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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 19 SEPTEMBER 2018 AT 1PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher 02392 834 056  
Email: [lisa.gallacher@portsmouthcc.gov.uk](mailto:lisa.gallacher@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Ken Ellcome, Suzy Horton, Donna Jones, Steve Pitt, Lynne Stagg, Luke Stubbs, Claire Udy and Vacancy

### Standing Deputies

Councillors Jo Hooper, Frank Jonas BEM, Leo Madden, Gemma New, Scott Payter-Harris, Jeanette Smith, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4916.

## AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of the previous meeting held on 29 August 2018. (Pages 5 - 16)  
RECOMMENDED that the minutes of the Planning Committee held on 29

August 2018 be agreed as a correct record and signed by the Chair.

**4 Updates on previous planning applications by the Assistant Director of City Development.**

Planning Applications.

**5 18/00057/FUL - Moneyfields Sports & Social Club Moneyfield Avenue, Portsmouth PO3 6LA (Pages 17 - 72)**

Construction of:

Community facility in a part single & two storey building to accommodate sports & social club with function hall, bars, kitchen, plant room/ cellar, offices, changing rooms/ WCs, boxing ring, gym, spectator stand, two classrooms, ticket office, tea hut and AGP playing pitch & floodlights/ fencing (up to 8m high) with provision of new access from Moneyfield Avenue to car park (no. 80 spaces), coach parking and turning area, cycle parking and refuse/ recyclables storage and single storey tractor store.

And housing development by 26 dwellings in the form of 14 one and two bedroom apartments in a 3-storey building and 12 four bedroom 2 ½ storey dwelling houses with associated garages/ car parking, cycle & refuse storage.

(All existing buildings to be demolished).

**6 18/00619/FUL - 36 Campbell Road, Southsea PO5 1RW**

Conversion of two 6 person HMOs to form one 9 person HMO (re-submission of 17/00996/FUL).

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor 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.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 29 August 2018 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 Hugh Mason (Chair)  
Judith Smyth (Vice-Chair)  
Ken Ellcome  
Donna Jones  
Steve Pitt  
Lynne Stagg  
Luke Stubbs  
Claire Udy  
Jeanette Smith (Standing Deputy)

### Welcome

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

### Guildhall, Fire Procedure

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

### 93. Apologies (AI 1)

Apologies for absence were received from Councillor Suzy Horton (who was represented by standing deputy Councillor Jeanette Smith).

Councillor Luke Stubbs advised that he would need to leave the meeting at 4pm as he had another meeting to attend.

### 94. Declaration of Members' Interests (AI 2)

Councillor Donna Jones declared a pecuniary interest in agenda items 10 and 11 relating to the D-Day Museum as a Trustee of the National Museum of the Royal Navy. Councillor Jones also declared an interest in agenda item 13 - as previous Leader she had worked extensively with developers around viability testing. She would therefore leave the meeting for these items.

Councillor Claire Udy declared an interest in agenda item 13 in that before she was a councillor she had campaigned on viability assessments, this was not a prejudicial interest.

Councillor Steve Pitt advised that he would be making a deputation on planning applications 10 and 11 relating to the D-Day Museum as Cabinet Member for Culture, Leisure and Sport and would therefore leave the room following his deputation and not take part in any discussion on this item.

**95. Minutes of the previous meeting held on 25 July 2018 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 25 July 2018 be agreed as a correct record and signed by the Chair.**

**96. Updates on previous planning applications by the Assistant Director of City Development (AI 4)**

The Assistant Director of City Development advised that there were no updates for the committee.

Planning Applications

Deputations are not minuted in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-29Aug2018>

**97. 18/00280/PLANREG - 2 Raglan House 4 Clarence Parade Southsea (AI 5)**

The Planning Officer introduced the report. The Chair reminded the panel that although this was a retrospective application, the committee should deal with this application as if it were a new application.

The following deputations were heard:

- (a) Mrs Margaret Patta (objecting)
- (b) Ms Juliette Scott (supporting)
- (c) Mr Rule (on behalf of the applicant)

Members' Questions

In response to questions the following points were clarified:

- The application was retrospective and Building Control had not seen the application and were not consulted.
- Building Control consider that if this were a like for like staircase it would not need an application to Building Control however if the design was to change this would require an application.
- Building Control has confirmed that neither staircase would strictly comply with building regulations due to the relationship with existing windows.
- The staircase is secondary access for flat 2 and not a fire escape.

Members' Comments

Members felt that this was not a straightforward application as there is an impingement to someone else's property however there were no material grounds to refuse the application based on the relevant policy PCS 23. It was felt that the new staircase was a better design although members noted that there was an impact on the owner of the basement flat due to the proximity of the staircase to her window.

The Chair added that he hoped that the applicant and the residents in the neighbouring properties could reach an amicable solution to the issues raised in the deputations.

**RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.**

**98. 18/00791/FUL - 83 High Street Cosham Portsmouth (AI 6)**

The Planning Officer introduced the report.

The following deputations were heard:

- (a) Mrs T Hayward (objecting on behalf of herself and other residents)
- (b) Miss Laura Grimason (Agent)

Members' Questions

In response to questions the following matters were clarified:

- The parking restrictions relate to the white zig zag lines to the front of the property.
- The Environmental Health team have received very little information about the extraction system from the applicant. There is a condition in place to ensure that a full description of the extraction system is submitted to planning to enable to environmental health officer to determine whether this is suitable for this location.
- Following residents' objections regarding noise from mopeds the planning officer emailed the EHO who was of opinion that with the hours of operation vehicle movements are unlikely to significantly raise the daytime or night time noise level. He also noted there are no outdoor amenity areas likely to be affected as these are located to the rear of dwellings in Dorking Crescent.
- Noise in relation to traffic is measured as an average over a period of time which does not take into account individual peaks. It is anticipated that there will be very little increase in noise level as there will be intermittent use of the mopeds.
- Highways have requested a condition stating that all deliveries will operate from the rear of the property. The issue of having mopeds making deliveries from the front of the property will be the impact of the mopeds leaving the site into the traffic flow and there would also be a highways safety if there was a large number of mopeds leaving the site at the same time.
- If the committee felt that stipulating that the gate be closed at a certain time would overcome concerns about noise they could add this as a condition.

Members' Comments

Members felt that concerns around transport to and from the site was a significant issue. One member suggested a deferral of the application to allow for a full noise

assessment to be undertaken. It was proposed that condition 5 be amended so that after 9pm deliveries operate from the front of the property when the traffic will be quieter which would help to alleviate noise concerns to the residents living to the rear of the premises.

**RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report with an amendment to condition 4 as follows:**

**4) No deliveries (supplying both customers and the commercial unit) shall be carried out outside of the hours of 07:30 and 21:00 daily from the rear of the property.**

**99. 18/00973/PLANREG - 444 London Road Hilsea Portsmouth (AI 8)**

The Chair advised he would be taking this item before item 3 today.

The planning officer introduced the report and reported from the supplementary matters list that Cllr. Frank Jonas was to have made a deputation today but apologises that he cannot be at the meeting, but is of the opinion that the installed extraction system blocks the light/views of the upper floor residents of the building and requests that the item be deferred until a satisfactory solution can be found between the two parties.

An additional representation has been received from the occupier of the second floor flat furthermore, comments have also been received from another adjoining occupier objecting to the development on the grounds that the proposal would have an impact on the value of his property.

The applicant has provided a response to the points raised in this representation. The freeholder of the property has also provided a response to the points raised in support of the planning application (full copies attached to the supplementary matters list)

Since publication of the Committee report, further comments have been received from the City Councils Environmental Health Officer in regards to the installed extraction system. The comments indicate that a high level discharge has been achieved and is now relatively happy in terms of odour control. Furthermore, the Officer has carried out some background noise measurements, and has indicated that the noise from the outlet of the system should not have a significant impact upon neighbouring residential properties. This recommendation is based on the limited opening hours of the premises and the pre-cast concrete floor which separates the ground floor unit from the flats above. The officer recommends some safeguarding conditions to ensure that the use does not have an adverse impact on neighbouring amenity.

In light of these comments, the recommendation remains unchanged; however additional planning conditions have been suggested should the application be capable of support:

1. No deliveries shall be received at the premises outside of 11:00 hours to 21:00 hours.

2. (a) Notwithstanding the information submitted, prior to the commencement of the use hereby permitted, a detailed maintenance programme in line with manufacturers recommendations relating to noise and odour control associated with the kitchen extraction equipment permitted and installed at the site shall be submitted to the Local Planning Authority for approval in writing; and  
(b) The kitchen extraction system shall thereafter be permanently retained and maintained in accordance with the maintenance programme approved pursuant to part (a) of this condition.

3. The fixed plant and machinery hereby approved and installed shall comply with British Standard BS4142 and the noise from the operation of the kitchen extraction system shall not exceed 40dB(A) 1 metre from the façade of any residential property at all times.

4. Prior to the commencement of the use hereby permitted, the ducting serving the kitchen extraction system shall be isolated from the structure of the building using anti vibration mounts installed in accordance with details submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained.

(full copies of all the above comments/responses were appended to the supplementary matters list)

The following deputations were heard:

- (a) Mr Hamma (applicant)
- (b) Mr Bob Levin (Freeholder)

#### Members' Questions

In response to questions the following matters were clarified:

- The applicant had submitted a pre application a number of months ago. The officer had not given consent for the works but advised that the principle was acceptable and would need to satisfy highways and environmental concerns.
- The view from the window at the neighbouring property is now impeded by the extraction system.

#### Members' Comments

Members felt that the Council needed to be realistic as the demand for retail is not what it was. Members could see no compelling argument to refuse the application although noted there would be an impact on light to the neighbouring property. Members were concerned with the number of retrospective applications coming through and that by approving these this gives out the wrong message to be giving to people.

**RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.**

#### **100. 18/00899/HOU - 7 Jubilee Terrace Southsea PO5 3AS (AI 7)**

The planning officer introduced the report.

The following deputations were heard:

- (a) Ms Blackwell (objecting)
- (b) Jalilo Joudani (applicant)

### Members' Questions

In response to questions the following matters were clarified:

- Within C4 use class up to 6 people can occupy the building without the need for a further permission. There is a need to consider the accommodation that is being created and to think about the appearance of the extension within the conservation area and whether the two additional bedrooms are acceptable extensions to provide HMO accommodation rather than family accommodation.
- In a conservation area a single story rear extension can be built without planning permission as long as it does not exceed 3m in depth and 3m in height. As this application is in a conservation area it restricts extensions to a roof which is why there is a need for planning permission.
- Conservation guidelines say the Council will discourage dormers to the front of a property however there are already two dormers that have been granted permission in previous years. The committee were advised that they need to look at the character of the conservation area and features that already exist in the conservation area.
- The other two dormers along the terrace were granted permission before the area became a conservation area.
- The planning officer did not have the size of the rooms to hand but confirmed all comply with the 7.5msq requirement.
- The planning officers do not feel another dormer window would detract from the character of the conservation area but this was for the committee to determine.
- There is a block of flats with a bland elevation with one small side window. With the position of the first floor windows and the setback of the dormer it was not felt there would be significant overlooking.
- Officers have worked very hard with the applicant to ensure the front dormer matches as closely as possible with the other dormers along the terrace to ensure continuity.
- Planning permission for C4 to C3/C4 use was granted in December 2017. C4 use is for 3-6 unrelated people living in a property. This application would have 6 people so would be within C4. C4 puts a limit to the number of residents not the number of bedrooms.

### Members' Comments

The reason this is in a conservation area is due to there being two cream rendered buildings in the vicinity, one being Jubilee House that has a box dormer on top of the property. It was felt that there were no grounds for refusal.



**RESOLVED that conditional permission be granted in accordance with the conditions outlined in the Assistant Director of City Development's report.**

**101. 18/00991/FUL - 69 Wadham Road Portsmouth PO2 9ED (AI 9)**

The planning officer introduced the report and reported from the supplementary matters list that one additional representation was received following publication of the committee report, raising the following concerns:

- a) Lack of family homes and social housing;
- b) Increase on parking pressure;
- c) Electrification of the car industry will require that sufficient parking is provided in residential areas to allow for charging of vehicles;
- d) No justification for these conversions from the perspective of meeting a growing demand for housing;
- e) There is a noticeable increase in the number of failures of the sewage system in Wadham Road over the last 5 years. This can be correlated to the increase in illegal HMOs and flat conversions;
- f) HMOs lead to an increased pressure on services.

This application was deferred from the Planning Committee on 25 July 2018. The reason for deferral was to allow for further investigation of the HMO density within a 50m radius of the site. Following the deferral, the LPA has checked HMO licensing, planning history and council tax records of the 73 properties within the 50m radius of the site. In addition, further site visits were also carried out. As of a result of the further investigation the LPA have identified the following:

Possible unauthorised HMOs

58 Gladys Avenue: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 2 occupants. A site visit identified the property was in use as an HMO. Planning Enforcement Team are currently investigating.

60 Gladys Avenue: No licensing history. A site visit identified the property was in use as an HMO. Planning Enforcement are currently investigation.

75 Wadham Road: No licensing history. No planning history. Council Tax records indicate the property is inhabited by 3 occupants (under description it states 'This property is a HMO'. A site visit identified this property as an HMO. Owner has confirmed it is a 5 bed HMO and planning enforcement are currently investigating.  
Authorised HMOs

64 North End Road is a known HMO. Planning permission was granted in October 2016 for 'Change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house)', under planning reference no. 16/01407/FUL. In addition, the property has a HMO License.

Based on the above findings, the LPA considers that there are three (3) additional HMOs (58 & 60 Gladys Avenue & 75 Wadham Road) which were not included in the

initial data capture. It is not known if the identified properties are authorised HMOs or unauthorised and as such the Enforcement Team are investigating the matter. Therefore, based on information held by the City Council and the above findings, of the 73 properties within a 50 metre radius of the application site, four (4) are considered to be in use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 6.84%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

It is considered that the occupation of the property as a Class C4 HMO would not be materially different to that of a large family dwellinghouse and would not therefore have a significant impact with regard to noise and/or disturbance. There is also separate legislation to address issues with noise and disturbance and anti-social behaviour.

The recommendation for this item remains unchanged.

The planning officer added that she had received an email from Councillor Payter-Harris this morning asking to investigate some further properties where it was believed they are operating as HMOs. The planning officer advised that site visits had been conducted to all properties within the 50m radius and checks had been made with licensing, the planning history and council tax records. The planning officer advised that numbers 58 and 60 Gladys Avenue and 75 Wadham Road were confirmed as HMOs and the planning enforcement team are investigating these. 64 North End Road is an authorised HMO. 74 Gladys Avenue was discounted as a HMO as the owner confirmed that both flats were not operating as HMOs. This therefore takes the total to 5 HMOs within a 50m radius if 69 Wadham Road is included, which takes the percentage to 6.84% which is below the 10% threshold.

There were no deputations for this item.

#### Members' Questions

In response to questions the following matters were clarified:

- The application for 37 Wadham Road that was approved at the last meeting is outside of the 50m radius.

#### Members' Comments

Members commented that the further investigation of the potential HMOs raised by Councillor Payter-Harris had been helpful. Members noted that as the application falls under the 10% threshold there were no grounds to refuse the application.

**RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of City Development's report.**

#### **102. 8/01131/FUL - D-Day Museum Clarence Esplanade Southsea PO5 3ST (AI 10)**

(Councillor Jones left the meeting at this point due to her earlier declared interests)  
(Councillor Stubbs left the meeting at this point as indicated at the start he would need to leave the meeting early to attend another meeting)  
(Councillor Pitt left the meeting to make a deputation on this application)

The Chair advised that agenda items 10 and 11 would be considered together. The planning officer introduced the report.

Councillor Pitt made a deputation as Cabinet Member for Culture, Leisure and Sport. He advised that Nick Hewitt of the National Museum of the Royal Navy and Giles Pritchard from Pritchard Architecture were present in the gallery if members had any technical questions.

Councillor Pitt withdrew from the meeting following his deputation.

### Members' Questions

In response to questions the following matters were clarified:

- The relationship of the scale mass to the historic walk was shown on the plans. The planning officer explained that the roof is a wave form as the vessel is bigger at one end. There is little scope to alter the scale of the weatherproof canopy. It is designed this way to minimise the impact but at its maximum height it is 13.2m it will have some presence on Southsea Common.
- The basin is for maintenance only which will be beneath the vessel.
- The new entrance at the western end is to allow for uninterrupted pedestrian access between the D-Day Story and the LCT. The section of wall to be removed is 10m. On the east side there is a gradient walkway to get to the entrance level of the vessel in front of the LCT.
- With regard to the trees surviving once they are moved the arboricultural officer explained that the 12 memorial trees were originally planted in the shelter of the existing wall. The relocation of the trees on the Common will mean the trees will be more exposed to wind. The trees will be excavated with a large chunk of root plate missing and without adequate anchoring they may have an issue with the winter gales, which is why they may need to be moved somewhere else. Until greater clarity of the process it is not easy to comment on how successful the relocation will be.
- Tree planting season is ideally November to March. Preparation would need to take place this winter and need to allow next years growing to establish roots so it would likely be next autumn to relocate the trees. The architect Mr Pritchard said the plan was to get the LCT on site by November next year. The Chair commented that this would mean a potential issue of timing.
- Safeguarding of the trees involves fencing and ground protection so that no works take place around the trees.
- It was not known if the memorial stone with plaque would be relocated with the trees. The final location of the memorial trees would need to be decided before a condition could be added on this.
- There is a planning condition proposed that no development shall take place until it a method statement for the translocation of the 8 Holm Oak trees has been submitted and approved. It is anticipated that any trees that do not survive will be replaced by the largest possible species of Holm Oak.

