

PLANNING COMMITTEE

30 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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WIGHTLINK CAR FERRY TERMINAL GUNWHARF ROAD PORTSMOUTH PO1 2LA

CONSTRUCTION OF SECOND TIER DECK TO FORM CAR BOARDING AREA INCLUDING RAMP ACCESS, UPPER LINK SPAN, AWNING COVER ON EAST SIDE OVER GROUND LEVEL, AND THREE-STOREY FACILITIES BUILDING (COMPRISING TICKETING, WAITING ROOM, WCS AND SHOP (A1) AT GROUND FLOOR, OFFICES (B1) AT FIRST FLOOR, CAFÉ (A3) AND TERRACE AT SECOND FLOOR, AND PLANT AND EQUIPMENT AT ROOF LEVEL) & ASSOCIATED WORKS, AFTER DEMOLITION OF EXISTING RETAIL BUILDING

Application Submitted By:
AECOM

On behalf of:
Wightlink Ltd

RDD: 16th October 2015
LDD: 12th February 2016

SUMMARY OF MAIN ISSUES

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the harbourside development including flood risk, design and impact on heritage assets, traffic/transportation implications, impact on amenity, nature conservation and sustainable design and construction/site contamination.

The site

The ferry terminal site covers 1.33ha. It is accessed from and bounded by Gunwharf Road, to the east. The site is also located south of residential dwellings, within a wider mixed-use development beyond, at Gunwharf Quays. The irregular but almost triangular shape of the site is enclosed by high walls on its northern and eastern boundaries. Conversely, the interface of quayside to water (to the Outer Camber of Portsmouth Harbour) defines the opposite 'open' character of the site's other west and south-west edges that provide ferry loading/unloading and vessel tie-up respectively. The site predominantly forms an open marshalling area of parallel east-west boarding lanes that converge at a ferry boarding ramp (known as a "linkspan" or a drawbridge allowing for tidal changes in water level) at its western point. Positioned either side of the linkspan are a series of buildings providing terminal functions for passengers of ticketing, waiting, WC and refreshment facilities, in addition to Wightlink's offices and staff areas.

As well as neighbouring properties in Gunwharf Quays at Arethusa House, Perseus Terrace, Lysander Court, Neptune Court and Old Infirmary House, there are other neighbouring dwellings to the east at Armory Lane (Gunwharf Gate) separated from the application site by a pay-and-display car park and part of 'Regency Court' fronting Gunwharf Road (but with postal addresses in King Charles Street).

Access to the ferry terminal is primarily via the A3 and St George's Road roundabout, onto St George's Road that becomes Gunwharf Road. On the approach to the terminal, the carriageway of Gunwharf Road is three lanes with the centre lane designated for ferry traffic only. Access to and egress from the ferry terminal site is through two openings in the 'listed' boundary wall.

The ferry terminal site straddles two conservation areas, 'Old Portsmouth' (No4) and 'Gunwharf' (No25). The boundary wall to the site is a listed structure. It is located in close proximity to other heritage assets

including Scheduled Ancient Monuments (SAM) and Listed Buildings, most immediately but not exclusively including Old Infirmary House (SAM and Grade II listed), The Vulcan (SAM and Grade II listed) and The Bridge Tavern PH (Grade II listed). It is within the wider setting of Portsmouth Cathedral (Grade I listed), other listed buildings on Broad Street/The Point and within an archaeological restraint area that is known to include a former 19th century dry dock. Part of the site is within the Indicative Floodplain (Flood Zones 2 & 3). Inner sections of Portsmouth Harbour are internationally designated for their high nature conservation value as a Special Protection Area (SPA) (designated under the Birds Directive (79/409/EEC)) and Ramsar site as well as nationally designated as a Site of Special Scientific Interest (SSSI). However, no statutory ecological designations affect the Gunwharf ferry terminal site. The nearest designation is the Ramsar/SSSI approximately 650m to the north-west and SPA boundary is 1.1km to the north.

Proposal

Proposed development of the Portsmouth ferry terminal site comprises of three integrated parts:

- (1) second tier deck for cars only, at 5.9m in height (to its underside, with a deck structure of an additional 0.8m) above the existing ground level boarding area,
- (2) upper linkspan (boarding ramps) to allow double-deck loading or unloading of upper/lower ferry decks simultaneously, and
- (3) new 3-storey *facilities building of 561sqm (gross internal) floorspace, after demolition of an existing retail building.

The proposed replacement *facilities building would comprise ticketing, waiting room, WCs and shop (Class A1) at ground floor, offices (Class B1) at first floor, café (Class A3) and terrace at second floor, with plant/equipment at roof level. The 3-storey building would measure 10.25m in height at the front (west) and 10.47m at the rear (east), stepped back at second floor level to create an external terrace.

For continuity of ferry operations construction work would need to be phased, over a 7-month period. Groundworks and drainage is scheduled for September 2016 to January 2017. Work on the second tier deck is planned to commence in January 2017 in the southern section of the site, move northwards to the second phase in February 2017 and third phase in February/March 2017. The upper linkspan is programmed for January 2017. The new facilities building would be constructed between September 2016 and May 2017.

The Project

The proposed work to Portsmouth ferry terminal site forms part of a wider project, of sub-regional context that spans Portsmouth and the Isle of Wight. Wightlink Ltd intend to invest an estimated £45 million in a programme for modernising and improving the Portsmouth-Fishbourne service by introducing a new G-Class vessel (178 car capacity) and modifications to increase capacity to the current largest vessel, St Clare (from 150 to 171 cars). The port-side works at both Portsmouth and Fishbourne terminals seek to enable quicker turnaround of an upgraded ferry fleet by double-deck loading/unloading and resulting punctuality.

Wightlink Ltd would operate with four ferries each working on a two-hour full round trip. Larger ferries (new G-Class and upgraded St Clare) would each leave berth ie Portsmouth and Fishbourne 'on the hour' when the service typically has its greatest demand. Smaller vessels would operate 'on the half hour'. Due to greater 'on the hour' capacity provided by the larger vessels as well as improved efficiency, there would be a reduction in the number of movements compared with existing. A reduction in trippage is estimated to be around 12% equating to 15,985 ferry sailings each year from 2017 compared currently with 18,120. The public consultation undertaken by Wightlink Ltd explained "It was too early to say exactly what timetable we will need to run in order to meet the needs of our customers, but as well as providing more capacity when people want to travel, we are planning to keep all our late, early and overnight sailings".

The project is EIA development. As part of the application process Wightlink Ltd has voluntarily prepared an Environmental Statement (ES) to systematically assess the likely significant environmental effects of the project in accordance with the statutory requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

An additional report (February 2016) has been prepared to clarify marine environmental impacts resulting from issues raised by regulators and other consultees during consultation processes for the planning, marine licence and Environment Agency consent applications (all pertaining to development at Fishbourne, Wootton Creek).

Relevant planning history

A ferry service has been in operation between Portsmouth and Fishbourne since 1926 along a route of six nautical miles (6.9 miles). The Gunwharf ferry terminal site was developed in the 1980's following a city council scheme for redevelopment dating back to 1979. There was an overall fleet capacity of 612 vehicles when first commissioned in the 1980's, with the largest (St Clare) able to accommodate 186 vehicles; as the size of vehicles using the vessels has increased, current overall fleet capacity has decreased to 420 vehicles.

There are 3 relevant applications relating to the ferry terminal and access thereto listed below (in addition to other minor historic applications for various works at the site):

A*30938 - A city council scheme for "Relocation of Isle of Wight car ferry and terminal building" (from previous slipway at The Camber, Broad Street) was permitted in September 1979.

A*30938/A - A city council scheme to "Make two breaches in Old Camber boundary wall" was granted Listed Building Consent (by the Secretary of State for the Environment) in July 1979.

A*30938/F - "Erection of temporary refreshments kiosk" was granted temporary permission in June 1983 and subsequently renewed under A*30938/F-1, F-2 & F-3 for "Continued use of temporary refreshment kiosk" in March 1985, August 1988 and September 1994.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport) and PCS23 (Design and Conservation).

Saved policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

Supplementary Planning Documents (SPD) also provides relevant policy guidance (in addition to 'Guidelines for Conservation' for 'Old Portsmouth' CA, but not 'Gunwharf' CA):

Parking Standards and Transport Assessments SPD (July 2014)

Sustainable Design & Construction SPD (January 2013) and

Reducing Crime Through Design SPD (March 2006)

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 113).

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

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

- 17 Core planning principles for decision making
- 19 Significant weight on the need to support economic growth through the planning system
- 31 Work with neighbouring authorities and transport providers on viable infrastructure to support the growth of ports
- 32 Transport Statements and Assessments
- 33 Growth and role in serving business, leisure [etc] when planning for ports
- 34 Locate developments generating significant movement where need to travel minimised
- 35 Development designed for sustainable travel
- 56 Great importance to design and good design 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 Local design review arrangements provide support to ensure high design standards
- 64 Refuse poor design that fails to improve the character and quality of an area
- 96 New development should minimise energy consumption
- 100 Avoid inappropriate development in areas at risk to flooding
- 118 Principle should be applied to conserve and enhance biodiversity
- 119 Presumption in favour of sustainable development (para14) does not apply where AA required under Birds or Habitat Directives
- 120 Responsibility for a safe development where a site is affected by contamination
- 121 Site to be suitable for its new use taking account of ground conditions
- 123 Impacts of noise and air quality should be mitigated and managed
- 125 Good design should limit the impact of light pollution from artificial light on local amenity
- 128 Applicants should describe the significance and potential impact on any heritage assets
- 129 Lpa's should assess significance of any heritage asset, including its setting
- 132 Great weight should be given to conservation of heritage assets
- 133 Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm
- 134 Less than substantial harm to heritage assets should be weighed against public benefits
- 135 Significance of non-designated heritage assets should be taken into account
- 137 New development should enhance or better reveal significance of heritage assets
- 139 Weight to non-designated heritage assets of archaeological interest (where significant)
- 178 Duty to cooperate on planning issues that cross administrative boundaries
- 190 Pre-application early engagement
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 204 Use of planning obligations and conditions to make development acceptable

CONSULTATIONS

National Planning Casework Unit

Procedures for EIA development require notification of both receipt and any subsequent decision.

Design Review Panel

The panel acknowledged the difficulties presented by the site. They were however disappointed by this scheme, expressing serious concerns in relation to the absence of a strong cohesive idea or rationale behind the current design approach.

It was suggested that the deck had not been conceived as a piece of 'architecture'. The engineering and apparent cost driven response which underpins the design lacks elegance, and has resulted in a poor starting point from which to achieve a good solution.

Rigour is absent from the approach which has been adopted, resulting in a structure that lacks coherence and is unconvincing. The facilities' building was not well integrated into the car park and was poorly designed. There was little thought given to visitor experience as well as to pedestrian access from outside of the site allowing use of the facilities. There was no attempt to improve the vehicle arrival

and solve the issue of backing up onto the highway. The panel considered that the site deserves better. Recommendation: The proposal is not supported by the panel in its current form.

Historic England

Original response received 13 November 2015 states:

Summary

The proposed development may have an adverse impact upon several designated heritage assets and their settings in the area around the site. In particular, those within the former Gunwharf complex to the north of the site, including the scheduled former Infirmary Building, listed storage buildings and perimeter walls and Gunwharf and Old Portsmouth Conservation Areas. The assessment of these heritage assets has not adequately addressed the visual impact on the settings of all of these monuments. A more complete assessment of the impact upon the significance of these assets should be submitted by the applicant before any decision is taken on this proposal.

Significance

The maritime importance of Portsmouth is reflected in its surviving military heritage assets, which largely date from the 17th-20th centuries. Of particular relevance in this case is the former Gunwharf complex directly to the north of the application site. New Gun Wharf was constructed in the early 18th century as an ordnance yard for the loading and unloading of guns from ships under repair in the dry docks. The Gunwharf complex includes HMS Vernon Building No. 47, built in the late 18th century as an ordnance store then used as The Royal Marines Infirmary. The Infirmary building and ancillary wall are scheduled monuments and also listed Grade II. HMS Vernon Vulcan Block Building No. 21 is a large, ornate building, also listed Grade II. It was built in the early 19th century as a large store and stables, and forms the centrepiece of New Gun Wharf. The brick and stone perimeter walls enclosing New Gun Wharf were completed in 1870 and are listed Grade II.

Despite the loss of its military function and late 20th century development within and around Gunwharf, the whole area has retained its military character. This is reflected in its designation as Gunwharf Conservation Area, which seeks to preserve the military appearance and cohesion of building styles and materials dating from the area's use as a major artillery store. The military styles of the buildings and character of the area gives it aesthetic value. The surviving structures demonstrate evidential value in their fabric and form, and the conversion of many of these structures to residential use shows their communal value. The historical value of the area is clearly linked to its use as a major artillery storage site in the 18th-19th centuries.

The southern part of the application area falls within Old Portsmouth Conservation Area, which is centred on the historic core of Portsmouth but includes the area outside the city's fortifications on the Camber. Within the Conservation Area are several buildings that relate to the military history of the waterfront, including the Bridge Tavern and Spice Island Inn, both listed Grade II. Today, key views and relationships between buildings in the Camber/Gunwharf area are affected by modern residential and commercial developments, including the Wightlink ferry terminal.

Impact

The proposed improvements to the Wightlink car ferry terminal at Portsmouth include the construction of a second tier of car parking with ramp access, upper link span and a three-storey facilities building, referred to as a Customer Experience Building. The application area currently operates as an open car park with a reception building for the Wightlink car ferry terminal. Although the site itself has limited historic interest, it provides the setting for the heritage assets that border it.

Sections 11 and 12 of the Environmental Statement assess the impact of the proposals on the archaeological remains and heritage assets. Section 12 concludes that there will be no significant adverse effects on the historic built environment associated with the Portsmouth proposals (12.7.2). The assessment goes on to say that there would be numerous minor adverse effects during construction and operation, particularly on designated heritage assets within the Gunwharf Conservation Area. The overall effect of the proposals is assessed as less than substantial harm (12.7.3). We cannot agree

with these conclusions without seeing further evidence of the impact on the setting of the heritage assets within the Gunwharf Conservation Area.

Section 13 of the ES covers Landscape, Townscape and Visual Effects. Photomontages are included but only of the southern and eastern elevations. When viewed from the east, through the opening in the listed late 19th century wall along Gunwharf Road, the proposed development will appear essentially as a multi-story car park. There are no photomontages provided showing the visual impact of the proposals when viewed from the north or north-west ie from the Gunwharf complex. It is a concern that the proposed upper tier car parking deck will occupy the main view to the south from the Gunwharf complex and will tower over the scheduled Infirmary Building. Photomontages showing the views from the north are necessary to help in our understanding of the impact of the proposals on the setting of the Infirmary Building, a scheduled monument, and the listed buildings and walls within the Gunwharf Conservation Area.

The current parking arrangements on the application site allow for views across the site between heritage assets, but some relevant heritage assets have been missed from the assessment. Views across the site from the Cathedral Church of St Thomas and Lombard Street have not been discussed, although the proposals could obstruct these views.

With regard to the scheduled Infirmary Building, we agree with the statement that the proximity of the proposals will impact on its significance through detracting from the appreciation of the aesthetic value of the asset (12.6.2). However, we disagree that this impact would be minor adverse, as the heritage value of this asset should be high, in accordance with its scheduled monument status. The impact is likely to be moderate adverse, given the proximity of the proposed development to this asset and the likely impact on its setting. A photomontage from the Gunwharf complex is necessary to help in our understanding of this impact, and the impact to the other listed buildings within the Gunwharf Conservation Area.

Designated heritage assets to the south of the development area, including Old Portsmouth Conservation Area, the Bridge Tavern and Spice Island Inn will also be impacted by the proposals in terms of affecting views and setting. Photomontages are provided for some of these views, however, the assessment concludes that the proposed development will not dominate key views, or interrupt key views (12.6.9). As well as the visual impact, the noise of vehicles travelling up and down the ramp and on and off the ferries may also affect the setting of the heritage assets with the Gunwharf complex. This is not really considered in the Heritage Assessment.

Public benefits of the scheme are put forward in relation to the reduction in footprint of ferry operations, economic development and tourism, and improved reliability and quality of ferry services. We suggest that additional public benefits of the scheme could include some interpretation of Portsmouth's maritime heritage, in relation to the adjacent Gunwharf complex and the surrounding area, within the proposed Customer Experience Building.

Policy considerations

Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset should be wholly exceptional and paragraph 133 advises that consent should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal.

It is Historic England's view that the proposed development is likely to cause harm to the significance of the Infirmary Building, a scheduled monument, and some harm to the significance of the listed buildings and perimeter walls of the Gunwharf Conservation Area. This harm will essentially be caused through the visual impact it will have on their setting. Further details of this impact, for example through provision of photomontages from the north, are necessary before we can confirm the level of harm which would result. Failing receipt of this additional information we recommend that the local planning authority should refuse consent in accordance with paragraph 128 of the NPPF, which states that: "In determining planning applications, local planning authorities should require an applicant to describe the

significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance."

Recommendation

It is Historic England's view that the proposed development is likely to cause harm to the significance of the Infirmary Building, a scheduled monument, and some harm to the significance of the listed buildings and perimeter walls of the Gunwharf Conservation Area. This harm will essentially be caused through the visual impact it will have on their setting. Further details of this impact, for example through provision of photomontages, are necessary before we can confirm the level of harm which would result. Failing receipt of this additional information we recommend that the local planning authority should refuse consent in accordance with paragraph 128 of the NPPF.

An opportunity of advising further would be welcomed. Please consult HE again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise of the date of the committee and send a copy of your report at the earliest opportunity.

Updated advice is provided below following receipt of additional information:

Summary

After careful consideration of the new photomontages and information provided by the applicant it is Historic England's view that the proposals would cause significant harm to a number of heritage assets in the vicinity through an adverse impact on their setting. Furthermore the appreciation of the relationship between the Conservation Areas and Listed Buildings in Gunwharf and Old Portsmouth would be diminished by the insertion of the proposed structures. The local planning authority will want to be satisfied that there is clear and convincing justification for the level of harm likely to be caused, and if there is, that the public benefits of the proposed scheme outweigh the harm likely to be caused.

Historic England Advice

In our previous advice we had requested a more complete assessment of the impact of the proposals on the significance of the designated heritage assets. We were particularly concerned about the likely impact upon the former Infirmary Building, a scheduled monument, the listed storage buildings and perimeter walls of Gunwharf and both Gunwharf and Old Portsmouth Conservation Areas.

The two Conservation Areas have distinct characters. Gunwharf Conservation Area has a particularly military character, demonstrated by the military appearance and cohesion of building styles and materials dating from the area's use as a major artillery store. The southern part of the application area falls within Old Portsmouth Conservation Area, which is centred on the historic core of Portsmouth but includes the area outside the city's fortifications on the Camber. Within Old Portsmouth Conservation Area are several buildings that relate to the military history of the waterfront, including the Bridge Tavern and Spice Island Inn, both listed Grade II.

The proposals at Wightlink ferry terminal include a second tier of car parking with ramp access, upper link span and a three-storey facilities building. The new photomontages provided by AECOM demonstrate that views across the development site from Gunwharf to Old Portsmouth would be impacted and in some places completely blocked by the new structures. Currently, it is possible to stand in the Gunwharf complex and look across to Old Portsmouth and see aspects of the old town, including the Cathedral Tower. Likewise, one can look across towards Gunwharf from Old Portsmouth and see a walled site containing historic, military buildings. The appreciation of these interconnecting parts of the historic town will be diminished by the erection of the two-storey parking structure and ramp directly between them.

We cannot agree with the conclusions of Section 12 of the Environmental Statement, which states that there will be no significant adverse effects on the historic built environment associated with the Portsmouth proposals (12.7.2). Photomontages 6 and 16 clearly demonstrate adverse effects through the proximity of the multi-storey parking structure to the listed wall surrounding Gunwharf and

the scheduled Infirmary Building. Photomontage 6 also demonstrates how appreciation of the historic structures at Gunwharf will be diminished through the blocking of views of the roof lines and clock tower of the HMS Vernon Vulcan Block Building 21.

AECOM note in their letter dated 09 December 2015 that views from Spice Island towards Gunwharf are already dominated by the recently constructed BAR building. Historic England's advice on The Setting of Heritage Assets (2015) states that where the significance of a heritage asset has been compromised in the past by unsympathetic development, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

Policy considerations

As you are aware, under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132 NPPF).

With this in mind, the local planning authority will want to consider the necessity of the proposals and whether there is clear and convincing justification for the harm likely to be caused to the significance of the designated heritage assets. For example, could the need for additional parking and a raised loading ramp be provided in a modified format which would have a less harmful impact?

If the local planning authority is convinced that a significant level of harm to the significance of the heritage assets is justified, or if the proposals cannot be amended to avoid harm, then this harm should be weighed against the public benefits of the proposal (para.134, NPPF).

Recommendation

It is Historic England's view that the proposals will cause significant harm to a number of heritage assets in the vicinity through an adverse impact on their setting. Furthermore the appreciation of the relationship between the Conservation Areas and Listed Buildings in Gunwharf and Old Portsmouth will be diminished by the proposed structures. The local planning authority will want to be satisfied that there is clear and convincing justification for the significant level of harm likely to be caused, and if there is, that the public benefits of the proposed scheme outweigh the harm likely to be caused.

Environment Agency

The Environment Agency has no objection to the proposed development and offers the following advice.

Flood risk

The site falls partially within tidal flood zones 2 and 3 and therefore has a medium to high probability of flooding from the sea in any year. The proposed development at the site can be viewed as water compatible and therefore is appropriate for the flood zone classification. The submitted Flood Risk Assessment (FRA) has not stated a finished floor level for the replacement ticketing/retail building, although the submitted elevation plans indicate that the ground floor level will be set at 3.7mAOD. This level is equivalent to the 2070, 1 in 200 year still water tide level. The FRA has put forward flood resilience measures and flood warning and evacuation as suitable means to manage the residual risk.

The EA recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures could include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective. Additional guidance can be found in our Flood line Publication 'Prepare Your Property for Flooding'. A free copy of this is available by telephoning 0845 988 1188 or can be found on the EA website. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods'. The Technical Guide to the NPPF (para 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, ERA advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

As some of the proposed works will be within 15 metres of a sea defence the prior written permission of the Environment Agency will be required. The applicant has submitted a Flood Defence Consent application to the EA and this is currently under consideration. The EA will liaise with the Eastern Solent Coastal Partnership with regards to the suitability of the proposed works and any impacts upon existing and future flood defences in the vicinity. Portsmouth City Council is advised to seek the views of the Eastern Solent Coastal Partnership with regards to any impacts upon flood defences in relation to the planning application submitted.

