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# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 12 AUGUST 2020 AT 2.00 PM**

## VIRTUAL REMOTE MEETING - REMOTE

Telephone enquiries to Democratic Services 9283 4057

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### Planning Committee Members:

Councillors David Fuller (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Chris Attwell, Lee Hunt, Donna Jones, Terry Norton, Lynne Stagg, Luke Stubbs and Claire Udy

### Standing Deputies

Councillors Hugh Mason, George Fielding, Jo Hooper, Suzy Horton, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Steve Pitt and Tom Wood

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. As this Committee will be undertaken with remote attendance a different procedure for making representations will be used. Details will be published on the Council's website.

## A G E N D A

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Update on previous applications**

Planning Applications

- 4      187 Havant Road, 19/00886/FUL - Conversion of care home (Class C2) to 13 self-contained units of 'move-on' accommodation (Class C3), with associated bicycle and refuse storage (amended description) (report item 1) (Pages 3 - 74)**
- 5      Land Corner Northern Parade & Doyle Avenue, 20/00357/CS3 - Construction of 16 dwellings, comprising 4no. 3 bedroom townhouses, 3no. 4 bedroom accessible houses and 9no. 2 bedroom flats with associated parking (resubmission of 19/01690/CS3) (report item 2)**
- 6      1-3 Warwick Crescent, 19/01697/FUL - Construction of a 3-storey block of 4no. 5-bedroom and 1no. 6-bedroom student accommodation cluster apartments with associated refuse and cycle stores and amenity space (description amended 28/01/2020 and amended plans) (report item 3)**
- 7      109-113 Sultan Road, 19/00589/FUL - Construction of additional storey and conversion of first floor to provide five self-contained flats; alterations to rear of ground floor to provide access, cycle storage and refuse storage (report item 4)**
- 8      Portsmouth Football Club, Fratton Park, Frogmore Road, 20/00322/FUL - Improvements and alterations to the north-east and south-east sections (Milton End) to include construction of turnstiles and entrances (including change of use of part of local residential garden); construction of buildings to provide further facilities including disabled access, toilet blocks and security office; improvements and alterations to concourse areas, stands, seating and facilities; extension of roof; retention of tv screen and replacement of boundary walls (report item 5)**

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# Agenda Item 4

## **PLANNING COMMITTEE 12 AUGUST 2020 VIRTUAL MEETING**

### **REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth 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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187 HAVANT ROAD PORTSMOUTH PO6 1EE

**CONVERSION OF CARE HOME (CLASS C2) TO 13 SELF-CONTAINED UNITS OF 'MOVE-ON' ACCOMMODATION (CLASS C3), WITH ASSOCIATED BICYCLE AND REFUSE STORAGE (AMENDED DESCRIPTION)**

**Application Submitted By:**

Mr Lee Drennan  
Kenn Scaddan Associates Ltd

**On behalf of:**

Mr Andrew Powell  
The Society of St James

**RDD:** 5th June 2019

**LDD:** 5th September 2019

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application was deferred from the Planning Committee held on 22 July 2020 in order to allow full consideration of additional representations and deputation requests. This new Committee report has been updated from that of 22<sup>nd</sup> July only to report on, and respond to, those further representations, as set out in Paragraphs 4.2 - 4.5, and 5.25.
- 1.2 The application is being heard at committee due to the receipt of a deputation request from a neighbouring resident and due to its scale (13 residential units).
- 1.3 The main issues in the determination of the application are as follows:
- Principle of the proposal
  - Standard of living accommodation
  - Design
  - Impact on neighbouring amenity
  - Access and parking
  - Energy and water efficiency
  - Impact on the Solent Special Protection Areas
- 1.4 Site and surroundings
- 1.5 The application relates to a large two-storey detached building located on the north side of Havant Road, between the junctions with Drayton Lane and Portsdown Avenue. The property was formally in use as a care home for the elderly (Use Class C2), with 10 bedrooms, and prior to COVID 19 had been vacant for approximately 2 years. The premises is currently being used to temporarily house vulnerable as a result of the COVID 19 lockdown. This temporary use is due to cease by mid-August.
- 1.6 The building is set back from the road frontage with an area of hardstanding to the front of the site and a garden area to the rear. There is a mature tree located on Havant Road in front of the site, and a number of smaller trees and shrubs within the site. The trees on the site are not protected. The land levels on the site rise from south to north.
- 1.7 The site lies opposite the Havant Road Local Centre, which provides a variety of shops and services. The surrounding area is otherwise predominantly residential in character

and has a verdant feel with rows of mature trees along Havant Road, and many properties set within well landscaped plots. The adjacent properties to the east and west of the site are both detached, two-storey residential dwellings. These are set back on their plots along a similar building line to the application site and have long rear gardens extending to the north. There are also residential properties to the north of the site.

## 1.8 Proposal

- 1.9 Planning permission is sought for a change of use of the property from a Care Home (Use Class C2), to provide 13 self-contained residential units (Use Class C3). The change of use would be facilitated by internal alterations, with no external alterations required. The proposed internal layout has been amended slightly from the plan originally submitted to accommodate a laundry room on the ground floor. There would also be 6 flats and a staff office on the ground floor. On the first floor there would be 7 flats.
- 1.10 Each unit would provide a bed-living room with kitchenette, and an en-suite. The sizes of the units would range between 17m<sup>2</sup> and 26m<sup>2</sup>.
- 1.11 An area of hardstanding at the front of the site would be retained to provide parking for staff and visiting service providers. There is a large back garden.
- 1.12 The applicants have explained that the accommodation is proposed for occupation by people who have previously been homeless but are now in the process of moving on to more independent living. This is known as 'Move-On' accommodation, designed to give tenants a level of independence whilst receiving ongoing support from trained resettlement advisors. The units are intended for occupation for a period of up to 2 years by each resident (one resident per unit).
- 1.13 Tenants for the property would be secured in liaison with Portsmouth City Council and the property would be managed by the Society of St James. Residents would not require 24 hour supervision, but would have access to a 24 call service for emergencies. There would be 1 member of SSJ staff on site during the day and on some days there would be up to 2 visits by support staff.
- 1.14 Planning history
- 1.15 B\*33860/A - 2-storey extension to facilitate conversion to form home for the elderly - conditional permission 31 July 1989
- 1.16 A\*33860 - 185/187 Havant Road - construction of 23 sheltered housing flats in a four-storey block (following demolition of existing buildings) - refused 9 August 1988
- 1.17 A\*26089/A2 - use of two rooms for childminding purposes - conditional permission 29 April 1971
- 1.18 A\*26089/1 - continued use of one ground floor room as day nursery - conditional permission 12 September 1968
- 1.19 A\*26089 - use of one ground floor room as day nursery - conditional permission 14 April 1966

## 2.0 **POLICY CONTEXT**

- 2.1 Portsmouth Plan (2012)

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS23 (Design and Conservation)

## 2.2 Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- Nationally Described Space Standards (NDSS) (2015)

## 3.0 CONSULTATIONS

### 3.1 Head of Community Housing

3.2 Support the proposal. The scheme is also supported by Homes England.

3.3 The cost for the city for temporary accommodation is extremely high at present. The Society of St James specialises in this type of supported move on housing and the scheme will meet a priority housing need within the city. The Society of St James would need to work with Portsmouth City Council through its Homeless Housing Pathway panel to secure tenants.

### 3.4 Private Sector Housing

3.5 No comments to make.

### 3.6 Crime Prevention Design Advisor

3.7 No comments received.

### 3.8 Highways Engineer

3.9 Further comments following review of further information about the proposed use:

3.10 If the occupiers are previously long term homeless then it is unlikely that they would own a car. If this is the case, and the occupation of the units would be time limited rather than being available as open C3 dwellings, then the parking demand anticipated would be significantly reduced and the Local Highway Authority would not wish to object. In any case, the issue of parking is essentially one of residential amenity rather than highway safety, capacity or accessibility.

3.11 Original comments

3.12 Whilst the units are intended to provide relatively short term accommodation as supported move on housing for homeless people, as they are self-contained units, they must be assessed on the same basis as privately rented or owned flats.

3.13 The site is not located in a part of the city found to be so accessible as to allow a reduction in the parking standard and as a consequence the parking expectation

established in the SPD applies. This requires 1 car parking space and 1 cycle parking space per unit.

- 3.14 Satisfied that the traffic generation from the scale of development would be unlikely to have a material impact on the operation of the local highway network. However, adequate provision is not made on site for vehicle parking or cycles.
- 3.15 Parking is restricted on street at the site frontage by double yellow lines and no parking survey has been submitted in support of the application to demonstrate that there is sufficient on street parking capacity within a reasonable walking distance.
- 3.16 The proposal would increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will result in both instances of vehicles being parked indiscriminately raising highway safety concerns, and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.
- 3.17 Environmental Health
- 3.18 No objection. The site is adjacent to a busy road but the 20m separation distance between the edge of the carriageway and the south façade of the building should ensure that internal noise levels within the flats on the south side are within recommended guidelines.
- 3.19 Waste Management Officer
- 3.20 Due to the existing slope between the pavement and bin area, bins should be no larger than 360L. 4 x 360L bins would be sufficient for the proposal (2 x refuse and 2 x recycling). Residents would be required to bring the bins to the pavement for collection.

#### **4.0 REPRESENTATIONS**

- 4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent:
  - First round: 3 July 2019; expiry: 31 July 2019
  - Second round amended description: 11 February 2020; expiry: 10 March 2020
  - Site Notice displayed: 5 July 2019; expiry: 26 July 2019
  - Press Notice published: 29 May 2020; expiry: 19 June 2020
- 4.2 At the time of writing this revised report (after the initial report for the 22<sup>nd</sup> July meeting), a total of 120 representations had been received.
- 4.3 112 of the representations have raised objection to the proposal on the following grounds:
- a) too many units on the site / over intensification of the use / too dense;
  - b) dwellings are smaller than the recommended minimum size and do not conform to housing policy requirements, is more like a House in Multiple Occupation, unhealthy for future residents and not justified in accordance with Policy PCS19;
  - c) inadequate parking provision; although residents may not have cars, visitors would require parking;
  - d) lack of parking on site would cause increased pressure for parking on surrounding roads; failure to justify lack of parking against Council's parking standards;
  - e) no provision for laundry facilities on site and no nearby laundry;
  - f) does not appear to be provision for continuous staff presence to monitor and support residents; lack of overnight care;
  - g) no details of the management or maintenance of the gardens;
  - h) increased residents on the site would increase waste and pollution;



- i) the development would not improve the area;
- j) inappropriate area for the proposed use due to being mainly populated by elderly residents and young families and close to schools;
- k) the development would bring people with drug and alcohol problems into the area; there is an alcohol shop close to the site;
- l) increased noise and disturbance; noise levels already increased since people temporarily been housed, concern that residents would have to leave the premises during the day;
- m) additional strain on local services such as pharmacies and doctors;
- n) increased risk of crime, antisocial behaviour and safety concerns for local residents;
- o) potential negative impact on local businesses if local people feel discouraged to visit them;
- p) negative impact on house prices in the local area;
- q) benefits of housing homeless people outweighed by negative impact;
- r) lack of communal areas for residents;
- s) lack of notification and involvement of the local community in the application proposals;
- t) lack of local facilities for residents and support services in the area;
- u) the care home only had 9 residents and not many staff;
- v) too close to a busy main road;
- w) allowing the proposal would set a precedent for similar accommodation in the area;
- x) need independent risk assessment to assess impact of scheme on local community, need conditions to ensure safety and protect amenity of neighbouring residents;
- y) concern that already residents in the property, and lack of communication from Society of St James re temporary housing there during COVID-19;

- 4.4 7 representations give support to the application on the following grounds:
- a) good for people to get a second chance; important scheme to meet the needs of the homeless community;
  - b) support the aims of the Society of St James to assist and support people of all ages affected by homelessness; will benefit vulnerable people;
  - c) suggestion as to whether one of the vacant retail units in Drayton could be used as a charity shop to further support the scheme.
  - d) the proposed location would distance the residents from inner city areas where poor lifestyle choices are more likely to be made; safer environment for occupants;
  - e) suggest that residents should be provided with targeted professional support, including a room for counselling sessions;
  - f) suggest more visitor parking is provided (e.g. by using the garden);
  - g) suggest adequate laundry facilities provided;
  - h) each flat should have a shower or bath;
  - i) anti-social behaviour is more likely to be a risk if people are left living on the streets;
  - j) the property is located on a main road close to essential services and seems a suitable location;
- 4.5 1 representation comments that whilst there is no in principle objection to the proposal, there are concerns about inadequate staffing at night and weekends and queries as to what measures would be in place to ensure residents respect the neighbourhood.

## 5.0 COMMENT

### 5.1 Principle of the proposal

- 5.2 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has

concluded otherwise (paragraph 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 5.3 Currently, the Council can demonstrate 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would contribute towards meeting housing needs through a gain of 13 dwellings (albeit set against the loss of the care home accommodation).
- 5.4 In this case the 13 dwellings have been designed to be occupied as 'move-on' accommodation for previously homeless persons. 'Move-on' accommodation is a term used by The Homeless Foundation, which defines it as follows:  
*'Move on accommodation is a stepping stone between hostels and independent living. These are essentially studio flats or bedrooms in shared houses in the community where people can live independently with the on going support from trained resettlement advisers. After a period of say 6 months to a year, the individual should have gained the skills and confidence to live independently and secure accommodation from either Housing Associations or the private rental market. For those capable of living independently, the ability to access move on accommodation is a critical factor in ensuring a permanent move away from homelessness'.*
- 5.5 The applicants are an established Homeless charity and tenants for the building would be agreed in liaison with Portsmouth City Council's Homeless Housing Pathway Panel. The Council's Housing Officer has expressed support for the scheme, commenting that the proposed scheme would contribute towards meeting the shortfall in temporary accommodation within the city.
- 5.6 The issue of homelessness and rough sleeping in Portsmouth is highlighted within the Council's Homelessness Strategy (2018-2023). The Strategy notes that there has been an increase in the number of people sleeping rough in the city in recent years, and that the availability of temporary accommodation and permanent housing is a significant issue. Improving access to accommodation is one of the main components of the strategy to help achieve the aim of preventing homelessness. The proposed development would therefore support the aims of the Council's Homelessness Strategy by providing additional temporary accommodation aimed at assisting people to live independently and move towards more permanent housing.
- 5.7 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.8 Standard of Accommodation
- 5.9 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It requires developments to meet specific space standards, (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.

- 5.10 The Nationally Described Space Standards set a minimum size for 1-bedroom flats at 37m<sup>2</sup>. The proposed units, ranging from 17m<sup>2</sup> to 26m<sup>2</sup> would therefore fall significantly short of this minimum standard. It is therefore necessary to consider whether there are any exceptional circumstances that would allow reduced sized accommodation for this scheme.
- 5.11 Within the supporting information submitted by the applicants, they note that many formally homeless people end up living in shared housing / houses in multiple occupation (HMOs), a situation which does not necessarily support independent living. The applicants have also noted that standard 1-bedroom flats can feel overwhelming to people who have previously been rough sleeping and have little possessions. The proposed units are larger than rooms that would typically be found within a HMO, and are designed to provide a level of independence without the need for communal interaction. The accommodation is designed to offer a temporary housing solution as part of a step towards securing more permanent accommodation, with tenancy periods of up to 2 years. Each unit would be self-contained providing the tenants with a bedroom / living space, small kitchenette and an en-suite bathroom. The proposed floorplans show that whilst the units are small, they would all have a good standard of light and outlook from the existing windows within the building, many of which would be dual aspect and offer tenants views over the landscaped front and rear gardens.
- 5.12 Taking account of the information set out above, including the specific purpose of the accommodation and its temporary nature, it is considered that the units would provide an acceptable standard of living accommodation in this instance. It is considered the small size of the units would be outweighed by the benefits that the proposed development would bring in terms of providing much needed temporary accommodation to help reduce homelessness in the city.
- 5.13 It is also necessary to consider whether the layout of the development makes appropriate provision for facilities for the new residents, including refuse storage.
- 5.14 The submitted plans indicate an area for refuse storage near to the main entrance to the building. This would provide secure storage for refuse and recycling and precise details can be secured by condition. The Council's Waste Management Officer has provided specific comments in relation to the type of bins that would be appropriate for the site and this information would be included in an informative on any decision.
- 5.15 One of the concerns raised within the representations was that no laundry facilities were shown on the original plans, and there are no public laundrettes nearby. In response to these concerns, the applicants have amended the ground floor layout to include a utility/laundry room to accommodate 3 washing machines and 3 dryers. Rotary lines are also proposed to be provided within the rear garden for the drying of washing.
- 5.16 Design
- 5.17 The proposed development would be achieved through conversion of the existing building. There are no proposals to extend the building or add new external windows or doors. Internally, there would be the need to remove some internal stud walls and doors, but these works would also be limited and would not require planning permission. The development would therefore not impact on the external appearance of the building.
- 5.18 There are also no proposals to alter the layout of the grounds surrounding the building. The existing front garden, driveway and parking/turning area would be retained and the rear of the building would remain as a garden. Both the front and rear gardens are currently in an overgrown condition due to the site being vacant prior to COVID 19, and therefore the reuse of the building would provide the opportunity to tidy up and maintain the gardens. In relation to this matter, the applicants have explained that the

development would be operated by the Society of St James, and there would be a garden contractor employed to regularly maintain the gardens including the mowing of lawns and management of shrubs/trees, to ensure an attractive setting.