Mr Pritchard the architect and Mr Hewitt of the NMRN were invited to the table to answer members' questions about the design of the structure and advised the following:

- When they developed the wave structure for the canopy it originally had 65 structural members. As they developed the design it was felt that it was forming a wall as a backdrop so this was changed to columns of 12. They were keen to reference horizontal lines to relate to the wall and the canopy to relate to ship.
- The height of columns is the same throughout, the wave structure appears higher as it is at an angle.
- With regard to the maintenance of the ship the team will need to continue to intervene to stop corrosion. NMRN conservation team will inspect the ship regularly using the maintenance pit. The bottom will be opened up to allow it to dry out which will allow inspection of the holes to monitor corrosion and will allow for air flow.
- With regards to drainage a number of trial holes were put in to look at ground water levels.

#### Members' Comments

Members were very supportive of the proposal and noted that it was important to have the landing craft tank on display to keep D-Day alive for future generations. Members felt that having the LCT outside the D-Day Museum would be a great way to do this and honour what D-Day stands for. It was felt that was not another suitable location for the tank. Members also commented that flexibility must be allowed in terms of the location of the trees and this could be agreed with the arboricultural officer and the applicant. It was important to show the support of the council's planning committee for this project.

**RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director of City Development's report.**

#### **103. 18/01132/LBC - D-Day Museum Clarence Esplanade Southsea PO5 3ST (AI 11)**

Agenda items 10 and 11 were considered together and the debate can be read at minute number 102.

**RESOLVED that conditional consent be granted, subject to the conditions outlined in the Assistant Director of City Development's report.**

#### **104. Exclusion of Press and Public (AI 12)**

The Chair advised that he intended to keep the meeting in open session for the discussion of this item, however advised that if members had any questions relating to matters of finance which are not in the public domain a resolution would need to be passed to go into exempt session. Members of the committee were in agreement with this proposal.

**105. 16/02047/PAMOD- Request to modify legal agreements attached to planning permissions 10/01247/FUL and 08/01941/FUL, being land adjacent to Queens Hotel Clarence Parade and Osborne Southsea - appeal against non-determination (AI 13)**

The Assistant Director of City Development introduced the report and explained that this report related to an application to vary two legal agreements associated with the two permissions in 2008 and 2010. The issue is around viability and on both applications the applicant sought to demonstrate that it was no longer viable to deliver the level of affordable housing identified in the Section 106 agreements. The Council received advice from the District Valuer who advised there was some ability to make for a financial contribution on the second Section 106 agreement, but the first had no viability.

This was due to be considered by the planning committee in January however the committee was not able to make a decision on the application as the night before committee the applicant advised they had appealed to the Planning Inspectorate to appeal for non-determination. The committee indicated previously that officers should get a second view on the viability assessment once confirmation had been received that it was a valid appeal. Several weeks ago the Council was notified that the appeal had been received by the Planning Inspectorate and was valid. Officers instructed a second consultant who confirmed last Thursday that in his view the sales values that had been used in the viability assessment were less than representative of Southsea and in his opinion there was more viability in the proposal and the Council did have a case.

The Assistant Director advised that she was asking the planning committee to confirm what decision would have made had they been in a position to make a decision on the applications and to confirm whether they wish the LPA to defend the appeal against non-determination and say the viability assessment is not correct, or whether the committee does not want her to defend the appeal on behalf of the council and to accept the original viability assessment that was submitted.

Mr Cal Corkery made a deputation.

**Members' Questions**

In response to questions the following matters were clarified:

- The new consultant looked at viability assessments that were previously submitted. With regard to the second opinion the consultant advised the sales values within Southsea would give a much higher sales value than the ones in the viability assessment.
- The advice from the second consultant is that there is more viability in the project than the viability assessment allows.
- It was for the Planning Inspector to look at the two legal agreements and the form they take and then to reach a conclusion as to the level of viability that exists and therefore the level of affordable housing that should be provided in the scheme or by a contribution.

- If the Council go forward with appeal there is a risk around the robustness of evidence. In terms of an award of costs officers feel there is something to sensibly put forward to argue the appeal.
- Both sides will present evidence to an inspector at the hearing and members of the public can attend the hearing and the inspector will challenge those questions and assumptions to inform his decision.

#### Members' Comments

The Chair put forward a proposal to decline to enter a deed of variation for both applications and to state to the inspector that this would have been the committee's decision based upon their belief that there is potential for a higher contribution to be made on the basis of current values based on the. Members supported this proposal and felt that the council should stick with the council's policies and push for the highest possible contribution as there is very little affordable social housing in this ward in particular.

**RESOLVED** The committee indicated that for the purposes of the appeal their position would be to decline to enter into a deed of variation for both planning applications and state to the inspector that this would have been the committee's decision based upon their belief that there is potential for a much higher contribution to be made on the basis of current values based on the advice of the consultants.

The meeting concluded at 5.17 pm.

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Signed by the Chair of the meeting  
Councillor Hugh Mason

# Agenda Item 5

## **PLANNING COMMITTEE 19 SEPTEMBER 2018**

**1 PM THE EXECUTIVE MEETING ROOM,  
FLOOR 3, GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 report by the Assistant Director - City Development 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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**MONEYFIELDS SPORTS & SOCIAL CLUB MONEYFIELD AVENUE PORTSMOUTH PO3  
6LA**

**CONSTRUCTION OF: COMMUNITY FACILITY IN A PART SINGLE- & TWO-STOREY BUILDING TO ACCOMMODATE SPORTS & SOCIAL CLUB WITH FUNCTION HALL, BARS, KITCHEN, PLANTROOM/CELLAR, OFFICES, CHANGING ROOMS/WCS, BOXING RING, GYM, SPECTATOR STAND, TWO CLASSROOMS, TICKET OFFICE, TEA HUT AND AGP PLAYING PITCH & FLOODLIGHTS/FENCING (UP TO 8M HIGH) WITH PROVISION OF NEW ACCESS FROM MONEYFIELD AVENUE TO CAR PARK (NO. 80 SPACES), COACH PARKING AND TURNING AREA, CYCLE PARKING AND REFUSE/RECYCLABLES STORAGE; SINGLE-STOREY TRACTOR STORE; AND, HOUSING DEVELOPMENT BY 26 DWELLINGS IN THE FORM OF 14 NO. ONE- AND TWO-BEDROOM APARTMENTS IN A 3-STOREY BUILDING & 12 NO. FOUR-BEDROOM 2½-STOREY DWELLINGHOUSES, WITH ASSOCIATED GARAGES/CAR PARKING, CYCLE & REFUSE STORAGE (ALL EXISTING BUILDINGS TO BE DEMOLISHED)**

**Application Submitted By:**

Pickup Town Planning

**On behalf of:**

Moneyfields Sports and Social Club

**RDD:** 12th January 2018**LDD:** 16th April 2018**SUMMARY OF MAIN ISSUES**

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the application are the principle of development on protected open space (in part) and 'enabling' development in lieu of affordable housing provision, access and other highways implications, design, impact on residential amenity, sustainable design & construction/site contamination, trees/nature conservation and any other matters raised in representations.

**The site and surroundings**

The broadly rectangular shaped and level site covers around 2.9ha. It supports sporting and community facilities laid out as two full-size grass football pitches (one of which is floodlit) positioned to the rear of an existing clubhouse/changing rooms, spectator stand and boxing gym covering around 1,250sqm (gross internal floorspace). There is an associated car park on the frontage to Moneyfield Avenue.

Underground infrastructure (a storm drain) crosses the site running north-south. There is also an existing electricity sub-station located just beyond the application site towards its south-west corner. The immediately surrounding area is typically characterised by two-storey terraced and semi-detached housing but to the north are allotment gardens and open space extending to Burrfields Road.

To the east of the site are the rear boundaries of semi-detached houses in Salcombe Avenue together with a short terrace of 5 houses on the corner of Salcombe Avenue/Moneyfield Avenue. Opposite the site frontage (to the south) are side elevations of houses facing onto Dover Road and Martin Road. To the west is a railway line. A public footpath and footbridge provides access

for pedestrians over the railway line to Moneyfield Lane to the west. To the south-east is a two-storey building, in use as two flats.

The site lies approximately 1km west of the Chichester and Langstone Harbours Special Protection Area (SPA) and 2km east of the Portsmouth Harbour SPA. There are existing established trees at the site. A conifer hedge runs in an east/west orientation through the middle of the site, separating the two main sports pitches. Further to the north are a number of other trees positioned toward the site boundaries. The principal species from amongst these trees is Lombardy poplar. Covering around 88%, most of the application site is protected open space.

### Procedural

In accordance with requirements for publicity for an application for planning permission that does not accord with the provisions of the development plan, this proposal has been advertised as a 'departure' from the Portsmouth Plan.

The applicant's supporting 'Protected Open Space Statement' calculates that 6,781sqm of protected open space would be lost. It equates to around a quarter of the existing protected open space of 25,667sqm. The applicant's supporting statement offers justification for the net loss of existing open space (contrary to policy PCS13), which is considered further in the 'Comments' section of this report.

### Proposal

There are two components to the proposed development of the site.

The first proposes a replacement sports and social club and laying out of a full-size artificial (all-weather) surface onto an existing grass pitch. A new part single and two-storey building would be positioned centrally within the site. At around 1,900sqm gross internal area, it would accommodate the following: a function hall, bars, kitchen, plantroom/cellar, offices, changing rooms/WCs, boxing ring, gym, spectator stand, two classrooms, ticket office and tea hut. The replacement building equates to a net floorspace increase at the site of approximately 650sqm.

The new artificial grassed pitch (AGP) would be laid out to the north of the replacement clubhouse. This full-size AGP would be flood-lit and enclosed by ball-catch fencing, up to 8m in height. No changes are proposed to the existing flood-lit grass pitch. All existing buildings at the site would be demolished. An accompanying phasing plan describes the sequence of demolition/works at the site for the club to remain operational whilst redevelopment takes place. The replacement clubhouse would be accessed via a new service road from Moneyfield Avenue leading to a vehicle parking (85 car bays plus one coach space) and turning area.

The second component proposes 26 new dwellings. These would be located onto the southern end of the site. They would comprise of a three-storey building of 14 flats (6 x one- & 8 x two-bedrooms) and six pairs of semi-detached houses (all 4-bedrooms, over 3 floors) designed in 2½-storey built-form. The new dwellings would have a separate access via Moneyfield Avenue. Allocated surface parking would serve all the dwellings and also a garage provided within the rear curtilage of each of the houses.

The screening threshold for urban development projects at 'Schedule 2' of the Environmental Impact Assessment (EIA) Regulations was raised in April 2015, to relate to development that includes more than 1ha (which is not dwellinghouse development) or more than 150 dwellings or the overall area exceeds 5ha. The application site covers 2.9ha and proposes development (non-domestic) of just under 1900sqm gross internal floorspace combined with 26 dwellings. It is located 1km from a 'sensitive' area, which is separated by significant intervening residential and industrial development; the project is not considered likely to have a significant effect on the

environment and consequently not held to be EIA development. Notwithstanding this, the application drawings are supported by the following documents:

Design and Access Statement (by PLC Architects);  
Sporting Needs Statement (by Continuum Sports & Leisure Ltd);  
Planning Statement, Statement of Community Involvement and Protected Open Space Statement including an Addendum to this statement (all by Pickup Town Planning);  
Flood Risk Assessment (incorporating a Drainage Strategy) (by Hamill Davies Ltd);  
Noise Assessment (by Airtight Noisecheck Ltd);  
Arboricultural Impact Assessment (by Eco urban Ltd);  
Ecological Assessment and Reptile Surveys & Mitigation Strategy (by Ecosupport Ltd);  
Sustainability & LZC Feasibility Statement (by SRE Ltd);  
Lighting Impact Assessment Report Revision P2 (by Delta Green Environmental Design); and,  
Transport Statement (by pdt Hampshire).

### Planning history

Sports facilities have existed on this site since the early 1930's (evidenced by OS records); in 1948 planning permission was granted for an additional Sports Pavilion and has been added to through a series of subsequent permissions. Extensive ground improvements were undertaken following approval in June 1998 (ref A\*10266/AF) for new changing rooms and an all-weather floodlit training pitch (as part of a national lottery sports fund grant to bring the facilities up to a required standard).

Three other relevant decisions are:

- A\*10266/AA

In November 1991 planning permission was refused for use of the site for residential purposes. This application became the subject of an appeal which was subsequently withdrawn by the applicants prior to the Inspectors decision.

- A\*10266/AB

Outline planning permission was refused in April 1993 for residential development with access from Moneyfield Avenue (incorporating social club/community centre and ancillary open space). The reason for the refusal was:-

'The proposed development for the site for residential purposes in the manner shown on the drawing submitted for information, is contrary to the provisions of Policy OS1 of the City Local Plan: Deposit Version, which seeks to retain this site as open space, and does not accord with policy H1 of the Local Plan which identifies suitable sites for residential development to meet housing needs for the plan period.'

This application became the subject of an appeal, which was dismissed.

- 08/00516/FUL

Planning permission was refused again in June 2008 for the redevelopment of the site to provide 3 sports pitches, including floodlighting and spectator stands, a new two-storey sports and social club building and residential development for 48 dwellings (comprising 25 houses and 23 flats). The reasons for the Local Planning Authority's decision were:-

1) In the absence of sufficient information to demonstrate that an appropriate level of improved open space can be retained through the development of part of the site or alternative provision, of equivalent community benefit made within the locality at the expense of the developer, the application does not accord with the aims and objectives of policy DC20 of the Portsmouth City Local Plan 2001-2011 which would otherwise seek to retain the protected open space on this site.

2) The proposed redevelopment of the site would have a significant effect to the use of the site, identified as site P13 within the Brent Goose Strategy 2002, by the Migrating Brent Goose population and would therefore have a significant impact to the nature conservation interests of the Chichester and Langstone Harbour Special Protection Area. Furthermore the proposed development would have a significant effect to the use of the site by protected reptile species. The proposal would therefore be contrary to policy DC16, DC17 and DC18 of the Portsmouth City Local Plan 2001-2011.

3) In the absence of a suitable agreement the development does not make provision to secure appropriate contributions towards affordable housing in that it does not meet the pro-rata split of dwelling mix or, alternatively, offer justification for such reduced contribution (demonstrating the scheme would be made unviable). The proposed development is thereby considered unsatisfactory and contrary to the aims and objectives of policy DC40 of the Portsmouth City Local Plan 2001-2011 (as amplified by the City Council's Planning Obligations, Supplementary Planning Document, updated March 2008).

4) In the absence of a suitable agreement the development does not make provision to secure appropriate sustainable transport contributions. As such the proposed development is unsatisfactory and contrary to policies DC25/DC27 of the Portsmouth City Local Plan 2001-2011.

5) In the absence of a suitable agreement the development does not make provision to secure appropriate open space contributions. As such the proposed development is unsatisfactory and contrary to Policy DC46 of the Portsmouth City Local Plan 2001-2011.

6) In the absence of a suitable agreement the development does not make provision to secure appropriate contributions towards education infrastructure. As such the proposed development is unsatisfactory and contrary to DC7 of the Portsmouth City Local Plan 2001-2011.

## **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) and  
PCS23 (Design and Conservation)

Saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan.

Most of the application site is protected open space (where policy PCS13 is relevant).

### **National Planning Policy Framework**

Still at the heart of the revised NPPF (July 2018) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and

environmental. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 38 Core planning principles for decision making
- 54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations
- 80 Significant weight on the need to support economic growth through the planning system
- 95 Promote public safety, reduce vulnerability, increase resilience
- 96 Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities
- 97 Existing open space not to be built on unless surplus, replaced or benefits outweigh loss
- 103 Locate developments generating significant movement where need to travel minimised
- 104 Development designed for sustainable travel
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 124 High quality buildings and places is fundamental to what planning should achieve
- 129 Make use of and have regard to recommendations made by design review panels
- 130 Refuse poor design that fails to improve the character and quality of an area
- 174 Protect and enhance biodiversity
- 177 Presumption in favour of sustainable development (para 11) does not apply where AA required under Birds or Habitat Directives
- 178 Sites should be suitable for its proposed use where affected by contamination
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets
- 199 Weight to non-designated heritage assets of archaeological interest (where significant)

Supplementary Planning Documents (SPD) also provides relevant policy guidance:

Parking Standards and Transport Assessments SPD (July 2014)

Sustainable Design & Construction SPD (January 2013)

Reducing Crime Through Design SPD (March 2006)

Solent Protection Area (April 2014) and

Achieving Employment and Skills Plans (July 2013).

## **CONSULTATIONS**

### **Design Review Panel**

The panel noted the significant loss of open space that this scheme would entail to create a new private football club facility. They also commented on the absence of any reference to the context of surrounding streets, but did nevertheless consider the site layout to be rational and appropriate.

Housing - The panel noted the simple un-ornamented design of the semi-detached housing for the site. Whilst they considered this component of the scheme to be satisfactory it was suggested that the houses would still benefit from better design and materials.

Apartments - The panel were particularly disappointed by this element, suggesting that ubiquitous clichés have been employed resulting in a solution that is every day and banal. They saw this as the weakest element of the scheme. It was suggested that the balconies were heavy, (and would age badly), and that the materials were not sharp. The design solution for this component lacks imagination and requires improvement.

Clubhouse/spectator stand - The panel regarded the siting of the Clubhouse, which would split the site, as acceptable, (noting that it would allow interactivity with both pitches). Although satisfied that the form and function of the building were appropriate, in common with the other elements of the proposal, shortcomings including a lack of order or rhythm to fenestration were identified.

Overall the aspiration and standard of the scheme were considered too low, resulting in a scheme which is poor and therefore requires improvement and greater refinement.

Recommendation: Scheme not supported in its current form.

## Highways Engineer

Final comment 21/05/2018

An amended plan has been submitted by the applicant in response to earlier comments regarding the access arrangement. Initial plans showed that a refuse vehicle could access the site via the new proposed access however this relied on no vehicles being parked on-street opposite. Currently, parking is permitted on the road opposite to where the new access is to be formed; this parking is to be retained and therefore presented a partial obstruction to refuse vehicles entering the site. In earlier comments (as represented below) it was suggested that in order to overcome this issue, either a Traffic Regulation Order for an extension of double yellow lines opposite the access be made or preferably, a wider access provided.