Marine Works

The EA would expect that all works are undertaken following current best practice and with minimum impact on water quality. The EA advise the applicant to adhere to the Environment Agency's Pollution Prevention Guidance (PPG) 5 for works in or near watercourses. In the event of a pollution incident, all works should cease immediately and the EA should be contacted via the incident hotline 0800 807060.

The proposed works are located adjacent to the Portsmouth Harbour coastal WFD water body and are very close to WFD Shellfish Water Protected Areas. The EA has assessed this proposal against the "no deterioration" requirements of the WFD, which included an assessment of the works' potential for impacts on the status of WFD quality elements, specific pollutants, priority substances and protected areas (e.g. Shellfish Waters). Our conclusion is that the works are unlikely to have a significant impact on the current status of the water body if they are undertaken in accordance with the method statement provided.

Biodiversity

It is understood that any piling will be by Continuous Flight Auger with cement fill and that piling is only proposed on land above the highest astronomical tide. The Appropriate Assessment has concluded that this method of piling poses no threat to fish. We are satisfied with this conclusion. Should the piling method be altered to a percussive method or any works be required below the highest astronomical tide line then the impact on fish will need to be reconsidered and we will need to be re-consulted.

Please however be aware that we are the consenting authority in relation to Flood Defence Consent and therefore a competent authority in relation to Appropriate Assessment under the Habitat Regulations. The EA are required to assess the project as a whole including the works at both Gunwharf and Fishbourne, along with the operation of the new vessel. Whilst in principle the EA has no objection to works at the Gunwharf Terminal we have yet to complete our Appropriate Assessment of the project as a whole.

Natural England

Statutory nature conservation sites - no objection

Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Portsmouth Harbour SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. NE therefore advise that this SSSI does not represent a constraint in determining this application. Should the details of this application change, NE draw attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring you to re-consult Natural England.

Queen's Harbour Master

QHM has no comments on this proposal.

RSPB

No response received.

Hants & IOW Wildlife Trust

No response received.

Gosport Borough Council

Gosport BC has no comments on this proposal.

Marine & Coastguard Agency

No response received.

Isle of Wight Council

Response awaited.

Southern Water

Following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows. An informative is requested: "The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development."

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. SW request imposition of the following condition: "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."

Coastal Partnership

Eastern Solent Coastal Partnership raises no objection. Although in Flood Zone 2/3, the proposed site plan lower level is a car loading area and considered water compatible. The ground floor of the terminal building is indicated to be at 3.7m AOD, equivalent to the 2070 1-in-200 year still water level in the Harbour. It is suggested that the terminal be built with some flood resilience measures in place, in the case of an extreme event and to minimise any damages.

Advice regarding Flood Defence Consent: The proposed development is in very close proximity (within 15m) to the existing sea wall. The plans do not indicate that the structure will be affected or altered in any way, and so will not impact the Standard of Protection offered by the wall. However, the developer must ensure that designs allow for maintained access to carry out any future maintenance works that may be needed.

Ecology

The submitted ES states in the introduction to Chapter 7 Nature Conservation and Ecology that "no infrastructure below the Mean High Water Springs (MHWS) line is required in order to upgrade the Portsmouth berth at Gunwharf Quay. Therefore, no significant nature conservation and ecological

environment effects will occur from the proposed works at Portsmouth, and the latter have been excluded from consideration in this section".

As a result of this approach, despite the considerable amount of supporting information provided relating to environmental impacts (including ecological impacts) of the route overall, information pertaining to this application for the Gunwharf ferry terminal site and ecology is extremely brief.

Natural England's comments relating to impacts on statutory nature conservation sites are noted and have raised no objection, concluding that this application is "not likely to have a significant effect on the interest features for which Portsmouth Harbour SPA has been classified". There are no further comments to add regarding designated sites and, in relation to this application at Gunwharf ferry terminal, would agree with this assessment.

Information on the building to be demolished within the site is limited, however having reviewed available information (including aerial photography), site details and with reference to available biological records, it is concluded that the site has negligible potential to support protected species. No concerns are therefore raised that this development at Gunwharf ferry terminal would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

Marine Maritime Organisation

The MMO has prepared final HRA documents for this project, concluding no adverse effect. The MMO has consulted Natural England, who agrees with the conclusion of these draft versions. No decision on the marine licence is released at the moment.

Archaeology Advisor

Having regard to the archaeological chapter (Chapter 11) of the ES, for the most part discussion set out there would be endorsed. In summary: the west edge of the site is land reclaimed in the mid-19th century which subsequently was the site of a dry dock and customs house. The east edge was harbour edge up to the mediaeval period outside the town defences and associated with Legge Bastion and subsequently Quay Bastion. The harbour edge intertidal zone had a high potential to reveal the story of the exploitation of the harbour during the prehistoric and Roman periods but this potential was severally (if not absolutely) compromised by modern development and land reclamation processes. The medieval and post medieval story of the site has also been compromised to some extent by post medieval and modern development. The site's archaeological potential is limited. Specifically the archaeological potential of the east end is described as low to moderate (11.4.44). This is co incident with the location of the existing car park whose impact is described as low disturbance (11.4.36).

The impact of the development is limited. It would appear that much of the development impact will be at and amongst the modern made ground. The impact on the dry dock is through piling. This impact is described as low. However the report does not provide us with the scale or density of the piling which makes this statement of impact hard to judge. However the archaeology of the dry dock is described historically (and set out in the EIA) and it seems likely that there will be no mitigation needed. However the area to the east has a moderate archaeological potential (11.4.44), in part for the custom house and the bastion, is in an area where the car park might not have done too much damage (11.4.36). The impact of the development will be piles in clusters of three. However the frequency of this piling is not set out in the EIA. It is also not clear if the pile cluster is 'piled' from the surface or set within an excavated 'pile pit'. It is conceivable some archaeological monitoring would be possible and appropriate to ensure that archaeological remains relating to the custom house, bastions and possibly the medieval harbour side are recognised and recorded if they are encountered.

No mitigation discussion is forthcoming within the ES but it is noted that in the Non Technical Summary, the summary of effects states that no mitigation is required for the archaeology. This needs to be demonstrated more clearly if it is to be accepted. The EIA should have set out the pile frequency and density and whether these spring from pile pits in order to support the conclusion offered. There are two possible ways forward.

The applicant could be requested to set out the pile scale, frequency and method in such a way as to support that no mitigation is possible in light of the nature of the impact.

Or

An archaeological condition could be attached to any planning permission which might be issued. This condition could secure appropriate archaeological recording of archaeological remains revealed by any pile pits and the applicant could demonstrate either such recording has been secured or that such recording is not possible or appropriate to the piling that is planned.

Crime Prevention Design Advisor

Having considered the application, the following comments are made with reference to crime prevention. It would appear that the first floor of the facilities building is for use by Wightlink. If this is the case, to prevent unauthorised access it is recommended that an electronic access control system be installed within the building. This system should be programmed to allow only authorised persons access to the first floor.

Highways Engineer

Wightlink currently operate four ferries on the Portsmouth/Fishbourne route at half hourly frequencies. During busy periods, services operate at 100% capacity. By introducing new and upgraded ships, Wightlink aim to increase efficiency and reliability through double deck loading.

The overall capacity of the route if taken from a fleet perspective increases by 99 vehicles however the hourly increase will never exceed 28 vehicles due to the scheduling pattern of vessels. The Transport Statement (TS) evaluates the traffic and transport effects resulting from the additional capacity available on both the terminal site and Gunwharf Road / St George's Road junction.

At Portsmouth, Wightlink propose to facilitate access to the upper deck from a new link span and second tier of boarding lanes, which allow vehicles to be loaded and unloaded more efficiently at two different levels. The second tier will facilitate an additional 120 vehicle waiting area but as a result of the construction, some capacity will be lost on the lower level. The combined area will however exceed current capacity by providing approximately two ferries worth of traffic.

At present, Wightlink operate four ferries, the St Cecilia, St Faith, St Clare and a W Class. The St Clare has the highest capacity, and is able to carry 150 vehicles. The St Clare is set to be upgraded enabling an increase in capacity from 150 to 171 vehicles. The St Cecilia, which currently holds 100 vehicles is also set to be replaced by a new G Class ferry, which will have the capacity to hold 178 vehicles. The highest capacity for a single ferry is therefore proposed to increase from 150 to 178 vehicles. The larger vessels will arrive alternately for the hourly service with the smaller capacity vessels used for the half hourly service. The smaller vessels (St Faith and W Class) carry 100 vehicles and 70 vehicles respectively.

The revised ferry proposals would therefore result in a 'worst-case' capacity increase of 28 vehicles per hour. This level of potential extra traffic will only have minimal impact on surrounding road junctions.

The base traffic surveys included in the application were carried out on Friday 3rd July and Saturday 4th July 2015. This is considered as peak season but not the busiest period of the year. For a worst-case impact, surveys should have been carried out during the school holidays so the full impact of the proposals could have been considered.

On the basis of the information received, a maximum of 218 vehicles are expected to travel southbound on Gunwharf Road during the peak periods. There is no proportion split provided on these vehicles so it is not possible to determine the percentage of traffic that is bound for the ferry; however, on the basis of the exit flows, an estimate of 80 to 90 percent can be assumed.

The site in its current form has a total of 1,330 linear metres of stacking room. With the vehicular split calculated within the TS, the required combined lane length for 178 vehicles (the largest capacity for one vessel) would be 1,193m. Should the vehicular split across categories have a larger percentage of HGVs/Caravans then potentially the terminal in its current form would be unable to cope. Therefore the upper deck would be required should the larger ferries be introduced.

At present, there are periods throughout the year where the car park on the east side of Gunwharf Road is required for overspill; equally there are set days that are designated 'closure' days when Gunwharf Road is closed specifically for use by Wightlink as further queuing space. There is no reference in the TS of whether Wightlink intend to keep this arrangement or if the new development would alleviate this requirement. On the basis of the traffic flows presented and the estimate of proposed vehicle queuing space on site, it appears that Gunwharf Road will not be required to close for additional stacking. As noted above though, it is unclear on the level of demand expected during the busiest school holiday periods. Historical vehicle numbers with anticipated uplift should therefore be provided to allow full assessment.

Information about the arrangements for the drop off and collection of foot passengers has not been included and, while associated vehicular traffic, may be relatively low this should be provided.

No thought appears to have been given regarding the ingress/egress of vehicles from the site and potential conflict with pedestrians and cyclists. The check-in area appears to remain the same. Current accident data indicates that there is an issue, which is supported by numerous reports of vehicles blocking the dropped crossing points which form part of the millennium walk, a high footfall route. With more vehicles entering and leaving the site, consideration needs to be given to highlighting pedestrian and cycle movements beyond the Wightlink walled area. This will need to be considered and could be mitigated with demarcation of the footways at each entrance along with tactile paving and a warning sign for drivers leaving the site.

The applicant must provide a detailed Construction Management Plan to include information about how both construction and regular traffic is managed during the construction period.

As Gunwharf Road and St Georges Road are traffic sensitive routes, there is no scope for a full road closure and requests for lane closures will be granted at off peak hours only. 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.

Recommendation: Whilst the proposal is satisfactory in that the impact on the highway from the increased ferry capacity appears to be minimal; it is not possible to provide a decision either in support or opposition to the proposal until all the required information is provided. Currently the road closures and congestion caused by the current terminal on "peak days" is unacceptable in that it causes inconvenience and delay to residents, visitors and businesses in the immediate vicinity. Evidence should be provided to demonstrate how ingress to the terminal site is to be managed before final comments can be provided.

16th March 2016: Addendum to highways Comments

Further to the receipt of additional information it is concluded that the proposed changes to the Wightlink Terminal will have an overall positive impact on the public highway. The minor increase in traffic due to the increased size of the new vessels will have a minimal impact on the nearby junctions, which is acceptable. The larger positive impact of the proposal is the reduction in frequency for the need to use the Gunwharf Road car park, and close Gunwharf Road. The capacity increase of the terminal will result in the need for these emergency measures only to be brought into effect in extreme situations, such as bad weather when boats are unable to sail.

We have reviewed the comments and concerns raised by FOOPA and offer our response to the points they raise concerning:

- use of the Junctions8 modelling package due to the model period being spread over an hour rather than the specific ferry discharge times
- scope of modelled junctions and wish to see additional analysis further afield
- traffic survey data collection period
- further consideration be given to pedestrian/cycle movements in the area

With regard to comment one, ideally a microsimulation model would have been our preference but these are expensive to construct and no existing model is on file for the area that the consultant could have utilised. There are also only 28 additional vehicles (worst case) expected to discharge over the hour compared to the existing situation. This relatively small increase does not warrant a request for a microsimulation model, as the impact is less than a 5% increase of traffic through the near junction. FOOPA also note that the expected queue in the right turn lane is around 6 vehicles (higher than the junctions8 model prediction) when a ferry unloads. This information has apparently come from residents who have lived in the area for many years. Given the junctions8 modelled period, I do not doubt the discrepancy between the two sources but the right turn lane in this location is around 22 vehicles long so there is more than sufficient capacity for vehicles to wait a little longer for the additional 28 vehicles to clear. Given that the ferry discharges at around 28 vehicles a minute and the arrival pattern on the St Georges Road right turn lane is 4.85 vehicles a minute, there should be more than sufficient capacity to accommodate waiting traffic without impeding the straight-through movement and avoid tailbacks beyond the existing right turn facility.

Regarding point two, due to the above comments we cannot ask for justification for modelling further afield with a maximum impact on the network of 28 vehicles. Wightlink also note that there are also many instances of vehicles arriving for ferries only to be turned away because vessels are full that in turn would add additional trips and delays to the Portsmouth network. These instances would be removed with the terminal expansion plans.

With regard to the traffic survey period, we have also previously queried the data collection period. Delaying the survey by just three weeks would have given us data for the busiest weekend of the year. Fishbourne was surveyed correctly. Unfortunately, it is not now possible to obtain this survey data unless the application is delayed until next year that I very much doubt is a possibility, and consider that, despite this, our decision will remain as now.

We have raised similar concerns already regarding pedestrian/cycle access especially around the entrance and exit to the terminal. This is something we are keen to see improved as part of the proposed works, and we have covered this in our recommended conditions.

Closure of Gunwharf Road

The existing arrangement for closure of Gunwharf Road is operated under a Traffic Regulation Order (TRO).

The TA confirms that the Gunwharf Road Car park can continue to be used as overflow parking and therefore may be able to negate the need to close the road off. This will assist the construction phase, which fortunately will fall within the quieter operating months of the ferry service. The construction management Plan is to be commented upon separately with advice from our Traffic Management and Colas colleagues.

It is the opinion of highways officers that the new development will substantially reduce down the need to close Gunwharf Road which in itself is a disrupting factor on the highway network, putting pressures on surrounding areas. The additional evidence provided by the applicants Transport Consultants gives comfort that the additional increase in vehicles which can be accommodated by the larger vessels can still be easily accommodated within the highway network without any significant risk to delays or highway safety. This is proved in the worst case scenario of the maximum number of vehicles disembarking in the minimum possible time, at peak times on the network. The additional information which has been provided confirms highway officers opinions that the marginal increase in vehicle numbers which can be disembarked at once are unlikely to harm highway safety, and any knock on delays to traffic are minimal.

RECOMMENDATION: That the additional information appears to address the FOOPA concerns and does not affect our previous recommendation. However further detail will be sought on how they will ensure pedestrian and cyclist safety at the entrances, and this reflects FOOPA concerns.

As such, no objection is raised to the proposal subject to:

Adequate advice provided to drivers entering and leaving the site to beware of pedestrians and cyclists when exiting the site, the applicant has suggested signage on drawing 60472443-001_P1 which certainly is acceptable and starts to address concerns. In addition to these signs we still require defined demarcation on the footway at both the entrance and exit points of the site which line up with the tactile paving crossing points. Red non slip paint should be used to identify the pedestrian route across the accesses, with white pedestrian symbols over-painted on this. Along each edge of the red strip 0.1m² white boxes should be painted at 500mm centres all in accordance with Chapter 5 of the Traffic Signs Manual para 15.28. This marking will be sufficient to also make drivers more aware of cyclists on the carriageway, and I can confirm that we would not be looking for additional markings for this purpose. This will help to make drivers more aware of pedestrians and cyclists and at the point of exit where traffic has just merged, and awareness of signage may not be adequate to highlight the crossing point. Temporary signage will be required during the construction process to advise visitors of current entry procedure. This should be included within the Construction Management Plan.

A management plan is required to explain how foot passengers and cycling customers will be directed into and out of the site, and where a drop off/collection zone will be provided, with suitable exit route for traffic associated with that visit.

A Construction and Environment Management plan has been submitted and subject to the inclusion of the requirement of a road sweeper when needed and confirmation of operatives parking arrangements this will be acceptable for implementation of the development.

A Traffic Management plan has been submitted, and subject to the above road markings is adequate.

Environmental Health

This consultation response is with regard to the potential harm to residential amenity from the introduction of B1 office use, A3 café use, the installation of plant / equipment, other uses, and the potential impact on local air quality.

Noise and vibration is referred to in several of the submitted documents, however, comprehensive coverage is included in Chapters 4 and 9 and Appendix I of the Environmental Statement. Potential impacts are covered by two phases of development - demolition and construction phase and operational phase.

Demolition and construction phase

The methodology for determining the demolition and construction impacts is presented in sections 4.10.40 - 4.10.66 of the Environmental Statement. In section 4.10.43, it is recommended that the noise threshold for the Portsmouth site be 75 dB LAeq,T be adopted, based on the construction noise limits recommended in AL72. Our monitoring of noise levels confirms that this is an appropriate level as defined by BS 5228-1:2009. Should you be minded to grant permission, it is recommended that the following condition be applied:

Condition

Noise from the construction and demolition phase of the development shall not exceed 75 dB LAeq,1 hour as measured at the site boundary. Construction and demolition work shall be restricted between the hours of 07:30 and 19:00 Monday to Friday and the hours of 08:00 and 13:00 on Saturdays. No demolition or construction work involving plant or hand-tools shall take place on Sundays or Bank Holidays. A scheme to monitor noise from demolition and construction shall be submitted to the planning authority for approval prior to the start of demolition or construction.

Section 9.4.11 of the Environmental Statement, making reference to table 9-15, predicts construction noise levels for certain selected sensitive receptors. The predicted levels fall within the limit of 75 dB LAeqT.

Operational phase

The methodology for determining the baseline conditions and sensitive receptors is detailed in sections 4.10.32 - 4.10.39 of the Environmental Statement. Reference is made to long term monitoring from 5 May 2015 to 10 May 2015 although in section 9, the monitoring period is referred as occurring in June. Section 9 details the results of the baseline environmental noise survey undertaken by the applicant's consultant. This included an 18 hour unattended measurement located at the South-West end of Arethusa House as well as a number of short duration (between 1 minute 10 seconds and 29 minutes 35 seconds) measurements in and around the terminal. On the basis of these measurements predictions were made to demonstrate the changes in noise levels that would result as a consequence of the development.

Table 9-19 presents the results of the predicted changes in noise levels for a number of locations around the Gunwharf site. Predicted changes in noise level vary from -0.8 to 2.0 dB.

In our assessment of the baseline environmental noise survey and the predictions, a number of differences of opinion were identified in terms of the duration, context and locations of the monitoring positions that were chosen by the applicant's consultant. As a result, Environmental Health undertook a survey of current noise levels and modelled the future operational noise. The results of the survey and prediction exercise were generally in agreement with those of the applicant's consultant inasmuch that the development should result in no noticeable change in operational noise levels due to traffic movements within the terminal.

Plant and equipment

No information has been provided concerning noise from the plant and equipment that will be required for the proposed customer experience building. Should you be minded to grant planning permission for the proposal, it is recommended that the following condition be applied:

Condition

Prior to the installation of the proposed kitchen extraction system an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented.

With reference to the A3 use, it is not clear from the application whether the cooking processes will require a kitchen extraction system. If a kitchen extraction system is required, I recommend that the following condition be applied:

Condition

Prior to the commencement of the A3 use, equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation, details of the proposed equipment shall be submitted to the local planning authority for approval. Approved equipment shall then be installed and maintained in accordance with the manufacturer's recommendations.

Light

The proposal includes some alterations to the lighting scheme of the site as well as some additional lighting to the new structures. The applicant has provided information concerning the proposed luminaires (000032410303 REV P3) and their locations (000032410302 REV P2 & 000032410301 REV P2). A survey of current lighting levels has been undertaken and lighting levels modelled based on the proposed scheme.

The Institution of Lighting Professionals (ILP) has produced design guidance concerning exterior lighting installations in "Guidance Notes for the Reduction of Obtrusive Light". The modelling process identified some instances whereby the proposed lighting scheme would result in increased lighting levels and/or levels above the ILP's guidelines. Where increases in lighting levels have been identified, these are limited to within the ILP's guideline levels and where the modelled levels are above the ILP's

guidance, these have been limited to no more than the pre-development levels and, in most cases, are lower. Where mitigation in the form of light-set shielding is required to achieve these targets, this has been identified.

Whilst it is accepted that it is possible to achieve the levels detailed in the table and email (dated 3/3/16) from AECOM, there has been considerable email traffic to and from with amended details with the final scheme coming together in an ad hoc way. It is considered necessary for reasons of clarity that the lighting submission be formalised into a report and submitted as part of a planning condition.

Should you be minded to grant permission it is recommended that the following condition be applied:

Condition

Before the development is first brought into use external lighting details shall be submitted to and approved in writing by the local planning authority, such details to include: specification of fixtures, lamps, a lighting contour plan, vertical illuminance levels at residential premises adjacent to the proposal site and any proposed mitigation. The approved details shall be implemented and maintained in full unless otherwise agreed in writing with the local planning authority.

Air quality

The approach and methodology for assessment of air quality impacts is described in section 4.11 of the Environmental Statement whilst section 10 reports the findings of an assessment into the likely significant effects on air quality. Appendix J contains the Air Quality Technical Report. Following clarification of a number of technical points with the planning consultant, the air quality officer is satisfied with the assessment and the conclusion that the proposal will not cause a significant effect on local air quality.

