Portsmouth, PO6 1LY, Jomas Associates Ltd., Ref: P8893J507, October 2014.

The report was preliminary in nature and it should be updated with some additional information (the applicant is requested to contact this office to discuss the update of the report) and to satisfy our standard condition (as below) and to comply with BS10175:2001 it will need a site visit with access to the garage /workshop to check for signs of pollution from leaks, spills, and the storage of chemicals. This information is needed in order to create the conceptual model which will be used to devise upon the sampling strategy for the site. The applicant must screen the building for asbestos and as a result is likely to need to conduct a demolition survey - a demolition survey by a trained specialist (not necessarily licence holding) is required unless the developer knows there is no asbestos present.

Given the scale and sensitive nature of the proposed development, the imposition of full conditions are requested.

Environmental Health

The proposed development will have no significant impact upon environmental noise levels or air quality in the locality. Consequently we have no objections.

Highways Engineer

This application amends the scheme seen previously (14/00863/FUL) for which there were a number of Highway safety concerns that warranted refusal.

The applicant has now purchased the house to the north of the access road, which has since enabled them to:-

i) widen the entrance to 5.5 metres. This enables two vehicles to pass safely at the entrance at the same time. They have also provided a surface treatment to allow overrunning but discourage drivers away from the boundary when approaching the junction, thus reducing the potential for conflict with other vehicles. This also improves the sight lines and pedestrian visibility and so they are considered acceptable improvements.

i) provide a bin collection point closer to the entrance. The bin collection point is closer to the road which has dealt with the main concerns of the Waste Officers. The maximum distance that a householder should be expected to move a bin is a maximum of 30 metres. With the furthest unit being 60-70 metres from the collection point it would make sense to provide communal bins. Two x 1100 litre communal Euro bins would be sufficient for a development of this size and these will need to be permanently located at the proposed collection point.

It has resulted in the following additional issues:-

ii) The proposed wider access entails the removal and relocation of a lamp column. The applicant must liaise with Colas to discuss the proposed works at the earliest opportunity, as failure to find a solution would impact upon the whole development.

iii) Due to the removal of the garage at 46 Lealand Road the applicant wishes to widen the dropped kerb to provide off-road parking for two cars on the frontage.

iv) Car and cycle parking The applicant has referred to the previous Parking Standards when providing 14 car parking spaces. These are not the most recent standards, which were adopted in July 2014. To comply with current standards the development would need to provide following car and cycle parking spaces:-

Cars - 11; Cycle long stay - 14; Cycle short stay - 2

The applicant is therefore overproviding car parking spaces, which are undersized (at less than 2.4 x 5 metres).

Undercroft - car & cycle parking

The dimensions of the undercroft spaces are undersized as they fall below the 2.9 x 5.5 metres required. The three adjacent spaces could be reduced to two to provide compliant car parking spaces, with any remaining space

In addition the ground floor plan for Unit 7 shows a bike to the rear of a car parking space, with waste storage tucked in the corner under the stairs. The coach house should have secure, enclosed, weatherproof cycle storage for two cycles, close to or within the building. Given that there is overprovision of car parking spaces on-site, it should be possible to provide a cycle storage locker of suitable dimensions to accommodate 2 cycles.

Undercroft - waste storage

Turning to the refuse and recycling bins for the Coach House which are under the stairs and at the rear of the car parking space. The only way for them to be moved in and out is if there is no car in the space. For example the waste storage area could be provided within the undercroft alongside the cycle parking. If this were possible the two stores would need to be separate, weatherproof and enclosed and both need to be fully accessible.

Other cycle parking

The ground floor plans for all units show a cycle store with dimensions of 1.5 x 90 cm. As a bike is generally considered to be 1.7 metres in length and our Parking Standards recommend that a locker for 2 bikes should measure 1.2 x 2 metres, this is clearly not acceptable. To be fully secure the doors should open into the garden rather than onto the public area. This would reduce the opportunity for theft and could easily be achieved if the cycle store had doors on the shorter end, as shown in the Parking Standards.

Recommendation: No objection subject to: Notwithstanding the approved plans, details of parking (cycle and car) and waste storage to be submitted and agreed prior to first occupation and retained thereafter.

Environment Agency

The Environment Agency has no objection on flood risk grounds to the proposal as submitted. The proposed development is located within tidal flood zone 3 and is considered to have a high probability (> 1 in 200, 0.5%) of flooding. However, more detailed modelling has demonstrated that with the Farlington defence improvements the site is likely to remain free of flooding for the 2115, 1 in 200 year tide event (4.4mAOD).

To mitigate the residual flood risk the FRA has advised that each residential unit will have the benefit of a first floor safe refuge, which is set above the design flood level (4.4mAOD).

Furthermore, flood resilient construction and site specific flood warning and evacuation procedures are recommended to help manage the residual flood risk. It is possible that safe access and egress to the development will not be available if flooding occurs.

The LPA may decide that in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means. In coming to a decision on the proposed development, the LPA should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed. Specifically, consideration should be given to whether or not the submitted flood warning & evacuation plan and confirmation of safe refuge, contained within the FRA would enable users of the development to avoid the flood hazards identified.

If the LPA is not satisfied, taking into account all relevant considerations that the proposed development can be considered safe then planning permission should be refused.

We will support the decision of the LPA on flood risk matters and should the LPA be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory we would provide our full support at appeal.

Waste Management Service

The plans it shows individual bins being placed out near the end of the drive. This is not acceptable for several reasons.

- PCC carry out a front boundary collection for back bag collections, the bin area indicated is not their boundary.
- Our contractors, currently Biffa, would not walk the excess distance, approximately 70 metres to the houses at the furthest point to collect their waste.
- Excessive distance for the resident to walk their waste and recycling out for collection.
- Most sensible change would be for the site to have an 1100 litre communal refuse bin and an 1100 litre recycling bin in the indicated bin area. As it is within 25 metres for crew to collect and would mean the residents can place their waste and recycling out when leaving the site
- Large communal bins mean that they will have been capacity and are less likely to have waste attacked by animals.

REPRESENTATIONS

Objections have been received from or on behalf of the owners/occupiers of 40 neighbouring properties and Ward Councillor Boshier on the following grounds:

proposal will exacerbate existing flooding problems;
increased traffic and parking problems;
design ugly and out of character;
inadequate parking;
loss of trees and habitat;
inadequate ecological work;
proposed access too narrow and unsafe;

overdevelopment;
loss of light and overshadowing;
overbearing;
overlooking and loss of privacy;
increased noise and disturbance;
light pollution;
loss of property value;
impact on health and education services; and
submitted documents are inaccurate and potentially misleading.

Ward Councillor Wemyss and Penny Mordaunt MP have submitted representations supporting the objections of local residents.

COMMENT

The main issues to be considered in the determination of this application are: whether the proposal is acceptable in principle; whether it would give rise to increase risk from flooding; whether the proposal is acceptable in design and amenity terms and whether the proposed access and parking arrangements are acceptable. Other issues to consider relate to ecology, SPA mitigation, sustainable design and construction, space standards, cycle parking and waste storage.

Principle of Development

The application site is located in a residential area comprising a mix of post war single and two-storey detached and semi-detached dwellings. The existing 'backland' form of development is somewhat at odds with the prevailing urban grain and pattern of development. The principle of redeveloping the site to provide additional dwellings and make a more efficient use of the site would accord with the aims and objectives of both national and local planning policies.

The area around the site is of a low density at approximately 25 dwellings per hectare. The proposed development would be at a density of approximately 45 dwellings per hectare. Policy PCS21 (housing density) of the Portsmouth Plan requires that outside of identified high density areas, the housing density of new development should be no less than 40 dwellings per hectare. The proposed density would be greater than that typical of the locality, however it would not be significantly above the required minimum density to achieve the most effective and efficient use of land and to meeting the housing needs of the city.

The proposed form of development would be somewhat at odds with that of this part of the city. It must however be recognised that the location of the existing bungalow to the rear of neighbouring dwellings is in itself at odds with the character of area. Similarly the curtilage of no 46A at some 1500 square metres is disproportionately large, being around four times the size the typical plot size which average around 400 square metres.

Having regard to the foregoing it is considered that the proposed redevelopment of the site to provide six additional dwellings is acceptable in principle subject a detailed consideration of all other relevant considerations.

Flood Risk

The site is located within Flood Zone 3 and is known to have a history of flooding, as are the gardens of neighbouring properties. The application is accompanied by a Flood Risk Assessment and a Surface Water Drainage Strategy.

Whilst the site is located in Flood Zone 3 it is not at high or very high risk of flooding as syndicated on the hazard maps associated with the Strategic Flood Risk Assessment. The proposal does not therefore require a sequential assessment to be carried out as the proposal is considered under Policy PCS12 (flood risk) of the Portsmouth Plan to have met the sequential

test. Both Policy PCS12 and the NPPF require the proposed development to pass the exception test by demonstrating the development provides wider benefits that outweigh any flood risk and demonstrate that the development would be safe from flooding and not increase flood risk elsewhere.

The submitted Flood Risk Assessment has been reviewed by the Environmental Agency who have advised that detailed modelling has demonstrated that with the Farlington defence improvements the site is likely to remain free of flooding for the 2115, 1 in 200 year tide event. The EA and the Eastern Solent Coastal Partnership both have advised that the provision of a safe refuge and first floor level and the incorporation of the proposed flood resilience and resistance measures together site specific flood warning and evacuation procedures would mitigate any residual flood risk to the proposed properties and other future occupiers.

The submitted drainage information does not identify the cause of known flood events that have affected the site. As such it cannot be determined whether the proposed drainage and other associated measures would be successful in ensuring that the development would not increase flood risk elsewhere or provide the sustainable benefits that would outweigh the flood risk. It is therefore considered that the requirements of the exception test have not been fully met and that planning permission should not be granted.

Design

The application is accompanied by a supporting Design, Sustainability and Access Statement which among other things seeks to assess the local context and explain the rationale behind the proposal submitted in this application.

The applicants stated "vision is for a courtyard development of bespoke houses offering a variety of 2 and 3 bedroom homes for downsizers in a secure, private community ". The submission explains that the layout of the proposal is intended 'to minimise impact on adjoining properties through considered design whilst maximising the effective use of the site'. The statement explains that 'visual permeability is encouraged through the site' with 'views being maintained through the centre of the site'. The applicant suggests that the 'site strategy seeks to locate building volume primarily where the existing building, workshop and trees are located' thus 'minimising the perceived increase in development' with 'the building volumes orientated to maintain neighbours outlook'. The design 'seeks to ensure minimal impact on neighbouring amenities while ensuring all the properties enjoy south facing living accommodation' with 'properties orientated to avoid overlooking to surrounding gardens resulting in the scale of the development not being fully perceived by the surrounding properties'. The statement advises that 'the impact of the development is further reduced as it pulls in from its boundaries allowing for a planting zone with the intention to grow a green boundary of hedges around the site to further soften the development'. The first floor of the development would be clad in vertical timber cladding to further soften the development. The car parking has been positioned to allow for further planting to be provided to the eastern and southern boundary of the site with low-level shrubbery a mature landscape character will be maintained at the entrance to the site.

The previous (withdrawn) application, which was very similar to that current proposed was considered by the Portsmouth Fareham, Gosport & Havant Design Review Panel. The Panel commended the clear and carefully formulated Design & Access Statement which explained the rationale for the design solution for the site. The innovative and interesting single-aspect approach, through use of large windows and rooflights, was considered by the Panel to represent an effective and novel method of dealing with overlooking between the proposed dwellings. The Panel suggested that the relationship with neighbouring gardens could be improved by the introduction of subtle screening, perhaps utilising louvres or windows set in/angled into the wall cavity and noted that careful selection and detailing of materials would also be important in delivering a successful scheme. The Panel concluded that the scheme should be supported in design terms.

The proposed dwellings would be of a contemporary design and as such would be different from the more traditional architecture which makes up the prevailing character of the area. Paragraph 60 of the National Planning Policy Framework states that "planning ... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles". Paragraph 61 of the NPPF makes it clear that "although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations". The supporting text to Policy PCS23 (design and conservation) sets out "only the highest standards of architectural quality will be sought in new development" with the policy requiring among other things "excellent architectural quality in new buildings and changes to existing buildings" and "appropriate scale, density, layout, appearance and materials in relation to the particular context".

The proposed development is considered to represent a bespoke design solution for the site that is considered to be of a high design quality as recognised by the Design Review Panel. The layout of the site is innovative and makes an efficient use of the site with the exterior of the proposal having crisp clean lines. Overall the proposal is considered to represent an appropriate design solution for the site which would complement the locality and make a positive contribution of the quality of architecture in the city.

Amenity

The proposed development has clearly been designed with regard to the constraints of the site and the living conditions of neighbouring occupiers. The existing boundaries of the site are a mix of low fences and hedges which allow clear views onto and through the site from neighbouring properties. Any redevelopment of the site would result in a change in the outlook from neighbouring properties, however this in itself would not necessarily result in harm.

The proposal would result in two-storey buildings being located close (generally around one metre) to the boundaries with neighbouring properties. The proposed dwellings would all be located at the end of the rear gardens of neighbouring properties whose depths vary between 15 and 25 metres. Such a degree of spatial separation is relatively generous and is such that any impact on amenity associated with loss of light or overbearing impact would not be so significant as to justify a refusal.

The proposed dwellings would be single aspect whose orientation would be directed away from neighbouring properties to mitigate any potential for overlooking and loss of privacy.

The proposed dwellings would exceed the minimum bedroom and overall size standards set out in the Nationally Described Space Standard, however the internal layout would need to be adjusted to provide the required internal storage space. This could be secured through the imposition of a suitably worded planning condition. Each house would be provided with a decent sized garden of between 50 and 75 square metres. All habitable rooms would be provided with an appropriate outlook and light. As a result it is considered that the proposal would provide a good standard of amenity for future residents.

Access

Access to the site would be via the existing driveway which runs between number 46 and 48 Lealand Road. To address concerns raised by the Highway Authority to the previous application the developer has purchased number 46 Lealand Road in order to widen the access to allow two vehicles to pass and to improve visibility at the junction of the access with Lealand Road. The Highway Authority advise that these changes have addressed and overcome their concerns about the safety of the access arrangements which are considered acceptable.

It is considered that the proposed six additional dwellings would not result in such an increase in traffic movements that would be prejudicial to the safety or convenience of existing highway users.

Parking

The proposal would make provision for the parking of 13 cars. This would exceed the requirement of the Parking Standards SPD to provide 10.5 spaces. It is considered that having regard to the relatively poor accessibility of the site to public transport, a small overprovision of parking is appropriate. The parking spaces shown on the submitted drawings are smaller than the required by the Parking Standards SPD, however the site is capable of accommodating spaces that would meet the standard. This could be secured through the imposition of a suitably worded planning condition.

Ecology

No 46A has been vacant for some with the garden are being left unmanaged. The site also includes outbuildings, structures and a pond all of which have the potential to be habitat for wildlife. It should be noted that a number of unprotected trees which occupied the site were removed in mid -2014.

In recognition of the ecological potential of the site the applicant commissioned an Ecological Constraints and Opportunities Assessment. This assessment in itself is not sufficient to address concerns relating to protected species, due to it not containing detailed surveys as recommended by the Assessment.

The concerns relates primarily to the demolition of the existing buildings, especially the garage/workshop and bunker where it is not possible to conclude that roosting bats are not likely to be present and affected by the proposed development. Further surveys are required to establish the likely presence or otherwise of any active bat roost.

Bats are 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). The application is not supported by sufficient information for the LPA to assess the impact of the development on bats.

Circular 06/2005 identifies that the presence of a protected species is a material consideration in considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development. In this case, it is considered that there is a reasonable likelihood that protected species would be present and affected by the development (as identified by the submitted information) and it is therefore necessary to request the applicant to provide further information on this issue.

The Ecological Constraints and Opportunities Assessment makes recommendations for avoiding and mitigating potential impacts on nesting birds, hedgehogs and stag beetles through the use of a sensitive site clearance methodology, including timing of site clearance works. The Councils ecologist advises that this should be broadened to include reptiles. A number of sensible potential biodiversity enhancements are included in the Ecological Constraints and Opportunities Assessment, currently presented as options. Any revised and updated ecological information could include more detail on these and a firm commitment to the options selected. The provision of a detailed plan of enhancements could otherwise be secured by the imposition of suitably worded planning condition.

SPA Mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(6 \times £174) = £1,044$. The applicant provided SPA mitigation in this way. Consequently it is considered that there would not be a significant effect on the SPAs.