The applicant has now proposed a wider access point facilitated by slightly reducing the width of each of the 8 housing plots adjacent to the access. Tracking diagrams show that it will now be possible for a refuse lorry to turn into and out of the site even with the presence of parked vehicles opposite the access point. Therefore no loss of parking is required to facilitate a suitable access and therefore the access arrangements are considered to be acceptable. Whilst not explicitly stated, it is presumed that the access will be formed as a bell mouth as appears to be shown on the submitted plans and therefore a s278 agreement will be required prior to commencement of works on the Highway.

Following the resolution of this last point of contention, as the application stands the LHA would not wish to raise an objection to the application however the following planning conditions/ obligations should be secured:

- The applicant shall make a s278 agreement with the LHA prior to commencement of works to the Highway
- A Construction Traffic Management Plan is to be submitted to and approved prior to commencement of development
- Vehicle parking as shown in plan 16-2153-110 P23 should be provided prior to occupation of the development and thereafter retained for use by staff and visitors
- Details of cycle parking to be provided to and approved and subsequently provided prior to occupation of the development and thereafter retained for use by staff and visitors

Additional comment 24/04/2018

Following initial comments (below), the applicant has undertaken further work and returned with clarifications regarding some of the missing information highlighted in the earlier response. This related predominantly to vehicular access to the site but also how the construction period (and associated traffic) will be managed.

Further tracking diagrams have been produced to show that a refuse vehicle can enter and leave the site in a forward gear. The tracking diagram shows that were cars parked opposite the access, this will make it difficult for refuse trucks and other large vehicles to enter the site and therefore it may be necessary for either part-time restrictions to be implemented to ensure that access for refuse vehicles can be facilitated or preferably, the access to be widened to form a formalised bell-mouth junction. Whilst the detail of this can be secured by condition, it would require that either the housing layout would need to be reviewed or house 1 would have to be removed therefore this should be reflected in the final designs considered by the case officer. Whilst the LHA consider that parking restrictions could overcome the highlighted issue, there would be no guarantee of these being secured/implemented and therefore it would be the applicant's risk to hold a planning permission on the assumption that these restrictions could be achieved and as such a widened access should be the preferred solution.

The location of the site makes access for large vehicles difficult if travelling via the residential roads to the south. Whilst it is by no means impossible, the large vehicles generally required for transporting construction materials/spoil may find it difficult to reach the site if travelling via Tangier Road and over the 12-18month construction period has the potential to cause disruption to residents.

The applicant has suggested that the now former busway to the northern end of Moneyfields Avenue could be used as an alternative route to the site for construction vehicles. This route is not subject to an order restricting its use by any motor vehicle and as such has become a pedestrian and cycle route from the Baffin's area toward the Retail Park and secondary school off of Burrfields Road. For this reason, any use of this facility must be strictly controlled in order to preserve the route for the safe use of residents including the many school children that use it. The applicant has submitted a framework Construction Traffic Management Plan detailing how it is proposed to make use of this route. The proposed hours of use will be restricted to outside of school times (9.30-14.30) and that the construction vehicles will be accompanied by a marshal at all times. The LHA consider this solution reduces the amount of construction traffic using residential streets by accessing from Eastern Road to Burrfields Road and then Moneyfields Avenue and controlled appropriately, will result in far less impact to the majority of existing residents. It has been previously communicated to the applicant that the LHA would not consent to the use of this facility to accommodate the day-to-day running of the site if consented and is not being considered as a part of this application.

Although acceptable in principle, the proposed access arrangements for the sports club are not yet acceptable and therefore, as the application stands, a Highways objection is raised. Should you be minded to approve the application, however, the following planning conditions/obligations should be secured;

- Full detailed design of proposed accesses to be submitted to and approved prior to commencement of development
- A contribution of £2500 toward the production and advertisement of a new Traffic Regulation Order
- Construction Traffic Management Plan to be submitted to and approved prior to commencement of development
- Vehicle parking as shown in plan 16-2153-110 P22 should be provided prior to occupation of the development and thereafter retained for use by staff and visitors
- Details of cycle parking to be provided to and approved and subsequently provided prior to occupation of the development and thereafter retained for use by staff and visitors.

Initial comment (15/02/2018)

After review of the Planning statement, Design and Access Statement and Transport Assessment in conjunction with the supporting plans the following comments are made: The application site currently has several buildings housing the social club, changing rooms and Gym. There are also two 11-a-side football pitches and an artificial 5-a-side football pitch and a 30-space car park associated with the sports club. It is proposed to consolidate the above uses into a single building and retain the Football Association standard turf pitch whilst providing a new artificial 11-a-side pitch. It is also proposed to introduce private residential dwellings to the site in the form of 12 4-bed semi-detached houses and 14 apartments (10 2-bed and four 1-bed). These will have off-road parking and associated cycle and refuse storage.

#### Access

Currently access to the site is via a dropped vehicle crossover located roughly centrally between Martin Road and Dover Road. The proposal is to remove the existing access and form two separate accesses; one at the western edge of the site opposite Dover Road to serve the

residential units and a second at the eastern edge of the site to serve the reconfigured sports ground.

The Transport Statement (TS) refers to Manual for Streets in the context of visibility at the newly formed accesses. The LHA is satisfied that this is the appropriate standard to be applied in this situation and the required visibility splay of 2.4m x 25m has been demonstrated on the plans. Pedestrian visibility of 2m x 2m would appear to be available and is certainly within the gift of the applicant to provide therefore visibility at the proposed access points is considered acceptable. As raised within pre-application comments by the LHA, it may be necessary to review parking restrictions within the vicinity of the access for the sports club as it has been suggested that coaches will require access to the site and therefore, dependent on the size of coaches, areas of yellow line restrictions may be required to ensure adequate turning areas. There is no evidence within the submission that coaches can reach the site and enter and leave in a forward gear.

The supporting Planning Statement suggests that the applicant intends to adopt both a Construction Management Plan and Site Management Plan for pre- and post-construction respectively. This is wholly appropriate given the location of the site and the constraints of the surrounding highway network however an understanding as to how each of these would work in terms of construction traffic and coaches reaching the site is required. Should these documents be secured by condition, the applicant could find themselves in a position of being unable to implement a consent as the access arrangements were not achievable.

#### Parking (Sports Club)

The application proposes a considerable increase to the amount of parking for the sports club (and associated facilities). Currently there are approx. 30 spaces accessed immediately from Moneyfields Avenue; the proposed site layout shows the majority of the car park provision located along the eastern boundary with a small "overflow" car park west of the proposed pavilion. An access road leads to the car park which extends to the north-eastern corner of the application site.

The main car park will accommodate approx. 65spaces plus 3 disabled driver spaces; the Portsmouth Parking SPD requires disabled spaces to be provided at 5% of the total which would be met with the provision of 3spaces. There will also be a small "overspill" car park to the west of the pavilion. This is accessed via a single track road adjacent to the northern side of the pavilion which also leads to the loading area. The total capacity for car parking on the site will be approx. 85 spaces with space also identified for a single coach. Spaces are shown at 2.4m x 5m with a minimum 6m aisle width which meets the SPD standards and is acceptable.

The TA suggests that the larger car park will reduce the impact of visiting teams and their guests on match days upon the local residential roads. Whilst this is potentially a positive, it is possible that increased parking capacity will encourage further car use that does not currently exist. It is acknowledged that the site is not particularly well connected to bus services into the evenings and therefore a certain level of car use for such a facility is to be expected.

The aspiration of the applicant is to make the facilities available for the community and for the site to be used in a similar way to a community centre for functions and events as well as the sports matches the site is predominantly used for at present. The applicant feels that the within this development it is appropriate and responsible to take the opportunity to increase parking facilities partly for the hoped for uptake in use by the wider community but also to relieve some of the pressure on parking on surrounding roads.

Whilst the LHA take the view that when parking spaces are readily available it is more likely that the private car will be chosen as the preferred travel mode, it is agreed that the local roads are already pressured for parking especially at weekends and in the evenings when the sports club is likely to be busiest. The LHA is broadly comfortable with the proposed increase in parking



capacity as although it would demonstrate an overprovision for general day - day use, this extra parking will be required for home matches and the intended uplift in larger functions/events at the site therefore the additional provision should provide some relief to already congested roads and would be considered acceptable.

Whilst it would not be the place of the LHA to dictate how the site is managed in terms of parking, consideration could be given to allow resident's parking on site when the car park is not needed or demand is lower than usual e.g. during the off-season or mid-week.

The Portsmouth Parking SPD does not give an expected amount of cycle parking that should be provided for non-residential developments rather it is expected that the development achieve 2 BREEAM credits. Given the nature of the site and the various uses that will take place at the site, it is likely that the demand for cycle parking will be highly variable. The provision of 40spaces in the first instance is considered acceptable and that should further spaces be required, there is sufficient space to provide increased cycle parking facilities. The LHA would, however, prefer to see some of the provision as secure and weatherproof for staff and/or students of the academy for whom the short stay Sheffield hoops are less appropriate. The details of the final provision can be secured adequately by condition.

#### Parking (Residential)

The Portsmouth Parking SPD gives the expected number of parking spaces that should be provided for new residential development. The dwellings proposed consist of;

12 4-bedroom house - 2spaces each -  $2 \times 12 = 24$ spaces  
10 2-bedroom flats - 1.5 spaces each -  $1.5 \times 10 = 15$ spaces  
4 1-bedroom flats - 1space each -  $1 \times 4 = 4$ spaces  
Visitor spaces provided at 10% = 4 spaces  
Total = 47spaces

Both the 4-bedroom houses and the apartment blocks have their associated parking provision arranged in parking courts; the parking for the houses is located behind the new dwellings with the parking court for the flats in the south-western corner of the site adjacent to the apartment block. The houses also include provision of a garage located in the rear garden accessed from the parking court.

The spaces provided within the parking courts measure 2.4m x 5m with an aisle width of 6m which meets SPD standards and is acceptable. The application proposes the provision of 26 spaces to be associated with the houses, to include 2 visitor spaces. The houses are also to be provided with garages which could accommodate a vehicle as well as provide bicycle storage; in order to comply with SPD requirements, the garage would need to be 3m x 7m if used as car and cycle storage. This is therefore an overprovision for the houses; that said, garages are often used as storage and with the pressure on parking in the area; a slight overprovision in the form of a garage is acceptable. The flats would have 21 spaces provided, this would consist of one allocated space per flat plus 7 spaces for shared/visitor use.

The parking numbers proposed meet the requirement of the parking SPD and are acceptable however rear access gates for the houses should be provided else future residents living in the properties furthest from the parking court access may be inclined to park on street (should a space be available) rather than walk the reasonable distance from their space to the front door of their property. This would be a particularly attractive option if the residents had shopping and/or young children to unload from their car.

#### Traffic generation

The existing site is solely used by the sports club and its associated facilities (gym, function room & Social Club). The proposal would accommodate both the sports club and residential

uses on the site. The sports club pavilion would combine the various existing uses into a single building, the overall floor space would be slightly reduced over the existing equivalent areas. The exception would be the addition of the football academy operating from the classroom facilities. Whilst the existing site had accommodated the academy in the past, the facilities were no longer deemed suitable and the academy relocated in 2015. The classroom facilities will have capacity for 2 teachers and up to 60 students and operate 30 weeks per year Monday-Friday 09:00-15:00. When this facility operated previously, the vast majority of the students arrived by bicycle and were drawn from the Portsmouth area therefore in terms of vehicles the LHA is satisfied that the trip generation associated with the academy/classroom use will be minimal.

The number of 11-a-side football pitches is to remain the same therefore presumably only 4 teams would be on site at once, as is the current situation. Equally the other facilities (social club and function room) that are likely to be in use on match days have not increased in capacity therefore the situation on weekends (likely peak use day) is expected to be comparable to the existing site. Whilst it is understood that the club who predominantly play on the grassed football pitch has been promoted to a higher division in recent years, it is not possible or appropriate to account for future promotions as this is an unknown quantity and would not be a reasonable consideration to apply weight to in terms of this application.

The proposed residential units are an intensification of use to the site and thus will result in an increase of traffic movements associated with the site. The TA references trip rates derived from a Hampshire County Council guidance document for 1, 2/3 & 4 bed houses. This is not adopted guidance used by PCC therefore holds no weight in planning terms however it is estimated that the proposed residential units would generate in the order of 200 multimodal trips per day and that approx. 10% of these (20) would occur in each of the peak periods (weekday AM&PM). The LHA is satisfied that this is a credible assumption and in the worst case that all 20 of these were to be by car, the impact upon the local highway network would not be material.

## Summary

Whilst the overall trip generation will be increased from the existing uses, the LHA is satisfied that the generators of the additional traffic (namely the football academy and new dwellings) will not cause an impact upon local junctions that could be deemed as material to the safe operation of the local highway network.

The LHA is satisfied that whilst the means of access is acceptable in principle, plans submitted should show that larger vehicles such as coaches and vehicles associated with the construction phase can access and vacate the site in a forward gear. This should be accompanied by a Construction Management Plan and Site Management Plan describing the proposed routing of vehicles through the Highway network to the site (as far as the nearest locally classified roads).

## Contaminated Land Team

Given the scale and sensitive end-use, the imposition of site contamination/remediation conditions is requested. The Sustainability and Energy Statement refers to the Environment Agency WIYBY maps but a full survey following BS10175 including testing must be undertaken. As these buildings, in particular the older clubhouse is from an era when asbestos was commonly used in construction, the buildings should be screened for asbestos to inform the refurbishment/demolition survey (different to the asbestos register).

(i) No works pursuant to this permission shall 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) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain

a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, 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 conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (i)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

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**

Following review of the submitted noise and lighting impact assessments the following comments are made.

### **Noise**

The specification of sound insulation measures for the proposed dwellings is considered to be appropriate.

As this is an existing sports facility and it is not considered that the impact from spectators will be of any greater significance than it already is, particularly they will be contained under the enclosure which is to be lined with appropriate absorptive acoustic material to reduce the reverberant sound.

At this stage of the development it is not clear exactly what will be required in terms of mechanical plant and equipment to service the sports facility, therefore the assessment has focussed upon determining target noise levels for plant based upon background noise measurements taken during the day as the facility will close at 23:00hrs. However it is highly likely that there will be condensers serving cellar cooling units which could potentially operate 24 hours a day therefore it is suggested the assessment needs to include the night period as well.

However, this is not seen as a problem for determining the application as this matter could be adequately covered by the use of an appropriate condition.

The Service has received a number of complaints in the past relating to entertainment and rowdy behaviour from customers using the social facilities and it is noted that this has not been included as part of the assessment. Although such matters can generally be controlled using the Licensing Regime it is suggested that it is appropriate at the planning stage, to consider the inclusion of sound insulation measures in the construction of the building rather than trying to retrofit them at a later date.

In this case, there is a substantial amount of glazing in both the social club and function halls which could be a potential acoustic weakness in the structure so consideration should be given to the provision of an appropriate glazing specification and also mechanical cooling / ventilation measures to prevent the requirement to open windows.

### Lighting

Section 4.3 states the immediate adjacent properties will be affected by light spill from the proposed scheme and there will be an element of glare which has the potential to cause visual discomfort to the residents of local properties. Section 2.4 of the report, Design Criteria, concludes that the location falls within Environmental Zone E3 for purposes of design criteria as defined within the Institute of Lighting Professionals (ILP) Guidance note for the reduction of obtrusive light. According to guidance this would allow a maximum value for vertical light intrusion into windows of 10 lux pre curfew and 2 Lux post curfew.

However the guidance also states these values are suggested maxima and need to take account of existing light intrusion at the point of measurement.

Light measurements taken to the rear of Salcombe Avenue indicate background light levels are well below 1 lux as it is currently overlooking unlit open fields with very little visible street lighting. Therefore any lighting installation is certainly going to be noticeable.

Based on this it is suggested that the 10 lux criterion in the guidance would not be acceptable and that the post curfew value of 2 lux would probably be more appropriate.

The isoline plots of predicted light levels on the submitted plans indicate values of horizontal illuminance but the ILP guideline criteria for light intrusion require vertical illuminance at windows.

The predicted horizontal illuminance values at the rear facades of Salcombe Avenue indicate levels of 1-2.5lux suggest that light levels should be acceptable; however we are unable to say for certain whether they will actually meet the guideline values for vertical illuminance at the windows.

Conditions - It is advised that the following conditions be imposed should permission be considered appropriate

- 1) All sound insulation measures for the proposed dwellings as specified within The Acoustic report compiled by Noisecheck Ltd ref 15684, dated April 2017, shall be included in the construction of the buildings and thereafter maintained.

- 2) Prior to the installation of any fixed mechanical plant or equipment an assessment of the cumulative noise from the operation of all plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant.
- 3) Prior to the commencement of construction an assessment of impacts due to noise from amplified entertainment associated with the sports facility including a specification for proposed mitigation measures shall be submitted to the Local Authority for approval. Upon approval these shall be implemented and maintained.
- 4) Pitch floodlighting shall not be used between 22:00hrs and 08:00hrs.
- 5) External amenity lighting within the sports facility shall not be used between 23:30 and 08:00hrs.
- 6) Vertical illuminance levels at the façade of any adjacent residential dwelling due to amenity or floodlighting serving the sports facility shall not exceed 2 lux.
- 7) The sports facility shall be closed between 23:00 and 08:00hrs.

### **Coastal And Drainage**

The proposed drainage strategy seems acceptable - on the provision that Ground Investigation works are undertaken to determine ground water levels, ground conditions and infiltration rates. This information is required in order to complete a detailed design. Furthermore, the overland flow routes are not shown and should be provided to determine the risk of flooding to property during extreme rain events.

### **Sport England**

Updated comments (23.08.2108) on amended plans:

Sport England has re-consulted the Football Foundation (FF) on behalf of the FA on the proposal and has received the following comments.

