

# **PLANNING COMMITTEE**

## **22 JULY 2020**

### **VIRTUAL MEETING**

#### **REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS**

##### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

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

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

##### **REPORTING OF CONSULTATIONS**

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - Planning and Economic Growth if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

##### **APPLICATION DATES**

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

##### **HUMAN RIGHTS ACT**

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

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

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**LAND TO REAR OF 118 LONDON ROAD NORTH END PORTSMOUTH PO2 0LZ****CONSTRUCTION OF PART THREE/PART FOUR STOREY BUILDING COMPRISING NINE DWELLINGS (CLASS C3) WITH ASSOCIATED ACCESS, PARKING, REFUSE AND CYCLE STORAGE AND LANDSCAPING****Application Submitted By:**

CPC Ltd

FAO Mr Jacob Russell

**On behalf of:**

Cordage 7 Ltd

**RDD:** 8th January 2019**LDD:** 6th March 2019**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee for determination on the basis the development proposes more than 6 dwellings, and a deputation request has been received.

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

- The principle of the development;
- Design - scale appearance and townscape;
- Impact on trees;
- Standard of accommodation and Impact on residential amenity;
- Sustainable Design & Construction;
- Highway impacts;
- Impact on nature conservation interests.

**1.3 Site and surroundings**

1.4 The application relates to a surface level car park located to the rear of No.118 London Road. The site is broadly rectangular in shape and currently laid out with a number of parking spaces previously servicing the adjoining 'Clarence Garden' Public House which fronts London Road. The site is accessed to the east from Stubbington Avenue and is bounded by a mix of brick walls and railings. A group of trees flank the entrance to the site and a small flat roofed double garage is situated to the north-east corner.

1.5 To the north, the site is bounded by a largely blank 4-storey brick flank wall of a former shop/office building which has recently been converted to form dwellings. To the west, a mix of commercial properties flank London Road, a linear shopping centre that also provides one of the main north-south routes through the city. To the south, there is a small public car park, also accessed from Stubbington Avenue, with two large buildings beyond comprising a shop and a former cinema. Residential uses predominate towards the east with more typical Portsmouth terraced houses laid out in a formal grid pattern. The entrance to the site and the car park beyond provides a degree of separation between the application site and the adjoining properties.

- 1.6 The site is located with the 'Primary Area' of the 'North End' District Centre as defined by Policy PCS8 of the Portsmouth Plan.

### **1.7 The proposal**

- 1.8 Planning permission is sought for the construction of a part-3/part-4-storey building comprising nine two-bedroom dwellings (Class C3) ranging between 61 and 70sq.m.
- 1.9 The proposed building would be set back from the site frontage by a small area of landscaping and two parking spaces. An undercroft through its centre would provide access to a rear car park providing a further 12 parking spaces. At ground floor level the building would be split by the undercroft with a single dwelling to the northern side and communal facilities including refuse and bicycle stores and the access to the upper floor flats to the southern side. The remaining eight flats would be set out at first, second and third floor level.
- 1.10 Following discussions with the applicant, amended drawings have been provided addressing specific design concerns and issues raised by consultees. The amendments include changes to the vehicular and pedestrian entrances to the site with a dedicated pedestrian walkway to the building entrance; a small rear garden to the ground floor flat providing defendable area and separation to the first parking space; the reconfiguration of the refuse store; and a change to the building material from a mix of brick and render to entirely brick. Following the removal of the existing trees to the eastern boundary a new landscaping scheme is proposed as mitigation.

### **1.11 Planning history**

- 1.12 There is no directly relevant planning history for this site.

## **2.0 POLICY CONTEXT**

- 2.1 Portsmouth Plan (2012):

- PCS8 (District Centres)
- PCS13 (A Greener Portsmouth);
- PCS15 (Sustainable Design and Construction);
- PCS17 (Transport);
- PCS19 (Housing mix, size and affordable homes) and
- PCS23 (Design and Conservation).