- 5.19 Impact on the amenities of neighbouring residents
- 5.20 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenities of neighbouring residents.
- 5.21 The two adjacent properties to the east and west of the site are in residential use as single dwellings. The existing building on the application site has a number of windows at both ground and first floor level on the side elevations facing the neighbouring properties. The rear windows of the building also provide oblique views over the rear gardens of the neighbouring properties, particularly the garden to the west. These windows previously served bedrooms and lounge areas of the former care home, which would have created an element of overlooking.
- 5.22 No new windows are proposed to be installed as part of the proposed development. From the ground floor windows, views into the neighbouring properties are obscured to a large extent by the existing boundary fencing and planting and therefore the impact of overlooking to neighbours from these windows is not considered to be significant. It is also not considered that there would be any significant privacy concerns resulting from the outlook from the first floor front and rear windows (north and south elevations), as these windows face over the application site and only provide oblique views into neighbouring gardens.
- 5.23 Whilst some of the first floor side facing windows would overlook the neighbouring properties, given that these windows previously served bedrooms and lounges of the care home, it is not considered that the impact on the privacy of the neighbours would be significantly greater than that which previously existed.
- 5.24 Within the representations, neighbouring residents have raised concerns about the intensification of the use of the property, as the proposal would provide 13 flats compared to the 10 previous elderly care bedrooms. For the proposed use, each of the flats would be occupied by 1 resident, and the applicants have confirmed that there would be 1 member of staff on the site during the day, along with 1 to 2 visits on some days by support staff to provide assistance with matters such as health and wellbeing, social skills and counselling. In comparison the care home is likely to have had more staff present, with more comings and goings to the site. Therefore, whilst the proposal would result in an increase in the number of occupants, it is not considered that the overall use would represent any significant intensification over the former care home use.
- 5.25 In response to some of the main concerns raised by local residents, the applicants have provided additional information regarding the security and management of the site:
- The Society of St James is a charity with many years' experience in delivering help for those in need;
  - The property would accommodate adults with a range of ages and backgrounds, not specifically young people;
  - Residents are likely to have been through a number of other stages of housing assistance, with the proposed accommodation being the last stage before they are considered ready for general rented accommodation;
  - The purpose of the accommodation is for residents to have independence, without the need for communal facilities;
  - The residents would not require 24 hour supervision, but support staff would visit several times a week and staff can be contacted at any time using a 24 hour on call system. There would be remote CCTV monitoring and an out of hours team who can attend the property at nights and weekends to resolve issues (e.g. disturbance,

alarms, noise etc). Local residents can also be provided with the emergency numbers to report any issues or concerns;

- Some of the residents may have mental health issues and will already be receiving support from local mental health services, which would continue;
- The location of the site was carefully considered. It is within an established community with good access to shops and services, but is far enough from Portsmouth City Centre that can be prone to offering a detrimental social environment.

#### 5.26 Access and Parking

5.27 There is existing vehicle access to the site from Havant Road, with a driveway leading to a small parking/turning area that could accommodate up to 3 cars. There is no proposal to increase the parking provision as part of the proposed development, and concerns have been raised by the neighbouring residents that the number of spaces is insufficient. The applicants have explained that the parking would be mainly for staff, with 1 member of staff on site each day, and an additional 1 to 2 visits by support staff on some days.

5.28 In determining the acceptability of the parking provision, consideration needs to be given to the nature of the proposed use and the location of the site. With regard to the proposed use, the applicants have confirmed that the flats would be occupied by people who were previously homeless and their circumstances would be such that they would be unlikely to own cars. The units are also proposed to provide temporary accommodation only, up to a period of 2 years, and this could be controlled by condition.

5.29 In terms of location, the site lies opposite the Havant Road local centre, which provides a variety of shops and services within walking distance. There are also bus routes that run along Havant Road, providing links to Cosham Centre and railway station, and additional bus routes leading to the city centre. In terms of on-street parking, there is some restricted parking available along Havant Road itself and unrestricted parking in surrounding residential roads.

5.30 The Council's Highway Engineer originally raised concerns regarding lack of parking provision, commenting that the self-contained units would be considered as private dwellings and would require a level of parking in accordance with the Adopted Parking Standards (1 space per dwelling). The Highway Engineer noted that there are restrictions on parking in the surrounding area and no evidence had been provided to demonstrate that there would be adequate capacity on street to accommodate the parking demand of the development. However, following the clarification from the applicants about the intended residents and the temporary period of occupancy, the Highway Engineer's objection has been removed.

5.31 In summary, having regard to the specific nature of the proposed use, it is not considered that the development would generate a significant level of increased traffic or parking demand, or have an adverse impact on the operation of the local highway network.

5.32 In accordance with the Council's Adopted Parking Standards, there would also be a requirement for cycle parking for 13 bicycles. The submitted site plan indicates a location for cycle storage within the rear garden, and the precise details can be secured by condition.

#### 5.34 Energy and water efficiency

5.35 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. 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).

- 5.36 As the proposal is for a conversion rather than a new build, it is recognised that there may be limitations on meeting the required energy saving measures (e.g. limited opportunities for utilising more energy efficient materials etc). It is therefore considered reasonable to apply some flexibility in the condition wording, to allow the applicants to demonstrate the highest level of energy efficiency achievable.
- 5.37 Impact on the Solent Special Protection Areas (SPA)
- 5.38 The Conservation of Habitats and Species Regulations 2017 [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, or otherwise affect protected 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.
- 5.39 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.40 Recreational pressure:
- 5.41 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.42 The mitigation contribution depends on the size of the proposed dwellings and takes account of the existing land use. In this case, the existing building was previously used as a care home and the occupants were subject to a high level of care. It is therefore not considered that the previous residents would have been likely to have placed any significant pressure on the SPAs through recreational use (i.e. they would have been likely to have spent the majority of their time in the home). The full level of mitigation equivalent to 13 new units of accommodation is therefore being sought, which amounts to £4,628 (£356 x 13).
- 5.43 Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

- 5.44 Nitrates:
- 5.45 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.46 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 5.47 In this instance, the applicant has provided a Statement explaining the nature of the former and proposed uses and concluding that it is likely that the proposed use would result in a reduction in nitrogen release. However, the information did not include specific details about existing and proposed water usage and is not considered sufficient to determine that the new development would result in a nitrate neutral situation. It has therefore been agreed (subject to availability) for the applicants to mitigate the impact through the purchase of 'credits' in accordance with Option 3 of the Council's Nitrate Strategy.
- 5.48 The level of mitigation has been calculated on the basis of a net increase in 3 occupants, as follows:
- Existing use - 10 bedroom care home (maximum 10 occupants)  
Proposed use - 13 1-bedroom self-contained units (maximum 13 occupants)  
Net increase = 3 occupants
- 5.49 In accordance with Natural England's methodology, it has been determined that the development would result in an increase in nitrogen output equivalent to 1kg/N/yr.
- 5.50 The cost of purchasing credits would be based on the costs set out in the Council's Strategy at £1,814.24 per bedspace. The total cost would therefore be £5,442.72 (3 x £1,814.24).
- 5.51 This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 5.52 Subject to the legal agreement to secure mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

### **5.53 Conclusion**

- 5.54 The proposed development would make a positive contribution towards meeting the City's housing needs, specifically in relation to the need for temporary accommodation in accordance with the objectives of the Council's Homelessness Strategy. The proposed use would provide an extremely important and needed societal benefit, significantly improving many individuals' life-chances. The proposal is considered to be acceptable in terms of layout, design, standard of living accommodation and impact on residential amenity. It is not considered that there are any adverse impacts from the scheme that would outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.55 In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas.
- 5.56 In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

## **RECOMMENDATION**

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation
- SPA recreational impact mitigation

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

### **Conditions**

#### **Time limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

#### **Approved plans**

2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed New Internal Arrangement (Location, Site, Floor Plans and Elevations) 1179 PD01 Rev.B.

#### **Occupancy restriction**

3. (a) The dwellings hereby permitted shall be occupied as 'move-on' accommodation for the homeless only and for no other purpose, and in accordance with the time restriction set out in part (b);



(b) The units of accommodation hereby permitted shall not be occupied by any individual for longer than 2 years, unless an alternative time frame is first agreed in writing by the Local Planning Authority;

(c) Not to sever, subdivide or dispose of, or part with or sell or lease any of the dwellings, save for a lease on an assured short hold tenancy that complies with part (b).

Reason: To ensure that the units are only occupied for their intended temporary purpose given the restricted size of the flats as agreed by the Local Planning Authority and thus results in a satisfactory form of development, in accordance with Policy PCS19 of the Portsmouth Plan.

#### **Refuse storage**

4. Prior to occupation of the development hereby permitted, facilities for the secure storage of refuse and recyclables shall be provided in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority, and shall thereafter be retained.

Reason: In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Cycle storage**

5. Prior to occupation of the development hereby permitted, secure cycle storage facilities for 13 bicycles shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained for cycle storage purposes.

Reason: To encourage the use of alternative means of transport to the private car, in accordance with Policy PCS17 of the Portsmouth Plan.

#### **Energy and water efficiency**

6. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved the following:

- 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), unless an alternative level of energy saving has first been agreed in writing by the Local Planning Authority. Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- 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.

Reason: 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.

#### **Nitrate mitigation**

7. The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

**LAND CORNER NORTHERN PARADE & DOYLE AVENUE PORTSMOUTH PO2 9LT****CONSTRUCTION OF 16 DWELLINGS, COMPRISING 4NO. 3 BEDROOM TOWNHOUSES, 3NO. 4 BEDROOM ACCESSIBLE HOUSES AND 9NO. 2 BEDROOM FLATS WITH ASSOCIATED PARKING (RESUBMISSION OF 19/01690/CS3)****Application Submitted By:**

HGP Architects  
Miss Iwona Sossna

**On behalf of:**

Mr Adrian Legg  
Portsmouth City Council

**RDD:** 13th March 2020

**LDD:** 15th June 2020

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is being heard at the planning committee as the applicant is Portsmouth City Council and the proposal is for more than 6 dwellings.
- 1.2 The main issues in the determination of the application are as follows:
- Principle of the proposal and housing provision
  - Housing mix, density and affordable housing
  - Design and appearance
  - Standard of living accommodation
  - Sustainable construction
  - Impact on neighbouring amenity
  - Access and parking
  - Impact on trees
  - Ecology
  - Impact on the Solent Special Protection Area
  - Contaminated land
  - Flood risk and drainage
- 1.3 Site and surroundings
- 1.4 The application site lies on the east side of Northern Parade, on the northern corner with Doyle Avenue. The site was formally occupied by health clinic and day centre, which was demolished around 2013. It now comprises a mix of rough grass / shrubs, small trees and hardstanding and there is a large London Plane tree on the south-eastern corner. The hardstanding area is used as an informal and unrestricted car park, accessed via Doyle Avenue. The eastern and western boundaries of the site are enclosed by hoarding, with fencing and railings along the northern boundary and a mainly open boundary to Doyle Avenue for the car park entrance and exit.
- 1.5 The area surrounding the site is predominantly residential in character. To the north there is a block of 'extra care' flats known as Maritime House. This adjacent development is predominantly 4-storey in height, with the exception of a 3-storey section on the south-west corner, adjacent to the application site, fronting Northern Parade. To the south of the site is Northern Parade Junior School, and a two-storey dwelling, which forms the end of a terrace of similar two-storey dwellings extending south along Northern

Parade. There are also similar 2-storey dwellinghouses on the opposite side of Northern Parade to the west of the site. To the east of the site is a 3-storey development of flats known as Loring House, separated from the application site by Conan Road. In the wider surrounding area there is a convenience store approximately 300m to the north of the site, a public park on the west side of Northern Parade and Mountbatten Leisure Centre approximately 1km away. There is also a variety of shops and services in London Road, approximately 800m from the application site.

- 1.6 There are no specific policy or environmental constraints associated with the site, although it is identified as a site with potential for ground contamination.
- 1.7 Proposal
- 1.8 The proposal would provide 16 dwellings, comprising 3 x 4-bedroom dwellings, 4 x 3-bedroom dwellings, and 9 x 2-bedroom flats. All of the dwellings are proposed to be Affordable Housing.
- 1.9 The development layout would comprise two rows of terraced houses, one fronting Northern Parade and one fronting Conan Road, with an L-shaped block of flats located on the south-west side of the site, on the corner of Northern Parade and Doyle Avenue. The scheme would include provision for 12 car parking spaces. A parking area for 9 cars would be provided on the south-east side of the site with access from Conan Road, and a further 3 parking spaces would be provided in front of the dwellings fronting Conan Road. Cycle parking would also be provided, with a communal store for the flats and individual cycle stores for the houses. A tree on the south-east side of the site would be retained within the new car parking area. Each dwelling would have its own private garden to the rear, which would be accessible through the dwellings and via communal side/rear access paths. There would also be some small areas of external amenity space for the residents of the flats.
- 1.10 The houses would be 3-storeys in height with the top floor contained within the roofspace and served by dormer windows. The houses on the west side of the site would measure up to 9.8m in height to ridge and 5.2m to eaves. The houses on the east side would measure 10m to ridge height and 5.2m to eaves, and would be wheelchair-accessible. The flats would be a full 3-storeys in height, with a pitched roof up to 13.4m in height and 8.3m to eaves. The materials for the development would predominantly comprise a mix of buff and grey brickwork, with grey roof tiles, and the flats would incorporate grey cladding to the upper floor corner element.
- 1.11 Accommodation schedule:
- |                               |                   |       |
|-------------------------------|-------------------|-------|
| House type 1: 3 bed, 6 person | 109m <sup>2</sup> | 4 no. |
| House type 2: 4-bed, 8 person | 163m <sup>2</sup> | 3 no. |
| Flats: 2-bed, 4 person        | 70m <sup>2</sup>  | 9 no. |
- 1.12 The following documents and technical reports have been submitted in support of the application: Design and Access Statement; Phase I and Phase II Geo-Environmental Site Assessments; Transport Statement; Tree Survey Report and Arboricultural Development Statement; Flood Risk and Drainage Strategy; and Phase 1 Ecological Survey.
- 1.13 Planning history
- 1.14 19/01690/CS3 - construction of 16 dwellings, comprising 4 x 3-bedroom townhouses, 3 x 4-bedroom accessible houses and 9 x 2-bedroom flats with associated parking - application withdrawn 31 December 2019.

- 1.15 11/00524/DEM - demolition of clinic and former day centre - No objection 19 July 2011.
- 1.16 Planning history relating to the former clinic dates back to the 1960's but is not considered relevant to the current application.

## **2.0 POLICY CONTEXT**

### **2.1 Portsmouth Plan (2012)**

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth)
- 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)

### **2.2 Portsmouth City Local Plan 2001-2011 (Adopted 2006)**

- Saved Policy DC21 (Contaminated Land)

### **2.3 Other Guidance**

- National Planning Policy Framework (NPPF) (2019)
- National Design Guide (2019)
- National Planning Practice Guidance
- Nationally Described Space Standards (NDSS) (2015)
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## **3.0 CONSULTATIONS**

### **3.1 Environment Agency**

3.2 No comments received.

### **3.3 Natural England**

3.4 No objection subject to mitigation of the impact of the development on the Solent Special Protection Areas, in respect of increased recreational pressure and increased nutrients from waste water.

