



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 17 OCTOBER 2018 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino, Local Democracy Officer

Email: jane.didino@portsmouthcc.gov.uk

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

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

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

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

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

A G E N D A

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meeting held on 19 September 2018 (Pages 5 - 10)**

RECOMMENDED that the minutes of the previous meeting held on 19

September 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 (Pages 11 - 102)

5 18/00057/FUL - 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, 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 18/00840/FUL - 38 Vernon Avenue Southsea PO4 8SA

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

7 18/00813/FUL - 32A Exmouth Road Southsea PO5 2QL

Construction of 8 three storey dwellinghouses

8 18/01143/FUL - 58 Cromwell Road Southsea PO4 9PN

Conversion of existing building to form four self-contained flats; and construction of one dwellinghouse with associated parking; and refuse and cycle store, to include installation of boundary fence; and relocation of dropped kerb.

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>

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 19 September 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)
 Donna Jones
 Luke Stubbs
 Claire Udy
 Rob Wood (Standing Deputy)
 Tom Wood (Standing Deputy)
 Gerald Vernon-Jackson (Standing Deputy)

Also in attendance

Councillor Darren Sanders

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.

106. Apologies (AI 1)

Apologies for absence were received from Councillor Ken Ellcome (who was represented by standing deputy Councillor Jo Hooper), Councillor Suzy Horton (who was represented by Councillor Tom Wood), Councillor Steve Pitt (who was represented by Councillor Rob Wood) and Councillor Lynne Stagg (who was represented by Councillor Vernon-Jackson).

107. Declaration of Members' Interests (AI 2)

Councillor Luke Stubbs declared in relation to planning application 1 that he had visited the Moneyfields site over a year ago but did not form a conclusion and the legal advisor had confirmed that this was not an interest.

Councillor Judith Smyth declared in relation to planning application 1 that she is an allotment holder at Moneyfields which is fairly close to the site, however she did not believe that this was an interest.

108. Minutes of the previous meeting held on 29 August 2018. (AI 3)

RESOLVED that the minutes of the Planning Committee held on 29 August 2018 be agreed as a correct record and signed by the Chair.

109. 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 minutes 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-19Sep2018/videos/180495441>

110. 18/00057/FUL - Moneyfields Sports & Social Club Moneyfield Avenue, Portsmouth PO3 6LA (AI 5)

The Planning Officer introduced the report and referred members to the supplementary matters list. One additional representation has been received raising objection on the grounds of exacerbating parking problems in the vicinity and suggests the need for football facilities are available at the Goals venue in Tangier Road/Portsmouth College located further away from residential areas.

The highways implications of the proposal are described in the officer's report. The applicant has provided supporting information in a Sporting Needs Statement. It sets out the community sporting needs for increased investment into new facilities in Portsmouth and the role that planned redevelopment of MSSC will have on the local community, which will be given relevant consideration as part of the proposal as a whole alongside any impact on residential amenity.

The recommendation remains unchanged.

The following deputations were heard:

- (a) Ms Pat Brooks (objecting)
- (b) Mr F Robb (objecting)
- (c) Mr Matthew Pickup (Agent)
- (d) Ms Kat Close (Applicant)
- (e) Mr Pete Seiden (Applicant)
- (f) Councillor Darren Sanders (also speaking on behalf of local resident Mr K Golledge and on behalf of the local residents of Highgate Road)

Members' Questions

In response to questions the following matters were clarified:

- The issue of parking has been raised by local residents and officers. It would be in the club's gift whether they wanted to offer a planning obligation regarding local residents using their car park when not being used by the club. A condition could not be imposed as it is a private car park. At the agreement of the Chair, the applicant added that the club had previously let local residents use their car park when not in use however they have experienced issues with people leaving their car there all day so the spaces are not available for when events are taking place.
- Regarding whether a Section 106 agreement could be put in place to limit accommodation to local people, officers explained that this is not a policy that the city has in place. The legal advisor advised that as the case officer had opined this would not be reasonable from a planning perspective, it would consequently not be lawful to impose such an obligation.
- If the club wanted any further development at the site this would need to be through a new planning application and the merits of this would be considered by the committee.
- There are currently 30 parking spaces at the club and it is proposed to increase this to 85 spaces, which is considered reasonable and appropriate. Each of the houses would have two allocated parking spaces plus a garage. The flats all have one allocated space and there will be seven visitor spaces.
- The noise report referred to in one of the deputations is available to view online by the public.
- The site already has a lawful use for sport and recreation. The intended hours of use for the clubhouse are considered reasonable. Events in the sports facility will cease at 23:00 as per condition 25. The applicant added that the intention was that the all-weather pitch would only be used until 22:00.
- With regard to the 2008 application for the site the planning officer explained the reasons for refusal.
- There are no longer Brent Geese on the site and there were no objections from Natural England.
- There is a legal requirement to ensure that 5% of spaces are disabled which has been met.
- There is a lift proposed for the sports club.
- The Design Review Panel expressed disappointment on the quality of buildings. There were some important design changes around the quality of materials following this. The design will bring some improvement to the area and the design is considered appropriate.
- The applicant presented further information which has been subject to an independent review. This is a scheme that involves £3 million of replacement community facilities. There is no prospect of including an affordable housing scheme and this has been rigorously checked.

- A community use agreement is required as part of the permission which includes what will be available including changing rooms as well as the pitch but this will include a pricing structure.
- Within the Section 106 agreement is the intention that the houses will not be occupied until the sports facilities are provided.

Members' Comments

Members commented that this was a much needed community facility and noted that more housing is needed across the city. There were some concerns that the applicant was not offering more to the community for example parking for the local residents.

Debate took place following a proposal to defer the application until the next meeting to procure improvements to the scheme. Some members felt that this was sensible to allow officers to have a discussion with the applicant regarding the community benefit.

RESOLVED that consideration of this application be deferred until the next meeting on 17 October 2018 to allow further discussions with the applicant regarding the community benefit of the application, in the context of mitigation for loss of protected open space and lack of affordable housing.

111. 18/00619/FUL - 36 Campbell Road, Southsea PO5 1RW (AI 6)

(Councillors Rob Wood and Gerald Vernon-Jackson left the meeting prior to the commencement of this item)

The planning officer introduced the report.

The following deputations were heard:

- (a) Mr Jonathan McDermott (Agent)
- (b) Mr Mike West (Applicant) who circulated some photographs and tenant references to accompany his deputation.

Members' Questions

In response to questions the following matters were clarified:

- There is a condition proposed that limits the property to 9 unrelated individuals. If the property is over occupied this will be an enforcement issue and necessary action would be taken.
- The communal living space is undersize by 3m² however it was the opinion of the licensing department that if bedrooms are over 10m² the authority can consider a reduction in the communal living space. The HMO licence has already been granted until 2023 and this will be followed up by verification visits. If there are any issues the usability of the property as a HMO licensing department will follow this up with the owner of the property.

Members' Comments

Members felt this property was a substantial improvement to the property and the renovations had been undertaken sympathetically. Members praised the applicant on providing good quality accommodation.

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

The meeting concluded at 4.05 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

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Agenda Item 5

PLANNING COMMITTEE 17 OCTOBER 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
FAO Mr Matthew Pickup

On behalf of:

Moneyfields Sports And Social Club
FAO Mr Peter Seiden

RDD: 12th January 2018

LDD: 16th April 2018

This application was reported to the meeting of the Planning Committee held on 19 September. It was resolved that consideration of this matter be deferred until the next meeting to allow further discussions with the applicant regarding the "wider public benefits" of the scheme, in the context of mitigation for loss of protected open space and lack of affordable housing. The outcome of the discussions is set out in an Appendix to this report and described in an additional sub-heading "Update following deferral" within the "Comments" section of this report.

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), PCS23 (Design and Conservation),

The relevant policies within the Portsmouth Plan would include:

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

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) and
Reducing Crime Through Design SPD (March 2006)
Solent Protection Area (April 2014)
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 everyday 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. 65 spaces 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 3 spaces. 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 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 weekends 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 to 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 **.

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.

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

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 weekends 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 raise 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 support 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 to 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:
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
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 **.

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 (eg 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 129.2m² = 646.0m²

2x 2bed flats at 63.2m² = 126.4m²

1x 2bed flat at 61.5m² = 61.5m²

1x 2bed flat at 67.0m² = 67.0m²

1x 2bed flat at 70.5m² = 70.5m²

1x 1bed flat at 52.5m² = 52.5m²

1x 1bed flat at 54.6m² = 54.6m²

Total = 1078.5m² 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

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. 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 2,000m² 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 151 representations have been received.

32 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;
- (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; and,
- (r) the suggested need for football facilities are available at the Goals venue in Tangier Road/Portsmouth College located further away from residential areas.

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.

Following deferral, one further representation has been received from a nearby resident (who made a deputation at the last meeting) reiterating concerns around noise and land drainage whilst also commending the work of MFC for youth football within the community.

The representation suggests further review is undertaken of the noise impact, not just of entertainment noise, but additionally for the more intensive use of the artificial pitch on the occupiers of neighbouring properties. It suggests the existing Noise Impact Assessment is updated to reflect the predicted figures of crowd, traffic and peak noise on both pitches/clubhouse and the elevated position of the neighbouring dwellings; it adds the outcomes would ensure the correct type/height of acoustic fencing and asks that the phasing of development includes installation of acoustic fencing before building work commences to minimise the impact on neighbours during the construction phase. In addition, the representation requests that planting along the eastern site boundary give a welcoming feeling to the development, reduce the visual impact of the proposed buildings and help to add privacy.

Furthermore, the representation asks for amendment to a planning condition relating to drainage to ensure an existing land drain system is protected/amended as required. It explains the land drain was installed by PCC around 1970 to prevent flooding of the north-east corner of the site and adjoining gardens at nos.25-45 (odd) Salcombe Avenue after the completion of development locally including Burrfields bridge when there were instances of localised flooding.

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.

1 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 suggest 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 (ie 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.

- Update following deferral

There is an Appendix to this report by email dated 1 October 2018. In summary it adds:

- Community parking - the club will allow local residents who are registered as members of the Moneyfields Overnight Parking Scheme to park between the hours of 11pm and 8am (the following day) Monday to Thursday and 8pm to 8am (the following day) on Sundays, to be secured by a planning condition;

- Free hire of the AGP for a period of 2 hours, twice a month on Sundays, throughout the year, between 8pm and 8pm (with coaching arranged and undertaken by whichever local charity/community group has booked the 2 hour slot);
- To address any potential scenario that only the block of flats (built on protected open space) is constructed and no other part of the intended development, for the profit of the sale of the flats to be transferred to the developers solicitors escrow account (to be agreed with the City Council) and held until the funds are required for the commencement and construction of the clubhouse/AGP, to be secured by S106 agreement;
- The club has initiated discussions with PCC concerning purchase of three of the semi-detached houses at open market value as affordable housing to the local community; and,
- A 24 hours site 'hotline' is provided for local residents to contact the site management at any time during the period of development to resolve issues they might have.

The Moneyfields Overnight Parking Scheme is considered appropriate to secure by planning condition (included at no13 in the list of suggested conditions. The offer of free Sunday evening hire for 2 hours twice monthly is a matter appropriate to be included in the community use agreement (at no30 in the list of suggested conditions). To cover the scenario whereby the block of flats were developed with all 14 were sold as open market dwellings and no other development took place, there would have been a requirement for affordable housing at 25% on-site provision equates to 3 flats or 33% off-site provision equates to 5 flats. Based on 2 x 1-bed flats at 54.6sqm each and 3 x 2-bed flats at 63.2sqm each, the off-site commuted sum would be £298,000. To be secured by S106 agreement, it would be appropriate for this commuted sum figure to be held in account until commencement and construction of the clubhouse/AGP.

2 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 ie 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.

3 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 to 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.

4 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.

5 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.

6 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.

7 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.