- 2.1 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

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

- 2.2 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

- 2.3 Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- The Solent Recreation Mitigation Strategy (2017);
- The Interim Nutrient Neutral Mitigation Strategy (2019)

### **3.0 CONSULTATIONS**

#### **3.1 Waste Management Service**

3.2 No objection subject to amendments to the waste store layout.

#### **3.3 Southern Water**

3.4 A formal application for connection to the public sewerage system is required in order to service this development. An informative in this respect is requested.

3.5 It is the responsibility of the developer to make suitable provision for the disposal of surface water. A planning condition relating to the submission of details for foul sewerage and surface water disposal is requested.

#### **3.6 Landscape Group**

3.7 No objection to the proposal in principle. It is highlighted that the scheme does appear to be rather vehicle dominant and changes/clarification is required for the proposed landscaping.

#### **3.8 Highways Engineer**

3.9 The Local Highway Authority is satisfied that the proposal not have a material impact on the operation of the highway network in terms of trip generation.

3.10 Parking and bicycle storage is in line with the Parking Standards SPD and there is suitable visibility for emerging vehicles. The kerbed radii junction arrangement is not appropriate give the scale of the development and would give priority to emerging vehicles over passing pedestrians. This should be redesigned to provide a footway crossing type access.

3.11 Subject to a change to the junction type, no objection is raised.

#### **3.12 Environmental Health**

3.13 The principle concern is with the use of the adjacent pub's rear garden/smoking area at weekends when it is likely to remain open until midnight / 00:40hrs.

3.14 As the proposed development is effectively detached from the licensed premises the existing controls for regulated entertainment on the Premises Licence should be sufficient.

3.15 Based on the Noise exposure hierarchy table in the Planning Practice Guidance on Noise, the Environmental Health Team would suggest that the proposed development would fall within the lowest adverse effect level category i.e. noise can be heard and causes small changes in behaviour and where there is no alternative ventilation having to close windows for some of the time with a potential for some sleep disturbance.

3.16 Action required is to mitigate and reduce to a minimum. The glazing specification should ensure internal noise levels are appropriate and provided the ventilation provisions are adequate to ensure a comfortable environment then the impact is likely to be intermittent and it would not be unreasonable to expect windows to be closed some of the time.

- 3.17 In terms of the right of way, commercial waste collections are to be expected in a mixed commercial / residential area and the sound insulation measures against external noise proposed for the development should go a long way to mitigating any associated noise.
- 3.18 It is difficult to quantify the noise in terms of sound pressure levels but any impact would also depend upon the time of day, the frequency and duration of the events and the manner in which the bins are moved. It would appear that there is potentially going to be a waste collection on a daily basis which will probably be in the mornings but the events are likely to be of short duration and for the purposes of the planning regime it should be assumed that the bins will be moved in a considerate manner and at a reasonable time of day. If this should subsequently become an issue then this could more appropriately be dealt with using statutory nuisance or possibly even the Licensing regime.
- 3.19 Therefore, although the EHT have concerns about locating residential development in close proximity to licensed premises, it is not considered that an objection could be sustained at appeal.
- 3.20 **Environment Agency**
- 3.21 No comments received.
- 3.22 **Natural England**
- 3.23 Recreational disturbance - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Portsmouth City Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.
- 3.24 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). The development proposal will need to be in accordance with the Definitive Strategy rates. Please note these rates were updated as of 1 April 2019.
- 3.25 It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.
- 3.26 Deterioration of the water environment - With regard to deterioration of the water environment, Natural England is aware that your authority has adopted an Interim Nutrient Neutral Strategy for new dwellings for 2019-2023/24. It is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy through the purchase of mitigation 'credits'.
- 3.27 Provided that the applicant is complying with the requirements of the Interim Strategy and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

## **4.0 REPRESENTATIONS**

- 4.1 Three letters of representation have been received from a local resident, the owner/operator of the 'Clarence Garden' Public House and from Ward Member Councillor Leo Madden. Their objections can be summarised as follows:  
(a) the development is of a reasonable appearance but is slightly crowded;

- (b) potential impact of the development on the continued viable operation of the public house and possible extension of operating hours due to the proximity of habitable rooms to the public house garden and inevitable noise complaints;
- (c) Privacy issues between existing habitable rooms above the public house and the proposed flats;
- (d) loss of the trees to the rear of the site;
- (e) A right of way remains across the application site between the public house and the access road from Stubbington Avenue.