The FF reports that the applicant has engaged with Football Foundation and Hampshire County FA on the design aspects. As a result, the FF considers that the design of the 3G Artificial Grass Pitch (AGP) is acceptable and in accordance with the FA design requirements as set out in FA Guide to 3G Pitches Designs & Layouts.

The FF supports this application and reiterates the importance of adhering to the following:

- \* Construction Quality - Ensure the pitch is constructed to the FIFA Quality Concept for Football Turf - FIFA Quality (old FIFA 1\*) accreditation or equivalent International Match Standards (IMS) as a minimum and meets a recommend pitch size as outlined in FA Guide to 3G Pitches Designs & Layouts.
- \* Testing - That the 3G pitch is tested and subsequently FA registered on completion and then every three years for grassroots. This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.
- \* Pricing - Pricing policies must be affordable for grass roots football clubs and should be agreed with the local County Football Association. This should include match-rates at weekend's equivalent to the Local Authorities price for natural turf pitches.
- \* Sinking fund - Ensure that sinking funds (formed by periodically setting aside money over time ready for surface replacement when required - FA recommend £25k per annum (in today's

market for a full size pitch so needs to be indexed) are in place to maintain 3G pitch quality in the long term.

The FF also recommends that over-marking of lines is made to allow different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts and can be painted on.

Hampshire FA and the Football Foundation, on behalf of The FA, support the club's aspirations to develop their facilities. To ensure the club have fully considered the management and operational aspects to having this facility on site, it is recommended that a usage programme and Income and Expenditure forecasts are developed.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered too broadly meet exception E5 policy:

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Sport England recommends that the following conditions be attached to the decision notice should the local planning authority be minded to approve the application:

1. Use of the development shall not commence until:
  - (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
  - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy PCS13.

2. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England 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 3G Artificial Grass Pitch (AGP) and ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: 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 Development Plan Policy PCS13.

Initial comments (21.02.2018)

In summary, Sport England raises no objection which is considered to meet exception E5 of our adopted Playing Fields Policy (subject to conditions relating to community use and the design and specification of the 3G rubber crumb pitch).

Sport England's Statutory Role and Policy - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, 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 the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below): [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

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 or any 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 site is home to Moneyfields FC and comprises a full size 11x11 floodlit adult stadia grass pitch; another 11x11 adult full size grass pitch and a mini-soccer pitch; ancillary facilities/clubhouse and small-sided artificial surface floodlit training MUGA. The proposed development entails new residential development (26 dwellings); the provision of a new full-size 3G artificial grass pitch (AGP); a new clubhouse/pavilion with increased parking and the retention of the full-size 11x11 adult stadia grass pitch. The proposal will result in the loss of the 11x11 youth grass pitch; junior grass pitch and small-sided training MUGA.

#### Strategic and local need-

Portsmouth City Council is currently developing a Playing Pitch Strategy (PPS) for its area. While the draft PPS has not been finalised or signed-off, the development of the strategy is well-advanced. The draft PPS identifies two full-size 3G AGPs in the area at HMS Temeraire (MoD site) and Langstone Sports Campus (Portsmouth University). Both these sites have issues in relation to community accessibility and consequently their capacity for community use is limited. There is also a reduced size 3G AGP at Priory School (90m x 60m), and while it is available for community use it is considered unsecured community use. It should be added that there are no 3G rubber crumb pitches listed on the FA's 3G rubber crumb pitch register and deemed suitable for competitive matches that are outside of the MoD boundaries. Non FA-registered 3G rubber crumb pitches cannot be used for affiliated matchplay and can only be used for training. The draft PPS identifies a requirement for additional full-size 3G AGP provision for football within the city council's area to meet both current and future needs. The exact level of need is yet to be fully determined and agreed as part of the work. However, it is safe to consider that new additional 3G AGP provision needs to be delivered to meet the present and growing needs for football in the city.

The draft PPS looks in detail at the issues for football at Moneyfields. The work identifies that Moneyfields has capacity issues and is overplayed. The existing situation is considered unsustainable in both playing and financial terms and development of either a 3G pitch provide for junior 11 v 11, junior 9 v 9 and mini soccer alongside 1 adult stadia pitch or teams will be needed or alternative playing arrangements are required. However, the draft PPS considers that a youth/junior 11x11 3G pitch to provide for junior 11 v 11, 9 v 9 and mini soccer and be available for training for other clubs during the week alongside the retained full size adult 11x11 stadia grass pitch would be sufficient to meet the club's needs and alleviate the overplay issues on the site.

Sport England has consulted the Football Foundation (FF) on behalf of the FA and has received the following comments. The FF questions the need for the proposed full-size 3G pitch facility at the site given the team composition at the club and is supportive of the draft PPS findings highlighted above on this point. The FF recommends that the club produce a usage programme to help justify the need for a full-size 3G AGP facility and demonstrate its long-term sustainability. The FF recommends that this work should consider how the proposal complements other planned 3G pitch provision in the area, again in order to ensure sustainability.

#### Design; layout and specification of facilities-

Sport England has consulted the Football Foundation (FF) on behalf of the FA and has received the following comments. The FF comments that the pitch must be constructed to the FIFA

Quality Concept for Football Turf - FIFA Quality (old FIFA 1\*) accreditation or equivalent International Match Standards (IMS) as a minimum and meets a recommend pitch size as outlined in FA Guide to 3G Pitches Designs & Layouts. The 3G pitch must be tested and subsequently FA registered on completion and then every three years for grassroots. This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times. Pricing policies must be affordable for grass roots football clubs and should be agreed with the local County Football Association. This should include match-rates at weekend's equivalent to the Local Authorities price for natural turf pitches. A sinking fund should be established (formed by periodically setting aside money over time ready for surface replacement when required - FA recommend £25k per annum (in today's market for a full size pitch) to maintain 3G pitch quality in the long term and ensure replacement of the surface at the end of its life (approximately every 8-10 years dependent on intensity of use).

The FF comments that the proposed design does not meet the FA design requirements as set out in FA Guide to 3G Pitches Designs & Layouts for full size 3G AGPs. The design is considered to have compromised goal storage and spectator areas due to the constraints of the site. Another reason for consideration to be given to an U15/16 sized football turf pitch.

The FF raises a number of matters regarding the proposed design and specification which need further consideration:

- \* recommendation that the fencing is recessed to allow for safe and easy goal storage. For 11v11 fixed side folding goals, a storage recess sized 0.5 x 11.50m should be added to both lateral ends of the AGP footprint. In any case, the goal storage area does not appear large enough and must be sufficiently large enough to accommodate 4no. 9v9 goals and 8no. 7v7 goals (presuming 11v11 goals are the fixed side folding type). . It appears that goals storage areas could be relocated along the Northern AGP perimeter providing a 60 x 25m area such that all goals can be pushed into the storage area side by side (and without being stored goal inside goal).
- \* Fence height - The FA recommend fence height on all sides of the a 3G AGP is 4.5m, but in this case recommend this is supplemented along the Western AGP perimeter with 2.0m high ball stop netting to achieve a 6.5m effective height.
- \* Run-off - A minimum safety run off of 3m should be provided around the marked pitch which should be kept free of obstacles and obstruction. The location of floodlight masts on the northern perimeter of the AGP should be reviewed and if necessary relocated as they appear to be located on the pitch footprint and will compromise the run/off area.
- \* Line marking - recommendation that over-marking are made to allow different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts and can be painted on.
- \* If the tractor store is to house the 3G maintenance equipment, then additional hard standing is required in between the store and adjacent car park. A convenient gated entrance along the Southern AGP perimeter should also be illustrated.
- \* the respect spectator area should be 4m wide generally (and should reduce to 2m wide when passing alongside goal storage area - although this arrangement is not proposed at Moneyfields).
- \* A central dividing net with associated storage area should be added to the design.
- \* A 600mm wide paved mowing margin should be added to the design wherever the AGP perimeter abuts grass.
- \* Root protection barriers and no dig construction techniques may be required adjacent to trees and hedgerows, although this maybe a practical problem rather than a planning matter.

In relation to the clubhouse/pavilion, the FF we would question the scale of the facility. A Business Plan to show the justification for such a large building with the numerous changing rooms would be advisable. There appears to be the opportunity rationalise the number of changing rooms to reduce the footprint and ensure any asset is fully utilised. However, we do not wish to object to this planning application.



In conclusion, the Football Foundation, on behalf of The FA, alongside Hampshire FA supports the club's aspirations to develop their facilities. However, further work should be undertaken to ensure the scheme is deliverable, sustainable and will not impact on neighbouring facilities to their detriment. The FF recommend that a usage programme is put together to demonstrate need for a full size 3G facility; alongside an overall site business plan to demonstrate both the deliverability and sustainability of the facilities once built.

#### Assessment against Sport England Policy-

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception E5 of the above policy, which states:

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Sport England has, therefore, assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E5.

Sport England notes that the proposal meets an identified need for new additional 3G AGP provision in the city set out in the draft PPS. However, the draft PPS and comments from the FF identify that the site may be better suited to a smaller sized 3G pitch facility (U15/16 - 97m x 61m including 3m run/off areas) in terms of need; design; layout and specification as well as sustainability. Sport England supports the comments from the FF which recommends that further work should be done to develop a usage programme and business plan to demonstrate sustainability taking account of other planned 3G pitch provision within the city; consideration given to the design and specification matters raised. Sport England considers that the proposal will improve accessibility to the site through increase provision of on-site parking.

Sport England considers that the proposal will bring community benefits to sport to not only the club but the wider community area and will contribute towards address an identified need for new 3G AGP provision for football in the city. Sport England considers that further work should be done to ensure the long term sustainability of the facilities and improve the design and specification, but considers that the sporting benefits outweigh the harm caused by the loss of playing field/pitches.

#### Conclusions and Recommendation-

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered too broadly meet exception E5 of the above policy. Sport England recommends that the following conditions be attached to the decision notice should the local planning authority be minded to approve the application:

\* Use of the development shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy \*\*.

Informative (artificial grass pitches for Steps 1 to 6 of the FA's National League System) - The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

\* Use of the development shall not commence until a community use agreement prepared in consultation with Sport England 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 3G Artificial Grass Pitch (AGP) and ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: 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 Development Plan Policy PCS13.

Informative requested regarding the guidance on preparing Community Use Agreements available from Sport England.

### **Tree Officer**

None of the trees within or adjacent to the proposed development are subject to TPO or located within a conservation area. The content of Arboricultural Implications Assessment and Method Statement (Ref: 17901 - AIA, dated 14 June 2017 and produced by Barrie Draper of Ecourban) is accepted and agreed. Experience of other specimens of mature Lombardy Poplar across the city makes Mr Drapers comments particularly pertinent.

Site layout drawing 16-2153-110\_RevP15 dated Jan 17 provides indicative locations of proposed tree planting although no detail of species or size is included. The Design & Access Statement dated 10 January 2018 references Arboricultural matters but offers no detail of planting proposals. There is no mention of landscaping in any supporting documentation.

There are no arboricultural objections to the proposal, however, prior to commencement detail of tree planting and landscaping proposals should be submitted for approval by the LPA.

Recommendations - From an arboricultural perspective the application be granted, subject to conditions: prior to commencement detail of tree planting and landscaping proposals to be submitted to and approved by the LPA.

### **Licensing**

Licensing have no comments other than there will be a requirement for a premises licence application under the Licensing Act 2003 (for the provision of the sale of alcohol and regulated entertainment).

### **Waste Management Service**

No comments received.

### **Natural England**

Natural England raises no objection, subject to appropriate mitigation being secured.

This application is within 5.6km of the Chichester and Langstone Harbours SPA and will lead to a net increase in residential dwellings. Natural England is aware that Portsmouth City Council has adopted the Solent Special Protection Area Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with this policy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this

mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

Natural England also recommends that this application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent that has been agreed by a Hampshire County Council (HCC) Ecologist and secured by any permission. This will ensure the application meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118.

With the above mitigation in place, Natural England has no objection to this application.

Further advice: Natural England notes and welcomes the ecological assessment of the site. In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. Provided an HCC approved BMEP is received and secured by any permission then your authority may be satisfied that it will have met its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', and in relation to European Protected Species Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

NE recommends that the scope of the BMEP is agreed with the HCC Ecologist. In this case the BMEP mitigation / enhancements might include measures to benefit wildlife such as planting native trees including fruit trees within communal areas, native hedges and the provision and bird (e.g. house martin, swift) and bat boxes of a design that is incorporated into the fabric the new buildings. Details of the reptile mitigation strategy should also be included. Please note that provided the HCC Ecologists' are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

### **Hants & IOW Wildlife Trust**

No comments received.

### **Archaeology Advisor**

There is not a great deal of archaeological evidence in the immediate area of this site although this is more likely to be the result of a lack of archaeological investigation rather than a genuine absence of features. It is highly likely that Portsea Island was settled from the later prehistoric period onwards, although for obvious reasons most of the evidence for this settlement will have been destroyed during urbanisation in the 19th and 20th centuries.

While there will be little or no archaeological potential within the footprints of the existing buildings that are due for demolition, the currently greenfield parts of the site which are due to have new structures built upon them and the currently unused northern end of the site due to have a football pitch placed upon it, may well contain as yet unrecorded archaeological material. The chances of exposing archaeology here are also increased by the scale of the proposed development.

The site itself is located in a part of Portsea Island that has remained largely undeveloped through the urbanisation period, although it is unclear at this stage what level of impact has resulted from the creation of the two football pitches (i.e. if these have involved any site

levelling/truncation). As the archaeological potential of the site cannot be properly assessed at this stage, it is advised that investigative works are carried out before development so that levels of previous impact can be assessed along with the levels of previously unrecorded archaeology within the development footprint. So, while there is no indication that archaeology presents an overriding concern, it is advised that the assessment, recording and reporting of any archaeological deposits affected by the construction of the development be secured through the attachment of a suitable condition to any planning consent that might be granted. For instance:

'That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. This assessment should initially take the form of trial trenching within the footprints of proposed new buildings within currently greenfield parts of the proposed development, together with the currently unused area at the northern end of the site where a new football pitch is proposed. If the results of this evaluation are deemed significant enough by the local planning authority, then a programme of archaeological mitigation of impact based on the results of the trial trenching should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to, and approved by, the Planning Authority.

Following completion of all archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.'

## **Head Of Community Housing**

Housing Enabling comments are:-

Pro-Rata Mix - The overall residential development mix consists of: 12x 4bed houses and 2x 2bed 4person flats, 6x 2bed 3person flats and 6x 1bed 2person flats. Under the S106 planning requirement there is a 30% on site affordable housing provision pro-rata the whole site which would equate to 8 units made up of the following: 4x 4bed houses, 2x 2bed flats and 2x 1bed flats, a total of eight (8) units.

Unit Sizes - All of the units meet the required 'Nationally Described Space Standards'.

Disabled Accommodation - Within the development there is no provision for disabled accommodation. If an on-site provision is agreed we would look to make one of the units into a full time wheelchair user mobility property.

Tenure mix - We will need to look at the tenure mix once we know which Registered Provider will be working with the developer/owner.

Car Parking - For the houses there is rear access to 27 parking spaces and each house will each have a garage - this allows for a total of 39 vehicles. The flats will have their own central court which will allow for 21 spaces between 14 flats.

Commuted Sum Payment - An on-site affordable provision may not prove to be the best option for affordable housing and it is recommended a commuted payment should be negotiated. The commuted sum is based on a 43% off site affordable provision and works out as follows: 43% in works out at 12units pro-rata and would equate to:

5x 4bed houses	at	129.2m <sup>2</sup>	=	646.0m <sup>2</sup>
2x 2bed flats	at	63.2m <sup>2</sup>	=	126.4m <sup>2</sup>
1x 2bed flat	at	61.5m <sup>2</sup>	=	61.5m <sup>2</sup>
1x 2bed flat	at	67.0m <sup>2</sup>	=	67.0m <sup>2</sup>
1x 2bed flat	at	70.5m <sup>2</sup>	=	70.5m <sup>2</sup>

1x 1bed flat at 52.5m<sup>2</sup> = 52.5m<sup>2</sup>  
1x 1bed flat at 54.6m<sup>2</sup> = 54.6m<sup>2</sup>  
Total = 1078.5m<sup>2</sup> x £1000 = £1,078,500

## **Southern Water**

Southern Water sewer records show the approximate position of a public critical 1350mm Copnor relief combined sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 5 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Further details are provided about SUDS, long term maintenance of the SUDS facilities and good management to avoid flooding of the surface water system, which may result in the inundation of the foul sewerage system.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

SW request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of

the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

## **Network Rail**

No comments received.

## **Ecology**

In summary, the supporting ecological surveys (by Ecosupport, June 2017) are broadly satisfactory in establishing an ecological baseline at the site, which is of largely limited biodiversity value, albeit with some sensitive receptors at a local level.

The impact assessment and mitigation measures do not appear to be informed by the latest proposals on the site and in that regard it is not certain that the development is in line with the recommendations of the ecological assessment. There appear to be specific uncertainties about the lighting of the northern boundary, which was recommended to be maintained as a dark area but now contains a floodlit AGP pitch and the Lighting Impact Assessment concludes "In summary, the proposed scheme will undoubtedly affect the surrounding area". Additionally, the ecological assessment recommended the retention and protection of trees, but the DAS appears to suggest that trees are being removed and this needs further clarification between the ecological reports and arboricultural reports.

The site has been recorded to contain a "medium" population of slow worm, with a maximum count of 38 animals. The ecologist has suggested off-site translocation, possibly to a PCC-owned site, but details of this site and agreement of a landowner will need to be provided prior to determination, in order to be assured that any detailed mitigation strategy secured by planning condition will be appropriate and deliverable.

Concern is also raised about overall biodiversity net loss resulting from the development. The ecological assessment references this essentially being dealt with through soft landscaping and limited provision of features within the site, however the amount of space available for soft landscaping and its distribution would appear that this will be unlikely to be achieved. Further details should be requested from the ecologist on this issue.