Other Matters

The applicant has submitted details about the sustainability of the proposed buildings which demonstrates that the proposal would meet the Council's policy requirements.

The submitted drawings indicate the provision of failure of the secure and weatherproof storage of cycles. The size and location of the facilities are not considered appropriate, however the site is capable of accommodating suitable facilities. It is considered that these could be secured through the imposition of a suitably worded planning condition.

The suggested facilities for the storage of refuse and recyclable materials are not considered appropriate by the Waste Management Team due to their location and type. It is considered that alternative and more appropriate facilities could be secured through the imposition of a suitably worded planning condition.

Whilst it is noted that the representations make reference to the impact of the proposal on health and education infrastructure, it must be recognised that this proposal relates to a development of six additional dwellings. It is considered that the demands on infrastructure associated with a development of this size would not be significant. It is also considered unreasonable for a development of this scale to make any contribution to enhancing facilities over and above that which result from the Community Infrastructure Levy.

The loss of property value is not a material planning consideration and cannot be given any weight in the determination of this planning application.

Conclusion

Having regard to all relevant policies and material considerations the development proposed is recommended for refusal on the basis that the submitted information does not demonstrate that the proposal is acceptable in flooding and ecology terms only. In all other respects the proposal is considered to represent a high quality design solution for the site that would not give rise to significant amenity impacts.

RECOMMENDATION

Refuse

Conditions

The reasons for the conditions are:

- 1) The proposal is not accompanied by sufficient information to demonstrate that the development would not increase flood risk elsewhere or provide the sustainable benefits that would outweigh any residual flood risk. The proposal is therefore not considered to pass the exception test and as such is contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS12 of the Portsmouth Plan.
- 2) The submitted ecological assessment is not supported by adequate information to demonstrate that the proposal would not adversely affect bats and other protected species or that whether sufficient measures are in place to ensure that impacts will be mitigated and compensated for as appropriate. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS13 of the Portsmouth Plan.

3) 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

LAND ADJACENT TRAFALGAR ACADEMY LONDON ROAD PORTSMOUTH PO2 9RJ**CONSTRUCTION OF THREE STOREY UNIVERSITY TECHNICAL COLLEGE (FOR CLASS D1 EDUCATIONAL PURPOSES), ANCILLARY EXTERNAL PLAY AND SPORT AREAS, CAR PARKING, ACCESS AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING SINGLE STOREY BUILDING****Application Submitted By:**

Stride Treglown Ltd
FAO Mr Tom Lambshead

On behalf of:

UTC Portsmouth

RDD: 18th December 2015

LDD: 21st March 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application relate to the principle of the proposed development, the loss of playing fields, the design of the building and its relationship with adjoining properties and highway impacts. Other issues relate to policy requirements in respect of flooding and sustainable design and construction.

The Site

The application site comprises the curtilage of Trafalgar School, a co-educational secondary school. Formerly known as the City Boys School, the site is located at the northern end of London Road adjacent to the one-way gyratory formed by London Road, Copnor Road and Old London Road. The site fronts London Road and is bounded to the north, west and south by residential properties in Oakwood and Northwood Roads.

Parts of the site are located in within Flood Zones 2 and 3 and are at risk of flooding.

Proposal

This application seeks planning permission for the construction of a three storey University Technical College of approximately 5000 square metres floor area together with ancillary external play and sport areas, 36 additional car parking spaces, new vehicular accesses to London Road and associated landscaping.

The proposed UTC would form an educational campus with Trafalgar School which would continue to operate. The proposed UTC would provide a 60 pupil teaching establishment for 14 to 19 year olds with a focus on STEM (science, technology, engineering and mathematics) subjects. The main building would be three storey's high with a maximum height of 17.9 metres. To the north would be a sports hall of two-storey scale which would be 13.3 metres high.

Planning History

None of the planning history of the site relating to the former City Boys School is considered relevant to the determination of this application.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and Conservation),

The Parking Standards and Transport Assessments, Sustainable Design & Construction and Achieving Employment and Skills Plans SPDs are all relevant to the proposed development.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making this means approving development proposals that accord with the development plan without delay. The following paragraphs within the NPPF are relevant to the proposal:

- 17 Core planning principles for decision making
- 32 Transport Statements and Assessments
- 35 Development designed for sustainable transport
- 36 Travel Plans
- 56 Good design is indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Encouraged to regard design review panels and their comments
- 72 Improving school provision
- 74 Protecting recreational open space
- 96 New development should minimise energy consumption
- 118 Principles should be applied to conserve and enhance biodiversity
- 100 Directing new development away from areas at risk of flooding
- 103 Minimising flood risk
- 190 Pre-application early engagement
- 197 Presumption in favour of sustainable development
- 204 Planning obligations and conditions used to make development acceptable

The following sections in the Planning Practice Guidance are also relevant:

Design

Flood risk and climate change

Health and well being

Land affected by contamination

Natural Environment

Noise

Open space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

CONSULTATIONS

Environment Agency

Confirm the Environment Agency has no objection in principle to the proposal but would, however, wish the following to be taken into consideration:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), produced by Mott MacDonald (ref. 364450 rev.B) and dated 16/12/2015 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 3.5m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice to Local Planning Authority/Applicant

The proposed development is located partially within an area of tidal flood zone 3 and therefore is considered to be at a high probability of flooding (>0.5%, 1 in 200). The design tide level for this area is given as 3.7mAOD (2070). However, ongoing improvements to coastal defences in the area will reduce the likelihood of flooding over the developments lifetime. When the defences are complete they will provide a 1 in 200 year minimum level of protection over the lifetime of the development. A residual risk of flooding from a breach or overtopping of the defences will remain and the submitted FRA has put forward setting FFL's at 3.5mAOD, resilience measures, the availability of safe refuge and a flood warning and evacuation plan as a means to manage this risk. Although the risk to the development is low, it should be noted that in the event of a flood safe access and egress may not be available. Road levels in the vicinity of the access point to the site are at about 2.7mAOD. The LPA will need to consider whether the availability of safe refuge and the preparation of a site flood management plan provide suitable mitigation for this risk. In coming to a decision on the proposed development, the LPA should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed. Specifically, consideration should be given to whether or not a flood management plan would enable users of the development to avoid the flood hazards identified. If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.

We will support the decision of the LPA on flood risk matters and should the LPA be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory we would provide our full support at appeal.

Design Review Panel

The panel acknowledged that the use and layout of the scheme were exciting, but unfortunately were disappointed by this proposal. It would occupy a primary frontage on an important and busy route into the city, but was considered not to respond well to its surroundings. Although both a secondary school and engineering block it looks like neither.

The range of uses on site suggests a potentially rich building which is not reflected in its lacklustre and flat elevations. It was felt that form should more clearly follow function here.

Concern was also expressed that the design process may not have started 'from scratch', that it was simply an adaptation of proposals for another site.

The constraints imposed by an obviously limited budget were recognised. The fenestration for example was considered poor (reminiscent of an industrial building), nevertheless they were clear that the scheme could and should be improved. It was suggested that the facades could be articulated better, and that a less fussy and more honest approach would be beneficial.

Highways Contractor (Colas)

The drawings indicate that there will be a change to the network; it looks as if the footway will be constructed to 2 vehicle crossings? If this is the case this will be Section 278 Works

Coastal Partnership

Confirm that the Eastern Coastal Partnership has no objections to the above development. The Flood Risk Assessment (FRA) submitted with the application was comprehensive and mitigated the residual flood risk appropriately. The North Portsea Island Coastal Defence Scheme is underway, with the first phase a Anchorage Park already completed. This site will benefit directly

from the scheme, which upon completion will offer protection against a 1 in 200 year extreme tidal flood.

Coastal And Drainage

No comments received

Sport England

Initial response

Sport England - Statutory Role and Policy

It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The application is for the construction of a technical college on an area of playing field. The winter and summer playing field layouts currently accommodates:

2 x football pitches, 1 x cricket pitch, 1 x 300m running track, 1 x 100m or 50m running straight, 1 x softball/rounders pitch and a long jump pit.

The winter and summer layouts on the reduced playing field proposes to layout:

1 x full sized senior football pitch, 3 x 5 a-side football pitches, 1 x cricket pitch, 1 x 200m running track, 1 x softball/rounders pitch, a relocated long jump pit and 4 x batting cages.

The applicant proposes to mitigate the loss of playing field through the provision of additional facilities (4 batting cages, a 3 court sports hall, 2 outdoor table tennis and 1 basketball hall court).

Assessment against Sport England Policy/NPPF

There are several issues with the proposed playing field layout and number/size of pitches proposed.

The ECB and FA have both been consulted and have made the following comments:

ECB

1. There is no known community use of the cricket pitch and there is no known demand for any community use in the future.
2. The new location of the cricket pitch is poor and has provided some very short boundaries. We would more information about the exact size of each boundary but by my calculations one of them is about 33m in length. This is below the junior sized cricket pitch and with the age of pupils at the school they recommended min boundary size is 46m. The size of the boundary has been greatly reduced from the existing one. Also the pitch is now orientated on an east west axis which does not comply with Sport England or ECB guidance due to the impact of the setting sun. However the cricket pitch is likely to have to move as the adult sized football pitch is partly located on concrete which is a major health and safety issue, as such this will mean the cricket pitch will also need to move to accommodate this.
Due to the small boundary the school will need to put up some ball stop netting however they haven't considered the risk to the neighbouring houses. This may require ball stop netting as well. However they will need to seek an independent risk assessment who would be able to advise, based on the local circumstances, of the most appropriate location, length and height for ball stop netting. The only company we are aware of that can undertake this is Labosport.
3. The cricket net bay area needs much more thought. Nets are usually artificial pitches so the whole area would need to be dedicated to cricket nets. It could not be used for football in the winter. Also the net cage itself needs to have concrete fittings installed which again mean the area could not be used for other winter sports due to health and safety issues. These areas of the site will need to be redesigned.

4. Overall very little thought has gone into the sporting layout of the site and no consideration as to how to accommodate the variety of sports on the site. The sports pitches have been intensified however it appears some of this may not even be feasible.

As such the ECB objects to the plans as they stand for the reasons outlined in this response.
FA

1. The college is for 14 to 19 year olds. Pickwick Junior Football Team use the school site at weekends are a youth club with 23 teams (8 mini soccer teams, 3 9 a side teams, 8 eleven a side teams from Under 13 to Under 15, 3 Under 16 teams and 1 Under 18). The club also use Hilsea Playing Fields and Alexandra Park. We are unable to see how the proposed facility mix will meet the needs of the college and the community. However our urgent concern is that the proposed adult football pitch is partly located on concrete playground which naturally is a major health and safety hazard. No affiliated college or community matches would be sanctioned on such a pitch therefore making the pitch redundant and displacing all teams. Furthermore the proposal to share space for cricket nets and football is not appropriate. The inconsistency in proposed surface and once again concrete base would prevent the marking of 5 a side pitches in this area. It is worth noting that Pickwick Youth FC have been in discussions with the council for some time for a more secure use of Alexandra Park after being displaced from ROKO site in Portsmouth in 2014. Displacement from this site will create greater pressure on the club and Local Authority to find suitable replacement.

2. There is insufficient information about the school and college teams to ascertain whether or not one full size pitch would meet their needs - assuming a revised safe proposal can be determined. Certainly we can understand why the college would require a full size grass pitch for the older age groups. Anecdotally access to grass football pitches in Portsmouth proves to be difficult for local clubs although the Council have stated that there is sufficient pitches to meet current demand. According to Hampshire FA, Portsmouth team trends is consistent with other parts of the county where more generally we are experiencing a reduction in adult 11 v 11 affiliated teams and a growth in youth affiliated football. However without an up to date Playing pitch Strategy there is insufficient data on supply and demand of football pitches in the city and whether or the reconfiguration of a full size pitch to 3 5 v 5 pitches is required in the area.

3. We have no information on the quality of the pitches on this site although more generally across the city anecdotal feedback from clubs would suggest that on the whole grass pitch provision is poor.

4. We welcome the opportunity to secure a long term community use agreement between the college and Pickwick Youth FC providing the pitch configuration can meet the clubs needs and is safe and compliant to FA standards.

In view of the above the FA objects to this application.

Sport England supports the clear concerns raised by the ECB and FA in terms of pitch layout. In summary these are:

1. The proposed site plan (dwrg no. 50097-STL-00-XX-DR-A-ZZ-01007 Rev PL01) shows that the corner of the full sized football pitch (and run off area) overlaps the existing hardsurfacing at Trafalgar School. Clearly this represents a hazard to players and is not supported.

2. The proposal results in the loss of a youth football pitch and the provision of three 5 a-side pitches; it is not clear if these pitches would meet the demand from Pickwick Youth FC and the Trafalgar School or the proposed college. The impact of the loss of a full sized football pitch on the college/school and Pitch Youth FC needs to be considered.

3. The proposed batting cages require concrete fittings and potentially artificial wickets. The site of the batting cages would therefore be unsuitable to lay out a 5 a-side football pitch in the winter. This would result in less football provision.

4. The relocated artificial cricket wicket is not acceptable; it is located off-centre to the proposed boundary and the boundary does not meet the ECB's recommended minimum sizes.

Furthermore the wicket is orientated west to east which does not meet ECB guidance.

5. A Risk Assessment is required to establish whether or not the proposed ball stop netting adequately addresses the risk from the relocated cricket pitch to the school and neighbouring residential uses.

Overall the proposal would result in the loss of playing field and the loss of ability to lay out the existing pitch layout. The redesigned pitch layout appears tight and would not function correctly;

this would be detrimental to the delivery of school/college sports and to Pickwick Youth FC. The provision of additional facilities does not mitigate the loss of playing field and the poor pitch layout.

Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Supplementary response following submission of additional information:

These comments follow a meeting with the applicant 19 February 2016 and two subsequent emails providing additional information. The first email dated 7 March 2016 provided summer and winter layouts of the playing field. The second email dated 14 March 2016 provided details of the maintenance works to the playing field, a detailed floor plan of the sports hall and some information regarding community groups who could potentially use the site for sport.

The Proposal and Impact on Playing Field

The application is for the construction of a technical college on an area of playing field. The winter and summer playing field layouts currently accommodates: 2 x football pitches, 1 x cricket pitch, 1 x 300m running track, 1 x 100m or 50m running straight, 1 x softball/rounders pitch and a long jump pit.

The winter and summer layouts on the reduced playing field proposes to layout: 1 x full sized senior football pitch, 1 x 7 a-side football pitch, 1 x cricket pitch, 1 x 200m running track, 1 x softball/rounders pitch, x2 long jump pits and 4 x batting cages.

The application also includes the creation of a 3 court sports hall (internal measurements 27 x 18m).

Assessment against Sport England Policy/NPPF

The scheme results in the loss of a football pitch and significantly reduces the potential of playing field to accommodate a range of pitches. In total the proposed development would result in the loss of circa 0.4 hectares of playing field. The applicant has revised the playing field layout to provide one adult football pitch and one 7 v7 football pitch in winter. Sport England has consulted the FA and the ECB on the proposed layout and received the following feedback:

England and Wales Cricket Board - The ECB advised the need for a 1m (minimum) buffer either side of the cricket wicket. The ECB also advised of the need for netting along the western boundary of the playing field to reduce the risk of balls leaving the site into residential properties. The recent plans do not provide either 1m buffer or netting along the western boundary.

Notwithstanding the above, the ECB recognise that the site is only likely to be used for curriculum cricket and as such the ECB raises no objection to the application.

Football Association - The FA is concerned with the safety run off for the proposed adult pitch due to its loss proximity to the MUGA. Whilst the proposed adult pitch meets FA recommended standards (106 x 70 m) including run off (3m) it runs off directly onto the MUGA. The FA recommends an increase of the run off area to take a more cautious approach. It recommends the adult pitch be reduced in size to measure 97 x 61m which would provide an Under 16 size pitch with sufficient run off. The FA recommends the applicant either reduce the southern pitch to an Under 16 pitch or reduce it to below recommended adult pitch size to increase the run off area.

It's understood from the information submitted the school intends to make the pitches available for 6 hours senior use per week or 9 hours junior use. The school have assessed the quality of the existing playing field and advised it is good, quality therefore no qualitative improvements are proposed as part of this development, other than making good periphery areas of playing field.