- 4.2 The application is brought to the Planning Committee for determination due to the number of dwellings proposed and the deputation requests received within representations.
- 4.3 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent: 15 January 2019; expiry: 11 February 2019;
  - Site Notice displayed: 17 January 2019;
  - No Press Notice required.

## **5.0 COMMENT**

- 5.1 The main issues for consideration are:

- The principle of the development;
- Design - scale appearance and townscape;
- Impact on trees;
- Standard of accommodation and Impact on residential amenity;
- Sustainable Design & Construction;
- Highway impacts;
- Impact on nature conservation interests.

### **5.2 The principle of the development**

- 5.3 The application site is located within the 'Primary Area' of the 'North End' District Centre as defined by Policy PCS8 of the Portsmouth Plan. This policy states: 'Proposals for (C3) residential or offices (B1a) will be encouraged on upper floors, but not at ground floor level along the primary frontage'.
- 5.4 Whilst it is accepted that the proposal would appear to contradict this policy requirement, the objective of the policy is to prevent the loss of shops and other town centre uses that front directly into the centre and provide active frontages for all users. The proposal would result in the loss of a car parking area to the rear of an existing business and does not appear to be particularly well used. The existing business fronting London Road would continue to operate and would not therefore, result in the loss of an existing town centre use or an active frontage. On the basis the proposal would maintain the vitality and viability of the 'North End' District Centre, the proposal is considered to be acceptable in principle, subject to the other policy consideration explored below.
- 5.5 The location of the site is also considered to be sustainable given access for future residents to a range of shops and services and bus routes that extend along London Road, Stubbington Avenue and Chichester Road.
- 5.6 Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site. On that basis and having regard to the sustainable location of the site and absence of any specific policy restrictions, it is considered that the principle of the development would be acceptable.

- 5.7 'On 19th February, the Government confirmed its proposed changes to the National Planning Policy Framework and Planning Practice Guidance regarding housing needs and housing supply. Following those changes, the Council can demonstrate 4.7 years supply of housing land.
- 5.8 The NPPF states that decisions on planning application should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.9 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below.

#### **5.10 Design - scale, appearance and townscape**

- 5.11 The surrounding area is characterised by a wide range of building designs, materials and sizes with no particular type predominating. The proposed building is of a relatively simple design that does not seek to replicate any other features within the area, but standalone as a detached piece of architecture. Each elevation would have a consistent rhythm in its fenestration with interest provided by the inclusion of larger Juliette balcony openings, articulation provided by projecting features on the east and south elevations and a slight setback at third floor level. The main architectural feature would be a central stair core on the southern elevation with full height glazing. The flat roof is consistent with the predominant roof form in the area and would reduce clutter in terms of rainwater goods.
- 5.12 Whilst the proposed building is not of any significant architectural merit, it is not out of character for the area and would not appear overly dominant within the street scene. Furthermore, the building would add a presence to the site overlooking the adjoining car park which is positive and would represent a visual improvement over the existing large unrelieved elevation of the adjoining building to the north. Improvements to the access arrangements and car park have resulted in a friendlier pedestrian environment leading from Stubbington Avenue and better relationships between residential windows and vehicles.
- 5.13 On the basis the design has taken a more modern approach with a simple form, it is considered that the quality will need to be derived from the external palette of materials and finer architectural detailing such as window reveals and brick detailing. As submitted, the drawings suggest that the predominant material would be a red brick with a grey brick soldier course. The drawings also indicate that the projecting elements would be completed in a buff brick to provide a contrast. With the use of grey windows, doors and Juliette balcony enclosures, it is considered that the use of three distinctly different shades of brick would result in an overly busy/fussy appearance and would not reflect the modern design concept. It is however, considered that both materials and finer detailing around



windows and junctions between materials can be reserved through suitably worded planning conditions.