It appears that 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 government's statutory nature conservation advisors) 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.

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 and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP).

### **Crime Prevention Design Advisor**

The following comments are made with reference to crime prevention.

There is very little natural surveillance of the sports and social club from the nearby dwellings, the building has a large number of external doors; these attributes increase the vulnerability of the building to crime. To reduce the vulnerability of the building to crime it is recommended that the number of external doors is reviewed with view to reducing them.

The ticket office is considerably lower than the adjacent building and from the roof of the ticket office it is possible to gain access to the roof of the sports building. The ticket office should be constructed in such a way so as to prevent unauthorised access to the roof.

To improve the general security of the ground some consideration should be given to the installation of security gates along the access route so as to allow the ground to be secured when not in use.

The reception desk is not complete and this allows visitors access behind the reception desk; there is no safe refuge behind the reception desk. The reception should be designed so that the reception desk provides a safe area within which the receptionist might work; a refuge should be provided to the rear of the reception desk.

To provide for the safety and security of residents and visitors lighting throughout the development (including the parking areas) should conform to the relevant sections of BS5489:2013.

### **Mineral And Waste Consultation**

Policy 15 of the Hampshire Minerals and Waste Plan seeks to safeguard various mineral resources in the Hampshire region against needless sterilisation by non-mineral development, unless prior extraction takes place. The playing field area of the development site is identified as a safeguarding area for brick clay and superficial soft sand and gravel resources, as well being designated green space under Policy PCS13 of the Portsmouth Plan Core Strategy.

Policy 15 may allow development without prior extraction of mineral resources in the Mineral Safeguarding Area to be permitted if it would be inappropriate to extract mineral resources at that location with regard to other policies in the Plan, or the merits of the proposal outweigh the safeguarding of the mineral.

The internal floorspace of the built aspect of the proposal within the safeguarded area is less than 2,000m<sup>2</sup> and the proposed new pitches on the remainder of the playing field area are likely to involve limited excavation works. Given the relatively minor footprint of the proposed built facilities there is limited potential for a significant amount of mineral to be extracted and there would be little justification to require additional works to enable prior extraction across the wider site, particularly in view of the existing green space designation (if any greenspace beyond the proposed new pitches is to be retained). It is therefore considered that the merits of the proposal in terms of community benefit would outweigh the safeguarding of the mineral on this occasion, given the limited practical potential for prior extraction.

As such the Minerals and Waste Planning Authority (MWPA) raises no objection to this proposal.

## **Environment Agency**

No comments received.

## **Hampshire Fire & Rescue Service**

As there are no fire safety matters relevant to this consultation, no comments are made under the Fire Safety Order. The premises should comply, as appropriate, with the guidance contained in the Building Regulations (Section 11, Part B5 of Volumes 1 & 2 of Approved Document B). Poor access could cause a delay in the initial response to fire fighting and the rescue of persons possibly trapped or overcome by smoke. This could result in the possible loss of life and total loss of the building.

## **Landscape Group**

The proposed development is considered a good one in terms of improving the existing sports and recreational facilities in the local neighbourhood. The plan and visual illustrations are very clear and indicate an attractive and appropriately scaled layout and elevations for the buildings.

A number of trees and shrubs are shown to provide green structure, but there are no details included so far, so it would be good to review these as a condition of the planning permission once they have been prepared.

Similarly, there are no details provided in terms of hard landscape materials and boundary treatments, which will be important to ensure the scheme fits well within its surroundings and provides a positive enhancement to the area.

## **Eastern Solent Coastal Partnership**

No comments received.

## **REPRESENTATIONS**

A total of 150 representations have been received.

31 of the representations raise objection on the following grounds:

- (a) loss of protected open space is not outweighed by the merits of the development;
- (b) no details provided of any wider public or community benefit intended for local non-members many of whom feel alienated from the club, requiring consideration of a Community Use Plan before determination of this proposal;
- (c) new development will exacerbate existing on-street parking difficulties, especially from commercial vehicles, although if overnight parking were to be allowed on Moneyfields site or a controlled parking zone introduced such measures may help address this problem;
- (d) impact and safety implications of more vehicles and traffic on the already congested local highway network of restricted width roads, tight junctions, one-way routing and peak-time problems at Tangier Road/Copnor Bridge junction - traffic calming or other mitigation is required if the proposal goes ahead and a new railway station suggested for a site poorly served by public transport;
- (e) narrow width of site access is inadequate for a coach and insufficient space for passing vehicles - tracking should demonstrate the largest coach size accessing the site - and will result in double yellow lines on Moneyfield Avenue with a loss of existing on-street parking;
- (f) former bus lane should not be used for any construction or operational traffic, which is an important cycle/pedestrian route for commuters and school children;
- (g) no evidence or viability assessment, which requires independent testing, is made to justify any reduction of essential affordable housing to meet the needs of local people and if there is no affordable housing Baffins residents should get first refusal on the new homes, reject them becoming HMOs - and more smaller houses are needed for younger families;



- (h) a surface water drainage strategy should ensure adequate capacity within the site so the development does not give rise to local flooding;
- (i) the design of the apartment block is uninspiring and the houses are a missed opportunity to respond positively to the local development patterns;
- (j) there is significant noise from the existing clubhouse (particularly when functions are on) and during football games and the proposal will increase noise and general disturbance, especially into late-night hours, from the access positioned closer to adjacent neighbouring occupiers and moving the clubhouse with outdoor terrace use centrally onto the site - if permitted, the scheme will require mitigation through control of live music or external loudspeakers and opening hours;
- (k) impact of heavy commercial traffic and noise during construction;
- (l) will add to anti-social behaviour and to pressure on GPs/dentists and schools in the area;
- (m) impact of light spill from floodlighting and vehicle headlights disturbing sleep and wildlife;
- (n) loss of trees facing Highgate Road that screens activity on the site and contributes to nature conservation as home to birds, animals and bats;
- (o) inadequate screening for Salcombe Road residents and ball-catch fencing/netting to prevent nuisance and damage from footballs entering neighbouring gardens;
- (p) loss of privacy by outdoor terrace (west side) and full length windows (east side) to clubhouse; and,
- (q) the accuracy of some of the supporting information is questioned and concern expressed that previous refusal on the grounds of use for Brent Geese migration has not been addressed.

Some of these representations include support for the principle of enhancing sports facilities but also comment on unacceptability of the proposed housing or its implications on school places locally, a need for public transport improvements or impact on the local highway network.

113 representations have been received in support of the proposal in which many compliment the contribution to the local community of the club for its social users and sporting activity in football/gym/boxing classes for people of all ages (many youths and U18/reserve/senior and women's team players) but also states:

- (a) well-designed scheme and clubhouse will have a positive effect on the health and well-being of the local community that has been held back by the need for investment to existing the current dilapidated facilities that are barely fit-for-purpose;
- (b) will provide additional car parking for the sports and social club facility with balanced parking strategy for the new dwellings and more cycle parking to encourage use of bicycles to the site;
- (c) availability of a full-size all-weather pitch will eliminate postponed games/training and would make the most of the open space retained at the site;
- (d) new housing will contribute to the current shortage and likely improve the overall aesthetic of the area; and,
- (e) effects on wildlife are being minimised and new tree planting may have benefits to address concerns of noise, privacy and wildlife habitat.

## **COMMENT**

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the application are the principle of development on protected open space (in part) and 'enabling' development on lieu of affordable housing provision, access and other highways implications, design, impact on residential amenity, sustainable design & construction/site contamination, trees/nature conservation and any other matters raised in representations.

### **Principle of redevelopment/loss of open space**

Key to assessing the principle of the site's redevelopment is consideration of - the loss of open space, the implications of inclusion of an artificial playing pitch, the potential for community/public benefit and housing provision.

The majority of the area of the development is designated as protected open space by policy PCS13 'A greener Portsmouth', of the Core Strategy. This policy seeks to protect open space by "refusing planning permission for proposals which would result in the net loss of existing areas of open space unless there are wider public benefits from the development which outweigh the harm." National policy in the revised NPPF recognises (at para 96) that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities" and consistent with PCS13 the NPPF states (at para 97): "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) 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
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

Green and open spaces perform a number of valuable functions in the city, yet these spaces are under a great deal of pressure from a variety of sources and policy PCS13 has the purpose of protecting what is currently left in the city. The applicant's open space statement identifies that the proposal would involve the net loss of around a quarter of the protected open space of the site as the main community facility itself is rebuilt in the centre of the site and new dwellings erected at the southern end of the site. The proposed artificial playing pitch would continue to provide an open space in its own right but on the other hand this space is unlikely to be able to offer other multi-functional benefits that a more natural green space can offer, such as climate change adaptation, biodiversity contributions or flood risk reduction, which are also vital components to the health and wellbeing of the city and also an important reason for their designated protection through policy PCS13.

In accordance with policy PCS13 and the revised NPPF, the starting point is the harm resulting from building on open space would be unacceptable, unless the wider public benefits from the proposal can be demonstrated to outweigh this loss of protected open space.

Accompanying the application is a Protected Open Space Statement and a Sporting Need Statement. The latter was prepared by Continuum Sport and Leisure Ltd on behalf of MSSC describing "This report sets out the community sporting needs for increased investment into new facilities in Portsmouth, and the important role that the planned redevelopment of MSSC will have on the local community, as the planned facilities will address evident strategic needs for sport in the local area and Portsmouth as a whole."

In summary, the Sporting Need Statement considers the project will make a significant contribution to addressing the following strategic needs:

- Encouraging and enabling healthy choices for all, offering access to sport and leisure, and ensuring there is adequate supporting infrastructure as laid out within the Portsmouth Plan;
- Helping to improve mental health and wellbeing, and addressing anti-social behaviour as prioritised within Portsmouth's Joint Health and Wellbeing Strategy 2014-17;
- Addressing and assisting in meeting the aims of the City of Portsmouth Parks and Open Spaces Strategy 2012-2022, including promoting physical activity as a healthy lifestyle choice, improved health and wellbeing and social inclusion, community development and citizenship;
- Providing indoor facilities for gym and fitness activities and boxing, for which there is a need and demand in the city as highlighted in Portsmouth City Council's Sports Facility Strategy 2017-27; and,
- Contributes to the delivery of The Football Association's National Game Strategy, Hampshire Football Association's strategy, as well as national plans and strategic including the Childhood Obesity Strategy and Sport England's 'Towards an Active Nation'

strategy across the 5 strategic objectives (physical wellbeing, mental wellbeing, individual development, social and community development, economic development).

In its conclusion, the Sporting Need Statement considers the proposed sports facility "...will be of sufficient benefit to the development of sport as to outweigh any perceived detriment caused by the loss of the existing grass pitches due to the proposal for a new AGP on this part of the site."

The proposal would result in a reconfiguration of the playing pitches provided at the club. The Council's Playing Pitch Strategy (PPS), 2018-2022, was adopted on 16 March 2018. This PPS acknowledges (at para 3.51) that "Good quality pitches are overplayed and are at capacity with teams needing to be transferred to other sites" and (at para 3.51) the pitches at Moneyfields "are played to capacity..." With specific reference to Moneyfields, the PPS (at para 3.58) states: "The site is currently overplaying the current capacity of its pitches and is not sustainable in playing terms or financial terms for Moneyfields FC. The club has a development plan that involves housing development on site, which they want to use the funding from to provide a stadia grass pitch and a full size 3G rubber crumb pitch. The club currently have 2 full size adult pitches a mini 5 v 5 and a small sand based AGP with floodlights. The current number of teams suggests the club could manage with a stadia grass pitch, a youth 11 v 11 3G pitch that would provide for youth 11 v 11, junior 9 v 9 and mini soccer and be available for other clubs to use for training mid-week. The site has access issues... related to 1930's terrace housing along narrow roads with no coach access."

The applicants comment "It is understood that the specific recommendations relating to Moneyfields, as detailed in the initial Action Plan within the PPS, have been revised with the agreement of all relevant parties to recommend the provision of a full sized 3G pitch at Moneyfields, not just a pitch specifically designed for just junior 11 v 11 or 9 v 9 football."

The proposal documents highlight that the site for the new full-size 3G pitch is currently a grass pitch that is predominantly used by 10 youth teams (from under 8s to under 18s), as well as a ladies' team, although it states that a current lack of floodlighting restricts their usage of the pitch significantly.

A new full-size flood-lit 3G pitch would allow for a more intensive use of the open space. In addition, the current flood-lit grass pitch to be retained would also be utilised to offer additional training/playing opportunities for the community and other football teams, as well as additional capacity for the current club teams, plus an improved indoor gym/boxing club facility.

MSSC state their business model requires the new 3G pitch to be made available to the wider Portsmouth community to derive income enabling it to operate on a financially viable basis and offers the following breakdown of hours of use:

Monday to Friday - 0900-2200

Moneyfields FC use = 10 hours per week / Community use = 55 hours per week

Saturday - 0900-2000

Community use = 11 hours

Sunday - 0900-2000

Moneyfields FC use (0900-1600) = 7 hours / (after 1600-2000) Community use = 4 hours

Totals (per week)

Moneyfields FC use = 17 hours / Community use = 70 hours

The proposed 3G pitch would be available for Community use for 80% of the time and the club use for the remaining 20%. It would be playable in any weather conditions throughout the year, supporting the existing community use in addition to increasing the use of the club facilities by wider participation. Furthermore, such potential additional opportunities for the wider community

offers the benefit specifically in terms of health and wellbeing (as is sought through policy PCS14 'a healthy city') for a wider section of the community beyond the club membership.

In their supporting documents the applicants highlight a fundamental point of concern in relation to the "wider public benefits" that Moneyfields will close and cease to function as a facility that benefits both local and wider Portsmouth community if the club cannot replace the sites existing dated and dilapidated structure with new facilities fit for the 21st century.

Prior to submission of the planning application, the club monitored usage during two weeks in July and October 2017 by between 1000 and 1600 people each week, stating:

"The Club itself is regularly used Thursdays to Sundays by between 260 and 300 people who are a mix of club members and non-members. Additionally, the Club Function Hall is used by the local Weightwatchers Group each Wednesday (80 people) and for other private functions such as birthday parties and wedding celebrations etc. on Fridays and Saturdays. The majority of users are local to Baffins - the club currently has 190 members. It should be noted, however, that MSSC is not a members only club; the general public are welcome to use the club bar should they wish to. The function hall, astroturf pitch, Boxing Club and gym are used by a combination of Baffins locals as well as the wider Portsmouth Community."

"Moneyfields FC comprises a First and Reserve Men's teams and 10 youth teams which range in age from U6s to U18s together with the Ladies First Team. The majority of the youth team players are Baffins locals whilst the Mens and Ladies team players come from wider Portsmouth and south-east Hampshire area. In addition to the use of Moneyfields by 'home' teams is the participation and use of football facilities by visiting teams. Visiting Youth and Ladies teams are primarily from Portsmouth; given their current league status visiting men's teams are from across the south of England. Furthermore, many of the teams are supported by parents, grandparents and other family members and friends. Depending on the time of the year the club is, therefore, currently used by between 1000 and 1600 people weekly."

The applicants point out the Core Strategy does not provide any clear guidance on what constitutes the "wider public benefits" requirement of policy PCS13. They forecast that use of the club's enhanced facilities would double (i.e. current usage of between 1092-1623 increasing to 2617-3148 people per week), predicting the improved sporting and function hall facilities are likely to attract other local groups evidenced by support and expressions of interest, including those received from schools and several clubs.

In summary, the applicants set out the wider public benefits as follows:

- Ensure the long-term future of MSSC (currently serving 1000-1600 people weekly);
- New facilities would encourage increased membership which would aid community cohesion in the local area;
- A more attractive venue to local clubs and local organisations to hire during the weekday;
- New facility will enable re-establishment of a Football Academy serving local children;
- Provides on-site parking for club members and visitors reducing existing competition for on-street parking in the immediate area when in use on matchdays and functions;
- Provide one of the city's only full sized, floodlit 3G pitches;
- The 3G pitch would ensure that matches were playable, even in wet weather conditions, throughout the year.

The final aspect of the principle of development that is necessary to comment upon relates to housing provision. It should be recognised that there is an identified need for housing that this proposal would help to meet. The mix of housing (comprising 12 x 4 bed semi-detached houses and an apartment block of 8 x 2 bed and 6 x 1 bed flats) would be compliant with the target of family dwellings sought from new development through policy PCS19. However, in conflict with this policy there is no affordable housing provision.

The applicants require the profit from the 26 dwellings at the site as 'enabling' development to fund the replacement sports and social club including the full-size artificial (all-weather) surface floodlit pitch. They point out that the club facilities are in a very poor state and now operates at a loss, which without significant investment, will close. The club, on its own, cannot generate enough finance to fund a redevelopment of the site for reprovision and improvement of the existing facilities. The only practical way that the replacement community facilities could be financed would be by an element of enabling development whereby all of the housing provision would be sold on the open market and all profits from their sale would be used to finance the proposal.

The Portsmouth core strategy policy PCS19 states: All proposals for additional housing which would create a net increase of eight dwellings or more must make provision for sufficient affordable housing which will contribute to meeting the identified need in the city. The policy goes on to define a requirement of 30% affordable housing in developments of 15+ dwellings. In exceptional circumstances where the developer contends that it would be unviable to deliver a policy compliant amount of affordable housing in a development, policy PCS19 states that: "In such situations, developers will have to present robust evidence that it would not be feasible or viable, so that it can be closely scrutinised and validated. In such situations, developers will be expected to provide as much affordable housing as would be possible without rendering the scheme unviable." Policy PCS19 relates to housing schemes whilst the proposal must be assessed against the policy for a development of residential and community facilities.

The applicants have presented a Viability Appraisal (VA) as evidence to support the position that the development, which includes the community facilities etc., would be financially unviable if required to deliver 30% of the new homes as affordable housing. The VA has been the subject of independent review by Vail Williams who conclude "Whilst we have found a number of places where we disagree with the applicant's submission, ultimately, even with these changes and before the inclusion of affordable housing, the development as a whole is not viable."