The proposal includes the creation of a 3 court sports hall which as a result of its size does not meet the relevant sports industry guidance for community sports use. Sport England's design guidance recommends the minimum size for a school sports hall which is intended to also be used by the community should measure 34.5 x 20 x 7.5m. This recommended size helps the

school/college to foster the opportunities offered by sports clubs, development of teams and competitive fixtures. The proposed sports hall regrettable falls significantly short in terms of size and as a result limits its potential benefit to community sport.

Overall the proposal would result in the loss of 0.4 hectares of playing field which reduces the ability of the playing field to accommodate a range of pitches. The sports hall is capable of accommodating informal school sport, but due to its size, it is not likely to bring significant benefit to the development of community sports. Consequently Sport England does not consider the application which principally provides an educational facility to be of sufficient benefit to the development of sports as to outweigh the detriment caused by the loss of playing field.

Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If the application is approved, Sport England recommends the following condition be attached to any consent:

Prior to first use of the school buildings hereby permitted details of community use shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The details shall apply to the sports pitches, MUGAs, sports hall, outdoor sports courts and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved details.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.

Informative: Guidance on Community Use is available from Sport England

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

Ecology

Initial response

Notes application is supported by a Preliminary Ecological Appraisal (Mott MacDonald, June 2015) and Phase 1 Bat Survey (Mott MacDonald November 2015).

Requests some further information from the applicant on the removal of trees from the eastern boundary of the site and potential likely impacts on protected species. The submitted Preliminary Ecological Appraisal notes in Section 3.2.2 that at the time of writing the report it was unclear if trees were to be removed, but the submitted Tree Removal and Retention Plan (Stride Treglown, December 2015) and Design and Access Statement identifies 11 trees for removal, including those identified to be ivy covered and with dead wood features. The potential of these trees to support protected species (notably roosting bats) should be considered by the Preliminary Ecological Appraisal and the omission of this element of the proposal from ecological assessment appears to be an oversight.

I would support the findings so far of the ecological reports submitted (subject to the update noted above) and the incorporation of enhancement measures into the suggested Landscape and Environmental Management Plan.

Supplemental response on additional information

Consider updating information from the applicant's ecologist addresses concern and the trees to be removed (and not included in the original Preliminary Ecological Appraisal) are described to have negligible

potential to support roosting bats.

If you were minded to grant permission, I would suggest that the recommendations of the Preliminary Ecological Appraisal could be secured by condition. Possible condition wording might be:

Development shall proceed in accordance with the measures set out in Section 3.2.1 of the Preliminary Ecological Appraisal (Mott MacDonald, June 2015) and updating information provided to the planning authority, relating to bats and tree removal, breeding birds and reptiles.

Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

The submitted Preliminary Ecological Appraisal provides a wide range of recommendations for enhancements that would contribute to biodiversity at the site, which are not currently fully integrated into the application. The proposed approach to enhancement could however be secured through condition, based on the Preliminary Ecological Appraisal recommendation for a Landscape and Environmental Management Plan. Possible condition wording might be:

Prior to commencement, details of a biodiversity enhancements in the form of a Landscape and Environmental Management Plan as detailed in Section 3 and Appendix G of the Preliminary Ecological Appraisal (Mott MacDonald, June 2015) shall be submitted for approval to the Local Planning Authority. Development shall subsequently proceed and enhanced habitats shall be maintained and retained in accordance with any such approved details. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

Environmental Health

The noise report submitted with this application highlighted that mechanical ventilation will be required on the North and East facades of the development due to the traffic noise levels on London Road. If the plant/equipment is designed to meet the BB93 Acoustic Design of Schools - Performance Standards for internal noise levels it is unlikely that a loss of amenity will be caused to the nearest residential property.

In relation to the ancillary external play and sports area, there are already existing external sports pitches which are located next to noise sensitive premises. It is therefore perceived that the use of the grounds for educational purposes is well established at this location.

To summarise do not wish to raise any objections with regards to this application being granted. Since internal noise levels and the conditions within classrooms are governed by building control regulations and BB93 Acoustic Design of Schools - Performance Standards I shall make no further comment on this aspect.

Contaminated Land Team

The applicant has submitted: Phase 1 Geoenvironmental Desk Study. Mott MacDonald June 2015 357083WTD BTL02A; Ground Condition Assessment. Ridge Nov 2015 152983-815-01.

The desk study should be updated to include a review of previous reports about the site. The report identifies potential sources as on-site storage tanks, and post war buildings are mentioned although it is not highlighted in the conceptual model that asbestos cement may have been used in their construction. There is known to have been a bomb strike on the school site. The garage to the north of the site stored a few thousand gallons of petroleum but this storage is not discussed in the desk study. These uses are highlighted in the prior reports*. This information should be provided to the consultant so they can review and update the conceptual model to ensure the site investigation is adequate.

The site investigation provides good coverage and approach to the site but cannot be accepted until the desk study has been reviewed. I should highlight that in lieu of conducting a gas survey; the site investigation discusses what would constitute a gas survey to current standards but only contains one round of data from monitoring. The report highlights this is below current standards but may be accepted on this occasion because the monitoring round is for reassurance purposes only.

Full standard conditions are requested to ensure the desk study is brought up to current standards although it is likely that once reviewed and an addendum submitted, that further site investigation work may be minimal beyond having a watching brief.

Highways Engineer

Initial response

Transport Assessment

The proposal is for the a new UTC on the same site as the existing Trafalgar School offering places for up to 600 students being phased in over a five year period. The Trafalgar School current accommodates 530 students although has a capacity for 1200. The numbers of students on role are projected to increase to 1000 over the next five year period. As a consequence the assessment of the impact of the proposed UTC on the site must be considered in that context. A new access and egress arrangement is proposed to the one way section of London Road forming the northbound leg of the gyratory which will also facilitate access to the Trafalgar School. Whilst the recommended weaving length to allow vehicles to change lanes as they circulate the gyratory is not achieved, this provides a significant improvement to the existing arrangement. On balance I am satisfied that the improvement in weaving length for vehicles accessing Trafalgar School outweighs the dis-benefit of the reduced weaving length from standard for the vehicles accessing the UTC. As a consequence I am comfortable with the vehicular access arrangement proposed for the site.

The assessment of the impact of the proposal on the operation of the gyratory is not included with the transport assessment although it is noted in section 6.2.4 that 'The modelling will be undertaken and reported in a subsequent technical note'. It will be important to validate the base case found against the observed performance of the gyratory. I understand it is the intention to repurpose the AQMA model. It proved necessary to both heavily load the approach to Portsbridge with additional traffic and increase the gap acceptance time to simulate observed queues using the data previously collected. These queues often tail back through the gyratory and those settings should be retained in the new model unless the model is validated alternately.

The traffic modelling will necessarily be informed by the trip generations projected for the UTC detailed in section 6.2 of the report. I struggle to rationalise these figures in comparison with those detailed elsewhere in the report and would ask that the assimilation of the figures to establish the peak hour flows is disaggregated into a table to explain the individual components. This should consider the projected increase in student numbers at the Trafalgar School in the baseline, and an assumption that up to 10% of UTC students will be picked up / set down on site together with the predicted staff trip rate. The TA indicates that half of these additional trips will be assumed to already exist on the network. I'm not sure that this is a robust assessment, if any of these trips do exist on the network they are likely to be re-timed to coincide with the beginning and end of the school day falling in a different period to existing trips on the network and potentially utilising different routes. A more robust assumption would be to consider that only 25% of the trips associated with students currently exist on the network with the others considered to be new trips on the network within the assessed timeframe. I would ask that you delay any determination of the application until that note has been received and I have had opportunity to review that to confirm the impact of the proposal on the operation of the gyratory. The site is well located to facilitate access by sustainable modes of travel. It is on a comparatively high capacity bus corridor and provides good access for cyclists and pedestrians with appropriate cycle parking facilities proposed on site. Whilst the opportunities to access the site by sustainable modes of travel are good for students living in relatively close proximity, given the nature of the educational offer the school catchment area is considerably larger than a traditional secondary school extending to Southampton in the west and rural Hampshire and West Sussex to the north and east. The TA determines that 90 students will access the school via rail although Hilsea Rail Station is 0.95 km from the site with Cosham Rail Station some 1.5km distant. This is in excess of the recommended maximum walking distance to access rail travel of 800m with projected walking journey times of 12 minutes and 19 minutes respectively and may dissuade students in the outlying areas of the catchment from using this travel mode. The walking route from Hilsea Station would involve crossing the busy junction of Copnor Road with Norway Road. Whist this junction is signalised and incorporates dropped crossings for pedestrians there are no pedestrian phases provided within the signal staging. The TA is silent about the suitability of this route for pedestrians and should address this aspect specifically.

There are currently 59 parking spaces on site provided for the staff of Trafalgar School. The demand for parking in association with the Trafalgar School will increase as school increases the number of students on role and this is likely to exceed the parking provision available. There is little capacity to accommodate additional parking demand on the street surrounding the site. In that light it will be important to ensure that the UTC makes appropriate additional provision to meet the demands arising from that use rather than relying on any spare capacity currently observed.

The proposal includes 38 additional parking spaces on site (28 spaces for staff, 8 for visitors and 4 accessible spaces). When operating at capacity the UTC is projected to employ 58 staff and it is therefore anticipated that 30 staff will access the site by sustainable travel modes or car share. This has been justified subsequently as being comparable to the staff trip rates associated with the City Council and University. I struggle to believe that we will achieve the same model split for staff travel associated with the UTC as we do for the university and PCC staff (45%) both of which are located in the city centre with significantly better accessibility to sustainable forms of transport than this site. Nor am I sure that it is reasonable to apply the same model split to the staff at Trafalgar as those at the UTC as the UTC travel plan cannot be applied to the Trafalgar school in planning terms, rather the proportional additional staff travel to site should be based on the findings of the surveys at the existing Trafalgar site i.e. 65% with a proportional increase in staff parking demand associated with the planned increase in student number at that school. Having said the number of staff based movements are relative small and the absolute difference between a 45% staff car travel rate (as found for the university) and 65% staff car travel rate (as found for Hilsea) would only amount to a handful of trips and should not have a material impact on the findings of the traffic modelling.

The TA includes a staff traffic generation summary at Appendix B for the UTC assuming the same number of movements as the existing school but with the profile shifted to reflect the later start and finish times. Analysis of that appendix indicates that the intended additional parking provision for staff is consistent with the predicted parking accumulation although for clarity that appendix would benefit from an additional column detailing the staff parking accumulation on site in each assessed period.

The TA considers the likelihood of students choosing to drive to school in their own cars. Whilst section 6.3.1 explains that no on-site parking facilities will be made available to students, section 6.1.5 estimates that 12 students are likely to own a car and have a driving licence. This assumption is based on the levels of car ownership per household in Portsmouth which is significantly lower than that found for England and Wales. Given the extended catchment of the proposed UTC and nature of the educational offer I am not comfortable that the assumed student car ownership based on the statistics for Portsmouth is either sound or robust. Whilst students may rely on another form of transport until such time that they have passed their driving test and become car owners I am not satisfied that the assumption that they will not then choose to use their car to travel to school is reasonable.

In the absence of facility for student parking on site and given the demand for parking in the surrounding streets by residents and potential increase in staff parking requirement arising from the committed expansion of the Trafalgar School I am concerned that any shortfall in parking provision on site for either staff or students may lead to their vehicles being parked on-street to the dis-benefit of local residents who then will not be able to find a parking space in reasonable proximity to their homes. To address this issue I would recommend that a committed sum is secured through S106 agreement associated with any consent to fund the implementation of a controlled parking zone to protect the amenity of local residents should that be found to be necessary within 5 years of the commencement of development.

Travel Plan Framework

The submitted travel plan largely draws from and reproduces elements of the TA. It details the Lucketts private bus scheme and explains the option for the UTC to buy into this scheme to help meet the travel needs of those in the catchment area not currently served with good transport links although makes no commitment to do so. It does not recognise the extended walking distances from rail stations beyond the maximum walking distance thought to make such locations accessible nor the absence of controlled pedestrian crossing facilities at the Copnor Road / Norway Road junction.

The travel plan details a number of smarter and physical measures although does not set actual targets for sustainable or car travel. The travel plan should both determine and set targets in respect of the number of car trips generated by the development and detail specific remedies in the event that these are not achieved. The targets should reflect the trip rate assumptions made in the TA which can easily be monitored by deploying an automatic traffic counter at the site access and should be considered annually for a period of 5 years post occupation or until those movement rates are maintained consistently.

Further response

Further to your email of 7th March 2016, I have reviewed the technical note supporting the transport assessment produced by Mott MacDonald (MM) dated March 2016 and write to confirm my findings which should be read in conjunction with my memorandum of 2nd February 2016. The technical note reports the approach to and findings of modelling the effect of the proposed development on the local highway network and responds in part to the commentary provided on the initial transport assessment (TA) in my memorandum of 2nd February 2016. Overall I am comfortable that the technical note is sufficiently robust to inform the assessment of the planning application. The modelling work has identified traffic impacts which I judge to be severe in the context of the NPPF with limited scope to mitigate these. As a consequence of this application stands I must recommend refusal for the following reasons:

- The introduction of the additional traffic thought likely to be generated by the development to an already congested local road network would significantly increase delay on key traffic routes in the am and pm peak periods.
- The absence of parking facility for students would be likely to generate a demand for parking on street in an area where the demand for such parking exceeds the space available and would be likely to result in conflicts between students and residents

Traffic Flows - The trip generations proposed in the initial TA to account for the planned expansion of the existing Trafalgar School in the base case and the proposed UTC in the development case have been revisited. The assumptions have been modified to reflect the suggestions made in the commentary provided on the initial TA and I am satisfied that these provide for a robust assessment of the likely traffic generations associated with the proposal. The background traffic growth has been factored using TEMPRO 6.2 to reflect increases in demand between the 2013 AQMA base and the 2017 planned year of opening of the development. The technical note notes that traffic growth as predicted by TEMPRO is only likely to be observed in unrestrained areas so this level of traffic growth is likely to be an overestimate. This determines an increase in background traffic of approximately 5% between 2013 and 2017. The critical effect of the proposed development is to increase the traffic flow on the A2047 London road by 31 vehicles (2.8%) in the am peak hour and by 66 vehicles (6.3%) in the pm peak hour.

Microsimulation Model - The microsimulation model created in 2013 for the purposes of assessing the Air Quality Monitoring Area (AQMA) A288 corridor has been used to establish the likely impact of the proposed development on the performance of the local highway network. For the AQMA model it was necessary to both heavily load the approach to Portsbridge with additional traffic and increase the gap acceptance time to simulate observed queues using the data previously collected. These queues often tail back through the gyratory and MM were advised to retain those settings in the new model or validated the model alternately.

The AQMA model assumed that the Northern Parade / London Road would be signalised and consequently that junction form was reflected in the model. Whilst this was a reasonable assumption at the time that improvement has not been brought forward and is not committed within the capital programme. To reflect this the coding of the junction in the model has been amended back to reflect a priority junction.

The model was not found to replicate the queues on the London Road northbound approach to Portsbridge roundabout and following discussions I agreed that the opposing traffic on the Portsbridge roundabout circulatory carriageway should be adjusted in order to replicate the expected amount of queuing. The performance of the roundabout itself is not critical to the assessment of the development rather the specific area of interest is the performance of the gyratory. This adjustment allows the model to better replicate the observed queues.

The signal timing in the AQMA model at the Copnor Rd/ Norway Rd junction were found to produce a queue generating gridlock on the gyratory. This does not reflect the operation of the junction and maximum green times were increased to better reflect the performance of the network although had a side effect of increasing queues on Norway Road.

The nature of the model will not take into account traffic rerouting or peak spreading where people have opportunity to vary their travel time or route to avoid congestion. This will tend to the model reporting more severe delays than may actually occur. Conversely in the AQMA version of VISSIM if vehicles are unable to enter the network due to congestion for a 15 minute period then the unreleased vehicles are removed from the network. 109 vehicles are so removed by the model in the PM peak which will tend to compensate for the over reporting of delays. Critically given that the network is already congested during peak periods, I am comfortable that the proportional effects observed between the 2017 year base and development cases remain reasonable assessments and are sufficiently robust to inform consideration of the application although with limitations.

Only two scenarios have been modelled to allow comparison between a 2017 base case and 2017 with development. It would have been helpful to have also modelled the current year base case which could have been compared with observed journey times and queue lengths to give confidence over the validity of the model. However given that validation was established for the AQMA model in 2013 and this is a minor reworking of that, whilst a current year base case scenario would have been helpful I do not consider it essential.