- An existing land drain system requires protection

A local resident refers to a land drain installed by PCC around 1970 to prevent flooding of the north-east corner of the site and adjoining gardens at nos.25-45 (odd) Salcombe Avenue after the completion of development locally, including Burrfields bridge, when there were instances of localised flooding. PCC's Drainage Team is unaware of such a land drain. It is considered appropriate that drainage condition no28 includes a requirement for submission of details of the existing drainage layout and any measures necessary to protect its current operation.

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;
- A commuted sum figure equivalent to the off-site affordable housing requirement to be transferred to the developers solicitors escrow account (to be agreed with the City Council) and held until the funds are required for the commencement and construction of the clubhouse/AGP, to address any potential scenario that only the block of flats (built on protected open space) is constructed and no other part of the intended development;
- 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 no 16-2153-125_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 My 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.

10) (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) The car parking shown on the approved plan no 16-2153-110_P24 associated with the use of the replacement sports and social club building shall be made available for local residents to park their vehicles between the hours of 11pm and 8am (the following day) Monday to Thursday and on Sundays between 8pm and 8am (the following day) in accordance with the detailed implementation and operation of the "Moneyfields Overnight Parking Scheme" that shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development.
(ii) The "Moneyfields Overnight Parking Scheme" shall commence at the same time that the sports and social club building is first brought into use and shall thereafter be operated in accordance with the approved details of the "Moneyfields Overnight Parking Scheme", unless otherwise agreed in writing by the Local Planning Authority.

14) (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.

15) 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).

16) 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.

17) 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.

18) The facilities to be provided for the storage of waste and recyclable materials to the flats as shown on drawing no 16-2153-115_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.

19) 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.

20) 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.

21) 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.

22) 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.

23) 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.

- 24) 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.
- 25) 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.
- 26) 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.
- 27) 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.
- 28) No development (except demolition) shall take place at the site until a detailed drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority of:
- (a) the layout of all existing sewer and drainage infrastructure at the site;
 - (b) the proposed means of foul and surface water sewerage disposal; and,
 - (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;
- and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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 delivery of wider public benefits, offered by the applicants to address concern of the local community, to outweigh the harm by the loss of protected open space and non-provision of affordable housing, to balance conflicts with policies PCS13 and PCS19 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 15) 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.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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.
- 20) 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.
- 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 noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 24) To protect neighbouring uses from excessive nuisance from lighting after dusk, in accordance with policy PCS23 of the Portsmouth Plan.
- 25) To protect neighbouring uses from excessive nuisance from lighting late at night, in accordance with policy PCS23 of the Portsmouth Plan.
- 26) 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.
- 27) 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.

28) 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.

29) 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.

30) 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.

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

32) 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.

38 VERNON AVENUE SOUTHSEA PO4 8SA

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

Application Submitted By:

Mrs Louise Eveleigh

On behalf of:

Mrs Louise Eveleigh

RDD: 2nd May 2018

LDD: 3rd September 2018

SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee for determination following a deputation requests from a neighbouring resident, No28 Vernon Avenue.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in regards to an adequate standard of accommodation and in respect of car and cycle parking.

The site

This application relates to a two-storey terraced dwelling located to the west of Vernon Avenue. The property is set back from the highway by a small courtyard and benefits from a garden to the rear. The surrounding area is characterised by densely populated residential terraces and is in close proximity to a range of shops and services located on Fawcett Road and Fratton Road and is also well serviced by bus routes.

The Proposal

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

Planning History

There is no planning history considered to be relevant for the determination of this application.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

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

In addition to the 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 (July 2018) and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

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

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

Summary

- 2 storeys
- 4 bedrooms

Based on the layout, sizes and 4 occupants (1 person per bedroom) the property would not require to be licensed under Part 2, Housing Act 2004.

Personal hygiene

The proposed shower/WC on the ground floor and the bathroom on the first floor are under the required space standards.

The minimum size for a bathroom is 3.74m² and shower room is 2.74m², and must include a bath/shower, WC, wash hand basin, ventilation and heating within a proper room with a lockable door.

REPRESENTATIONS

Four representations have been received raising objections on the grounds of:

- (a) Increase on parking pressure;
- (b) HMOs devalue existing properties;
- (c) There are too many HMOs already;
- (d) The HMO would impact negatively on the neighbourhood;
- (e) Anti-social behaviour associated with HMOs;
- (f) Increase in noise associated with HMOs;

- (g) Already parking pressure from Fratton Park and business units;
- (h) Increase in pollution;
- (i) Landlord does not live locally;
- (j) increase in litter and waste associated with HMOs;
- (k) open the floodgates for any future HMOs; and,
- (l) concerns have been raised regarding a lack of neighbour notification about the application.

Deputation request received from No28 Vernon Avenue (should the application be recommended for approval).

COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in regards to an adequate standard of accommodation and in respect of car and cycle parking.

Procedural

Amended floor plans have been received for this application (17.09.2018) which details a fourth bedroom at ground floor instead of a lounge. Concern has been raised regarding a lack of further neighbour notification with regards to the receipt of amended plans. However, it is considered that the amended plans would not have materially altered the scheme; therefore no further notification was required.

Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (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.

Based on information held by the City Council, of the 60 properties within a 50 metre radius of the application site, two (2) are considered to be in lawful use as HMOs. Therefore, as the granting of planning permission would increase the proportion of HMOs to 5%, 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.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No additional properties have been brought to the attention of the LPA to investigate.

Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (First Floor)	11.4m ²	7.5m ²
Bedroom 2 (First Floor)	11.5m ²	7.5m ²
Bedroom 3 (First Floor)	7.70m ²	7.5m ²
Bedroom 4 (Ground Floor)	12.16m ²	7.5m ²
Combined Living Space (3 to 6 Persons)	28.21m ²	24m ²
Shower room/Bathroom (Ground/First floor)	1.8m ² /3.2m ² (5.75m ² in total)	3.74m ²

The HMO SPD (July 2018), states that for an HMO for 5-6 people, there must be 1 bathroom and 1 separate WC with washbasin (the WC could be contained in second bathroom). It is noted that whilst the shower room and bathroom measure undersize separately, the combined GIA of the shower room and bathroom would be approx. 5.75m² and is therefore considered to be of an acceptable size standard.

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (July 2018), the property is considered to provide an adequate standard of living accommodation to facilitate 3-6 persons sharing.

Impact on amenity

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, 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. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 5%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance.'

Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C3 or C4.

Highways/Parking

The Parking Standards SPD does not require an increased parking provision for a Class C4 HMO. The application site is within 400m of a high frequency bus route. The application site

benefits from a rear garden and a condition could be imposed to secure cycle parking. In dismissing an appeal at 239 Powerscourt Road, the Inspector stated that: 'However the Council's Parking Standards and Transport Assessments Supplementary Planning Document (SPD) 2014 requires 2 car parking spaces for the current dwelling use and the same for the HMO use. Furthermore the HMO property is close to a high frequency bus route and within a short walk of the Fratton District Centre. Such accessibility to shops, services and transport facilities would substantially reduce the necessity for a car by future occupiers. For all these reasons, it has not been demonstrated that there would be a significant worsening of the current car parking issues that have been identified.'

The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

Having regard to the considerations above and this appeal decision, it is not considered that an objection on highways grounds could be sustained. The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However the rear yard is considered appropriate for the provision and retention of suitable bicycle storage facilities which can be required through a suitably worded planning condition

Waste

The storage of refuse and recyclable materials would remain unchanged and an objection of waste grounds would not form a sustainable reason for refusal.

Matters Raised in Representations

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions 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 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour." It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

Representations refer to the development having an impact on the neighbourhood character of Vernon Avenue. The Houses in Multiple Occupation SPD (July 2018) paragraph A2.1 states: "National planning policy guidance (PPS1 and PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed in the future and to avoid situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing (HMOs)." In respect of this,

given the low percentage of lawful HMOs in the surrounding area (50m radius) it is considered that the proposed change of use would not create a situation where neighbourhood would become unbalanced and therefore the development would not be considered to have a detrimental impact on the sense of community in Vernon Avenue.

In response to representations relating to undesirable behaviour, in addition to ensuring adequate size standards, sanitary facilities and fire safety, the City Council's Private Sector Housing Team can assist should the property not be managed in an appropriate manner.

Conclusion

Having regards to all material consideration, raised representation and planning policy, it is concluded that the development is acceptable.

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 (TQRQM18183220915284); and, floor plans.
- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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.

32A EXMOUTH ROAD SOUTHSEA PO5 2QL

CONSTRUCTION OF 8 THREE-STOREY DWELLINGHOUSES FOLLOWING DEMOLITION OF EXISTING BUILDINGS

Application Submitted By:

Knight Architectural Design
FAO Mr Tom Peters

On behalf of:

OPMD
FAO Mr James Oliver

RDD: 10th May 2018

LDD: 19th July 2018

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the principle of development is acceptable in the location proposed; whether the development is of an appropriate design; whether the proposal would provide an appropriate standard of living accommodation for future occupiers and whether it would have any significant adverse impact on the amenity of the occupiers of the adjoining properties. Other issues to consider are whether the proposal meets policy requirements in respect of affordable housing, flood risk, SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

The Site

This application relates to a rectangular plot of land located to the western side of Exmouth Road, just to the south of its junction with Collingwood Road. The site currently comprises a mix of uses including lock-up garages, workshops and a builder's store. Whilst predominantly residential in nature, the surrounding area has a mixed character with similar lock-up garages to the south, a residential development to the north comprising a mix of flats and houses (Kings Mews), more traditional 2-storey terraced houses to the east and larger 2.5/3-storey dwellings to the west fronting Victoria Road South. A large building comprising the Portsmouth Temple of Spiritualism abuts the site boundary to the west and a large theatre (King's Theatre - Grade II* Listed) is located just to the north fronting into the Albert Road and Elm Grove District Centre.

Whilst not located within a Conservation Area, the site forms a boundary with the 'East Southsea' Conservation Area which incorporates the properties to the west fronting Victoria Road South. The site is located within the indicative flood plain (Flood Zone 3).

The Proposal

Planning permission is sought for the construction of a terrace of eight 3-storey dwellinghouses (following demolition of existing garages) with the provision of parking facilities.

Relevant Planning History

An application for the construction of a 3-storey terrace comprising eight dwellinghouses (following demolition of existing garages) with the provision of parking and refuse storage

facilities was refused in November 2017 (ref. 17/01677/FUL). The reasons for refusal were as follows:

- 1) Notwithstanding the inadequacies of the application, the proposed terrace of dwellings would, by virtue of its excessive bulk, proposed use of materials, clumsy and overly fussy detailing, window proportions and siting of parking and refuse storage facilities onto the Exmouth Road frontage, result in an uninspiring, ill-proportioned and overly dominant form of development and would fail to relate appropriately to adjoining properties and the wider street scene. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework and the aims and objectives of Policy PCS23 which seeks excellent architectural quality within new buildings.
- 2) The proposed parking spaces fronting onto Exmouth Road would fail to meet the required size standards set out within the Parking Standards Supplementary Planning Document (SPD) and would encroach beyond the site boundary onto the footway impeding the free movement of pedestrians. The remaining 8 spaces would not accord with the requirements of the SPD and insufficient information has been submitted to justify a reduced level of parking. Accordingly the development would fail to provide an adequate level of car parking to meet the future transport needs of the occupiers, which would be likely to increase demand for on-street car parking facilities where no capacity exists to the detriment of the environment of the area and highways safety. The proposal is therefore, contrary to the requirements of policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the adopted Parking Standards SPD which seeks to maintain a balanced approach between car parking and sustainable transport.
- 3) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

An application for the construction of a terrace of part 3/part 4-storey buildings forming eight dwellinghouses (following demolition of existing garages) with the provision of parking and refuse storage facilities was refused in August 2017 (ref.17/00515/FUL). The reasons for refusal were as follows:

- 1) The proposed terrace of dwellings would, by virtue of its excessive height, bulk, absence of architectural detailing and use of materials, result in bland, uninspiring, ill-proportioned and overly dominant form of development and would fail to relate appropriately to adjoining properties and the wider street scene. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework and the aims and objectives of Policy PCS23 which seeks excellent architectural quality within new buildings.
- 2) Unit 8 as shown on the submitted drawings would, by virtue of its restricted internal floorspace, fail to provide an appropriate standard of living accommodation to the detriment of the residential amenities of future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, Policy PCS19 of the Portsmouth Plan and the requirements of the Technical Housing Standards - nationally described space standards.
- 3) The proposed parking provision is not in accordance with the requirements of the City Council's Parking Standards SPD and insufficient information has been submitted to justify a reduced level of parking. Accordingly the development would fail to provide an adequate level of car parking to meet the future transport needs of the occupiers, which would be likely to increase demand for on-street car parking facilities where no capacity exists to the detriment of the environment of the area and highways safety contrary to the requirements of policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the adopted Parking Standards SPD which seeks to maintain a balanced approach between car parking and sustainable transport.

4) Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

Planning permission was granted in February 2013 (ref. 12/01263/FUL) for the installation of seven shipping containers for a temporary period of 5-years (following demolition of existing workshop and office).

Planning permission was granted in 1969 (ref. A*18036/E) for the construction of a new petrol pump forecourt and sales showroom.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), DC21 (Contaminated Land),

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS10(Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15(Sustainable Design and Construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). The Parking Standards SPD, the Housing standards SPD and the Technical Housing Standards - nationally described space standards and the Solent Recreation Mitigation Strategy are also relevant to the proposed development.

CONSULTATIONS

Coastal And Drainage

The FRA is acceptable, however no Drainage Strategy for the site has been provided.

Southern Water

Southern Water (SW) raises no objection to the proposal.

SW requires a formal application for a connection to the public foul 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.

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

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.

Environment Agency

The Environment Agency (EA) have no objection to the proposed development, on the condition that measures outlined within the FRA are implemented.

The Proposed development falls within flood zone 3 which has the highest probability of flooding. The FRA states that during future flood events the ground floor of the development would be flooded up to around 2m for the 2115 and it is proposed that this would be dealt with via safe refuge in the upper floors. The Local Authority will need to consider whether this is an acceptable form of mitigation for the residual risk. We would recommend that any living accommodation is confined to the first floor and above, with ground floors used for cycle/bin storage, or garages etc.

An evacuation plan is also proposed and residents will be asked to sign up to Environment Agency flood warnings.

Highways Engineer

The site has previously had similar proposals rejected (17/00557/FUL & 17/01677/FUL). Amongst other issues, this application attempts to address the contention of the Highway Authority that insufficient parking provision was included in the earlier schemes in an area whereby no space exists on street to accommodate a parking shortfall associated with the development.

Exmouth Road is a predominantly residential road however the application site and neighbouring sites to the south are used for private garages/storage and a vehicle mechanics workshop. The road is subject to a 20mph speed limit and has unrestricted parking controlled with double yellow lines. The area is often subject to significant parking pressure at all times of day with demand from both residents and visitors to the nearby shopping/leisure offerings at Albert Road and Southsea Town Centre. The existing use of the site would result in a parking demand however the quantum of such demand is unknown. There is no parking available on site aside from the lock up units, some of which are used for garaging.

No transport assessment has been provided in support of the application. Currently the site is used for storage (Class B8) in the form of private garages; the proposed new dwellings are likely to have a higher trip rate than the existing use however, the LHA would not expect the additional trips to generate an increase in use more than 5% at any nearby junction and therefore cannot be considered material. In that light, a full transport statement would not be required.

The entire frontage of the site currently has dropped kerbs to allow access to the garages fronting Exmouth Road and to the rear of the site. The LHA is satisfied that the proposed access to the site via a retained section of dropped crossover is appropriate and the LHA support the applicant's proposal to reinstate the remainder of the existing dropped crossover to return 5no. parking spaces back to the highway for use by residents and visitors. The footway should be reinstated to match the existing slabbed finish that currently ceases at the northern boundary of the applicant site.

Whilst a dropped access is acceptable for the quantum of spaces currently proposed, should the adjacent site be redeveloped for housing in future and share the access, an upgrade to a bell-mouth type junction would be required. It should be noted that before any works are carried out on the public highway, agreement should be sought from the LHA via their maintenance contractor Colas; given the relatively minor scale of the works needed to the highway, a s278 agreement would not be required however the reinstatement of kerbing and reconstruction of the footway should be secured by condition.

The Portsmouth Parking SPD gives the level of parking provision that should be included within new residential developments. The existing site contains 22 "lock up" style units however it is unclear how these are used, it is assumed a mix of garaging and material storage is most likely. The units are not tied to other development (in so much as they are not required to make other development acceptable in highway terms); that said, it does provide an area off of the highway in which vehicles may be stored however should these lock ups be lost, it is unlikely that all, if any of these cars would be distributed back onto the network rather occupiers would likely seek

similar facilities elsewhere. Therefore, for the purposes of this review, it is presumed that any displaced vehicles would not result in increased parking demand in local roads.

Exmouth Road and several roads in the immediate vicinity regularly see poor parking behaviours with vehicles being left on double yellow lines near junctions and thus present a highway safety risk.

The proposed dwellings would have the following parking demand; $7 \times 4\text{-bed} = 2 \text{ spaces per dwelling} \times 7 = 14\text{spaces}$, $1 \times 2\text{-bed} = 1.5\text{spaces per dwelling} \times 1 = 1.5(2) \text{ spaces}$

Therefore the proposed development has a parking demand of 15.5(16) spaces. It is proposed to provide 8 off street parking spaces at the rear of the site accessed via an existing vehicle crossover with 3 of the proposed properties having a "multipurpose hardstanding" in the rear garden that could provide a parking space should the future occupier require it. Whether these will be used remains to be seen however similar multiuse spaces provided elsewhere in the city have been successful in that they give those residents that require extra space a place to park a vehicle that is perhaps not used every day. It should also be kept in mind that in planning terms they do represent an available space and meet the size requirements and as such should be counted toward the overall parking provision for the site.

This brings the total spaces provided on site to 11. A further 5 spaces have been provided on street that were not otherwise available on the highway however as these are not within the control of the applicant, they will not be counted toward the required provision for the site. The applicant has sought to justify a reduction in parking standard and referenced a policy from the Portsmouth City Local Plan (2006) that suggested a reduction to 75% of that required standard would be acceptable in areas deemed as being in a "medium accessibility zone". This policy document has since been replaced by the Portsmouth Plan (2012) with detailed Parking guidance included within the Portsmouth Parking Standards SPD (2014) and therefore the quoted policy is no longer material. That said, the site is just within an area of high accessibility as defined at appendix 2 of the Parking SPD. With this in mind, it is not unreasonable to suggest a reduced parking standard given the proximity to local shops, services and transport links. The on-site provision represents just 69% of the required provision, in my opinion this is too great a reduction given the type of housing proposed and as such the LHA find the proposal unacceptable in parking terms.

The Portsmouth Parking SPD also gives details of the level of cycle parking that should be included within new residential developments. The expected number cycle spaces for the proposed dwellings would be; $7 \times 4\text{bed} = 4\text{spaces per dwelling} \times 7 = 28\text{spaces}$ and $1 \times 2\text{bed} = 2\text{spaces per dwelling} \times 1 = 2 \text{ spaces}$.

These spaces should be secure and weatherproof and preferably each dwelling should have its own storage facility. A communal store would be acceptable provided it meets the standards detailed in the SPD. At present, there are two cycle parking spaces proposed in the rear garden of each dwelling with two uncovered spaces in the front gardens of each of the larger houses. It would be preferable to have all of the required spaces within a secure store in the rear garden; as all of the dwellings have rear access to the gardens the LHA can see no reason why this could not be practically achieved. The LHA is content that this can be secured by way of a planning condition.

Given the proximity to residential properties and nearby traffic sensitive routes, a Construction Management Plan detailing as a minimum how deliveries will be managed, extent of any traffic/pedestrian management that will be required, site hours and parking arrangements for operatives. The LHA is satisfied that this could reasonably be secured by condition.

As the application stands the LHA must raise a highways objection on the following grounds;

- Parking provision is not sufficient to meet the demand associated with the site in an area where no capacity exists on street to accommodate a parking shortfall associated with the new

dwelling and as such the amenity impact upon existing residents is unacceptable and the proposal is in conflict with Portsmouth Planning policies.

Should the LPA be minded to approve the application, the following conditions should be secured;

- Vehicle parking court to be provided as per submitted plans prior to occupation of the development and thereafter retained for use by residents
- Multipurpose parking areas to be provided as per submitted plans prior to occupation of the development and thereafter retained as usable parking provision
- Details of cycle storage to be submitted to and approved by the LHA prior to occupation of the development and thereafter retained for use by residents
- Redundant dropped kerbs and adjacent footway to be reinstated along the extent of the site boundary prior to occupation with details of line, level, drainage and materials to be agreed with the LHA
- Construction Management plan to be agreed with the LHA prior to commencement of works.

Environmental Health

Environmental Health (EHT) has been consulted on the development generating significant traffic movements. As the proposed development is to construct 8 houses, with parking spaces for each property this is unlikely to have any substantial impact on the traffic in the area.

The proposed dwelling No.8 will be adjacent to an MOT/repair centre and as there is already existing residential accommodation in George Court, Exmouth Road a search of the Environmental Health complaints data base has taken place and indicated no complaints concerning noise from this business.

To ensure that the proposed occupants of the development are protected from traffic noise on Exmouth Road, if permission should be considered appropriate a condition relating to the insulation of habitable rooms is suggested.

Contaminated Land Team

The Contaminated Land Team (CLT) has reviewed the above application together with information held on our GIS, and the following report submitted in relation to the previous 2017 application for this site:

- Phase 1: Desktop Study and Risk Assessment Report at Exmouth Road, Southsea, Portsmouth, PO5 2QL, Your Environment, May 2018, Ref: YE3058 (Rev 1).

The proposed development site was a former garage which had an associated petroleum licence for up to 9000 gallons. The desk study report includes information held by the CLT together with that obtained from historic maps and on-line searches. There are limited site plans and details included within the report on the location of former tanks, specific uses of the buildings on site etc. which makes it difficult to build up an accurate picture of former site uses and potential risks which need to be targeted as part of the site investigation works. As such the CLT has several comments/queries with regard to the information provided in the report that require further comment (see below).

Given the above there is the potential for contamination to be present on this site. As the report recommends a site investigation is carried out conditions relating to land contamination are requested.

REPRESENTATIONS

At the time of writing 26 letters of representation had been received from local residents in objection to the proposal. These objections can be summarised as follows:

- (a) The proposal is unacceptable in terms of design, height and siting out of keeping with the character of the surrounding area;
- (b) Loss of light and outlook;
- (c) Overlooking and privacy issues;

- (d) Highways implications including parking;
- (e) Flood risk;
- (f) Contamination;
- (g) Potential use of the properties as HMOs in the future;
- (h) Increased noise and disturbance;
- (i) Precedent for future developments to the south;
- (j) Proximity to the flank wall of Kings Mews;
- (k) Impact on the Kings Theatre;
- (l) Loss of the existing garages;
- (m) The Council should consider purchasing the site to provide a car park and (n) Impact on medical services.

Two letters of support have also been received siting an improved design and visual improvements in comparison to the existing garages.

COMMENT

The determining issues in this application relate to:

1. The principle of development;
2. Design including impact on heritage assets;
3. Internal living conditions and Impact on residential amenity;
4. Highway Implications
5. Flood Risk;
6. Sustainable design and construction
7. Special Protection Areas (SPA) mitigation;

Planning permission is sought for the construction of a stepped terrace of eight dwellinghouses set back from Exmouth Road by small front gardens following the demolition of the existing garages and workshops. The dwellings would all incorporate 3-storeys of accommodation with the top floor contained predominantly within a roof space. Small rear gardens and a car park would be situated to the rear of the site providing a degree of separation to properties fronting Victoria Road South.

