

PLANNING COMMITTEE

2 MARCH 2016

1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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8 LENDORBER AVENUE COSHAM PORTSMOUTH PO6 2JY**CONSTRUCTION OF SINGLE-STOREY REAR AND SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR PROJECTION****Application Submitted By:**

Mick Morris AADipl Architect
FAO Mr Mick Morris

On behalf of:

Mr & Mrs J and P Cross

RDD: 10th December 2015

LDD: 5th February 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed extension is of an acceptable design in relation to the recipient building and the adjoining properties, and whether it would have any significant adverse impact on the occupiers of the adjoining properties. Careful regard must also be given to the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) that would allow for the construction of side and rear extensions subject to certain limitations and conditions.

The Site

This application relates to a two-storey detached dwelling located to the western side of Lendorber Avenue. The property is set back from the highway by a small front garden/driveway and is separated from its neighbour to the north by alleyways/driveways leading along the side elevations of each property. To the rear the application dwelling previously benefitted from an original single-storey projection to the southern half of the building and a series of timber outbuildings along the boundary with its neighbour to the north. However, these have recently been demolished as part of the enabling work for the current application. The surrounding area is residential in character with a mix of detached and semi-detached dwellings, although no one particular style of property predominates.

The Proposal & Planning History

Planning permission is sought for the construction of a single-storey rear and side extension following the demolition of the existing rear projection. As submitted, the application also included alterations to main roof to increase its size through gable build-ups and the construction of dormer windows to the front and rear roof slopes. However the applicant has subsequently withdrawn this element (roof alterations) from the proposal.

A separate application (ref.16/00215/HOU) is currently pending consideration for the construction of an outbuilding to the rear of the application site to form a garden room/gym. It is noted that work on this element has already commenced.

Two separate applications (16/00007/GPDC & 16/00008/GPDC) for the construction of separate single-storey rear and side/rear extensions have been made under the prior approval process

under Class A to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This provision allows for the construction of larger householder extensions (between 4 and 8 metres in length for detached dwellinghouses) until 30th May 2019, which is subject to a period of neighbour notification.

POLICY CONTEXT

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

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

CONSULTATIONS

None.

REPRESENTATIONS

One letter of representation has been received from the occupier of the adjoining property to the north (No.6 Lendorber Avenue). Their objection can be summarised as follows: (a) The proposed extension would as a result of size and siting represent an unneighbourly form of development; (b) Overbearing impact; (c) Over shadowing and loss of light to a south facing window; (d) Design out of keeping with the appearance of the No.8 and the surrounding area; (e) Cumulative impact with other development being carried out as permitted development; (f) Inaccurate drawings; and (g) Land ownership and party wall issues.

A second letter from a local resident highlights that work has already commenced at the site.

COMMENT

The determining issues in this application are whether the proposed extension is of an acceptable design in terms of its relationship with the recipient building and the adjoining properties, and whether it would have any significant adverse impact on the occupiers of the adjoining properties.

Planning permission is sought for the construction of a single-storey side and rear extension wrapping around the north and west elevations of the application dwelling. To the side, the extension would measure approximately 1.8 metres in width, replacing the existing boundary treatment, and would project 5.3 metres beyond the rear wall of the main dwellinghouse (the 2-storey element) as it wraps around the western elevation. The extension would be topped with a flat roof measuring 3 metres in height and would contain two roof lanterns. The only doors and windows would be located within the west facing elevation.

Design

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

The existing dwelling is of a relatively modest scale and sits comfortably within its plot with a large rear garden and a good degree of separation to its neighbour to the north. It previously included an original double bay window and a single storey projection to the rear although this has recently been removed. The dwelling is also set further forward within its plot compared with dwellings to the north presenting more of its flank elevation within the street scene.

Generally the addition of flat roof extensions to traditional dwellings is discouraged as they often fail to respect the original form and character of the recipient building. The extension proposed by the current application effectively doubles the footprint of the original dwelling wrapping around much of the west and north elevations directly onto the boundary with No.6 Lendorber Avenue. As a result of this scale, siting and flat roof design, it is considered that the proposed extension would result in a sprawling, incongruous and overly dominant form of development that would erode the integrity of the original design, character and appearance of the dwellinghouse and its relationship with the adjoining property (No.6).

Notwithstanding this view, when considering the merits of this planning application weight must be offered to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) that would allow for the construction of side and rear extensions subject to certain limitations and conditions. This is known as the 'fall-back' position, or in other words, development undertaken without the express permission of the Local Planning Authority (LPA).

In this respect it is accepted that the applicant could construct flat roofed rear and side/rear extensions to a length of 4 metres from the rear wall of the original dwellinghouse and to the same height without any involvement of the LPA. However, in this scenario the rear and rear/side extensions could not be connected to each other in any way. In addition, under the provisions of the extended permitted development rights the applicant could construct flat roofed rear and side/rear extensions to a length of between 4 and 8 metres from the rear wall of the original dwellinghouse and to the same height, subject to a period of neighbour notification. Again the rear and rear/side extensions could not be connected to each other in any way. In this scenario the LPA could only consider the impact of an extension on amenity (not design) if an objection is received from one of the adjoining neighbours.

In order to demonstrate this 'fall-back' position, the applicant has submitted two separate applications (16/00007/GPDC & 16/00008/GPDC) under the prior approval process showing the construction of separate flat roofed rear and side/rear extensions separated by a 50mm air gap. Whilst this would offer a technical 'fall-back' position exploiting the provisions of the GPDO, the LPA must take a view of whether there is any reasonable prospect of the applicant utilising the GPDO to construct two separate extensions that would result in similar harm identified with the current planning application and highlighted above. Regard must also be given to the intent of the GPDO in limiting wrap around extensions (i.e. extensions of more than half the width of the original dwelling).

In respect of the prospect of the applicant constructing separate extensions resulting in similar harm, it is accepted that such an approach would not significantly affect the internal layout of the building. However, externally it is considered that the prospect of constructing two completely separate extensions with such a small void is extremely unlikely as there would be significant practicality issues relating to the treatments of the roofs/fascias, the finish of the external surfaces and the prevention of debris and dampness within the void. It is also considered that each extension is unlikely to rely on its own footings and could not therefore be regarded as truly separate structures. On that basis it is considered that a technical 'fall back' position demonstrated by applications 16/00007/GPDC & 16/00008/GPDC should be offered limited weight.