Model Findings - Generally as one would expect within an already congested the model predicts similar traffic issues in both the base case and with development scenarios. The issues are similar in both the am and pm peak periods although are more severe in the evening rush hour with the effect of the proposal in the inter-peak period being negligible. Whilst there is scope for the model to report more severe delays than may actually be observed for the reasons previously explained I am comfortable that the proportional increase in journey times is sufficiently robust to reasonably inform consideration of the application.

Journey times were assessed in both modelled scenarios on 5 key route. Whilst journey times on the A3 remain fairly consistent, two of the other routes:

Northbound along A2047 (South) to A3 (North)

Northbound along A288 (South) to A3 (North)

were found to experience additional delay in excess of 11% in the am peak and of 13.4% in the pm peak for the journey for northbound along A2047 (South) to A3 (North) equating to approximately 1 additional minute.

The Northbound journey times along Norway Rd (East) to A3 (North) were found to experience more severe additional delays of 26% in the am peak and 18% in the pm peak hours reflecting absolute increases in delay on 3 mins and 5 mins respectively. These may be slightly lesser in absolute terms when taking account of the limitations of the model with regard to peak spreading and traffic rerouting it is my view that they do represent a severe impact on the performance of the local highway network in capacity terms in the context of the NPPF sufficient to justify refusal of the planning application.

Accessibility by Rail - My representation of 2nd February 2016 had raised concern that the walking route from the station exceeded the recommended walking distance of 800m. The technical note suggests that young people walk at a slightly faster pace and would complete this journey with 10 minutes although provides no evidence to support that. In any event the walking distance from the station is equally an issue for staff as pupils. The technical note draws reference from the document 'Providing for Journeys on Foot' and suggests that a 1000m walk is an acceptable walking distance for journeys to school which is interestingly the same as the acceptable distance for commuting tending to undermine the suggestion that school children walk more quickly than commuters. It is acknowledged in the technical note that the walk from the station to the school only forms part of the journey and it is implicit that people would have a distance to travel to access the rail network before alighting at Hilsea. In this light and given the distance of the journey from the station to the school I remain of the view that this may dissuade students or staff living in the outlying areas of the catchment from using this travel mode.

Parking - The technical note includes a modified parking arrangement on site to provide additional parking spaces better reflecting the anticipated mode travel share for staff although does not provide facility for student parking. Comparison of this with the predicted parking

accumulations suggests that there will be adequate provision of parking on site to meet the demands of staff and visitors.

Given the high demand for parking on the surrounding residential roads should you be minded to approve this application a contribution of £25,000 should be secured to allow consultation with residents over the detail of a controlled parking zone and implementation of the same to protect the parking amenity of local residents from student parking. Whilst the applicant is not against such an approach in principle, student travel to school by car would be contrary to the planned UTC student agreement. The technical note suggests that this be linked to UTC student parking observed in neighbouring roads and triggered at an agreed number. Whilst this seems sensible in principle I do not think that it will be possible to determine whether particular vehicles are parked by UTC students. The contribution should be secured at the outset with a commitment to return it in the event that the council does not bring forward a controlled parking zone within 7 years of the school opening. NB the school will not reach capacity until 5 years after opening.

Supplementary response on modelling and additional information

Further to your email of 7th March 2016, I have reviewed the technical note supporting the transport assessment produced by Mott MacDonald (MM) dated March 2016 and write to confirm my findings which should be read in conjunction with my memorandum of 2nd February 2016. The technical note reports the approach to and findings of modelling the effect of the proposed development on the local highway network and responds in part to the commentary provided on the initial transport assessment (TA) in my memorandum of 2nd February 2016. Overall I am comfortable that the technical note is sufficiently robust to inform the assessment of the planning application. The modelling work has identified traffic impacts which I judge to be severe in the context of the NPPF with limited scope to mitigate these. As a consequence as this application stands I must recommend refusal for the following reasons:

- The introduction of the additional traffic thought likely to be generated by the development to an already congested local road network would significantly increase delay on key traffic routes in the am and pm peak periods.
- The absence of parking facility for students would be likely to generate a demand for parking on street in an area where the demand for such parking exceeds the space available and would be likely to result in conflicts between students and residents

Traffic Flows

The trip generations proposed in the initial TA to account for the planned expansion of the existing Trafalgar School in the base case and the proposed UTC in the development case have been revisited. The assumptions have been modified to reflect the suggestions made in the commentary provided on the initial TA and I am satisfied that these provide for a robust assessment of the likely traffic generations associated with the proposal.

The background traffic growth has been factored using TEMPRO 6.2 to reflect increases in demand between the 2013 AQMA base and the 2017 planned year of opening of the development. The technical note notes that traffic growth as predicted by TEMPRO is only likely to be observed in unrestrained areas so this level of traffic growth is likely to be an overestimate. This determines an increase in background traffic of approximately 5% between 2013 and 2017. The critical effect of the proposed development is to increase the traffic flow on the A2047 London road by 31 vehicles (2.8%) in the am peak hour and by 66 vehicles (6.3%) in the pm peak hour.

Microsimulation Model

The microsimulation model created in 2013 for the purposes of assessing the Air Quality Monitoring Area (AQMA) A288 corridor has been used to establish the likely impact of the proposed development on the performance of the local highway network. For the AQMA model it was necessary to both heavily load the approach to Portsbridge with additional traffic and increase the gap acceptance time to simulate observed queues using the data previously collected. These queues often tail back through the gyratory and MM were advised to retain those settings in the new model or validated the model alternately.

The AQMA model assumed that the Northern Parade / London Road would be signalised and consequently that junction form was reflected in the model. Whilst this was a reasonable assumption at the time that improvement has not been brought forward and is not committed

within the capital programme. To reflect this the coding of the junction in the model has been amended back to reflect a priority junction.

The model was not found to replicate the queues on the London Road northbound approach to Portsbridge roundabout and following discussions I agreed that the opposing traffic on the Portsbridge roundabout circulatory carriageway should be adjusted in order to replicate the expected amount of queuing. The performance of the roundabout itself is not critical to the assessment of the development rather the specific area of interest is the performance of the gyratory. This adjustment allows the model to better replicate the observed queues.

The signal timing in the AQMA model at the Copnor Rd/ Norway Rd junction were found to produce a queue generating gridlock on the gyratory. This does not reflect the operation of the junction and maximum green times were increased to better reflect the performance of the network although had a side effect of increasing queues on Norway Road.

The nature of the model will not take into account traffic rerouting or peak spreading where people have opportunity to vary their travel time or route to avoid congestion. This will tend to the model reporting more severe delays than may actually occur. Conversely in the AQMA version of VISSIM if vehicles are unable to enter the network due to congestion for a 15 minute period then the unreleased vehicles are removed from the network. 109 vehicles are so removed by the model in the PM peak which will tend to compensate for the over reporting of delays. Critically given that the network is already congested during peak periods, I am comfortable that the proportional effects observed between the 2017 year base and development cases remain reasonable assessments and are sufficiently robust to inform consideration of the application although with limitations.

Only two scenarios have been modelled to allow comparison between a 2017 base case and 2017 with development. It would have been helpful to have also modelled the current year base case which could have been compared with observed journey times and queue lengths to give confidence over the validity of the model. However given that validation was established for the AQMA model in 2013 and this is a minor reworking of that, whilst a current year base case scenario would have been helpful I do not consider it essential.

Model Findings

Generally as one would expect within an already congested the model predicts similar traffic issues in both the base case and with development scenarios. The issues are similar in both the am and pm peak periods although are more severe in the evening rush hour with the effect of the proposal in the inter-peak period being negligible. Whilst there is scope for the model to report more severe delays than may actually be observed for the reasons previously explained I am comfortable that the proportional increase in journey times is sufficiently robust to reasonably inform consideration of the application.

Journey times were assessed in both modelled scenarios on 5 key route. Whilst journey times on the A3 remain fairly consistent, two of the other routes:

- Northbound along A2047 (South) to A3 (North)
- Northbound along A288 (South) to A3 (North)

were found to experience additional delay in excess of 11% in the am peak and of 13.4% in the pm peak for the journey for northbound along A2047 (South) to A3 (North) equating to approximately 1 additional minute.

The Northbound journey times along Norway Rd (East) to A3 (North) were found to experience more severe additional delays of 26% in the am peak and 18% in the pm peak hours reflecting absolute increases in delay on 3 mins and 5 mins respectively. These may be slightly lesser in absolute terms when taking account of the limitations of the model with regard to peak spreading and traffic rerouting it is my view that they do represent a severe impact on the performance of the local highway network in capacity terms in the context of the NPPF sufficient to justify refusal of the planning application.

Accessibility by Rail

My representation of 2nd February 2016 had raised concern that the walking route from the station exceeded the recommended walking distance of 800m. The technical note suggests that young people walk at a slightly faster pace and would complete this journey with 10 minutes although provides no evidence to support that. In any event the walking distance from the station is equally an issue for staff as pupils. The technical note draws reference from the document 'Providing for Journeys on Foot' and suggests that a 1000m walk is an acceptable

walking distance for journeys to school which is interestingly the same as the acceptable distance for commuting tending to undermine the suggestion that school children walk more quickly than commuters. It is acknowledged in the technical note that the walk from the station to the school only forms part of the journey and it is implicit that people would have a distance to travel to access the rail network before alighting at Hilsea. In this light and given the distance of the journey from the station to the school I remain of the view that this may dissuade students or staff living in the outlying areas of the catchment from using this travel mode.

Parking

The technical note includes a modified parking arrangement on site to provide additional parking spaces better reflecting the anticipated mode travel share for staff although does not provide facility for student parking. Comparison of this with the predicted parking accumulations suggests that there will be adequate provision of parking on site to meet the demands of staff and visitors.

Given the high demand for parking on the surrounding residential roads should you be minded to approve this application a contribution of £25,000 should be secured to allow consultation with residents over the detail of a controlled parking zone and implementation of the same to protect the parking amenity of local residents from student parking. Whilst the applicant is not against such an approach in principle, student travel to school by car would be contrary to the planned UTC student agreement. The technical note suggests that this be linked to UTC student parking observed in neighbouring roads and triggered at an agreed number. Whilst this seems sensible in principle I do not think that it will be possible to determine whether particular vehicles are parked by UTC students. The contribution should be secured at the outset with a commitment to return it in the event that the council does not bring forward a controlled parking zone within 7 years of the school

Archaeology Advisor

Agree with submitted archaeological report prepared by CgMs and would endorse its conclusions.

The report suggest that in the light of the limited archaeological evidence in the vicinity the area has a low archaeological potential and that in the light of modern development, including the levelling and draining of the playing fields, this archaeological potential has been compromised or removed. Certainly there is little archaeological evidence recorded in the area and no basis to suggest that the area has a high archaeological potential. But the limited archaeological records here may well reflect an absence of opportunity to understand the archaeology of the area. I would concur that to describe the potential as low is strictly correct, but it might also just be a hidden potential. However in the absence of compelling local archaeological data and in the light of the levelling of the playing field I would concur with the conclusion that no further archaeological concern can be justified and I would not raise any archaeological issues in relation to the application.

Landscape Group

Advise that the proposals have been put together well, and present an attractive building for the staff and students to use, making a positive contribution to the London Road frontage.

Whilst it is sad to see the loss of some of the trees along the existing frontage, it is appreciated that visibility and access are necessary to the new building, and because the elevation shown is an attractive one, this will be acceptable. It is good to see that the remaining trees will be protected properly during construction to ensure their longevity.

Space on site is limited to provide replacement tree planting in a meaningful way, so am pleased to see the 4 new trees around the cycle storage. However there is scope for additional replacement trees to the south and west of the new building to soften this elevation and provide additional greenery to the site. Have marked up two plans to indicate where these could be added. With a slight tweak to the softball field layout these could be accommodated without problem. These needn't be massive trees, but something of a medium size to give stature without causing maintenance or light issues. Note that no planting plan has been included, only a description of what the planting will comprise.

Would like to see a planting plan with schedule so we can ensure the size, species and specification of planting is sufficient for the new scheme and suggest this could be conditioned?

Tree Officer

The content of the Tree Survey Schedule Ref 3587/HWY/HDS/001/A produced by Mott McDonald is accepted and largely agreed. Trees identified as T16, T29, T30 in the schedule and accompanying plan have been removed.

The content of the Arboricultural Method Statement Ref JSL2560_780B in respect of tree protection measures is accepted and agreed.

The Design and Access Statement dated Dec 2015 offers the following in respect of the Landscape and Trees:

2.4.7 Portsmouth Plan policy PCS13 states that ensuring that development should retain and protect the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. It identifies that any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated.

2.4.8 It also promotes protection of trees stating that ensuring development is informed and influenced by the presence of trees on site, particularly those protected by a Tree Preservation Order (TPO) or within a conservation area. There are no TPOs on site nor is the site in a conservation area, however the tree lined site boundary with London Road provides an attractive site delineation to the east.

It is difficult to reconcile such a statement against the proposed Landscape Plan Ref 40285-STL-00-XX-DR-I-XX01001 Rev PL01 which includes the comment:

"Limited removal of trees to frame views to the new UTC and improve passive surveillance to the site entrance"

There are no arboricultural grounds offered to support the removal of T23, T15, T14, T13, T12, T11, T4, T3, T2, T1.

It is accepted that selected trees may need to be removed in order to facilitate construction of the proposed access points onto London Road.

The proposed replacement tree planting is insufficient to mitigate existing and proposed tree loss.

Recommendations

Consideration be given to the protection of the mature trees across the site by TPO, as identified by the Design and Access Statement: the tree lined site boundary with London Road provides an attractive site delineation to the east, and may be considered to be of high amenity value.

1. Except where removal is required specifically to facilitate access or construction all mature trees are to be retained, unless arboricultural grounds can be supplied to justify felling.

2. Replacement planting is to mitigate tree loss 1:1.

3. The guidelines in Trees in Hard Landscapes: A Guide for Delivery be adopted to ensure success of proposed planting schemes;

a. Tree planting is to be undertaken following subsoiling and soil decompaction in specifically constructed planting pits using soil engineered to promote healthy root growth. Tree planting pits are to be inter connected utilising perforated pipe in order to assist infiltration of excess surface water.

b. Tree planting pits in and adjacent to areas intended for parking and highway are to incorporate "Silva Cell" type modular reinforcement creating an underground frame that can bear traffic loads and in addition offers freely rootable space that allows urban trees to grow, catchment of excess (rain)water and a large absorption capacity by uncompacted soil within the cell.

c. Trees adjacent to road ways and parking areas are to be protected by the use of substantial tree guards to prevent vehicle damage until established.

d. Kerbs and hard surfaces be adapted to assist collection and infiltration of surface water runoff into tree pits.

e. Co-location of services where possible to minimise risk of encroachment by roots.

4. All planting is to be undertaken in accordance with the recommendations within BS 8545 Trees: from nursery to independence in the landscape - Recommendations.

Crime Prevention Design Advisor

Having considered the application offers the following comments to make with reference to crime prevention.

From the reception area it is possible to gain access to a small number of offices including the principles office. To provide for the safety and security of staff and students I recommend that this area is re-designed so that the "entrance lobby" forms an effective "air lock" allowing only authorised visitors into the building. Internal doors to PAS24:2012 standard should be positioned within the building to prevent those using the community facilities from accessing the remainder of the building.

REPRESENTATIONS

Objections have been received from the occupiers of eight neighbouring properties, the Portsmouth Society and the Portsmouth Cycle Forum on the following grounds:

- increased traffic and parking in neighbouring roads;
- inadequate on-site parking;
- relocated sports facilities may result in damage to neighbouring properties;
- building is in an area at risk of flooding;
- suggested travel plan does not sufficiently promote sustainable travel;
- building should meet policy requirements for sustainable design and construction;
- have other locations been considered;
- inadequate consultation;
- loss of property value.

It should be noted that a number of the objectors express some support for the principle of the proposed UTC.

COMMENT

The main issues to be considered in the determination of this application relate to the principle of the proposed development, the loss of playing fields, the design of the building and its relationship with adjoining properties, potential highway impacts and impacts on threatened species. Other issues relate to policy requirements in respect of flooding and sustainable design and construction.

Principle

The application site comprises an existing school. The site is not the subject of any formal designation in the Development Plan. There is therefore no issue with the principle of intensifying the use of the site to provide additional educational facilities.

Loss of Playing Fields

The construction of the proposed UTC would require the loss of some of the existing playing fields on the site. The NPPF sets out in paragraph 74 that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".