Contaminated Land Team

The submitted details, including the submitted desk study report - Fishbourne Preliminary Environmental Risk Assessment Report (prepared for Wightlink Limited by AECOM, dated October 2015) Ref 47074020_Version 1 - has been reviewed. The report concludes that a site investigation is required, including assessment of soil, groundwater and soil bulk gases and the imposition of relevant conditions is requested.

Coastal and Drainage

It is imperative that throughout the duration of the works and following completion the surface water sewer serving a large part of the south-west Portsmouth area remains functional without interruption. It is a Southern Water asset, running through the centre of the site in the vicinity of the proposed site compound (blue dashed line below). Its location and trajectory on site should be determined and marked out prior to construction. This (and any other outfalls encountered) that discharge seawards need to be investigated prior to work commencing with appropriate work being undertaken to ensure functionality is not compromised. All other aspects of the application seem in good order from a drainage perspective.

REPRESENTATIONS

A total of 39 representations have been received; 24 raise objection, including The Portsmouth Society and Friends of Old Portsmouth Association (FOOPA), and 15 in support. FOOPA have followed up their original objection with a detailed assessment, which is attached at Appendix 1.

The grounds of objection include:-

- o Inconvenience and detriment to the quality of life from a larger vessel and increased air and noise pollution, during construction and ferry operations, which has already been amplified since the nearby BAR headquarters was built
- o Traffic management into and out of the site is poor and pedestrians are not safe trying to cross the exit points, which will be exacerbated during phased construction and when two decks unload simultaneously
- o Surveys for traffic undertaken on 3-4 July 2015 are representative of a busy weekend but not at maximum capacity and does not fit a 'worst case scenario' category

- o Wightlink has not proved that the proposal will not cause problems on the local road network, more detailed traffic modelling is needed and presently flawed, minimal consideration has been given to Vulnerable Road Users, if new/upgraded ferries operate at 100% capacity there is a high risk of local traffic congestion leading to gridlock and it contravenes national and local policy to encourage development of integrated and sustainable transport hubs
- o Potential increase in car and lorry movements will add to traffic congestion, pollution, noise and problems caused by vehicles to the ferryport travelling all the way through the city adding to road damage, delays and psychologically negative effect for visitors to Portsmouth
- o Wightlink has outgrown its present location and the new owners should relocate to the commercial port with excellent road links and capacity to deal with the volume of traffic
- o Impact of traffic, squeal of tyres, and light pollution from headlights/external lighting from addition of elevated upper deck
- o Unsightly development will be out of character with the conservation area(s) and setting of listed buildings/SAMs including Old Infirmary in such close proximity as well as the Camber and The Bridge Tavern PH
- o Detrimental effect on the tourist industry by adverse appearance to the entrance of Old Portsmouth and views from both sea and land
- o The upper deck parking and external terrace (facilities building) will result in a loss of privacy to neighbouring occupiers
- o Decked parking level is much higher than the existing boundary wall and if extra space is required the detrimental visual impact would only be overcome by an underground car park or reducing the plans in keeping with adjoining properties
- o Overbearing impact on the amenity of neighbouring occupiers by loss of light and outlook and oppressive feeling of being hemmed in
- o Submitted plans are incomplete and make it impractical to judge the impact on adjoining properties that overlook the ferry port and the photomontages are also misleading, giving an appearance diminishing the height of the car deck
- o Impact from potential future use of the existing ferry terminal building
- o Support for this project is from individuals who do not live locally so do not have to deal with the environmental issues and whilst benefit the island's economy may arise it will not help the city's economy
- o Building a fixed tunnel link to the island would boost tourism considerably more than ferries and remove large amounts of traffic, which cause pollution/noise and are very time consuming

Representations in support include responses received by and written on behalf of island attractions (amongst others Needles Park Alum Bay and IoW Steam Railway) and Hampshire Chamber of Commerce, summarised as follows:-

- o New environmentally efficient ship will reduce congestion, noise and improve air quality
- o Double-deck loading/unloading will improve speed/efficiency and ferry punctuality since hydraulic ramps on the older ferries can be a source of delay and have stalled, causing delays and inconvenience
- o Benefits of quieter loading and reduced light pollution
- o Boost for tourism economy of the IoW and Portsmouth
- o Will not harm the character of the surrounding area
- o New investment will protect a vital link to the island, secure many jobs and enhanced terminal infrastructure will improve passenger services/the visitor experience
- o Create jobs (28 in total)

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the harbourside development including flood risk, design and impact on heritage assets, traffic/transportation implications, impact on amenity, nature conservation and sustainable design and construction/site contamination.

The principle of the development/flood risk

Gunwharf ferry terminal site was developed in the 1980's to relocate an important Fishbourne-Portsmouth ferry route that has long been the most popular choice for passengers crossing the Solent and a commuter service for some islanders who work on the mainland. It provides an invaluable fall-back route for foot passengers when alternative services have ceased late at night/into early morning hours and when high winds or other poor weather conditions prevent alternative crossing by catamaran (or hovercraft). Although it is within the Indicative Floodplain (Flood Zones 2/3) the Environment Agency and Eastern Solent Coastal Partnership raise no objection and recognise the proposal can be viewed as water compatible (subject to finished ground floor level of the facilities building at +3.7m AOD and some flood resilience measures).

The harbourside development at Portsmouth forms one component of Wightlink's Project for their flagship Fishbourne-Portsmouth route where at each end is a single linkspan (boarding ramp) for loading and unloading vehicles. Tight turnaround times for sailings mean any delay can have subsequent impact on punctuality and difficulty getting sailings back on schedule. A new ship is intended to keep reliability high. However, Wightlink describe the single most important improvement to be the planned introduction of double-deck loading/unloading.

One of the grounds raised in objection to this proposal is that the ferry operation should relocate to an alternative terminal location in Portsmouth, at the International Ferry Port (IFP). The ES (2.3.11-15)/Non-Technical Summary (para 28) give consideration to this but describes several key factors which count against its suitability. Journey time is the most significant. The 40 minutes car ferry compares favourably to the longer journey times offered by alternative routes from Southampton. A move to the IFP would mean the current four ferry operation on a two-hour return cycle would increase to three-hours. Longer journey time would make the current fleet of four ferries unsuitable and larger ships needed. Portsmouth Harbour is already extremely busy. Although this commuter ferry operation is already exposed to a degree, a move to the IFP would increase vulnerability to disruption. Longer international ferry crossing routes may tolerate 20-30 minute delay as a small proportion of their journey time but commuter based service operate on a far lower tolerance to such service disruption. Wightlink's long lease (until 2058) is also held to be a significant hurdle.

The proposed facilities ('Customer experience') building includes ancillary shop and café uses. Customer refreshments are currently available at the ferry terminal, representing reprovision of an appropriate scale. Although located in an out-of-centre position they serve the needs of ferry passengers and not a destination for other visitors, falling outside of any sequential test assessment.

The lawful use of the site is as a ferry terminal on operational dock land. Improving the efficiency and reliability of a ferry service with increased capacity at peak times to reduce local congestion is broadly acceptable in principle and accords with the NPPF (para 33) "When planning for ports [etc]... plans should take account of their growth and role in serving business, leisure, [etc] need...", subject to detailed assessment of other key material planning issues identified.

Impact on heritage assets

In relation to heritage assets, Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on local planning authorities to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest. Furthermore, Section 72 of the same Act requires that an authority pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. There is a strong presumption in favour of conservation. Paragraph 132 of the NPPF advises that substantial harm to a designated heritage asset should be wholly exceptional and paragraph 133 advises that consent should be refused unless the harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm this needs to be weighed against the public benefits of the proposal. Furthermore, policy PCS23 of the Portsmouth Plan requires, inter alia, "Development that relates well to the

geography and history of Portsmouth, particularly the city's conservation areas, listed buildings, locally listed buildings and scheduled ancient monuments".

The ES (12.5-12.7) identifies relevant heritage assets and assesses the impact of the proposed development. The proposed works would impact upon and effect the setting (and therefore the significance) of the following designated heritage assets:

Conservation Areas

- o Gunwharf Conservation Area (No.25) designated 1992
- o Old Portsmouth Conservation Area (No.4) designated 1969

Scheduled Ancient Monument(s)

(Former HMS Vernon) monument no: 507 (a-d) scheduled 1975 includes:

- o Vulcan Building (former grand storehouse)
- o Former infirmary
- o Former Gunwharf Gateway

Listed Buildings

- o St Thomas's Cathedral (listed grade I 1953)
 - o Dockyard Perimeter Walls and Gateway (listed grade II 1972)
 - o The Spice Island Inn (listed grade II 1972)
- (and other grade II listed buildings fronting Broad Street between The Point and the junction with Bathing Lane, including nos; 55,53,45,41,39,37 & 35) All listed in 1972
- o 27 Lombard Street (listed grade II 1970)
- (and other grade II listed buildings fronting Lombard Street between corner of King Charles Street & the junction with St Thomas's Street, including nos 19,17,15,13,11,9,7,5,3 & 1). Listed in either 1953,1969 or 1972.
- o The Bridge Tavern (listed 1972)

The applicant's assessment (ES, 12.7.2) acknowledges that there would be some negative impact on the setting of designated heritage assets, but concludes that overall the harm would be less than substantial. It assesses the operation of the Project results in minor adverse effects only in relation to 'Gunwharf' Conservation Area, Old Infirmary House, perimeter walls and gateways, 'Old Portsmouth' Conservation Area and The Bridge Tavern PH. The ES considers no heritage specific mitigation is necessary (beyond the design process).

Following assessment of the significance of and harm to designated heritage assets, there is agreement of adverse impact on the setting of heritage assets by Historic England and your officers but conversely held to be 'significant' or 'very significant' rather than 'minor adverse'.

A summary of the views of Historic England concludes: "...the proposals will cause significant harm to a number of heritage assets in the vicinity through an adverse impact on their setting. Furthermore the appreciation of the relationship between the Conservation Areas and Listed Buildings in Gunwharf and Old Portsmouth will be diminished by the proposed structures. The local planning authority will want to be satisfied that there is clear and convincing justification for the significant level of harm likely to be caused, and if there is, that the public benefits of the proposed scheme outweigh the harm likely to be caused."

The ES is considered to have downplayed both aspects - significance of and harm - and in relation to some assets significantly. In overview, the findings are that the proposal would cause 'significant' or 'very significant' harm to at least half of these heritage assets or their setting. This contrasts strongly with assessment of the applicant in the ES. The harm to both 'Old Portsmouth' and 'Gunwharf' conservation areas is, for instance, held to be 'significant'. In the example of the scheduled former Infirmary building, the asset located closest to the application site (with the exception of the listed perimeter wall), it is considered that the setting and thereby the significance of the building would be eroded resulting in very significant (but less than substantial) harm to that setting.

Prompted by Historic England's consultation response, the applicants submitted a Heritage Impact Assessment (HIA). The comments in the HIA broadly reiterate points made in the applicant's ES including the views that (i) the application site currently makes a negative, or at best a neutral contribution to the two conservation areas in which it lies, (ii) no heritage assets are of more than medium significance, and (iii) there is no impact greater than minor adverse. These views are not accepted and considered to lack credibility. The HIA states (iv) no heritage assets will be physically destroyed or damaged by the proposals; whilst this is true it is not really pertinent to the matters under consideration and if the scheme involved 'damage' to a designated heritage asset it is highly probable that any assessment of harm would be 'substantial'. The HIA also (v) questions the status and therefore the significance of one of the heritage assets as arguably given too much weight. The HIA initially asserts that a ministerial statement was made of de-scheduling of assets on the former HMS Vernon site but the evidence presented is a press release, which is not conclusive or incontrovertible and the Historic England designation team have since confirmed the buildings in question remain dual designated. In light of this the high significance ascribed to the assets remains credible and reasonable. Para 132 of the NPPF makes clear that scheduled ancient monuments (along with grade I and II* listed buildings) should be considered designated assets of the 'highest significance'.

The HIA comments that the scheme offers heritage benefits, through provision of historic interpretation (mitigation suggested by Historic England) and creation of "new views of the Cathedral, harbour, Old Town and Gunwharf that will be experienced from the new development".

The ES (12.7.3) recognises that the harm ('less than substantial') should be weighed against the benefits of the scheme. They are described as fundamentally economic, but also social, and at a local level, environmental. "In relation to Portsmouth the benefits include:

- (a) a reduction in the footprint of ferry operations within the two Conservation Area, by consolidating operational infrastructure within the Portsmouth Application Site, which have consequential local environmental benefits (such as air quality, noise and traffic congestion)'
- (b) the transportation of more visitors and commuters will have positive knock-on effects on sustainable economic development and growth for the city, particularly for the tourism and business sectors and the employment base they support;
- (c) the provision of the infrastructure to enable simultaneous lower and upper deck loading and unloading will allow for improved reliability and quality of services."

The applicant's Planning Statement (paras 6.1.1-6.1.9) considers that "The Project as a whole represents a vital economic component for the sub-region of the Isle of Wight and Portsmouth... By securing and enhancing the link's future, pressure from demand on cross-Solent travel will be relieved and possible stagnation and even decline avoided... improvement of the Wightlink service will secure a more efficient, resilient and cost-effective strategic transport network across the sub-region, thereby supporting sub-regional and local business and leisure needs."

This issue is considered further in the conclusions and related (design) section.

Design

The proposal forms three integrated parts: (1) second tier deck (for cars only), (2) upper linkspan (boarding ramp) and (3) 3-storey facilities building.

(1) Second tier deck:

This upper deck is designed as a lightweight modular construction of steelwork and pre-cast decking finished in asphalt. The deck structure would be supported by columns (approximately 64.no, each on a foundation requiring 4 x 250kn piles). The design intentions for the north and south elevations are very different, one solid and the other open. The appearance/finish on the northern elevation would be formed as a 45m length of brickwork walling and beyond the wall an additional 40m length of parapet upstanding to both the second tier deck and to the access ramp, creating a barrier to prevent nuisance from headlights into neighbouring property. Modest but important additional information has been

submitted of the detailed appearance of the brickwork that is designed of columns and interspersing panels within which diamond patterns will be set made up of Fareham Reds/buff stocks/ projecting grey engineering bricks. Conversely, the southern elevation is designed to be 'open' in a series of vertical steel support columns wrapped in slender mesh sheaths for uplighting, to make a feature of their appearance during the hours of darkness. Balustrading to the perimeter of the second tier deck is designed as a lightweight bollard and wire railing topped by wooden handrail. The high tension wire provides crash protection on the cars only deck.

A series of opaque architectural fabric canopies on rigid angle supports would provide a covered way to the existing single-storey arrivals building connecting the second tier deck to free-standing support columns adjacent to the arrivals building. The design of these fabric canopies as triangular 'sails' would be not considered out of place at an commercial dock and positioned to ensure a minimum 5.4m clearance height.

(2) Upper linkspan:

The upper linkspan represents a metal ramp structure or 'drawbridge' (allowing for tidal changes in water level) of a functional appearance, located at the western end of the second tier deck. It would be positioned directly above the existing 'ground level' linkspan, to simultaneously load/unload the upper deck of vessels berthed at the terminal at the same time as the lower ferry deck.

Either side of the existing linkspan, at existing ground level, would be hydraulic power plant containment units. This pair of units would each measure 3m x 1.65m (up to 2m high). They would be constructed in steel profile cladding, to be colour finished in grey to match the adjacent linkspan. Whilst utilitarian in design, they are modest in scale, a type of metal structure not untypical of operational docks and viewed in the context of the linkspan they provide power to.

(3) 3-storey facilities building:

The footprint of the new facilities building is irregular in shape (trapezoidal), with the south-west side designed to run parallel to the quayside on a roughly triangular shaped application site. The building would measure 10.25m in height on the west side and 10.47m on the east, stepped back at second floor level to accommodate an external terrace (to café). The north and south elevations are similar, accommodating porthole windows and other glazing strips, with cladding in steel panels colour finished in part silver and part white above a blue plinth. The east side incorporates 'automatic' entrance doors to the building at ground/second tier deck levels and central glazed element to all three floors. Part of the third floor projects onto the upper tier deck, designed with an arched glazed roof feature to mark the 'upper level' building entrance.

These 3 integrated elements - second tier deck, upper linkspan and facilities building - cover a considerable proportion of the ferry terminal site and this built-form would fundamentally alter its largely 'open' appearance and character. A modest but vitally important design improvement has modified the scheme (following pre-application discussion) in relation to the siting of the second tier deck further away from the northern site boundary.

The views of the independent Design Review Panel are set out in the consultation section of this report. Whilst acknowledging the difficulties presented by the site, the Panel was disappointed by this scheme and expressed serious concerns of the absence of a strong cohesive idea or rationale behind the design approach. The deck was not considered to be conceived as a piece of 'architecture' but an engineering response that lacks elegance and a poor starting point from which to achieve a good solution. The facilities' building was not well integrated into the car park and was poorly designed. With little thought given to visitor experience or pedestrian/vehicular arrival, the Panel considered that the site deserves better, recommending that the proposal is not supported in its current form.

The concerns of the Panel are shared. Despite design modification to the siting of the second tier deck, its appearance remains crude and unrefined. The scale and height of the structure would make its lack of finesse appreciable at ground level from significant areas of public realm in the west, south and east of the conservation area(s). The south elevation would be fully exposed and particularly prominent in

views north across the Camber where its full length would be appreciable. In addition, the upper linkspan and facilities building elements would significantly alter the appearance of the site and conservation area when viewed from The Point.

The solution that has been adopted is clearly an 'engineering' rather than an architectural one whose appearance suggests a scheme driven by an overriding concern for economy, rather than a sympathetic conservation centric understanding for the heritage sensitivities of the area.

The built-form and appearance of the facilities building is very disappointing. Some minor improvement was achieved following pre-application discussion through the insertion of further openings in the unrelieved south elevation. Design inspiration for the western façade of the facilities building that faces to sea, as 'mimics the bow of a ship', lacks originality. The site presents an opportunity for a striking and innovative building of greater flair and imagination than has unfortunately been achieved. The bland and dispiriting design of the building is considered moderately harmful to the conservation area as a standalone structure. As matters stand the harm resulting from its design shortcomings and its physical connection to the deck mean that its harm must be considered in combination with the rest of the scheme.

It is clear also that the upper linkspan by virtue of its scale and height would be a very prominent feature of the site and within the conservation area. By its nature the structure would lack the presence of a more 'solid' masonry or clad building where the exposed underside was not present, nevertheless the gantry and road way would have a significant impact. Features of this type are indicative of the complex engineered structures in metal which are common to ports and harbours. In addition to numerous large scale examples in the city's commercial port, similar structures for smaller RoRo ferries already exist at Town Quay in Southampton and at East Cowes. In common with the facilities building, the impact of this structure on the appearance of the site and conservation area is considered to be moderately harmful.

The proposal would not result in the demolition or removal of any building which currently makes a positive contribution to the conservation area. The continued use of the area as an embarkation point that the scheme would facilitate is an appropriate use in a part of the conservation area that remains an operational dock, distinct and separate from the rest of Old Portsmouth, and broadly consistent with the areas historical use.

Considered on balance, and having regard to the arguments which have been advanced in support, the scale/massing, height and appearance of the scheme would harm the conservation area and the level of harm caused can reasonably be considered very significant but less than substantial.

Whilst the less than substantial harm and overall design of the three integrated elements (deck/upper linkspan/facilities building) are disappointing, the public benefits of a proposal in the context of the wider Project that are fundamentally economic would be considered to provide clear justification, in accordance with para 132 of the NPPF; securing continuity and an improved sustainable ferry operation to the Isle of Wight as the primary beneficiary reliant on cross-Solent services and the strategic transport network across the sub-region, thereby supporting sub-regional and local business and leisure needs, is considered to outweigh the less than substantial harm and dispiriting design. In addition, consolidating operations within the Gunwharf terminal site present local environmental benefit of minimising, as far as practicable, congestion on Gunwharf Road. However, the applicant's ES originally stated that "no heritage specific mitigation is considered necessary". In accordance with the recommendation of Historic England (having regard to advice at para 137 of the NPPF that applicants should look for opportunities to better reveal the significance of heritage assets) the applicants now offer some additional public benefit of the scheme to include interpretation of Portsmouth's maritime heritage, in relation to the adjacent 'Gunwharf' and 'Old Portsmouth' Conservation Areas and setting of an array of other heritage assets in the surrounding area, within the proposed "Customer Experience Building". A suitably worded condition is considered reasonable, relevant and necessary.

Traffic/transportation implications

The views of the Highways Engineer are set out in the consultations section of this report. Four ferries operate on the Portsmouth/Fishbourne route, at half hourly frequencies. During busy periods, services operate at 100% capacity. By introducing new and upgraded ships, Wightlink aim to increase efficiency and reliability through double-deck loading. The overall capacity of the route if taken from a fleet perspective increases by 99 vehicles (from 420 to 519). With two ferries per hour arriving/departing Portsmouth the maximum vessel capacity for a one hour period is 250 vehicles (ie 100 + 150 capacity ferry). With the proposed larger and upgraded ships, this would increase from 250 to 278 vehicles for a one hour period (ie 178 + 100 capacity ferry) since the larger vessels, St Clare and new G Class, will only leave Portsmouth on the hourly service. This represents additional vessel capacity of 28 vehicles (worse case) per hour.

The applicant's Transport Statement (TS) evaluates the traffic/transport effects of the additional capacity available on both the terminal site and highway network in the vicinity of the site based on the scheduling pattern of vessels and an hourly increase not exceeding 28 vehicles. The TS summary states "... the traffic associated with the modified ferry fleet can be suitably accommodated on the existing highway network and is not expected to result in any material increases in traffic movements."

FOOPA has presented detailed highways concerns that key points identify as failing to prove the development will not cause problems to the city's road network, at peak periods will result in local congestion and risk of gridlock and requires further traffic assessment of competing claims. A meeting has been held with FOOPA and the applicants/agents on 12 February 2016. At the meeting Wightlink agreed to provide further highways detail, which has been submitted; it includes supplementary modelling analysis, which concludes no significant difference to the results previously presented. The main change is observed at the Gunwharf Road junction which would be expected to experience a slight increase in queues, most noticeable in the Saturday scenario and identified as more in line with anecdotal evidence at this location. The agents conclude that the junction is predicted to continue to operate within capacity. In response, the Highways Authority consider the additional information confirms their previous view that the marginal increase in vehicle numbers which can be disembarked at once are unlikely to harm highway safety, and any knock on delays to traffic are minimal.