Whilst the technical guidance to support the GPDO (Permitted Development for Householders - Technical Guide) is clear that wrap-around extensions, resulting in an extension more than half the width of the original dwelling, cannot be constructed as permitted development, it does not

explain the rationale for this restriction. However, based on the emphasis placed on the unacceptability of wrap around extensions of fairly modest width (to the side of the property) within the technical guidance, it can only be assumed that the restriction has been imposed to prevent combined developments overwhelming the recipient building. Nowhere within the technical guidance does it suggest that separate rear and side/rear extension (separated by a small void) would be a permitted form of development. This is perhaps an acknowledgment that such a scenario is unlikely.

There may be other possible avenues for the applicant to construct a similar extension/s without the express permission of the LPA exploiting the provisions of the GPDO. However, a planning application has been submitted to the LPA for a development that requires planning permission and the LPA is duty bound to consider its merits on both design and amenity grounds. In this particular instance it is considered that the harm arising from the proposed development in terms of its relationship with the recipient building and adjoining property would be so harmful that an objection on design grounds is reasonable and would not be undermined by the 'fall-back' position.

It is recognised that a lesser development under the GPDO to construct separate side and rear extensions (not infilling the corner) would result in a similar relationship along much of the boundary with No.6 and present a similar elevation to the street scene on Lendorber Avenue. In such a scenario it is considered that an objection on design or amenity grounds could not be sustained. However, the impact of such a development would be materially different to that proposed by the current application that involves additional bulk to the rear of the dwelling and to the boundary with No.6.

Impact on Amenity

As highlighted above, No.6 Lendorber Avenue is situated to the north of the application site and separated from the application dwelling by alleyways leading along the side elevations. No.6 is also set back further within its plot and benefits from a single-storey 'lean-to' extension containing a south facing window within its flank elevation. In combination with large patio doors to the west facing elevation and three rooflights within the roof slope, this window provides light into a kitchen/dining room and an adjoining living room located to the rear section of the main two-storey element of the dwellinghouse. There are no other windows within the south facing elevation. The applicant has provided a sun study to demonstrate that the south facing window at No.6 would only be overshadowed by the proposed extension during short periods of the day during winter months. This is considered to be a reasonably accurate assessment.

It is noted that the proposed extension would result in the loss of direct sunlight into the south facing window for short periods of the day at limited times of the year, and the concerns of the neighbours are acknowledged. However, whilst overshadowing would occur during winter months when sunlight is at its weakest, it does not follow that the proposed extension would prevent all light entering this window. Therefore, whilst some limited harm would occur, having regard to the relatively short periods when direct overshadowing would occur, and the presence of the existing large patio doors and roof lights at the rear of No.6, it is considered that the impact would not be sufficiently harmful to sustain a further reason for refusal relating to loss of light or outlook. In this respect regard is again made to the 'fall-back' where a single side extension (projecting 4m beyond the rear of the original dwelling) would have the similar impact.

Whilst the extension would be perceptible to the adjoining occupiers, having regard to the relative position of the two dwellings, it is considered that the proposed extension would not result in significant harm in terms of overbearing impact or increased sense of enclosure. This does not however, detract from the harm identified above in respect of design.

To the south, the application dwelling sits directly onto the boundary with No.10 Lendorber Avenue. No.10 is set in from the boundary by approximately 2 metres and benefits from a pitched roof outbuilding located on the boundary with application site. On the basis that the

proposed extension would not project any further to the west than the neighbouring outbuilding, it is considered that it would not have a significant adverse impact on the amenity of the adjoining occupiers to the south in terms of loss of light, outlook, increased sense of enclosure or overbearing impact.

Having regard to the proposed window and door placement, it is considered that the proposal would not result in any significant overlooking or privacy issues.

Other matters raised within representations

It has been suggested that the submitted drawings are not entirely accurate and do not reflect the position of the boundary between the application dwelling and its neighbour to the north. Having visited the site it is apparent that the Ordnance Survey data does not accurately reflect the boundary line as it exists on the site. Whilst the physical boundary would appear to taper towards the rear, the exact location of the boundary between the two properties is not entirely clear. Notwithstanding these uncertainties, it is considered that the proposed extension could be constructed within the curtilage of the application dwelling based on the current boundary placement and the submitted drawings. This would not however, provide certainty over legal position of the boundary or ownership which would be a private legal matter between the two landowners.

Issues relating to the physical construction of the extension and any party walls would also be private legal matters that would be addressed by legislation beyond the planning system.

RECOMMENDATION Refuse

Conditions

The reasons for the conditions are:

1) The proposed extension would, by reason of its combined width, depth, bulk, flat roof design and siting across the north and west elevations, result in incongruous and overly dominant form of development that would erode the integrity of the original design, character and appearance of the dwellinghouse and its relationship with the adjoining property to the north. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and Policy PCS23 of The Portsmouth Plan.

2) PRO-ACTIVITY STATEMENT

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

235 - 249 GOLDSMITH AVENUE SOUTHSEA PO4 0BS

CONSTRUCTION OF TWO PART 6-/PART 4-STOREY BLOCKS TO FORM 70 APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING AFTER DEMOLITION OF EXISTING BUILDINGS (RE-SUBMISSION OF 15/01239/FUL)

Application Submitted By:

HGP Architects
Mr Peter Warlow

On behalf of:

First Wessex
Mr John Waterfield

RDD: 23rd December 2015

LDD: 24th March 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application relate to the principle of the proposed development, its design and relationship with adjoining properties, having regard to the reasons for the refusal for the previous application, and highway impacts. Other issues relate to policy requirements in respect of affordable housing, open space, car and cycle parking, refuse/recyclables storage and SPA mitigation.

The Site

The application site comprises a number of commercial premises located on the southern side of Goldsmith Avenue at its western end together with a small parcel of Council owned land to the rear of no 251-253 Goldsmith Avenue (operator). The site comprises a mix of single and two-storey buildings each with individual accesses onto Goldsmith Avenue which is one of the main arterial routes into and out of the city. Existing uses on the site include car sales and repairs, a gym and snooker club and vacant retail units. The site does not include the commercial units opposite the footbridge linking Goldsmith Avenue and Fratton Railway Station.

Proposal

This application seeks full planning permission for the comprehensive residential redevelopment of the site and includes the demolition of all of existing buildings and structures on the site. The proposed redevelopment would comprise the construction of a two blocks each part six and part four storeys in high. The development would comprise a total 70 flats with 49 parking spaces and associated landscaping. The two blocks would be mirror images of each other and with Block A (the western block) containing 34 flats comprising 7 one-bed, 26 two-bed and 1 two-bed mobility flats. Block B (to the east) would contain 36 flats comprising 6 one-bed, 28 two-bed, 1 three-bed and 1 one-bed mobility flats. The buildings would be primarily finished in red brick and timber like cladding and range between 13 metres in height for the four storey element and 19 metres in height for the six storey element.