The applicant recognises this and has argued that the loss of the playing fields necessary to allow the construction of the UTC would be offset by the provision of enhanced facilities on the site that would be made available for community use. The proposal would result in the loss of

one full size football pitch. The enhanced provision would include a three court indoor sports hall, outdoor cricket batting cages, and additional long jump pit and table tennis tables.

As originally submitted Sport England raised an objection to the proposal and made reference to concerns raised by the Football Association and England and Wales Cricket Board. This objection can be summarised as follows:

1. The proposed site plan shows that the corner of the full sized football pitch (and run off area) overlaps the existing hardsurfacing at Trafalgar School. Clearly this represents a hazard to players and is not supported.
2. The proposal results in the loss of a youth football pitch and the provision of three 5 a-side pitches; it is not clear if these pitches would meet the demand from Pickwick Youth FC and the Trafalgar School or the proposed college. The impact of the loss of a full sized football pitch on the college/school and Pitch Youth FC needs to be considered.
3. The proposed batting cages require concrete fittings and potentially artificial wickets. The site of the batting cages would therefore be unsuitable to lay out a 5 a-side football pitch in the winter. This would result in less football provision.
4. The relocated artificial cricket wicket is not acceptable; it is located off-centre to the proposed boundary and the boundary does not meet the ECB's recommended minimum sizes. Furthermore the wicket is orientated west to east which does not meet ECB guidance.
5. A Risk Assessment is required to establish whether or not the proposed ball stop netting adequately addresses the risk from the relocated cricket pitch to the school and neighbouring residential uses.

Sport England concluded that the proposal would result in the loss of playing field and the loss of ability to lay out the existing pitch layout. The redesigned pitch layout appears tight and would not function correctly; this would be detrimental to the delivery of school/college sports and to Pickwick Youth FC. The provision of additional facilities does not mitigate the loss of playing field and the poor pitch layout.

Following the receipt of this objection more information has been provided and alterations have been made to the proposed layout of the replacement facilities. These amendments have addressed and overcome some of the issues raised by Sport England. Sport England have indicated that if the proposed sports hall could be enlarged from a three court to a four court facility they would not object to the proposal. The applicant has advised that such an expansion of the proposed sports hall is not possible within the restricted budget available for the construction of the UTC.

Sport England maintain their objection on the grounds that the proposal would result in the loss of 0.4 hectares of playing field which reduces the ability of the playing field to accommodate a range of pitches. Sport England recognises that the sports hall is capable of accommodating informal school sport, but due to its size are of the view that it is not likely to bring significant benefit to the development of community sports. Consequently Sport England does not consider the application which principally provides an educational facility to be of sufficient benefit to the development of sports as to outweigh the detriment caused by the loss of playing field.

It is recognised that the proposal would result in the loss of a full size football pitch, however it would also provide new sports facilities including a three court indoor sports hall which would be made available for community use outside of school hours. The layout of the UTC has been designed to facilitate the separate use of the sports hall by others which can be secured through the completion of a Community Use Agreement. Notwithstanding the view of Sport England, it is considered that the proposal would provide enhanced sporting facilities that would balance the loss of one full size football pitch.

It is on this basis that the proposal is considered to be acceptable. Should the Planning Committee be minded to support the recommendation to permit the proposed development, the application will need to be referred to the National Casework Unit for referral to the Secretary of

State. This will enable the Secretary of State to call the application to determine it or alternatively confirm that the Local Planning Authority can continue to determine the matter.

Design

The application is supported by a Design and Access Statement that has assessed the local context and explains the rationale behind the proposal submitted in this application.

The site is located in an area comprising a mix of uses, with residential properties to the north, south and west and a number of commercial and industrial uses to the east. Generally development in the area is two-storey in scale with few three or four storey buildings. The tallest buildings in the locality are some of the school buildings housing Trafalgar School.

The proposed UTC building would have a triangular footprint to the main three storey element with the two-storey sports hall siting as a projection to the north. The UTC would be orientated to 'front' London Road and to minimise its encroachment into the sports fields. The building has been designed to reflect the engineering and STEM related emphasis of the teaching with the exterior attempting to create a building with a strong identity. Externally the building would be punctured by a regular pattern of window openings to break up its mass and provide natural light into teaching spaces. Externally the building would be clad above a masonry ground floor plinth with a seamed metal material with a brightly coloured finish. The design and access statement describes the use of this material as speaking of an industrial, mechanical, contemporary aesthetic with the colouring that will tie in with the branding of the UTC to give the building a really strong identity. Parking and an access road would be located to the front of the building adjacent to the trees along London Road which would largely be retained.

The proposal has been considered by the Portsmouth, Fareham, Gosport and Havant Design Review Panel. The panel acknowledged that the use and layout of the scheme were exciting, but were disappointed by the proposal. Occupying a primary frontage on an important and busy route into the city, the Panel considered the proposal would not to respond well to its surroundings and although aspiring to be both a secondary school and engineering block it would look like neither. The Panel noted the range of uses within the building would suggest a potentially rich building which is not reflected in its lacklustre and flat elevations. The Panel recognised the constraints imposed by an obviously limited budget but considered that the fenestration for example is poor and suggested that the facades could be articulated better and that a less fussy and more honest approach would be beneficial.

The proposed UTC building is considered to be of an appropriate scale for its location and would be sited to address London Road. Its appearance would make a contribution to improving the appearance of the contextual streetscene with the use of coloured metallic cladding with a seamed detailing adding interest and variety. Whilst the Design Review Panel were critical of the proposal it is considered that the appearance of the building would reflect its purpose and convey its professional as well as educational purpose.

The site is in a prominent location on a main arterial route into and out of the city and as such warrants a building of the highest architectural quality as sought by both local and national planning policy. The proposed UTC is considered to represent an appropriately high quality design solution which would accord with the principles of good design set out in the NPPF and would accord with the requirements of Policy PCS23.

Impact on Amenity

The site is host to an existing school whose playing fields abound neighbouring residential properties. The element of the UTC closest to residential properties would be the two-storey sports hall and would be over 45 metres from the boundary of the site. The separation distance between the school building and the closest dwelling would be 60 metres. There are commercial premises located between 35 and 45 metres from the proposed building on the opposite

(eastern) side of London Road. The separation distances between the proposed UTC and neighbouring residential and other buildings are such that the proposal would not have any significant impact on the amenities of the occupiers of those properties.

The proposal would involve works to the existing sports fields that would change and intensify the way they would be used. It is considered that any increased noise or disturbance associated with a more intensive use of the existing playing fields would not be so great as to justify the refusal of planning permission on amenity grounds. The issue of sports equipment (e.g. balls) passing over the existing boundary treatment could be addressed through the imposition of a planning condition to secure appropriate enhancements to the existing means of enclosure.

Transport

The application is accompanied by a Transport Assessment and a Travel Plan report.

The proposal would involve the formation of a new vehicular access to the one-way section of London Road within the gyratory formed by Copnor Road and Old London Road. This new access will be shared with Trafalgar School who existing entrance would be closed. Whilst the location of the new access is not ideal, it does represent an improvement on the existing situation and as such is considered acceptable in highway safety terms.

Modelling has been undertaken to assess the impact of additional traffic generated by the proposal on the operation of the existing gyratory. The modelling which takes into account future traffic growth suggest that the effect of the proposal would be to increase traffic flow on the A2047 London Road by 31 vehicles (2.8%) in the am peak hour and by 66 vehicles (6.3%) in the pm peak hour.

The existing road network, and in particular the gyratory is congested at peak times with particular delays being experienced by vehicles travelling northbound in the evening peak. The modelling suggest that the proposal would result in additional delay for traffic travelling from London road towards Portsbridge roundabout equating to an additional minute of delay at both the morning and evening peak. The impact on traffic travelling northbound from Norway and Copnor Road towards Portsbridge roundabout is more significant with the additional delay equating to approximately three minutes in the morning peak and five minutes in the evening peak. The Highway Authority advise that such a delay should be considered as severe impact that would be sufficient to justify the refusal of the planning application.

The traffic generated by the proposal would undoubtedly have an impact on users of the existing road network at peak time by adding a further delay to journey times of vehicles passing through the gyratory. It must however be acknowledged that the impact of the UTC would be on the capacity of the road network only and would not in itself be detrimental to the safety of users of the highway network.

The site accessible by sustainable modes of transport for students and staff living relatively close to the site. However the extended catchment of school is such that students could be traveling from outside the city. The site is located in excess of the recommended walking distance of 800 metres from a railway station which could limit the use of that form of public transport.

The site currently accommodates 59 parking spaces that serve Trafalgar School. Trafalgar School currently operates at approximately half its capacity in terms of pupil numbers but project that pupil numbers will rise in the next few years. The proposal would provide an additional 38 spaces to serve the UTC. Based on the maximum number of staff associated with the UTC when operating to capacity and the proportion of staff travelling to Trafalgar School by car the likely demand for parking for the UTC would be around 38 spaces. There is no space for off-site parking other than in residential roads surrounding the site. Whilst there is some capacity in these roads during the working day, the use of this area for overflow parking would not be

welcomed by neighbouring residents. The implementation of a travel plan can assist in reducing demand for parking over time. The UTC would not operate at full capacity but would build up student numbers over a five year period in which time measures could be put in place to reduce the proportional demand for parking. It is considered that the proposed provision for parking associated with the UTC would be acceptable. It should be recognised that any increase in student numbers at Trafalgar School may give rise to an increased demand for parking which may not be accommodated on the site. However it would not be reasonable to expect the proposed UTC to include measures to deal with any possible demand for parking associated with a different school.

The Transport Assessment suggests that car ownership among students is likely to be low. This is considered to be reasonable assumption as it would only be pupils in the last two years that could be able to drive. As no on-site parking would be provided for students any who chose to drive would be likely to park in nearby residential roads. Whilst a number of the houses in Oakwood and Northwood Roads benefit from off-street parking, many rely on the availability of on-street parking. The use of neighbouring streets for parking by students could adversely affect the amenities of local residents who may not be able to find a parking space close to their homes and would generate additional traffic. The suggestion that around 12 cars could be used by students driving themselves is considered to be an underestimation, however it is difficult to quantify the likely level of additional demand for parking associated with students choosing to drive. It is considered that students of the UTC are unlikely to be in a position to drive to the site in any great number and as a result any impact on local residents would not be significant and would not result in such harm as to justify a refusal on amenity grounds. The implementation of a Travel Plan associated with UTC which could be linked with Trafalgar School is considered to be a mechanism that could further reduce the likelihood of pupils choosing to drive to school.

The Highway Authority make reference to a financial contribution being secured to fund the implementation of a controlled parking zone to protect the amenity of local residents should overspill parking become an issue within 5 years of the commencement of development. Paragraph 204 of the NPPF states that "planning obligations should only be sought where they meet all of the following tests: 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. There are other measures which would achieve the outcome and meet the test rather than the imposition of an obligation. As discussed previously, the proposed level of car parking is considered appropriate to serve the proposal and a travel plan can be secured to encourage the use of alternative methods of transport to the car by both staff and pupils. Accordingly it is considered that the suggested obligation is not necessary or reasonable to make the development acceptable and as such should not be required as part of any permission.

Flooding

The site is partially located within Flood Zones 2 and 3 and so the application is accompanied by a Flood Risk Assessment which includes a sequential assessment demonstrating there are no alternative sites at lower risk of flooding.

The submitted Flood Risk Assessment (FRA) has been reviewed by the Environment Agency and East Solent Coastal Partnership. We concur with the view of these consultees that the submitted FRA is thorough and comprehensive and demonstrates an appropriate approach to mitigating any residual flood risk. The proposed flood mitigation measures set out in the submitted FRA, including raised floor levels, can be secured through the imposition of planning conditions. It is therefore considered that the proposal would not give rise to an increased risk to life or property from flooding.

Ecology

The application is supported by a Preliminary Ecological Appraisal prepared by Mott MacDonald (June 2015) which has assessed the impact of the development in relation to bats, breeding birds and reptiles. The Council's Ecologist has recommended that a Landscape Environmental Management Plan (LEMP) condition be imposed further ensuring the potential for any impacts are managed.

In relation to the sites potential value to bats and nesting birds, in accordance with Article 12 of the EU Habitats Directive, when adopting a precautionary approach, if there is likelihood that 'disturbance' may occur which in this case there is, the derogation tests must be undertaken as follows:

Reasons for Overriding Public Interest

There are a number of benefits that the proposal would generate for local communities and the surrounding area. This is through the addition of education and training facilities which will have a positive impact improving employment prospects for young people.

No Satisfactory Alternative

This report concludes that there is no satisfactory alternative to this site.

Maintaining a Favourable Conservation Status (FCS)

In order to assess whether the FCS test is met with regard to bats, nesting birds and reptiles, the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. Council's Ecologist has had regard to the Ecology report findings and recommends a condition seeking to further strengthen ecological provisions through the implementation of a LEMP, mitigating impacts within the development. It is considered that a Favourable Conservation Status can be maintained.

Conclusion

If members conclude that the benefits of approving the proposal on this site outweigh the potential for harm, subject to the incorporation of conditions in line with recommendation, it is considered that (a) the impact upon ecology is low and (b) this application satisfies the statutory derogation tests.

Sustainable Design and Construction

Policy PCS15 of the Portsmouth Plan seeks to encourage higher sustainability standards in new buildings. It requires all non-domestic development with a net increase in floorspace of more than 500m² should contribute to addressing climate change in Portsmouth and, unless otherwise agreed, must achieve at least a Building Research Establishment's Environmental Assessment Method (BREEAM) standard of excellent. Non-domestic development must also use LZC energy technologies to reduce the total carbon emissions from the development by 10% as part of the selection of measures to meet the overall BREEAM level.

The application is accompanied by a BREEAM Pre-Assessment which suggests that the proposal would score 61.2 which equates to a BREEAM level of very good. Whilst such a score is not low, it does fall short of a score of 70 that would be required to reach the policy requirement for excellent.

The submission also includes a commentary which attempts to justify why certain credits cannot be achieved. The justification offered in most cases is that achieving certain credits would not add educational value. It is accepted that not all schemes can achieve the policy requirement for excellent, however there is an expectation that schemes should still demonstrate some effort towards being sustainable even if, not all credits can be obtained. The scheme does to its credit target obtaining a high level of credits in the Energy category. The applicant has been offered

suggestions of areas where additional credits could be obtained that would allow the proposal to get closer if not achieve the required score of 70.

The proposed UTC would be funded by the Education Funding Authority who require that 'a sustainable approach be taken to the design, construction and production of all facilities to deliver a cost-effective and resource-efficient School that optimises passive design measures, including fabric first principles and minimises the use of all resources'. Whilst this would not be scored against BREEAM criteria, the requirements of the EFA would ensure that the UTC would be inherently sustainable and as such would be in accordance with the aims and objectives of Policy PCS15 and the Sustainable Design and Construction SPD.

Educational and Socio-economic Benefits

The proposal would result in the creation of a state-of-the-art University Technical College within city whose aim would be to create an enduring legacy of superior, technical education to 14-19 year olds that meets the current and future skills requirements of local employers. The UTC's specialisms of electrical and mechanical engineering and advanced manufacturing match would be tailored to meet the rapidly growing demand of local and regional employers including the Royal Navy, BAE Systems, DSTL (Defence, Science and Technology Laboratory), QinetiQ and NATS(National Air Traffic Control Service).

Students would study a mix of vocational and academic subjects, specialising in electrical and mechanical engineering and advanced manufacturing and use the context of the Marine and Defence industries to provide examples and challenges from the world of work. In addition to the UTC's core education provision, enrichment activities offered by associated employers and partners would enable students to develop life skills and provide a more rounded, skilled 'work ready' individual. As well as their educational benefits, the UTC's facilities, including activity halls and lecture theatres, would be available for out-of-hours community use.

The applicant suggests that the UTC would provide a focus for raising aspirations and developing skills and is an important keystone in developing Portsmouth's future as a centre for advanced manufacturing and engineering by helping to develop a creative and innovative workforce for the region and beyond.

Other Matters

On (non-domestic) development of 1000 sqm or larger, an employment and skills plan will ordinarily be requested. However, this publicly funded investment includes a contractual requirement for an employment and skills plan by the EFA and to prevent any unnecessary duplication will not be secured as a planning obligation, in these circumstances.

Conclusion

The socio-economic benefits of the UTC must be recognised and be given significant weight in the determination of this planning application. One of the published objectives of the Portsmouth Plan is "to develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all" by "ensuring there is an available pool of skilled labour through raising and diversifying the skills of the local population". The creation of the UTC has to potential to make a significant contribution towards meeting this objective. There are no alternative sites within the city that are more suitable as a location for the UTC. Whilst the construction of the UTC would result in a quantitative loss of sports provision and may result in some additional delay to traffic at peak time, it is considered that this harm would be outweighed by the wider socio-economic benefits to both the city and wider sub-region.