The Highways Authority concludes "The proposed changes to the Wightlink Terminal will have an overall positive impact on the public highway. The minor increase in traffic due to the increased size of the new vessels will have a minimal impact on the nearby junctions, which is acceptable. The larger positive impact of the proposal is the reduction in frequency for the need to use the Gunwharf Road car park, and close Gunwharf Road. The capacity increase of the terminal will result in the need for these emergency measures only to be brought into effect in extreme situations, such as bad weather when boats are unable to sail."

Impact on amenity

There are neighbouring residential properties in Gunwharf Quays at Arethusa House, Perseus Terrace, Lysander Court, Neptune Court and Old Infirmary House. On Armory Lane (Gunwharf Gate) to the east, separated from the application site by a pay-and-display car park and the existing carriageway (3 lanes) on Gunwharf Road, are other neighbouring dwellings. Part of 'Regency Court' fronting Gunwharf Road (with postal addresses in King Charles Street) also overlooks the application site.

The nearest neighbouring residents occupy Old Infirmary House. The orientation of this property is at an angle to the listed boundary wall and ferry terminal site beyond. The outlook of windows on the south-west elevation would face the second tier deck/ramped access across a typical separation distance of around 30m (22m at its closest point). A high boundary wall exists between Gunwharf Quays and the ferry terminal site. The boundary wall restricts views to the application site at ground floor level. However, the proposed second tier deck to an overall height of 8.7m would be viewed above the boundary wall. The solid masonry design and brick enclosure of the access ramp and deck on its northern side would inevitably change the outlook from upper floor windows of Old Infirmary House. As already identified, minor but important design modifications to the scheme (following pre-application discussion) included siting of the second tier deck further away from the northern site

boundary. The separation distance would, on balance, ensure that the impact of the second tier deck on the amenities of the nearest residential occupiers in Old Infirmary House, notably in terms of their outlook and strong sense of enclosure would not be so significant to justify withholding permission.

The second tier deck at 6.7m in height above ground level presents a more 'open' design on the southern and northern sides. The part of 'Regency Court' that fronts onto Gunwharf Road is the next nearest residential property to the proposed development after Old Infirmary House and the separation distance to the second tier deck would be 45m at its closest point. Again, the outlook from 'Regency Court' would change from its 'open' character and appearance of marshalling lanes by the addition of a second tier of decked parking. However, the impact of the second tier deck on the amenities of the nearest residential occupiers in 'Regency Court' would not be so significant to justify withholding permission.

Impact on amenity (noise/vibration)

The sources of noise and vibration are expected to arise from works primarily related to piling, drilling and traffic during construction and traffic during operation.

The ES predicts the impact of noise to range from negligible to minor adverse significance throughout a construction period of medium-term duration, scheduled for a 7-month period. During operation, noise predictions indicate there will be an increase in road traffic noise of equivalent to a minor adverse effect at Arethusa House only. This would be due to the receptor being directly affected by road traffic on the ramp approaching the ferry. The effect of the noise increase is not considered significant and partially mitigated by the parapet along the linkspan, which interrupts the line of sound between road traffic noise sources (engines and tyres) and the receptor. All other Gunwharf receptors are predicted to experience a reduction in road traffic noise. This is due to the screening effect of the deck structure with less noise being radiated upwards from the ground level marshalling area. Loading and unloading simultaneously on upper/lower decks provides benefit of reducing the time periods nearby receptors are exposed to road traffic.

The views of Environmental Health are set out in the consultations section of the report. In addition to the evidence and predictions presented by the applicant's ES, Environmental Health undertook a survey of current noise levels and modelled the future operational noise. Potential impacts are covered in two phases of development - (1) demolition and construction; and (2) operational phase. For demolition/construction, a threshold of 75dB LAeqT is recommended and held to be an appropriate noise level (to be controlled by planning condition). For the operational phase, the results of the survey and prediction exercise undertaken by Environmental Health were generally in agreement with those of the applicant's consultant inasmuch that the development should result in no noticeable change on operational noise levels due to traffic movements within the terminal. Other conditions are recommended to control noise from plant and equipment.

Impact on amenity (air quality/light pollution)

Following clarification of some technical points, Environmental Health is satisfied with the assessment and conclusion that the proposal will not cause a significant effect on local air quality.

The applicant's comment that by simple comparison pre- and post-development, most of the contributing illuminance is minimal when assessed both against existing light levels and recommendations on acceptable levels. The only exceptions occur at Old Infirmary House where existing levels are much lower than those projected from the simplified model. Old Infirmary House benefits from the existing light set being inclined away from the residence so the existing levels at circa 1 lux are low. The lighting model for proposed lighting utilises a horizontal light set to minimise light-spill towards the Camber and as a consequence the levels in the environs of Old Infirmary House will theoretically be increased. To mitigate this impact and achieve light levels comparable with those existing, shielding is proposed to be installed in specified locations including on the Old Infirmary House

side of this lightset. Environmental Health advises that updated information, concerning the light impact from the proposed lighting, to be acceptable with mitigation where appropriate.

Nature conservation

Inner sections of Portsmouth Harbour are internationally designated for their high nature conservation value as a Special Protection Area (SPA)/Ramsar site as well as nationally designated as a Site of Special Scientific Interest (SSSI). However, given the separation distances of 650m+, no statutory ecological designations affect the Gunwharf ferry terminal site and no infrastructure below the Mean High Water Springs line is required to the berth at Portsmouth.

Natural England raises no objection and advise that the proposal is not likely to have a significant effect on the interest features for which Portsmouth Harbour SPA has been classified and will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. The council's ecologist raises no concerns that this development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

Notwithstanding the above, the proposal must be determined in the context of the wider Project. Another planning permission needs to be obtained. A separate application has been submitted to the Isle of Wight simultaneously. To assess whether the Project has any significant effect on the integrity of European marine sites, as defined by the Habitats Directive, Appropriate Assessment is being undertaken by the relevant 'competent authorities'. In addition, the tidal frontage of the Portsmouth application site is classed as a sea defence structure and works located within 15m will require Flood Defence Consent from the Environment Agency. The MMO has agreed to lead on the HRA process; it has prepared a project plan and compiled consultation responses (in relation to the HRA). An additional marine environmental impacts report seeks to clarify some limited residual issues raised by regulators/other consultees for the development at Fishbourne.

Subject to its final assessment and relevant mitigation of impacts resulting from the construction and operation of the site, the AA will likely conclude this plan or project will not have an adverse impact on the integrity of the European marine sites.

Sustainable design and construction/site contamination

The submitted desk study report has been reviewed by the Contaminated Land Team that concludes that a site investigation, including assessment of soil, groundwater and soil bulk gases is required; relevant conditions are therefore requested for contamination/remediation.

The applicant has prepared a BREEAM Pre-assessment Report that would achieve an 'Excellent' standard for water, energy and materials but an overall score of 65%, which equates to a rating of 'Very good'. Policy PCS15 seeks all non-domestic development with a net increase in floorspace of more than 500sqm to achieve 'Excellent' (with Low or Zero Carbon energy technologies to reduce total emissions by 10% as part of the selection of measures to meet the overall BREEAM level). The Sustainable Design & Construction SPD is not entirely consistent by referring to Non-residential developments which involve the construction of more than 500sqm of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards.

However, the application makes a commitment to sustainable design and construction and the feasibility of achieving an overall score of 65% ('Very good') but 'Excellent' standard for water, energy and materials is considered to be justified.

Conclusion

This application is considered to provide public benefits summarised as consolidating operational infrastructure within the ferry terminal site, improve reliability of a key transport route for visitors/commuters, allow for growth to the tourism and business sectors and the employment base they support, and an opportunity to better reveal the significance through interpretation of Portsmouth's

maritime heritage within the facilities ('Customer Experience') building. The proposal would contribute to the city's wider sustainable economic growth and regeneration.

It is considered that the likely environmental impacts of the Project have been adequately assessed in the submitted ES, and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable and overall the scheme would not cause significant harm or have any significant adverse environmental impacts.

During the phased construction period local residents would inevitably experience some noise and disturbance, with inconvenience and disruption to the local highway network, due to the site needing to maintain ferry operations and limitations of the site and access points through a statutorily 'listed' boundary wall. Furthermore, having regard to the impact and significance of the proposal on heritage assets ('less than substantial' harm) and its disappointing design, it is considered that these impacts are outweighed by the public benefits that the final completed scheme would provide to this important Fishbourne-Portsmouth ferry route that has long been the most popular choice for passengers crossing the Solent. In addition, it is considered that the completed development would, on balance, diminish any significant impact on the amenities of the residential occupiers (the nearest in Old Infirmary House) to an acceptable degree and would not result in any significant effects on the local highway network.

In light of the above, this application is considered acceptable.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Permission** subject to the conditions and recommendations II and III set out below;

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

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

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

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

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

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:

Site Location Plan - 47074020.SLP;
 Proposed Elevations - 15.2098.114_RevP8;
 Proposed Site Plan Lower Level - 15.2098.115_RevP4;
 Proposed Site Plan Upper Level - 15.2098.118_RevP5;
 Proposed column treatment Central columns - 15.2098.117_RevP2;
 Proposed column treatment - 15.2098.119_RevP4;
 Brickwork detailing to North Elevation Sheet 1 - 15.2098.119_RevP2;
 Brickwork detailing to North Elevation Sheet 2 - 15.2098.120_RevP2;
 Brickwork detailing to North Elevation Sheet 3 - 15.2098.121_RevP1;
 Canopy details - 15.2098.122_RevP3;
 AVN Hydraulik Power Containment Unit Enclosure Plan - 2016-4172;
 Lower Level Lighting Layout Plan - 000032410301_RevP2;
 Upper Level Lighting Layout Plan - 000032410302_RevP2;
 Lighting Quality Figures - 000032410303_RevP2;
 Proposed Ground Floor Plan Customer Experience Building - 15.2098.101_RevP2;
 Proposed First Floor Plan Customer Experience Building - 15.2098.102_RevP1;
 Proposed Second Floor Plan Customer Experience Building - 15.2098.103_RevP4;
 Proposed Roof Plan Customer Experience Building - 15.2098.104_RevP1;
 Proposed Northern Elevation Customer Experience Building - 15.2098.105_RevP3;
 Proposed Eastern Elevation Customer Experience Building - 15.2098.106_RevP4;
 Proposed Southern Elevation Customer Experience Building - 15.2098.107_RevP3;
 Proposed Sections Customer Experience Building - 15.2098.109_RevP2;
 Proposed Sections Customer Experience Building - 15.2098.110_RevP1;

3) No construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

- a) 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 Local Planning Authority,
- b) 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 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)b that any remediation scheme required and approved under the provisions of conditions (3)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme
- b) photographs of the remediation works in progress
- c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)b.

5) No construction shall take place above ground level (excluding demolition) until a detailed schedule of all external materials and hardsurface treatments (including the types/textures, colour finishes and samples/panels as may be necessary) shall have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved details and thereafter retained in such condition.

6) No construction shall take place until details shall have been submitted to and approved in writing by the Local Planning Authority of the proposed:

- (a) means of foul and surface water sewerage disposal; and,
- (b) measures to be undertaken to protect existing public sewer infrastructure (known to be running across the site, in the vicinity of the proposed site compound) and its location/trajectory on site is determined and marked out.

The development shall be brought into use until the drainage works have been carried out in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

7) Unless it can be demonstrated and agreed in writing by the local planning authority that archaeological recording is not appropriate to the proposed works, no construction shall take place until details of the implementation of a programme of archaeological assessment is secured in accordance with a Written Scheme of Investigation that shall have been submitted to and approved in writing by the local planning authority. Before the development is first brought into use a report of findings prepared in accordance with an approved programme of archaeological assessment (including where appropriate post-excavation assessment, specialist analysis and reports, and publication) shall have been submitted to and approved in writing by the local planning authority.

8) No cooking processes other than the preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device shall be undertaken at the proposed café within part of the facilities ('Customer Experience') building hereby permitted (unless a suitable kitchen extract ventilation system shall have been installed and operated to suppress cooking fumes and odours).

9) Prior to the commencement of any other cooking operation than those described in condition 6 (as limited to preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device) a kitchen extraction system shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation of the kitchen extraction system, details of the proposed equipment shall be submitted to and approved in writing by the local planning authority; and such approved equipment shall thereafter be operated for as long as the café within part of the facilities ('Customer Experience') building continues.

10) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA), produced as part of the Environmental Statement (15.5.32-15.5.33) and the following mitigation measures detailed within the FRA to the ground floor of the facilities ('Customer Experience') building:

- o Finished floor levels are set no lower than 3.7m above Ordnance Datum (AOD); and
- o Flood resilient design techniques to minimise damage and allow rapid re-occupancy in accordance with measures that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.

The approved flood risk mitigation measures shall be fully implemented before the facilities ('Customer Experience') building is first brought into use.

11) Any piling to the development hereby permitted shall be undertaken by Continuous Flight Auger (with cement fill and that piling is only on land above the highest astronomical tide); at no time shall any other method of piling be carried out unless otherwise in accordance with such alternative detailed scheme as may be submitted to and approved in writing by the local planning authority.

12) Details of measures within the proposed facilities ('Customer Experience') building for interpretation of Portsmouth's maritime heritage, in relation to the designated heritage assets within the adjacent Gunwharf site and the surrounding area, shall be submitted to and approved in writing by the local planning authority; and the approved interpretation measures shall be carried out in full before the facilities building is first brought into use and shall thereafter be retained (unless otherwise agreed in writing by the local planning authority).

13) Noise from the construction and demolition phase of the development shall not exceed 75 dB LAeq,1 hour as measured at the site boundary. Construction and demolition work shall be restricted between the hours of 07:30 and 19:00 Monday to Friday and the hours of 08:00 and 13:00 on Saturdays. No demolition or construction work involving plant or hand-tools shall take place on Sundays or Bank Holidays. A scheme to monitor noise from demolition and construction shall be submitted to the planning authority for approval prior to the start of demolition or construction.

14) Prior to the installation of any proposed plant and equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant/equipment shall be implemented and thereafter be retained.

15) Before the development is first brought into use external lighting details shall be submitted to and approved in writing by the local planning authority, such details to include: specification of fixtures, lamps, a lighting contour plan, vertical illuminance levels at residential premises adjacent to the proposal site and any proposed mitigation. The approved details shall be implemented and thereafter retained in full unless otherwise agreed in writing with the local planning authority.

16) Before the proposed facilities ('Customer Experience') building is first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum score of 65% in the Building Research Establishment's Environmental Assessment Method (BREEAM). This shall include achieving a minimum of 70% (= BREEAM Excellent) of the available credits within the categories of Energy, Water and Materials, including at least seven credits in issue ENE 01, two credits in Ene 04 and three credits in issue Wat 01. This will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate from BRE Global. The assessment and certificate must be submitted to the local planning authority for its approval, unless otherwise agreed in writing by the local planning authority.

17) The development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan (prepared by Trant, dated March 2016) and shall continue for as long as construction/demolition is taking place at the site, unless otherwise agreed in writing by the local planning authority.

18) Details of measures across the access/egress site 'entrances' in the form of surface treatments and markings to direct users of all modes approaching the site and leaving the ferry terminal site of pedestrian and cycle movements shall be submitted to and approved in writing by the local planning authority; and the approved measures shall be carried out in full before the proposed upper linkspan is first brought into use and shall thereafter be retained (unless otherwise agreed in writing by the local planning authority).

19) No development shall take place until details of a Site Operational Management Plan (to cover the operation of the site once the works are completed) shall have been submitted to and approved in writing by the local planning authority to include the following key requirements of this plan:

- Any signage and markings on the access way needed to direct users of all modes approaching the site to understand where they need to report, and informing them of pedestrian and cycle movements at the access.
- Management of traffic on site whereby vehicles exiting and arriving do not impact on the free flow of the other.
- Vehicles exiting the site need to be informed of cycles and pedestrians crossing at the exit of the site.
- Understanding how exceptional circumstances will be handled and communicated.
- Identify a foot passenger drop off/collection area

The development shall be carried out in accordance with the approved Site Operational Management Plan (site operations), unless otherwise agreed in writing by the local planning authority.

20) Notwithstanding the brickwork detailing to the Northern Elevation walls shown on drawings Sheet 1 - 15.2098.119_RevP2, Sheet 2 - 15.2098.120_RevP2 & Sheet 3 - 15.2098.121_RevP1, the proposed use of (a) Flemish bond and (b) semi-recessed pointing of mortar courses (by letter dated 17 March 2016, AECOM) shall be carried out as an integral part of the finished treatment of the walls of the Northern Elevation shown on proposed elevation drawing 15.2098.114_RevP9.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To secure a high quality appearance and setting for the development, to preserve or enhance the character and appearance of both 'Old Portsmouth' and 'Gunwharf ' Conservation Areas and to preserve the setting of an array of other nearby designated heritage assets, in accordance with policy PCS23 of the Portsmouth Plan and ensure great weight is given to conservation of heritage assets in accordance with the aims and objectives of the NPPF.
- 6) 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.
- 7) In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential of the site, to reveal exploitation of the harbour during the prehistoric and Roman periods and the medieval/post medieval story of the site, to mitigate the effect of the works on any heritage assets and ensure information is preserved by record for any future generations, in accordance with policy PCS23 and the aims and objectives of the NPPF.
- 8) To protect the amenities of the occupiers of the nearest properties, in accordance with policy PCS23 of the Portsmouth Plan, in the absence of a suitable extract ventilation to deal with the dispersal of cooking fumes and odours.
- 9) To protect the amenities of the occupiers of nearby properties from excessive nuisance from cooking fumes and odours, in accordance with policy PCS23 of the Portsmouth Plan.
- 10) To reduce the risk of flooding to the proposed development and minimise disruption and inconvenience to cross-Solent travel, in accordance with policy PCS12 of the Portsmouth Plan.
- 11) To protect biodiversity by ensuring the method of piling poses no threat to fish, in the interests of nature conservation, to accord with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12) To ensure proposed public heritage benefits make a positive contribution to outweighing the 'less than substantial' harm of this new development in 'Old Portsmouth' & 'Gunwharf' Conservation Areas

and within the setting of other designated heritage assets to enhance or better reveal their significance, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF (para's 134 & 137, in particular).

13) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

14) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

15) To encourage good design that minimises as far as practicable the impact of light pollution from artificial light on local amenity, having regard to ferry terminal operations during the hours of darkness and vehicle headlights in elevated location, in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

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

17) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

18) In the interests of the safety and convenience of all highway users and the impact of prolonging the period of platooning vehicles exiting the ferry terminal site on more vulnerable users, to accord with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

19) In the interests of the safety and convenience of all highway users and the impact of prolonging the period of platooning vehicles exiting the ferry terminal site on more vulnerable users, to accord with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

20) To secure a high quality appearance and setting for the development, to preserve or enhance the character and appearance of both 'Old Portsmouth' and 'Gunwharf ' Conservation Areas and to preserve the setting of an array of other nearby designated heritage assets, in accordance with policy PCS23 of the Portsmouth Plan and ensure great weight is given to conservation of heritage assets in accordance with the aims and objectives of the NPPF.

PRO-ACTIVITY STATEMENT

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

KING RICHARD SCHOOL ALLAWAY AVENUE PORTSMOUTH PO6 4QP

CONSTRUCTION OF REPLACEMENT THREE-STOREY SCHOOL BUILDING (PLUS LOWER GROUND FLOOR) OF 7868SQM GROSS FLOORSPACE FOR 1000 SECONDARY PLACES (FOR EDUCATION PURPOSES IN CLASS D1), INCLUDING THE LAYING OUT OF RECONFIGURED PLAYING FIELD SPACE (FOLLOWING DEMOLITION OF EXISTING SCHOOL BUILDINGS) TOGETHER WITH ASSOCIATED LANDSCAPE, ACCESS AND ANCILLARY WORKS

Application Submitted By:

Terence O'Rourke Limited

On behalf of:

The Secretary Of State For Education (Education Funding Agency)

RDD: 23rd November 2015**LDD:** 23rd February 2016**SUMMARY OF MAIN ISSUES**

The principal issue is whether the proposed replacement school would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (including any implications for school playing fields), design and impact on heritage assets, traffic/transportation implications, impact on amenity and nature conservation/trees.

The site

The existing school site, including its playing fields, covers nearly 8ha. Established in 1952 as Paulsgrove Secondary Modern School, but renamed King Richard in 1975, the existing school building is formed of one expansive building with interlinked wings orientated on an east-west axis. Ground level falls significantly north-to-south by 10m or so across the whole site. The school building is predominantly single-storey (with the exception being a central feature element forming a higher entrance and main hall behind) in a combination of flat and pitched roofs, occupying over one half of the site with the balance of areas being made up of both formal and informal hard and soft play spaces and playing fields. It has an existing total floorspace of 9,785sqm (gross external area - GEA) capable of accommodating up to 1,080 pupils. The new school would have a broadly similar capacity to accommodate up to 1,000 pupils but representing an increase the number of pupils at the school from a present roll of approximately 785 by approximately 215 pupils. There is a separate pre-school building in the north-west corner of the application site.

Hard play areas are located to the south of the school and whilst the majority of playing field space is to the east there is also some located to the west. There is established tree planting around the school site but more particularly along the southern boundary immediately adjacent to a railway line. The site is accessed from and bounded by Allaway Avenue/Jubilee Avenue to the north whilst to the west is a cul-de-sac, Connaught Lane, which is a road suitable for vehicular traffic up to the existing railway bridge but provides pedestrian/cycle only access to Sedgfield Close and Southampton Road beyond. There is also an access point onto the school site from Connaught Lane. There are 68 existing car parking spaces on site.

The surrounding area is predominantly residential in character and mainly comprises of two-storey dwellings with a variety of property styles fronting Allaway Avenue/Jubilee Avenue to the north and rear gardens backing onto the railway line to the south, largely screened by existing trees that align both sides of the tracks.

It is within an archaeological restraint area where later prehistoric and Roman finds have been recorded locally and there is also potential for Palaeolithic finds from the gravel deposits which exist along this part of the coast. The site is located 175m from Portsmouth Harbour that is internationally designated for its high nature conservation value as a Special Protection Area (SPA) (designated under the Birds Directive (79/409/EEC)) and Ramsar site as well as nationally designated as a Site of Special Scientific Interest (SSSI). It is also 600m from another (Portsdown Hill) SSSI. There are Scheduled Ancient Monuments at Fort Southwick (850m, to the north) and Portchester Castle (1km, to the south). On the north side of Jubilee Avenue at No33 (now flats but formerly 'Old House at Home' PH) is a Grade II Listed Building.