Relevant Planning History

A previous planning application (15/01239/FUL) for the redevelopment of the site by the construction of a part seven-/part six-/part five-storey block of 33 apartments, a part six-/part

five-/part four-storey block of 26 apartments and a four-storey block of 7 apartments with associated parking and landscaping was refused in November 2015 for the following reasons:

1) The proposed group of buildings of up to seven storey's in height would, by reason of their unsympathetic siting onto a main arterial route in the city, excessive bulk and uninspiring and unrefined appearance, result in an unduly prominent and incongruous townscape feature which would fail to complement or harmonise with existing built development, detract from the visual amenities of the area and not provide a tall building of the highest appropriate design quality. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan, including the aims and objectives of The Tall Buildings SPD.

2) The proposed part six and seven storey element of the proposal to be located on the western part of the site would by reason of its scale, siting and layout result in an unacceptable degree of both actual and perceived overlooking to the detriment of the residential amenities of the occupiers of properties to the south in Orchard Road. The proposal is therefore contrary to policy PCS23 of the Portsmouth Plan.

3) The proposed development would fail to provide a pocket park and in absence of a robust justification to support the lack of additional green infrastructure is contrary to policy PCS13 of the Portsmouth Plan.

4) In the absence of a suitable agreement to secure the following planning obligations necessary to make the development acceptable in planning terms:

- the provision of 20 units of affordable housing;
- a financial contribution of £11,484.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas; and
- the preparation and implementation of an Employment and Skills plan to cover the construction of the development,

the proposed development is contrary to the Conservation of Habitats and Species Regulations (as amended), Policies PCS13 (A Greener Portsmouth) and PCS19 (Housing mix, size and the provision of affordable housing) of the Portsmouth Plan and the Solent Special Protection Areas and Achieving Employment and Skills Plans Supplementary Planning Documents.

None of the remainder of the planning history of the site is considered relevant to the determination of this application.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS11 (Employment Land), 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), PCS24 (Tall buildings),

The relevant policies within the Portsmouth Plan (2012) are:

PCS10 (Housing Delivery), PCS11 (Employment Land), 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), PCS24 (Tall buildings),

The Tall Buildings, Parking Standards, Sustainable Design & Construction, Housing Standards, Solent Special Protection Areas and Achieving Employment and Skills Plans SPDs are all relevant to the proposed development.

In addition to the Portsmouth Plan policies listed above, saved policies CS2 (Goldsmith Ave/Fawcett Rd UPA) and DC26 (Access onto Primary & Distributor Roads) of the Portsmouth City Local Plan 2001-2011 are also relevant.

National Planning Policy Framework

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

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

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

Design

Health and well being

Housing- Optional Technical Standards

Land affected by contamination

Natural Environment

Noise

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

Planning Obligations

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

Water supply, wastewater and water quality

CONSULTATIONS

Head Of Community Housing

Scheme Breakdown - the scheme consists of 70 flats which break down in bedroom and person sizes as follows: 54x 2bed 4 person flats, 13x 1bed 2 person flats, 1x 3bed 5 person flat, 1x 2bed 4 person wheelchair disabled flat and 1x 1bed 2 person wheelchair disabled flat.

The proposed development has been very poorly designed particularly in regards to internal layouts and the odd angled walls. This causes odd shaped rooms internally resulting in dead spaces that cannot be utilised for furniture so effectively reducing the overall living areas of the flats. This will cause a problem for families in deciding where furniture can be placed. This is highlighted in some of the architect's own drawings showing furniture layouts.

There are two designated disabled units on the ground floor, one in block A (2bed 4 person flat) and one in block B (1bed 2person flat). In the disabled flat in block B (1 bed 2 person flat) the bedroom has a stepped wall on one side and an angled wall on the other creating an awkward area. If a hospital bed is required for the tenant it is unlikely it would fit this poorly designed room. A cupboard has been added at the far end of the room to hide the fact that it is otherwise unusable space. The design of the flat could easily be made more suitable for the intended occupant (which can be easily demonstrated on a plan).

The three bedroom flat has an extremely long passage which is dead space and detracts from the overall space in the living areas. This is in addition to the loss of space from the angled walls.

A large proportion of the two bedroom flats have an open kitchen/living/dining room which goes against our recommendations for family accommodation. This means that the families live, eat and cook all in one space. This is poor quality of living in such confined spaces. And with a kitchen that just runs along one wall raises health and safety issues.

We will be asking for a plan showing where the radiators will be placed in the flats as in some of the rooms all wall space available has been taken up by furniture.

When the flats are built out with the radiators on the walls it will cause problems for tenants.

Space Standards - although the plans show no plot numbers or flat sizes in square metres we have been sent a schedule of units listing all the flat sizes on them.

This (although only a draft document) show all flats to be above the minimum space standards. Some of the two beds are just over the minimum required standards some slightly larger. All of the 1 bed flats are just over the minimum standard.

In the case of the disabled units the two bedroom flat is over the minimum standard but is significantly smaller than the disabled flat on the original plans (new plans 80.78 sqmtrs, original plans 101 sqmtrs). The one bedroom disabled flat is about the same size as the original plans.

Tenure - there will be a mix of affordable rent and Shared Ownership.

At this time the Registered Provider (RP), First Wessex, has costed for 80%

Affordable rent and 20% Shared Ownership with a split in units made up of the following:

Affordable Rent - 1x 3bed flat, 44x 2bed flats and 11x 1bed flats (this tenure to include the two disabled units).

S/Ownership - 3x 1bed flats and 11x 2bed flats. Housing Enabling will be discussing with the RP which plot numbers these will be.

S106 Planning Provision - although the scheme will be 100% affordable, we will undertake a S106 planning agreement for the provision of 30% affordable housing, this requirement made up pro-rata the development and incorporating the two disabled flats and the only three bedroom flat.

The mix would be something like: 16x 2bed flats, 4x 1bed flats and 1x 3bed flat, again reiterating the fact that within the mix will be the two bed disabled unit and the one bed disabled unit.

All units, yet to be agreed, should be pepper-potted within the development.

Disabled Provision - we welcome the fact that there are still two fully adapted disabled flats within the scheme although the design of the 1 bed unit brings in to question its suitability for a disabled unit.

It is also welcomed that a three bed flat is also retained in this new design but again we are critical of the design with its angled walls.

Scheme Support - Housing Enabling are always willing to support any scheme that provides much needed affordable housing, but in this case with the design causing so many internal problems we are hard pressed to support it given its present design.