Principle of Development

The site is located within an area of mixed use although residential uses now predominate. A series of more recent residential developments along the western side of Exmouth Road and St. Vincent Road has resulted in the loss of some historic commercial uses. Saved policy SJ8 of the Portsmouth City Plan 2001-2011 allocates the application site for residential uses suggesting that it could accommodate at least 10 dwellings. Whilst this policy remains extant and the principle of residential development remains valid, it is noted that the suggested yield is based on previous policies in respect of parking provision and size standards which have been superseded by the Portsmouth Plan, the Parking Standards SPD and the Technical housing standards - nationally described space standards. In addition the policy does not indicate what size dwellings, in terms of bedroom numbers, were foreseen at the site.

Policy PCS10 (housing delivery) of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas. The supporting text to PCS10 states:

'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a

large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites. A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites is likely to continue and this development is unlikely to have a significant impact upon infrastructure provision'.

The Council's most recent published position on housing supply is set out in the 2017 Annual Monitoring Report, approved by PRED in February 2018. The Report concludes the city has a five year supply of housing land (5.1 years), but the position remains marginal. The council is currently considering the implications of the government's standard methodology for assessing housing need and proposed revisions to the NPPF. In the meantime, it is recognised that there is an on-going need for housing in the city which this proposal would help to meet.

Whilst the site has previously been identified as a possible car park to serve the nearby Kings Theatre, having regard to the specified policy provisions set out above encouraging residential development at the site, it is considered that a development to provide eight family dwellings (seven of which would have 3 bedrooms or more - 5.6 of Policy PCS19) would be acceptable in principle, subject to the other policy requirements addressed below.

In terms of the provision of affordable housing, the Portsmouth Plan requires that: '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 (Policy PCS19)'. However, consideration must also be made to the written Ministerial Statement in 2014, which has been the subject of court judgments, highlighting that such contributions are not required where a development would provide ten dwellings or fewer (net) and the most recent changes to the National Planning Policy Framework (Paragraph 63) which indicates that affordable housing should not be sought for residential developments that are not major developments. As the application is not a major development (fewer than 10 dwellings), it is considered that an affordable housing contribution cannot be sought.

Design including impact on heritage assets

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: 'support strong, vibrant and healthy communities. by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment with accessible services and open spaces' Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should ensure that they function well and add to the overall quality of an area; developments are visually attractive; developments are sympathetic to local character and history; developments should establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage; be of an appropriate scale, density, layout appearance and materials in relation to the particular context; and should protect amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Previous applications at the site (17/00515/FUL & 17/01677/FUL) have resulted in design reasons for refusal highlighting excessive height, bulk, architectural detailing, fenestration proportions, use of materials and the dominance of parked vehicles as key concerns. In an attempt to overcome the previous reasons for refusal, the applicant has re-designed the terrace with a more contemporary/modern design style. The proposed terrace would still comprise eight dwellings with a stepped layout to the Exmouth Road frontage as the road begins to curve around towards the south-west. However, whilst this would be similar to the previous layout, the number of steps has been reduced between each dwelling now resulting in three groups of properties (3,2,3) to simplify the design and layout.

Following the submission of further design amendments, the resultant dwellings proposed would be constructed in a dark red brick similar to those used at the King's Theatre and would incorporate large window openings and projecting dormer features. These features (powder coated aluminium) would span parapet walls and the pitched roofs to give the appearance of 2.5-storey buildings rather than three storeys. The inclusion of parapet walls would create a neater junction between external walls and the roof, recessed window openings (1 brick length) would provide greater articulation and the use of a simple palette of high quality materials including red brick, standing seam roof, cedar cladding and powder coated aluminium windows (grey) and rainwater goods would reinforce the modern design approach.

In design terms it is considered that the resultant terrace would provide an unusual and interesting group of dwellings that exhibit a number of interesting and high quality features that are necessary to make simple modern architecture successful. The reduction in height would ensure that the terrace remains subservient to the taller flatted element of King's Mews and comparable in scale to the dwellinghouses that form the northern side of the King's Mews development. The set back of the dwellings from Exmouth Road by small front gardens would also ensure that the terrace would appear less dominant within the street scene.

As highlighted by local residents, this is not a design style that is common within the area or even within the city, although it would set a good standard for similar proposals in the future. The area surrounding the application site has a mixed character with a range of architectural styles and land uses. The application site and the site immediately to the south comprises utilitarian garages and workshops. A simple Victorian terrace comprising small cottage style dwellings to the back edge of the pavement extends the full length of the eastern side of Exmouth Road with a similar terrace further to the north. Later infill developments to the western side of Exmouth Road and extending into St. Vincent Road including King's Mews, George Court, St. Vincent Mews and The Garden View Apartments comprise a mix of houses and flats, all of which have different design styles and are finished in a range of materials. Overall, it is considered that with the exception of the continuous terrace opposite, the area does not have a strong or distinctive style of development and this variation, in part, contributes to the vibrant character of the area.

On the basis the area does not comprise one particular design style, it is considered that the principle of adding a development of the quality identified above would be acceptable and would not amount to a visually discordant or harmful addition to the street scene or erode the character of the surrounding area. The replacement of a series of garages and workshops with a terrace of dwellings to the standard proposed would also be positive.

Occupiers of King's Mews highlight that as a result of the terrace's proximity, it would make maintenance of its southern elevation more difficult/impossible. This is partly a short coming of the King's Mews development in not setting the building back from the common boundary, thus placing a reliance on land outside of its ownership for future maintenance which cannot be guaranteed. The LPA has highlighted that the inclusion of such a narrow gap between the southern wall of King's Mews and the northern elevation of the proposed terrace is not a good planning solution. In response, the developer has submitted amended drawings re-siting the terrace to directly abut the southern elevation of King's Mew which is considered to be a more appropriate design solution and removes the maintenance issue. A further period of public consultation has taken place since the amended drawings were submitted.

The applicant will need to come to an agreement (outside of the planning system) with interested parties within King's Mews before any development can commence. Should an agreement not be reached, the applicant would need to seek a revised permission, potentially with the terrace set back further to allow access for maintenance of both elevations.

The site is situated adjacent to the 'East Southsea' Conservation Area and approximately 43m from the King's Theatre which is Grade II* Listed. Immediately to the west, the adjoining conservation area comprises a number of large detached and semi-detached properties, many of which have been subdivided into flats. The significance of the conservation area in this location is derived primarily from the architectural quality of the front elevations and their relationship with Victoria Road South. Whilst not devoid of quality or interest, the rear of these buildings have been subjected to numerous alterations and do not necessarily reflect the qualities of the frontages. These buildings are also separated from the development site by rear gardens and are currently afforded views onto a series of lock-up garages and workshops. Therefore, having regard to the degree of separation and relationship with the existing land use, it is considered that the introduction of the terrace would preserve the setting of the Conservation Area.

In terms of the King's Theatre, the proposed terrace would only be viewed within the same context from the south due to the slight bend in the road. The terrace would be set against King's Mews, a building of similar scale, and some distance from the less ornate rear elevation of the King's Theatre which does not reflect the qualities of its entrance or interior. Having regard to the reduced scale of the development compared to the first refusal at the site (17/00515/FUL) and the significantly improved design solution, it is considered that the proposal would preserve the more distant views of the theatre and would have a neutral impact on its setting.

Therefore, as the proposal is seen to preserve the setting of the adjoining Conservation Area and the King's Theatre, the requirements of paragraphs 193-196 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

Internal living conditions and Impact on residential amenity

The National Planning Policy Framework states at paragraph 127 that planning policies and decisions should:...'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard'

requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate. Policy PCS23 requires new development should protect the amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users.

The Nationally Described Space Standards set the size of a 4-bedroom dwellinghouse over three-storeys at between 103 and 130sq.m. with a 2-bedroom at 70-79sq.m. The submitted drawings indicate that units 1-7 (4-bedrooms) would have floor areas of between 103.8 and 122.7sq.m. with unit 8 (2-bedrooms) at 84.4sq.m. Having regard to the indicated floor areas, the inclusion of large windows to the east and west elevations, and the incorporation of modest rear gardens, it is considered that the dwellings would provide an acceptable standard of living environment for future occupiers.

In respect of unit 8, it is noted that the submitted floorplans indicate that the property would incorporate two bedrooms at roof level with an open plan first floor annotated as living area. There is no specified standard for a 2-bedroom dwelling across 3-storeys within the NDSS, however based on the suggested schedule of floor areas (84.4sq.m.) it is considered that the dwelling accommodation would be of a suitable size for the proposed number of occupants (3-people based on bedroom sizes) even if additional floor area required for circulation space associated with the additional storey was allowed for.

Whilst it is possible that the first floor could be sub-divided to provide a third bedroom with limited alterations (to match units 1-7), the LPA has no evidence to suggest this would be the case and a condition relating to approved drawing numbers could prevent this from occurring. It is also noted that unit 8 is narrower than the other units reducing the amount of space at ground floor level for living space.

A number of representations refer to the height of the proposed dwellings and the impact they would have in terms of overbearing impact and loss of light, outlook and privacy. The dwellings have been sited back from the footway by approximately 4-5 metres and aligned with the southern blank elevation of Kings Mews. This would provide a separation distance of approximately 17 metres to dwellings situated to the eastern side of Exmouth Road (across a public road) and approximately 40 metres between rear windows at the application site and windows to the rear of properties fronting Victoria Road South. Furthermore the rear windows of the proposed dwellings at upper floor level would be sited approximately 17 metres from the rear boundary with these dwellings.

Whilst the proposed dwellings would incorporate large windows as part of the design concept, having regard to the degree of separation provided by Exmouth Road to properties to the east and the rear gardens to properties to the west, it is considered that the proposal would not be so harmful in amenity terms to sustain a reason for refusal on loss of outlook or increased sense of enclosure. The height of the proposed dwellings would certainly be perceptible to neighbours within their gardens and would result in some direct loss of light early in the morning. However, as a result of the degree of separation, the impact is again not considered to be so harmful as to sustain a reason for refusal.

It is noted that the bay windows of flats within King's Mews offer views towards the south and partially across the application site, and the siting of the development would change this outlook from the southernmost windows. However, having regard to the set back of the proposed dwellings and the inclusion of other windows within the bay feature that retain unchanged outlook towards the east, it is considered that the presence of the terrace would not be particularly noticeable within these rooms for normal day to day activities and its presence would only be seen within more oblique views from the bay itself. As such the impact on these windows would not be significantly harmful to the living conditions of existing and future occupiers. The previous reasons for refusal relating to planning applications 17/00515/FUL and 17/01677/FUL which included taller and bulkier buildings at the site did not relate to impact on residential amenity.

Impact on property value is not a material planning consideration.

Highway Implications

The application proposes the creation of a small car park to the rear of the terrace to provide eight off-road car parking spaces accessed from Exmouth Road along the flank elevation of the southernmost dwelling. The removal of the dropped kerb to the western side of Exmouth Road which currently serves the garages and the re-instated of the pavement would also create 5 on-street spaces, although these would not be directly linked to the development. In this respect the proposal is very similar to that previously considered by planning application 17/00515/FUL and refused on parking grounds (as detailed above).

The Local Highway Authority (LHA) has considered the submitted proposal and highlight that Exmouth Road is a predominantly residential road although it is situated adjacent to a number of lock-up garages. The road is subject to a 20mph speed limit and has unrestricted parking controlled with double yellow lines. The area is often the subject to significant parking pressure at all times of day with demand from both residents and visitors to the nearby shopping/leisure offerings at Albert Road and Southsea Town Centre and regularly sees poor parking behaviours with vehicles being left on double yellow lines near junctions. Whilst no transport assessment has been provided, the LHA highlight that when regard is made to the existing lawful use of the site, it is considered that the additional trips associated with 8 dwellings is unlikely to place significant pressure on nearby junctions and highway capacity.