Proposal

A replacement 1000-place secondary school is proposed. Predominantly three-storey in scale, it would be constructed immediately adjacent and east of the current school building with a floorspace of 7,868sqm (GEA). Representing a net decrease of floorspace of just under 2000sqm, the design of the replacement school would be more efficiently accommodated on a markedly smaller footprint. The phased development would follow a sequence of:

- o construct new school (while the existing school building is still in educational use),
- o once constructed, demolition of existing school building and Little Bounders Pre-school (to be relocated), and
- o laying out of reconfigured playing fields (after demolition).

A vehicular access onto Allaway Avenue would be altered/widened by one metre; another existing access/egress arrangement, at the current main school entrance, is to be retained as a drop-off area.

A three-storey scale on the street frontage is designed to link to a lower ground floor at the rear of the proposed school accommodating community and student sports entrances so that the building can perform an important 'out-of-hours' function and provide direct external access to the level of the adjacent playing fields. This lower ground floor level of the school comprises all of the sports facilities including a 4 court sport hall, large activity studio, fitness suite, changing facilities and the building services plant rooms. Additional submitted details of the layout of the sports hall and changing facilities have been forwarded to Sport England for consideration.

The application identifies one of the most obvious benefits to the value of the project is creation of a building capable of being built whilst the existing school facilities remain fully occupied and then decant into it. Consequently, inconvenience and expense of temporary accommodation can be avoided and disruption to existing school activities can be minimised as far as practicable during the construction period. This factor has driven the proposed location of the new building.

Relevant planning history

09/00068/OUT - An outline application for construction of new school building up to three storeys high and demolition of existing school building (principle of access to be considered) was granted in June 2009 (since expired).

09/00081/FUL - A planning application for construction of a single-storey building to form a new primary school (Amended Scheme) was permitted in March 2008 on land immediately to the east, on former public open space, and is now occupied by 'The Victory Primary School'.

POLICY CONTEXT

The relevant policies within The Portsmouth Plan (2012) and Supplementary Planning Document (SPD) are:

PCS13	Trees
PCS15	Sustainable Design and Construction
PCS16	Infrastructure and Community Benefit
PCS17	Transport
PCS23	Design and Conservation

Saved Policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

Parking Standards and Transport Assessments SPD 2014

Sustainable Design and Construction SPD

Achieving Employment and Skills Plans SPD

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 (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 113). The following paragraphs within the NPPF are relevant to the proposal:

17	Core planning principles for decision making
32	Transport Statements and Assessments
35	Development designed for sustainable transport
36	Travel Plans
56	Good design is indivisible from good planning
57	Requires high quality and inclusive design in the built environment
61	Decisions should address connections between people and places
62	Encouraged to regard design review panels and their comments
72	Be proactive and give weight to the need to create, expand or alter schools
74	Existing open space should not be built on unless criteria are met
96	New development should minimise energy consumption
118	Principles should be applied to conserve and enhance biodiversity
123	Avoid nuisance from noise or other significant adverse impacts on quality of life
190	Pre-application early engagement
197	Presumption in favour of sustainable development
204	Planning obligations and conditions used to make development acceptable

CONSULTATIONS

Coastal And Drainage

The drainage element of this application has been well considered and the Drainage Team has nothing further to comment.

Archaeology Advisor

This site has some archaeological potential. Roman and later prehistoric finds have been recorded in the area and there is also potential for Palaeolithic finds from the gravel deposits which exist along this part of the coast. This potential also appears to have been highlighted by the Desk-Based Assessment (DBA) that was carried out on the site by Wessex Archaeology back in 2010 (not attached to the documents with the application on your website). What was also needed to be established was the extent to which the site of the new school buildings had been disturbed by previous development. Obviously the area within the footprint of the existing buildings would have been severely truncated and archaeological survival would be minimal, but if the current areas of open ground had not been disturbed, then there was every chance of as yet unrecorded archaeological features surviving here.

Attention is drawn to the supporting Archaeological Review of GI works that concludes that the bund at the western end of the playing fields is likely to be constructed from soil heaped up during earlier periods of levelling within the site, but that the area immediately to the east of the bund appears to have survived truncation, while a buried topsoil survives below the bund itself. In light of these conclusions and considering the archaeological potential of the site, it is concluded that archaeology remains a material consideration in this application.

Therefore, while there is no indication that archaeology presents an overriding concern it is advised that the assessment, recording and reporting of any archaeological deposits affected by the construction of the new school buildings be secured through imposition of suitable conditions to any planning permission.

Update: Two Written Schemes of Investigation (WSIs) and the archaeological evaluation report for work undertaken at King Richard School have subsequently been submitted. All of these documents are commended to you and no archaeological objection is now raised (ie planning conditions are no longer necessary).

The Portsmouth Society

A school is a place of learning and discovery and it is important that the building is something more than just a collection of classrooms. We feel that the proposed new building is best described as "functional" and lacks any architectural merit. It's simply is a square box with a flat roof. In redeveloping King Richard School the city has a once-on-a-lifetime opportunity to provide a place of learning with a wow-factor. This opportunity should not be missed.

We are also disappointed at the Energy Statement which systematically dismisses anything other than CHP for heating and incidental generation of electricity. The proposed building has 500 square metres of unshaded flat roof with a southerly aspect. It is inconceivable post the Paris Climate Change agreement that this area is not planned to accommodate photo-voltaic panels which would provide significant amounts of electrical power throughout the year. A very rough estimate shows that a system could generate 27,000 kWh and a save of 12,772 kg of carbon dioxide emissions per annum. One of the stated reasons for not installing solar panels is that they would require occasional cleaning. Good quality solar panels are self-cleaning and, even if cleaning is required, this is a simple task. Compare this with the cost of boiler maintenance, something which cannot be avoided.

Contaminated Land Team

Given the sensitive end use suitable conditions are requested for site investigation/remediation and its subsequent implementation/verification.

The applicant has submitted the following historical reports on ground condition with the application and proposed a scope of SI:

- o Geo Environmental Desk Study (Jacobs, October 2014)
- o Ground Investigation factual report (GIP, December 2014)
- o Ground Investigation interpretive report (Jacobs, December 2014)

The applicant's environmental consultant has been investigating the western land first so that the new building with associated landscaping can be built. Once the school building is occupied, the current school building on the eastern area will be demolished. The consultant then will investigate the land and building footprint with a view to using the land for amenity grassland. The conditions requested reflect this two stage approach.

The desk study and conceptual model used to inform the sampling strategy should be updated to include knowledge of older reports on the site including the Desk Study and Geo-Environmental Interpretative Reports (Atkins April and June 2009), and Factual Report by Geotechnics Limited (May 2009).

Design Review Panel

The panel were disappointed by this scheme. They considered it to be a stark and very basic response to such a valuable piece of greenspace.

It was noted that the current school nestles into this sloping site. This design appears to have just 'landed'. The building's compactness making it appear big and bulky. It was suggested that it was a 'dumbed down' design driven by the lowest capital cost, and was without any obvious sustainability credentials. The panel also considered the site layout odd, its organisation and the positioning of the school could have been better arranged to accommodate out of hours uses. Overall the scheme was considered to lack inspiration. It was suggested that its design should focus on the endgame more. Recommendation: Not supported in its current form.

Environmental Health

This consultation is with regard to the potential impact as a result of odour, noise, dust or air pollution from the development. The location is already the site of King Richard School although the centre of the school's footprint will be some 200m to the east of the existing school centre. The use of a school is obviously well established at this location.

In determining whether there may be an impact on air quality, the Transport Statement has been referred to. Table 3-3 predicts that there will actually be a net decrease in trip generation as a result of the development. It seems that this is based on a decrease in students attending the school. This requires clarification and reassessment as necessary.

No details of plant or equipment have been included in the application. A negative impact on the amenity of neighbouring uses may arise if noise or odour (kitchen extraction systems) from the proposal is not adequately controlled. No information concerning the existing noise environment has been supplied. Should you be minded to grant permission, the following condition is recommended:

Prior to the installation of any plant and/or equipment, an assessment of noise from the operation of the plant and/or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval, all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant and/or equipment shall be implemented.

and...

Prior to the commencement of the kitchen use, equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation, details of the proposed equipment shall be submitted to the local planning authority for approval. Approved equipment shall then be installed and maintained in accordance with the manufacturer's recommendations.

Since internal noise levels and the conditions within classrooms are governed by building control regulations and BB93 Acoustic Design of Schools - Performance Standards, further comment are made on this aspect.

Natural England

Natural England is a non-departmental public body; our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats and Species Regulations 2010 (as amended)

The Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Portsmouth Harbour Special Protection Area (SPA) which is a European site. The site is also listed as Portsmouth Harbour Ramsar site¹ and also notified at a national level as Portsmouth Harbour Site of Special Scientific Interest (SSSI) - please see the subsequent sections for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site

should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Portsmouth Harbour SPA/Ramsar Site: Objection/Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA). In advising your authority on the requirements relating to HRA, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake an HRA:

Natural England is concerned about the impacts resulting from the loss (both temporary during construction, and permanent) of functionally-linked land of the aforementioned SPA. From the information that we have available, the development site lies less within an uncertain high tide roost site ("P49) for brent geese, as classified by the Solent Brent Goose and Waders Strategy.

This functionally linked land or supporting habitat, as it is known, should be assessed under the Habitats Regulations for likely significant effects with regards to the site's deterioration of extent, quality or function. Although the site is listed as "uncertain", it does not mean the qualifying features of the SPA are not utilising it, it merely means that insufficient surveys have been carried out to determine its importance as functionally linked land. We are aware of records from the SBGWS (2010) that 60 brent geese have been surveyed using this site, P49. As the development proposal will involve the loss in extent of P49, and also potential increases in the level of disturbance events, further wintering bird surveys are required to understand the importance of the site as functionally linked land.

We therefore advise that to inform an HRA:

1. A data request for brent geese and wader records using P49 should be carried out. Hampshire Biological Information Centre (HBIC) can provide you with this data.
2. Additional wintering bird surveys are carried out. For 3 winters: at least 5 survey visits (evenly spread) per year between November and February, or ideally 2 visits per month. The timing of the visits should be during the high-tide period. The records from HBIC may be able to supplement your data, discounting some of the requirement for an additional 3 winter's worth of surveys. Further liaison with Natural England is required to ascertain if any winter surveys can be discounted, once the HBIC dataset has been collated.
3. An assessment of P49, current and future levels of disturbance and habitat management.
4. Once the above has been carried out, if necessary, avoidance and mitigation measures should be considered to avoid a likely significant effect on the SPA.

SSSI - Objection due to lack of information

Our concerns regarding the potential impacts upon the Portsmouth Harbour SSSI coincide with our concerns regarding the potential impacts upon the Portsmouth Harbour SPA, and are detailed above.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Updated comments:

Portsmouth Harbour SPA/Ramsar Site: No objection

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, NE concurs with this view.

Portsmouth Harbour SSSI: No objection - no conditions requested

This application is in close proximity to Portsmouth Harbour Site of Special Scientific Interest (SSSI). NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Southern Electric

No comments received.

Southern Water

No comments received.

Arboricultural Officer

A site visit was undertaken on 22 December 2015. The weather conditions were warm, overcast with occasional light rain and drizzle. The content of the Tree Constraints Plan dated 4 November 2014 produced by Evolve Tree Consultancy is accepted and agreed. Of the 34 trees identified for removal to facilitate demolition and subsequent landscaping two are categorised as B1: Trees that might be included in category A, but are downgraded because of impaired condition (eg presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.

The remaining 32 trees are categorised as C1: Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.

or C2: Trees with no material conservation or other cultural value.

Mainly located within courtyards or adjacent to the school buildings these are of minimal visual impact and amenity value outside the school itself.

Unlikely to survive the demolition and remediation of the original school site, none of the trees are considered worthy of retention to the detriment of the proposed development however mitigation of the losses in full is desirable as identified by PCS13:

PCS13 states:

The city council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways:

Protect green infrastructure by;

- o Ensuring that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated. f

- o Ensuring that development is informed and influenced by the presence of trees on site, particularly those protected by a TPO or within a conservation area. If the removal of any tree is unavoidable because it would be in best arboricultural practice a replacement tree of at least equal value to that lost should be planted on site unless it is shown to be impractical to do so.

The landscaping proposal allows sufficient open space to support full mitigation planting. The proposed landscaping scheme includes in mitigation planting use of *Prunus* a host species to *Euproctis chrysorrhoea* the Brown Tail Moth, a species the council has eradicated from its land. The caterpillars emerge in spring and begin to eat the buds and leaves of many species of tree and shrub, in severe cases causing total defoliation before they move to other plants to continue feeding. Generally, most plants will re-flush by July and not be totally lost. The caterpillars carry up to two million spiked and barbed hairs, which can penetrate skin, causing a rash together with irritation similar to a severe nettle rash. For asthmatics and hay fever sufferers, it is important that the hairs are not inhaled as these may cause severe breathing difficulties.

Recommendations:

1. The application be granted subject to mitigation planting of trees being undertaken as full replacement of those removed as a minimum.

Replacement trees are to be of the nursery category "Heavy Standard".

2. Consideration be given to the use of ornamental or native species less likely to host Brown Tail Moth.

Sport England

In summary, Sport England raises no objection to this application as it is considered to broadly meet exception E4 of Sport England's adopted Playing Fields Policy. Sport England raises no objection subject to conditions relating to the delivery of new playing field, the construction of fit for purpose pitches, the security of community use and the delivery of a fit for purpose sports hall with changing accommodation.

Sport England -Statutory Role and Policy

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

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

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

The Proposal and Impact on Playing Field

Sport England provided the following pre-application advice on this proposal after receiving amended plans in August 2015 which increased the level of new provision including the rugby pitch.

Sport England is aware of the need for the rugby pitch and would request that it is made available to the community outside school hours. This proposal is likely to be considered as an exception to Sport England's policy in particular E4 subject to the replacement playing field being of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

In order to demonstrate this, any future application needs to show on a plan the square metres of playing field currently provided at the school with pitch markings and another depicting the square metres of playing field provided as a result of the proposal (36,934 m sq). The planning application must also provide detail on the quality of the new pitch ie. Drainage, grading etc. New playing field should be constructed in accordance with Sport England's Guidance for Natural Turf <http://www.sportengland.org/media/30865/Natural-turf-for-sport.pdf>.

With regards the design of the Sports Hall to accommodate community use, please see Sport England guidance on designing the right hall, making it affordable and choosing the right layout. <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls/>.

The recommended minimum size for a multi-sports hall is nominally 34.5m x 20m x 7.5m. This allows

for an increased range of sports at various levels of policy. It provides additional space for teaching school PE and coaching particularly when the hall is sub-divided into two sections. Sport England will consider the information and rationale for the proposed sports hall when the application is submitted.

This application does not include any plans which calculate the amount of playing field lost or provided, however aerial images confirm the existing playing field to the east of the school has previously provided two full size football pitches, a mini soccer pitch and a long jump facility. The area of playing field in the south west corner of the site has previously provided two rounder's pitches. In total the existing site contains 3.7 hectares of playing field.

The proposed development seeks consent for a new school to be constructed, part of which would result in the loss of some of the existing playing field on the eastern part of the site. The proposal would result in the eastern playing field being reduced and marked out with x1 U13/U14 football pitch, x1 U15/U16 football pitch. The proposal includes an additional five a side pitch and training pitch to the south of the school buildings. The proposal would also create an area of new playing field to the west of the school which would be marked out with an adult rugby pitch in winter and a 400m running track in the summer. The existing 5 a side football pitch and x4 tennis courts would be retained to the south west of the school.

The application's design and planning statement advises that the part of the eastern playing field intended to provide two youth pitches would be retained throughout the construction of the school. The new playing field to the west of the school would be created following the demolition of the existing school but no exact timings are given.

The proposal also includes the creation of a new 4 court sports hall, activity studio, a fitness suite and changing facilities however the floor plans do not detail the built sports facilities.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and the provision of replacement playing fields. It therefore needs to be considered against exception E4 of the above policy, which states:

E4 The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

Sport England consulted the National Governing Bodies for sport and received the following comments: Rugby Football Union: The closest clubs both have their own facilities so club use of the pitch by clubs may be limited however the creation of a pitch would raise profile for the sport in and around the city and will increase the play of school rugby. The RFU would be keen to be involved in the community use agreement and proposed scale of charges for the pitch.

Football Association: The FA has no objection to the proposal as it does not result in the loss of existing pitches, however this is only on the basis that the new pitches would comply with FA Pitch and Goal post size guidance and would be made available to the community. The FA strongly recommends that the School employ a suitably qualified pitch consultant in the design and construction of the pitches. The FA advises the school to contact the Institute of Groundsman which can offer support with regards the ongoing maintenance of pitches.

With regard to the built sports facilities the design and planning statement advises that a 4 court sports hall will be provided with dance studio and changing facilities however the detail is limited. The lower ground floor plan does not include a floor plan for the sports hall, changing accommodation or ancillary hall. The footprint of the building measures 32m x 17m which is considerably smaller than a standard 4 court sports hall (should must measure 34.5m x 20m x 7.5m). Unless the sports hall is fit for purpose it will have limited value to community sport.

Assessment of Existing Playing Fields

- o The existing playing field collectively provides 3.7 hectares of playing field

- o The existing playing field provides a 5 aside football pitch, x4 tennis courts and two adult football pitches.
- o No assessment has been submitted which sets out the quality of the existing playing field.
- o There is no known community use of the existing playing field.

Assessment of Proposed Playing Fields

- o The pitch dimensions for the two proposed youth football pitches and mini soccer pitches are not in accordance with Sport England or FA pitch guidance and the size of proposed safety margins are wrong. Guidance entitled comparative sizes for sports pitches and courts - Outdoor is provided online (<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>)
- o The area of land proposed to provide new playing field is currently occupied by the school building, therefore no qualitative assessment of proposed playing fields has been submitted. Such an exercise cannot be undertaken until the existing school is demolished.
- o The playing field to the east is capable of providing the proposed youth pitches.
- o The area proposed for the rugby pitch is capable of accommodating a pitch and 400m running track in terms of the area of land available, however further work will need to be done to assure it is designed by an agronomist and will be fit for purpose with necessary grading and drainage.
- o The planning, design and access statement confirms the school will make its facilities available to the community however without a community use agreement it is not possible to secure usage of facilities.
- o It has not been possible to assess the quality of proposed built sports facilities. Further detail is needed.
- o The proposal would create parking for those using the site in the evening which would increase the attractiveness of the facilities.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy and the few concerns can be addressed by condition. Sport England is satisfied that the proposal meets E4 as the proposal is capable of accommodating replacement playing field which is equivalent or better quality and of equivalent or greater quantity than the area of playing field lost. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Condition 1

No development shall commence until details of the design and layout of sports hall and changing rooms have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports hall and changing rooms shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with (Development Plan Policy).

Informative: The applicant is advised that the design and layout of the sports hall and changing rooms should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

Condition 2

A) Within 6 months of the existing school buildings being demolished the following documents must be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field to the west of the school which identifies constraints which could affect playing field quality; and
- (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall

include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

B) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with (Development Plan Policy).

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

Condition 3

The new playing field to the west of the proposed school shall be provided and made available for use within 18 months of first occupation of the development hereby permitted.

Reason: To ensure the timely delivery of the playing field and to accord with (Development Plan Policy).

Condition 4

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall, dance studio, changing accommodation and outdoor sports pitches and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with (Development Plan Policy).

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

Updated Sport England comments (following consideration of additional information):

The proposal and impact on playing field

Appendices 1a, 1b and 1c submitted by the applicant were most useful and the clarification regarding a running track in the future is noted.

Assessment against Sport England Policy

- o The football pitches are on existing playing field and the applicant has confirmed the pitches will not be disturbed during construction. Sport England accepts there will be no improvements to the existing pitches.

- o Whilst Sport England appreciates why the smaller sports hall was chosen as a result of EFA funding arrangements, Sport England continues to advocate the latest Sport England Design Guidance for a larger hall which can accommodate a wider range of sports for the school and community. Notwithstanding the promotion of most recent design guidance, Sport England understand the applicant does not intend to increase the size of the proposed sports hall.

Assessment of proposed playing field

The clarification regarding pitches sizes has addressed the concern raised by Sport England as the applicant confirmed the sizes were based on FA's Guide to pitches and Goalpost Guide 2012 yard dimensions.

Conditions

As a result of the additional plans depicting the design and layout of sports hall and changing rooms, Sport England no longer considers condition 1 to be necessary on the assumption the plans will be conditioned. In order for the new playing field to be provided to an adequate standard, Sport England considers condition 2 to be necessary along with conditions 3 and 4.

Final Conclusions and Recommendation:

Sport England raises no objection to this application as it is satisfied that the proposal meets E4 as the proposal is capable of accommodating replacement playing field which is equivalent or better quality and of equivalent or greater quantity than the area of playing field lost. The absence of an objection is subject to the conditions nos2, 3 & 4 being attached to the decision notice should the local planning authority be minded to approve the application.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- o encroach onto Network Rail land
- o affect the safety, operation or integrity of the company's railway and its infrastructure
- o undermine its support zone
- o damage the company's infrastructure
- o place additional load on cuttings
- o adversely affect any railway land or structure
- o over-sail or encroach upon the air-space of any Network Rail land
- o cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The following comments and requirements are for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) standoff requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicata "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Popular (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

Fareham Borough Council

Having considered the proposals, we do not believe they will have an unacceptable impact upon this Borough and therefore we have no comments to make.

Highways Engineer

The application site has been used as a secondary school historically, and is located in a predominantly residential area. The numbers of pupils attending the school will increase as a result of this proposal. Residents living opposite the site will be accustomed to parent drop off and collection at the start and end of the school day, and the disruption this causes, and additional pupils would normally result in more parent vehicles. It is recommended that the school updates their travel plan and revisits how they encourage sustainable travel to and from school in order to minimise down the impact on locals.

In the main the application retains all current access aside from that on Connaught Lane.

It is understood that there is also an intention to widen the western access from 5 metres to 6 metres in width which will necessitate changes on the highway. However there are no drawings to show what is planned. Details of the proposed changes to be submitted and works to be completed by the applicant prior to the new building and car park is brought into use. Liaison with the Network Coordination Team will be required in order to approve the plans and gain permission to work on the highway. The

applicant to be aware that all costs associated with this change to the highway will need to be covered by them, including any commuted sums for ongoing maintenance.