- 5.14 Overall it is considered that with the design changes, and further clarity over materials and detailing which can be secured through condition, on balance, the overall design is acceptable given the surrounding context. In reaching this view regard is also made to the benefits of the proposal in terms of providing nine 2-bedroom dwellings towards the city's identified housing need within a sustainable location where the city does not have a 5-year housing land supply. These benefits would outweigh any remaining concerns in respect of design.

#### **5.15 Impact on heritage assets**

- 5.16 When determining planning applications, the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. 'The Clarence' Public House is entered on the City Council's List of Buildings of Special Architectural and Historic Interest.
- 5.17 The proposed building would be located within the rear car park of this locally listed building. Whilst displaying some interesting architectural details and contributing towards the street scene on London Road, the rear of the building does not display similar qualities. Here the original main building (the two-storey element) has largely been lost through a series of unsympathetic single-storey extensions and projections. The rear car park is also somewhat separated from the main building and has fallen into a poor state of repair.
- 5.18 Whilst introducing a relatively large building to the site, having regard to the significance of the heritage asset which is derived predominantly from its London Road frontage, the appearance of the rear of the building and car park, and the degree of separation, it is considered that the proposal would not be harmful to the setting of this locally listed building.

#### **5.19 Impact on Trees**

- 5.20 The application is supported by an Arboricultural Impact Assessment (AIA). This details that four trees/groups of trees would be removed as part of the proposal. All of the trees are identified as Category C trees with the following summarised assessments:
- T1 & G3 - Relatively small trees on eastern boundary that make a limited contribution to the street scene. These are self-sown and are causing damage to the boundary wall;
  - T2 - Largest of the trees that does contribute to the street scene. The tree is self-sown and its removal would facilitate development and allow for better spacing of replacement trees;
  - T4 - Tree/shrub small in size and located close to the southern boundary wall. Self-sown and will likely cause damage to the wall if not removed.
- 5.21 The application and supporting report has been considered by the City Council's Arboricultural Officer who confirms that the findings are accepted and that an enhanced landscaping scheme would adequately mitigate the loss of these Category C trees. Whilst the loss of any green infrastructure is disappointing, it is not considered that the loss of these trees could be so harmful as to sustain a reason for refusal, particularly given the opportunities for replacement planting shown on the submitted drawings. Subject to the replacement trees being of an appropriate scale, species and being planted within appropriately designed tree pits to avoid similar issues to those identified in the AIA (trees damaging boundary walls), it is considered that the indicative landscaping would provide adequate mitigation. A detailed landscaping scheme can be required through a suitably worded planning condition.

## **5.22 Standard of accommodation**

- 5.23 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 5.24 The proposal includes nine 2-bedroom dwellings all of which would exceed the minimum size standards set out within the Nationally Described Space Standards.
- 5.25 As submitted the LPA raised concerns in respect of Apartment 1 which was accessed from and looked directly out onto parking spaces. The applicant has provided amended drawings showing a revised layout to the car park which has allowed for the inclusion of a small garden area to the western side of the unit providing a degree of separation between a bedroom window and the first parking space. Whilst the amount of light entering would be limited by the projection of the floors above and the flank elevation of the building to the north, this is considered to be adequate for a bedroom. Windows to the front of the building serving a second bedroom and the main living area would look out onto a communal area of landscaped garden.
- 5.26 At upper floor levels the unit layouts would be consistent with the exception of the third floor which would only include two dwellings:
- Apartments 3 & 6 - Located to the north of the building with outlook to the east and west. Whilst light levels to bedrooms 1 looking west would be restricted by the projection of the floors above and the flank elevation of the building to the north, the standard of living environment would be acceptable;
  - Apartments 4, 7 and 9 - Situated to south-west corner. Whilst two rooms would take light and outlook from across the adjoining car park, the proposed living conditions would be acceptable.
  - Apartments 2, 5 and 8 - Located to the west of the building with windows to the north, south and west. Whilst light levels would be acceptable, the Environmental Health Team (EHT) has raised concerns in respect of the proximity of these units to the garden of the neighbouring public house. The applicant has however, highlighted that habitable rooms benefit from dual frontages and as such the west facing windows can be sealed shut.
- 5.27 Representations raise concerns over the continued viable operation of the 'Clarence Garden' Public House, any future proposals to refurbish and extend operating hours, and highlight that noise complaints have been received from existing residents in the past. Based on the representations, it appears that the public house has changed ownership during the course of this planning application and an objection has been received from the current owner and occupier who also highlights that a private right of way remains across the application site between the public house and the highway.
- 5.28 The NPPF highlights at Paragraph 182 that: 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.