RECOMMENDATION: that delegated authority be given to the Assistant Director of Culture and City Development to grant Conditional Permission subject to a referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009

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: 50097-STL-00-XX-DR-A-ZZ-01001 Rev PL01; 50097-STL-00-XX-DR-A-ZZ-01007 Rev PL06; 50097-STL-00-GF-DR-A-ZZ-02001 Rev PL06; 50097-STL-00-ZZ-DR-A-ZZ-02002 Rev PL01; 50097-STL-00-ZZ-DR-A-ZZ-02003 Rev PL01; 50097-STL-00-XX-DR-A-ZZ-03004 Rev PL01; 50097-STL-00-XX-DR-A-ZZ-03005 Rev PL01; 50097-STL-00-XX-DR-A-ZZ-03016 Rev PL01; 40285-STL-00-XX-DR-L-XX-01001 Rev PL03; 40285-STL-00-XX-DR-L-XX-01002 Rev PL02;.
- 3) No works pursuant to the construction of the building hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with 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 LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
 - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/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)
 - a) The development hereby permitted shall be carried out in complete accordance with the Flood Risk Assessment (FRA), produced by Mott MacDonald (Ref. 364450 Rev.B dated 16/12/2015) with the finished ground floor level being no lower than 3.5 metres above Ordnance Datum (AOD).
 - b) Following first occupation the building shall be operated in accordance with a site flood management plan that shall be prepared prior to its first occupation.

6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall proceed in accordance with the measures set out in Section 3.2.1 of the Preliminary Ecological Appraisal (Mott MacDonald, June 2015) and updating information provided to the LPA, relating to bats and tree removal, breeding birds and reptiles.

7) a) Development shall (unless otherwise agreed in writing by the Local Planning Authority) not commence until details of biodiversity enhancements in the form of a Landscape and Environmental Management Plan as set out in Section 3 and Appendix G of the submitted Preliminary Ecological Appraisal (Mott MacDonald, June 2015) have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall subsequently proceed in accordance with the Landscape and Environmental Management Plan approved pursuant to part a) of this condition.

c) The enhanced habitats shall be thereafter be maintained and retained in accordance with the Landscape and Environmental Management Plan approved pursuant to part a) of this condition.

8) a) The building hereby permitted shall not be occupied until a detailed landscaping scheme which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted has been submitted to and approved in writing by the Local Planning Authority.

b) The landscaping shall be carried out not later than the first planting and seeding seasons following the occupation of the building. 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 similar size and species.

9) All planting shall be carried out in accordance with a detailed scheme of ground preparation and maintenance for planting areas that shall be submitted to and agreed in writing by the Local Planning Authority.

10) Development shall not commence until tree protection measures to safeguard all trees to be retained have been installed in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be retained until the development is substantially complete.

11) No construction shall commence until details of the types, colours and finishes of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, unless agreed in writing by the Local Planning Authority, be carried out using the approved materials.

12) The building hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, not be brought into use until any additional ball stop netting (or other similar means of enclosure required to protect neighbouring properties and their owners from nuisance or damage from sports equipment used on the sports pitches altered to facilitate the development hereby permitted) has been installed in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority.

13) The school hereby permitted shall not be brought into use until the car parking and cycle storage facilities shown on the approved drawings have been provided. The car parking and cycle storage facilities shall thereafter be retained.

14) The building hereby permitted shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring with the approved measures shall thereafter being fully implemented.

15) The school hereby permitted shall not be brought into use until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall, dance studio, changing accommodation

and outdoor sports pitches and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

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) 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.
- 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 minimise the risk of flooding to the proposed development and future occupants.
- 6) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 7) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 8) To improve and maintain the appearance of the site and to promote ecology in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.
- 9) To ensure the long term success of new and replacement planting to secure an appropriate landscaping setting for the site in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.
- 11) To secure a suitable quality appearance of a prominent new building in the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 12) To protect neighbouring properties and their occupiers from nuisance or damage associated with sports equipment used on the sports pitches altered to facilitate the development hereby permitted in accordance with Policy PCS23 of the Portsmouth Plan.
- 13) To meet necessary parking requirements within the school and to minimise any impact on the safety and inconvenience of all users on the a busy bus route through the city, in accordance with policies PCS17 and 23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accord with policies PCS17 & 23 and the aims and objectives of the NPPF.
- 15) To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy PCS13 of the Portsmouth Plan.

1) 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.

9 CLARENDON ROAD SOUTHSEA PO5 2ED

CONVERSION OF EXISTING ROOMS-TO-LET ABOVE RESTAURANT TO FORM 2 FLATS TO INCLUDE THE CONSTRUCTION OF FIRST FLOOR REAR EXTENSION TO RESTAURANT AND CONSTRUCTION OF DORMER WINDOWS AND ROOF LIGHTS TO REAR AND SIDE ROOFSLOPES (RE-SUBMISSION OF 15/01268/FUL)

Application Submitted By:

Db Partners
FAO Ms Deniz Beck

On behalf of:

Agora Restaurant
FAO Mrs Nur Sener

RDD: 12th January 2016

LDD: 25th March 2016

SUMMARY OF MAIN ISSUES**Determining Issues**

The main issues to be considered in the determination of this application are whether a) the proposal is acceptable in principle; b) the design of the external works are appropriate in the context of the recipient building and the surrounding area, including the nearby 'Stanley Street' conservation area; and, c) it would have any detrimental impact on the adjoining commercial property or the amenities of occupiers of nearby residential properties. Other considerations are whether the proposal complies with policy requirements in respect of housing standards, car/cycle and refuse provision and SPA mitigation measures.

Site and Surroundings

This application relates to a property which is located on the northern side of Clarendon Road to the east of the junction with Palmerston Road, and lies within the secondary retail area of Southsea Town Centre. The surrounding area is characterised by a variety of uses including shops, restaurants and residential properties. The existing building currently comprises 5 double bedrooms over the first and second floors with associated kitchen and bathroom facilities. The ground floor accommodates a restaurant with its kitchens to the rear within a partial basement area.

The Proposal

The applicant seeks permission for the conversion of the existing rooms-to-let above the restaurant to form 2 flats (a 2 bed flat on the first floor and a one bed flat on the second floor), the construction of a first floor rear extension to the restaurant (to provide toilet facilities) and the construction of dormer windows and roof lights to the rear and east facing roof slopes (re-submission of 15/01268/FUL).

Planning History

The relevant planning history includes:

15/01268/FUL - Conversion of existing rooms-to-let above restaurant to form 3 flats to include the construction of dormer windows and roof lights to rear and side roofslopes and construction of first floor rear extension to restaurant - this application was withdrawn following officer concern regarding non-compliance with nationally described space standards and the design of the proposed extension.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

DC21 (Contaminated Land), PCS23 (Design and Conservation), PCS17 (Transport), PCS13 (A Greener Portsmouth),

In addition to the above policies, the aims and objectives of the National Planning Policy Framework are relevant.

CONSULTATIONS

Highways Engineer

The proposed development is acceptable in principle subject to addressing some concerns raised regarding Waste and Cycle storage.

More details regarding cycle parking will be required to show dimensions and how each can be secured.

The waste team have provided some comments which I agree to and that a waste management condition should be applied which requests

"Plans are adjusted to accommodate an internal storage space for domestic refuse and recycling to avoid obstructing the rear access to the property.

Environmental Health

Whilst visiting 9 Clarendon Road in October 2015 it came to my attention that the condenser at the rear of the building was causing noise and vibration through the structure of the building on the façade of which it was located.

Also noise levels from condenser are likely to increase due the refraction of the noise on the hard surfaces from the construction of the first floor extension as it will be situated above this equipment.

It is therefore likely that the noise from the condenser will cause a loss of amenity to both existing residents in the area and the proposed occupants.

Should the application be granted I would recommend that prior the occupation of the residential accommodation that an assessment of noise from the operation of the plant (condenser and kitchen extraction equipment) shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any observed adverse effect levels due to the operation of the plant shall be implemented.

Consideration should also be given to the fact that residential accommodation will be situated above the proposed extended restaurant area and that the business has a premise license to operate Monday to Thursday until 01:00hrs, Friday and Saturday until 01:30hrs and Sunday until 23:00hrs, including regulated entertainment licensed to finish half hour before closing time.

It is perceived that the sound insulation is likely to be poor between these two uses and noise from customers and in particular any entertainment provided in the restaurant extension is likely to cause sleep deprivation for the proposed occupants.

The residential accommodation should be adequately insulated against sound from any activity that takes place within the restaurant. The premises must be designed to ensure that music and

associated noise is controlled so as to be inaudible inside the residential accommodation and any mitigation measures installed prior to occupation.

Inaudibility shall be defined as-

LAeq(1,min) Entertainment noise should not exceed LA90 (without the entertainment noise).

L10 (5 min) Entertainment noise should not exceed L90 (without the entertainment noise).in any 1/3 octave band from 40Hz to 160Hz

All levels shall be taken with windows open or closed (which ever makes the music appear louder)

Contaminated Land Team

I have reviewed the above application and given limited ground works proposed as part of the works a condition relating to land contamination is not required. However, the site is located adjacent to a former corset maker and as such the potential for contamination to be present should not be discounted.

In the event that any ground works are required as part of the proposed development, the following informative should be added to any planning approval granted:

In the event that any signs of pollution such as: odour, oily, ashy, odorous or fibrous materials; staining or unusual colouration of the soil; asbestos fragments or fibres; inclusions of putrescible materials etc. are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

REPRESENTATIONS

Three letters of objection have been received from the adjacent property and two letters of observation from the adjoining commercial property, on the grounds of:

a) inadequate provision for waste and means of escape; b) potential overlooking from proposed new dormer on east facing roofslope, c) the maintenance of the adjoining building, d) the dispersal of rainwater, (e) guarantee wanted that the proposal would not prejudice any similar rear extension to No.7 Clarendon Road and (f) potential for land contamination.

COMMENT

The main issues to be considered in the determination of this application are whether a) the proposal is acceptable in principle; b) the design of the external works are appropriate in the context of the recipient building and the surrounding area, including the nearby 'Stanley Street' conservation area; and, c) it would have any detrimental impact on the adjoining commercial property or the amenities of occupiers of nearby residential properties. Other considerations are whether the proposal complies with policy requirements in respect of housing standards, car/cycle and refuse provision and SPA mitigation measures.

Principle

The property is located in an area where shops and restaurants at ground floor level with residential accommodation on the upper floors is common. The upper floors of the application site are already in residential use, in the form of 'rooms to let'. Therefore, it is considered that the principle of the conversion of the upper floors to two residential units is acceptable in land use terms subject to the proposed conversion satisfying all other policy requirements and other material considerations.

The principle of a modest extension to the rear is also acceptable subject to a satisfactory design, an acceptable relationship with the nearby conservation area and adjacent/adjoining properties.

Design

The external elements of the proposal comprise a first floor extension to the rear which would accommodate customer toilet facilities in association with the restaurant and the provision of three dormer windows - two to the rear (to serve the kitchen and lounge of the top flat) and one to the east facing roofslope (to serve a bathroom and store room).

The extension would be constructed to sit over the existing cold store, self supported on a new steel structure. Its external walls would have a rendered finish and incorporate an obscured glazed slot style window within the east elevation. The revised roof design would be mono-pitched and tiled to match the main roof, with three rooflights.

This is a bespoke solution to provide improved toilet facilities for the restaurant and has to deal with the constraint of the existing cold store. Supporting the extension on a steel structure so that it sits over the cold store is an unusual approach however this supporting structure would be barely visible from any public vantage point (i.e. the footpath to the rear connecting Stanley Street with Lennox Road North) given that it is significantly screened by the brick faced, pitched roofed outbuilding to rear of the adjacent commercial property (currently occupied by Nesbits and used as their auction/sales room). The east elevation would be visible to the adjacent residential flats and their garden area however whilst the proposal is unusual in its approach it is not considered unacceptable in visual terms. The first floor element itself is of a more traditional appearance and sits comfortably in the context of the recipient building, taking reference from its external materials.

The three dormers are relatively modest in scale, size and design. The window frames would be timber casements and painted to match existing white windows on the property. These windows are considered acceptable additions in visual terms.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. The boundary of the Stanley Street conservation area to the north of the site includes the footpath to the rear. As stated above whilst the extension would be visible from the public footpath to the rear it is significantly screened by the existing Nesbits building. That it is supported over an existing cold store is not a traditional approach however the extension would not cause harm to the surrounding area and as such the character or appearance of the nearby conservation area would be preserved. The same applies to the three modest dormer windows.

It is therefore concluded that the proposed external alterations would be acceptable in design terms and they would relate appropriately to the recipient building and the wider surrounding area.

Impact on users and occupiers of proposed and surrounding properties

The conversion of the first and second floors from 5 rooms to let to 2 self-contained residential units is not considered likely to cause occupiers of neighbouring properties any significant loss of residential amenity in terms of activity, noise or disturbance. Subject to a condition requiring the proposed new windows within the east elevation being obscure glazed, the potential for overlooking to the east would not be significantly increased by the proposal. Given the orientation, position and relationship between the application site and the neighbouring building to the east, loss of light and outlook would not occur to any significant level. The dormers to the rear would allow increased views towards the rear of properties in Stanley Street however given the intervening distances this is not an unacceptable or unusual situation and it is not considered that loss of privacy would occur to any significant degree in this direction.

The commercial property to the west has first floor windows at the rear of its main elevation however the modest extension depth of 2.9m is unlikely to result in any significant loss of outlook or light to these openings.

The lower and basement floors of the property are used as a restaurant. The Councils Environmental Health officer observed that a condenser at the rear of the building was causing noise and vibration through the structure of the building on the façade of which it was located and that noise levels from this condenser would be likely to increase due to the refraction of noise on hard surfaces from the construction of the first floor storey extension as it would be situated above this equipment. Therefore the condenser could potentially cause a loss of amenity to both the existing residents in the area and the proposed occupants. It was therefore suggested that an assessment of the noise from the operation of the plant should be undertaken prior to the occupation of the residential accommodation. A suitably worded planning condition could be imposed to ensure that sound installation is installed before the property is occupied. However, the condenser has since been moved and is due to be inspected by the Environmental Health officer to see if this measure negates the need for a condition. The findings of this inspection will be reported to Planning Committee. A condition relating to the need for insulation in the case of horizontal separation is not necessary as it would be dealt with under separate Building Control legislation.

Housing Size

The proposed flats would meet the standards set out in the nationally described space standards. The proposed flats would be laid out to allow all habitable rooms to benefit from an appropriate degree of light and outlook. Accordingly it is considered that the proposal would provide appropriate living conditions for future occupiers.

Car and Cycle Parking

There is no car parking provided as part of the proposal. However due to the close proximity to public transport links and with the provision of internal cycle storage facilities, it is considered that future occupants are more likely to use these facilities. The councils Highways Engineer has stated that the development is acceptable providing that more details regarding the dimensions of the cycle storage and how each can be secured is provided. A suitable condition is imposed to secure more details as to the precise nature of the wall mounted provision for cycle storage within the ample entrance hall.

Refuse

Objections received have raised concerns as to how refuse and recycling is currently dealt with at the premises. The proposal only relates to the restaurant insofar as it seeks to provide improved toilet facilities for customers and therefore the disposal of commercial waste is beyond the remit of this application. The waste management team have advised that the proposed refuse storage on the plans are not adequate for residential refuse and have recommended that the refuse can be stored internally within the property to avoid obstructing the rear access to the property. As such a suitable condition is recommended.

SPA

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations (and in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document), on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. The applicant has proposed a mitigation package based on the methodology in section 3 of the SPD, as such, the scale of mitigation has been calculated as £176. The provision of this mitigation will ensure that the proposal would not give rise to a significant effect on the SPAs and can be permitted. The mitigation contribution has been paid.

Comments on representations received

The issues of refuse provision and overlooking have been addressed above. Maintenance issues are a private matter; the dispersal of rainwater from the proposed extension can be dealt with by guttering leading to a downpipe within the application site as shown on the revised drawings; the opportunity for development of each site is dealt with on its own merits; and the potential for land contamination is dealt with by an appropriate informative.