The construction of the community facilities/pitch at just under £3 million requires the profit from open market sales (after costs of constructing the 26 homes, without any affordable housing) but still leaving a funding gap of around £1 million. This funding gap is currently proposed to be met by a private individual or the combination of a private individual and, as yet unsecured, grant finance.

The applicant offers a planning obligation (secured by S106 planning agreement) to phase the development so that the club facilities are constructed at the same time as the semi-detached houses. These would not be sold/occupied before the club facilities are substantially completed and additionally "to allay any fears with regards to the possibility that only the residential element of this application would be built (and not the Club facilities) it is proposed that the S106 would include caveats requiring the delivery of 30% on-site Affordable Housing (or the requisite contribution for the provision of off-site AH)."

Overall, in terms of the principle of the development the replacement community facilities and 26 new homes (as 'enabling' development, instead of affordable housing) is considered, on balance, to be justified by the wider public benefit detailed above (described by the Addendum to Protected Open Space Statement and supported by the Sporting Need Statement) to outweigh the harm associated with the loss of existing protected open space under PCS13 and para 97 of the revised NPPF.

### **Transport and highways implications**

The impact and safety implications of more vehicles and traffic on the already congested local highway network of restricted width roads, tight junctions, one-way routing and peak-time problems at Tangier Road/Copnor Bridge junction forms one of the key concerns raised in representations.

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

The above policies are consistent with the revised NPPF, where the basis of transport policy (para 108) recognises decisions take account of "appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location", "safe and suitable access to the site can be achieved for all users" and "any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree" and (para 109) "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

A Transport Statement (TS) was submitted with the proposal. Additional information has been submitted by the applicant's transport consultants, pdt Hampshire, in response to matters raised by the Highways Authority. Amendment to the application now proposes a wider access point, facilitated by slightly reducing the width of each of the houses. Tracking diagrams show that it would now be possible for a refuse lorry to turn into and out of the site even with the presence of parked vehicles opposite the proposed access point. No loss of parking is, therefore, required to facilitate a suitable access and these arrangements are considered to be acceptable.

Detailed highways comments are set out within the 'Consultation' section of this report and conclude no objection is raised subject to the following requirements:

- The applicant shall make a s278 agreement with the LHA prior to commencement of works to the Highway
- A Construction Traffic Management Plan is to be submitted to and approved by the LHA prior to commencement of development
- Vehicle parking as shown on drawing 16-2153-110 P23 to be provided prior to first occupation of the development and thereafter retained for use by staff/visitors (MSSC) and residents (dwellings)
- Secure/weatherproof cycle parking to be provided prior to occupation of the development in accordance with details for approval beforehand and thereafter retained for use by staff and visitors.

## Access

Currently access to the site is via a dropped vehicle crossover located broadly central between Martin Road and Dover Road. The proposal is to remove the existing access and form two separate accesses; one at the western edge of the site opposite Dover Road to serve the proposed dwellings and a second at the eastern edge of the site to serve the reconfigured sports ground.

The Transport Statement (TS) refers to Manual for Streets in the context of visibility at the newly formed accesses. The LHA is satisfied that this is the appropriate standard to be applied in this situation and the required visibility splay of 2.4m x 25m has been adequately demonstrated.

## Traffic

Whilst the overall trip generation would be increased from the existing uses, the LHA is satisfied that the generators of the additional traffic (namely the football academy and new dwellings) will not result in an impact upon local junctions that could be deemed as material to the safe operation of the local highway network.

## Parking (MSSC)

The proposal represents a considerable increase to the amount of parking for the sports club and its associated facilities. There are presently around 30 spaces accessed immediately from Moneyfields Avenue. The proposed site layout shows the majority of the car park provision located along the eastern boundary with a small "overflow" car park west of the proposed clubhouse.

The total capacity for car parking on the site would be 85 spaces plus space also identified for a single coach. Whilst the LHA take the view that when parking spaces are readily available it is more likely that the private car would be chosen as the preferred travel mode, it is agreed that the local roads are already pressured for parking especially at weekends and in the evenings when the sports club is likely to be busiest. The LHA is broadly comfortable with the proposed increase in parking capacity as although it would demonstrate an overprovision for general day to day use, this extra parking would be required for home matches and the intended uplift in larger functions/events at the site therefore the additional provision should provide some relief to already congested roads and would be considered acceptable.

## Parking (dwellings)

The proposal includes provision of 26 spaces in a rear parking court to serve the houses i.e. 2 allocated per dwelling plus 2 visitor spaces. Each house is also to be provided with a garage, which could accommodate a vehicle as well as provide bicycle storage; in order to comply with SPD requirements, the garage should be 3m x 7m if used as car and cycle storage. The LHA recognise this represents an overprovision for the houses but consider it acceptable. The flats would have 21 spaces provided comprising 1 allocated space per flat plus 7 spaces for shared/visitor use. The proposed parking provision meets the requirement of the Parking Standards SPD and is considered acceptable.

## Design

The applicant's design and access statement describes the following principles of good design that the scheme seeks to achieve: (a) distinctive character; (b) ease of movement; (c) good legibility; (d) good continuity and enclosure; (e) improvement to the quality of the public realm; (f) diversity and detailing; and, (g) adaptability and sustainability. It comments "The new building will be an improvement and visually more attractive than the current clubhouse." This is an assertion that is difficult to challenge since the existing structure is of very poor design quality.

The revised NPPF (at para 124) considers high quality buildings and places is fundamental to what planning should achieve, (at para 129) requires planning authorities to make use of and have regard to recommendations made by design review panels and (at para 130) to refuse poor design that fails to improve the character and quality of an area.

The proposal was presented to a local independent Design Review Panel. In short, significant design shortcomings were raised. The panel considered the simple un-ornamented design of the semi-detached housing to be satisfactory but would still benefit from better design and materials. The panel were particularly disappointed by the apartments, as the weakest element of the scheme, for heavy balconies and a lack of imagination that required improvement. As for the clubhouse, the panel regarded its siting that would split the site, as acceptable, and were satisfied that the form and function of the building were appropriate. However, in common with the other elements of the proposal, shortcomings were identified as including a lack of order or rhythm to fenestration. Overall the aspiration and standard of the scheme were considered by the panel as too low, resulting in a scheme which is poor and therefore requires improvement and greater refinement.

Amendment has been sought to the design of the scheme. In its originally submitted form, the semi-detached housing, in two-storeys plus accommodation in the roofspace, was considered

too broadly represent the most resolved design element but lacking finesse in its detailing/ornament and some of the external materials requiring improvement (not use of GRP to the dormers) and others clarification - 'artificial' slate can vary widely in quality. The proposed three-storey apartment block was again considered to lack quality in detailing/ornament and the projecting bays to form a rather discordant and dispiriting add-on rather than an integral or attractive feature. Officers share the Panel's view that the main clubhouse represents a rather simple and utilitarian building with fenestration that lacks order or rhythm. It would not deliver distinctive character. There was a significant reluctance by the applicants to amend this aspect of the proposal as a result of the range and disposition of differing function or activities within the clubhouse building and its location along the northern side of the main playing pitch dictating its form and appearance.

The main proposed design changes include:

- Semi-detached housing - High quality materials to roofscape in natural slate and lead facings (dormer windows), in combination with powder-coated aluminium (dark grey) windows/doors and residential gates added to rear gardens (from parking court);
- Apartments - Vertical post supports removed so that balconies are individual projecting features, depth of fascias reduced and roof material changed to natural slate;
- Clubhouse building - Ground floor high level windows removed in Classroom 2 and boxing gym, improved consistency between window heights, thickness of roof overhang reduced from 400mm to 300mm and windows moved/removed on south elevation;
- 3G pitch - resiting 0.9m to accommodate 2m spectator zone to the south of the pitch, safety railing added to southern side of the 2m spectator zone, new hardstanding for storage of 6-a-side goals to north of 3G pitch, 0.5m recess for 11-a-side swing goals at west and east end of 3G pitch and ball-catch fencing increased to 8m in height.

Taken as a whole these modest but important changes, particularly to the quality of roofing materials and removal of vertical posts to the balconies of the flats, would represent appropriate improvements to the overall scheme. The semi-detached housing remains the most resolved element of the scheme, the balconies to the apartments no longer heavy and make a more positive feature visually and the clubhouse still functional but with fenestration presenting a more ordered appearance. The pitch side improvements respond to detailed shortcomings raised in the consultation response co-ordinated by Sport England.

The most visually prominent design component would be frontage development by semi-detached housing facing onto Moneyfields Avenue. The design of the houses and the modest but intentional setback by two pairs at each end, to facilitate tree planting behind low boundary brick walls, would present an attractive addition to the locality and is considered a significant streetscape improvement. The apartments are designed with a short (side) elevation facing the street and longer (front) elevation facing the proposed houses. The facing brick walls and natural slate roof finishes would relate appropriately to the adjacent proposed housing albeit falling short of the highest quality appearance. The clubhouse, positioned centrally within the site and integrating the spectator stand on its south side facing the retained playing pitch, is dictated in its form and appearance by the playing pitch but would principally be viewed from the railway line and existing/proposed neighbouring housing. Overall, the simple un-ornamented design with quality facing materials is considered good enough for the site, subject to securing those quality finishes by planning condition.

### **Amenity impact**

The proposed hours of operation of the replacement facilities are described as:

- 8am to 11pm Monday to Friday and
- 9am to 11pm weekends/bank holidays.



The comments from Environmental Health (EH) are set out in the consultations section of this report. Some concerns were raised with regard to floodlighting but have since been satisfactorily resolved. EH comment that a number of complaints have been received in the past relating to entertainment and rowdy behaviour from customers using the social facilities, which had not been included as part of the applicant's assessment. This is also raised in some local objections. EH recognise that such matters can generally be controlled using Licensing requirements but are still appropriate to mitigate, as far as practicable, at design stage (rather than trying to retrofit them at a later date). The use of the proposed first floor terrace on the north side of the clubhouse during parties or other events could be a potential source of disturbance that may be appropriate to give careful consideration and time-limit.

In conclusion, however, with the imposition of suitable conditions Environmental Health are satisfied, for the following: noise insulation for the dwellings (as specified in the applicants acoustic report); assessment of the cumulative noise impact of any plant/equipment as well as assessment of amplified entertainment associated with the sports facility (including a specification for any mitigation measures); no pitch floodlighting 22.00-08.00 hours; no amenity lighting to the sports facility 23.00-08.00 hours; vertical luminance of lighting not exceeding 2 lux; and, the sports facility to remain closed between \*23.00-08.00 hours. In my view, the use of the first floor \*terrace should be subject of control after 22.00 (except when any scheduled matches are taking place). These are all considered necessary to make the proposal acceptable, in respect of noise and floodlighting.

Within the representations, objection is raised to a loss of privacy from the outdoor terrace (north side) and full length windows (east side) to the clubhouse. The first floor terrace is positioned centrally in the site representing a separation distance from the nearest rear gardens of over 54m in Salcombe Avenue (to the east) and 67m in Highgate Road (to the west). Whilst nearby residents may be aware that people are on the terrace the separation distances are considered to ensure there would not be any significant loss of privacy. The full height glazing to the east elevation would serve an internal stairwell and atrium entrance representing a separation distance of 48m from the nearest rear gardens in Salcombe Avenue and over 60m from the nearest windows to ensure there would not be any significant loss of privacy.

A 2m high acoustic timber fence (alongside any existing boundary treatment) is proposed along the eastern side of the site. The details of the appearance and performance of the acoustic fencing would be secured by planning condition. This would be considered to resolve any impact of headlights of vehicles within the site. In addition, the new 3G pitch is proposed to be enclosed by 8m high ball-catch fencing to minimise, as far as practicable, nuisance and damage from footballs entering adjoining gardens in Salcombe Avenue.

### **Sustainable design & construction/site contamination**

Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change in Portsmouth by achieving (a) at least BREEAM 'Excellent' and (b) to use Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions by 10%, as part of the selection of measures to meet the overall BREEAM level. The Sustainable Design & Construction SPD encourages BREEAM pre-assessment. The applicant's Sustainability & LZC Feasibility Statement recognises these policy requirements and identifies measures to meet the target thresholds for achieving BREEAM 'Excellent' with 10% LZC energy technologies to include 22kWp of roof-mounted solar panels.

A planning condition would be necessary requiring post-construction certification, to demonstrate BREEAM 'excellent' including 10% LZC technologies from the selection criteria to comply with policy PCS15 for the non-domestic component of the scheme.

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or

Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards will remain in place until the zero carbon homes policy is brought into force and would be required through suitably worded planning condition.

Having regard to the scale of development together with the sensitive nature of the proposed end-use, the imposition of planning conditions for site investigation, remedial strategy and its subsequent implementation/verification of any approved remediation are considered to be reasonable and necessary.

### **Trees/nature conservation/impact on Solent SPA**

A conifer hedge runs in an east/west orientation through the middle of the site, separating the two main sports pitches. Further to the north are a number of trees positioned toward the site boundaries. The principal species from amongst these trees is Lombardy poplar. Of the total of nineteen trees, groups and hedges surveyed in the Arboricultural Impact Assessment, fifteen are scheduled to be removed to facilitate this development proposal. The views of the Council's Tree Officer are set out in the consultations section of this report but, in summary, accepts and agrees with the content of a supporting Arboricultural Implications Assessment and Method Statement. From an arboricultural perspective, it recommends that the application be granted, subject to a condition securing details of tree planting and other landscaping for approval.

Within the representations, the impact from the loss of trees facing Highgate Road that screens activity at the site is raised. Trees are proposed to be felled on the north-eastern site boundary and there would not be adequate space for replacement planting; this would inevitably change the outlook to occupiers from houses in Highgate Road over the open space and no longer screen activity on the new 3G pitch, however, the loss of trees are not considered to give rise to such significant harm to justify refusal of planning permission.

PCC's Ecologist considers the supporting ecological surveys (by Ecosupport, June 2017) to be broadly satisfactory in establishing an ecological baseline at the site, which is of largely limited biodiversity value, albeit with some sensitive receptors at a local level.

The site has been recorded to contain a "medium" population of slow worm that Ecosupport suggest off-site translocation, possibly to a PCC-owned site. This solution requires details of this site and agreement of a landowner to be provided prior to determination, in order to be assured that any detailed mitigation strategy secured by planning condition would be appropriate and deliverable. A suitable city-owned receptor area of grass and scrubland located north of the A27 has been identified. The relocation is considered conducive for the long-term viability of the population(s) and adequate carrying capacity to receive the Slowworms from the Moneyfields site. Implementation of the reptile mitigation strategy by planning condition is appropriate and deliverable, intended to prevent any adverse impacts occurring as a result of the development; a suitable contribution for translocation/ongoing management has been agreed with the applicant at £10,000 with the cost implications of this planning obligation to be secured by S106 agreement.

Concern is also raised by PCC's Ecologist about overall biodiversity net loss resulting from the development. The ecological assessment references this essentially being dealt with through soft landscaping and limited provision of features within the site, however the amount of space available for soft landscaping and its distribution would appear that this will be unlikely to be achieved.

Ecological enhancement measures would be secured by the landscape treatment of the site, tree planting of native species and the provision of bird boxes and bat bricks as part of the overall site redevelopment, the provision, verification and subsequent retention of which would be appropriately secured by planning condition.

With regard to Brent Geese, redevelopment of Moneyfields was previously refused in June 2008 for reason, amongst others, on the harm to nature conservation interests of the use of the site by migrating bird population (identified as site P13 within the Brent Goose Strategy 2002). The applicant's Ecological Assessment now identifies the closest land parcels with recorded presence is east of the application site (P12 with a maximum count of 600 Brent Geese post-2010 strategy). This Ecological Assessment identifies "There are no records held from within the site itself despite the presence of low sward height of much of the grassland and it is understood (from conversations with the HCC ecology team) the site has been surveyed previously for overwintering birds with no records found." Both PCC's Ecologist and Natural England are silent on any use of the MSSC site by migrating Brent Geese; the previous reason for refusal is no longer considered to give rise to relevant harm at this site.

The Moneyfields site is close to Chichester and Langstone Harbours Special Protection Area (SPA) and Portsmouth Harbour SPA. PCC is part of the Solent Recreation Mitigation Partnership set up to coordinate efforts from local authorities to ensure that the Special Protection Areas (SPAs) continue to be protected. SPAs are internationally recognised for their habitat value, particularly for overwintering coastal birds, which need to be able to feed and rest undisturbed. Research has shown that increased population in proximity to these areas lead to more people visiting the coastline for recreation, potentially causing additional disturbance to the birds.

In their consultation response, Natural England acknowledge PCC has adopted mitigation against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) and confirms that provided the applicant is complies with this policy and an appropriate planning obligation secures the contributions towards this mitigation measure, is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

The Solent Recreation Mitigation Strategy (December 2017) and its charging schedule is effective in the PCC area from 1st April 2018. This final Strategy replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (April 2014), which has been revoked by the City Council from 1 April 2018.

The Partnership's final Solent Recreation Mitigation Strategy contains measures to protect the SPAs from recreation disturbance up to 2034. The mitigation measures are to be funded by developer contributions for each net additional dwelling within a 5.6km radius of the SPAs. Contributions are on a sliding scale according to the number of bedrooms in a dwelling:

- 1 bedroom - £337 charge per dwelling
- 2 bedroom - £487 charge per dwelling
- 3 bedroom - £637 charge per dwelling
- 4 bedroom - £749 charge per dwelling
- 5+ bedrooms - £880 charge per dwelling

(Rates will increase annually on 1 April to take into account of inflation).

An appropriate contribution towards measures to mitigate any potential adverse effect of the proposal on the integrity of the Portsmouth Harbour and Chichester & Langstone Harbours Special Protection Areas is required to address this constraint to development and equates to £14,906 payable upon commencement of development, to be secured as a planning obligation by S106 agreement.