3.5 The site lies close to a primary support site for Solent Waders and Brent Geese. Potential for the birds to be impacted from noise during construction. Recommend restricting heavy works/machinery during bird overwintering period (October to March).

3.6 The development should aim to achieve a net gain in biodiversity.

### **3.7 Eastern Solent Coastal Partnership**

3.8 No comments received.

### **3.9 Hampshire Fire & Rescue Service**

- 3.10 Advice provided for the applicants attention in respect of fire vehicle access and fire protection.
- 3.11 Ecology
- 3.12 Further comments received 18 June 2020:
- 3.13 The updated report confirms that no piling will be required and all site noise will be below 70dB. Agree this is unlikely to cause a significant effect on wintering birds.
- 3.14 The mitigation and enhancement measures for bats and birds are now more proportionate to the small scale of the proposals, however, more details are required. Recommend a condition requiring full details of biodiversity enhancement measures to be submitted for approval.
- 3.15 Original comments:
- 3.16 Wintering Birds:  
The site is located 57 metres east of the P40 Primary Network site identified in the Solent Waders and Brent Goose Strategy (SWBGS) (HIWWT, 2010). As such, it is possible that construction work on-site could cause noise disturbance to Brent geese using this SPA supporting habitat for winter grazing. The Phase 1 ecological survey report refers to a single wintering bird survey having been conducted in December 2018, however there are no methods, results or other mention of this work. I would therefore request that this work and an assessment of the existing detailed and publicly available SWBGS dataset for P40 are included within the ecological report in order to establish the likely impacts of the proposals on the ecological receptors using this site, and to allow suitable mitigation to be devised if any impacts are identified. Examples of such mitigation are timing of noisy works to avoid the main wintering period, or using screw or vibro-piling rather than concussive piling. Consideration should be given to the age of any survey data used, updating or justifying where necessary.
- 3.17 Nitrates:  
There is the potential for the development to result in an increase in nitrogen into the Solent. A nitrogen budget calculation is required to assess this matter.
- 3.18 Mitigation and Enhancement Measures:  
The Design and Access Statement states that a selection of bird boxes will be erected within retained trees. It is understood that a single tree in the south-eastern corner is to be retained and all other, smaller trees are to be removed. Five bat boxes are also proposed on the new buildings. It is requested that mitigation and any enhancement measures are made proportionate to the ecological, and potential ecological value of the site and the infrastructure available, while providing a suitable level of enhancement or mitigation. For example, three bat boxes may be more appropriate given the loss of three low suitability trees for bats. And it may be appropriate to use a single bird nest box in the retained tree or consider integrated nest boxes for buildings.
- 3.19 Disability Access Advisers
- 3.20 No comments received.
- 3.21 Waste Management Service
- 3.22 Further comments received 17 June 2020:
- 3.23 Following confirmation that the bins for the flats would be emptied via Doyle Avenue, the proposals are agreed as acceptable, provided the surfaces are flat. Proposal for the

houses to have their bins emptied from either Conan Avenue or Northern Parade also acceptable.

3.24 Original comments:

3.25 If the bins are proposed to be collected from Doyle Avenue then the location of the bin store is acceptable (acceptable distance to highway). The surface of the ground would need to be flat/level between the bin store and the road. It is assumed that the dropped kerb from the original car park is to be used for access to the bins.

3.26 It appears that the bins would not be able to exit through the doors without moving another bin out of the way. The recycling bin should be able to move independently of the refuse bins and vice versa. The doorway needs to be at least 1.4m. The 1100L bins have a width of 1.38m. Good to see additional space for food waste.

3.27 Each household would require a 140L refuse bin rather than 240L, and a 240L recycling bin. The flats would require 1 x 1100L refuse and 1 x 1100L recycling bin.

3.28 Head of Community Housing

3.29 Support the scheme. The scheme would provide a mix of houses and flats for affordable housing. Additional affordable housing is desperately needed and the proposed dwellings would make a welcome addition to the City's housing stock.

3.30 Crime Prevention Design Advisor

3.31 No comments received.

3.32 Coastal and Drainage

3.33 The selection of attenuation and SuDS set out within the Flood Risk Assessment and Drainage Strategy are appropriate. Some queries relating to the Drainage Strategy and further details to be requested by condition.

3.34 Highways Engineer

3.35 Northern Parade is a classified road (A3) and operates as a primary route within the local highway network. It has a wide single carriageway with pedestrian footways on either side and operates as a bus route. This section is primarily residential in nature with unrestricted parking available on street on either side of the road although parking is restricted at the site frontage by a bus stop.

3.36 Doyle Avenue is similarly primarily residential and forms part of the 20mph zone. It provides access to the Northern Parade Schools in close proximity to the proposed site outside which parking is restricted by school safety markings.

3.37 Satisfied that the additional traffic generation likely to arise from this proposal would be of insufficient scale to have a material impact on the operation of the local highway network.

3.38 Few of the residential properties in this locale have sufficient off street parking provision and as a consequence the demand for parking on street frequently exceeds the space available particularly overnight and at weekends. This site currently operates as an uncontrolled car park providing 14 parking spaces which will be lost as a result of this application increasing the demand for on street parking by residents. However the loss of the spaces within this car park cannot be a material planning consideration as those car parks are not controlled operated or managed by the LHA.

- 3.39 The parking expectation for the proposed development is established in the SPD to be 26 resident vehicle parking spaces 3 visitor parking spaces, and 40 secure cycle parking spaces and 4 visitor cycle parking spaces. Whilst adequate provision is made for cycle parking, only 12 vehicle parking spaces are proposed. This is a very significant shortfall compared with the parking expectation.
- 3.40 The transport statement reflects on car ownership levels reports in the 2011 census data and suggests a reduction in the parking expectation accordingly. However the development of the parking standards was informed by the same census data as is referenced in the SPD and those have been set to ensure that new development does not materially worsen on street parking opportunities for local residents. Therefore do not agree that a case can be made on this basis for a reduction in parking.
- 3.41 The applicants' consultants have used the Lambeth methodology to determine the number of available on-street parking spaces, whereby the length of a parking bay is measured and divided by 5 to determine its capacity. This method is not accepted by the Local Highway Authority. It cannot be determined from the results that there would be sufficient parking space on street to accommodate the shortfall in on site provision. The result would be to make it more difficult for local residents to find a parking space, impacting on residential amenity and air quality.
- 3.42 The concerns are a matter of amenity rather than highway safety.
- 3.43 Environmental Health
- 3.44 No comments received.
- 3.45 Contaminated Land Team
- 3.46 Potential for contamination to exist on the site. No objection subject to conditions to ensure that an assessment of potential contamination is carried out and any mitigation measures agreed and verified.
- 3.47 Arboricultural Officer
- 3.48 The content of the Arboricultural Report is accepted and agreed. No conditions required other than to ensure that the method statement is adhered to.

## **4.0 REPRESENTATIONS**

- 4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent:
    - First round: 7 May 2020;
    - Second round: 24 June 2020; expiry: 7 August 2020
  - Site Notice displayed: 24 June 2020; expiry: 7 August 2020
  - Press Notice: 27 March 2020; expiry: 17 April 2020
- 4.2 20 representations received in total.
- 19 representations objecting on the following grounds:
- a) increased parking problems on local roads, particularly during school drop off and pick up times;
  - b) no provision made for electric vehicle charging;
  - c) ground floor level of flats could be used for parking with accommodation above;
  - d) more housing being added to an already densely populated area;

- e) the development would be out of character with its surroundings due to inappropriate design and use of materials;
- f) proposed buildings too tall and overbearing;
- g) lack of green space and gardens; properties too close to the road frontages;
- h) loss of existing parking and under-provision on site would lead to increased indiscriminate parking and local residents having to drive around more, increasing air pollution;
- i) increased traffic problems could lead to safety concerns for motorists and pedestrians;
- j) concern about lack of public consultation on the proposals;
- k) further parking should be accommodated for visitors if residents needed assisted care/support;
- l) concern that the impact of lack of parking has been underestimated;
- m) proposals for increasing parking on Doyle Avenue not included in application;
- n) too many dwellings for the size of the plot;
- o) consideration should be given to providing underground parking with flats above;
- p) open plan internal layout of the flats is not suitable for a family.

1 representation in support of the proposal for the following reasons:

- a) would help to address the housing shortage in the city;
- b) good plans for a disused site;
- c) the development looks well planned;
- d) lack of vehicle parking should not deter the development.

## **5.0 COMMENT**

### **5.1 Principle of the proposal**

5.2 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.3 Currently, the Council can demonstrate 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would contribute towards meeting housing needs through a net gain of 16 dwellings. In addition, the dwellings in this scheme are all proposed to be affordable and would include 3 wheelchair accessible properties, thereby helping towards meeting a more specific need for affordable housing in the city. The Council's Housing Officer has confirmed support for the scheme, noting that it would provide desperately needed affordable housing and would be a welcome addition to the city's housing stock.

5.4 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.



5.5 Housing mix, density and affordable housing

- 5.6 National planning policy requires affordable housing to be provided on schemes of 10 or more dwellings. Policy PCS19 of the Portsmouth Plan states that for developments of 15 or more dwellings should provide at least 30% affordable housing. The proposal is for 100% affordable housing, with dwellings specifically designed for disabled occupancy, and would therefore exceed the policy requirement.
- 5.7 Policies PCS19 and PCS21 set requirements for housing mix and density. Policy PCS19 states that all new development should provide 40% family housing (3 bedrooms or more) where appropriate. The proposed development would provide 7 houses, each with at least 3 bedrooms. This would represent 44% of the dwelling provision on the site and therefore accords with the family housing objective of Policy PCS19.
- 5.8 In terms of density, the proposal is for 16 dwellings on a site of approximately 0.18ha, representing a density of 89 dwellings per hectare. This would accord with Policy PCS21 which states that developments should achieve a density of at least 40dph, and is considered appropriate for the area which is characterised by a range of housing and flatted development.
- 5.9 Overall, the proposed development is considered to achieve a density and mix of housing types appropriate for the location.

5.10 Design and appearance

- 5.11 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.
- 5.12 The Design and Access Statement sets out how the layout, scale and appearance of the scheme has been developed through an assessment of the characteristics of surrounding development. The proposed layout is fairly traditional, comprising two rows of terrace housing fronting the roads to the east and west and a block of flats turning the corner with Northern Parade and Doyle Avenue. The flats would be the largest building on the site, which is considered appropriate for the corner position to create a focal point. The surrounding area is characterised by a mix of 2-storey dwellings and flatted developments up to 4-storeys in height. The proposed scale of development of between 2.5 to 3 storeys is considered to relate appropriately within this context.
- 5.13 Concerns have been raised within representations about the amount of development on the site and its positioning too close to the site edges. In terms of building line, it is noted that on both the Northern Parade and Conan Road frontages, the building line would more or less follow that of the adjacent Maritime House. On the east side, the houses would be set back between 6m and 6.4m, allowing for the provision of a frontage parking space. On the west side, the set back would be less, between 2m and 3.5m, but would remain similar to the set back of Maritime House. The flats would be set back from the edge of the site by a minimum of 1.9m and a maximum of 3.4m, allowing for an area of landscaping extending along its frontage. This area of landscaping, along with the retention of the existing tree within the car park area on the east side of the site, would help to soften the appearance of the development within the streetscene. Overall, given the set back of the buildings and their relatively modest scale similar to surrounding development, it is not considered that the scheme would appear unduly dominant or out of keeping with the area.

- 5.14 In terms of design, the architects have explained the desire to utilise a limited palette of good quality materials. The flat block would have its main corner element constructed of grey brick, with the eastern section and the adjacent housing constructed of buff brick to provide colour contrast. The provision of grey steel sheeting to the upper floors of the corner block would then provide tone and texture contrast, adding to the visual interest of the building. The housing would incorporate additional brick detailing and canopies to the ground floors to define entrances. It has also been confirmed by the architects that the windows of the development would be recessed back from the main facades, to achieve visual 'depth' and character. The materials used on surrounding buildings includes a mix of red and buff brick on Maritime House with elements of render, buff brick on the flats to the east and red/brown brick on the houses along Northern Parade. The proposal to utilise buff brick as the predominant material for the proposed development, contrasted with the grey brick and cladding for the corner block, is considered appropriate within this varied context.
- 5.15 In summary, the existing site is underused and has a somewhat untidy appearance. It is considered that the proposed development is of an appropriate design that would enhance the appearance of the site and make a positive contribution to the character and appearance of the area, in accordance with Policy PCS23 and the design objectives of the National Planning Policy Framework (NPPF).
- 5.16 Standard of living accommodation
- 5.17 In accordance with Policies PCS19 and PCS23 of the Portsmouth Plan, new development is required to achieve a good standard of living environment for the number of people that are to be accommodated. The Nationally Described Space Standards (NDSS) set out minimum sizes for new dwellings that would need to be met depending on the number of bedrooms proposed.
- 5.18 The sizes of the proposed dwellings in comparison to the NDSS requirement is set out below:
- Flats - 2 bed/4 person - 70m<sup>2</sup> (NDSS requirement - 70m<sup>2</sup>)
  - House Type 1 - 3 bed/6 person - 109m<sup>2</sup> (NDSS requirement - 108m<sup>2</sup>)
  - House Type 2 - 4 bed/8 person - 163m<sup>2</sup> (NDSS requirement - 130m<sup>2</sup>)
- 5.19 All of the dwellings meet the required size standards, and habitable room windows of the properties would predominantly face east, west or south, providing a good level of light and outlook for future occupants. The 3 accessible houses (House Type 2), have been designed for wheelchair accessibility with larger internal room sizes and a lift between the ground and first floor. The size of these dwellings has been confirmed as acceptable by the Council's Housing Team.
- 5.20 Each house would have its own rear garden measuring around 8m in depth. Whilst there would only be limited outdoor amenity space for the flats, it is noted that the site lies in close proximity to a public park and recreational facilities (Alexandra Park and Mountbatten Centre). Given the proximity to the public outdoor spaces, the lack of amenity space for the flats is not considered to be significantly harmful to the amenities of future residents.
- 5.21 The plans indicate that refuse storage facilities would be provided at the front of each house and a communal refuse store for the flats is provided adjacent to the parking court. These proposals have been reviewed by the Council's Waste Management Officer and are considered to be acceptable in terms of location and distances to the public highway for collection.

- 5.22 Overall, the proposal is considered to provide a good standard of living environment for future occupants, in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.
- 5.23 Sustainable construction
- 5.24 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient. Following a Ministerial Statement on 25<sup>th</sup> March 2015, the former policy requirements to meet Code for Sustainable Homes Standards were superseded with a requirement to achieve a standard of energy and water efficiency above building regulations standards, 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).
- 5.25 The Design and Access statement sets out measures that are proposed to be utilised within the development, including:
- Provision of high levels of insulation to reduce heat loss;
  - Proposal for solar panels on the roof of the buildings (as indicated on the submitted plans);
  - Use of air source heat pumps;
  - Highly efficient electric heating panels;
  - Triple glazing;
  - Mechanical ventilation with heat recovery.
- 5.26 These measures would ensure that the energy usage of the development is minimised and a condition would be imposed to ensure that the necessary level of energy and water savings are achieved in accordance with Policy PCS15.
- 5.27 Impact on neighbouring amenity
- 5.28 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.29 The nearest neighbouring residents to the proposed development are those within Maritime House to the north. The end terrace dwellings on the proposed development would be between 2.2m and 3.4m of the side elevations of the closest parts of Maritime House. The houses would have no windows on the northern elevations and whilst there are some windows on the closest southern elevations of Maritime House, a review of the approved floorplans of this development confirm that these windows are either secondary living room windows or non-habitable kitchen windows, with the living rooms having larger windows facing either east or west. Therefore, whilst the development would result in some loss of light and outlook to these side facing windows on Maritime House, given the position of other windows within that development, it is not considered that the impact on amenity would be significantly harmful to the residents. As there are no north facing windows proposed on the new houses, there would also be no significant loss of privacy to the residents of Maritime House. Other south facing windows on Maritime House are set further back from the application site and look into a communal outdoor space, and it is not considered that there would be any significant loss of light or outlook to these windows.
- 5.30 To the east and south there would be separation distances of approximately 17.5m between the proposed houses and flats on the application site and the nearest

neighbouring properties, which would also be separated by a road. To the west, the nearest properties on the opposite side of Northern Parade would be approximately 25m away. Given these separation distances, it is not considered that the proposed development would have an adverse impact on the amenities of these neighbouring residents in terms of loss of outlook, light or privacy.