The previous scheme was fully supported by Private Sector Housing and gave a better quality of living with the internal designs and layouts.

Landscape Group

I've looked through the new proposals for housing on this site. I think they are a definite improvement on the last proposal, with a more sympathetic massing and building style, which will provide a more attractive street frontage as well as elevation to the rear. There is also a better provision of green space along the front boundary, and the crenelated building footprint provides some interesting details. I'm not in favour of bow top fencing, I think a simple vertical railing and flat top rail or verticals protruding through a flat bar is more attractive, but that is a minor point.

There appears to be a rational approach to the access, parking layout and general site layout to the rear, but I would need to see a proper landscape & planting plan to comment further. I assume these would be forthcoming?

Are the two larger green spaces to the rear intended as shared garden areas? It's not clear from the design and access statement.

Archaeology Advisor

The site of the proposed development is crossed by the line of the former Portsmouth Canal which was closed and in-filled in the late 19th century. The canal is shown on the Ordnance Survey (OS) map of 1872, but had been in-filled and built over by the publication of the 1898 Edition. As a result a large percentage of the site will be occupied by late 19th century re-deposited material. While the sides and base of the canal channel may survive intact the limited scale of likely ground works associated with the proposed development means that it is unlikely any remains exposed would be of a nature that would add to our understanding of the monument. As the route of the canal is known from the First Edition OS map and its structure has been recorded in early photographs, it seems that no additional information would be gleaned from any archaeological investigations associated with this development. As a result I would not wish to raise an archaeological issue in this instance.

Waste Management Service

One problem is the exit of the refuse collection vehicle, they have the RCV entering and exiting from west to east, we would require that the RCV be able to access and exit from east to west also.

20 x 1100 bins on site for storage of refuse and current recycling requirements are adequate for the number of apartments, but there is no scope or space for future extra bin to be stored for new

communal collections glass and textiles.

Crime Prevention Design Advisor

External access is provided to the cycle stores. To provide for the security of the cycles I recommend that the access to the cycle stores is from within the apartment buildings.

Communal access doors within both accommodation blocks should be fitted with an audio visual access control system.

The lobby within block A, provides access to the east and west wings (shown as block A and block B). To provide for the safety and security of residents and visitors the doors from the lobby into these two corridors should be fitted with a door to PAS24:2012 standard which should also be fitted with an audio visual access control system.

The ground floor patio areas should be enclosed by a boundary treatment (perhaps hoop topped railings) approximately 1 metre high.

Column lighting should be provided throughout the development to provide an acceptable level of lighting. The undercroft parking areas should also be lit.

A number of areas of landscaping are shown adjacent to rear boundaries of the adjacent private properties. At these places the boundary treatments should be of robust construction and at least 6 feet high. Any boundary treatments found not to be to this standard should be improved to this standard.

Design Review Panel

The panel commented on the busy and 'uncomfortable' nature of Goldsmith Avenue. It was considered that despite the changes to the design, the scheme still does not respond well to this narrow site or its context.

The huge and bulky nature of the buildings is emphasised by their lack of detailing, giving the scheme overall a 'clumsy' appearance. The facades appear too flat, lacking modulation and detail, with no effective capping, and at seven stories so close to the road, there was also a concern that the buildings would appear precipitous. The materials and typology were also considered more suited to domestic house architecture, rather than buildings at this scale.

A difference in scale at street level was noted and it was suggested that this element of the façade looked disproportionately thin. The panel were convinced that the scheme needs more attention at street level. It was also suggested that a greater presence on the corner (facing the roundabout) would be beneficial to the proposal.

Highways Engineer

The proposed development takes its access from Goldsmith Avenue, an A class strategic Highway, and is one of the busiest sections of highway within the city of Portsmouth, carrying in excess of 20,000 vehicles per day. The existing mixed uses on this site generate significant levels of traffic, and it is agreed that the change of use of this site to residential will reduce down the number of vehicle borne trips, although pedestrian and cycle trips will be higher.

Access

The singular vehicular access designed as a footway crossover is acceptable, however, it is clear from the tracking diagram that the width of the access as shown should be increased to allow for greater ability for 2 vehicles to pass, and a minimum width of 5.5m should be provided.

Sight lines

The sight lines are shown inaccurately on the plans, and Manual for Streets reference to what should be provided is in appropriate in this location. Sight lines of 2.4m x 70m would be appropriate, and should be contained within the highway to ensure sight lines cannot be blocked by planting.

Footway

By providing the sight lines within the public highway will result in the need for land to be dedicated as public highway from within the site curtilage, and will need to be constructed to an adoptable standard. The enhanced width of footway will be beneficial to pedestrians and cyclists alike, as currently there is a restriction of the footway width at the front of the site. To cater for all sustainable modes, the width of the footway forward of the site needs to be a minimum of 3m wide. This section of footway is very busy, providing a link to the nearby Fratton railway station.

Parking

The level of parking to be provided needs to be justified, and it would be appropriate to conduct a survey of the nearby residential roads where overspill from this site may occur. This survey should follow the principles of the Lambeth Model for parking surveys and be conducted at times when there is greatest demand by local residents. The parking needs to be designed in such a way as to be self-regulating as to where people can and cannot park to ensure there will be clear access for larger vehicles, such as the refuse vehicle. To aid this I would like to see 2 parking spaces rotated through 90 degrees, these being part of a block of 3 spaces, where on the tracking drawing the nose of the refuse vehicle comes to a halt. By rotating these spaces prevents fly parking next to the spaces as the design currently shows. It has been suggested that the disabled bays are not marked as such unless an occupant is identified as requiring this. This prevents parking spaces being left unnecessarily vacant.

Cycle parking

The applicant is to provide 144 spaces for cycle parking in the form of jotta two tier racks, split between the two blocks. The plans show access from the outside into the storage areas but not through into the building itself. Access into the building must be provided, with both internal and external doors to be swipe card or key pad protected to ensure that they are secure. This will necessitate the repositioning of some of the stands. Notwithstanding the approved plans cycle parking to be agreed and provided before first occupation and to be retained thereafter.

Refuse stores

The paths leading from the refuse stores shall be a minimum of 1.5m wide, and where there is parking adjacent to the path, some form of protection shall be provided to avoid clash between bins and cars. Any exposed pillars should have a protective treatment to avoid impact damage. Standard refuse conditions should apply to the bin stores with regards size of doors, locking etc.