### **Other issues raised in representations**

The points of objection are considered to be addressed in this report although reference is also made to the following matters.

- Traffic calming or other mitigation is required and a new railway station suggested for a site poorly served by public transport

The consultation comments of the LHA do not identify a necessity for significant highway impacts to be mitigated. A replacement sports and social club (at 1900sqm and forming a net increase of approx. 650sqm), even with the addition of 26 dwellings, is not a scale of new development that could justify public transport improvements.

- Add to anti-social behaviour and pressure on local infrastructure (schools, GPs or community facilities) in the area

The Portsmouth Plan, at policies PCS10 (Housing delivery), identifies the requirement for additional homes in the city between 2010-2027 and promotion of redevelopment of previously developed land and policy PCS16 (infrastructure and community benefit) working with partners to bring forward infrastructure required. The Infrastructure Delivery Plan confirms that GP provision is currently adequate. Primary and secondary schools are part of the city council's Regulation 123 list and so funding from these developments can potentially be used to fund school expansion.

The comments of the Crime Prevention Design Advisor (Hampshire Constabulary) are set out in the consultations section of this report. To improve general security when the site is not in use a suggestion is made that installation of security gates be considered. Details of height, appearance and materials of any means of enclosure at the site would be secured by planning condition.

### **Conclusions**

To reiterate, in accordance with policy PCS13 and the revised NPPF, the starting point is the harm resulting from building on open space would be unacceptable, unless the wider public benefits from the proposal can be demonstrated to outweigh this loss of protected open space. A previous proposal for new sports facilities and 48 dwellings was refused in June 2008 for reasons, amongst others, that an absence of sufficient justification for both the loss of protected open space and non-provision of affordable housing was unacceptable and contrary to relevant policies in the [then] Portsmouth City Local Plan 2001-2011.

The applicant has presented supporting information in their Protected Open Space Statement and Sporting Need Statement seeking to justify the harm from the loss of protected open space and for 'enabling development' by 26 new dwellings to be sold on the open market to finance the replacement sports facilities (without affordable housing provision) by the wider public benefits.

Overall, the development for replacement community facilities and provision of 26 new homes (as 'enabling' development, without affordable housing under policy PCS19) is considered, on balance, to be justified by the wider public benefits to outweigh the harm through a loss of existing protected open space under PCS13 and para 97 of the revised NPPF.

Whilst the overall trip generation would be increased from the existing uses the Highways Authority is satisfied that the generators of the additional traffic (namely the football academy and new dwellings) will not result in an impact upon local junctions that could be deemed as material to the safe operation of the local highway network and the proposed accesses acceptable.

Following modest amendment and importantly the use of quality materials, the design is considered good enough for the site. The effect on nature conservation interests are considered capable of mitigation.

The proposed redevelopment is considered to satisfactorily demonstrate that it would contribute to the achievement of the three dimensions to sustainable development: of economic, social and environmental roles, in accordance with the policies and objectives of the revised NPPF and the Portsmouth Plan; the latter includes policies 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) and saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan 2001-2011.

The following planning obligations are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development to meet the test in para 54 of the revised NPPF:

- mitigating any potential adverse effect of the proposal on the integrity of the Portsmouth Harbour and Chichester & Langstone Harbours Special Protection Areas (SPAs), by securing financial contributions for each dwelling (on a sliding scale according to the number of bedrooms in a dwelling) contained within the Solent Recreation Mitigation Strategy payable upon commencement of development;
- delivery of the reptile mitigation strategy for translocation/ongoing maintenance of Slowworms from the Moneyfields site to an appropriate receptor site north of the A27, by securing a financial contribution of £10,000 payable upon commencement of development;
- to phase the development so that the clubhouse/artificial pitch are constructed at the same time as the proposed (12 no.) semi-detached houses and these would not be sold/occupied before the clubhouse and its sporting facilities are substantially completed; if only the residential element of the proposal were built out (and not the clubhouse and sporting facilities) then 30% of dwellings on-site would be secured for affordable housing (or the requisite contribution for the provision as off-site affordable housing) to fully accord with the policy requirements in PCS19 of the Portsmouth Plan, before first occupation of any of the 12 no. semi-detached houses;
- Prepare and implement Employment and Skills plans (such employment and skills plans will help develop resident workforce skills and provide a route to employment for local people);
- Project management fee for the Section 106 Agreement, payable upon implementation of planning permission

**RECOMMENDATION I** Delegated Authority to grant **Conditional Permission** subject to the completion of a Section 106 Agreement in accord with the principals outlined in the report including an appropriate level of mitigation set out in the Solent Recreation Mitigation Strategy (so there would not be a significant effect on the SPAs)

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of City Development to add/amend conditions where necessary.

**RECOMMENDATION III:** That delegated authority be granted to the Assistant Director of City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

### Conditions

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

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

Existing site plan - 16-2153-122\_P1;

Location plan - 16-2153-127\_P2;

Site plan - 16-2153-110\_P24;

Ground Floor plan of clubhouse & details of tractor store - 16-2153-111\_P11;

First Floor plan of clubhouse - 16-2153-112\_P9;

Section of clubhouse - 16-2153-114\_P3;

Floor plans of flats & details of refuse storage - 16-2153-115\_P12;

Floor plans of houses & details of garages - 16-2153-116\_P6;

Elevations of clubhouse - 16-2153-117\_P3;

Elevations of flats - 16-2153-118\_P3;

Elevations of houses - 16-2153-119\_P4;

Elevations - 16-2153-120\_P3;

Section & details of lighting/fencing to AGP - 16-2153-121\_P6;

Visuals of clubhouse/AGP- 16-2153-123\_P3;

Visuals of houses/flats - 16-2153-124\_P3;

Phasing development plan - 16-2153-125\_P4;

Protected green space plan - 16-2153-126\_P3;

External lighting control strategy - 17047...E-6310-S2-P2;

External lighting layout - 17047...E-6311-S2-P3;

External lighting roadway isoline plot - 17047...E-6312-S2-P1;

External lighting roadway & pitch isoline plot - 17047...E-6313-S2-P3; and,

External lighting symbols & legend - 17047...E-6001-S2-P1.

3) The development shall be carried out in accordance with the agreed phasing shown on drawing no16-2153-125\_P4; any reference in this permission to the submission and approval of details pursuant to conditions shall be construed as referring to matters remaining to be approved in respect of the agreed phasing of the development (or such alternative phasing as may be submitted to and approved in writing by the local planning) and may be submitted and approved separately for each individual phase.

4) No development shall take place at the site 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) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, 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 conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds

(VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,

(c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

5) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 4(c) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 4(b) above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 4(c).

6) (i) No development shall take place until (a) the Slowworms at the site shall have been captured and translocated fully in accordance with the mitigation works in the Reptile Mitigation Strategy (prepared by Ecosupport, dated May 2018) and the timings set out in the strategy, unless otherwise agreed in writing by the Local Planning Authority and (b) Following the translocation of Slowworms from the application site, the results of post translocation surveys at the receptor site shall be provided to the Local Planning Authority; and,

(ii) (a) A scheme for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority; and the approved biodiversity enhancements shall be carried out before the development is first brought into use and a verification report shall be submitted to and approved in writing by the local planning authority that the approved biodiversity enhancements shall have been carried fully in accordance with the approved scheme and (b) These biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

7) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings. 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. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the buildings.

8) (i) No development shall take place at the site until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written

Scheme of Investigation (WSI) that shall have been submitted to and approved in writing by the local planning authority in order to recognise, characterise and record any archaeological features and deposits that may exist at the site. This assessment should initially take the form of trial trenching within the footprints of proposed new buildings within currently greenfield parts of the proposed development, together with the currently unused area at the northern end of the site where a new artificial football pitch is proposed.

(ii) If the results of this evaluation are found to be significant enough by the local planning authority, then a programme of archaeological mitigation of impact based on the results of the trial trenching should be carried out in accordance with a further Written Scheme of Investigation that shall have been submitted to and approved by the local planning authority.

(iii) Following completion of all archaeological fieldwork at the site a report shall be produced by the developer in accordance with an approved programme/timescale that shall have been submitted and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

9) No development shall take place at the site until both a Construction Traffic Management Plan shall have been submitted to and approved in writing by the local planning authority; all works carried out during the period of construction at the site shall be undertaken strictly in accordance with the approved Construction Traffic Management Plan, unless otherwise agreed in writing with the local planning authority.

0) (i) The proposed access onto Moneyfield Avenue opposite the junction with Dover Road, to serve the proposed new dwellings, shall be constructed and made available for use before any of the proposed dwellings hereby permitted are first brought into occupation; and,  
(ii) The proposed access immediately adjacent to No1 Moneyfield Avenue between the junctions with Martin Road and Paignton Avenue, to serve the proposed replacement Sports and Social Club, shall be constructed (in accordance with a fully detailed design to be approved under a Section 278 highways agreement to have been entered into with Portsmouth City Council) and made available for use before the clubhouse/artificial pitch hereby permitted are first brought into use.

11) The existing access to the site from Moneyfield Avenue shall be stopped up and the footway crossing reinstated before any of the development hereby permitted is first brought into use.

12) (i) Prior to the first use of the replacement sporting facilities the proposed car/coach parking shown on the approved plan no 16-2153-110\_P24 shall be provided, marked out and made available for use (in materials to be approved by condition 7); and the approved parking facilities shall thereafter be retained at all times for the parking of vehicles; and,  
(ii) Prior to the first occupation of any of the houses/flats the proposed car parking shown on the approved plan no 16-2153-110\_P24 in a combination of parking courts and garages shall be provided, marked out and made available for use (in materials to be approved by condition 7); and the approved parking facilities shall thereafter be retained at all times for the parking of vehicles, including any garage spaces.

13) (i) Prior to the first use of the replacement sporting facilities secure/weatherproof bicycle storage facilities for staff (long-term) and visitors (short-term) shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

(ii) Prior to the first occupation of the houses and flats the secure/weatherproof bicycle storage facilities shall be provided, in accordance with the details shown on the ground floor layout for the flats on drawing no16-2153-115\_P12 and within each of the proposed garages on drawing no16-2153-115\_P6, and made available for use; and those facilities shall thereafter be retained for bicycle storage at all times.



14) No development shall take place until details of (a) the type and texture of the red facing bricks to be used on the proposed buildings at the site (except the tractor store), (b) the type of sheet metal and colour finish to the tractor store, (c) the colour finish to any balcony frames/balustrades to the flats/clubhouse and (d) samples of the proposed natural roof slate to be used on the proposed houses/flats and the proposed lead facings for the dormer windows to the proposed houses, shall have been submitted to and approved by the Local Planning Authority in writing. The development shall only be carried out in accordance with these approved details and other materials/finishes shown in the external materials schedules (or such comparable materials/finishes as may be submitted to and approved in writing by the local planning authority).

15) Details of (a) the appearance and height of brick boundary walls to enclose the front gardens to the proposed houses fronting Moneyfield Avenue and (b) the appearance of the proposed 1.8m high brick walls adjacent to the access road to the clubhouse and the side boundary walls to rear gardens adjacent to access roads, on the alignments shown on drawing no 16-2153-110\_P24, shall be submitted to and approved in writing by the local planning authority. The brick walls shall be constructed before first occupation of the proposed houses and shall thereafter be retained.

16) Details of the appearance and finishes of any other gates, walls, railings, fences or other means of enclosure (other than those in associated with condition 15), including both acoustic and ball-catch fencing, shall be submitted and approved in writing with the local planning authority; and the approved gates, walls, railings, fences or other means of enclosure shall be carried out as an integral part of the development and shall thereafter be retained. Any security gates to the main access to the clubhouse should be set back from the highway by a distance of not less than 5.5m and thereafter retained in such condition.

17) The facilities to be provided for the storage of waste and recyclable materials to the flats as shown on drawing no16-2153-115\_P12 shall be constructed and available for use before any of the flats are first brought into use and shall thereafter be retained for those purposes at all times.

18) The facilities to be provided for the storage of waste and recyclable materials to the sports and social club shall be constructed and available for use before first use of the clubhouse building in accordance with details that shall have been submitted to and approved in writing with the local planning authority beforehand and shall thereafter be retained for those purposes at all times.

19) Before any cooking process is undertaken from the proposed kitchen on the premises of the replacement sports and social club, an extract ventilation system incorporating measures to suppress odours and fumes shall have been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The approved extraction system shall be operated and retained in such a manner to effectively suppress the emissions of fumes or smell.

20) All sound insulation measures for the proposed dwellings as specified within The Acoustic Report (compiled by Noisecheck Ltd, ref 15684, dated April 2017) shall be included in the construction of the buildings; and the noise insulation measures shall thereafter be retained.

21) Prior to the installation of any fixed plant or equipment an assessment of the cumulative noise from the operation of all plant shall be carried out using the procedures within British Standard BS4142:2014 in accordance with a scheme for protecting residential premises from noise generated by the plant or equipment shall be submitted for approval by the local planning authority. The noise rating level (as defined within British Standard BS4142: 2014) from the operation of all fixed plant and machinery operating simultaneously shall not exceed LAeq(1hr) 43dB (0700 - 23:00hrs) and LAeq(15min) 38dB (23:00-07:00hrs) 1 metre from the façade of any residential dwelling. On approval, the scheme shall be implemented and thereafter maintained.

- 22) No development shall take place for the construction of the clubhouse building until an assessment of impacts due to noise from amplified entertainment associated with the sports facility including a specification for proposed mitigation measures shall be submitted and approved in writing by the local planning authority and shall be implemented in accordance with the approved scheme and thereafter retained.
- 23) The vertical illuminance levels at the façade of any adjacent dwelling of any pitch floodlighting or other external amenity lighting purposes at the site of the sports and social club shall not exceed 2 lux.
- 24) No floodlighting to the artificial playing pitch shall be used between 22.00 and 08.00 hours; any other external amenity lighting (for the safety and security at the site) shall not be used between 23.30 and 08.00 hours.
- 25) The use of the site for indoor/outdoor sport and recreation shall cease, with the associated clubhouse premises closed to and vacated of customers, between 23.00 and 08.00 hours.
- 26) The use of the proposed first floor roof terrace on the northern side of the clubhouse building shall cease and remain vacated of all users between 22.00 and 08.00 hours.
- 27) No development (except demolition) shall take place at the site until a detailed drainage detailed scheme shall have been submitted to and approved in writing by the Local Planning Authority of the proposed: (a) means of foul and surface water sewerage disposal; and, (b) measures to be undertaken to protect existing public sewer infrastructure; and the approved scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).
- 28) The floodlit artificial playing pitch shall not be brought into until (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.
- 29) The sports and social club facilities shall not be brought into use until a community use agreement prepared in consultation with Sport England 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 3G Artificial Grass Pitch (AGP) and ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.
- 30) Before the replacement sports and social club facilities are first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum level of 'Excellent' in the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.
- 31) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that the development has:  
a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the

form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that inclusion of housing as 'enabling development' (without affordable housing) delivers the replacement sports and social club facilities/artificial pitch for the wider public benefits to outweigh the harm by the loss of protected open space, to balance conflicts with policies PCS13 and PCS19 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 4) 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, in accordance with saved policy DC21 of the Portsmouth City Local Plan.
- 5) 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, in accordance with saved policy DC21 of the Portsmouth City Local Plan.
- 6) To protect nature conservation interests and to enhance the biodiversity at the site, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the revised NPPF.
- 7) To secure a well-planned and quality setting to the development, to include small-scale materials designed to break-up the appearance of the residential parking courts, in the interests of the amenities and character of the area, in accordance with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential for the remains of buildings dating from the earliest settlement phase of the area to survive within the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 and the aims and objectives of the NPPF.
- 9) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 10) In order to provide satisfactory accesses in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 11) In the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 12) To ensure that adequate on-site parking facilities are provided to serve both the dwellings and staff/visitors to the replacement sporting facilities, in the interests of highway safety and the amenities of the area in accordance with policies PCS17 and PCS23 of the Portsmouth Plan including the aims and objectives of the adopted Residential Parking Standards SPD.

- 13) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 14) To create visual harmony to the appearance to the development by quality materials (otherwise limited in ornament/detailing) in the interests of the visual amenity and integration with its existing surroundings, to accord with policy PCS23 of the Portsmouth Plan.
- 15) To secure a quality setting to the development that defines public and private space well with robust and attractive boundary walling and to ensure that adequate site access visibility is retained in the interests of highway safety, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 16) To secure a quality setting to the development that defines public and private space well with suitably robust and attractive boundary treatments, improve the general security of the site to be as safe as practicable from crime or fear of crime and noise intrusion, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 17) To ensure that adequate provision is made for the storage of waste and recyclable materials for the flats, in accordance with policy PCS23 of the Portsmouth Plan.
- 18) To ensure that adequate provision is made for the storage of refuse and recyclable materials for the replacement sporting facilities, in accordance with policy PCS23 of the Portsmouth Plan.
- 19) To prevent nuisance from excessive cooking odours or fumes and ensure a quality design solution for any extraction grill/vent, having regard to the proximity to neighbouring residents, in the interests of amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 20) To protect neighbouring uses from excessive noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 21) To protect neighbouring uses from excessive noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 22) To protect neighbouring uses from excessive noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 23) To protect neighbouring uses from excessive nuisance from lighting after dusk, in accordance with policy PCS23 of the Portsmouth Plan.
- 24) To protect neighbouring uses from excessive nuisance from lighting late at night, in accordance with policy PCS23 of the Portsmouth Plan.
- 25) To prevent nuisance into late night hours on the existing and future occupiers of neighbouring properties from noise and general disturbance by the comings and goings of customers and vehicles when people are normally sleeping, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 26) To prevent nuisance from noise and general disturbance into late evening hours on existing occupiers of neighbouring properties, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 27) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

28) To ensure the development is fit-for-purpose and sustainable, provides sporting and health benefits to satisfactorily outweigh the loss of protected open space, to accord with policies PCS13, PCS14 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

29) To secure well-managed safe community access to the sports facilities and to ensure sufficient wider public benefit to the development of sport, to accord with policies PCS13, PCS14 and PCS23 of the Portsmouth Plan.

30) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

31) To ensure that the residential development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

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**02** 18/00619/FUL

**WARD: St Jude**

**36 Campbell Road Southsea PO5 1RW**

**Conversion of two 6 person HMO's to form one 9 person HMO (re-submission of 17/00996/FUL)**

**Application Submitted By:**

Town Planning Experts

**On behalf of:**

Mr Mike West

**RDD:** 13th April 2018

**LDD:** 3rd August 2018

#### **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 the proposed accommodation would provide an acceptable standard of living condition for future occupiers and whether the proposal would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

#### The Site

This application relates to a three-storey semi-detached property located to the southern side of Campbell Road just to the east of its junction with Wilson Grove. The property is set back from the highway by a small front forecourt and has a larger garden to the rear. The property is located within the 'Campbell Road' Conservation Area (No.15). Directly to the north of the site, there is a terrace of properties at Nos.39 to 83 included in the list of locally important buildings. The surrounding area is predominately residential in nature but is located in close proximity to the Fawcett Road Local Centre.

## Proposal

The applicant seeks planning permission for the conversion of two 6 person HMO's to form one 9 person HMO. Ordinarily for an application of this type, the applicant would be expected to provide evidence of the lawful use of both of the flats within Class C4 since 1st November 2011, when the Article 4(2) Direction came into effect removing (city wide) the permitted development change from Class C3 to Class C4. The evidence presented to Officers is not considered to adequately reflect the continuous occupation of the two separate dwellings by three to six unrelated individuals from November 2011 to the present day.

In light of this, the application will be determined on the basis of a change of use from Class C3 (Residential Dwellings) to a 9 person Sui-Generis HMO.

## Planning History

In regards to relevant planning history, planning application reference: A\*29275/A was granted permission in 1974 for a change of use from house and garage to maisonette and two flats.

The applicant appealed against non-determination in regards to planning application reference 17/00996/FUL. The Planning Inspector dismissed this appeal (APP/Z1775/W/17/3185763) on the grounds of:

(a) No credible evidence was presented to demonstrate how the property was previously used to support the claim that its lawful use was as two separate Class C4 HMO's.

(b) The percentage of HMO's within the surrounding area, based on the information presented to the Inspector would rise to approx. 14.3% and therefore the creation of a new HMO would further imbalance the community in conflict with Policy PCS20 of the Portsmouth Plan.

(c) Based on the information presented on submitted plans, the Inspector was of the opinion that the development would harm the living conditions of future residents of the HMO by failing to provide adequate living accommodation.

(d) In the absence of an SPA Mitigation contribution, the proposed development would have a significant adverse effect on the SPA in conflict with Policy PCS13 of the Portsmouth Plan.

Planning application reference: 17/02177/PLAREG was refused in February 2018 for a retrospective application for the installation of replacement windows to front elevation. The reasons for refusal stated: "The replacement windows by reason of their inappropriate opening method and lack of traditional detailing results in an unsympathetic addition to the recipient dwelling and would fail to preserve or enhance the character and appearance of the 'Campbell Road' Conservation Area. The proposal is therefore considered to be contrary to the aims and objectives of the NPPF, the Campbell Road Conservation Area Guidelines and to Policy PCS23 of the Portsmouth Plan." An appeal is currently in progress in relation to this matter.

Planning application reference: 18/00545/PLAREG was granted conditional permission in August 2018 for a retrospective application for the retention of timber door to existing porch, cycle storage and front boundary wall and piers.

## **POLICY CONTEXT**

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include:

PCS17 (Transport),  
PCS20 (Houses in Multiple Occupation (HMOs)) and  
PCS23 (Design and Conservation).

The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Highways Engineer**

This application proposes a change of use from purposes falling within C4 (HMO) to 9 bed house in multiple occupation (sui generis). I have reviewed the documents submitted with the application and would make the following comments:

Campbell Road is a 30mph, residential road with some on street parking controlled by double yellow lines. The dwellings are a mix of family homes and converted flats/HMO. Many of the homes have off street parking to the front accessed from Campbell Road.

No traffic assessment has been submitted with the application however considering the small scale of the proposal, it is unlikely to have a material impact upon the network and as such I am satisfied that a traffic assessment would not be required.

Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with 6 bedrooms should provide 2 spaces per dwelling. Whilst this area already experiences parking demand exceeding on-street capacity, the proposal would only have an expected parking demand of 2spaces as per SPD guidance and as such would not need to provide any further spaces despite the increase in bedrooms.

Similarly, the cycle parking provision required would remain the same as current use.

As the application stands, given the established policy position, I would not wish to raise a Highways objection.

### **Private Sector Housing**

#### Definitions

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor)—

- (a) Which forms part of a building
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

#### Proposal

CONVERSION OF TWO 6 PERSON HMO'S TO FORM ONE 9 PERSON HMO (RE-SUBMISSION OF 17/00996/FUL)

#### Summary

\*4 Storeys

\*9 bedrooms

This proposed development would require a mandatory licence as defined by the Housing Act 2004.

#### Communal bathrooms and WC's

Based on the proposal there is insufficient number of WC's available in the premises. The proposal includes 3 bathrooms, and no separate WC's which are required. Separate WC's are required as these can be used without a conflict of use for those showering.

I have concerns with the usability of the shared bathrooms located on the Lower Ground, 1st and 2nd floors specifically the provision of adequate drying/changing space and the ability for a tenant to be able to use this space safely.

The proposal for the en-suite facility in Bedroom 3 is limited to a WC and WHB. Please note the minimum standards for a WC and WHB is 900x1300mm to provide the required activity space.

The requirement for 6 individuals sharing is as follows:

2 bathrooms and 2 separate WC's (of which one of the WC's can be contained within one of the bathrooms)

## Bedrooms

Bedroom 4 and Bedroom 5 raise accessibility and usability concerns, specifically the close proximity of the main doors to the en-suite and hot water tank locations proposed in these bedrooms.

## REPRESENTATIONS

Six representations have been received objecting to the development on the following grounds:

- a) proposal is not materially different to that previously refused and dismissed at appeal;
- b) previous use of property was as two separate flats;
- c) proposal is contrary to policy where there are already more than 10% of HMOs;
- d) loss of privacy from raised platform and steps to rear, and CCTV camera;
- e) security cameras would infringe on privacy;
- f) increased noise and disturbance;
- g) increased waste generation; dumping of rubbish could have a negative impact on the Conservation Area;
- h) increased pressure for parking in an area where parking opportunities are limited;
- i) concern that the property will not be properly managed;
- j) inaccuracies on the plans;
- k) concern that the property could be occupied by more than 9 people;
- l) concern that the building has been converted and is in use, contrary to planning regulations;
- m) increased antisocial behaviour
- n) impact on Conservation Area
- o) inadequacy of existing bin storage facilities
- p) disregard for planning process and retrospective nature of external alterations

## COMMENT

The main issues to be considered in the determination of this application are:

1. Principle of the proposed use
2. Internal living conditions and impact on amenity
3. Design
4. Highways Implications
5. Impact on the Solent Special Protection Areas

### Principle of the use

Planning permission is sought for the use of the property as a nine bedroom, nine person House in Multiple Occupation (Sui Generis). Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO (C4 or Sui Generis) will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation Supplementary Planning Document (July 2018) (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.



Paragraph 1.15 of the HMO SPD (adopted July 2018) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of HMOs already exceed the 10% threshold."

In defining the 50 metre radius around the property, paragraph 1.23 (viii) states: 'Where the 50m radius captures any part of a building containing residential flats, the City Council will endeavour to establish the number of flats that fall, in part or whole, within the 50m radius if this proves impossible then all properties inside of this building will be included in the 'count'.'

All flats fall firmly within the 50 metre radius apart from those in Campbell Mansions Nos.1-15. In having regards to paragraph 1.23 (viii), refused planning permission A\*31602/AL (dated 14.02.2005) indicates the typical floor plan for each floor of Campbell Mansions. As the existing property is three storeys and the floor plans indicate the western side of the building is likely to contain two flats on each floor, six flats could be omitted from the count data. It is not however possible to establish, the flat numbers of those six to be removed.

Further to site investigations conducted by Planning Officers/ Enforcement Officers, on the basis of evidence available and on the balance of probabilities, it is considered that a number of properties on this list of HMO's are indeed considered to be C3 residential dwellings. An interpretation of the properties included on this list has been outlined below:

-28 Inglis Road- Class C4 HMO: Certificate of Existing Lawful Development granted in June 2018 (Planning Application reference: 18/00947/CPE)

-34 Campbell Road- Class C3 Residential Dwelling, Council Tax records indicate the property was previously used as a HMO. Records from 2014 onwards indicate two persons reside at the property. Enforcement Officers called at the property but were unable to gain access. On the balance of probabilities, this property is considered to be in use as a Class C3 Residential Dwelling.

-Flat 1, 36 Campbell Road and Flat 2, 36 Campbell Road- This is the application site, however as noted at the beginning of this report, the evidence presented to officers is not considered to be robust enough to confirm the properties lawful use as two individual Class C4 HMO's. The property's lawful use is therefore considered to be in Class C3 Residential Dwellings.

-Flat 3, 48 Campbell Road- Class C3 Residential Development. Council Tax Records indicate that the property has a single occupancy discount from 2015 to the current date. Planning application reference: A\*30173/A was granted permission in 1987 for the conversion of the property to four self-contained flats. Planning Enforcement Officers made contact with the owner of the property who confirmed she is a single occupant.

-52 Campbell Road- Class C4 HMO Council tax records indicate there are two-three occupants residing in the property from 1999 to the present day. Planning application reference: A\*30048 was granted permission in 1976 for an Existing Use Certificate for 7 bedsitting rooms and a flatlet.

-8 Campbell Mansions- Class C4 HMO. Council Tax records are inconclusive, however illustrate periods of occupancy with three unrelated persons residing together.

-9 Campbell Mansions- Class C3 Residential Development Council Tax Records indicate that two individuals reside in the property. Planning Enforcement Officers made contact with the owner of the property who confirmed this.

In light of the findings above the number of residential properties within a 50 metre radius is:

-56 residential properties (62 prior to the removal of the six properties in Campbell Mansions).

- 3 of the 56 properties are considered to be in use as lawful HMO's (5.36%)
- Increasing to 4 properties out of 56 as a result of this application (7.14%)

The adopted HMO SPD (July 2018) has introduced stricter screening criteria when considering HMO applications in order to ensure the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: "An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or
- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

The proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs."

Therefore, as the granting of planning permission would increase the proportion of HMOs to 7.14% it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses. Therefore, the proposal is considered to be acceptable in principle.

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

#### Internal Living Conditions

In terms of internal living conditions, the property would comprise nine bedrooms across four floors of accommodation ranging between 8.7m<sup>2</sup> and 20sq.m, a communal kitchen/living/dining room at ground floor level, two shared shower rooms (each with shower, w/c and wash basin) and five en-suites (each with shower, w/c and wash basin). In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended July 2018, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would comprise the following accommodation:

Room:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Lower Ground Floor)	18.1m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Lower Ground Floor)	14m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (Lower Ground Floor)	11m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (Ground Floor)	17.1m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	20m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (First Floor)	16m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 7 (Second Floor)	14.3m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 8 (Second Floor)	16.2m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 9 (First Floor)	8.7m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Ground Floor)	24.1m <sup>2</sup>	27m <sup>2</sup>
Ensuite 1 (Lower Ground Floor)	2.79m <sup>2</sup>	Not defined
Ensuite 2 (Lower Ground Floor)	2.98m <sup>2</sup>	Not defined
Ensuite 3 (Lower Ground Floor)	3.43m <sup>2</sup>	Not defined
Ensuite 4 (Ground Floor)	2.79m <sup>2</sup>	Not defined
Ensuite 5 (First Floor)	2.80m <sup>2</sup>	Not defined
Shower room (First Floor)	3.02m <sup>2</sup>	Not defined
Shower room (Second Floor)	2.84m <sup>2</sup>	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD, it is considered that the property would provide an adequate standard of living accommodation for the intended number of occupants.

All of the bedrooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>.

There is a slight shortfall in shared kitchen amenity space, (2.9m<sup>2</sup>), however this is considered to be acceptable on the grounds that eight of the nine rooms proposed are well in excess of 10m<sup>2</sup> and therefore a reduction in shared amenity space can be considered. Having visited the site (06.09.2018), the kitchen area of the shared amenity space has access to the following amenities:

- 2 x Fridge/Freezers
- 2 x Electric Hobs (8 in total)
- 2 x Electric Ovens
- 2 x 3 seater sofas
- Individual Storage cupboards for each occupant
- Access to 'commercial standard' WIFI
- Outdoor amenity space and seating areas.
- External storage and secure bicycle storage.

The city councils Private Sector Housing Team (PSHT) has been consulted as part of this application and has confirmed that the property would be required to be licensed under Part 2 of the Housing Act (2004). Furthermore it has been confirmed that the property has already granted a license for the occupation of the property (6th June 2018) which is valid until 2023.

#### Impact on residential amenity

The applicant has made the claim that the property has been in continuous use as two individual Class C4 HMO's from prior to November 2011 to the current day. As discussed, the evidence presented is not considered robust enough to support this claim, however according to council

tax records and planning history it would appear that the property has been unlawfully used as two HMO's /Sui-Generis HMO for a number of years.

It is understood that the original format of the property was comprised of 6 bedrooms, 2 kitchen dining areas and a number of bathrooms. As far as it is understood, the removal of the kitchen dining area at first floor level and the further sub-division of internal spaces has enabled the creation of three new bedrooms.

The proposal therefore is to increase the number of bedrooms within the property from 6 to 9, allowing the occupation of the property by 9 people. Whilst the property only previously had 6 bedrooms, all of them were large enough for double occupancy and the C4 use would have allowed it to be occupied by up to 6 unrelated people per dwelling (maximum of 12). Arguably this proposal would decrease the ability to over occupy the property by way of suitably worded planning condition that would limit the occupation of the premises to nine people. If the property was used as two individual Class C3 Residential Dwellings, each of these units could technically be occupied by an unlimited number of related individuals.

The impact of increasing the occupancy of an HMO on the amenities of neighbouring residents has been considered in a number of recent appeals.

In an appeal decision relating to 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined that: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Similarly, in an appeal decision relating to 37 Margate Road (Appeal ref. APP/Z1775/W/16/3159992, February 2017), which would have resulted in an increase in 1 bedroom, the Inspector commented as follows: "...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area".

In a more recent appeal at 59 Liss Road (Appeal ref. APP/Z1775/W/17/3185768, February 2018), the Inspector agreed with the decision of the previous Inspector for 37 Margate Road in respect of the impact of the additional occupancy.

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

Furthermore, in considering the potential impact of the use on the amenity of nearby residents, the Inspector when considering an appeal at 11 Malvern Road (APP/Z1775/W/16/3158162 - Feb 2017) opined that: 'I have noted the evidence before me of incidents of anti-social behaviour and noise and disturbance at the appeal site and the concern of neighbours and local hotels that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and

has resulted in a fear of crime in the locality. However, such matters are a consequence of the behaviour of the occupants, which is a matter that is not controlled under the planning regime. The behaviour of future occupants is controlled by other legislation and I am making a decision on the basis of the planning merits of the appeal alone. If those matters were controlled through the appropriate legislation, the appeal development could contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as set out in paragraph 69 of the National Planning Policy Framework (the Framework)'.

Having regard to these various appeal decisions it is not considered that an objection could reasonably be sustained on the basis of the impact on the amenities of neighbouring residents in terms of increased noise or disturbance, loss of community or increased anti-social behaviour.

#### Parking and refuse storage

There is no parking associated with the property and no proposal to provide on-site parking.

The City Council's Highways Engineer noted in his consultation response that Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with 6 bedrooms should provide 2 spaces per dwelling. Whilst this area already experiences parking demand exceeding on-street capacity, the proposal would have an expected parking demand of 2spaces as per SPD guidance and as such would not need to provide any further spaces despite the increase in bedrooms. Similarly, the cycle parking provision required would remain the same as current use.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. This has been accommodated for in the forecourt of the property with an aluminium structure capable of securing 4 bicycles. Furthermore, there is additional external storage to the rear of the property. It is not considered necessary to secure any additional bicycle storage by condition as the property has already met the requirements as outlined in the Parking Standards and Transport Assessments SPD.

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. In the front forecourt there are 4 x black refuse bins and 1 x green recycling bin. The City Council's Waste Contract Inspector has confirmed 2 x 360 litre refuse and 1 x 360 litre recycling bin for the property would be required for this type of development. This can be secured by way of planning condition.

#### Special Protection Area (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 Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies 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. It 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.

The City Council have been unable to clarify with complete certainty that the property previously had a lawful use as two individual Class C4 HMO's and therefore have come to the conclusion that on the balance of probabilities, the property has been used as two individual Class C3 flats. Whether the property was in use as two self-contained residential flats (Class C3) or two individual three bedroom HMO's (Class C4) the property could either have been occupied by an unlimited number of family members, or up to 12 un related individuals (each of the rooms are capable of providing for two occupiers). On the basis that the proposal would see a reduction in the potential number of occupants from 12 to a maximum of 9, it is considered that the proposal would not result in a likely significant effect on the SPAs.

## **RECOMMENDATION            Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (1:1250), Site Plan (1:500) KAD 06 A BC REV G (dated June 2017)
- 3) The premises shall only be used as a house in multiple occupation (Sui-Generis) for a maximum of nine residents.
- 4) The provision of 2 x 360L refuse bins and 1x 360L recycling bin shall be provided within two calendar months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority; the waste/recyclable storage facilities shall thereafter be retained.

### **The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate waste provision is made for the residential premises in accordance with policy PCS23 of the Portsmouth Plan

### **PRO-ACTIVITY STATEMENT**

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