- 5.29 Through the consultation process the EHT has highlighted that their principal concern is with the use of the rear garden/smoking area at weekends when the public house is likely to remain open until 00:40hrs. However, it is noted that the development is detached from the licensed premises and the proposed dwellings would fall within the lowest adverse effect level category where small changes in behaviour can reduce impacts.
- 5.30 The applicant, through the course of the application, has provide a Noise Assessment which details acoustic screening between the public house garden and the application site, a revised building layout allowing for natural and mechanical ventilation measures, proposed glazing specification and physical distance (13.4m). Having considered this information the EHT conclude that whilst concerns remain, in their opinion, there would be technical solutions to ensure the amenity of future residents can be protected without unreasonable restrictions being placed on the public house, and an objection on the grounds of potential noise and disturbance impacts on future residents could not be sustained at appeal. A planning condition requiring a scheme of noise insulation/protection measures is proposed.
- 5.31 From documents obtained from the applicant and reviewed by the Council's solicitor, it would appear that a right of way has been retained by the public house across the application site to the highway just south of Stubbington Avenue. This would effectively allow a pedestrian access only across the site for residents of the flats above the public house, the collection and servicing of commercial bins on foot, deliveries on foot, and emergency egress only from the public house. It would not allow access by vehicles, and would not allow access by customers, contractors and employees in normal circumstances (i.e. not an emergency).
- 5.32 This additional information has been considered by the EHT who highlight that commercial waste collections are to be expected in a mixed commercial/residential area and the scheme of sound insulation measures detailed above to address potential noise impacts from the public house should mitigate any associated noise. On the basis that the EHT raise no significant concerns with the use of the right of way for the purposes described, it is not considered that an objection in this respect could be sustained. The scheme of noise attenuation detailed above will also be required to address any potential sources of noise associated with the use of the right of way including the areas beneath the undercroft access.
- 5.33 It is noted that the proposal is for nine dwellings rather than 10 which would trigger a requirement for affordable housing. On the basis the floorplans and elevations indicate that a further dwelling could be provided mirroring the layout of the floor below, this could be regarded as an affordable housing avoidance measure and is not optimising site densities as required by the NPPF. However, on the basis that the addition of further dwelling would result in a shortfall in parking provision and could potentially impact windows to the flank elevation of the adjoining building to the north, it is not considered that an objection on these grounds could be sustained. The proposal would still make a positive contribution to the City's identified housing need and should a further dwelling be proposed at a later date, this issue could be re-considered and a contribution towards affordable housing sought.

#### **5.34 Impact on residential amenities**

- 5.35 The building is well separated from dwellings to the east (22m) and residential accommodation above commercial uses to the west (33-36m) which would prevent any significant concerns in respect of loss of light, outlook or privacy.
- 5.36 To the north, the site is bounded by a largely blank 4-storey flank wall of a former shop/office building which has recently been converted to form dwellings. Whilst not

indicated in the planning history, it is noted that a number of small windows have been inserted into the south facing elevation, overlooking the application site, which appear to serve kitchens. Whilst the development would introduce significant bulk at the application site, the proposed building has been positioned between these windows preventing any significant loss of light and outlook. On the basis that the windows of the adjoining building appear to have been recently installed and take light and outlook across land outside of their control, it is not considered that an objection in terms of loss of light or outlook could be sustained.

- 5.37 The proposal would introduce a residential presence which would provide natural surveillance across the adjoining car park which would be beneficial from a community safety point of view.