Construction management

Liaison with Colas Ltd/PCC Highways PFI Team is necessary if the proposed works will affect the flow of pedestrians on the footway or vehicles on the adopted highway. If there are physical changes to the Network and they are to be adopted into the Highways Maintenance Contract a Section 278 agreement and Change to the Network agreement must be completed.

A Section 278 agreement/Change to the Network agreement will incur a future maintenance (commuted) sum; this will be calculated by PCC/Colas.

If the works require a lane closure for utility connections etc., a Road Space Booking must be applied for through the Network Coordination Team at Colas and coordination with other works considered under the duty of the New Roads and Street works Act 2001.

As Goldsmith Avenue is a traffic sensitive route, there is no scope for a full road closure and requests for lane closures will be granted at off peak hours only.

- Any scaffolding relating to the development placed on the adopted highway or within the Portsmouth City Council Highways Maintenance PFI network will require a scaffolding licence from Colas Limited;
 - Any site hoarding relating to the development placed on the adopted highway or within the Portsmouth City Council Highways Maintenance PFI network will require a hoarding licence from Colas Limited;
 - Any crane or scaffolding gantry relating to the development that overhangs the adopted highway or is within the Portsmouth City Council Highways Maintenance PFI network will require an over sailing licence from Colas Limited. Please note Portsmouth City Council and Colas Limited cannot give permission for a crane to over sail private property, prior permission must be sought from the land owner before the licence is obtained.
 - A wheel wash must be placed at each entrance and exit to site, site debris will not be permitted on the public highway.(Section 137 and 148 Highways Act 1980)
 - A pre-condition survey of all the routes that are going to be used by the developer will be carried out by Colas Limited prior to works. A copy will be stored with the developer and Colas and the developer will undertake to return the public highway network to the same or an improved condition after works are complete.
 - Any temporary entrances to the site onto the adopted highway or Portsmouth City Council Highways Maintenance PFI network will require a Section 50 Licence from Colas Limited.
- All redundant dropped kerbs along the site frontage shall be reinstated as full height kerbing and the entire width of footway to the front of the site including the section to be dedicated a public highway shall be completely reconstructed in new materials, to be agreed.

Section 106 requirements

The developer will be responsible for the provision of the widened and resurfaced footway around the site frontage, to be constructed with materials and specification to be agreed.

The developer will be required to make a contribution towards local pedestrian and cycle linking Infrastructure to benefit the safety of the residents of this scheme. Details yet to be agreed.

Environmental Health

Traffic noise

The applicant has submitted a noise survey by Airtight and Noise Check Ltd with regards to the rail and traffic noise on Goldsmith Avenue.

It has been identified that the habitable rooms of the northern blocks and the western façade of block A are likely to be exposed to high levels of traffic noise and the noise sensitive rooms in these locations will require a sound reduction level of 41dB. The acoustic report specifies an example of glazing - SG Sol glass (8mm glass/12mm air gap/ 8.4mm glass).

The reports also denotes that due to the orientation and screening of the buildings the southern and eastern façades a standard glazing (4mm air gap/6mm glass/8mm air gap) will be sufficient to protect the proposed occupants from traffic noise.

At this point the glazing specifications are only recommendations made by the acoustic consultant, and the applicant has not clarified as to whether this glazing will be installed. To ensure that the noise levels in habitable rooms are within recommended guidelines I would suggest the following condition:

A scheme for insulating the building against external noise shall be submitted to the local planning authority for approval before the construction of the building commences. The scheme approved by the local planning authority shall be implemented before the first occupation of the building and thereafter maintained.

Should the applicant be mindful to install the glazing as recommended by the acoustic consultant or something with similar sound insulation properties, this will be sufficient to protect the proposed occupants from traffic noise.

It has been mentioned within the acoustic report that the dwellings will be ventilated by NVHR system which will ensure that the building can be ventilated without the windows being opened. Although it is indicated that this system will be installed throughout the whole of the proposed development it would be more beneficial to the northern blocks and the western façade of block A.

The applicant has not provided any acoustic details of the NVHR I would therefore recommend that the following conditions are applied should planning permission be granted:

- a) The scheme shall include details of the ventilation system proposed (including self-noise and sound reduction index) together with evidence that it is suitable for the noise levels expected at the façade.
- b) The scheme shall include details showing the location the ventilation system and the rooms served.

Traffic generation

It is unlikely that the proposed development will significantly generate additional traffic movements, as on reviewing the traffic report submitted with the application it has been predicted that the number of traffic trips will be reduced in comparison number of trips made on Goldsmith Avenue to the existing uses (commercial).

Contaminated Land Team

I have reviewed the above application and given the proximity to a infilled canal, and historical businesses including timber yard, coal & coke merchants, including one holding a petroleum licence together with the sensitive end-use, the following conditions, or similar, are requested.

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

a) A desk study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 (CLR2:1994 Guidance on preliminary site inspection of contaminated land) and CLR 3:1994 Documentary research on industrial sites) and BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice. The report should contain a conceptual model;

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

a) as built drawings of the implemented scheme

b) photographs of the remediation works in progress

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

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

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

Coastal and Drainage

The site is likely to be at low flood risk from surface water flooding. However, I am always interested in betterment where possible and this does seem possible here as it seems the site is

mostly impermeable at present. Any surface water that is kept away from sewers is of benefit to the whole city

I'm also interested in simple things such as:

- Connection to surface water or foul sewer
- Actual connection point
- Drainage construction materials
- Groundwater information
- Suds elements employed
- New site drainage layout
- Change in hard standing area of the site

For this site my comments would relate to these, and depending on the above I don't see any reason why they would not be largely positive and supportive.

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public foul and combined sewers crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer
3. No new soak ways should be located within 5 metres of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) - (4) above also apply.

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

There are no dedicated surface water sewers in the vicinity of the development. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

REPRESENTATIONS

Objections have been received from the occupiers of 8 neighbouring residential and commercial properties and from the Portsmouth Society on the following grounds:

loss of industrial architecture and characterful buildings;
loss of business premises;
overdevelopment;
design bland and unimaginative;
proposal overbearing;
loss of light;
loss of privacy and overlooking;
loss of property value;
loss of view;
loss of habitat;
increased risk of crime and anti-social behaviour;
inadequate parking provision;
increased demand for parking and traffic problems; and
potential impact of demolition and construction works.

COMMENT

The main issues to be considered in the determination of this application relate to the principle of the proposed development, its design and relationship with adjoining properties, having regard to the reasons for the refusal for the previous application, and highway impacts. Other issues relate to policy requirements in respect of affordable housing, open space, car and cycle parking, refuse/recyclables storage, SPA mitigation and employment and skills plans.