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: 2525.100, 2525.102 (Revision B), 2525.103 (Revision D) and additional top floor level plan (received 16/3/16) and 2525.102 and 2525.103 and 2525.103b ****.
- 3) All new windows hereby permitted within the east elevation of the building and extension shall be obscure glazed (to a minimum obscuration level 3) and shall be fixed closed or have opening parts a minimum of 1.7m above finished internal floor height.
- 4) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before the flats hereby permitted are first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the flats for that storage at all times.

5) Prior to the first occupation of the residential accommodation, secure and weatherproof bicycle storage facilities shall be provided in accordance with a detailed scheme (to include materials, size, appearance and security) to be submitted to and approved in writing by the Local Planning Authority, The facilities thereafter shall 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) To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 5) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

1) 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.

26 CARNE PLACE PORTSMOUTH PO6 4SY**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 Benjamin Tallack

On behalf of:

Mr Benjamin Tallack

RDD: 2nd February 2016**LDD:** 22nd April 2016**SUMMARY OF MAIN ISSUES**

Summary of main issues

This application has been referred to committee due to a deputation request from Cllr Ferrett, being an application for a Change of Use to establish a house of multiple occupancy (HMO).

The determining issue for this application is whether the principle of the development is acceptable given the existing number of HMOs in the area. The material consideration is whether the living conditions of nearby and adjoining residents would be adversely affected by the proposal, and whether any potential harm can be controlled by way of conditions.

Site and Surroundings

This application relates to a terraced property which is located within the Port Solent development to the north west of the city. The property is located on the south western side of Carne Place, to the east of Lock View and to the west of the junction with Kelsey Head. The property is set back from the highway by a driveway. The surrounding area is characterised by similar residential terraced properties.

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.

Planning history

There is no relevant planning history for this application.

POLICY CONTEXT

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

CONSULTATIONS

None.

REPRESENTATIONS

41 letters of objection have been received from the local residents objecting on the following grounds 1) parking 2) overcrowding 3) impact on amenity 4) HMOs are not permitted under the covenants

COMMENT

The determining issue for this application is whether the principle of the development is acceptable given the existing number of HMO's in the area. The material consideration is whether the living conditions of nearby and adjoining residents would be adversely affected by the proposal, and whether any potential harm can be controlled by way of conditions.

Proposal

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

Principle of development

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 of 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 35 properties located within a 50m radius of this property, none of the properties are currently classed in C4 HMO use. The HMO SPD states that an application would be imbalanced where more than 10% of residential properties within the area surrounding the application are already in HMO. As the granting of planning permission would increase the proportion of HMOs to one (2.8%) it is considered that the community is not already imbalanced by the concentration of HMO uses and that this application would not result in an imbalance of such uses.

A number of objections have been raised against the proposal stating that there is a covenant that restricts the use of the property as an HMO. Covenants do not limit the planning controls for the site nor do they prevent the consideration for the favourable determination of this application. The councils Local Planning Authority decision is not restricted and therefore the principle of the development is considered to be acceptable.

Amenity

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 dwelling house 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 as a house in multiple occupation would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area. 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. However, given that there are only two other HMOs 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 seeing that there would only be three HMOs in the 50 metre radius.

Car/Cycle Parking

The application site does not benefit from any off-street parking and there is no parking proposed as part of this application. However, given that the level of occupation associated with a HMO it is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on parking grounds could not be sustained. Public transport is available through the existing bus services to the locality. There is no indication of the provision of cycle storage facilities on the submitted drawings. However, it is considered that there is sufficient space within the rear garden for such facilities to be provided. These can be secured by way of a suitably worded planning condition. The storage for refuse and recyclable materials would remain unchanged.

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) Prior to the first occupation of the property as a House in Multiple Occupation within Class C4, secure and weatherproof bicycle storage facilities shall be provided in accordance with a detailed scheme (to include materials, size, appearance and security) to be submitted to and approved in writing by the Local Planning Authority, The facilities thereafter shall 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 appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

1) 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.

ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA PO4 8LD**CONSTRUCTION OF 2M HIGH FENCING WITH GATES IN THE SOUTH EAST SECTION****Application Submitted By:**

CBRE Limited

FAO Mr Timothy Clarke

On behalf of:

Homes And Communities Agency

FAO Mr Howard Bassant

RDD: 8th February 2016**LDD:** 19th April 2016**SUMMARY OF MAIN ISSUES**

Summary of main issues

This application has been called to the planning committee by Councillor Ben Downing.

The main determining issues relate to whether the proposal would be acceptable in principle, whether the design of the fences would be acceptable in the context of the surrounding area, whether they would have a significant impact on the listed buildings, their setting and the historical of the grounds. Also whether the proposal would cause any harm to the protected trees.

Site and Surroundings

This application relates to the grounds of St James Hospital which is situated to the north of Locksway Road and to the south of Woodlands Walk. The hospital comprises of the principal buildings, which are Grade II listed, set behind an area of open space on the western side of the site and a number of separate buildings within a parkland setting, including the Chapel which is also Grade II listed, Villas and more modern buildings on the eastern side of the site. The grounds are also protected by a Tree Preservation Order.

Proposal

The applicant seeks permission to construct a 2m high fence with gates in the south east section of the site. The fences would be constructed from high powder coated steel mesh fencing on powder coated steel fences. The fence would begin on the south eastern section on Locksway Road it would be constructed up to the Children Development Centre and the Harbour School. Another section of the fence would be constructed on the north western side of The Harbour School, to the eastern side of The Beeches, in between the Beeches and Yew House and in between the Yew House and Fair Oak House.

Planning History

The site has an extensive planning history. The following applications have been made within the last three years:

In June 2013 conditional approval was granted for an application for the removal of reserved matters for the appearance, landscaping, layout and scale in respect of the construction of 13 dwellings. (Ref 13/00407/REM).

In April 2014 conditional listed building consent was granted for alterations to existing door/window openings and ramp adjacent the Lowery Block, including the provision of new steps and hand railing. Construction of a new roof to Domestic Department conservatory. Renewal of external ramp and repair of steps to Beaton Building, provision of new steps, hand railing and extension to footpath. (Ref 14/00152/LBC)

In September 2014 contemporary permission was granted for the construction of a temporary modular building extension with accesses ramp and link to form 2 additional patient bedrooms to existing Kite Unit to include the removal and replacement of trees T678 and T698 within Tree Preservation Order No 177. (Ref 14/00750/FUL)

In February 2015 planning permission was refused for the construction of a 2.2m high fence to the south west boundary (Ref 14/01615/FUL). These fences were to be constructed at a different location to the existing application. They would have been constructed to the north of The Chapel. The reasons for refusal is as follows: The proposed fencing would, in terms of its appearance and extent, be considered to adversely affect the setting of the Listed Buildings and their relationship to the historic character of the site thereby giving rise to less than substantial harm to the significance of the heritage assets. In the absence of public benefit to outweigh that loss of significance the proposed fencing would therefore be contrary to the objectives of Chapter 12 of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan. In the absence of an arboricultural assessment or method statement that specifically relates to the installation of the proposed fencing it is considered that the proposals would have the potential to adversely affect trees within Tree Preservation Order No.177. As such the proposed works would be contrary to the objectives of policy PCS13 of the Portsmouth Plan.

In March 2016 planning permission was approved subject to legal agreement for the construction of two and three storey dwellings compressing 14 4 bed houses, 12 3 bedroom houses, 2 2-bed houses and 2 1 bed flats with associated access roads parking, cycle storages, open space and landscaping works (Ref 14/01664/FUL)

POLICY CONTEXT

The relevant policies within would include:
PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth),

CONSULTATIONS

Contaminated Land Team

I have reviewed the above application and given the relatively limited amount of ground works involved a condition relating to land contamination is not required. However, various parts of the site have been investigated over recent years with some elevated concentrations of inorganic contaminants having been encountered.

Given the above the following informative should be added:

The developer should be advised that appropriate working practices and PPE should be adopted by workers at all times, ensuring excavated soils are disposed of appropriately and not spread at the surface of the site. A watching brief should oversee all excavations and contact this department in the event that any signs of pollution such as: odour, oily, ashy, odorous or fibrous materials; staining or unusual colouration of the soil; asbestos fragments or fibres; inclusions of putrescible materials etc. are found in the soil at any time when carrying out the approved development. Such observations must be reported in writing within 14 days to the

Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175 2011 + A1 2013. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Tree Officer

A site visit has not been undertaken on this occasion. The Arboricultural Officer is familiar with the site.

Observations

The provided plans and photographs suggest this proposal is unlikely to impact upon protected trees - the majority is located close to existing structures. Where fencing is to be installed within the root protection areas of trees holes can be hand dug and arboricultural advice sought if roots greater than 50mm are encountered.

Recommendations

In arboricultural terms there are no objections to the proposal

REPRESENTATIONS

41 letters of objection have been received from local residents, on the grounds of: 1) prevents access to green and open space 2) neglect TPO trees 3) affect biodiversity of local area 4) listed buildings empty and do not need protecting 5) not in keeping with surrounding area.

COMMENT

The main determining issues relate to whether the proposal would be acceptable in principle, whether the design of the fences would be acceptable in the context of the surrounding area, whether they would have a significant impact on the listed buildings, their setting and the historical interest of the grounds. Also whether the proposal would cause any harm to the protected trees.

The Requirement for a Planning Application

The erection of a fence, wall or other means of enclosure would usually be within the limits of permitted development. However, the Town and Country Planning General Permitted Development Order 2015 states that permission would be required if 'it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building'. As the site is located within the curtilage of the Listed Buildings 'The Chapel' and 'St James Hospital' the proposal therefore requires planning permission.

Principle

The proposed fences would restrict access to some areas of the site for the purpose of managing the site more effectively. This design and style of fencing is used in the city adjacent to areas of open space and on large sites. Therefore it is considered that the principle of the proposed fencing would be acceptable.

Design and potential impact on amenity

The proposal is to erect a 2m high powder coated steel weld mesh fencing on powder coated steel fence posts to restrict access around vacant buildings. The applicant originally proposed to use galvanised steel wild mesh fencing on galvanised steel fence posts. However, it was

considered that this would not be a sympathetic addition to the surrounding area and would create a visually obtrusive feature. The applicant has amended proposal for high powder coated steel weld mesh fencing in green would be more acceptable visually than the galvanised steel. There would be 3.1 metre wide access points in four locations around the site to provide emergency and maintenance access. The fence posts would be affixed into the ground and in some cases directly into the walls of the surrounding buildings. These buildings are not listed or of historical interest. The fences are not considered to be permanent features and would be erected for a maximum of four years on the site at which point The Homes and Communities Agency could review their requirements.

There have been a number of objections stating that the proposal would prevent access to green and open space. There is a large expanse of open green space immediately to the north of the application site between Woodlands Walk and Lapwing Road. There is also another large expanse of open space to the west of Fair Oak Road which would continue to be used as an open green space for the general public. The land that would be fenced off is privately owned, the proposed fences would enable the land owner to manage the land more effectively for a temporary period and for the land owner to decide on the use of the land. It may be the case that the land will become accessible to the public after this temporary period

The fences would restrict access to a small area of the site which is predominantly around vacant buildings. As the majority of these buildings are vacant, the applicant has stated that the area often attracts fly tipping, arson and drug taking. Therefore the installation of the fences would prevent access to these vacant sites and prevent the potential for these issues occurring.

Impact on listed building

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA 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. The proposal is located within the curtilage of a listed building; therefore it is important to consider whether the proposal would affect the setting of the listed building. The proposal is to section off parts of the site. Whilst the fence is located within the curtilage of the listed structures it would not be visible from the listed building St James Hospital and it would be partially visible from The Chapel. The fence has a 30 metres separation from The Chapel which is distanced by trees and the other buildings. It is therefore considered that the proposal would not cause significant harm to the special architectural or historical interest of the listed buildings, their setting and the historical interest of the grounds.

Trees

The council's arboricultural officer has considered the application and he is satisfied that the proposal would not harm the protected trees on the site.

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: QNO 58552.

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.

1) 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.

CONNAUGHT ARMS 119 GUILDFORD ROAD PORTSMOUTH PO1 5EA

CONSTRUCTION OF SINGLE-STOREY REAR EXTENSION WITH EXTERNAL ALTERATIONS TO INCLUDE INSTALLATION OF NEW DOOR TO FRONT ELEVATION (RE-SUBMISSION OF 15/01738/FUL)

Application Submitted By:

Town Planning Expert
FAO Mr Jonathan McDermott

On behalf of:

Portland House Ltd
FAO A&Q Partnership

RDD: 23rd February 2016

LDD: 3rd May 2016

SUMMARY OF MAIN ISSUES

This application has been called to the Planning Committee by Councillor Ashmore.

Summary of main issues

The determining issues in this application are the design of the proposal and whether it relates appropriately to the recipient building and the wider street scene, whether the proposal would cause an impact on the amenity of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.

Site and Surroundings

This application relates to the former Connaught Arms pub which is located on the corner of Guildford Road opposite the junction with Penhale Road and to the south of the junction with Manchester Road. The surrounding area is predominantly characterised by residential terraced properties.

Proposal

The applicant seeks permission for the construction of a single-storey rear extension with external alterations to the existing property to include the installation of a new door to the front elevation (re-submission of (15/01739/FUL)

Planning History

In December 2015 planning permission was refused for the construction of single storey rear extension, alterations to front elevations to include new shop-front with roller shutters. The reasons for refusal was as follows: 'The proposed extension would, by reason of its excessive scale and unsympathetic flat roof design, fail to relate appropriately to the recipient building and has no regard for the unique architectural features of the former public house. The proposal would therefore be contrary to the aims and objectives set out in the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan' and 'The proposed roller shutters on the new shop front would, by reason of their unrelieved fortress like appearance, amount to an unsympathetic feature that would fail to relate to the unique architectural quality of the former

pub. It would also amount to a visually obtrusive feature within the street scene that would be contrary to the aims and objectives as stated in the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan'.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation),

CONSULTATIONS

None.

REPRESENTATIONS

25 letters of representation have been received from local residents. Their objections relate to the proposed change of use from a pub (Class A4) to a shop (Class A1).

COMMENT

The determining issues in this application relate to the design of the proposal and whether it relates appropriately to the recipient building and the wider street scene, whether the proposal would cause an impact on the amenity of the surrounding occupiers and whether the proposal has overcome the previous reason for refusal.

Design

The proposal is to construct a single storey rear extension on the eastern elevation of the property. It would have a false pitched roof with a maximum height of 4m and a flat roof behind with the lowest height being 3.2m. The roof would be constructed of roof tiles to match the existing building. The extension would project 9m in width from the eastern elevation of the site and 4m from the western elevation. Whilst the extension is large in scale, the majority of the extension would not be visible from the public realm and it would infill part of the courtyard which was previously the pub garden. The existing building has a Tudor style design with wooden beams, therefore it is considered that the proposed false pitch roof would match the pitches of the roof of the existing building. It is therefore considered that the extension would relate appropriately to the recipient building and the wider street scene.

The second part of the proposal is also to install a door on the western elevation. This door would replace the existing windows on the north east elevation to provide a door for access to the residential accommodation on the first and second floors of the building. The proposed door would be similar in size to the existing door on the western elevation. It is therefore considered that the proposed door would relate appropriately to the recipient building and the wider street scene.

Amenity

There is a considerable distance between the proposal and the nearest residential properties and due to the low height of the extension, it is considered that it would not cause overshadowing, loss of light or an increased sense of enclosure to the nearest residential properties. There would be no windows as part of the proposal, therefore it would not cause loss of privacy or overlooking. The proposal would therefore not cause any significant harm to the amenity of the surrounding occupiers.

Concerns raised to the change of use from a pub to a shop are not amenity issues for the consideration of this application. This is because the change of use is permitted development. It is only the proposed works that require planning permission and this would not give rise to amenity impacts.

Overcome the previous reason for refusal

The proposed extension would be considerably smaller in scale as it would not infill the majority of the courtyard. It would also have a dummy pitched roof with a flat roof behind. However the flat roof would not be visible from the public realm. It is considered that the dummy pitched roof would be more appropriate than the previous unsympathetic flat roof of previous submission. Therefore it is considered that the design of the proposed extension would relate more appropriately to the recipient building and it would have regard for the unique architectural features of the former public house. The unsympathetic roller shutters have not be included in this application, therefore it is considered that the proposal has overcome the previous reason for refusal and the proposal would be capable of support.

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: 1504/E/01/A and 1504/P/10/c.

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.

1) 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.