### **5.38 Highway Impacts**

- 5.39 The application has been considered by the Local Highway Authority who confirm that the proposal would not have a material impact on the operation of the surrounding highway network in terms of trip generation. Whilst removing the car park to the public house, it is considered that this would not affect servicing and deliveries that already take place from London Road, and any staff or patrons that arrive by private vehicle could use the adjoining public car park.
- 5.40 In respect of parking, the Portsmouth Parking SPD sets out the expected level of parking provision that should be included within new residential developments. For a development of nine 2-bedroom dwellings, the expected parking demand would be 14 parking spaces (rounded from 13.5) with 18 bicycle storage spaces. The proposal would provide 14 parking spaces, 2 towards the front of the building a 12 to the rear within a small car park that would extend slightly under the building.
- 5.41 A communal bicycle store located centrally at ground floor level would provide 18 bicycle storage spaces with a further 10 spaces for visitors provided by 'Sheffield' style hoop within the site curtilage. These facilities are considered to be secure and conveniently located to encourage the use of bicycles.
- 5.42 Whilst initially raising concerns in respect of the kerbed radii junction arrangement, the applicant has provided amended drawings showing a revised footway crossing type access as suggested by the LHA. The refuse store has also been revised in line with comments provided by the City Council's waste collection team and is now considered to be acceptable. The parking, bicycle/refuse storage facilities and junction layout can be required through suitably worded planning conditions.
- 5.43 Representations indicate that a right of way remains across the application site between the public house and the access road from Stubbington Avenue. Whilst this has not been confirmed at the time of writing, the proposed building design and layout would not prevent the passage of individuals in the case of an emergency and whilst not ideal, small bin collection could continue to take place from the rear through the undercroft. Larger deliveries to the public house would remain from the London Road frontage.

### **5.44 Sustainable design and construction**

- 5.45 The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's

proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

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

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

#### **5.47 Impact on nature conservation interests**

5.48 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated 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.

5.49 There are two potential impacts resulting from the hotel element of this development the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.

5.50 1. The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

5.51 Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £4,626.00 (9 x 2-bedroom units @ £514). The applicant indicated that mitigation will be provided and secured through the S.106 Agreement. With this mitigation the authority has concluded that the adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.

5.52 2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own interim strategy.

5.53 Portsmouth City Council has approved an Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019). This Strategy identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within

new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.

- 5.54 The applicant's Nitrate Neutrality Statement briefly explores options 1 & 2 set out within the INNMS and concludes that neither are viable for this particular development. The developer has concluded that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.55 The Council has on this occasion agreed that the developer can seek to acquire 'credits' from the 'Mitigation Credit Bank'. Based on the methodology set out within the INNMS, to fully mitigate the increased levels of nitrogen input to the water environment within the Solent resulting from the overnight stay element of the development, the applicant will require credits equivalent to 9.085kg/TN/yr which has been identified as the net increase in the total nitrogen.
- 5.56 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), subject to the developer securing them in line with the INNMS through an appropriate legal agreement.
- 5.57 Subject to this legal agreement and a planning condition requiring mitigation to be in place prior to first occupation of any dwellings, the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would therefore not affect the integrity of the SPA through deterioration of the water environment.

## **5.58 Conclusion**

- 5.59 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would provide 9 new dwellings within a sustainable location contributing towards the city's identified housing need. With the mitigation measures to address potential impacts from the neighbouring public house and the loss of trees at the site, the proposal would provide an acceptable standard of living environment for future occupiers within an appropriately landscaped setting without affecting the operation of the public house. With a legal agreement to secure mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent, it is considered that the proposal would meet the definition of sustainable development as set out within the NPPF, notwithstanding the 'on balance' assessment in respect of design.
- 5.60 With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met:
- 5.61 Test (i) (and Paragraph 177) - this test is relevant due to the potential recreational disturbance around the shorelines of the harbours, from increased levels of nitrogen and phosphorus entering the Solent water environment and the potential for disturbance to a protected species. In short, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy.
- 5.62 Test (ii) - the development would provide 9 new dwellings to help meet the city's housing supply, which is currently below the required 5 year total. As the development is considered to be acceptable on all material planning grounds, it is considered that any impacts of the development would not 'significantly and demonstrably outweigh the benefits' of the proposal when assessed against the policies in the NPPF taken as a whole.