Principle of development

The site is allocated under saved Policy CS2 for a comprehensive redevelopment scheme comprising housing, employment, other commercial uses or a mixture of these, and including an area of amenity open space. The site is also located in an identified area of opportunity for a tall building in the Tall Buildings SPD.

The supporting text to policy CS2 notes the mix of uses within the Urban Priority Area (which extends to the south and east of the application site) and that despite being allocated for redevelopment since 1984 no acceptable scheme has come forward. One of the challenges that have prevented a comprehensive scheme coming forward has been the number of land owners and occupiers across the allocation. This issue has now been resolved in respect of the application site which includes approximately two-thirds of the allocation. It should be noted that the current proposal has been designed to allow a 'phase 2', should the land to the east become available for development in the future and allow the remainder of the land allocation being redeveloped separately. Policy CS2 notes that the site is extremely well located in terms of its access to public transport, lying adjacent to Fratton railway station and alongside a major bus route (Goldsmith Avenue / Fawcett Road) and therefore suggest that it is well suited to a mixed use development, including residential and employment uses.

The existing buildings on the site are not considered to be of any architectural or historic interest and are not worthy of retention. There could be no sustainable objection to their removal to facilitate a comprehensive redevelopment of the site.

The proposed redevelopment is for solely residential purposes and would require the existing commercial operators to relocate. Whilst a mixed use redevelopment would be preferable, the inclusion of commercial or industrial uses on the site would introduce a further constraint which could affect the delivery of the redevelopment of the site. The inclusion of non-residential uses would also have a potentially significant effect on the highway related impacts of any proposal by increasing trip generation. The applicant is a registered housing provider who have advised that the site would be built out to provide 100% affordable housing and that due to changes in central government funding this is likely to be one of the last sites that could be developed solely to provide affordable housing. Having regard to the foregoing appraisal of the merits of the part redevelopment of the wider allocation and the nature of the funding, it is considered that a wholly residential development of the scale proposed is acceptable in principle.

Design

The current proposal was developed as a direct response to criticism expressed in respect of the previously refused scheme. The application is supported by a Design and Access Statement that has assessed the local context and explains the rationale behind the proposal submitted in this application.

In the vicinity of the site there are a number of higher rise buildings located adjacent to the roundabout at the southern end of Fratton Road of modern design including the use of timber cladding as an external material. The prevailing character of the residential development to the south is of two-storey terraced dwellings. The linear nature of the site lends itself to a development comprising two large blocks of flats with a form and siting that allows relief from the back edge of the pavement and the introduction of planting and a forecourt to soften its visual impact. The scale and massing of the proposal is considered appropriate, especially the location of the highest part of the development in the middle of the site with a reduced scale to either side.

The development would comprise two buildings, each formed from two intersecting blocks, aligned with Goldsmith Avenue, redefining the building line. Separation between each building provides a visual break as well as providing functional access to the site behind for vehicle parking. The proposal would set back the building from the back edge of footpath as with the current buildings. This has both practical and security benefits for the proposed development, by providing an area of defensible space between the building and the public footpath, creating delineation between the public and private realm. This increased sense of space together with the landscaped defensible space would provide a softer and more pleasant edge to the footpath. As with a lot of larger residential developments, it is inevitable that there will be some areas where an active ground floor frontage is not possible due to the requirement for refuse and cycle stores. The proposal incorporates as much active frontage to Goldsmith Avenue as practicable, with any potential blank facades being treated with feature panels to retain the rhythm of an architectural features within each building.

This scheme has been considered by the Design Review Panel who did not consider that this amended scheme responded well to this narrow site or its context on a heavily traffic road. The Panel were of the view that the bulky nature of the buildings would be emphasised by their lack of detailing, giving the scheme overall a clumsy and hulking appearance. The Panel also considered that the facades appear too flat, lacking modulation and detail, with no effective capping, would be of a scale that would appear precipitous. Criticism was also made of the materials and typology which the Panel considered would be more suited to domestic house architecture, rather than buildings at this scale.

The prevailing external material used on the site and on surrounding buildings is red brick with secondary materials ranging from render, metal cladding and timber. To remain in keeping with the surrounding context, the proposed elevational treatment would be predominately red brick and timber-like cladding. The use of the red brick would provide a strong, robust, horizontal emphasis to the proposal and provide a continuity of finish across the scheme and linking it to the wider locality. The vertical emphasis of the timber-like cladding is proposed to be used to create a contrast to the red brick and would be located to the upper floors assisting to create a lighter top to the building. Bringing the cladding to ground level in the central part of the site would help to link the two buildings, as well as providing an feature to add visual interest to the proposal. Relatively slender window openings and deeper window reveals would add a finer grain of architectural detailing to the proposal to enhance the appearance of the proposal.

The site is in a prominent location on a main arterial route into and out of the city and as such warrants a building of the highest architectural quality as sought by both local and national planning policy. The Tall Buildings SPD identifies the site as an area of opportunity for a tall building.

The overall composition of the proposal is considered to be a well-conceived response to the long narrow nature of the site and would it to be redevelopment to make efficient use of the space available in a manner that would positively contribute to the contextual streetscene and built environment of the locality. The external finish of the front elevation is simple and relatively contemporary, with the use of red bricks complementing the prevailing material of the locality. To the rear elevation the proportion of brickwork would be reduced with much greater use of timber like cladding. In design terms the proposal is considered to represent a development of quality that is appropriate for the site in terms of its scale and appearance. As such it is considered that the proposal has both addressed and overcome the design reason for the refusal of the previous scheme.

Having regard to the size and location of the site, the proposed level and therefore the density of development, (approximately 200 dwellings per hectare), is considered to be appropriate in this location and make the most efficient use of the site as encouraged by both local and national planning policies.

Amenity impact

The supporting text to Saved Policy CS2 advises that "proposals must also take due account of their impact upon the amenity of residents of Orchard Road" and that "developers must also consider the amenity of future residents, through design and layout, given the potential mixture of uses proposed". Whilst the Tall Buildings SPD identifies the site as an area of opportunity (5D) for a tall building, the supporting text highlighting that proposal should have due regard to the domestic scale of adjacent buildings, particularly on the southern boundary of sub area D (the site).

To the south of the site are rear gardens of terraced properties in Orchard Road, which have a typical depth of around 14 metres. The separation distances between the houses and the proposed six storey elements would be around 25 metres at its closest with an average separation being around 30 metres. The layout of the site is such that the six storey elements would be sited where there is the greatest separation from the existing dwellings to the south. The existing buildings on the site are relatively low rise at the western end of the site and rising in scale to the east where the site is more intensively developed and is host to buildings that are three-storey in scale and that are located on the rear boundaries of properties in Orchard Road. The site is located to the north of the rear gardens of properties in Orchard Road. Its orientation therefore is such that the proposal would give rise to very limited overshadowing.