- 5.31 A concern has been raised within the representations about a lack of community consultation on the proposals. It is confirmed that the applicants carried out a community consultation exercise prior to submitting the scheme and the Council has since carried out neighbour notification in accordance with regulations, including letters to adjacent neighbours and the display of a site notice.
- 5.32 It is concluded that the development has been suitably designed to ensure no significant impact on the amenities of neighbouring residents, in accordance with policy PCS23 of the Portsmouth Plan.
- 5.33 Traffic generation, access and parking
- 5.34 The main highway considerations of this scheme relate to traffic generation, access and parking.
- 5.35 The application site lies on the corner of Northern Parade, which is a classified road (A3) and one of the main routes into the city. The road operates as a bus route, including services running to the city centre, Southsea and Cosham, with a bus stop located immediately adjacent to the western boundary of the site. In terms of local services and facilities, there is a school immediately to the south of the site on Doyle Avenue, a convenience store approximately 300m to the north of the site, and a public park to the west on the opposite side of Northern Parade. Further shops and services within London Road are located approximately 800m away and the Mountbatten Leisure Centre is within 1km of the site.
- 5.36 In terms of traffic generation, the Highway Engineer is satisfied that the likely traffic generation from the development would not have a material impact on the operation of the local highway network.
- 5.37 In relation to parking, the proposed development would provide a total of 12 parking spaces. 9 of these spaces would be laid out within a parking court on the south-east corner of the site, and the other 3 would be located to the front of the properties facing Conan Road, providing disabled parking facilities. All of the car parking would be accessed from Conan Road. The Council's Adopted Parking Standards would require 26 resident parking spaces and 3 visitor parking spaces (29 spaces in total). The provision of 12 spaces would therefore represent a shortfall in 17 spaces. It is also acknowledged that the proposed development would result in the loss of an informal car park that has operated since the former health centre was demolished, and provides 14 spaces. However, this car park is not operated or managed by the Local Highway Authority and the Highway Engineer has not considered the loss of these parking spaces to be material to the determination of the scheme, as the car park could be closed or restricted at any time. In these circumstances, where a parking shortfall is proposed, the onus is on the applicant to justify the lack of parking.
- 5.38 The applicants have submitted a Transport Statement with the application. The main justification put forward by the applications for a lesser parking provision relates to the location of the site and its accessibility to public transport and local services. They also refer to local census data, which indicates a lesser likely level of ownership than the Council's Parking Standards would require, although this is not accepted by the Highway Engineer. The parking surveys that were undertaken indicated that a number of local roads had limited capacity but that there was some overnight parking availability on

Northern Parade. It is not considered that the results of these parking surveys would be sufficient to offset the shortfall of parking provision on site. In addition, the applicants note within the Transport Statement that if the development were permitted and the existing car park access from Doyle Avenue was stopped up, there would be space for 2 additional on-street parking spaces on this road. The applicants also note that since the parking surveys were carried out, there has been a reduction in the length of yellow zig zags opposite the school on Doyle Avenue, which has also freed up some more parking spaces.

- 5.39 In accordance with the Council's Parking Standards, cycle parking is also required. The scheme would provide 9 cycle lockers for the flats with space for 2 cycles each, and each house would have secure sheds capable of storing up to 4 bikes each. This provision is acceptable in accordance with the Council's Standards.
- 5.40 One specific concern raised within the representations is lack of electric vehicle charging points. The Council currently does not have a minimum requirement for providing electric vehicle charging within new developments, but such provision is encouraged. It is considered that these facilities could be accommodated within the development in the future if demand dictated.
- 5.41 In reaching a determination on the acceptability of the parking provision, a balance needs to be made between the potential highway impacts having regard to the location of the development, and the benefits of the development in contributing towards housing needs. The National Planning Policy Framework (NPPF) states that permission should be granted for development unless either of the two tests under paragraph 11 are met. Whilst the site is not located within a highly accessible location, it does have good connections to bus routes, including those linking to the city centre and Southsea, and there is variety of local services and facilities in the wider surrounding area.
- 5.42 The Highway Engineer has commented that the concerns relating to parking are essentially an issue of amenity rather than highway safety. In this case, taking a balanced view of the various matters relating to parking, and particularly having regard to the location of the site in relation to public transport, shops and services, it is considered that any potential harm resulting from the shortfall of parking would be outweighed by the contribution of the development to housing supply, and meeting a significant need for affordable housing within the city.
- 5.43 Impact on trees
- 5.44 A large London Plane tree on the south-east corner of the site is proposed to be retained and incorporated into the development. This tree makes a positive contribution to the character of the area and its incorporation into the scheme is considered positive. The application is supported by a Tree Survey Report and Development Statement and the content of these have been agreed by the Council's Arboricultural Officer. A condition would be imposed to ensure that the method statement set out within the Development Statement is adhered to in order to protect the tree.
- 5.45 Ecology
- 5.46 A Phase I Ecological Survey of the site has confirmed that overall, it was of limited ecological value. The existing grass/scrub and trees on the site were found to have limited potential to support protected species including bats, although the trees did offer the potential to support nesting birds. The Ecological Report provides recommendations relating to the timing and methodologies for vegetation clearance and subject to a condition to ensure that these recommendations are adhered to, it is considered that the development would not harm protected species.

- 5.47 Both Natural England and the County Ecologist initially raised concerns about the potential noise impact during construction on a nearby Brent Goose and Solent Waders primary network site (site ref. P40). The applicants have since provided further information confirming that noise levels during construction is likely to be below the level of concern. Natural England has recommended a condition restricting any noise above 69dB during the bird overwintering period (October to March), and on this basis it is not considered that the development would cause a significant effect on the wintering birds.
- 5.48 Impact on the Solent Special Protection Area
- 5.49 The Conservation of Habitats and Species Regulations 2017 [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, or otherwise affect protected 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.
- 5.50 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- Recreational pressure:
- 5.51 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.52 The mitigation contribution depends on the size of the proposed dwellings and takes account of any existing dwellings on the site. In this case, the amount is calculated as follows:
- 3 x 4-bedroom dwellings at £789 per dwelling = £2,367  
 4 x 3-bedroom dwellings at £671 per dwelling = £2,684  
 9 x 2-bedroom flats at £514 per dwelling = £4,626  
**Total = £9,677**
- 5.53 Subject to securing the required mitigation by S111 Agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.
- Nitrates:
- 5.54 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.55 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting'

against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

- 5.56 In this instance the applicant has submitted a Nutrient Neutrality Statement explaining how mitigation options have been considered. With regard to Option 1, they note that the site has been vacant for approximately 7 years and used as a car park, and there are no extant planning permissions relating to the site. It is therefore not possible to off-set the nitrogen output of the proposed development against any existing uses or extant permissions. In relation to Option 2, it is explained that given the relatively small scale of the site and development, it is not feasible to use sustainable urban drainage systems to mitigate the nitrogen output, and the applicant (being Portsmouth City Council) does not own any agricultural land that could be taken out of productive use. It is therefore proposed that the development relies on the use of nitrate 'credits', as per Option 3.
- 5.57 The proposal would result in a net gain in 16 dwellings at the site and credits would be required equivalent to 12.8 kg/N/yr.
- 5.58 This mitigation would be secured by condition and S111 Agreement before development commences. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 5.59 Subject to the agreed mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.
- 5.60 Contaminated land
- 5.61 The site has the potential for land contamination and the applicants have submitted Phase I and II Geo-Environmental site Assessments with the application. These reports have been reviewed and the findings provisionally agreed by the Councils Contaminated Land Team. The reports have highlighted that there is potential for contamination on the site and if permission were to be granted for the development, a Remedial Method Statement would be required to demonstrate that any risks can be satisfactorily mitigated. This requirement can be secured by condition.
- 5.62 Drainage
- 5.63 The application is supported by a Flood Risk and Drainage Assessment, which confirms that the site lies entirely within Flood Zone 1 (low risk of flooding). Whilst it is predicted that the site could fall within a higher risk flood zone in the future due to the effects of climate change, the report concludes that the new coastal defence works within the city would effectively protect the site from increased risk. The report highlights that the development would increase the impermeable area of the site and therefore proposes a range of Sustainable Urban Drainage measures to mitigate any increased surface water run-off. The proposals have been reviewed by the Council's Drainage Engineer who has confirmed approval of the proposed measures in principle, subject to further details to be requested by condition. Subject to agreeing the detailed drainage strategy, the development would not increase flood risk on the site or elsewhere, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

## 5.64 Conclusion

- 5.65 The development would make a positive contribution towards the city's housing supply, and affordable housing need through the provision of 16 new dwellings. The layout, scale and design of the development is considered appropriate for the context in which it is set and the development would not have an adverse impact on the amenities of neighbouring residents. Matters relating to drainage, tree protection, ecology and land contamination have been addressed and relevant measures secured by condition. Whilst the Local Highway Authority has raised concerns about amenity impact from lack of parking, it is not considered that these impacts would 'significantly and demonstrably' outweigh the benefits of the scheme when assessed against the policies of the NPPF taken as a whole.
- 5.66 In relation to habitats sites, subject to securing the agreed mitigation, the development would not affect the integrity of the Solent Special Protection Areas (SPA).
- 5.67 In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

## **RECOMMENDATION**

### **Approve with Conditions**

#### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

#### **Approved Plans**

- 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 19.094.001 Rev. A; Proposed Site Plan (Roof Plan) 19.094.100 Rev. E; Proposed Ground Block Plan 19.094.101 Rev. E; Proposed House Type 1 19.094.200 Rev. C; Proposed House Type 2 19.094.201 Rev. C; Proposed Flats 19.094.202 Rev. C; Street Scenes 19.094.205 Rev. C; 3D Views 19.094.206 Rev. A; Precedents 19.094.210.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Affordable Housing**

- 3) The permission shall only enure for the benefit of Portsmouth City Council and shall be occupied only as affordable housing in accordance with the definition outlined within Annex 2 of the National Planning Policy Framework (NPPF) (2019).

Reason: To deliver the requirements for affordable housing (in the absence of a S106 Planning Agreement), to accord with policy PCS19 of the Portsmouth Plan (2012) and the National Planning Policy Framework (2019).

#### **Contaminated Land**

- 4) 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 Phase 1 desk study (undertaken following 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 (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model), and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Phase 2 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 BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

c) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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 (2006).

### **Contaminated Land Verification**

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 4c. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 4c.

Reason: 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 (2006).

### **Materials**

6) Notwithstanding the details shown on the approved plans, no construction works above foundation/slab level shall take place at the site until details, including samples, of the type, colour and texture of external materials and windows (including depth of window recesses), has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development, in the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### **Boundary Treatment**

7) Prior to occupation of the dwellings hereby permitted, boundary treatment shall be installed in accordance with the details shown on Plan ref. 19.094.101 Rev. E, unless alternative details are first submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

Reason: In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### **Tree Protection**

8) The development shall be carried out strictly in accordance with the Construction Method Statement set out within the submitted Arboricultural Development Statement (CBA Trees, February 2020), unless alternative measures are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the retained tree is fully protected during the course of the development in the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

### **Ecology Protected Species**

9) The development hereby permitted shall be carried out in strict accordance with the methodologies set out within the Section 7 of the submitted Phase I Ecological Survey report (Tristanna Boxall, April 2012), unless alternative methods are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development would not have an adverse impact on protected species or nesting birds in accordance with Policy PCS13 of the Portsmouth Plan (2012) and to comply with The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### **Piling Timing Restriction**

10) No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor), shall take place during the bird overwintering period of October to March inclusive.

Reason: To prevent adverse impacts on a nearby Primary Support Site for Solent Waders and Brent Geese, to ensure compliance with The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 and Policy PCS13 of the Portsmouth Plan (2012).

### **Biodiversity Enhancements**

11) (a) No development above foundation/slab level shall take place at the site until a scheme for proposed biodiversity enhancements and their timing shall have been submitted to and approved in writing by the Local Planning Authority;  
(b) The scheme for biodiversity enhancement shall be fully implemented in accordance with the details approved under part (a) of this condition and thereafter retained.

Reason: To achieve a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan (2012).

### **Drainage Strategy**

12) Prior to commencement of the development hereby permitted, a detailed foul and surface water Drainage Strategy in line with the principles set out within the submitted Flood Risk and Drainage Strategy (Ramboll, August 2019), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved strategy.

Reason: To ensure that the development would not increase flood risk, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Energy and Water Efficiency**

13) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has 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
- 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.

Reason: 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 (2012).

### **Parking Provision**

14) Prior to occupation of the development hereby permitted, the parking spaces shown on Plan ref. 19.094.100 Rev. D shall be provided and retained thereafter for the purpose of vehicle parking only.

Reason: To ensure adequate parking provision for the development in the interest of highway safety and residential amenity, in accordance with Policy PCS17 of the Portsmouth Plan (2012).

### **Stopping up of Access**

15) Prior to occupation of the development hereby permitted, the existing accesses onto Doyle Avenue shall be stopped up and the kerb reinstated.

Reason: In the interest of highway safety in accordance with Policy PCS17 of the Portsmouth Plan (2012).

### **Landscaping**

16) (a) No construction works above the foundation / slab level shall take place until a detailed scheme for soft landscaping has been submitted to and approved in writing by the Local Planning Authority;

(b) The soft landscaping scheme shall be carried out in accordance with the approved details in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner;

(b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity to achieve a high quality development in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

### **Construction Management Plan**

17) No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction is taking place at the site.

Reason: To minimise disruption to the operation of the local highway network in the interest of highway safety given the corner location and proximity to a school, and to protect the amenities

of neighbouring residents, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

### **Bicycle Storage**

18) The facilities to be provided for the storage of bicycles, as shown on Plan ref. 19.094.101 Rev. E, shall be constructed and completed before the building hereby permitted is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the building for that storage at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises to encourage alternative means of travel to the private car, in accordance with policy PCS17 of the Portsmouth Plan (2012).

### **Refuse Storage**

19) The facilities to be provided for the storage of refuse and recyclable materials, as shown on Plan ref. 19.094.101 Rev. E, shall be constructed and completed before the building hereby permitted is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the building for that storage at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials, in the interest of residential amenity, in accordance with policy PCS23 of the Portsmouth Plan (2012).

### **SPA Mitigation**

20) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased recreational pressure and increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012), the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

**SITE OF 1 - 3 WARWICK CRESCENT SOUTHSEA****CONSTRUCTION OF A 3-STOREY BLOCK OF 4NO. 5-BEDROOM AND 1NO. 6-BEDROOM STUDENT ACCOMMODATION CLUSTER APARTMENTS WITH ASSOCIATED REFUSE AND CYCLE STORES AND AMENITY SPACE (DESCRIPTION AMENDED 28/01/2020 AND AMENDED PLANS)****Application Submitted By:**

Mr Michael Saunders  
PDP Architecture LLP

**On behalf of:**

Mr William McCance

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is being heard at committee due to the requirement for a legal agreement and financial contributions.
- 1.2 The main issues in the determination of this application are as follows:
- i) Principle of residential development
  - ii) Design, scale, appearance and character
  - iii) Amenity of neighbouring properties
  - iv) Amenity of future occupiers
  - v) Highways and parking
  - vi) Ecology and biodiversity
  - vii) Flood risk and drainage
  - viii) Impact on the Solent Special Protection Areas
  - ix) Other matters and material considerations

**2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**The Site and surroundings

- 2.1 The 465 sq m site is in Somerstown and was formerly 'The Mystery' public house, which was closed in 2005 and then badly damaged by fire and demolished soon afterwards. It became overgrown with self-sown vegetation - shrubs and saplings - but the site has recently been cleared.
- 2.2 To the north is a 5-storey block of flats/maisonettes on Waterloo Street which has an amenity area at the rear which adjoins the northern boundary of the site. To the east is a Henrietta Place, a terrace of part 2 and part 3 storey dwelling houses, in a contemporary style with the 18 storey Tipton House tower block beyond. To the south is Warwick Crescent and Grosvenor House a large 5-storey block of flats with a large parking area opposite the site and to the west are two-storey houses and a line of garages fronting Grosvenor Street separated from the site by a rear alley.
- 2.3 There are no nearby listed buildings or other heritage assets, nor are there any protected trees, and the site is within Flood Zone 1 - the area at least risk from flooding.