I have no objection to the proposals in principle, although there will be a need for a number of conditions. A construction site impact document has been submitted, as this is a more generic document a site specific Construction Management Plan will still be required. The CMP to include details of any lane closures required for utility connections which will need a Road Space Booking which must be applied for through the Network Coordination Team at Colas; any scaffolding or site hoarding on the adopted highway; any crane or scaffolding that overhangs the highway, a pre-condition survey of the public highway (Section 137 and 148 Highways Act), with the developer undertaking to return the highways to the same or improved condition after works are complete, wheel-wash, timings of deliveries, construction and details of site workers parking arrangements.

A Traffic Regulation Order would be required to allow for any changes to traffic regulations associated with this development (£3,250), although at this time none are envisaged.

No highways objection is raised to the proposed redevelopment; subject to the following:

The applicant to submit details plans of the proposed amendments at the western access point for approval prior to the works being undertaken and in order that that is completed before the new school is occupied or first use of the car park, whichever is earlier. Liaison with the Network Coordination Team will be required in order to gain permission to work on the Highway.

Waste and cycle storage to be provided and retained thereafter.

A Construction Management Plan is required to be submitted and approved prior to work commencing.

The school Travel Plan will be reviewed and updated to ensure staff, pupils and parents are fully aware of sustainable transport, and its global benefits.

Redundant dropped kerb crossings at Connaught Lane shall be reinstated to PCC standard detail, and be carried out under licence with PCC highways partners Colas.

Ecology

It is recognised that Natural England have now provided further comments on the use of the school playing fields by bird species associated with the SPA designation and the potential impacts of the redevelopment of the site. It is recommended that their views on this are given significant weight in assessing whether the proposed development would result in a likely significant effect on the SPA.

In considering protected species, the Extended Phase 1 Habitat Survey Report (Jacobs, November 2014) identified little in the way of concerns, although the potential for trees and shrubs within the site to support nesting birds and the potential for site margins to support reptiles was noted (although the report identifies that margins will not be affected).

If you were minded to grant permission, it is suggested that the following informative be added, to make the applicant aware of legislation relating to the protected species that may be present in such habitats:

o Birds nests, when occupied or being built, and the widespread species of reptile receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord. Reptile habitat such as compost heaps, piles of cut scrub, dead wood piles, or rubble, should be carefully cleared by hand during warmer months as if

hibernating reptiles are disturbed they will die. Any reptiles revealed should be moved to adjacent retained rougher / boundary habitat or allowed to move off of their own accord.

The submitted Extended Phase 1 Habitat Survey Report makes a number of recommendations for enhancements that would contribute to biodiversity at the site, which are not currently fully integrated into the application. The proposed approach to enhancement could however be secured through condition, based on the Extended Phase 1 Habitat Survey report which recommended "the planting of native species and enhancement through the provision of habitat features such as log piles, ponds, bat roosting boxes, bird nesting boxes and areas set aside for nature where possible. There is also scope to integrate sustainable environmental design features within any new build, including green roofs and walls and sustainable drainage systems (SuDS)". Although no details are provided of how this would be achieved, the proposed approach to enhancement could however be secured through condition. Possible condition wording might be:

- o Prior to commencement, details of biodiversity enhancements as described in Sections 4.2 and 4.4 of the Extended Phase 1 Habitat Survey Report (Jacobs, November 2014) shall be submitted for approval to the Local Planning Authority. Development shall subsequently proceed and enhanced habitats shall be maintained and retained in accordance with any such approved details. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

Specific recommendations were made in the submitted Extended Phase 1 Habitat Survey Report for enhancements to include the design of sympathetic lighting schemes (to minimise any potential impacts on bat commuting and foraging habitats); bats were considered by the report to be likely to use the site for this purpose. Although no details are provided of how this would be achieved, the proposed approach to enhancement could however be secured through condition. Possible condition wording might be:

- o Prior to commencement, a detailed external lighting plan relating to the development during construction and operation shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with the lighting scheme retained and maintained in accordance with these details. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

Environment Agency

Having assessed the application with regard to the development type and location of the proposal, no bespoke comments are made.

Coastal Partnership

Eastern Solent Coastal Partnership has no objection to the above proposed development as the site is currently in Flood Zone 1 (low risk).

REPRESENTATIONS

Five (5) representations have been received raising objection on the following grounds:

- o the scheme will result in a loss of view from Allaway Road properties over the existing fields to Portsmouth Harbour, Portchester Castle and the Spinnaker Tower;
- o parking congestion will be exacerbated during drop off and pick up times which is further impacted from the proximity of King Richard School to Victory Primary School;
- o parking issues and the traffic flow in the area is generating a road safety issue; and,
- o design eyesore - while the scheme is meeting educational needs of the local community, should it not also be a good design outcome.

COMMENT

The principal issue is whether the proposed replacement school would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for

consideration are the principle of the development (including any implications for school playing fields), design and impact on heritage assets, traffic/transportation implications, impact on amenity and nature conservation/trees.

Principle of the development

The application site is already used for educational purposes. The neighbouring site to the east is used for educational purposes, as a primary school. In view of the location of the existing schools within this section of Allaway Avenue and Jubilee Avenue, the principle of accommodating a replacement school is wholly appropriate.

The siting of the new 1000-place secondary school building would be on part of the playing fields within the existing King Richard school site. The proposal includes demolition of the existing secondary school. After demolition, the site of the existing building would be re-profiled and laid out as playing field re-provision to serve the replacement school.

The applicant's comment "The main reasons behind the need to rebuild the school relate to the poor condition of the existing school, high maintenance costs and the need for a 21st century learning environment to promote educational attainment. There is also the opportunity to extend the community facilities for Paulsgrove, the community within which the school is located."

The proposal is responding to the educational need in the area and the expansion of the school and increase in the number of places meets this need. The NPPF advises that local authorities should give great weight to the need to create, expand or alter schools; and work with the schools to resolve planning issues prior to applications being submitted.

Playing fields should not be built on unless an assessment is undertaken of the land being surplus to need, or, equivalent provision will be provided in a suitable location, or the needs clearly outweigh the costs.

This proposal has the support of a Planning Statement that makes the case that the scheme will not result in any long-term reduction in the playing field provision on the site, rather that the construction period will result in a short term impact which will be remedied once the existing school buildings are demolished and the site re-profiled for the recreational use. In this regard the proposal would satisfy the provisions of paragraph 74 of the NPPF. Sports England are a statutory consultee and advise, in summary, that the proposal is considered to broadly meet exception E4 of Sport England's adopted Playing Fields Policy. Sport England raises no objection subject to conditions relating to the delivery of new playing field, the construction of fit-for-purpose pitches, the security of community use and the delivery of a fit-for-purpose sports hall with changing accommodation.

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

Design/impact on heritage assets

The proposed replacement school has been designed to be resilient in terms of its energy and performance and space requirements so as to provide the best educational space standards going forward. The school has a functional appearance and the new design would reduce the overall footprint of buildings on the site by 1,917sqm which results in the green space on site increasing from 56,853sqm to 64,538sqm.

The scheme architects describe the proposal to be an effective, inspiring and accessible scheme. Design is subjective, however, when assessing proposals the Local Planning Authority seeks good design outcomes. The design process for the proposal has achieved a high quality build which will be

inclusive and achieve energy performance standards. These elements strengthen the design, making it resilient to climate change and adaptation. It is good planning to focus on the total life of a scheme, its maintenance and cost of running, which this proposal achieves.

With sustainability being at the heart of the design process the scheme has been shaped so as to achieve a Very Good BREEAM rating, and the Low Zero Carbon and energy ratings required for an Excellent BREEAM rating. To elevate all criteria in the scheme to an Excellent BREEAM rating a further £1M would be required which the funders could not support. By securing a scheme of this standard the energy consumption across the site has the potential to reduce regulated CO2 emissions by 18%. The detailed design process has the ability to achieve the 10% CO2 emissions reduction as encouraged by Policy PCS15 for new (non-domestic) schemes, and in so doing achieve the advice provided by paragraph 96 of the NPPF.

The proposal adopted an iterative process seeking the views of staff, parents and carers, and local residents. The proponent undertook pre-application consultation with Sports England, Hampshire Constabulary and PCC. The scheme has undergone a Design out Crime assessment and was also reviewed by the Design Review Panel. All of these consultations feed through the iterative design process and demonstrate a commitment to design review and pre-application early engagement as encouraged by paragraphs 62 and 190 of the NPPF.

The comments from the Design Review Panel are not supportive, with the scheme being described as a stark and very basic response to such a valuable piece of greenspace, with the overall scheme considered to lack inspiration. Broadly similar expressions are made by The Portsmouth Society as "functional", lacks any architectural merit and a missed opportunity to provide a place of learning with a wow-factor. The applicants have provided a response to the comments of the Design Review Panel that is attached to this report as an Appendix, which concludes: "The design for the new King Richard School has been well considered alongside extensive consultation with the school, the EFA and Portsmouth City Council and responds to many practical constraints including site logistics and topography. The positioning and layout of the building offers an efficient arrangement of the facilities required to meet the brief and allow King Richard School to offer an inspiring education set in the context of considered amenity space."

The impact on heritage assets has been assessed. The archaeological potential of the site has been the subject of further evaluation; following submission of two Written Schemes of Investigation and the archaeological evaluation report, no archaeological objection is raised by the County Archaeologist. Located to the east of the existing King Richard School, the replacement school building would significantly increase the separation distance from the 'listed' building at No33 Jubilee Avenue by over 300m; after demolition of existing school buildings and re-profiling of the site for playing field on its western side, the proposals for the school site would enhance the setting of the listed building. Having regard to the considerable separation distances to Fort Southwick and Portchester Castle, the impact of relocation of the school building within the green space of this 8ha site is considered to be insignificant and to preserve the setting of the scheduled monuments.

Transport Impacts

King Richard School currently employs approximately 99 members of staff (48 full time and 51 part time) and it is not currently anticipated that the number of staff will vary significantly on completion of the works. Vehicular access is available from Allaway Avenue to two areas of parking. There is staff and visitor parking on the site for 68 cars of which three spaces are designated for visitors although no disabled parking is available on site. Provision for cycle parking is also present on site. There is on-street parking adjacent to the school on Jubilee and Allaway Avenue. The on-street parking is for public and resident use and is not restricted. The existing drop-off area would remain.

Car parking is proposed on the site of the current school car park, following a rationalisation of the area. Car parking for 66 cars, three spaces for disabled car drivers and 3 motorcycle spaces are to be provided, along with level access from the car park for disabled visitors to the school. Pedestrians

would enter the school site from the north/north-east of the school, whilst vehicles would enter from the north-west to access the car park.

As the site would continue to be occupied by a replacement secondary school, the nature of the trip movements to and from the site is unlikely to differ significantly. The school has updated its Travel Plan, which has been submitted as part of this application. The Travel Plan sets out a range of clearly defined objectives, targets and indicators, as well as details of the proposed measures that the school intends to pursue in order to achieve these objectives. The objectives, targets and indicators set by the school including the following:

"Staff and visitor travel:

As the school grows and the size of the staff increases we will need to reduce the number of colleagues travelling in single occupancy cars. Therefore by 2018 we will:

- o Increase the proportion of staff who use public transport to >10% (from 8%)
- o Increase the proportion of staff who walk, run or cycle to 20% (from 15%)
- o Increase the proportion of staff who car share to >10% (from 6%)

Student travel:

As the school grows in size we will need to manage student travel so that students can continue to travel safely to and from school and that pick up and drop off by car doesn't create problems with regard to safety, parking or congestion for local residents. Therefore over the next three years we will aim to:

- o At least maintain the numbers of students who walk, cycle or use public transport at its current level of over 70%.
- o Reduce single occupancy car travel from its current levels of 5%
- o Collect better data on student travel so that far fewer than the current 22% are unaccounted for."

The Highways Engineer's comments are set out in the consultations section of the report. No objection is raised in principle, subject to conditions and details of the proposed widening of the existing car park access by one metre.

In addition to the operation of a Travel Plan, the submitted Transport Statement provides details of the proposed pedestrian and vehicular access routes as well as parking arrangement. It concludes that the proposal will have minimal impact upon the highway network. Overall, the replacement school would seek to promote sustainable travel by encouraging its staff and pupils to walk, cycle and car share to school, whilst the proposal will not compromise or put additional pressure on the local highway network, to accord with policy PCS17 Transport.

Residential amenity

In the representations, objection is raised to a loss of view from Allaway Road properties over the existing fields to Portsmouth Harbour, Portchester Castle and the Spinnaker Tower. In the context of this proposal, the loss of view would not represent a material planning consideration.

The proposed siting and three-storey scale of the replacement school would change the outlook and sense of enclosure for some nearby properties. It would also create a new focus of localised activity further east within the school curtilage than existing. The applicants have confirmed that the proposed schools facilities would allow an increased opportunity for community use. However, across a separation distance of circa 50m the relocation of the school building within the site would not result in any significant harm to the amenities of occupiers of the nearest residential properties. Any additional noise and disturbance associated with changes to patterns of activity at the replacement building beyond the normal Monday-Friday 'school day' through wider community use are considered unlikely to be significant and to be outweighed by the public benefit of such a local resource. Replacement playing field provision at the western end of the site (after demolition of the existing school building) and wider community use as a rugby pitch would be likely to change patterns of activity beyond the 'school day' on this part of the site. However, no floodlighting of the rugby pitch is proposed and any wider (external) community use would be intermittent in nature and take place during daylight hours only. The relocation of playing pitch provision on the west side of the site would not be considered to result in any significant impact on the amenities of occupiers of the nearest residential properties.

Whilst new development inevitably gives rise to some inconvenience and disruption throughout the construction and demolition phases, this would be for a limited period of time and is not considered such disturbance would be so significant as to warrant withholding permission.

Nature conservation/trees

Natural England initially raised a holding objection to potential adverse impacts on the Portsmouth Harbour Special Protection Area (SPA)/Ramsar site. The school playing fields directly affected by the scheme are a known dark-bellied brent goose high tide roosting site (as identified in the Solent Brent Geese and Wader Strategy 2010, site P49, maximum count 60 geese). The applicants have carried out some additional winter bird surveys and their ecologist has assessed the impact. A Habitats Regulations Assessment (HRA) has been prepared on behalf of the applicants (by Lindsay Carrington Ecological Services, February 2016) and is adopted by the local authority to fulfil its duty as 'competent authority'. This adopted HRA screening assesses potential impacts - temporary loss of 'functional habitat' on-site, construction noise impacts, pollution, construction activity visual disturbance and line of sight reduction disturbance - on the interest features of Portsmouth Harbour SPA/Ramsar from the proposal. NE notes under the provisions of the Habitats Regulations, the authority have screened the proposal to check for the likelihood of significant effects on the Portsmouth Harbour SPA/Ramsar Site. The HRA concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, NE concurs with this view. NE is also satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the site the SSSI has been notified.

The application is supported by an extended Phase 1 habitat survey of King Richard School and surrounds (prepared by Jacobs UK Limited, November 2014). The habitat survey refers to the site proximity to the Portsmouth Harbour SPA and as such the requirements of the main qualifying feature, dark-bellied brent goose, should be taken into account when considering the potential impact of the school development recommending consultation with Natural England on this potential constraint. The habitats recorded within the current proposed development footprint were generally of limited ecological value, notwithstanding the potential value of the amenity grassland for dark-bellied brent geese. Any habitats lost to the development will be limited to a small number of immature and semi-mature trees, ornamental shrubs and amenity grassland. The overall amount of habitat, other than the amenity grassland, lost to the development is therefore considered to be relatively small in the context of the site as a whole.

The development of the site will however result in a reduction of green space within the local area. The development should therefore be designed to enhance the potential of the site for biodiversity, which could be achieved through the planting of native species and enhancement through the provision of habitat features in accordance with the provisions of Section 40 of the Natural Environment and Rural Communities Act 2006 and the NPPF.

For European Protected Species, the habitat survey concludes:

Bats - the proposed development footprint has negligible potential to support roosting bats and no further surveys or mitigation will be required.

Birds - Some of the buildings and trees/scrub within the site have the potential to support nesting birds. No further surveys will be required, but the timing of any demolition and / or vegetation removal should consider the potential for nesting birds and take place outside of the months of March - August inclusive.

Reptiles - The site has habitat with the potential to support reptiles along the margins of in scrub habitat bordering woodland in the south of the site. As the proposal would not affect these areas, no further survey or mitigation is required.

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

- **Reasons for Overriding Public Interest**

There is benefit that the proposed replacement school would generate for the local community and the surrounding area through an improved learning environment, which will have a positive impact of improving educational attainment and future employment prospects for young people.

- **No Satisfactory Alternative**

The replacement school is accommodated within the same 8ha site and there is no satisfactory alternative to this site.

- **Maintaining a Favourable Conservation Status (FCS)**

In order to assess whether the FCS test is met with regard to bats, nesting birds and reptiles, the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. The Council's Ecologist has had regard to the habitat survey report and recommends conditions seeking details of any external lighting both during construction and school use as well as biodiversity enhancements at the site (including native planting of new trees for those lost), mitigating impacts within the development. It is considered that a Favourable Conservation Status can be maintained.

- **Conclusion (ecology)**

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

There are 34 trees identified for removal to facilitate demolition and subsequent landscaping. Two are categorised as B1 (trees that might be included in category A, but are downgraded due to impaired condition, long-term retention or lack of special quality necessary to merit the category A designation) and the remaining 32 trees are categorised as C1 (trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value and/or trees offering low or only temporary/transient landscape benefits) or C2 (trees with no material conservation or other cultural value). Mainly located within courtyards or adjacent to the school buildings these are considered of minimal visual impact and amenity value outside the school itself. The Tree Officer advises that these 34 trees are unlikely to survive the demolition/remediation of the original school site and none are considered worthy of retention to the detriment of the proposed development. However, mitigation of the losses in full by 34 new ('heavy standard') trees is demonstrated in the updated landscape scheme, to comply with policy PCS13.

RECOMMENDATION Conditional Permission

Conditions

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

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

Location Plan - KRS-50139-00-00-GA-A-0019-01001_revP2;

Site Plan - KRS-50139-00-00-GA-A-0018-01002_rev2;

Main School Building, Lower Ground Floor - KRS-50139-2C-B1-GA-A-0010-02001_revP2;

Main School Building, Ground Floor - KRS-50139-2C-00-GA-A-0010-02002_revP2;

Main School Building, First Floor - KRS-50139-2C-01-GA-A-0010-02003_revP2;

Main School Building, Second Floor - KRS-50139-2C-02-GA-A-0010-02004_revP2;

Main School Building, Roof Plan - KRS-50139-2C-RF-GA-A-0010-02005_revP2;
 Site Arrangement, 3D Aerial View from SE - KRS-50139-00-ZZ-IS-A-0018-01006_revP2;
 Site Arrangement, 3D Aerial View from SW - KRS-50139-00-ZZ-IS-A-0018-01007_revP2;
 Site Arrangement, 3D Aerial View from NW - KRS-50139-00-ZZ-IS-A-0018-01005_revP2;
 Site Arrangement, 3D Aerial View from NE - KRS-50139-00-ZZ-IS-A-0018-01004_revP2;
 Building Section A-A/Section B-B - KRS-50139-00-ZZSE-A-0030-04001_revP2;
 Building Section C-C/Section D-D - KRS-50139-00-ZZ-SE-A-0030-04002_revP2;
 Site Sections - KRS-50139-00-ZZ-SE-A-0030-04003_revP2;
 North & East Elevations - KRS-50139-00-ZZ-EL-A-0021-03001_revP2;
 South & West Elevations - KRS-50139-00-ZZ-EL-A-0021-03002_revP2;
 External Views - KRS-50139-00-NA-PP-A-0020-01009_revP2;
 Internal Views - KRS-50139-00-NA-PP-A-0022-01010_revP2;
 School in Existing Site Context - KRS-50139-00-NA-PP-A-0020-01008_revP2;
 Demolition Plan - KRS-50139-00-00-DR-A-XX-01003_revP2;
 Landscape, Security & Zoning Fencing - KRS-D2356-00-00-SC-L-7000-101_revI01;
 Pupil Access to Building & Site Movement - KRS-D2356-00-00-SC-L-7000-102_revI01;
 Visitor Pedestrian Access - KRS-D2356-00-00-SC-L-7000-103_revI01;
 Car Parking - KRS-D2356-00-00-SC-L-7000-104_revI01;
 Cycling - KRS-D2356-00-00-SC-L-7000-105_revI01;
 Service Access - KRS-D2356-00-00-SC-L-7000-106_revI01;
 Fire/Emergency Vehicle Access - KRS-D2356-00-00-SC-L-7000-107_revI01;
 Detailed General Arrangement (Sheet 1 of 8) - KRS-D2356-2A-00-GA-L-7000-201_revP03;
 Detailed General Arrangement (Sheet 2 of 8) - KRS-D2356-2B-00-GA-L-7000-202_revP03;
 Detailed General Arrangement (Sheet 3 of 8) - KRS-D2356-2C-00-GA-L-7000-203_revP03;
 Detailed General Arrangement (Sheet 4 of 8) - KRS-D2356-2D-00-GA-L-7000-204_revP03;
 Detailed General Arrangement (Sheet 5 of 8) - KRS-D2356-2E-00-GA-L-7000-205_revP03;
 Detailed General Arrangement (Sheet 6 of 8) - KRS-D2356-2F-00-GA-L-7000-206_revP03;
 Detailed General Arrangement (Sheet 7 of 8) - KRS-D2356-2G-00-GA-L-7000-207_revP03;
 Detailed General Arrangement (Sheet 8 of 8) - KRS-D2356-2H-00-GA-L-7000-208_revP03;
 Site Plan - KRS-D2356-Z0-00-PP-L-7000-100_revP03;
 External Accom/Schedule, Proposed areas - KRS-D2356-00-00-PP-L-7000-231_revP03;
 Lower GF Plan Setting Out (Zone 5C) - KRS-50139-5C-B1-GA-A-0011-11001_revP24;
 Lower GF Plan Setting Out (Zone 5F) - KRS-50139-5F-B1-GA-A-0011-11002_revP24;
 Lower GF FF&E Layouts - KRS-CB0286-00-B1-GA-X-0060-050_revP02;
 Lower GF FF&E Layouts Sports Hall 4 COURT 0-20 - KRS-CB0286-00-B1-GA-X-0060-010_revP05;
 Lower GF Reflected Ceiling (Zone 1A) - KRS-50139-1A-B1-GA-A-0013-13001_revP25;
 Lower GF Reflected Ceiling (Zone 1C) - KRS-50139-1C-B1-GA-A-0013-13002_revP25;
 Lower GF Finishes (Zone 1A) - KRS-50139-1A-B1-GA-A-0046-46001_revP25; and,
 Lower GF Finishes (Zone 1C) - KRS-50139-1C-B1-GA-A-0046-46002_revP25.