The Parking Standards and Transport Assessments SPD sets the level of parking provision required within all new residential developments. Based on the suggested number of bedrooms within the dwellings, the development would be expected to provide 15.5 (16) off-road parking spaces (7 x 4-bed @ 2 spaces per dwelling and 1 x 2-bed @ 1.5 spaces per dwelling). The LHA highlight that the existing use of the site is unknown but contains a mix of garaging and material storage is most likely. It is considered that given the nature of the garages, it is unlikely that all, if any of the cars stored within them would be distributed back onto the surrounding network. As such, for the purposes of this application the LHA have presumed that any displaced vehicles would not result in increased parking demand beyond the 16 identified above.

In addition to the 8 spaces provided within the rear car park, three additional "multipurpose hardstanding" spaces are also proposed within the rear gardens of units 6, 7 and 8 which would meet the size requirements within the SPD and could provide a further parking space should the future occupiers require it. Whether these spaces would be used is to be seen, however, similar multiuse spaces provided elsewhere in the city (by the City Council) have been successful in that they give those residents that require extra space a place to park a vehicle that is perhaps not used every day. This brings the total number of off-road spaces associated with the development to 11, a shortfall of 5 spaces.

The LHA has indicated that whilst the site is not located within the City Centre where the SPD encourages a reduced parking standard. However, it acknowledges that the site is located within a sustainable location in close proximity to a wide range of shops and services within the Albert Road and Elm Grove District Centre and Southsea Town Centre, a range of recreational facilities across the seafront and local transport links, and a slightly reduced parking standard could be considered. Notwithstanding this view, the LHA consider that a provision of just 69% (11/16) of the required parking standard set out within the SPD is too great a reduction given the type of housing proposed and recommend the refusal of the application, siting impact upon the amenity of local residents.

Whilst the concerns of the LHA are noted, the planning assessment of this application must strike a balance between the highways objection and the previous highways reason for refusal at the site, and the policy presumption in favour of residential development at the site (for at least 10 dwellings as set out in saved Policy SJ8) and the contribution such development would

make towards meeting the city's housing need as set out within Policy PCS10 and PCS21, as detailed above. In making this judgement, it is noted that the objection received from the LHA is not on the grounds of highway safety.

In balancing the issues, significant weight is also placed on the positive design solution detailed above, the redevelopment of an area of lock-up garages and workshops that does not make a positive contribution to the street scene, and the benefits of providing seven 4-bedroom family dwellinghouses where 82% of all dwellings delivered in the city between 2005 and 2018 were flats. Furthermore, whilst the additional 5 on-road spaces created by the development could not be relied upon by the development, these would provide additional capacity within the network which could alleviate the impact of the parking shortfall at the site if there is insufficient provision on site.

In light of the assessment above, it is considered that the benefits of the proposal, and in particular the positive design changes that have occurred since the previous refusals, would outweigh the concerns of the LHA. The proposal would therefore meet the definition of sustainable development set out within the NPPF.

The LHA consider that the dropped access onto Exmouth Road would be acceptable for the quantum of spaces proposed. However, it is highlighted that should the adjoining garage site come forward for similar redevelopment in the future, an upgrade to a bell-mouth type junction would be required which would not be compromised by the current proposal. Given the relatively minor scale of the works needed to remove the dropped kerbs and re-instate the pavement, the LHA confirm that a s.278 agreement would not be required and the works can be controlled though appropriately worded planning conditions.

Indicative details have been provided for bicycle storage facilities within the rear gardens with detailed designs for bin enclosures within the front gardens. Whilst further details in respect of bicycle storage are required the final design and the provision of both bin and bicycle storage can be required through the inclusion of planning conditions.

Flood Risk

The site is shown to be located within Flood Zone 3 of the Environment Agency's Flood Maps and partly within an area of high hazard as shown within the Strategic Flood Risk Assessment. On the basis that Policy PCS12 of the Portsmouth Plan states that: 'The sequential test will be considered met on Allocated sites', the LPA does not need to apply the Sequential Test in this instance. Having regard to the site's previous development and appearance, the delivery of eight dwellings that would need to incorporate new sustainable requirements, and the content of the submitted FRA demonstrating that the proposal is safe and would not increase the risk of flooding elsewhere, the proposal would pass the exception test.

The submitted FRA has been considered by the Environment Agency (EA), the City Council's Drainage Team (LLFA) and previously by The Eastern Solent Coastal Partnership (ESCP) (as part of 17/00515/FUL) who highlight that the conclusions and recommendations of the submitted FRA are appropriate and the development would not give rise to any significant risk to life or property from flooding. It is considered that the measures detailed to address the residual risk of flooding at the site including flood resilience below 4.7m AOD, safe refuge areas above predicted flood levels at upper floors and no sleeping accommodation at ground floor are appropriate. Delivery of the development in accordance with the aims and objectives of the FRA and can be required through a suitably worded planning condition as suggested by the EA.

In response to the EAs comments in respect of emergency planning, the City Council's Civil Contingencies Unit has confirmed that the following procedures are in place in place to deal with an emergency in the event of flooding in the City:

- PCC Flood Response Plan - detailing the council specific response to a flooding event
- PCC Emergency Response Plan - detailing the generic council command and control arrangements for emergency response, including flooding and evacuation
- PCC Rest Centre Plan - detailing the provision of welfare support to evacuated residents and communities
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part One - detailing the generic emergency responders arrangements for dealing with a flooding event
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Two - providing a summary profile of flooding in each Lead Local Flood Authority area, including Portsmouth
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Three - operational plans detailing flooding in each EA flood warning area of Portsmouth, specifically relevant to this location is the one for Copnor, Baffins, Milton, Eastney and Craneswater (these plans cover all of Portsmouth).

The ESCP previously highlighted that work is currently in progress to provide the next generation of coastal flood defences in Southsea which when delivered will significantly reduce the risk of coastal flooding to Southsea and will be of direct benefit to this development. A condition is suggested seeking details of surface water drainage at the site which will be considered in consultation with the City Council's Drainage Team. No concerns have been raised from consultees in respect of underground waterways.

Sustainable Design and Construction

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 can be required through suitably worded planning conditions.

Special Protection Areas (SPA)

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, 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.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £5,730.00 (7 x 4-bedroom units @ £749) + (1 x 2-bedroom units @ £487). The applicant has agreed to provide mitigation through an agreement under S.111 of the Local Government Act. With this mitigation in place the authority can conclude that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Regeneration to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £5,730.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the agreement referred to in Recommendation A has not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

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: KAD 01 A ESP Rev-A, KAD 01 A BIN, KAD 03 A PSP Rev-F, KAD04 A PFP Rev-F, KAD 05 A PE Rev-F and KAD 06 A PMS Rev-C.
- 3) 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+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+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.

4) 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 (3)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 (3)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 (3)c.

5) (a) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include, but not limited to, details of: Delivery arrangements; Loading/off-loading areas; Times of deliveries; Office facilities; Contractor parking arrangements; Extent of any traffic/pedestrian management; Method Statement for control of dust and emissions from construction and demolition; and (b) The development shall be carried out in full accordance with the Construction Management Plan approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site.

6) (a) Prior to the commencement of construction works associated with the dwellings hereby approved, precise details of the proposed means of foul and surface water sewerage disposal including the layout, flow calculations and its planned future maintenance shall be submitted to and approved by the Local Planning Authority in writing. (b) The development shall then be completed in accordance with the details approved pursuant to part (a) of this condition and thereafter permanently retained.

7) (a) Prior to the commencement of construction works associated with the dwellings hereby approved, a scheme for insulating habitable rooms against road traffic noise shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed to ensure that the following acoustic criteria will be achieved with ventilation and or space cooling provisions to ensure opening windows can remain closed: Living rooms and bedrooms:

LAeq(16hr) (7:00 to 23:00) 35 dB, Bedrooms: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

(b) The development shall then be carried out in full accordance with the details approved pursuant to part (a) of this condition and the approved measures thereafter permanently retained.

8) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be constructed in full accordance with the schedule of materials and construction details contained within approved drawings KAD 04 A PFP Rev-F and KAD 06 A PMS Rev-C.

9) Notwithstanding the submitted details all boundary walls shall be constructed in brickwork to match the main dwellings (Hampshire stock red multi) or such alternative materials as may be approved in writing with the Local Planning Authority.

10) (a) The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out and occupied in full accordance with the flood protection measures and recommendations set out within the submitted Flood Risk Assessment & Flood Risk Warning and Evacuation Plan (Produced by 'The Town Planning Experts' dated 21 June 2017) and shall include;

- Flood resistant and flood resilient building techniques/materials;
- Siting of utilities above predicted flood levels;
- Preparation of a Flood Evacuation Plan;
- Sign up to the Environment Agencies Flood Warning Alerts; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification that the flood protection measures and recommendations set out within the approved Flood Risk Assessment & Flood Risk Warning and Evacuation Plan (and detailed within part (a) of this Condition) have been fully implemented; and

(c) The flood protection measures set out within the approved Flood Risk Assessment & Flood Risk Warning and Evacuation Plan (and detailed within part (a) of this Condition) shall thereafter be permanently retained.

11) 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.

12) (a) Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which details all soft and hard landscaping within front and rear gardens including details of all tree and shrub planting; and

(b) The landscaping scheme approved pursuant to part (a) of this condition shall be carried out no later than the first planting and seeding seasons following the occupation of the first dwelling. 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.

13) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) the approved parking facilities (8

parking spaces within the rear parking court on a one space per dwelling basis; and 3 spaces within the rear gardens of units 6, 7 and 8 as labelled on drawing KAD 04 A PFP Rev-F) shall be laid out and made available for the parking of vehicles in accordance with approved drawing KAD 03 A PSP Rev-F; and

(b) The approved parking provision as detailed by part (a) of this condition shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles.

14) Prior to first occupation of units 6, 7 and 8 as indicated on approved drawing KAD 04 PFP Rev-F, boundary treatments to enclose the rear garden and multi-purpose parking areas shall be provided in accordance with details first submitted to and approved in writing with the Local Planning Authority and thereafter permanently retained.

15) Prior to first occupation of any of the dwellings hereby permitted (or within such other period as may otherwise be agreed in writing with the Local Planning Authority) the redundant vehicular cross over and dropped kerb onto Exmouth Road shall be removed and replaced with a full height kerb and reinstated footway to suit new levels; and the new vehicular entrance to the car park shall be carried out in accordance with a detailed scheme (including, but not limited to design, materials, pedestrian crossing points, signage and road markings) to be submitted to and approved in writing by the Local Planning Authority.

16) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) facilities for the storage of refuse and recyclable materials shall be provided in accordance with drawings KAD 03 A PSP Rev-F and KAD 01 A BIN and made available for use.

(b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials associated with dwellings approved.

17) (a) Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied/brought into use until precise details of all bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings shall be occupied/brought into use until the bicycle storage facilities approved pursuant to part (a) of this condition have been provided and made available for use. The bicycle storage facilities shall thereafter be permanently retained for the storage of bicycles at all times.

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

The reasons for the conditions are:

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

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

3) 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 2001-2011.

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 2001-2011.

5) In the interests of highway safety and residential amenity and to minimise adverse effects on the local environment, as far as practicable, during works of demolition/construction in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

6) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.

7) To ensure that acceptable noise levels within the dwelling are not exceeded and to prevent overheating in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

8) In the interests of the visual amenity having regard to the specific design of the dwellings in accordance with policy PCS23 of the Portsmouth Plan.

9) In the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

10) To minimise the risk from flooding in accordance with Policy PCS12 of the Portsmouth Plan.

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

12) To provide an appropriate setting for the development in the interests of visual amenity in accordance with policies PCS13 and PCS23 of the Portsmouth Plan.

13) To ensure that adequate provision is made for the parking of cars in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.

14) In the interests of the visual amenity and to provide an appropriate means of enclosure to the rear of dwellings in accordance with policy PCS23 of the Portsmouth Plan.

15) In the interests of highway safety and to ensure additional on-road parking provision can be made available in accordance with policy PCS17 of the Portsmouth Plan.

16) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the Portsmouth Plan.

17) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

18) In the interests of visual and residential amenity having regard to the specific design of the dwellinghouses, constrained site layout and relationship with adjoining properties in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

58 CROMWELL ROAD SOUTHSEA PO4 9PN

CONVERSION OF EXISTING BUILDING TO FORM FOUR SELF-CONTAINED FLATS; AND CONSTRUCTION OF ONE DWELLINGHOUSE WITH ASSOCIATED PARKING; AND REFUSE AND CYCLE STORE, TO INCLUDE INSTALLATION OF BOUNDARY FENCE; AND RELOCATION OF DROPPED KERB.

Application Submitted By:

PLC Architects
FAO Mr Jason Bonner

On behalf of:

Dunprop Ltd

RDD: 28th June 2018

LDD: 4th September 2018

SUMMARY OF MAIN ISSUES

The application site lies on the corner of Cromwell Road and Tokar Street in Southsea. The site is occupied by a three-storey building, which has a lawful use as a public house (Class A4) (Royal Marine Artillery Tavern), with ancillary living accommodation above. The property is currently vacant and not accessible to the public. To the rear of the public house there is a yard area and a large single-storey outbuilding fronting Tokar Street, which was previously used as a function room. There is no vehicle access or parking on the site.

The surrounding area is predominantly residential in character. To the west of the site is the flank wall of No.1 Tokar Street, which is located at the end of a terrace of two-storey dwellings. To the north of the site there is a part two, part single-storey building on the northern corner of Tokar Street and Cromwell Road (56 Cromwell Road), which is in residential use following conversion and extension of a former public house. The rest of Tokar Street is characterised by two-storey terraced housing.

To the south of the site is a three-storey block of flats (Cavalier Court), which has a parking court to the rear with a tall brick wall along its northern boundary with the application site.

To the east of the site are the former Eastney Barracks, which are now in residential use. A number of the buildings within this development are Grade II listed including the 'Gatehouse' and the brick perimeter wall is designated as a Scheduled Ancient Monument (Eastney Barracks Perimeter Wall). These buildings also lie within the Eastney Barracks Conservation Area.

Proposal

Planning permission is sought for the conversion of existing building to form four self-contained flats; and construction of one dwellinghouse with associated parking; and refuse and cycle store, to include installation of boundary fence; and relocation of dropped kerb.

Internally, the converted public house would accommodate a total of 4 no. flats and would be comprised of:

- 2 x 1 bed flats at ground floor
- 1 x 2 bed flat at first floor and;
- 1 x 2 bed flat at second floor

On the south side of the building there is an existing gated pedestrian access from Cromwell Road, which would be retained. This would provide access to the rear of the site and the integral cycle/waste storage located at ground floor. The ground floor flats would be accessed via existing doorways fronting on to Cromwell Road whilst the upper floors would be accessed via an existing doorway located on Tokar Street.

To the west of the site, one dwelling has been proposed. The new dwelling would abut to eastern gable wall of No. 1 Tokar and would be two-storeys in height with a gable roof. The ridge height of the dwelling would match the adjoining property and would measure 8.1m in height. The eaves have been designed to match the adjoining property at a height of 6.2m. The new dwelling would measure 6.1m in width and would have a max depth of 8.5m. A single storey, lean-to extension has been proposed to the rear elevation of this dwelling with a height of 3.6m. To the south, the new dwelling would have access to a garden with an area of 50.4m². This garden would be enclosed with a 1.8m high boundary fence and would have access to bin/bicycle storage. The submitted plans also indicate the provision of a tree to the rear of this dwelling.

To the north of the site on to Tokar Street a new vehicular access and hardstanding has been proposed. The dropped kerb access would be 3m wide and would be enclosed by brick finished boundary walls/ powder coated black railing enclosures either side. A small strip of landscaping would separate the western boundary wall and the hardstanding. A total of 5 no. vehicle parking spaces have been proposed, one for each apartment and one for the standalone dwelling.

Planning History

17/011119/FUL- Proposed conversion of existing building to form 6, one and two bed apartments following demolition of existing single storey building and construction of 2, three bedroom houses with associated refuse and cycle store to rear- Refused- 15th January 2018.

14/01610/PLAREG - Retrospective application for the siting of rear smoking shelter - conditional permission- 3rd February 2015

08/01166/ADV - display of two externally illuminated fascia signs - consent- 3rd September 2008

There are also previous applications for alterations dating back to the 1950's and 70's.

Other relevant planning history relating to nearby sites includes the following:

16/01423/FUL - 56 Cromwell Road - Conversion to form 5 flats following demolition of existing single storey rear extensions and construction of single storey rear extension and first floor extensions to rear with associated refuse and cycle store (re-submission of 16/00170/FUL) - conditional permission 19 October 2016

A*39183/AA - 60 - 66 and rear of 68 - 74 Cromwell Road (now Cavalier Court) - construction of three-storey building to form 11 flats with gable and balconies to front and rear roofslopes to provide accommodation within roofspace, associated parking to rear through undercroft with access from Cromwell Road, associated bicycle/refuse stores after demolition of existing garage and workshop - conditional permission 8 November 2005

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), and PCS23 (Design and Conservation).

CONSULTATIONS

Natural England

Natural England has previously commented on this proposal and made comments to the authority in our response dated 20 March 2018 (attached).

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

Ecology

I note that this is a re-submission of refused application 17/01119/FUL. I understand that ecological concerns were not a reason for refusal and my comments therefore remain the same as those provided under the similar 17/01119/FUL application, but would note two key points:

- Recent case law has provided clarification that developments which result in likely significant effects on Natura 2000 sites (individually or in-combination) cannot rely on mitigation measures to screen out such an effect. This means that developments which will be required to contribute to the Solent Recreation Mitigation Partnership will need to be assessed by Portsmouth City Council (as the Competent Authority) through Appropriate Assessment for the potential impact on Natura 2000 site integrity.
- Since the last application consultation, the contributions to the Solent Recreation Mitigation Partnership have increased. These are presented below.

Having reviewed available information and site details I would conclude that the site has negligible potential to support protected species and with reference to available biological records I have no concerns that this development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

Appropriate Assessment by the Competent Authority:

As described above, a requirement to contribute to the Solent Recreation Mitigation Partnership (SRMP) acknowledges an in-combination effect on the Natura 2000 sites, specifically Portsmouth Harbour SPA, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA. The SRMP Strategy seeks to provide mitigation for the duration of the impact (in-perpetuity) in line with the Habitats Regulations. There is therefore an acceptance that mitigation will be required for this type of effect and a likely significant effect on the Solent SPA's cannot be screened out.

At this stage of HRA, it is a statutory requirement for competent authorities to formally consult Natural England 'for the purposes of' an Appropriate Assessment (AA) and to 'have regard' to any representations that Natural England may make. In this case, Natural England have not yet provided comments and I would advise that you take their views into account. In the case of the SRMP in general, Natural England have previously stated that "Subject to the appropriate financial contribution being secured, Natural England is satisfied that (a contribution) will mitigate against the potential recreational impacts of the development on the site(s). Our advice

is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017".

It is therefore considered that Natural England believe that SRMP contributions are, in general, sufficient to mitigate the likely significant effect of recreational pressure where low levels of additional residential units are proposed and no residual effect on site integrity is expected. Portsmouth City Council is able to come to a separate conclusion, however there is currently no evidence to suggest that the recently adopted SRMP approach is unsuccessful in mitigating the in-combination effect on site integrity it was developed to address. It is therefore my advice that PCC can conclude that there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017, with confidence that Natural England remain supportive of the general application of the only required mitigation measure. This should be re-considered should Natural England provide comments raising either additional likely significant effects on designated sites, or concern over the application of SRMP mitigation in this case.

In applying the SRMP, 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). The scale of the contribution is set per dwelling, on a sliding scale. The costs for the sliding scale are :

£337 for 1 bedroom dwelling
£487 for 2 bedroom dwelling
£637 for 3 bedroom dwelling
£749 for 4 bedroom dwelling
£880 for 5 bedroom dwelling

These charges came into effect from 1st April 2018 and will be updated each year in line with the Retail Price Index.

Environmental Health

Additional Traffic Movement

Further to the above application there are no objections to the proposed development in principle and due to the size of the proposed development it is unlikely that the proposed development will significantly generate additional traffic movements in the area.

Traffic Noise

A standard thermal glazing as required by the Building Regulations will be sufficient to protect the proposed occupants from traffic noise on Cromwell Road.

Due to the age of the building and the change of use, the sound insulation within the property may be inadequate for residential accommodation. Approved Document E - Resistance to the passage of sound makes requirements that appropriate sound insulation should be installed where there is a material change of use in a building. I anticipate that Building Control will be making appropriate comments about the measures required to protect the proposed occupant's from day to day living noise.

Contaminated Land Team

A nearby site had slightly elevated concentrations of lead in the soil but otherwise we have few records for this area. However, given the sensitive end-use and adjacent former garage, the following conditions, or similar, are requested. A minimal submission is requested which should include testing of any soft landscaping. Whilst this is 2 conditions, one which is three parts, not all may be require discharge. This is explained in the wording of the condition.

(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+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+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, 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) and asbestos. 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.

Highways Engineer

I have reviewed the drawings and Design & Access Statement submitted in support of this application which proposes a conversion of the RMA Tavern to form two 1 bedroom and two 2 bedroomed flats and one 3 bedroomed house with associated parking; and refuse and cycle store, to include installation of boundary fence; and relocation of dropped kerb and cycle storage and I would make the following observations.

The site is located in a primarily residential area where few of the properties have off street parking facilities and the demand for parking by local residents significantly exceeds the space available on street particularly in the evenings and at weekends. No parking survey undertaken in accordance with the Lambeth model has been submitted with the application to confirm the availability of overnight on street parking spaces within 200m of the property rather it appears to be accepted by the applicant that no such further on street parking capacity is available. In terms of access to public transport within the city the site is of low accessibility, not being within 400m of a high frequency bus corridor or 800m of a railway station. Notwithstanding the accessibility of the site I am satisfied that the scale of the proposal would not be likely to generate a material increase in trips on the local highway network during peak period. However it is not located within that part of the city defined in the SPD and being sufficiently accessible to allow consideration of a reduction in or relaxation of the residential parking standards.

The application proposes 6 cycle parking spaces to serve the 4 apartments with a dedicated cycle store for the house. Whilst this meets the cycle parking requirement it is not clear how the cycle/bin store for the house will be accessed and it appear that cycles and bins will need to be wheeled through the property which is not practical. Five parking spaces are indicated accessing to Tokar Street. The relevant parking standard for a development of this scale is 6.5 spaces although the property includes an existing 6 bedroomed flat with a parking requirement of 2 spaces; none are currently provided and as a consequence the site has an existing parking shortfall of 2 spaces. This shortfall will not be increased as a result of this development. The access to Tokar Street is via a new dropped crossing which extends for the whole width of the 6m wide parking aisle. As a consequence visibility for passing pedestrians is limited. If the access was narrowed to 3m and a boundary treatment not exceeding 1m in height provided on each side of that access then I would be satisfied that adequate pedestrian visibility could be achieved. There is no scope for vehicles parked in 2 of the spaces to be able to turn on site and so enter and leave the highway in a forward gear, although given the status and function of Tokar Road I would not wish to object to the proposal on that basis. Subject to modifying the access to provide pedestrian visibility splays of 2m by 2m on either side and orientating the cycle / waste storage for the house such that it can be accessed without having to wheel cycles / bins through the property, I would not wish to raise an objection to this application.

REPRESENTATIONS

Seventeen representations have been received objecting to the development on the grounds of:

- (a) lack of parking provision associated with the proposed development;
- (b) unlawful parking on private land at Marine Gate;
- (c) cycle parking and bus links are inadequate to appease parking concerns;
- (d) inadequate notification about the proposed development;
- (e) overdevelopment of similar sites nearby and cumulative impact on parking demand;
- (f) residents tend to have more than one vehicle;
- (g) proposed development has been profit led;
- (h) loss of privacy and greater sense of overlooking;
- (i) decline in bat populations;
- (j) proposed development would result in a loss of natural light;

- (k) proposed development would be overbearing on the streetscene;
- (l) there are too many flats within the local area;
- (m) represents conflicts for boundary wall/ soil and vent pipes to the west of the application site;
- (n) proposed development infill a gap in urban form which would block views of sky;
- (o) exacerbate existing health problems for neighbouring residents;
- (p) increased noise and disturbance;
- (q) property rights are being blatantly disregarded;
- (r) the City Council are not taking the views of residents seriously;
- (s) the proposed development would cause undue stress and unhappiness;
- (t) there are better locations for the proposed single dwelling;
- (u) owners of the property have shown complete disregard for neighbouring residents.