## Proposal

- 2.4 The application is for the erection of a three storey building to provide student accommodation for 26 people. This would be arranged within the 664 sq m GIA to provide two 5-bed cluster flats at each of the ground and first floor levels and a 6-bed cluster flat at second floor level. The building would be irregular in form with a turret feature at the front corner. It would be 2-storey of brickwork with a 3rd storey recessed back from the main façade finished in a standing seam vertical cladding.
- 2.5 There would be no on-site car parking spaces. Twenty-six cycle parking spaces would be provided in a brick single storey extension to the rear of the development and in cycle sheds along the rear half of the eastern boundary of the site. Refuse storage would be provided in the form of covered timber enclosures along the eastern boundary of the site, There would be landscaped amenity areas outside with seating.

## Planning history

- 2.6 18/02011/FUL - Construction of 3 storey block of apartments comprising 8 self-contained flats to include refuse and cycle store with associated amenity garden space and car parking - Approved 08/03/2019.

## **3.0 POLICY CONTEXT**

- 3.1 In addition to the NPPF the following policies in the Portsmouth Plan are relevant to this proposal:

3.2 Portsmouth Plan (2012)

- PCS6 (Somerstown and North Southsea)
- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth),
- PCS14 A Healthy City,
- PCS17 (Transport),
- PCS19 (Housing Mix, Size and the Provision of Affordable Homes)
- PCS23 (Design and Conservation).

3.3 Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved Policy DC21 (Contaminated Land)

3.4 Other Local Guidance

- The Car Parking and Transport Assessment SPD 2014
- The Solent Special Protection Areas SPD 2017
- PCC Interim Nutrient Neutral Mitigation Strategy for New Dwellings 2019
- Student Halls of Residence 2014
- Somerstown and North Southsea Area Action Plan 2012

3.5 National Guidance

- National Planning Policy Framework (NPPF) 2019
- National Planning Practice Guidance
- The Nationally Described Space Standards (NDSS) 2015

## **4.0 CONSULTATIONS**

4.1 Natural England

No objection, subject to securing mitigation.

#### 4.2 Highways Engineer

##### *Final Response - 21st January 2020:*

I have reviewed the amended drawings which now propose a 3-storey block of 4no. 5-bedroom and 1no. 6-bedroom student accommodation cluster apartments with associated refuse and cycle stores and amenity space.

I would reiterate my observations as below but note the reduction in quantum of accommodation has a proportional reduction in the cycle parking requirement to 26 spaces. Secure parking for 26 cycles is proposed together with 2 short stay cycle parking spaces.

The key issues from the LHA perspective remain the potential use of the accommodation outside of term time and the management arrangement to be adopted for the arrivals and departures of tenants at the beginning and end of each academic year when there is likely to be a significant demand for access by car over a relatively short period. Neither of these issues have yet been addressed and in that light I must maintain a holding objection to this application

##### *Initial Response - 3rd December 2019:*

I have reviewed the Design & Access Statement and drawings submitted in support of this application which proposes the construction of a part 3 and part 4 storey block of 6 five bedroomed student accommodation clusters providing 30 study bedrooms and would make the following observations:

The site falls within the LA controlled parking zone although only 2 permits are available per residential address and it is my assumption that individual addresses will not be provided for each flat cluster. As a consequence residents of these properties would largely be unentitled to buy resident permits. Parking surveys reported in the transport statement submitted in support of the previous application on this site found 3 available on street parking spaces overnight within a 200m walking distance of the site on one occasion and 6 on a subsequent occasion. Taking an average of those would suggest the availability of 4 or 5 on street parking spaces within a reasonable walking distance of the site. That reflects the reality that there is relatively little scope for parking on street where the resident demand for parking occasionally exceeds the space available particularly at nights and over the weekends.

The application site is located in Warwick Crescent which is an unclassified residential access road. I am satisfied that in general operation such student accommodation can reasonably operate as a car free development and that any additional traffic generation likely to arise from this proposal would not be of sufficient scale to have a material impact on the operation of the local highway network.

No reference is made to the use of the accommodation outside of term times and given the absence of parking provision on site and very limited availability on street a condition would be required to control occupation to students only.

The site does not fall within that part of the city found to be sufficiently accessible so as to allow consideration of a reduction in the parking expectation expressed in the SPD. As a consequence the parking expectation for this scale of development is 30 secure cycle parking spaces. Adequate cycle parking is shown to be provided on the site in secured shared cycle parking lockers.

Typically the critical issue for such uses from a highway perspective is the management arrangement to be adopted for the arrivals and departures of tenants at the beginning and end of each academic year when there is likely to be a significant demand for access by car over a relatively short period. The management arrangements for student arrivals and departures at the beginning and end of each academic year for all other

student halls of residence within the city centre have secured one parking space for an hour for each arrival (utilising a range of on-street and private parking facilities secured for the arrivals period) with tenant arrivals being strictly managed through the allocation of minimum 1 hr arrival slot over an extended period reflecting the number of spaces available. In each case the management plans have required the provision of an arrivals programme to the LPA annually in advance of students taking up occupation to ensure a staged arrival programme and facilitate auditing of the plan implementation.

A similar approach is required here and there appears to be scope to facilitate this utilising the scope to provide 2 parking spaces on the section of highway which extends into the site. The use of 2 spaces here would allow residents to take up occupation over a weekend assuming arrivals were scheduled over 8 hours on consecutive days. I am comfortable that this could be secured by condition requiring a student management plan to be submitted to and approved by the LPA prior to first occupation of the development. A fee of £5500 should be secured through a S106 agreement to allow the auditing of the plan on an annual basis for the first 5 years of operation. Subject to securing such an approach I would not wish to raise a highway objection to this application.

#### 4.3 Ecology

This application, which has been amended to five student apartments, is not supported by any ecological information. There is no change to my original comments of 10th December 2019 (Ecology Ref. 19.2224), which I include again below for your ease. I have concerns that the proposals may affect protected species and designated sites. My detailed comments are provided below.

##### Protected Species

The site appears well-vegetated with shrubs and immature trees, and may be suitable for supporting protected species such as foraging bats, breeding birds and potentially reptiles, depending on the habitat composition. While the site area is small, it may represent some of the only unmanaged greenspace in the vicinity, given the highly developed nature of the site's surrounds. It will therefore be important to establish whether the proposals are likely to have any impact on protected species. I would recommend that the applicant commissions a Phase 1 ecological survey of the site, also known as a Preliminary Ecological Appraisal. This should include an assessment of the potential for the site to support protected species (to be provided by a qualified ecologist), with any recommended further survey work also undertaken. Advice on protected species and the planning process can be found here:

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>.

Where ecological surveys are needed, applicants are advised to contract a suitably experienced and qualified ecologist (see <http://www.cieem.net/members-directory>, or an online search will find a number of local ecologists).

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposals and to ensure that any impacts can and will be mitigated, and are acceptable.

##### Designated Sites

The Preliminary Ecological Appraisal should include an assessment of the likely impacts of the proposals on designated sites, including measures for mitigation any increases in recreational disturbance resulting from the scheme.

There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated



sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites.

As such, the emerging advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. If the applicant is able to provide a nitrogen budget calculation to demonstrate that there would be no additional nutrient load arising from this proposal then the LPA may be able to conclude that the development would not affect these areas. If the nitrogen budget calculation shows an increase, I would advise that the applicant consults Natural England via their Discretionary Advice Service (DAS).

#### 4,4 Environmental Health

There may be some concerns regarding potential loss of amenity due to noise created by students residing within the proposed development.

Our database indicates that we have had complaints about three such premises over the past 3 years. Some of those complaints have concerned behaviour that we either do not have the powers to deal with (noise in the street) or is noise that is difficult to deal with by its nature. At such, we do have evidence that some impact on the amenity of neighbouring residential premises may occur as a result of such premises. Enforcement action has been taken against two separate student units within student accommodation blocks in 2018.

Paragraph 5.9 of Portsmouth City Council's Supplementary Planning Document on Student Halls of Residence, requires the submission of a management plan for the operation of the development to address issues such as sound proofing and security measures, however it is not specific about controlling behaviour and impacts upon the amenity of neighbouring properties particularly at night when there is no managerial presence on site.

Whilst I do not wish to make an outright objection, there is evidence to suggest that a significant adverse impact on neighbouring residential properties may occur from time to time. It is stated in the Design and Access Statement that there will be a building manager although it appears that their role will be limited to new arrivals and departures and not to the management of the building in the intervening period.

Should you consider the development appropriate I recommend that a condition be applied requiring a scheme for approval regarding the management of the property with a focus on managing the impact on neighbouring residential premises.

#### 4,5 Contaminated Land Team

The site was formerly developed with what appears to be terraced housing and a public house. Glass merchants, glazing contractors, leaded light manufacturers, bevellers, and silverers were located on the northern boundary of the site from c.1933-1964 which had an associated petroleum licence for up to 400 gallons of petroleum. As such there is the potential for contamination to exist on this site which will require investigation and potential remediation before the site is developed. The process is explained further at <https://www.gov.uk/guidance/land-contamination-risk-management>, and is summarised

in the PCC Contaminated Land Guidance for Developers. The Contaminated Land Team (CLT) requests both a paper copy and electronic copy of reports are submitted for initial review. Later iterations if required can be submitted in electronic format only - this will aid review and reduce turnaround times.

For a summary of information held by the CLT for use within the desk study report, please contact the CLT by telephone on: 023 9284 1399, or email: [contam@portsmouthcc.gov.uk](mailto:contam@portsmouthcc.gov.uk). The CLT are happy to discuss the information held over the telephone in the first instance.

(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 Phase 1 desk study (undertaken following 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 (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Phase 2 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 BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA, c) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

(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. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details 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.

#### 4.6 Coastal and Drainage

Lack of Drainage Strategy showing how the site will drain. This needs to include a check on attenuation required, when comparing existing impermeable area to proposed permeable area to conform with PCS12 of The Local Plan. Associated drainage layout to include SuDS (if any), ILs, site discharge outlet, capacity check (if draining to sewer), Operations and Maintenance manual and any associated calculations. Lack of confirmation from Southern Water of acceptance of S185 sewer diversion and subsequent adoption. Lack of confirmation from Southern Water of capacity check for foul water. Lack of detail for Highway stopping up order. It would be preferable for the existing manhole to be either wholly within the site or wholly on the adopted highway, rather than the site boundary running directly over it. It appears the parking bays 1 to 3 will require adopted highway alterations and therefore will be subject to a S278 Agreement. This is a separate process to the stopping up order. Please confirm

The information I would review is almost entirely lacking. You may wish to put the first three points under a condition

#### 4.7 Eastern Solent Coastal Partnership

No comments received.

#### 4.8 Waste Management Service

No comments received.

#### 4.9 Crime Prevention Design Advisor

An access road runs along the western boundary of the site. A number of ground floor windows overlook this road. Protection for these windows is given by planting. Planting on its own will not provide sufficient protection for the windows nor will it prevent persons from lying-in-wait within the recesses. To provide safety of those within the building and those using the access route, robust railings should be installed along this boundary. The railings should be at least 1.2m high.

Plans show a number of ground floor windows that can be easily accessed from the public realm (generally these windows are within flat number 1). To provide for the security of the residents and visitors, a margin of defensible space approximately 1m wide must be provided outside these windows.

### 5.0 REPRESENTATIONS

#### 5.1 Publicity dates (noting full Covid-19 lockdown began 24<sup>th</sup> March 2020):

- Site notice displayed for second time on 28/01/20, at the front of the property
- Neighbour letters sent out for second time on 28/01/20
- Press notice not required
- The re-advertised publicity period for making representations expired on 21/02/20

#### 5.2 A total of 3 public comments have been received in relation to this application; all of which object to the proposed development. The comments made within these representations are summarised as follows, and assessed within the main body of the report:

- Considers 3 storeys too high
- Concerns regarding loss of light / overshadowing
- Concerns regarding overlooking
- Considers parking to be inadequate
- Concerns regarding noise & disturbance, including to neighbours with health issues
- Considers there to be too much student accommodation/HMOs in the vicinity

- Considers a greater need more family homes instead
- Suggests parking or traditional residential would be better uses for the site
- Concerns regarding devaluation of neighbouring properties

## 6.0 COMMENT

### i) Principle of residential development

- 6.1 The site is located in Somerstown, and therefore Policy PCS6 of the Portsmouth Plan and the Area Action Plan are relevant. The development would accord with the broad regeneration objectives of Policy PCS6, in that it would bring an empty site back into use. Additionally, the proposal would provide additional housing and is considered to provide a 'safer, better quality environment'; both of which are stated as aims within this policy. With regards to the Area Action Plan, Policy SNS7 supports a mixture of new residential development types. The Proposals Map also identifies the site for residential redevelopment generally.
- 6.2 The Students Halls of Residence Supplementary Planning Document (October 2014) identifies the need to provide a good standard of student halls in the city with a preferred location in close proximity to existing University facilities and other educational establishments. The site is located in close proximity to University facilities as well as shops, services and public transport, it is therefore acceptable in principle for student accommodation.
- 6.3 The provision of student residential accommodation is therefore supported by local planning policy and considered acceptable in principle.

### ii) Design, scale appearance and character

- 6.4 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires all new development to be of an excellent architectural quality, to function well and to add to the overall quality of the area, not just for the short term but over the lifetime of the development, to establish a strong sense of place, to respond to local character and history, to reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, to relate well to the geography and history of Portsmouth and protect and enhance the city's historic townscape and its cultural and national heritage and to be visually attractive through good architecture and appropriate landscaping. Policy SNS11 of the Area Action Plan also sets out design principles and the need for good design.
- 6.5 The shape of the site is a remnant of the old street pattern of terraced houses which were cleared and rebuilt in the 1960s and this constrains the floor plan of the new building so that it has a similar footprint to The Mystery public house which was formerly on the site.
- 6.6 The scheme for determination follows several amendments including the removal of a proposed fourth storey, incorporation of a mansard roof to reduce the height of vertical elevations, the removal of a spire that was proposed atop the turret, and the removal of cladding from the elevations in favour of more traditional brickwork
- 6.7 The overall height and massing is similar both to the public house and to the block of flats that was granted planning permission in 2019 and would not exceed the height of either the flats to the south or the houses to the east and west. The most noticeable difference between this proposal and the consented scheme is a more defined mansard roof form which gives a clarity to the design and a more regular pattern to the fenestration that is more aesthetically pleasing. There is also a more vertical emphasis to

the front of the building which is in keeping with the turret feature that references a similar feature at the front of The Mystery Public House and results in a more balanced composition to the public frontage.

- 6.8 With appropriate use of materials and a sympathetic landscaping scheme which can both be secured by condition, the development would make a positive contribution to the street scene and character of the area in compliance with Policy PCS23 of the Portsmouth Plan and Policy SNS11 of the Area Action Plan.

iii) Amenity of neighbouring properties

- 6.9 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents. The impact of this proposal also needs to be considered in the context of the previous building on the site, The Mystery public house, and the existing consent.
- 6.10 The houses to the west (Grosvenor Street) would look at a two-storey elevation of similar length to their terrace, at 11.4m - 12.2m distance to their rear extensions. This is not an unusual relationship in a densely-developed city like Portsmouth and although outlook and light (including morning sunlight) would be significantly changed from the present as the site is a vacant plot, the relationship would be very similar to that with the former and recently permitted buildings. West-facing windows in the new block would mostly be high-level and/or obscurely glazed, so preventing a loss of amenity for any party.
- 6.11 To the east, no. 5 is the only property on Henrietta Place which would potentially be significantly affected. Occupiers would look out onto at the rear corner of the new building at a distance of 15.4m. It is considered the change of outlook would be within acceptable bounds. The garden of this house would lose some afternoon sun but would still have a relatively open aspect for light and the relationship is considered acceptable. Due to the shape of the site, and the position of the building and the orientation, there would similarly be only a minor loss of sunlight to the garden of no.1 no Warwick Crescent.
- 6.12 Rear-facing north windows would face gable-end windows on the five-storey flats to the north, but at an oblique angle and at some 12m distance so there would not be a significant loss of privacy. There would be a loss of sunlight to the gardens to the north, but given their communal nature and size, it is not considered the effect would be unreasonable or so different from the previous pub or consented building.
- 6.13 *Management Plan:*  
A Management Plan has been submitted as required by the Halls of Residence SPD which links to the National Code. It is proposed the site will be managed by a property manager who will be available at certain times and whose contact details will be prominently displayed in the communal areas of the development. They will lead the management team, maintenance and cleaning staff and have authority over a security team who will be able to deal with any emergencies relating to anti-social behaviour and other emergencies.
- 6.14 This will provide robust 24/7 management of the site to ensure that the property is managed professionally from day one to alleviate the impact on the local community. Continual presence of the site management and their displayed details will ensure that local residents always have a point of contact should there be any issues relating to noise or anti-social behaviour so they can be dealt with promptly and efficiently. Student info packs issued on arrival will include reference to considering local residents and penalties (in leases) if anti-social behaviour is noted. In addition to working closely with the local people, the management will hold regular meetings with local residents and groups to discuss and address any issues that may arise. A meeting room is available on

the ground floor within the main reception area for this purpose. Occupation and parking restrictions will also be included; partly for amenity and partly for highways assurances and acceptability.