The identification of the site as an area of opportunity for a tall building is caveated by a recognition of the domestic scale of properties to the south and the consequential need for the siting and scale of any tall building to have regard to this constraint. The four storey elements of

the proposal would be higher than the existing buildings, however they would be sited further away from rear elevations and gardens and as such it is considered that any impact on residential amenity would not be significant. The six storey elements of the proposal would clearly have be much more visible than the existing buildings they would replace, however they would be further away from the boundary of the site which would reduce their impact. Whilst the proposed development would alter the outlook from the rear of properties in the northern side of Orchard Road, its scale and siting would be such that it would not be unduly overbearing or result in such an unneighbourly sense of enclosure that would give rise to a significant degree of harm to residential amenity. Furthermore it is considered that the proposal would not give rise to a significantly harmful degree of overlooking or loss of privacy. It is therefore considered that the proposal has successfully addressed and overcome the amenity reason for the refusal of the previous scheme.

Representations have been received in respect of the potential for increased crime or anti-social behaviour associated with the opening out of the site. The car parking area to the rear of the proposed blocks would be overlooked by flats within the building and as such would be the subject of a degree of natural surveillance. The applicant has agreed that a boundary of approximately two metres in height can be maintained or provided to protect the rear gardens of properties in Orchard Road. This can be secured through the imposition of a suitably worded planning condition.

The application is accompanied by a Noise Impact Assessment which considered the impact of road and other noise on the future occupiers of the proposed residential development. The assessment identifies that habitable rooms fronting Goldsmith Avenue and Fawcett Road are likely to be exposed to high levels of traffic noise and that noise sensitive rooms in these locations will require sound mitigation to provide appropriate internal living conditions. The submission suggests that glazing of a particular configuration could provide the required level of noise attenuation and that a 'whole house' Natural Ventilation with Heat Recycling system (NVHR) could be incorporated into the development. The use of a NVHR system could provide ventilation to the proposed flats without the need to open windows which would reduce the effectiveness of any glazing. A suitably worded planning condition can be imposed to secure the incorporate onto the development appropriate measures to insulate habitable rooms form external noise.

Access & Highways

The site is located adjacent to one of the main arterial routes into and out of the city and adjacent to one of the main bus routes. This part of Goldsmith Avenue is one of the busiest sections of highway within the city of Portsmouth, carrying in excess of 20,000 vehicles per day. The site is also within 50 metres of Fratton Railway Station and within 250 metres of Fratton District Centre. The site is currently occupied by a range of industrial and commercial premises of differing scales, most of which do not benefit from off-street parking or servicing facilities. Vehicles delivering to and servicing these premises generally have to stop on Goldsmith Avenue and in doing so have a detrimental impact on the free flow of traffic along Goldsmith Avenue. Whilst not all in regular use there are a total of five vehicular crossovers serving the application site at the current time. The proposed development would be accessed via a single crossover serving a car parking area whose layout would allow larger vehicles (e.g. refuse collection vehicles) to access and turn within the site. A total of 49 car parking spaces would be proved (a ratio of 0.7 spaces per dwelling).

There is a difference of opinion between the Highway Authority and the applicants highway consultant about what standards should be applied to the site in respect of this application, however this issue is not considered fundamental to the determination of the application.

The proposal would reduce the number of vehicular accesses onto Goldsmith Avenue and remove the existing commercial and industrial uses. Furthermore it is considered that the

change of use of this site to residential would be likely to reduce vehicular movements to and from the site, although pedestrian and cycle trips will be increase.

Whilst the proposed level of parking would fall short of the requirements of the Parking Standards SPD, regard must be had to the location of the site to public transport and the amenities and service of Fratton District Centre as well as to the intended tenure of the development. In light of this it is considered that the proposed level of parking is considered appropriate and not be likely to increase demand for off-site parking in a manner that would adversely affect the safety or convenience of users of the surrounding highway network.

The proposal would inevitably alter the level and frequency of traffic movements to and from the site and whilst the concerns of the Highway Engineer in respect of the proposed access arrangements are noted, it is considered that they are acceptable in regard to this site and would not prejudice the safety of future users of the development or users of the existing adjacent highway.

Cycle parking would be provided in excess of the standard set out in the Parking Standards SPD. The proposal incorporates suitable facilities for the storage of refuse and recyclable materials. The provision of these facilities can be secured through the imposition of suitably worded planning conditions.

The Highway Authority suggests that the pavement to Goldsmith Avenue should be widened in association with the proposal but have failed to demonstrate why this is essential to make the development acceptable. The Highway Authority have also suggested that the developer be required to make a contribution towards local pedestrian and cycle linking infrastructure to benefit the safety of the residents of this scheme. No details of any such scheme have been provided, nor has any evidence been provided to demonstrate why such a planning obligation should be sought. Having regard to the circumstances in which planning obligations may be legitimately sought, it is considered that the contractions sought by the highway authority are not required to make the development acceptable in planning terms or that without the requested works such harm would arise that would justify the refusal of this application.

Open Space

Policy PCS13 requires the provision of pocket parks within developments of 50 dwellings or more. The supporting text to Saved Policy CS2 notes that "Central Southsea is one of the most densely populated areas in Portsmouth and less than 1% of the ward is publicly accessible open space. As an integral part of the development, therefore, proposals should include an area of amenity greenspace at least equivalent in size to the existing open space adjacent to the roundabout ... and will help to address the open space deficiency within the ward, along with residents' concerns on this issue".

The applicant notes that paragraph 4.60 of the Portsmouth Plan (part of the supporting text associated with Policy PCS13) states that the need for new play space as part of larger development will be highlighted if the development is located more than 800m from an existing playspace. The applicant contends that as the Orchard Road play areas to the east are significantly less than 800m away by public footpath, the pocket park requirement does not apply. Paragraph 4.70 of the Portsmouth Plan makes it clear that "new green infrastructure will also be required on sites of more than 50 dwellings in the form of on-site pocket parks" as is reflected in the text of the Policy which 'requires the provision of pocket parks on development sites of 50 dwellings'.