COMMENT

The determining issues in this application are: whether the principle of the proposed development is acceptable; whether the layout/design is acceptable and what impact this would have on the surrounding streetscene; whether the proposal would have a significant impact on designated heritage assets; whether the proposed development would provide an adequate standard of living accommodation for future occupiers; whether the proposal would have a significant impact on the amenity of adjoining occupiers; whether the proposal would have a significant impact on the local highway network; whether the proposal would provide adequate bicycle/refuse storage and whether the proposal has overcome previous reasons for refusal.

Principle of the proposal

There is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 59 of the NPPF (July 2018) states: "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

The proposal would involve the loss of an existing public house (Class A4), which has been recently shut and has fallen into a poor state of repair. The applicants have not provided any specific information to justify the loss of the public house, although Environmental Health records indicate that there have been a number of historic complaints about noise and disturbance from the premises. There are no specific policies within the NPPF Portsmouth Plan to resist the loss of public houses, therefore, whilst a number of local residents have raised concern about its loss, it is not considered that an objection could be sustained on this basis.

The principle of the proposal is therefore considered acceptable, subject to meeting all other relevant policy requirements.

Layout, Design and Visual Impact

The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: 'support strong, vibrant and healthy communities. by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment with accessible services and open spaces' Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should ensure that they function well and add to the overall quality of an area; developments are visually attractive; developments are sympathetic to local character and

history; developments should establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

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

The proposal to convert and extend the public house has been designed to retain as much of the existing appearance of the main elevations as possible. The external elevations of the RMA Tavern represent an attractive street frontage with distinctive brick elevations, painted cornice, arched window headers, timber window/doors and natural slates. At ground floor level fronting Cromwell Road and Tokar Street, the plans originally indicated all of the existing public house window openings to be retained bar one, which was shown to be infilled with a rendered panel. Following concerns raised about the visual impact of the rendered panel on the prominent elevation fronting Cromwell Road, the plans were amended to alter the internal layout so that the window opening could be retained. There would be limited other external alterations to the appearance of the main north and east elevations of the public house and this is considered appropriate to retain the character and appearance of the building within the streetscene. Windows would be replaced with conservation style, slim line uPVC windows with similar opening methods (slide and sash) to those existing. New windows and render panels below would be introduced on the north and east elevations to match those existing on the pub. Existing doors would be colour treated black. The existing roof form, cornice detailing, traditional signage and chimney stacks would all be retained. No other extensions or alterations to the existing pub have been proposed, however the existing single storey projection onto Tokar Street would be demolished alongside other internal structures including a polycarbonate link corridor which connects the main building to this function room.

Overall it is considered that the proposals to convert the public house would respect the character and appearance of the existing building and surrounding area. Whilst this building does not benefit from any listed building designations, the building makes a valuable contribution to the character and appearance of the streetscene and its local distinctiveness. As such, the Local Planning Authority (LPA) have sought assurances from the developer regarding details of replacement windows and doors to ensure that any development is sympathetic to the original features of the building.

The proposed new dwelling to the rear (west) of the RMA Tavern would have the appearance of a traditional two-storey house, similar to the style of adjoining housing within Tokar Street. Further to discussions between the applicant and the LPA, a revised scheme was submitted that sited the proposed new dwelling to abut the gable end of No. 1 Tokar Street. Representations received from the owner of this property have disputed this design alteration as being significantly harmful. In considering the originally submitted proposal, the LPA expressed concerns regarding an isolated gap between the gable ends of No. 1 Tokar Street and the new dwelling and advised the applicant to consider adjoining this property to the existing terrace. The rationale for this amendment was to continue the appearance of the existing terraced dwellings, but also to avoid unnecessary maintenance issues to either gable wall or prevent the build-up of rubbish/debris caused by unnecessary gaps in the urban grain. The amended plans have also matched the total ridge height (8.1m) and eaves height (6.2m) of No. 1 Tokar Street which would help the dwelling integrate with existing terraced properties. Window openings have been arranged and enlarged to match properties within the streetscene and window header/sill details would also be replicated. The dwelling would be constructed from red/brown brick work and would have black rainwater goods.

Whilst there is no specific concern about the style, design and materiality of the dwelling, representations have raised concerns regarding the impact of the additional built form on the rear part of the site, in terms of the loss of the gap that currently exists at first floor level between the end terrace house and the rear of the public house. This loss of gap was considered to be unacceptable at the point of determination of planning application reference: 17/01119/FUL with a reason for refusal stating: "The proposed dwellings to the rear of the site would, by reason of their combined width and height and extent of site coverage, result in the loss of an established visual break within the streetscene and represent a cramped overdevelopment of the site. The proposal would therefore be harmful to the character and appearance of the area, contrary to Policy PCS23 of the Portsmouth Plan and the principles of good design set out within the National Planning Policy Framework."

It is acknowledged that there is a large outbuilding currently located to the rear of the public house, but this outbuilding is only single storey in height and therefore maintains a visual gap at first floor level and above. It is also recognised that the corner building to the north of the site (No.56 Cromwell Road) has been previously extended to the rear. However, this extension is also single-storey in height and a gap is also maintained between the rear of the extension and the side elevation of the adjacent terrace house. The proposed new dwelling would inevitably have an impact on this visual gap in the urban grain, however it is considered that the revised scheme by virtue of the removal of 1 no. dwelling and the removal of other previously considered extensions to the RMA Tavern, would reduce the impact on this gap by at least 50%. The combined frontage of the two dwellings to the western part of the site as considered under the previous planning application was 12.2m. The revised scheme proposes 1 no. two storey dwelling with a width of 6.1m. The revised scheme would allow for a gap in the urban grain measuring 10.7m compared with a gap of 1m under the previously refused scheme.

In light of these significant amendments to the previously refused scheme (17/01119/FUL) the reason for refusal relating to the loss of this visual gap is now considered to have been overcome and the principle of constructing 1 no. dwelling to the western edge of the application site is therefore considered to be acceptable.

Impact on Heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Paragraph 185 of the NPPF (July 2018) states: "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place."

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

To the east of the site are the former Eastney Barracks, which are in residential use. A number of the buildings within this development are Grade II listed including the 'Gatehouse' which is opposite the application site. The brick perimeter wall that encloses the barracks is designated as a Scheduled Ancient Monument (Eastney Barracks Perimeter Wall). These buildings also lie within the Eastney Barracks Conservation Area (No.17).

The existing public house can be viewed in relation to the Eastney Barracks when viewed from the north or south on Cromwell Road, or when looking east along Tokar Street. As noted in the previous section of this report, the proposed works to the existing public house have been designed to maintain and respect its existing appearance and it is not considered that these works would harm the setting of the nearby heritage assets. From Tokar Street, there are views of the former Eastney Barracks buildings when looking east along the road, and the listed Clock Tower can be seen above the public house. Due to the two-storey height of the proposed dwelling, they would have some impact on the views of the Clock Tower from Tokar Street, but the Clock Tower would still be visible above the dwellings by virtue of its height. The main views of the Barrack buildings and Clock Tower are from Cromwell Road and these views would not be impacted by the construction of the new dwellings. Overall, having regard to the separation distance between the proposed dwelling and the nearby listed buildings and structures, and the presence of intervening buildings, it is considered that the development would have a neutral impact on the setting of the nearby heritage assets.

Affordable Housing

Policy PCS19 states that affordable housing would be required for developments of 8 dwellings or more. However, following a change to Government policy in 2014 (which was upheld at the Court of Appeal in 2016), Local Planning Authorities are no longer able to seek affordable housing on developments of 9 dwellings or less. Therefore, as the proposal is for a net increase in 5 dwellings, there is no requirement for affordable housing.

Standard of Living Accommodation

Policy PCS23 of the Portsmouth Plan requires development to achieve a good standard of living environment for future residents and Policy PCS19 of the Portsmouth Plan states that new development must be of a reasonable size and appropriate to the number of people that it is designed to accommodate. PCS19 previously referred to size standards set by Portsmouth City Council but these have since been superseded by National standards set out within the Nationally Described Space Standards (NDSS, March 2015). The NDSS sets out minimum sizes for new dwellings that are considered appropriate to provide a suitable standard of living accommodation.

The minimum size standards relevant to this proposal are as follows:

- 1-bed, 2 person - 50m²
- 2-bed, 3 person - 61m²
- 2-bed, 4 person - 70m²
- 3-bed, 5 person - 99m²

The proposals provide the following floor areas:

- Flat 1 (GF): 1 bedroom for 2 persons: 50m²
- Flat 2 (GF): 1 bedroom for 2 persons: 51m²
- Flat 3 (FF): 2 bedroom for 4 persons: 82m²
- Flat 4 (SF): 2 bedroom for 3 persons: 68m²
- Dwelling: 3 bedroom for 5 persons: 97m²

The submitted plans indicate that all of the proposed flats would meet the minimum size standards, albeit that the 1-bedroom units would be right at the minimum size. The new stand-alone dwelling would have 3-bedrooms and the plans indicate that they would be designed for 5 persons, with a floor area of 97m². This would represent a limited shortfall (2m²) in the required standard as outlined in the NDSS. The dwelling would have access to a generous, enclosed amenity space to the rear measuring approx. 50m² in area.

Having regard to the size of the dwellings, which would all meet or exceed the minimum size standards with the exception of the proposed new dwelling which has a shortfall of approx. 2m², it is considered that the proposed 5 new residential dwellings provide a suitable standard of living accommodation for future residents, in compliance with policies PCS19 and PCS23 of the Portsmouth Plan.

In relation to light and outlook for the future residents, the flats have been designed to have their habitable room windows facing north and west, where the best level of light would be achieved. The dwellings would be orientated north/south, with habitable room windows facing over the road or into the rear garden, and this is also considered appropriate to achieve a suitable level of light and outlook.

The Environmental Health Officer has noted that there is the potential for residents of the dwellings fronting Cromwell Road to be impacted by traffic noise, but that this impact could be mitigated by the provision of appropriate window glazing which would be controlled through the Building Regulations regime.

Impact on Neighbouring Amenity

Policy PCS23 requires new development to protect the amenities of neighbouring residents.

Adjacent to the western boundary of the application site is No. 1 Tokar Street which has a blank gable wall. This blank elevation extends the full depth of the western boundary of the application site to a height of two-storeys and it is therefore not considered that the residents of this property would be adversely impacted in terms of loss of outlook, light or privacy from the proposed pub conversion. To the south of the site, there is a three-storey block of flats (Cavalier Court), which has a number of windows on its rear elevation facing west and there is a rear parking area that is separated from the application site by a tall boundary wall. There are no windows on the northern elevation of the flats. This neighbouring block of flats extends further to the west than the existing public house. It is therefore not considered that the conversion of the public house would significantly impact on the relationship with the adjacent flats, or cause any harm to the outlook, light and privacy of the residents.

Further to amended plans, the proposed new dwelling would abut the gable wall of No.1 Tokar Street, which has a blank elevation facing onto the application site. This dwelling would be two-storeys in height and would introduce new windows facing south over the site of Cavalier Court. Whilst views from the ground floor windows would be restricted by the existing boundary wall, the new first floor windows would have views over the neighbouring site. However, the views to the east would be into the parking area for the flats rather than directly towards any of the existing windows. There would be an angled separation distance of approximately 16m between the nearest rear windows of the flats and the nearest first floor windows on the proposed dwellings. Having regard to the separation distance and angled views, it is not considered that the development would have a significant impact on the amenities of the residents of the flats in terms of overlooking/loss of privacy. Also, due to the orientation of the proposed development to the north, it is not considered that it would result in any significant loss of light to the residents of the flats.