- 6.15 A legal agreement is required in order to secure this Management Plan and fees for the Council's auditing and management, and relevant condition requiring this to be in place prior to occupation.
- 6.16 Therefore the proposal would not have an unacceptable impact on the amenities of neighbouring occupiers and as such complies with Policy PCS23 of the Portsmouth Plan.

iv) Amenity of future occupiers

- 6.17 The Students Halls of Residence SPD requires single rooms to be 7 sq m and single en suite rooms to be 10-15 sq m In addition in cluster flats where there are 6-10 students sharing a kitchen/diner of 19.5 sq m minimum should be provided
- 6.18 Each bedroom is at least 10 sq m with an additional en-suite. Each apartment has a communal kitchen dining space of approximately 16m<sup>2</sup>. This is short of the guideline space only for the top storey cluster flat, but I do not consider the accommodation provided would be so lacking as to warrant refusing the application, particularly given the larger bedroom sizes.
- 6.19 The proposal is therefore deemed to provide a high quality living environment for future occupiers, in-line with Policies PCS19 and PCS23 of the Portsmouth Plan, and national guidelines.

v) Highways and parking

- 6.20 The surrounding roads are part of Parking Zone LA - permits required apart from the first three hours of parking (and no return within four hours). The four parking bays between the site and Henrietta Place terrace are for permit holders (but not part of Zone LA). However students will be prevented from bringing cars to the site as part of their tenancy agreement, and secured within the conditioned Management Plan and relevant legal agreement.
- 6.21 There is a lay-by outside the site which will be used for drops offs and deliveries including student arrivals and departures at the beginning and end of their tenancies. Student move-ins will be a managed process over two weekends each academic year. To stagger arrivals, each student will be advised of a date and time to take up occupancy of their room; again covered by the above measures (condition/legal agreement).
- 6.22 Cycle parking provision would provide 26no spaces; one for each student, in addition to 2no short stay/visitor spaces, which is supported and compensates for the lack of car parking; as does the sustainable city centre location close to the university.
- 6.23 The Council's Highways Engineer has been consulted and raises no objection in terms of highway safety of parking, subject to securing restrictions outside term time and drop-offs at the start/end of term time; which will be covered within the Management Plan and legal agreement. It is therefore considered that the parking and access arrangements are acceptable and comply with Policy PCS17 of the Portsmouth Plan.

vi) Ecology and biodiversity

- 6.24 The application is not supported by any ecological information, and the Council's Ecology Officer has raised concerns about the potential for harm to arise to any protected species on site. Ecological surveys and appraisals are suggested. However, this concern and request is due to the belief that the site is presently covered with trees and vegetation. In actual fact, the site has already been completely cleared and therefore there is no potential for habitats within the site; thus no need for additional information in this regard. Nevertheless, the development should include some biodiversity enhancement measures - which can be conditioned. Subject to this, the proposal is not considered to harm any protected species, and would result in a net gain in biodiversity at the site; thus according with Portsmouth Plan Policy PCS13.

vii) Flood risk and drainage

- 6.25 The site is within Flood Zone 1; the area least at risk from flooding. For this relatively small site, drainage will be properly addressed through Building Regulations, and by the Applicant dealing directly with Southern Water; as will the siting of the development adjacent to a sewer along the eastern boundary. It is likely the site will achieve drainage betterment, due to the previous and historic site coverage of the public house. No drainage or flood risk conditions are attached to the extant 2019 permission. The proposal is therefore considered to be acceptable in terms of flood risk and drainage.

viii) Impact on the Solent Special Protection Areas

- 6.26 The Conservation of Habitats and Species Regulations 2017 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, or otherwise affect protected 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.
- 6.27 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 6.28 *Recreational pressure:*  
In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations
- 6.29 The mitigation contribution depends on the type/size of accommodation. However it is recognised that student accommodation will have less impact because of the absence of car parking and the inability of those living in purpose built student accommodation to have pets. Research has shown that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing. Therefore the amount is calculated as  
5no flats of 5+ bedrooms @ x £927 = £4,635  
Divided by 2= total contribution of **£2,317**.
- 6.30 Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

- 6.31 *Nitrates:*  
Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 6.32 Based on an occupancy value of 26 and a water use value of 110 litres per person per day a figure of 2,860 litres per day can be calculated. Step 3 Confirmation of Waste Treatment Works (WwTW) and permit Level: The waste treatment works to which this development will be feeding will be Budds Farm which is where all of the waste water in Portsmouth is fed to. Budds Farm has a permitted level of 9.7mg/l. Natural England suggest that a worst case scenario is adopted whereby the WwTW operates at 90% of its permitted limited, in this case 8.73mg/l.
- 6.33 Based on the methodology set out in the INMS, to fully mitigate the increased levels of nitrogen input to the water environment within the Solent resulting from the development of 5 dwellings, the applicant will require credits equivalent to 9.11Kg/TN/yr (net increase in total nitrogen).
- 6.34 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 6.35 In this instance, the applicant has provided a Statement, which confirms that it is not possible to make the development nitrate neutral using either Option 1 or Option 2. They have noted that due to the small size and constrained nature of the site, it would not be pragmatic to use strategies such as SUDS or wetland creation, and there is no other land controlled by the applicant that could be used for off-setting off site. The Council has agreed for the developer to secure mitigation using the Interim Strategy. For minor schemes such as this credits can be obtained for an administrative fee of £200 per dwelling. The required contribution for this scheme, in relation to nitrates mitigation, would therefore be **£1000**.
- 6.36 This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 6.37 Subject to the legal agreement to secure mitigation, and relevant condition, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.



#### ix) Other matters and material considerations

- 6.38 Most of the issues raised within representations have been addressed within the above section. The remaining are considered as follows:
- The LPA can only consider the proposal the subject of the application and not whether the site would be more suitable for other uses such as family housing or parking.
  - The impact on property value is not a planning consideration.
- 6.39 The Crime Advisor has made recommendations on site/building security. I note the side gate to the east secures the rear of the site, and this and other site boundary treatment, along with (defensive) landscaping and any external lighting, should help address security matters. These can be addressed by conditions. Similarly, a waste collection informative can be included.

#### Conclusion

- 6.40 The site is well-located within the urban area close to the university and a range of shops, services and public transport therefore is acceptable in principle for a student hall of residence and the proposed development would bring a vacant site back into use. The building is appropriate for this location in terms of its design, height and massing and, having regard to the building that was previously on the site and the building which was previously approved. The Management Plan, which could be secured through a S106 agreement, would ensure the development does not have an unacceptable impact on the amenity of neighbouring residents. The standard of accommodation is good and, whilst there is no onsite car parking in view of the type of accommodation proposed, the proximity to the city centre and transport links and the provision of adequate cycle parking there is no objection on highway grounds. The impact on the Solent SPAs through recreational disturbance and nitrate discharge would be mitigated through contributions secured by way of a S106 Agreement. As such, the development would comply with local and national policies and guidelines.

## **RECOMMENDATION**

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA nutrients mitigation
- SPA recreational impact mitigation
- Student Management and Community Liaison Plan, including auditing fee
- Occupation restriction and management fee

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

## **CONDITIONS**

#### Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

### **Approved Plans**

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

- 28074-PD5 10B
- 28074-PD5 11A
- 28074-PD512A

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Construction Management Plan**

3) No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction/demolition is taking place at the site.

Reason: To ensure that the construction works are properly managed to minimise impacts on adjoining residents and users of the local highway network during the construction period, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

### **Contaminated Land - Investigation/Remediation**

4) 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 Phase 1 desk study (undertaken following 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 (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA;

b) A Phase 2 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 BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA;

c) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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 to comply with saved policy DC21 of the Portsmouth Local Plan 2001- 2011

#### **Contaminated Land - Verification**

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 (3)c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

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

Reason: 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 to comply with saved policy DC21 of the Portsmouth Plan.

#### **Materials**

6) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed buildings shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: To ensure that the materials used are of a high quality appropriate to the character of the area, in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Energy Efficiency**

7) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has 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 - 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.

Reason: 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.

#### **Nitrates Mitigation**

8) The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### **Crime Prevention Measures**

9) The development hereby permitted shall not be occupied until details of crime prevention measures have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:

- a) installation of at least a 1.2m high railings along the western boundary;
- b) details of southern boundary treatment, if any; and
- c) defensible space details including landscaping and lighting.

These measures shall be fully implemented in accordance with the approved scheme and retained as such in perpetuity.

Reason: To ensure a safe development, to reduce the risk of crime, and in accordance with Policy PCS23 of the Portsmouth Plan.

### **Refuse Storage**

10) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before any part of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the development for that storage at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

### **Cycle Storage**

11) The facilities to be provided for the storage of bicycles shall be constructed and completed before any part of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the development for that storage at all times.

Reason: To ensure that adequate provision is made for the storage of cycles in accordance with policy PCS17 of the Portsmouth Plan.

### **Landscaping**

12) The development hereby permitted shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s). 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.

Reason: In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.

### **Biodiversity Enhancement**

13) The development hereby permitted shall not be occupied until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. These measures shall be fully implemented in accordance with the approved scheme and retained as such in perpetuity.

Reason: In order to conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.

109 - 113 SULTAN ROAD PORTSMOUTH PO2 7AS

**CONSTRUCTION OF ADDITIONAL STOREY AND CONVERSION OF FIRST FLOOR TO PROVIDE FIVE SELF-CONTAINED FLATS; ALTERATIONS TO REAR OF GROUND FLOOR TO PROVIDE ACCESS, CYCLE STORAGE AND REFUSE STORAGE.**

**Application Submitted By:**

Now Build It Ltd  
FAO Miss A Shihadeh

**On behalf of:**

Mr Pranay Patel

**RDD:** 9th April 2019

**LDD:** 5th June 2019

## 1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee for determination following receipt of objections (three individual representations with repeat objections and petition signed by twenty-four local residents).
- 1.2 The main issues for consideration are:
  - Whether the development proposed is acceptable in principle
  - Design Impact
  - Impact on residential amenity
  - Whether the accommodation is of an acceptable standard
  - Highway and waste matters
  - The impact on the Solent Special Protection Areas from potential recreational disturbance and discharge of nitrates
- 1.4 Site and Surroundings
- 1.5 The application site is a corner property on the north side of Sultan Road at the junction with Malins Road. The existing building is built of red brick with a flat roof. It is part single storey and part two storey. The current use of the property is a retail shop on the ground floor with storage above.
- 1.6 Situated to rear (north) is a terrace of two storey houses fronting Malins Road. The nearest house to the rear (no.16) is separated from the building by the rear yard and an alleyway leading to the back of no.16 and 18.
- 1.7 There is a row of two storey houses fronting Sultan Road immediately to the east. No.15 is attached to the property. To the south side of Sultan Road opposite the application site is a 12 storey block of flats set back from the road. The area is predominantly residential with a mix of modern and period housing.
- 1.8 The site is situated within 400metres of Kingston Road local centre at the eastern end of Sultan Road, providing access to shops and services. Access to local buses 3, 7 and 23 on Kingston Road provide connections to the city centre to the south and Langston Technology Park to the north. Buses X4, 8, 20 and 700 are also available on Mile End Road to the west, connecting to Portsmouth and Southsea Station (2.1km) and the City

centre approximately 2.5km to the south. The ground floor of the proposed development is also a grocery shop.

## 1.9 Proposal

- 1.10 It is proposed to convert the first floor into 3 x 1bed 2 person apartments and extend the existing building line over the shop to the edge on Sultan Road and Malins Road. A new second storey is added to accommodate 1 x 1 bed 2 person and 1 x 2 bed 3 person flats. The extensions are proposed to be constructed in brickwork to match the existing. Internal cycle store and refuse storage area is provided on the ground floor by the communal entrance, with a separate refuse area for the shop in the yard. Independent access to the upper floor is maintained but utilising the stair core to the rear with access from Malins Road.

## 1.11 Planning History

- 1.12 A\*23570/AC: Construction of single storey side (east) extension with external stairs, and roof-top access way with balustrade. Conditional permission (31.07.1997).
- 1.13 A\*23570/AB: Construction of ground floor front extension. Permission (08.04.1991).
- 1.14 A\*23570/AA: Construction of single/2-storey rear extension, installation of new shopfront and use of first floor for retail purposes. Conditional permission (25.04.1991).
- 1.15 A\*23570/C: Erection of canopy for use as cover for goods affected in yard. Permission (23.02.1981).
- 1.16 A\*23570/B: Erection of garage to be used as additional store in goods yard at the rear of co-op grocery. Conditional permission (09.06.1980).
- 1.17 A\*23570/A: Erection of store. Permission (15.12.1975).
- 1.18 A\*23570: The erection of a retail shop with residential flat and staff accommodation over. Conditional permission (26.01.1961).

## 2.0 **POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

- PCS10 (Housing Delivery)
- 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).

### 2.2 Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Planning Practice Guidance
- Parking Standards Sand Transport Assessment SPD (2014)
- Solent Special Protection Areas
- Nationally Described Space Standards (NDSS) (2015)

### **3.0 CONSULTATIONS**

#### **3.1 Natural England**

3.2 Summary; No objection, subject to securing mitigation.

#### **Full Comments**

- 3.3 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.
- 3.4 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.
- 3.5 Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Portsmouth City Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Please note that the rates were updated as of 1 April 2020.
- 3.6 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.
- 3.7 With regard to deterioration of the water environment, Natural England is aware that your authority has adopted an Interim Nutrient Neutral Strategy for new dwellings for 2019-2023/24. It is noted that the approach to address the positive nitrogen budget (4.62Kg/TN/yr) for this development is to offset against the interim strategy through the purchase of mitigation 'credits'. Please note we advise that the nitrogen budget is updated and is fully in line with the latest advice (Achieving Nutrient Neutrality in the Solent, version 4, March 2020).
- 3.8 Provided the applicant is complying with the requirements of the Interim Strategy and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

#### **3.9 Highways Engineer**

3.10 Summary: No material impact on local highway network; no objection

#### **Full Comments**

- 3.11 This site is located at the junction of Sultan Road with Marlins Road. Both roads are residential access roads with a limited number of shops local shops one of which exist on this plot. Parking is restricted by traffic regulation order at the site frontage on both roads. The demand for on street parking by local residents in this areas frequently exceeds the space available particularly overnight and at weekends.

- 3.12 I am satisfied that this scale of development would not result in a traffic generation sufficient to have a material impact on the operation of the local highway network.
- 3.13 The site is located within a highly accessible part of the city although is not within the city centre area found to be so accessible in the SPD so as to allow the consideration of a reduction in the parking standard and it is likely that a proportion of occupiers would be likely to own a car.
- 3.14 Of course that does not mean that each site must provide off road parking sufficient to meet the parking expectation. The SPD explains that *"the council recognises that, given the nature of available development sites in the city, it will not always be physically possible to accommodate the expected standard on site. In some cases, it may not be possible or appropriate to provide any on-site parking at all"*. However that does not mean that developments without adequate parking facilities will be acceptable rather that we need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home. When doing that we consider on street road space and car parks which are in the control of the local highway authority.
- 3.15 This application retains the existing retail use at the ground floor and creates parking expectation likely to be associated with the proposed residential element of the development of 5.5 vehicle parking spaces and 6 secure cycle parking spaces. No vehicle parking provision is made as a part of the proposal although a secure facility is proposed for parking 5 cycles.
- 3.16 The technical parking note provides an on street parking survey conducted overnight and supported with photographic evidence which demonstrates the availability of in excess of 15 available parking spaces within a 200m walking distance of the site. As a consequence it is apparent that the additional parking demand can be met on street within a reasonable walking distance of the site.
- 3.17 In that light I would not wish to raise an objection to this proposal on highway grounds.
- 3.18 Environmental Health
- 3.19 Summary: Recommend noise report; request condition restricting times of deliveries to the shop.