The existence and proximity of the existing play area is noted, however this in itself is not a robust justification to set aside the policy requirement to enhance green infrastructure. It is accepted that due to the nature of the site and its highly accessible location which lend its self to a high density development, the incorporation of on-site open space would reduce the number of new homes that could be provided on the site. The proximity of the existing play area on

Orchard Road is noted (within a five minute walk) as highlighted by the applicant is recognised and it is considered that the applicant suggestion of an improvement to the facilities there would meet the spirit of the requirements of policy PCS13. This would be either be provided by the developer directly, or through the payment of a financial contribution. It is considered that the provision of improvements to the facilities at the Orchard Road play area would address and overcome the reason for the refusal of the previous scheme which related to the non-provision of a pocket park.

Affordable Housing & Housing Mix

The applicant is a registered housing provider and intends the scheme to be exclusively affordable housing. Policy PCS19 requires the provision of 30% affordable housing in a development of this scale which could be secured through a legal agreement. The provision of an additional level of affordable housing by a Registered Provider would be over and above the Council's requirements. The tenure of the proposal would comprise a mix of affordable rent and Shared Ownership based on a split of 80/20 affordable rent to shared ownership. The Affordable Rent properties would include the two disabled flats. The proposed tenure mix would not meet the requirements of Policy PCS19 which seeks 70% social rent and 30% intermediate rent. However the proposed tenure mix would provide much needed housing with the Affordable Rent properties being made available at 80% of the market rent. The mix of properties which would be the subject of the legal agreement, would reflect the tenure mix of the overall development. This would include the two disabled flats and the three bedroom flat together with 4 one-bed flats and 14 two-bed flats.

Policy PCS19 also includes a target of 40% family housing. The proposed development would include only one three bedroom property, with the majority being 2 bed flats. Whilst this falls some way short of the 40% target, the proposed housing mix is supported by the Council's Community Housing Team as being one which would support the housing needs of the city. Having regard to the aims of policy PCS19 to meet the housing needs of the city, it is considered that the proposed mix of housing is acceptable.

SPA Mitigation

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

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

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(70 \times £174) = £12,180$. The applicant has indicated a willingness to provide SPA mitigation in this way. Consequently it is considered that, subject to securing appropriate mitigation in accordance with the SPD, there would not be a significant effect on the SPAs.

RECOMMENDATION I: that delegated authority be granted to the Assistant Director of Culture and City Development to GRANT CONDITIONAL PLANNING PERMISSION subject to the applicant first entering into a legal agreement pursuant to S106 to secure:

- 21 units of affordable housing;
- a financial contribution of £12,180 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas;
- the installation of heavy duty goal ends to the ball existing court in the Orchard Road Play Area or financial contribution of £25,000 towards such works;
- the replacement of the existing woodchip surfacing in the Orchard Road Play Area with wet-pour or financial contribution of £17,500 towards such works;
- the implementation of the travel plan associated with the proposed development;
- a financial contribution of £5,500.00 towards the monitoring of the travel plan associated with the proposed development;
- the preparation and implementation of an Employment and Skills plan to cover the construction phase of the development; and,
- a monitoring fee of £620.00 towards monitoring the payment of the open space contribution, the provision of the affordable housing and the implementation of the employment and skills plan.

RECOMMENDATION II: that delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution pursuant to Recommendation I

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:
**** *
3) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
 - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013;
and unless otherwise agreed in writing by the Local Planning Authority,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in

accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

- (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving the development will:

- a) Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an energy strategy setting out the approach to energy efficiency, the provision of heat and electricity across the development and the design implications of the proposed strategy. The strategy should also include a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) Achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

6) The development hereby permitted shall not be occupied (unless otherwise agreed in writing by the Local Planning Authority) until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority, proving that the development has:

- a) implemented the agreed energy strategy, including the 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 confirmation of the installation of works associated with the energy strategy together with an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

7) (a) Construction shall not commence, unless otherwise agreed in writing by the Local Planning Authority, until details of (i) the proposed means of foul and surface water sewerage disposal; and (ii) the measures to be undertaken to protect any existing public sewers infrastructure, shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) No part of the development shall be occupied until the drainage works referred to in (a) above have been carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8) Construction of the buildings hereby permitted shall not commence until a schedule and samples of all external facing and roofing materials, hard landscaping and floorscape treatments around the building and to the access and rear courtyard areas, and balustrading, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the agreed materials and details.

9) No part of the development hereby permitted shall be occupied until boundary treatments have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials / finishes of any boundary treatment or other gate / fence / railing / barrier / bollard or similar means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority.

- 10) Construction shall not commence until a scheme for insulating habitable rooms in the building fronting High Street against external noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter maintained.
- 11) The landscaping scheme shall be carried out in the first planting and seeding season following the occupation of any part of the buildings hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) The car parking spaces shown on the plans hereby approved shall be surfaced, marked out made available for use before first occupation of any part of the development and shall thereafter be retained for car parking purposes.
- 13) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the line, level and layout of access road junction and its means of construction including surface water drainage, and any ancillary measures. The approved access road junction shall be laid out and constructed in accordance with the approved details and the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development.
- 14) a) No part of the development hereby permitted shall be occupied until the internal secure cycle storage facilities shown on the approved plans have been provided and made available for use. The facilities shall thereafter be retained.
b) No part of the development hereby permitted shall be occupied until the external secure cycle storage facilities indicated on the approved plans have been provided in accordance with a detailed scheme (to include their appearance and the means of securing cycles and the building) that shall be submitted to and approved in writing by the Local Planning Authority and be made available for use. The facilities shall thereafter be retained.
- 15) No part of the development hereby permitted until the facilities for the storage of refuse and recyclable materials shown on the approved plans have been provided. The facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.
- 16) Any redundant dropped kerbs fronting Goldsmith Avenue not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway before any part of the development hereby permitted is first occupied (unless otherwise agreed in writing by the Local Planning Authority).
- 17) Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and maintained until the development is complete.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 16 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 6) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 7) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 10) To ensure the provision of satisfactory living conditions for future occupiers of the residential flats in accordance with policy PCS23 of the Portsmouth Plan.
- 11) In order to secure a high quality landscaped setting for the development in the interests of the visual amenity of the area, in accordance with policies PCS4, PCS13 and PCS23 of the Portsmouth Plan.
- 12) To ensure adequate provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Residential Parking Standards SPD.
- 13) In accordance with paragraph 32 of the NPPF in the interests of maintaining a safe and efficient highway network.
- 14) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 15) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 16) In the interests of enhancing the safety and convenience of users of the adjacent highway in accordance with policy PCS17 of the Portsmouth Plan.

17) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.

18) To ensure this prominent building and its roof space remains free of visual clutter and any subsequent alteration / addition, in accordance with policy PCS23 of the Portsmouth Plan.

1) PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.