3) No development shall take place 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, excluding the areas inaccessible due to the current buildings, and incorporating chemical and gas testing 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 to end-users of the new school building and associated soft landscaping 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 new school building with associated soft landscaping hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (3)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

- a) as built drawings of the implemented scheme
- b) photographs of the remediation works in progress
- c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

5) The demolition of the school buildings on the eastern site (the area of proposed amenity grassland) hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an asbestos demolition/refurbishment survey of the existing school building. If the survey indicates that asbestos is present then a survey by a licenced consultant should be conducted and advice sought on the removal and/or safe demolition of the building.

6) The eastern site (proposed landscaping) hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

- a) An addendum site investigation report documenting the ground conditions of the western site including chemical testing 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,
- b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants when the amenity grassland 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.

7) The eastern site hereby permitted shall not be 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 (6)c that any remediation scheme required and approved under the provisions of conditions (6)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 (6)c.

8) Details of the biodiversity enhancements proposed through the provision of habitat features (as recommended in the Extended Phase 1 Habitat Survey Report, prepared by Jacobs, dated November 2014) shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall be carried out in full before the replacement school is first brought into use and thereafter retained.

9) A) Within 6 months of the existing school buildings being demolished the following documents must be submitted to and approved in writing by the Local Planning Authority:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field to the west of the school which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

B) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

10) The new playing field to the west of the proposed school shall be provided and made available for use within 18 months of first occupation of the development hereby permitted.

11) The replacement school hereby permitted shall not be brought into use until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall, dance studio, changing accommodation and outdoor sports pitches and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

12) Prior to the installation of any plant and/or equipment, an assessment of noise from the operation of the plant and/or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval, all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant and/or equipment shall be implemented.

13) Prior to the commencement of the kitchen use at the replacement school hereby permitted, equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation, details of the proposed equipment shall be submitted to the local planning authority for approval. Approved equipment shall then be installed and thereafter be operated for as long as cooking operations at the school continue.

14) The proposed works to rationalise the car park to provide parking for 66 cars, including 3 widened 'disabled' bays and 3 motorcycle spaces shall have been surfaced, marked out and made available for use, along with level access from the car park for disabled visitors to the school in accordance with a timetable that shall have been submitted to and approved in writing by the local planning authority; the car and motorcycle parking spaces shall be provided in accordance with the approved timetable and shall thereafter be retained.

15) The existing access to the school site onto Connaught Lane shall be stopped up and the footway crossing reinstated before the replacement school hereby permitted is first brought into use.

16) Details of the proposed alterations (for widening by one metre) of the existing car park site access onto Allaway Avenue, including the footway crossing, shall be submitted to and approved in writing by the local planning authority; and the approved alterations to the access shall be carried out before the replacement school building hereby permitted is first brought into use.

17) All planting (to include the 34 no. trees proposed to replace those removed to facilitate the development), seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the replacement school building or

the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

18) The replacement school hereby permitted shall be constructed in accordance with the approved schedule of external materials (or such substitute(s) of a comparable quality, the details of which shall have been submitted to and approved in writing by the local planning authority beforehand).

19) Details of a scheme of external lighting scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority in relation to both during the construction period (temporary) and operation of the replacement school, which shall include the proposed siting, appearance, height and type of luminaires. The approved external lighting scheme shall be carried out in full before the replacement school is first brought into use and thereafter retained.

20) No development shall commence on site until a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of: Times of deliveries; Wheel wash facilities; Site office facilities; Contractor parking areas; Loading/off loading areas; Method Statement for control of dust and emissions from construction and demolition; an Assessment and Method Statement for the control of construction noise for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols. The development shall be carried out in accordance with the approved Construction Management Plan and shall continue for as long as construction/demolition is taking place at the site.

21) Details of an updated School Travel Plan shall be submitted to and approved in writing by the local planning authority before the replacement school is first brought into use. The School Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring; and the approved measures shall thereafter be implemented.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 6) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

- 7) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 8) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 9) To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 10) To ensure the timely delivery of the playing field and to accord with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport, to accord with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12) To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 13) To prevent excessive nuisance from cooking fumes and odours on the living environments of neighbouring dwellings and the curtilages of the dwellings, in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To meet necessary parking requirements within the school and to minimise any impact on the safety and inconvenience of all users on the a busy bus route through the city, in accordance with policies PCS17 and 23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 15) In the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 16) In order to provide satisfactory access in accordance with policy PCS17 of the Portsmouth Plan.
- 17) To secure replacement tree planting mitigation of at least equal value for the unavoidable loss of 34 no. existing trees, in the interests of the amenities of the area and biodiversity value of this green infrastructure asset, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 18) To secure a suitable quality appearance of a prominent new building in the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 19) To maintain, protect and produce a net gain in biodiversity as well as to prevent any interference with the sighting of signalling apparatus and/or train drivers vision on approaching trains on the adjacent railway, in accordance with Policies PCS13 & PCS23 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 20) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 21) To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accord with policies PCS17 & 23 and the aims and objectives of the NPPF.

PRO-ACTIVITY STATEMENT

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

03

16/00088/FUL

WARD:NELSON

48 LABURNUM GROVE PORTSMOUTH PO2 0EP

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO 7 BED HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Martin Critchley Architect
FAO Mr Martin Critchley

On behalf of:

Ferrata Ltd.
FAO Mr J Wormington

RDD: 19th January 2016

LDD: 16th March 2016

SUMMARY OF MAIN ISSUES

Main issues

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking and whether there would be a significant impact on the character and appearance of the conservation area.

This application was called in to committee by a local resident.

The site

This application relates to a three storey property which is located on the southern side of Laburnum Grove, in between the junctions with Emsworth Road and Drayton Lane. The surrounding area is characterised by similar residential terraced properties. The proposed ground floor comprises, two bedrooms, kitchen, dining room and a bathroom. The first floor comprises three bedrooms and two bathrooms. The second floor comprises two bedrooms.

The Proposal

The applicant seeks permission to change the use of the property from a dwelling house (Class C3) to a 7 bed house in multiple occupation (Sui Generis).

Planning History

There is no relevant planning history for this application.

POLICY CONTEXT

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

CONSULTATIONS

Highways Engineer

RECOMMENDATION: No Objection

The proposal involves the change of use from a 4 bedroomed dwelling into a 7 bedroomed House of Multiple Occupation. Laburnum Grove is located within an area of established high density dwellings, with no ability to park off road, resulting in extremely pressured kerbside parking demand. The area is not covered by a parking zone, as the pressure is already great, and a permit zone is not considered to be advantageous for residents. If there were a parking zone in operation here this property could be restricted to 2 parking permits. With unrestricted parking, there is no limit to the number of cars which may be associated with this proposal.

The applicant has shown that cycle parking will be provided within the rear amenity area of this property, which does help to encourage sustainable travel. Refuse bins will be provided within the front garden of the property.

I cannot foresee that the possible increased demand for kerbside parking will result in any highway safety issues, although I can understand that the amenity of local residents could be affected if residents of this HMO were to have access to cars.

REPRESENTATIONS

Seven letters of objection have been received from neighbouring occupiers. Their objections are as follows 1) parking 2) loss of family dwelling 3) Noise 4) overcrowding 5) loss of privacy.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking and whether there would be a significant impact on the character and appearance of the conservation area.

Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO uses.

Of the 50 properties located within a 50m radius of this property, one property is currently classed in C4 HMO use, representing 2%. The proposal would increase the proportion of HMOs to three, being 4%. The HMO SPD states that an application would be imbalanced where more than 10% of residential

properties within the area surrounding the application are already a HMO. It is considered that the community is not imbalanced by the concentration of HMO uses and that the proposed development would not result in an imbalance of such uses. On this basis the principle of the proposal is acceptable.

Amenity

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour". It is therefore considered that the proposed use of this property as a house in multiple occupation would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts upon local communities resulting from concentrations of Class C4 HMO uses. However, given that there are only two other HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time seeing that there would only be three HMOs in the 50 metre radius.

Parking

The application site does not benefit from any off-street parking and there is no parking proposed as part of this application. However, given that the level of occupation associated with a HMO it is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on parking grounds could not be sustained. The applicant has provided details of cycle storage facilities within the rear garden of the property. It is considered that the future occupants are more likely to use bicycles and public transport given the close proximity to the nearest public transport links in Fratton Road. Therefore to encourage the use of more sustainable modes of transport to the car, it is considered that a suitably worded planning condition requiring their retention of the bicycle facilities would be both necessary and reasonable.

Bin Storage

The applicant has provided details of bin storage facilities within the front garden of the property. This is considered to be adequate.

SPA

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis

HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £174 (1 x £174, dwellinghouse (C3) to sui generis HMO). The applicant has agreed to provide this mitigation through an agreement under S111 of the Local Government Act. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 1601-101 and 1601-201 and 1601-401.
- 3) The Bicycle storage facilities shown on approved drawing: '1601-101' shall be provided prior to the first occupation of the property as a Class C4 House in Multiple Occupation, and shall thereafter be retained for the continued ancillary storage use by the occupants of the property.

The reasons for the conditions are:

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

PRO-ACTIVITY STATEMENT

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

Wightlink Gunwharf Terminal Expansion

**Additional comments by the Friends Of Old Portsmouth Association (FOOPA) on
Planning Application 15/01731/FUL January 2016**

FOOPA has considered the planning application made by Wightlink for the expansion of the Gunwharf vehicle ferry terminal. Comments on the application were submitted online. This analysis supplements comments made online at 5:30pm on 20 Nov 2015 and so should be considered by PCC as part of FOOPA's objection to this planning application.

This report augments the online comments by describing the independent assessment undertaken by FOOPA.

Key Points

- **Wightlink have failed to prove that the development of the Gunwharf vehicle ferry terminal will not cause problems on the city's road network.**
- **FOOPA assess it is likely that at peak periods traffic unloading from the new larger vessels exiting the city at peak periods will produce local congestion with a risk of leading to city-wide gridlock.**
- **PCC, as the highway authority, needs as a matter of urgency to conduct its own in-depth traffic assessment of the Gunwharf Terminal expansion in order to establish the accuracy of these competing claims.**

Executive Summary

1. Wightlink have failed to prove that the development of the Gunwharf vehicle ferry terminal will not cause problems on the city's road network.

2. Wightlink appear not to have provided results into the public domain of their traffic assessment that apparently indicates that there will be no problems resulting from the increased numbers of outbound ferry traffic to the IoW.

3. The traffic modelling of inbound traffic from the IoW conducted by AECOM on behalf of Wightlink appears to contain serious flaws in the assumptions used:

a. The analysis of current traffic flows has been calculated for hour-long periods that do not reflect the peak traffic flows of a six minute vessel unloading period when ferry traffic is disembarking and is exiting the city. The use of an unrealistic longer time period produces average junction right turn queue lengths that are lower than are representative of local traffic conditions. The results appear to be invalid and give the misleading impression that the Gunwharf Road / St. George's Road junction will operate within designed capacity.

b. The initial AECOM report contained an invalid assumption using predicted increases in traffic volumes resulting from the larger vessels scaled-up based on traffic flows for the non-peak day of 4 July 2015 when the route was operating at only 81% capacity. The extrapolation of the extra 28 vehicle capacity of the new G Class ferry onto this 81% capacity traffic count did not constitute a robust 'worst case' scenario.

c. Following FOOPA's posting of comments on the PCC on-line planning portal pointing out this flaw, AECOM reviewed their modelling assumptions and repeated their analysis using 100% G Class capacity to represent 'worst case'. This repeat analysis retains the original flaw of averaging right turn queue lengths over an hour instead of using shorter time periods representative of the local road conditions.

d. FOOPA is available to discuss these conclusions with Wightlink, AECOM and PCC. email: foopattraffic@which.net

4. All major roads and junctions in the vicinity of the Gunwharf Terminal need to be included in the traffic assessment. FOOPA's independently verified ² traffic analysis indicates that on days when inbound ferries are operating at 100% capacity there is a high risk of local traffic congestion that may lead to gridlock.

a. At peak (worst case) periods it is highly probable that westbound traffic tailbacks will extend to the A3 roundabout (RAB) at the junction of St. George's Road/Cambridge Road/Museum Road/High Street. Once traffic starts queuing on the RAB local congestion could easily extend into city-wide gridlock.

b. At peak periods there is also a risk that traffic in St. George's Road southbound from The Hard will tailback beyond the crossroads of St. George's Road with Park Road at the entrance to Gunwharf Quays. This is likely to cause conflict with traffic queuing to enter the Gunwharf Quays car park, especially at weekends.

5. More detailed traffic modelling is needed to investigate the traffic flows and delays at peak periods. Because congestion is likely to occur at the A3 RAB and the entrance to Gunwharf Quays, this traffic modelling should include all three junctions. This modelling should be commissioned by the highway authority (PCC) to ensure impartiality.

6. Minimal consideration has been given in the original Transport Statement (TS) to the travel needs and safety on the roads of Vulnerable Road Users (VRUs), namely pedestrians and cyclists.

a. There is a need to improve the safety and ease of road crossings for pedestrians in Gunwharf Road following the Millennium Walkway and Shipwrights' Way long distance path crossing the entrance and exit to the ferry terminal. Many residents can cite examples of frequently having difficulty in crossing the terminal exit when ferry traffic is leaving the terminal, and this difficulty will increase with higher vehicle flows.

b. Despite PCC and the IoW Council actively encouraging cycle traffic for sport, leisure and commuting and the benefits to tourism this brings, the TS makes no allowance for cycle traffic and there is no mention of the cycle lanes in the vicinity of the Gunwharf terminal.

c. The traffic counts do not appear to include motorcyclists.

The TS supplement issued on 16 December 2015 (after FOOPA objections made online on 20 November) makes reference to measures to warn drivers of the need to show consideration for pedestrians with announcements and signage, although no physical traffic calming measures are proposed.

7. The development at Gunwharf Ferry Terminal is in contravention of national and local policy to encourage the development of integrated and sustainable transport hubs. It has been reported by councillors that Wightlink claim that their business plan assessments show that it would not be sufficiently profitable for them to relocate to the ferry port. This factor needs to be balanced against the wider benefit to the city and people of Portsmouth of not having continual queues of noisy air-polluting road traffic crawling through the centre of a densely populated city for the next half century with the major problems of congestion and worsened public health. Better use should be made of Portsmouth's harbour for seaborne travel for motor vehicles to connect directly with the existing strategic road network at the southern end of the M275.

8. If Wightlink is granted planning approval, it is likely that the junction of St. George's Road and Gunwharf Road will need to be upgraded to a signalised junction i.e. traffic light controlled. As this need will have been created as a result of increased Wightlink traffic and congestion, the cost of this should be borne by Wightlink as part of a Community Infrastructure Levy.

² Spreadsheet analysis verification and peer review undertaken by a retired traffic consultant and professional analysts with experience of traffic modelling.

Wightlink Transport Statement

Environment and Sustainability

1. The Environmental Impact Assessment lists the national and local planning framework guidance:

A. The National Planning Policy Framework (March 2012) includes this objective for transport:

To support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development.

B. The Portsmouth Plan (2012) PCS17 Transport policy states the Council will:

Encourage development in areas around public transport hubs and along corridors where there is good access not only to public transport but to goods and services.

C. Portsmouth Local Transport Plan 3 (2011) aims to deliver:

A resilient, cost effective, fully-integrated sub regional transport network, enabling economic growth whilst protecting and enhancing health, quality of life and environment whilst mitigating the adverse impacts of transport activity on people, communities and habitats.

Wightlink have ignored the public expectation that these strategic planning principles for integrated sustainable transport hubs will be respected. Despite the European Union directive 2011/92/EU requiring a description where appropriate of possible project alternatives, the Environmental Impact Assessment contains the surprising statement in paragraph 4.3.2 "Alternative sites are not under consideration".

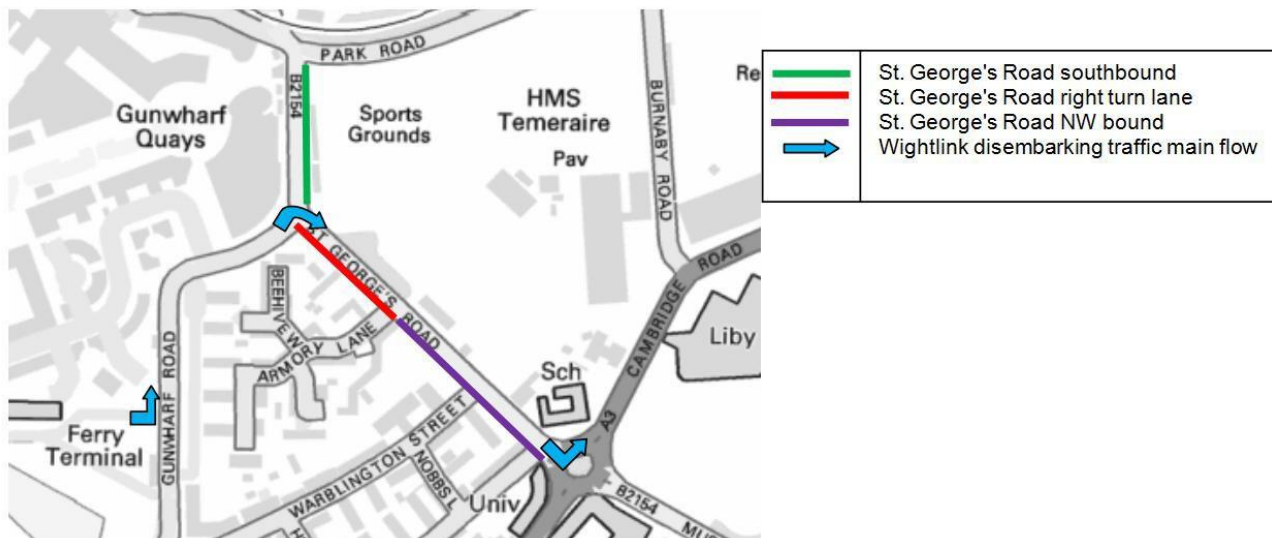
2. Advantages of International Ferry Port. The international ferry port is at the end of the M27/A27(M)/M275 transport corridor. If Wightlink relocated to the ferry port and so reduced motor vehicle transit distances and times it would offer significant reductions in greenhouse gases and congestion and so enhance health and quality of life for Portsmouth's people and communities for future generations. In contrast, Wightlink plan to retain the current Gunwharf location and continue to require drivers to travel through the heart of a congested city in order to reach a site on the waterfront. This will increase traffic delays, fumes and air pollution, road wear and traffic noise and is inherently an environmentally unfriendly and unsustainable plan.

3. "It's shorter by water". Wightlink state that to operate from the ferry port would increase ferry journey times. It is arguable that **overall ferry passenger journey time to the IoW would be shorter via the ferry port** because the extra sea passage time down the harbour might well be quicker than the congested road journey from the end of the M275 through the city centre to Gunwharf. It would be unfortunate if Wightlink's commercial interest was to take priority over the higher objectives of improving Portsmouth's environment and the quality of life for Portsmouth's residents. Instead, the extra motor vehicle traffic through the heart of Portsmouth will have an adverse impact on the community with deleterious effects on road safety, air quality and public health for the next half century. Portsmouth has the third worst air quality in the region (DEFRA 2014 report) ³ and it has been estimated that 600 early deaths every year are attributable to air pollution ⁴.

³ <http://www.portsmouth.co.uk/news/health/local-health/congested-portsmouth-roads-gives-city-high-air-pollution-level-1-5934499#axzz3sFmsv4av> accessed 22 Nov 15

⁴ Attributed to Portsmouth's Director of Public Health, quoted in 'A City to Share' strategy produced in 2014 for PCC by the Portsmouth Cycle Forum.

Road Network



Map taken from Wightlink Transport Assessment Figure 1

Figure 1. Map of road network in vicinity of Gunwharf ferry terminal

4. Road network description. Outbound ferry traffic (for the IoW) proceeds SW along Cambridge Road, takes the third exit at the RAB into St. George's Road and curves left into Gunwharf Road to the terminal. Although St. George's Road (marked as B2154) continues north to Gunwharf Quays (GQ) and The Hard, there are Give Way lines across that arm of the junction. Because of high demand at peak times e.g. bank holidays and IoW music festivals, outbound traffic often tails back along St George's Road (red and purple lines) to the RAB. If that RAB gets blocked then the local congestion can rapidly extend into gridlock in the SW part of Portsmouth with the risk that it could spread across the city.

5. With the new ferries Wightlink aim to offload all vehicles in 6 minutes and discharge them onto the highway as quickly as possible after that. Inbound traffic (i.e. disembarking from IoW direction shown in blue arrows) turns left out of the terminal and heads north up Gunwharf Road and on the bend sweeps right with priority at the junction into St George's Road (marked by blue arrow) to head SE to the RAB. At the junction a small proportion of traffic turns left into St. George's Road northbound. Because there is no Give Way on the main exit section (apart from two pedestrian crossings in St George's Road) the ferry traffic flows freely.

6. The problem comes with traffic in the opposite direction heading NW in St. George's Road (purple line) moving into a separate right turn lane (red line) to cross into St George's Road heading north to Gunwharf Quays and The Hard. There is a lot of right turn traffic as it is a busy route for buses, taxis going to and from The Hard transport interchange and normal commercial and private traffic. This is also a well-used rat run for traffic bound for Gunwharf Quays when drivers want to avoid the usual slow queues down Park Road.

7. Meanwhile, traffic in the northern section of St. George's Road heading south (green line) has greater difficulty. Left turning traffic heading eastwards into St. George's Road can take advantage of the same occasional gaps in the outbound ferry vehicle traffic flow. Right turning traffic to head southwards into Gunwharf Road is effectively blocked by both the disembarking ferry traffic and the right turn traffic that has priority over the traffic in St. George's Road northern section. Although the junction of St. George's Road southbound with St. George's Road/Gunwharf Road is the width of two lanes plus cycle lanes, only a short distance further back the road narrows to one lane. The traffic delay whilst the ferry traffic disembarks causes a tailback towards the crossroads of St. George's Road with Park Road at the very busy entrance to Gunwharf Quays shopping centre.