LAND ADJACENT TO 3 HAROLD ROAD SOUTHSEA PO4 0LR**CONSTRUCTION OF NEW END OF TERRACE DWELLING (RE-SUBMISSION OF 15/01009/FUL)****Application Submitted By:**

Ray Brown (B&PC)
FAO Mr Ray Brown

On behalf of:

Mr Steve Williams

RDD: 25th February 2016

LDD: 22nd April 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are: a) whether the principle of conversion of the building would be acceptable; b) whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers and whether it overcomes the previous reason for refusal; c) whether the design of the building is acceptable and whether it overcomes the previous reason for refusal and meets the requirements for sustainable design and construction; d) whether the proposal would adequately address the transport needs of future occupiers; e) whether the proposal would provide an acceptable means of waste/recycling collection; and, f) whether there would be an impact on residential amenity. Other considerations relate to suitable mitigation in respect of habitats mitigation.

The Site

This application relates to a modest plot of land situated to the rear of Nos.149a and 151 Albert Road and adjacent to the flank wall of No.3 Harold Road. The Wedgewood Rooms and former Conservative Social Club are situated close-by to the south-west. For a considerable period of time the site has comprised a garage and hardstanding with an access way to the adjoining commercial/residential premises. The site is within an indicative area of flooding (zone two).

The Proposal

The applicant seeks full permission for the construction of new end of terrace dwelling (re-submission of 15/01009/FUL).

Planning History

The relevant planning history for this site relates to:

a) Construction of a new end of terrace dwelling which was refused on the following three grounds (appearance, standard of living environment and recreational disturbance respectively) (15/01009/FUL):

1. The proposed dwelling would, by virtue of its appearance with an excessive box dormer to the front roof slope and an unsympathetic pattern of fenestration out-of-keeping with adjoining terraced houses, amount to a visually discordant feature in the street scene detrimental to the visual amenity of the area. The proposal would therefore fail to accord with the objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

2. With a floor area of circa 86.5sqm the proposed accommodation would fall below the internal space standards set out in the Supplementary Planning Document: Housing Standards, and together with the provision of a comparatively modest private amenity area, it is considered that the proposed dwelling would fail to provide an adequate standard of living environment for future occupiers. The proposal would therefore be contrary to policy PCS19 of the Portsmouth Plan.

3. Without appropriate mitigation 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).

Further relevant planning history relates to:

b) Conversion of part rear ground floor and upper floors to form 4 flats including front/side and rear dormer windows, external alterations to include new doorway, replacement windows and associated refuse/ cycle storage which was granted conditional permission in August 2011 (Amended Scheme 07/00602/FUL). This scheme included the provision of a bin store and cycle stores for the occupiers of the four flats on land that forms part of the application site. This permission is not considered to have been implemented.

c) Conversion of part rear ground floor and upper floors to form 4 flats including front/side and rear dormer windows, external alterations to include new doorway, replacement windows and associated refuse/ cycle storage (Amended Scheme 07/00602/FUL) and this scheme is considered to have been implemented (10/01185/FUL). This scheme included the provision of a bin store and cycle stores for the occupiers of the four flats on land that forms part of the application site. Conditions 4 and 5 of the 2010 permission require the provision of those facilities and their subsequent retention.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), and PCS23 (Design and Conservation).

Furthermore the Supplementary Planning Documents in relation to Housing Standards, Parking Standards and Transport Assessments, and the Solent Special Protection Areas would also be material considerations.

CONSULTATIONS

Highways Contractor (Colas)

The dropped kerb should be taken out and replaced with full kerbs and Portsmouth City Council Paving put back if a house is to be built on this area of land. The planning documents do not show any details of the building.

Contaminated Land Team

Given the sensitive nature of the proposed development, the following conditions are required (the survey is requested as a precaution and so a minimal scope and/or combined report with the geotechnical testing would be acceptable to this office):

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk 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 (CLR2:1994 Guidance on preliminary site inspection of contaminated land) and CLR 3:1994 Documentary research on industrial sites) and BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice. The report should contain a conceptual model;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study in accordance with BS10175:2011+A1:2013; the report should refine the conceptual model of the site and state whether the site is suitable for proposed end-use or will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person¹ to oversee the implementation of the works.

(ii) 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 (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

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 conditions (i)c.

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

Environmental Health

The proposed development is in close proximity to licenced premises. As there is already residential accommodation in the area I have searched our complaints data base and can confirm that no complaints have been received for Southsea Conservative Club, however noise complaints for the Wedgewood Rooms regarding loud music were received in 2013 from residents that live on the front façade of the building. Subsequently to this a noise abatement notice was served upon the company responsible for the operation of the business.

The Wedgewood Rooms have a premise licence which includes the provision of all types of entertainment Monday to Saturday 12:00 to 03:00hrs and the introduction of sensitive premises at the rear of 147B Albert Road as proposed would likely to cause the occupants of the new terraced dwelling disturbance late at night and into the early hours of the morning. I am therefore unable to support this application and I recommend that it be refused on the grounds of the likelihood of loss amenity caused by the nearby commercial uses to the proposed development.

Environment Agency

No comments have been received.

Coastal And Drainage

The Drainage Team will not provide any comments in relation to this application.

Coastal Partnership

No comments have been received.

Highways Engineer

The proposed development will generate minimal impact on the public highway and it is considered to be acceptable.

The side access appears to be a shared access with neighbouring properties. However, the red line on the location and block plan extends over this area which a right of way or right of access over this land is assumed. However, as the access way is shared, the bins should be enclosed and secure for the benefit of the residents and the security of the bins.

RECOMMENDATION:

The application is to be recommended for Approval subject to the following conditions:

- o A waste management plan to be submitted and agreed upon in writing by the local planning authority. Details to include an enclosed and fully secure bin store and arrangements whereby residents will move the bins to a suitable bin collection point (to be agreed with the Waste Team) on collection days only and then to be moved back to the bin store.
- o Material Storage. Prior to commencement of works, on site provision for the storage of plant equipment, materials and waste will be provided.

REPRESENTATIONS

Two conditional deputation requests have been received from Ward Councillors Smith and Horton requesting that this application be taken to planning committee if the officers' recommendation is for permission.

Two letters of representation and deputations requests have been received objecting on the grounds of:

- a) The development does not comply with local or national planning policy;
- b) The design of the proposed development is out of keeping with the appearance of the terrace;
- c) There has been no payment of habits mitigation which does not overcome a previous reason for refusal;
- d) Increase in noise, fumes, disturbance and litter; and,
- e) Increased parking and congestion problems;

Other matters raised relate to digging works and subsidence and public rights of way. These are not considered to be material considerations in the determination of this application and would not form a sustainable reason for refusal.

COMMENT

Whilst there are clear implications in relation to the provision of adequate refuse and cycle storage facilities for the occupiers of No.151 Albert Road as required by the 2010 permission, the main issues to be considered in the determination of this application are: a) whether the principle of conversion of the building would be acceptable; b) whether the proposed standard of accommodation would provide an acceptable living environment for future occupiers and whether it overcomes the previous reason for refusal; c) whether the design of the building is acceptable and whether it overcomes the previous reason for refusal and meets the requirements for sustainable design and construction; d) whether the proposal would adequately address the transport needs of future occupiers; e) whether the proposal would provide an acceptable means of waste/recycling collection; and, f) whether there would be an impact on residential amenity. Other considerations relate to suitable mitigation in respect of habitats mitigation.

Procedural issues

On the land adjacent to No.3 Harold Road there is a public right of way some 1.2 metres in width which projects from the rear of the properties 149a/151 Albert Road. The access arrangements would not form a material consideration in the determination of this planning application and would not form a sustainable reason for refusal.

Principle of conversion

The previous gross floor space reason for refusal relates to:

'With a floor area of circa 86.5sqm the proposed accommodation would fall below the internal space standards set out in the Supplementary Planning Document: Housing Standards, and together with the provision of a comparatively modest private amenity area, it is considered that the proposed dwelling would fail to provide an adequate standard of living environment for future occupiers. The proposal would therefore be contrary to policy PCS19 of the Portsmouth Plan.'

All new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate. Larger dwellings generally result in more personal and private space which can contribute towards improved health and wellbeing. However in line with national trends, the size of an average new build dwelling has been falling in Portsmouth over recent years. To reverse this trend, the Department for Communities and Local Government introduced in March 2015 the 'Technical housing standards - nationally described space standard'. These standards will ensure that the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

The minimum floor space for a two bedroom, two-storey dwelling should be 70m² with 2.0m² built in storage. The city needs to make the best possible use of its existing stock and find the right balance between housing needs, ensuring adequate standards of accommodation, protecting residential amenity and maintaining the supply of family housing. The floor area of the ground and first floor for the property would be 84.88m² with 2.77m² built in storage. In the context of the nationally described space standard (minimum gross internal floor areas and storage) the proposal is considered to be acceptable in principle and overcomes the previous reason for refusal.

Standard of accommodation

In this case the proposed dwelling meets the gross internal floor area requirements and bedroom one exceeds the minimum standards required for a double/twin room at 13.50m² (11.5m² required). This bedroom would be located at first floor level at the front of the property and would have access to light and outlook from a large casement style window on the front elevation. This room would also benefit from an en-suite.

The properties second bedroom would be located towards the rear of the property and would have a floor area of 7.3m², which falls 0.2m² below the required 7.5m². However, as there is sufficient space within the proposed first floor of the property, bedroom one could be made marginally smaller to allow the additional 0.2m² to be accommodated. As such, it is considered that bedroom two would be of an appropriate size. This bedroom would have a casement style window to allow adequate access to light and outlook for future occupiers.

The floor plans indicate that all the rooms including the bedrooms (except two bathrooms) would be served by at least one window which is considered to provide an acceptable means of outlook and access to light for the future living conditions of occupiers. It is considered that in the context of policy PCS23 of the Portsmouth Plan, the bedrooms and other areas would provide an acceptable standard of accommodation.

Furthermore, the concerns of the Environmental Health Officer are noted. The site is located within close proximity to commercial uses that generate noise levels into the early hours and could therefore have an undesirable impact on future occupiers. Nonetheless, this was not an issue that was raised as part of the proposal that received permission in 2007. Given the lack of complaint since 2013, it would not be appropriate to withhold permission on grounds of potential noise intrusion.

Design

The previous design reason for refusal stated:

'The proposed dwelling would, by virtue of its appearance with an excessive box dormer to the front roof slope and an unsympathetic pattern of fenestration out-of-keeping with adjoining terraced houses, amount to a visually discordant feature in the street scene detrimental to the visual amenity of the area. The proposal would therefore fail to accord with the objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.'

The west side of Harold Road is characterised by traditional two-storey brick-faced terraced houses with arched rubbed brick lintels, the exception being those that have had an applied render finish as at No.3 Harold Road. These houses have two-storey rear projections creating light wells. The applicant's proposal would entail a render finish with the number of windows and their method of opening being similar to other properties on Harold Road which is considered to have an acceptable relationship to the established pattern and fenestration in the street scene. Part of No.3's objection in relation to the design relates to the position of the front doorway. Whilst the pattern of doorways along Harold Road is a two by two, i.e. number 3's door is adjacent to number 5's door; it is considered that in this instance, the proposed positioning of the door is appropriate and would maintain the established pattern in the wider streetscene. As such, it is considered that the design of the front elevation fronting Harold Road is acceptable in the context of policy PCS23 of the Portsmouth Plan. This revised scheme also omits the dormer extension of the front elevation and when considered in conjunction with the revised and appropriate fenestration, it is considered to overcome the previous design reason for refusal.

Sustainable design and construction

Sustainable development is about positive growth, making economic, environmental and social progress now and into the future. As a result, high standards of sustainable design and construction are at the heart of sustainable development. The SPD on sustainable design and

construction sets out the Council's approach to achieving this objective in accordance with policy PCS15 of the Portsmouth Plan.

Although the applicant would have been expected to submit a pre-assessment estimator, this shortcoming could be resolved by the imposition of a suitably worded condition. Similarly, confirmation that the development has been completed in accordance with the Code for Sustainable Homes could also be secured through a suitably worded condition. Under policy PCS15 the development would normally be expected to achieve Code 5. However, given the recent Ministerial Statement, to which due weight should be given, the requirement of those conditions would have been reduced to Code level 4.

Highways

The application makes no provision for the parking of cars, and none can be provided. The site is located in area where on-street parking congestion in this area is significant due to the proximity of Albert Road shops and demand for parking associated with the predominantly terraced housing to the north. The site is also within a short walk (400 metres) of high frequency bus routes. Whilst no evidence has been submitted to justify a car free development, as required under the provisions of the Residential Car Parking Standards SPD, mindful of the Highway Engineer's comments it is not considered that an objection on car parking grounds could be sustained.

The application makes reference to the provision of a covered cycle space. The size and layout of the private amenity area is such that a secure cycle store for two cycles could be provided although would reduce the useable area of the already modest courtyard garden. It is considered that the provision of a cycle store could be secured by way of an appropriately worded condition.

The Council's highways contractor (Colas) has requested that if the development is granted that a full kerb be re-instated. However, it is not considered a reasonable condition to require the applicant to enter into a section 278 agreement with the Council to re-instate this.

Waste

Any refuse/recycling generated from this residential properties could be accommodated within the curtilage of the property at the rear and placed at the front of the property on collection days. The applicant makes reference to one general waste and recycling bin stored in a dedicated storage area to the side of the property. The level of occupancy of a three person house is unlikely to generate significant waste and as this area can be controlled by a suitably worded planning condition, it is considered that a refusal on waste ground would not be sustainable.

Impact on residential amenity

The increase in bulk of the proposed dwellinghouse and the first floor rear projection is not considered to result in a significant impact with regard to loss of outlook, light, or result in overshadowing or loss of privacy. The existing urban fabric is relatively open in the rear gardens and it is not considered that the increased bulk of this property would result in a significant sense of enclosure. It is acknowledged that there may be some loss of light into the side and rear windows of No.3 for some part of the morning. However, having regard to the west facing orientation of the rear garden which would benefit from light for most of the afternoon/evening, it is not considered that this would be a significant loss or detrimental to the living conditions of the occupiers of No.3 to warrant withholding permission. As the property would have a limited in size rear amenity area and to prevent this being infilled with outbuildings/future extensions, it is considered necessary to remove the permitted development rights for householders for the future occupiers of this property.

SPA Mitigation

The previous habitats reason for refusal stated:

'Without appropriate mitigation 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).'

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

This 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 Special Protection Areas (SPAs) (as set out in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document). The development is not necessary for the management of the SPA. Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176 (1 x £176). It is considered that, subject to the inclusion of an appropriate level of mitigation within a unilateral undertaking or payment through an agreement under S111 of the Local Government Act, there would not be a significant effect on the SPAs. As of 1st April 2016 and in line with the Retail Price Index, the cost of mitigation for each new dwelling rose from £174 to £176. The level of mitigation of £176 for the new dwelling would be appropriate. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Conclusion

RECOMMENDATION A: If suitable habitats mitigation is received through a S111 agreement by 6th May 2016 to grant authority for the Assistant Director of Culture and City Development to grant conditional planning permission.

RECOMMENDATION B: If suitable habitats mitigation is not received through a S111 agreement by 6th May 2016 to grant authority for the Assistant Director of Culture and City Development to refuse planning permission.

RECOMMENDATION Subject to Legal Agreement(s)

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:

3) Development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority):

- a) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with 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 LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
- c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/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 conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

- 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 conditions (3)c.

- 5) Development shall not commence until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving that the development will:
- a) achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b) achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

6) The development hereby permitted shall be completed in full accordance with the 'appearance' within the submitted Design and Access Statement unless otherwise agreed in writing with the Local Planning Authority.

7) Prior to first occupation of any dwelling hereby permitted, secure and waterproof bicycle storage facilities shall be provided in accordance with the submitted and approved: Floor Plan

(RB/SN/226/15 (2 of 2)) and Proposed Elevations (RB/SW/226/15 (1 of 2)). The facilities shall thereafter be retained for the storage of bicycles at all times.

8) Notwithstanding the submitted details, prior to first occupation of the dwelling hereby permitted, facilities for the storage of refuse and recyclable materials shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be retained for the storage of refuse at all times.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and or re-enacting that Order with or without modification) no building, structure, addition or other alteration permitted by Class A, Class B, Class C or Class E of Part 1 of Schedule 2 shall be constructed/carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

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) 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.
- 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 ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 6) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 8) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 9) In the interests of visual and residential amenity having regard to the specific design of the building, site layout and constrained relationship in accordance with policy PCS23 of the Portsmouth Plan.

1) 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.

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Assistant Director of Culture & City Development
18th April 2016