## **RECOMMENDATIONS:**

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

- SPA nitrate mitigation
- SPA recreational impact mitigation

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

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

### **Conditions:**

#### **Time Limit:**

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

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

#### **Approved Plan Numbers:**

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: 18.3108.100\_P7, 18.3108.101\_P3, 18.3108.102\_P5, 18.3108.103\_P5 and 18.3108.104\_P7.

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

#### **Land Contamination:**

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

a) A desk study (undertaken in accordance CLR11 following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, with network diagram) showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth; and unless otherwise agreed in writing by the LPA;

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment

Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed enduse or can be made so by remediation; and, unless otherwise agreed in writing by the LPA;

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

#### **Land Contamination Verification:**

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (3)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (3)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged:

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

#### **Drainage:**

5) (a) No development works other than those associated with the construction of the foundations shall take place until the precise details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water; and  
(b) The development shall be carried out in full accordance with the details approved pursuant to part (a) of this condition.

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



**Materials:**

6) (a) Notwithstanding the submitted details, no development works other than those associated with the construction of the footings shall take place until a detailed schedule of materials, finishes (including samples where requested) and architectural detailing (recesses to windows and doors, brick banding etc.) to be used for all external surfaces of the development hereby permitted (including hard surfacing to the communal/parking areas and boundary treatments) has been submitted to and approved in writing by the Local Planning Authority; and (b) The development shall thereafter be carried out in full accordance with the schedule approved pursuant to part (a) of this condition.

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

**Special Protection Area Mitigation:**

7) (a) The development hereby permitted shall not be occupied/brought into use until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been submitted to and approved in writing by the Local Planning Authority; (b) The development shall then be carried out in full accordance with the scheme of mitigation approved pursuant to part a) of this condition with any mitigation measures thereafter permanently retained.

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

**Noise & Vibration:**

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the construction of the footings shall take place until a scheme for adequately insulating all habitable rooms against traffic and commercial noise and vibration (including the use of the public house, adjoining car parks and the undercroft), and details of mechanical ventilation where necessary, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms: Daytime (Living rooms and bedrooms): LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time (Bedrooms only): LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB; and (b) The measures detailed within the scheme approved pursuant to part (a) of this condition shall then be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted and thereafter permanently retained.

Reason: To ensure that acceptable levels of noise and vibration within the dwelling are not exceeded in the interests of residential amenity having regard to the specific design of the development incorporating an undercroft access and proximity of the site to commercial uses in accordance with the NPPF and Policy PCS23 of the Portsmouth Plan.

**Landscaping:**

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until a detailed hard and soft landscaping scheme for the external areas which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; tree pit construction; the phasing and timing

of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the first occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting to the development and to adequately mitigate the loss of existing green infrastructure at the site as a result of the development works in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

### **Boundary Treatments:**

10) (a) Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby permitted, precise details of all means of enclosure/boundary treatments including walls, railings, acoustic fencing (and boundary treatments between the private curtilage of Apartment 1 as annotated on the approved drawings and the communal areas) shall be submitted to and approved in writing by the Local Planning Authority; and

b) Prior to first occupation of any dwelling hereby permitted, the means of enclosure/boundary treatments approved pursuant to part (a) shall be provided; and

c) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and or re-enacting that Order with or without modification) the means of enclosure/boundary treatments approved and delivered pursuant to parts (a) and (b) of this condition shall thereafter be permanently retained in accordance with the details approved pursuant to part (a) of this condition.

Reason: In the interests of visual amenity and to protect future residents from noise associated with the adjoining public house in accordance with Policy PCS23.

### **Parking Provision:**

11) (a) Prior to the first occupation of any of the dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) the parking facilities (14 parking spaces) and associated access shall be provided in accordance with approved drawings; and (b) The approved parking provision shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles only.