8. FOOPA considers that the primary risk is that at busy periods when full ferries are unloading, traffic in St George's Road heading northwest and turning right into St George's Road towards The Hard will not be able to move freely because of a constant stream of traffic leaving the Gunwharf Terminal. Once the queue in the right turn lane backing up south-eastwards towards the A3 RAB at

the Cambridge Road/High St/Museum Road junction exceeds 10 vehicles of average length, the queue will block all traffic heading west including that destined for the Gunwharf Terminal. Once the traffic queue extends onto the A3 RAB there is a high risk of local congestion that could spread rapidly through the city and cause gridlock.

9. There is a secondary risk that traffic in St George's Road heading south will not be able to exit St. George's Road and the traffic will tailback to the Gunwharf Quays entrance. Despite this crossroads being a box junction, it is frequently observed that some drivers will enter the box junction even though their exit is not clear. Periodically the junction is blocked by impatient and inconsiderate drivers.

10. Presently, the disembarking ferry traffic stream delays right turn traffic whilst drivers wait for a safe gap in the traffic. Although the average gap between vehicles is about 4 seconds, there is a spread (distribution about the mean) and when the gap is 5 or 6 seconds some drivers will turn right using gaps between the exiting ferry traffic. This is not an easy or safe manoeuvre as evidenced by a resident ⁵:

"there is a build up of vehicles on both sides of the junction wanting (1) to turn right into St Georges to the Hard, and (2) wanting to turn left/right from St Georges into Gunwharf/St Georges. A set of traffic lights with pedestrian crossings would be ideal....a bus crossed the ferry traffic on the way to the Hard, only just making it - the driver realised that if he didn't put his foot down, he would be stuck there for a while till the next gap.

Ferry docked 11.45, I would say it wasn't fullat the busiest moment there was a backlog of 5-6 vehicles on St Georges wanting to turn right into St Georges. And on the opposite side (southbound traffic) - a build up of 3-4 vehicles.

It is emphasised that this observation of queue length during ferry disembarkation was on a Friday lunchtime in late autumn. The queue length at peak summer holiday periods are much longer as can be testified by residents.

11. Figure 2 is a photograph taken on a Friday afternoon in June at a time close to Wightlink claimed 'worst case' period. This shows a queue of 6 vehicles waiting to turn right waiting for a gap in the traffic flow exiting the city.



**Figure 2. Wightlink traffic leaving Gunwharf ferry terminal 12 June 2015@1600
- 6 vehicles queuing to turn right**

⁵ Witness account 20 Nov 15 observing ferry traffic unloading after 1145 ferry arrival.

12. Residents who have lived in the area for many years have confirmed that this photograph is typical of local traffic conditions when the Wightlink ferries are disembarking traffic. It is evident that Wightlink plans to achieve higher vessel capacity with faster unloading rates will increase the flow of traffic exiting the terminal and heading out of city.

13. In contrast, the Wightlink TS modelling predicts that the average number of vehicles waiting to turn right at this junction at a similar day and time is only 1.05 vehicles. Similarly, Section 4.3 states that “the maximum queue of 1.83 vehicles was observed”.⁶

Source	Observation period (mins)	Original queue length (vehicles)	Corrected queue length (vehicles)
Wightlink modelling	60	1.03	1.36
Wightlink observations	60	1.83	(1.83)
Resident observations	5	6 or more	6 or more

Table 1. Comparison of Wightlink's and residents' queue assessments

14. There is a significant disparity between residents' observations, Wightlink observations and Wightlink predictions. It suggests that the Wightlink analysis has been distorted by an unrealistically long observation period.

15. The conclusion is that the Junction 8 model results used by Wightlink in their TS are not validated by empirical data.

16. It is recommended that PCC as the highway authority and planning authority asks for the observed and predicted queuing vehicle counts for each 15 minute period with explanations as to how these periods matched the disembarking vehicle flow. Even 15 minute periods may not be accurate representations of traffic flow; 10 or even 6 minute periods should have been considered by AECOM to match the declared ferry unloading times.

17. It is recommended that PCC conducts independent modelling of the traffic flows using the VISSIM model⁷ using its own traffic counts and having carefully verified the data collected by Wightlink.

Invalid Modelling Assumptions

18. Future Developments beyond Existing Plans. The TS covers only the immediate future with Wightlink planning to bring into service a new G class ferry and upgrading the St. Clare. It should be borne in mind that Wightlink will have the option to increase route capacity in the longer term with additional new larger vessels. More large vessels will increase the route capacity and deliver more motor vehicles onto Portsmouth's road network. This TS does not consider the prudent precaution to scope further development. Wightlink should have assessed the transport implications allowing for future longer term growth.

19. Route Capacity. There is a contradiction in the overall planning application. It is implied that the schedule will be unchanged with sailings every half hour. Both the new G class and upgraded St. Clare will provide extra vehicle capacity yet the statement is made in paragraph 1.1 “overall capacity of the route will not increase”. Clarification is needed.

20. Previous Route Capacity. Mention of the fact that historically more vehicles used to be carried because they were smaller is irrelevant for the purposes of this TS. Overall traffic flows in

⁶ This sentence was probably meant to say that the observed average value was 1.83 vehicles as clearly the maximum observed queue has to be an integer.

⁷ VISSIM is a microscopic traffic flow simulation model based on car following and lane change logic. VISSIM can analyse vehicular traffic including bus, pedestrian and bicycle operations under constraints such as lane configuration, traffic composition, traffic signals, and bus stops. VISSIM does not follow the conventional link /node modelling system, but utilises a link / connector system that enables complex geometry to be modelled. The link / connector system also permits different traffic controls (signal, give way or stop) to be utilised anywhere in the model. VISSIM is also capable of modelling vehicle actuation traffic control utilising the VAP module as well as MOVA using the PCMOVA module from TRL. Therefore, it is an appropriate tool for the evaluation of the combination of complex geometry and traffic controls (give way and traffic signal) operations that will be assessed within the study area.

Portsmouth were lower then. Wightlink have not provided any data about route loading, network capacity and congestion in those years to provide a meaningful comparison.

21. Extrapolation of Motorway traffic counts to Gunwharf. AECOM have used the TRADS national traffic information database to compare traffic counts on the M275 for July and August. The report states uncontroversially that M275 traffic flows in July are higher than those recorded in August but then makes a huge assumption in implying that higher local Gunwharf site activity in the peak holiday period will be offset by lower background traffic levels and "This indicates that the traffic data used in the TS is robust". It is invalid to extrapolate M275 strategic route network traffic data to the specific local conditions 2 miles to the south across one of the most congested cities in the UK. Although AECOM boasts combining "*a blend of global reach, local knowledge, innovation and technical excellence in delivering customized and creative solutions that meet the needs of our clients' projects*"⁸ it seems unlikely that AECOM checked their assumption of local knowledge by asking residents of Old Portsmouth for their experience.

22. Seasonality. The supplementary TS reports that PCC observed that the TS should have been carried out during the school holidays (i.e. late July/August). AECOM state that "the timescales when this work was undertaken would not have allowed the surveys to have been undertaken any later than they were in July." It should be noted that the outbound traffic counts were conducted on 3-4 July at Gunwharf and 3 weeks later on 24-25 July at Fishbourne. It is unfortunate that AECOM did not do their traffic counts at Gunwharf on 24-25 July 2015 (the start of school holidays with high outbound traffic) and a week later at Fishbourne on 31 Jul-1 Aug with high inbound traffic after one week of summer holiday. Merely a week's overall delay would have produced traffic counts of much better fidelity. Whether this was an immovable constraint or a feature of sub-optimal planning remains a matter of conjecture.

23. Traffic count data too short. Good practice is to conduct traffic counts over 7 days. AECOM commissioned traffic counts of 2 day periods.

24. Double movements. The report mentions 'double movements' in several places (e.g. Section 2.3) and states that the reduction in these brought about by the proposed changes may reduce traffic on Gunwharf Road. This does not appear to be explained in the original TS, but is taken to mean that early arriving vehicles that are turned away to return at a later time. As a claimed advantage of the new terminal is to accommodate more outbound traffic this would be of benefit. It isn't clear from the modelling how the reduction in 'double movements' is accounted for in the figures.

25. No scope for unexpected conditions. Traffic modelling should provide a robust assessment that will allow scope for the unexpected so that there is capacity to cope in the event of untoward events. Wightlink and AECOM appear to have considered these roads in isolation. There is a need to assess the effects on the wider road network in the city - essentially to consider traffic flows, delays and congestion all the way from the southern end of the M275 to the Gunwharf ferry terminal.

26. Accident statistics. The TS does not appear to give adequate consideration to road safety. There seems to be no mention of accident statistics for this location, especially at the St. George's Road/Gunwharf Road junction.

27. No consideration of cycle traffic. 4.2.9 of the Planning Statement quotes from Transport for South Hampshire (which includes Portsmouth City Council and the Isle of Wight Council) and explains that TfSH has the policy to seek promotion of walking and cycling and improved integration with other modes. The Planning Statement merely explains in 5.4.22 that the Portsmouth Gunwharf Terminal will remain accessible to all users with the continued provision of cycle parking and disabled facilities. It is a worrying omission that the TS does not mention the existence of cycle lanes on the road network in the vicinity and does not consider cycle traffic in the traffic modelling.

28. Need to improve pedestrian safety. The popular Millennium Walkway route and the new Shipwrights' Way long distance path pass along Gunwharf Road and cross the entrance and exit to the Gunwharf terminal. The TS does not consider these important pedestrian routes. When a ferry is

⁸ <http://www.aecom.com/about-aecom/history/>

unloading, pedestrians have great difficulty in crossing the terminal exit. The original TS made no mention of this danger, merely explaining that there will be reduced demand for pedestrians to cross the road from the overflow car park on the north side of Gunwharf Road. Wightlink need to provide safe and better facilities for pedestrians to cross the entrance and exit to its terminal. In view of the large number of pedestrians using this route, there is a case for reviewing the priorities of pedestrians and vehicles at the terminal entrance and exit. PCC as highway authority should consider the feasibility of installing physical traffic calming measures such as speed cushions. It is welcomed that Wightlink have responded to input from councillors and local groups that improvements "can be offered as part of any forthcoming planning consent". Presumably if planning consent is not granted Wightlink will not offer these road safety improvements for vulnerable road users.

Traffic Modelling

29. Junctions 8 model. The modelling has been done using the Junctions 8 model issued by TRL. It would be worth investigating if Junctions 8 was the best choice of model. In view of the particular nature of this problem (the right-turning traffic having to wait for gaps in a more-or-less continuous stream of oncoming traffic during short unloading periods of peak demand) the use of a model that averages results over an hour seems to be inappropriate. In such circumstances a microscopic/entity/agent based model would normally be used where each vehicle is modelled explicitly with its own 'behaviour' e.g. I want to turn right at this junction and will proceed if there is enough space between oncoming vehicles. Some models even allow modelling of different types of driver behaviour – e.g. risk averse or otherwise. This type of simulation modelling would warrant further consideration.

30. Not 'worst case' traffic modelling. The original TS described the modelled scenario as being 'worst case' based on traffic counts for peak periods "during busy periods the services can operate at 100% capacity" (Section 1.2). This assertion was incorrect because:

- a. The weekend of 4 & 5 July, although busy, was not a peak for the route with vessels operating at 100% capacity.
- b. The IoW tourist office confirmed that there were no special events or music festivals that weekend.
- c. It was not a bank holiday or at the start of school holidays.
- d. The vehicle counts were under 100% capacity for the current vessels. The TS Table 8 for Saturday 4 July shows that 202 vehicles left the ferry terminal in the period 1300-1400 but Section 5.2 explains that the total capacity of the ferries unloading in that period was $100 + 150 = 250$ i.e. the route was operating at only 81% of capacity when the traffic counts were made.
- e. The original AECOM analysis of proposed traffic flows was based on the future increase that was likely on this particular non-peak day (Saturday 4th July) and not on a day when the service was running at 100% current capacity. **It wasn't worst case.**
- f. The TS supplement produced by AECOM on 16 December acknowledges this mistake and repeats the modelling using projected figures that can be taken to represent worst case, assuming that there are no untoward factors anywhere else on the road network.
- g. The supplementary TS refers to Junction 8 output files being included in ANNEX B. It appears that ANNEX B has not been released into the public domain and so the validity of the results is not open to independent scrutiny.

31. Modelling uses unsuitable time interval. The modelling uses the metric of Ratio to Flow Capacity (RFC) averaged over an hour. AECOM conclude that the junctions will operate within capacity. The formulaic approach used by AECOM appears to be flawed. The Junctions 8 quick start guide paragraph 4 shows that the default time interval is one hour.

Demand Set	Name	Scenario Name	Time Period Name	Description	Traffic Profile Type	Model Start Time (HH:mm)	Model Finish Time (HH:mm)	Model Time Period Length (min)	Time Segment Length (min)	Single Time Segment Only	Locked
1	2013, AM	2013	AM		ONE HOUR	07:30	09:00	90	15	<input type="checkbox"/>	<input type="checkbox"/>
2	2013, PM	2013	PM		ONE HOUR	16:30	18:00	90	15	<input type="checkbox"/>	<input type="checkbox"/>

Figure 3. Junctions 8 model screenshot showing default time period of 1 hour

32. Better data not used. The TS states in section 5.2 that “it is important to note that the additional vehicles will be concentrated into a six minute unloading period” but doesn’t seem to account for this in the analysis which uses one-hour periods. Because the traffic flows vary markedly as to when a ferry is disembarking, the time interval should be selected to match the period of the exiting stream of ferry vehicle traffic. The TS Section 2.3 paragraph 4 states that traffic count data were collected in 15 minute intervals (although these would not necessarily coincide with the peak of ferry unloading) so it would appear that data are available to conduct the analysis at a greater time-resolution than the current one-hour periods. Calculating the RFC over an hour means that peaks are averaged out and the results do not provide a fair representation of the junction. Surprisingly, the 15-minute resolution data doesn’t seem to have been exploited in the analysis. Whilst 15 minute periods wouldn’t fully reflect the uneven traffic flows, this would be a much better representation of the worst-case situation on the ground.

33. Peak Traffic Flows. It is evident that the peak 15-minute flow will exceed the peak-hour flow and the RFC will be much higher indicating that the junction will be operating close to or even exceeding capacity. There is scope to speculate that the modelling was initially done in 15 minute windows giving RFC values higher than 1 (confirming that the junctions would be operating over capacity i.e. congested and not operating!) but was then rerun for hourly periods to give RFC values of under 0.85 giving the misleading impression that the junctions would operate within capacity.

34. Need to re-run modelling. In order to have confidence in the results the AECOM modelling needs to be repeated using:

- a. Peak traffic flows (maximum vehicle flow based on maximum vehicle numbers on the busiest loW weekends).
- b. 6 minute periods starting at commencement of offloaded traffic leaving Gunwharf Terminal.
- c. If Junctions 8 can't be used to model shorter time intervals then the model is unsuitable for this analysis task.
- d. The scope of the modelling should be expanded to include the A3 RAB at the southern end of Cambridge Road and the Gunwharf Quays crossroads.

35. Conclusion. The modelling has failed to prove that the road network and junctions can absorb the maximum traffic under robust 'worst case' conditions.

36. Recommendation. PCC should undertake independent validation of the results⁹ using a true simulation model such as VISSIM and rolling 6 minute periods to match ferry unloading times (or 15 minutes as already collected) to identify the peak traffic flows and model junction capacity at those times.

⁹ PCC TRO 77/2015 reports pack for T&T meeting 21 Jan 16 paragraph 6.2 confirms: "Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems, and consider the implications of decisions for both their network and those of others."

37. Outbound traffic demand. Wightlink appear not to have provided results into the public domain of their traffic modelling that apparently indicates that there will be no problems resulting from the increased numbers of outbound ferry traffic to the IoW. It is considered that Wightlink should release this information for scrutiny by PCC and the public.

FOOPA modelling

38. FOOPA does not have access to a modern validated traffic model. Instead, we have produced a simple spreadsheet model that uses the same data inputs taken from the TS. The approach using parametric/sensitivity analysis and the model calculations have been verified by professional analysts with experience of traffic matters. The results are broadly consistent with observations by residents of this part of the city of Portsmouth and are considered to be both credible and a better representation of the traffic flows than the analysis conducted by AECOM.

39. The modelling approach is:

- a. The stream of vehicles leaving the Gunwharf terminal is considered to be a convoy.
- b. The number, types of vehicles and their lengths are known (the Wightlink TS gives the parked vehicle waiting lane length requirement including implied small gaps between parked vehicles). This is the static distance.
- c. The model variables are the speed at which the convoy will move at the point that it crosses the junction of St George's Road and the average gap between vehicles (speed x time = dynamic distance).
- d. Adding dynamic distance to static distance gives total convoy length.
- e. This converts into a time for the convoy to leave the terminal and pass along St. George's Road.
- f. This time for eastbound exit traffic has to be compared to the arrival rate of westbound traffic in St. George's Road (sub-divided into traffic in the right turn lane (RTL) and then when that lane is full, all traffic in single lane).
- g. The typical gap between vehicles is a parameter varying from 3 to 5 seconds.
- h. It is assumed that with an average gap of 4 seconds space between vehicles that no vehicles will safely be able to turn right for the length of time that the convoy takes to pass.
- i. Alternatively, the analysis could use variable time intervals but it is difficult to model or to estimate how many vehicles would be able to make the right turn safely.¹⁰
- j. Practically, a few vehicles may be able to turn taking advantage of longer gaps and this will reduce the length of the right turn queue. This is called 'leakage' but has not yet been modelled.
- k. Observations record that 'leakage' at peak exiting traffic flow may typically be one or two vehicles a minute but at the busiest times this is a much slower rate than the rate at which the traffic builds up and tails back to the RAB. It is prudent to be cautious and assume the robust worst case – no vehicles will be able to make the right turn against exiting traffic flow.
- l. The spreadsheet calculates how long it takes the RTL to fill up with vehicles of average length if no vehicles are able to make the right turn safely.

¹⁰ Good road safety engineering practice suggests that traffic modelling should not assume that drivers will be prepared to accept greater risks.

- m. It then calculates how long it takes for the single lane to fill up with vehicles of average length if no vehicles are able to make the right turn.
- n. These are added to give a total time of just under 6 minutes if no vehicles are able to make the right turn.
- o. These 6 minutes are compared to the time it takes for the Wightlink vehicle convoy to exit the city. The variable is the average speed of the convoy as it passes the junction.
- p. No allowance is made of delays when pedestrians use the signalised pelican crossing close to the St. George's Road/Gunwharf Road junction nor of the zebra crossing close to the RAB.
- q. At peak periods it takes longer for the convoy to exit the city than it takes St George's Road westbound to fill up and become congested.
- r. The greater the time difference, the greater is the risk that local congestion will stretch beyond the RAB into High Street, Museum Road and Cambridge Road.
- s. This local congestion may clear within 10 minutes.
- t. If it does not clear, the next ferry to unload 30 minutes later will add to the congestion and there will be a risk of gridlock.

40. FOOPA recognises that there is an limitation in the modelling assumptions. The right turn queue length could be reduced by traffic turning between gaps (leakage) but practically that might be two vehicles a minute, at peak periods a much lower rate than the build up in the road behind it.

Average gap between vehicles (sec)	3	4	5
Time for St George's Road to fill up if no vehicles can turn right between stream of vehicles exiting city (min)	6.00	6.00	6.00
Time for convoy to pass (min)	8.9	11.9	14.9
Duration of congestion at RAB Cambridge Road / Museum Rd / High St (min)	2.9	5.9	8.9
Approximate duration of congestion at A3 RAB (Cambridge Road / Museum Rd / High St) (min:sec)	03:00	06:00	09:00

Table 2: Worst case: approximate peak period congestion delays at A3 roundabout when new G Class ferry at maximum capacity unloads (assuming no right turns possible)

Conclusions

41. The least worst case is if vehicles proceed with minimum delay with an average gap between vehicles of 3 seconds. The faster the 'convoy' the shorter the time to pass, even so the minimum expected duration of congestion at the RAB at busy periods will be almost 3 minutes.
42. For slower convoys and 5 second average gap between vehicles the St. George's Road westbound queue could be delayed for almost 9 minutes.
43. It is acknowledged that the spreadsheet analysis approach does not allow for 'leakage' of right turn vehicles in longer than average gaps. The data does not exist to model this with a fair degree of confidence, nevertheless, it can be seen that right turns would be more likely when the gaps are longer but this would most likely be counteracted by the longer convoy transit time.
44. These results are subject to review. Nevertheless, they support the case that further modelling work needs to be done using valid assumptions.
45. It is concluded that despite having provided extra 'corrected' modelling and analysis, Wightlink have not proved that the St. George's Road/Gunwharf Road junction would operate within capacity.

46. All occasions when the junction is operating over capacity (i.e. has unacceptably high levels of congestion) add to the case for the junction to be signalised.

Recommendations

47. It is recommended that PCC either conduct its own traffic modelling using the VISSIM or other suitable model, or commissions its own transport consultants to undertake independent rigorous analysis of the road network to include all three junctions:

- St. George's Road/Gunwharf Road
- Park Road/ St. George's Road crossroads
- A3 RAB Cambridge Road/High St/Museum Road/St. George's Road

This would require fresh data to be collected independently.

48. If the independent analysis by PCC shows that the Wightlink development would cause frequent tailbacks leading to congestion at the RAB, it will be apparent that PCC will have to refuse the application in its present form. Two options then exist:

49. **Option 1.** Change the St. George's Road/Gunwharf Road junction to a signalised (traffic-light controlled) junction with a modern traffic management system capable of being activated to respond to peak demand.

a. This would allow flexibility for the right turn queuing traffic to be able to turn right before the right hand lane is filled and the backlog backs into the single lane blocking all westbound traffic.

b. The cost of this junction upgrade should be borne by Wightlink as part of a Community Infrastructure Levy contribution.

c. This would result in exiting ferry traffic being delayed for typically 1.5 to 2 minutes each time the junction priority was changed to westbound traffic. The effect of this ferry traffic backlog extending back into the Wightlink terminal would have to be modelled.

50. **Option 2.** If the PCC traffic modelling shows that this road-space sharing option will not work yet Wightlink intend to continue with ferry terminal expansion, it will be necessary for Wightlink to relocate the vehicle ferry terminal to the ferry port if they wish to remain operating out of Portsmouth.

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