#### Full Comments

- 3.20 On reviewing other planning applications in relation to this premise, equipment was installed 13/00531/full - one condenser unit and 2 air conditioning units to the roof. Due to the age of the equipment and if it is still used, I am unable to determine as to whether it is likely to cause a loss of amenity to the proposed residential accommodation. I would therefore recommend that a noise report is submitted detailing noise levels from any external condensers and air conditioning units that are used for the commercial use on the ground floor. It would also be useful to have a plan showing the location of where the equipment is installed and whether the applicant is proposing to relocate it.
- 3.21 I am also unable to find any restrictions with regards to opening and closing times, however a premise licence states that they are open 7 days a week from 06:00 to 00:00hrs. I have searched our complaints data base and this service has not received any complaints in relation to noise from customers entering or leaving the store.
- 3.22 Consideration may wish to be given to the times of deliveries to the shop. I would recommend that no deliveries take place before 07:30hrs and 21:00hrs.



3.23 Contaminated Land Team

3.24 Summary: Informative required

Full Comments

- 3.25 The site is on a location once occupied by post-war prefabricated houses meaning the presence of asbestos containing material cannot be discounted. As the majority of the works are above ground floor level, the following informative should be added to any planning approval granted as a precautionary measure only:

*'In the event that any signs of pollution (poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, or actual remains from a past industrial use) are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175:2011+A2:2017. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.'*

3.26 Archaeology Advisor

- 3.27 Having reviewed our records and considering the very small scale ground disturbance involved in the proposed development, I would not wish to raise any archaeological issues in this instance.

3.28 Waste Management Service

- 3.29 Given that it is 5 flats, they are likely to be producing in the region of 1000 litre of waste a week, and therefore 2 x 660 litre bins should be sufficient but they will need to have double doors on the bin store to be able to safely move the bins out for collection. The fact there are parking restrictions and a dropped kerb outside the bins will work in their favour.

#### 4.0 REPRESENTATIONS

Publicity dates (full Covid-19 lockdown started 24 March 2020):

- Original Neighbour letters sent 25<sup>th</sup> April 2019; expiry: 23<sup>rd</sup> May 2019
- Site Notice displayed: 30<sup>th</sup> April 2019; expiry: 23<sup>rd</sup> May 2019
- Press Notice: not required.

- 4.1 17 neighbours were formally consulted. Five objections have been received. One objection, representing 16 local residents, has also been received. The grounds for objection are summarised below:

- not beneficial but harmful to the local area
- will be an eyesore
- additional storey will be overbearing and out of keeping
- loss of light and overshadowing
- loss of privacy and increased overlooking
- will make the parking situation worse
- pressure on environment and infrastructure
- overcrowding

- increase in noise and disturbance
- relocating the entrance will impact on residents.
- increase in carbon emissions
- will increase in fly tipping
- need communities to be built instead of inner city homes for profit
- if this application gets permission the shop will also get turned into a flat
- increase in litter and anti-social behaviour

## 5.0 COMMENT

### Principle

- 5.1 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 177).
- 5.2 Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.3 Currently, the Council can demonstrate 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would contribute towards meeting housing needs through a net gain of 5 dwellings.
- 5.4 The site is located within an area that is predominantly residential in character. Policy PCS10 of the Portsmouth Plan encourages new housing through conversions and redevelopment of previously developed land (brownfield sites). The proposal is therefore considered acceptable in principle, subject to the assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report, achieving a high quality design and meeting all relevant policy requirements.

### Design Impact

- 5.5 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.
- 5.6 The site occupies a prominent corner location but the existing building is not of any architectural merit and the yard area at the rear is untidy and poorly maintained. The

extension of the first floor will improve the symmetry of the form and the addition of a second storey to create a three-story building is considered acceptable in scale and height, given the three storey development on the opposite corner of Malins Road. Subject to the use of appropriate materials (which can be conditioned) the development will make a positive contribution to the street scene.

#### Impact on Residential Amenity

- 5.7 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.8 There is a tall building opposite the site to the south. The additional storey is set back from the edges of the building to the rear and to the east. The separation distance will mitigate any potential impact on the house in Malins Road immediately to the north, in terms of overshadowing or loss of light. Due to the relationship and orientation of the application site with the adjoining terrace to the east, and the set back of the proposed top floor from the eastern boundary, the proposal is not considered to adversely impact on neighbouring amenity in terms of loss of light, outlook or privacy. There are three existing windows on the east elevation facing the rear of the neighbouring terrace at nos.115 and 117 at first floor level. All but one would be removed to provide light to a corridor. An existing rear window on the first floor rear adjoining no.115 is to be removed. The removal of windows to the first floor east elevation and the single window to the rear elevation would improve the current situation, particularly for no.115 Sultan Road, the immediate neighbour to the east.
- 5.9 Habitable room windows to all flats are either on the west elevation facing Malins Road, or south elevation facing Sultan Road. The block of flats to the south of Sultan Road and housing to the west on Malins Road are separated from the application site by the public highway to mitigate any potential impact on light, outlook or privacy.
- 5.10 The internal access to the upper floors will result in less noise and disturbance to neighbours than the existing external staircase which is retained for maintenance purposes only. In view of the foregoing, amenity impacts are considered acceptable and policy compliant.

#### Standard of accommodation

- 5.11 In accordance with Policies PCS19 and PCS23 of the Portsmouth Plan, new development is required to achieve a good standard of living accommodation for future occupiers. The Nationally Described Space Standards (NDSS) sets out minimum sizes for new dwellings based on the number of bedrooms proposed. They are 50sq.m for a one bedroom 2 person flat and 61 sq.m for a 2 bedroom 3 person flat.
- 5.12 The 3 x one bed two person apartments on the first floor will have internal floor area of 52.6 sq.m, 54.9 sq.m and 45.4 sq.m respectively. On the second floor the 1x1 bed 2 person flat will have a floor space of 45m<sup>2</sup> and the 2 bed 3 person flat will have a floor space of 65.6m<sup>2</sup>.
- 5.13 Three of the units would therefore meet the NDSS floor space requirements and two would be marginally below. All would benefit from good levels of light and outlook. In view of the current shortfall in the Council's 5 year housing land supply and the public benefit of providing 5 new dwellings is considered to outweigh 2 of the units being marginally below the NDSS standards.

#### Access and Parking

- 5.14 No on-site parking spaces are provided for the proposed dwellings due to existing site constraints. 5 no. cycle storage spaces are however provided for alternative modes of sustainable transport. The applicant has submitted supporting evidence of local parking surveys to demonstrate that there is sufficient on street capacity to satisfy the likely demand for on-street parking, notwithstanding the site is in an accessible location to public transport and local services.
- 5.15 Therefore, the lack of on-site parking would not adversely affect the safety or convenience of users of the surrounding highway network or adversely impact on the amenity for neighbouring residents in the area. The Highway Authority has endorsed the supporting evidence and raise no objection. As such, it is not considered that the proposal would conflict with Policy PCS17 of the Portsmouth Plan to warrant refusal on parking or highway safety grounds.

#### Energy and water efficiency

- 5.16 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. 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 of the Portsmouth Plan 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 can be secured by condition.

#### Solent Special Protection Area Mitigation

- 5.17 The Conservation of Habitats and Species Regulations 2017 [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, or otherwise affect protected 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.
- 5.18 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.

#### Wading Birds

- 5.19 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. The mitigation contribution depends on the size of the proposed dwellings and takes

account of any existing dwellings on the site. In this case, the amount is calculated as £1938.

- 5.20 Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.

Nitrate:

- 5.21 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.22 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 5.23 In this instance, the applicant has provided a Statement, which confirms that it is not possible to make the development nitrate neutral using either Option 1 or Option 2. They have noted that due to the small size and constrained nature of the site, it would not be pragmatic to use strategies such as SUDS or wetland creation, and there is no other land controlled by the applicant that could be used for off-setting off site.
- 5.24 In accordance with the Strategy, for minor schemes, credits can be purchased at £200 per net additional dwelling. The required contribution for this scheme would therefore be £1,000 (net increase in 5 dwellings).
- 5.25 This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 5.26 Subject to the legal agreement to secure mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

Other matters

- 5.27 The Environmental Health officer has recommended a noise report condition with appropriate mitigation/attenuation to address the potential noise impact of roof top condensers serving the ground floor shop. It is likely that the condensers (approximately 5 from aerial images) will be removed or relocated to enable the first floor extension proposed, which would be subject to a separate planning permission. The condition is

included below.

- 5.28 Additional comments are made on the opening hours of the shop, currently 06:00 to 00:00 hours but there have been no complaints about the shop. Delivery hours to the shop are suggested to be curtailed but the application does not extend to the use of the shop.

### **Conclusion**

- 5.29 In view of the above, the proposal is considered to be sustainable development in a highly accessible location and compliant with development plan policy and the NPPF. Therefore, conditional approval is recommended as set out below.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant Conditional Permission subject to the satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation contribution of £1000
- SPA recreational impact mitigation contribution of £1983

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to add/amend conditions where necessary, and

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

### **Conditions**

#### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

#### **Approved plans**

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: 8832-01B, 8832-02 rev C.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Energy and water efficiency**

3. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has 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 - 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.

Reason: 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.

**Nitrate mitigation**

4. The development hereby permitted shall not be occupied until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been (a) submitted to, and approved in writing by the Local Planning Authority, and (b) implemented in accordance with the approved scheme with any mitigation measures thereafter permanently retained.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981

**Material to match**

5. No development shall commence until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed extension shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: To ensure the appearance of the development is satisfactory to comply with Policy PCS23 of the Portsmouth Plan.

**Construction Management Plan**

6. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction/demolition is taking place at the site.

Reason: To ensure that the construction works are properly managed to minimise impacts on adjoining residents and users of the local highway network during the construction period, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

**Refuse Storage**

7. The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before any part of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the development for that storage at all times.

Reason: In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.

**Cycle Storage**

8. The facilities to be provided for the storage of bicycles shall be constructed and completed before any part of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the development for that storage at all times.

Reason: To ensure that adequate provision is made for the storage of cycles in accordance with policy PCS17 of the Portsmouth Plan.

**Noise Report**

9. The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from existing plant and machinery associated with the ground floor retail shop, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future residential occupiers of the approved development in accordance with Policy PCS23 of the Portsmouth Plan.



**PORTSMOUTH FOOTBALL CLUB FRATTON PARK FROGMORE ROAD SOUTHSEA**

**IMPROVEMENTS AND ALTERATIONS TO THE NORTH-EAST AND SOUTH-EAST SECTIONS (MILTON END) TO INCLUDE CONSTRUCTION OF TURNSTILES AND ENTRANCES (INCLUDING CHANGE OF USE OF PART OF LOCAL RESIDENTIAL GARDEN); CONSTRUCTION OF BUILDINGS TO PROVIDE FURTHER FACILITIES INCLUDING DISABLED ACCESS, TOILET BLOCKS AND SECURITY OFFICE; IMPROVEMENTS AND ALTERATIONS TO CONCOURSE AREAS, STANDS, SEATING AND FACILITIES; EXTENSION OF ROOF; RETENTION OF TV SCREEN AND REPLACEMENT OF BOUNDARY WALLS**

**Application Submitted By:**

Pickup Town Planning  
FAO Mr Matthew Pickup

**On behalf of:**

Mr Mark Catlin  
Portsmouth Community Football Club Limited

**RDD:** 5th March 2020

**LDD:** 1st May 2020

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is being heard at the planning committee due to the role of Councillor Donna Jones as the Football Club's Strategic Stadium Development Consultant.

1.2 The main issues in the determination of the application are as follows:

- Principle;
- Design and appearance;
- Highway matters;
- Amenity of neighbouring residents
- Ecology
- Contaminated Land
- Archaeology

**1.3 Site and surroundings**

1.4 The application relates to the Milton End Stand of Portsmouth football stadium. The Milton End Stand is located on the eastern side of the football ground, and is accessed from Specks Lane via two entrances on the north and south sides of the Stand. Specks Lane is a public highway which runs from Carisbrooke Road to Alverstone Road and serves a number of garages to the rear of properties in Alverstone Road. There are also residential properties immediately to the south of the site in Carisbrooke Road. To the north, the surrounding area is predominantly industrial in character.

1.5 The site, along with the rest of the stadium and some of the surroundings, is identified as a potential redevelopment opportunity under Policy PCS7 of the Portsmouth Plan (2012). There are no environmental designations relating to the site, but it is in an area identified as having the potential for ground contamination and archaeology.

1.6 Proposal

1.7 Planning permission is sought for various works to upgrade the Milton End Stand, summarised as follows:

- Construction of new turnstile and entrances at the north-east and south-east corners of the stand. The new entrances would have a maximum height of 5m.
- Reconstruction of boundary walls.
- Alterations to concourse steps on north-east side of the stand, to include new building comprising a disability lift, toilet block and replacement security building. The new building would be two-storey, measuring 6.8m in height with a flat roof.
- Extension to stand roof to cover disability lift, toilet block, security building and spectator seating. The maximum height of the Stand roof above ground level would remain as existing at approximately 11m.
- Alterations to concourse steps on south-east corner to include provision of new building accommodating accessible WC, male and female toilets and accessible concession / food stand.
- Alterations to raised pedestrian concourse, resulting in a partial overhang of Specks Lane, to include provision of a wider concessions concourse and new boundary treatment. The concourse would be constructed at a height of 3.6m above ground level, and would have a 2.5m high boundary screen along its length. The maximum depth of the section of concourse overhanging Specks Lane would be 0.9m.
- Re-profiling of the rake of the existing terrace (increase slope angle) to improve spectator views and rationalisation of the existing seating to meet health and safety regulations.
- Retention of a 'Jumbotron' TV screen to the roof of the stand.

1.8 The installation of the new turnstile and entrance on the south-east corner of the stand would involve the use of some of the land (approximately 18m<sup>2</sup>), that currently forms the rear part of the garden of No.44 Carisbrooke Road.

1.9 The overhanging sections of the new concourse would be supported by columns. As Specks Lane is a public highway, a separate application has been submitted to the Highway Department for a stopping up order for the areas of land at the base of each column. No other highway land would be required to be stopped up. This matter is dealt with through a separate legislative procedure and is not for consideration as part of this planning application.

1.10 The improvements would allow the stand to comply with Health and Safety Regulations and accommodate a maximum seated capacity of 3,200 spectators, including 26 wheelchair accessible seats. The applicants have explained that the proposal would not increase the overall capacity of the Stand or wider Stadium, but would rather allow the Stand to meet its intended, full seated capacity which is currently restricted due to health and safety reasons.

1.11 The application is accompanied by a Design and Access Statement and Ground Investigation Report.

1.12 Planning history

1.13 The football club has an extensive planning history dating back to the 1950s. The application history considered to be most relevant to this proposal is summarised below.

1.14 19/00809/FUL - Construction of replacement television camera gantry and installation of floodlighting to the South Stand - conditional permission 17 July 2019

- 1.15 19/00518/FUL - Relocation of 34m lattice column within secure enclosure - conditional permission 23 May 2019
- 1.16 07/00690/FUL - Construction of extension to upper tier of south stand to form additional 370 seats and TV gantry - conditional permission 25 May 2007
- 1.17 07/00559/FUL - Construction of new roof to existing east stand and relocation of DigiBoard display - conditional permission 15 May 2007

## **2.0 POLICY CONTEXT**

### **2.1 Portsmouth Plan (2012)**

- PCS7 (Fratton Park & south side of Rodney Road)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

### **2.2 Portsmouth City Local Plan 2001-2011 (Adopted 2006)**

- Saved Policy DC21 (Contaminated Land)

### **2.3 Other Guidance**

- National Planning Policy Framework (NPPF) (2019)
- National Design Guide (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## **3.0 CONSULTATIONS**

### **3.1 Sport England**

3.2 No objection. Sport England has consulted the FA on the proposal and we have received comments from the Football Foundation on behalf of the FA. The Football Foundation comment that they are supportive of the plans.

3.3 Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

### **3.4 Highways Engineer**

3.5 Further comments received 28 May 2020:

3.6 Following receipt of further information about the stopping up requirements, it is confirmed that the intention is only to stop up small sections to land the columns, with the existing width retained between them. This would not have a material impact on the ability of vehicles to access the garages and no objection would be raised.