Representations received from the owner/occupier of No.1 Tokar Street have objected to the development on the grounds of a loss of natural light, loss of view and increased overlooking/loss of privacy. The construction of a new dwelling in this location will inevitably have some impact in terms of neighbouring amenity. Further to concerns raised by this resident in regards to the presence of rear facing dormer windows, the amended plans have omitted these features in a bid to improve this relationship. Main habitable rooms (kitchen/living/dining) would be located at ground floor and would not have any views of the private amenity space at No. 1 Tokar Street. Two new windows would be introduced at first floor level which would serve a bedroom. These windows would be set in from the common shared boundary with No. 1 Tokar Street by 1.7m and would be relatively small in scale. There would be an element of overlooking

on to the adjacent property by virtue of the new windows, however this is not considered to be significantly different to the relationship of windows located at first floor at No. 3 Tokar Street and beyond.

Furthermore the removal of dormer windows at roof level to be replaced with rooflights would significantly reduce the ability to overlook No. 1 Tokar Street from second floor level which could be arguably more harmful in terms of a loss of privacy. The amended plans therefore are considered to improve the relationship with this adjoining occupier and would not have such a significant overlooking impact to warrant a refusal in this case. The orientation of the built form with the plot (north-south) is not considered to have a significant impact in terms of a loss of light or a greater sense of overshadowing. The sun would orientate around the existing built form and would provide light to the rear of these properties located on Tokar Street. The proposed new development would not be considered to change this relationship significantly.

To the north of the site, there would be a distance of approximately 10m between the front elevations of the proposed dwelling and the front of the nearest dwellings on the opposite side of Tokar Street. This is no less than the separation distance that already exists between dwellings on either side of Tokar Street and it is therefore not considered that the proposed dwellings would have a harmful impact on the amenities of the residents to the north.

Access and parking

The application site is located in a primarily residential area where few of the properties have off street parking facilities and the demand for parking by local residents significantly exceeds the space available on street particularly in the evenings and at weekends.

No parking survey has been submitted with the application to confirm the availability of overnight on street parking spaces within 200m of the property rather it appears to be accepted by the applicant that no such further on street parking capacity is available.

In terms of access to public transport within the city the site is of low accessibility, not being within 400m of a high frequency bus corridor or 800m of a railway station. Notwithstanding the accessibility of the site The LHA are satisfied that the scale of the proposal would not be likely to generate a material increase in trips on the local highway network during peak periods. However it is not located within that part of the city defined in the SPD and being sufficiently accessible to allow consideration of a reduction in or relaxation of the residential parking standards.

The application proposes 6 cycle parking spaces to serve the 4 apartments with a dedicated cycle store for the house. Whilst this meets the cycle parking requirement initial concerns were raised regarding how cycle/bins would be accessed to the rear of the proposed dwelling. The amended plans have included a gated access on to the hardstanding area and the LHA are now satisfied that these amenities are readily accessible.

Five parking spaces have been proposed to be accessed via a dropped kerb on Tokar Street. The relevant parking standard for a development of this scale is 6.5 spaces although the property includes an existing 6 bedroomed flat with a parking requirement of 2 spaces; none are currently provided and as a consequence the site has an existing parking shortfall of 2 spaces. This shortfall will not be increased as a result of this development.

Initial concerns from the LHA were raised in relation to the overall width of the dropped kerb access. At 6m Officers expressed concerns about the limited visibility for passing pedestrians and suggested that if this access was narrowed to 3m and boundary treatments revised to approx. 1m, then no objection would be raised and that adequate pedestrian visibility could be achieved. Further to these comments, revised plans have been submitted implementing the required changes to this access and the LHA are now satisfied with this arrangement.

There is no scope for vehicles parked in two of the spaces to be able to turn on site and so enter and leave the highway in a forward gear, although given the status and function of Tokar Road the LHA did not wish to object to the proposal on that basis.

In conclusion, the LHA advised they would not wish to raise an objection to the proposals subject to appropriate amendments to the dropped kerb access on to Tokar Street which has been secured.

It is therefore considered that the revised scheme has overcome previous reason for refusal identified under planning application ref: 17/01119/FUL through the provision of 5 no. vehicle parking spaces and an amended access point which retains pedestrian safety. Although there is a shortfall of approx. 2 car parking spaces, it is not considered that the development would result in an unacceptable increase in pressure for parking, resulting in a highway safety impact, contrary to Policy PCS17 of the Portsmouth Plan.

The majority of representations received have placed great weight on unlawful parking on land at Eastney Barracks and Marine Gate as a result of lack of on-street parking availability. The proposed development has assigned at least one space per dwelling and although this represents a small shortfall in parking in accordance with the Portsmouth Parking Standards SPD, the planning system is unable to place any control over unlawful parking on land outside of the application site, rather this is a matter that should be resolved through the Marine Gate management company.

Refuse provision

The Waste Management Officer initially raised concerns about the location of the bin store proposed for the flats and whether this could be accessed appropriately as it was noted that the doors to the store would need to open flat against the external wall to ensure suitable access.

In response to these comments, the applicants amended the plans, relocating the bin store and cycle store to more suitable locations and also to show two communal bins within the store and to indicate that the doors would have the ability to open flat against the wall. This has resolved issues regarding the suitability of the bin store and the proposal is now considered to be acceptable in this regard.

Ecology

The County Ecologist has reviewed the proposals and local biodiversity data and considers that the site has negligible potential to support protected species or habitats. It is therefore not considered that the development would have an adverse impact on protected species or habitats or any locally designated wildlife sites. However, due to the increase in population proposed on the site, the County Ecologist has noted that there is the potential for the development to have a negative impact on the Solent Special Protection Area (SPA). This matter is addressed under the following heading of this report.

Impact on the Solent Special Protection Area (SPA)

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

The Solent 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 proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

In considering this application regard has been made to the benefits of the proposal in providing new dwellings within the city and the contribution it would make towards the city's housing targets. An appropriate assessment has been carried out which has identified the required mitigation for the development would be £1405. The LPA is yet to receive this mitigation contribution on behalf of the applicant but has been made aware of the fee and are currently in the process of completing the necessary paperwork.

Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended). As such a formal decision will not be issued until such times as two signed original copies of the Section 111 form and associated payment are received.

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:
17-2233-126 REV P2 - Location Plan
17-2233-126 REV P2 - Block Plan
17-2233-123 REV P6 - Proposed Site Layout
17-2233-124 REV P6 - Proposed Floorplans
17-2233-125 REV P5 - Proposed Elevations
- 3) 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+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+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, 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) and asbestos. 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.

4) 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 3 (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 3 (c).

5) Prior to installation, precise fabrication details (including the profile of all framing, jamb, glass thickness, glazing bar thickness, finish and colour of spacer) of all of the replacement windows at a scale of 1:10 including materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The windows shall then be installed in complete accordance with the approved details and permanently retained in that condition.

6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a full schedule of materials and finishes (including samples where requested) to be used in the construction of the external surfaces of the development hereby permitted (also including car park surfaces, hard landscaping and boundary treatments) has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall thereafter be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this condition.

7) Notwithstanding the submitted details, all boundary walls shall be constructed in brickwork to match the main dwellings and railings shall be colour treated in black or such alternative materials as may be approved in writing with the Local Planning Authority.

8) The proposed works to provide vehicular access and 5 no. parking spaces from Tokar Street shall have been surfaced, marked out and made available for use in accordance with the Proposed Site Layout Plan (drawing ref: 17-2233-123 REV P6) and with a timetable that shall have been submitted to and approved in writing by the Local Planning Authority before the dwellings are first brought into use; the parking spaces shall be provided in accordance with the approved timetable and shall thereafter be retained.

9) (a) Unless otherwise agreed in writing with the Local Planning Authority prior to the first occupation of the dwellings hereby approved; a detailed landscaping plan which shall specify: areas of new soft landscaping; species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority;

(b) The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is the sooner; and

(c) Any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

10) The proposed new dwelling 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.

11) Prior to the first occupation of the dwellings (Class C3) hereby approved, cycle parking shall be provided in accordance with the submitted Proposed Site Layout Plan (drawing ref: 17-2233-123 REV P6) and Proposed Floorplans (drawing ref: 17-2233-124 REV P6). Unless otherwise agreed in writing; the approved cycle parking facilities shall thereafter be retained.

12) Prior to the first occupation of the dwellings (Class C3) hereby approved, waste/recyclable storage shall be provided in accordance with the submitted Proposed Site Layout Plan (drawing ref: 17-2233-123 REV P6) and Proposed Floorplans (drawing ref: 17-2233-124 REV P6). Unless otherwise agreed in writing; the approved waste/recyclable storage facilities shall thereafter be retained.

13) (a) The windows to the side elevation of the detached dwellinghouse to the west of the site hereby permitted shall be both glazed with obscure glass and be non-opening to at least 1.7 metres above the floor of the room in which the window is installed; and

(b) The window shall thereafter be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.

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

The reasons for the conditions are:

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

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

- 3) 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.
- 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.
- 5) To ensure that the final specification of the replacement windows is of an appropriate standard to protect the special architectural or historic interest of the building in accordance with the aims and objectives of the National Planning Policy Framework and in accordance with Policy PCS23 of The Portsmouth Plan.
- 6) In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) In the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 8) To meet necessary parking requirements and to minimise any impact on the safety and inconvenience of all road users through the city, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 9) To secure the provision of appropriate tree-planting and landscaping to soften the urban edge of development in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 10) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 11) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 12) To ensure that adequate waste provision is made for the commercial premises in accordance with policy PCS23 of the Portsmouth Plan.
- 13) In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 14) In the interests of visual and residential amenity having regard to the specific design of the dwellinghouses, constrained site layout and relationship with adjoining properties in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

Assistant Director of City Development
9th October 2018

Further to the Planning Committee meeting of 19th September and to our meeting of Friday 28th... MSSC would like to make the following comments.

The Club feels that these address the concerns expressed by the Committee.

Community Parking

The Club would allow local residents, who are registered as members of the Moneyfields Overnight Parking Scheme, to park at the Club car park between the hours of 11.00pm and 8.00am (the following day) Monday to Thursday and on Sundays from 8.00pm to 8.00am, the following day. There may be extraordinary occasions when the Club wishes to have a sole use of the car park – in which case registered local residents would be informed direct by the Club that they wouldn't be able to park.

The parking provision should be the subject of a planning condition. Having said this the Club are aware that a number of the residents of Salcombe Avenue object to the implementation of a residents parking scheme due concerns over security of their homes (i.e. the site would be open to anyone overnight providing an opportunity for burglary over back fences/ anti-social behaviour in the car park). The Club will ask the Committee to weigh the two matters up in the planning balance. Whilst they are happy to offer residents parking, as explained above, they are conscious of the issue raised by the residents of Salcombe Avenue.

Free Use of the All Weather Grass Pitch

That the Club will allow free hire of the AGP for a period of 2 hours, twice a month on Sundays, throughout the year, between the hours of 6pm and 8pm. Coaching will be arranged and undertaken by whichever local charity/community group has booked the 2 hour slot.

Construction of the Flats

The Club will, as part of the S106 agreement, allow the profit from the sale of the flats to be transferred to the developers solicitors escrow account (to be agreed with the City Council) where it will be held until such time as funds are required for the commencement and construction of the Clubhouse and AGP. This is to prevent just the block of flats, and nothing else which is part of the proposed development, being built on an area of Protected Open Space.

Affordable Housing

The Club has initiated discussions with the City Council with regards to the sale of three of the semi-detached dwellings. These would be "pepper potted" within the 6 pairs of semis (i.e. not be a line of three). It is understood that the Council would offer the three houses as Affordable Housing to the local community, thereafter, in perpetuity. The sale of these homes would be at their open market value.

Community Contact

It is also proposed to provide local residents with a 24 hour site 'hotline' so that local residents can contact the site management at any time during the period of development to resolve issues they might have.

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