3.7 If there is any requirement for protection of the columns against vehicle damage, this may take up more space and would need to be reviewed.

3.8 Highway Engineer original comments received 22 April 2020:

- 3.9 Given the scale and nature of the development, it would not have a material impact upon the operation of the local highway network.
- 3.10 The application proposes to stop up a section of Specks Lane. This lane provides access to garages and gardens of properties on Alverstone Road and is relatively narrow. There would be concern if the areas to be stopped up restricted the ability of vehicles to manoeuvre into garages.
- 3.11 No objection to the proposal for the concourse to over sail Specks Lane, but an over sailing licence would be required.
- 3.12 The proposed away egress gate is shown to open out overhanging Specks Lane. This should be replaced with a sliding gate or roller shutter to prevent obstruction of the highway.
- 3.13 Ecology
- 3.14 Proposal unlikely to have any impact on designated sites or protected species with the exception of breeding birds. It is unclear whether the interior of the Milton End stands have any bird-proofing in place, such as netting or spikes, to prevent pigeons and other bird species from nesting. Regardless of this, the flat roof of the stand appears not too sloping and may well be suitable for nesting gull species such as herring gull. The toilet block and other areas may also be suitable.
- 3.15 Recommend informative note added to a decision to inform the developer about the need to protect birds.
- 3.16 Coastal and Drainage
- 3.17 No comments to make as no change to impermeable area.
- 3.18 Contaminated Land Team
- 3.19 A Ground Investigation Report has been submitted and reviewed and provides an acceptable Desk Study of the site. The report concludes that there may be contaminants of concern and recommends testing of near surface soils in some locations. A Site Investigation Report will be required and this can be secured by condition.
- 3.20 Waste Management Service
- 3.21 No comments received.
- 3.22 Crime Prevention Design Advisor
- 3.23 No comments received.
- 3.24 Environmental Health
- 3.25 No comments received.
- 3.26 Natural England
- 3.27 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 3.28 Environment Agency

3.29 No comments received.

#### **4.0 REPRESENTATIONS**

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):

- Neighbour letters sent:
  - First round: 20 April 2020; expiry: 12 May 2020
  - Second round (due to Covid-19): 24 June 2020; expiry: 7 August 2020
- Site Notice displayed: 24 June 2020; expiry: 7 August 2020
- No Press Notice required.

4.2 To date, one representation received, objecting on the following grounds:

- a) the design approach to complement the Frogmore Road entrance is inappropriate;
- b) the iron work shown on the east stand elevation does not accurately reflect that on the South Stand balcony;
- c) unclear whether the altered seating would meet UEFA and FIFA guidelines in relation to spectator views of the pitch;
- d) concern about concourse being open to the elements.

#### **5.0 COMMENT**

5.1 Principle of the proposal

5.2 The proposed works are required to meet current safety standards for pedestrian movements within the Stand and to improve access and facilities for disabled spectators. In addition to this, the works aim to enhance the appearance of the Stand, particularly when viewed externally from surrounding residential areas.

5.3 Policy PCS7 of the Portsmouth Plan relates specifically to Fratton Park and defines an area of land incorporating the current football stadium along with some of the adjacent industrial units. The aim of the policy is to support proposals for the future redevelopment of the football stadium to provide increased capacity and new business uses. Whilst this current proposal is not for substantial redevelopment, the aim to improve the facilities within the stadium is supported by the general principles of this policy.

5.4 The proposed works would allow for more people to be seated within the Milton End Stand than is currently possible due to Health & Safety reasons (i.e. not all of the seats are currently able to be occupied). There would be no actual increase in the maximum capacity of the Stand or the Stadium as a whole.

5.5 Overall, the proposed works are considered acceptable in principle, subject to consideration of the other material matters outlined within this report.

5.6 Design and appearance

5.7 Policy PCS23 of the Portsmouth Plan echoes the principals of good design as set out in the National Planning Policy Framework (NPPF). The policy requirements include ensuring excellent architectural quality, creating clearly defined, safe and attractive public and private spaces and achieving accessibility for all users. A summary of the various elements of the proposal is set out below.

5.8 New entrances and associated facilities:

5.9 The current entrances from Specks Lane are not visually appealing or inviting to users and it is explained within the Design and Access Statement that the orientation of the

turnstiles causes a slow ingress to the Stand and long queuing times. At the south-east corner entrance the proposal is for a complete redesign of the entrance, utilising some additional land acquired from No.44 Carisbrooke Road. The works would involve the construction of a covered gate and turnstile entrance with security gates either side. The entrance structure is proposed to be built in a 'Mock Tudor' style with exposed timber effect detailing on white panels and a red tiled mono-pitched roof (maximum height of 5m). The new gates would allow access for wheelchairs and inside the entrance, a new part single, part two-storey building would be constructed to accommodate new WC's including an accessible WC, concession stand and storage space. This building would also incorporate 'Mock Tudor' design elements.

- 5.10 On the north-east side of the Stand, the proposal is to rebuild and realign the entrance, creating a covered turnstile entrance of a similar style to the new southern entrance. Inside this entrance, the proposals include a realignment in the existing concourse steps and the construction of a new two-storey building to accommodate a lift and accessible WC's. The elevations of this building would follow the design scheme of the other alterations, incorporating Mock Tudor detailing.
- 5.11 The applicants have explained that the mock Tudor design has been chosen to celebrate the historic nature of the stadium, to respect but not replicate the appearance of the Archibald Leitch mock Tudor entrance on Frogmore Road: *'The design is purposely different to the Archibald Leitch South Stand to enable the Milton End Stand to appear in its own right and contrast. The design of the new entrances and Milton End Stand refurbishment, have been designed in such a way to enhance the clubs history and not detract from it, whilst taking into consideration the residential properties close to the stand'.*
- 5.12 It is considered that the proposed design of the new entrances and associated developments would achieve an enhancement to the appearance of the Stand, provided that high quality and long lasting materials were used. It is therefore considered appropriate to request full manufacturers details of the materials by condition.
- 5.13 Refurbishment of Stand seating:
- 5.14 The proposal is to re-profile / raise the angle of the seating within the Stand to create better lines of sight for spectators and to widen existing gangways separating the blocks of seats. In addition, the works would involve an extension to the existing roof of the Stand on the northern side, linking to the North Stand. This would not increase the maximum height of the roof.
- 5.15 In response to comments raised in the representation about the acceptability of the new spectator views, the applicants have noted that The Sports Ground Safety Authority's (SGSA) 'Green Guide' provides advice in relation to spectator viewing angles and lines of sight which are currently not achieved within the Milton End Stand. The proposed works would improve the spectator views to a level that has been agreed with the Stadium Safety Authorities prior to submission of the application. To achieve any greater improvement would not be possible without removing the roof of the Stand and increasing its height and such an option was discounted by the applicants due to the close proximity of residential properties. Overall, the resulting improvements to the views of spectators is considered to be a positive benefit of the scheme.
- 5.16 New spectator concourse:
- 5.17 The existing spectator concourse is sited at the top-rear of the Milton Stand, at c. 3.6m above ground level. It has its back to Specks Lane and the houses beyond on Alverstone Road. It is restricted in width at only 1.8m, causing significant problems with the movement of people and leading to excessive queuing. There is also limited space

for concession stands. The proposal is to significantly widen the concourse to 6.03m, which would comprise space for concession stands along with a 3.6m wide area for pedestrian movements. These works would involve extending the elevated concourse to the east, partially overhanging Specks Lane. The largest extent of the overhang would be 0.9m and the cantilevered section would be supported on posts at a height of 3.6m.

- 5.18 The eastern boundary to the new concourse would be constructed with a lightweight metal lattice frame, infilled with semi-translucent stainless steel mesh panels. The aim is to provide a more attractive boundary screen, but also to ensure minimal views across to the nearby residential gardens of the properties on Alverstone Road. It was considered that a more solid boundary would create an overly dominant appearance, and the more lightweight option would be less visually obtrusive. Beneath the new concourse, the new boundary wall to Specks Lane is proposed to be painted blue.
- 5.19 Whilst it is recognised that the proposed concourse would be significantly wider than existing and would extend further to the east closer to houses, the health and safety benefits are acknowledged and it is considered that the design of the structure would provide an overall enhancement to the appearance of the Stand when viewed from Specks Lane and surrounding areas.
- 5.20 Jumbotron TV:
- 5.21 The Jumbotron TV is already in place on the western edge of the Stand roof, visible from within the Stadium. This application therefore seeks to approve its retention. Although this is a large piece of equipment, in the context of the wider Stadium, it is considered to be appropriate in terms of its appearance.
- 5.22 Summary:
- 5.23 To summarise, it is considered that the proposed works would result in an enhancement to the appearance of the Milton End Stand, particularly when viewed from Specks Lane, and the works are therefore considered to be acceptable in accordance with Policy PCS23 of the Portsmouth Plan and the design objectives of the National Planning Policy Framework.
- 5.24 Highway matters
- 5.25 The application is for a refurbishment of the Stand and would not result in any change to the maximum capacity of the football stadium. The works would therefore not result in any increased impact in terms of traffic generation or parking in the surrounding area.
- 5.26 There is, however, a requirement to stop up some small sections of the highway on Specks Lane, to allow for the installation of the supporting columns for the overhanging concourse. Whilst this does not form part of the determination of the application, it is noted that some concerns originally raised by the Highway Engineer about the impact on vehicles accessing garages on Specks Lane have been addressed through the submission of a vehicle tracking plan.
- 5.27 The only other matter raised by the Local Highway Authority related to the proposed Away Gate on the northern side of the stand, which risks obstructing users of Specks Lane as it is shown to open outwards over the highway. To address this matter, the applicants have agreed to a condition requiring an alternative design for this gate, which does not open outwards, to be submitted to the Planning Authority for approval. Subject to this, the Local Highway Authority has confirmed there is no objection to the planning application or the stopping up proposals.
- 5.28 Impact on amenity of neighbouring residents

- 5.29 There are residential properties located close to the Milton End Stand on Alverstone Road to the east and Carisbrooke Road to the south.
- 5.30 The main element of the scheme that has the potential to impact on neighbouring residents is the extension to the concourse, which would bring it 3-4m closer to the rear of the properties in Alverstone Road. The shortest distance between the rear elevation of the new concourse and the nearest residential property in Alverstone Road would be approximately 13.3m. Matters to consider are whether this would result in any significant impact in terms of increased noise and disturbance or overlooking and loss of privacy. In terms of noise and disturbance, given the proximity of these properties to the Stadium and the fact that the works are not proposed to increase the number of visitors, it is not considered that there would be any significant increase in noise over that which is already experienced by the neighbours on match days. In terms of overlooking, the boundary of the concourse has been designed to be constructed of semi-translucent mesh panels, which would prevent any significant levels of overlooking towards the neighbouring properties. It is recognised that the new concourse would be more visually prominent when viewed from the rear windows of these neighbouring properties, due to its closer proximity, but given the separation distances of at least 13m and the enhanced design, it is not considered that this impact on outlook would be significantly harmful to the residents.
- 5.31 To the south, the property closest to the proposed development would be No.44 Carisbrooke Road. The proposed alterations to the south entrance would utilise some land that currently forms part of the rear garden of this property. This land would partly be used as a store and partly incorporated into the new entrance. A 3m high boundary wall is proposed to be constructed along the new rear boundary of No.44 to ensure security and prevent loss of privacy to these residents. The rear boundaries of other properties along Carisbrooke Road to the south would remain unaltered and the proposed new buildings within the south entrance area would be relatively modest in height and set back from those boundaries. It is therefore not considered that the amenities of the residents to the south would be significantly impacted in terms of loss of outlook, light or privacy.
- 5.32 In relation to noise, it is not considered that the occupiers of properties to the south of the site would be subjected to any significant increase in noise and disturbance over that which is already experienced on match days. It is noted that the proposals have been designed to minimise queue times and speed up entry and exit, which could have a positive impact in terms of minimising noise and disturbance outside the Stand.
- 5.33 Ecology
- 5.34 The County Ecologist was consulted on the application and has commented that the development is unlikely to have any adverse impact on protected species or designated areas. It is noted, however, that some parts of the existing structures have the potential to support nesting birds and an informative note is therefore recommended to make the developers aware of the need to protect birds if they are found to be present.
- 5.35 Contaminated Land
- 5.36 A Ground Investigation Report was submitted with the application, which confirmed the potential for contamination to be present. In terms of ground works, the applicants confirmed that the columns supporting the concourse would be set on foundation pads in Specks Lane and would not involve piling. Some excavations would be necessary for the realignment of the north stadium wall, new toilets, turnstile structures and new staircases, but these works would be minimal. The Councils Contaminated Land Officer



has reviewed the submitted information and considers that further Site Investigation work is required, which can be secured by condition.

5.37 Archaeology

5.38 The site is identified as having the potential for archaeology to be present. However, any impact on archaeology is considered unlikely due to the limited groundworks.

5.39 Conclusion

5.40 The proposed development would enhance the safety, security and operation of the Milton End Stand and it is considered that the design of the proposed new buildings and structures would enhance the appearance of the Stand when viewed from the surrounding area. Whilst the proposed concourse would extend closer to properties in Alverstone Road, it is not considered that this would have a significant impact on the amenities of these neighbouring residents. The proposal would not result in any significant highway implications and matters relating to ground contamination can be addressed by condition. The proposal is considered to accord with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF).

## **RECOMMENDATION**

### **Approve with Conditions**

#### **Time limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan 18.121\_B\_100 A; Proposed Site Plan 18.121\_B\_200 A; Proposed Roof Plan 18.121\_B\_201; Proposed Ground Floor Plan 18.121\_B\_202; Proposed Concourse Plan 18.121\_B\_203; Proposed South Ground Floor Plan 18.121\_B\_210; Proposed South Concourse Level 18.121\_B\_211; Proposed Concourse 18.121\_B\_212; Proposed North ground Floor Plan 18.121\_B\_213; Proposed North Concourse Level 18.121\_B\_214; Proposed North Concourse Level 2 18.121\_B\_215; Proposed Elevations 18.121\_B\_220 A; Proposed Section A-A 18.121\_B\_230; Proposed Section B-B 18.121\_B\_231; Proposed Section C-C 18.121\_B\_232; Proposed Section D-D 18.121\_B\_233; Proposed Contextual Section A-A and B-B 18.121\_B\_234; Proposed Contextual Section C-C and D-D 18.121\_B\_235; Proposed East Bay Elevation 18.121\_B\_221; and Specks Lane Vehicle Manoeuvres Plan 1834-HRW-XX-XX-DR-C-0550 Rev. P01.

Reason: To ensure the development is implemented in accordance with the permission granted.

#### **Contaminated Land**

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 *Phase 2 site investigation* report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by an updated conceptual model based from that contained in *Ground Investigation Report. Specks Lane, Fratton Park, Portsmouth, Hampshire, PO4 8RA. Geo-Environmental Services Limited. GE17156-GIR-JUN18. Version 1. Dated 11 June 2018* and other records. The sampling rationale for

all sample locations and depths should be directly explained with reference to the new conceptual model. The risk assessment is to be undertaken in accordance with BS10175:2011+A2:2017 and update the conceptual model and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA;

b) A *Phase 3 remediation method statement* (RMS) report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants when the development hereby authorised is completed. The RMS shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that risks from land contamination to 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 Policy DC21 of the Portsmouth City Local Plan 2001-2011 (2006).

#### **Contaminated Land Verification**

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 3b. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. Thereafter the remedial scheme shall be maintained in accordance with the details approved under condition 3b.

Reason: To ensure that risks from land contamination to 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 Policy DC21 of the Portsmouth City Local Plan 2001-2011 (2006).

#### **Materials**

5. Prior to commencement of the development hereby permitted above foundation level, full details of the proposed materials to be used for all external finishes of the buildings and structures (to include product type, colour and texture), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved materials details.

Reason: To ensure a high quality development in the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

#### **Gate Detail**

6. Notwithstanding the details shown on Plans ref. 18.121\_B\_220 A and 18.121\_B\_213, prior to installation of the 'Away Gate' at the northern entrance, an alternative gate design that does not open out over Specks Lane shall be submitted to and approved in writing by the Local Planning Authority. The 'Away Gate' shall be installed in strict accordance with the approved details and thereafter retained.

Reason: To ensure that the gate does not obstruct the public highway in the interest of highway safety, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).