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

### **Sustainable Design & Construction:**

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

a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

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

**Bicycle Storage Facilities:**

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

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

**Refuse Storage Facilities:**

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

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

**External Additions:**

15) Unless otherwise agreed in writing with the Local Planning Authority, other than those shown on the approved drawings, no externally mounted flues, ducts, soil stacks, soil vent pipes, pipes or utility boxes/cabinets shall be installed on any elevation of the building.

Reason: To reduce visual clutter in the interests of the visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

**46-50 KINGSTON ROAD AND 2A NEW ROAD PORTSMOUTH PO2 7RB****CONSTRUCTION OF PART 3/PART 4 STOREY BUILDING COMPRISING TWO GROUND FLOOR RETAIL UNITS (CLASS A1) AND 11 SELF-CONTAINED FLATS WITH ASSOCIATED CYCLE AND REFUSE STORAGE (FOLLOWING DEMOLITION OF EXISTING BUILDINGS)****Application Submitted By:**

Mr Rick Carter  
PLC Architects

**On behalf of:**

Fortress Group Ltd

**RDD:** 12th April 2019

**LDD:** 20th August 2019

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application is being heard at committee due to being a development of more than 6 new dwellings.
- 1.2 The main issues in the determination of the application are as follows:
- Principle of the proposal and housing provision
  - Housing mix, density and affordable housing
  - Design
  - Sustainable construction
  - Standard of living accommodation
  - Impact on neighbouring amenity
  - Access and parking
  - Impact on the Solent Special Protection Areas
  - Contaminated Land
- 1.3 Site and its Surroundings
- 1.4 The application site lies to the south east side of the junction of Kingston Road to the west with New Road to the east, and is occupied by three adjoining buildings (Nos. 46 and 50 Kingston Road and 2A New Road). The existing buildings on site are predominantly 2-storeys in height and contain a mix of retail and office units/storage on the ground floor, with a total of 3 nos. residential flats above. The frontage to the retail units are onto Kingston Road, and access to the office and flats is gained from New Road. The existing buildings cover the majority of the site, with the exception of a small yard area on the south-eastern side. There is an alleyway to the east of the site, with gated access into the yard. The walls of the building are rendered above and to the rear of the shopfronts and the roof comprises a mix of pitched and flat roof elements.
- 1.5 The buildings in the immediate area vary between 2 and 4 storeys in height and comprise a mix of commercial and residential uses. The site lies within the Kingston Road Local Centre, as defined by Policy PCS18 of the Portsmouth Plan. There are within 100metres of the site, public car parks and four bus stops (two on high frequency bus routes).

- 1.6 The submitted plans indicate that the existing retail units measure 79m<sup>2</sup> and 89m<sup>2</sup> and the office/storage unit measures 50m<sup>2</sup>. The existing flats comprise 1 x 2-bed flat with a floor area of 79m<sup>2</sup> and 2 x 1-bed flats with floor areas of 29m<sup>2</sup> and 52m<sup>2</sup>.
- 1.7 Proposal
- 1.8 The proposal is to demolish the existing buildings and replace them with a part 3, part 4-storey building comprising 2nos. retail units at ground floor level with 11nos. 1-bedroom flats above. The layout of the building would be as follows:
- Ground floor - 2 x retail units measuring 102m<sup>2</sup> and 81m<sup>2</sup> and cycle store and refuse store;  
 First floor - 4 x 1-bedroom flats with floor areas between 39m<sup>2</sup> and 51m<sup>2</sup>;  
 Second floor - 4 x 1-bedroom flats with floor areas between 39m<sup>2</sup> and 51m<sup>2</sup>;  
 Third floor - 3 x 1-bedroom flats with floor areas of 39m<sup>2</sup>.
- 1.9 The larger retail unit would have its frontage onto both Kingston Road and New Road, and the smaller unit would front onto New Road. The flats would be accessed via a recessed glazed staircase from New Road, between the retail units. There would also be rear access to the refuse and cycle stores via the existing alleyway to the east of the site. The cycle store would accommodate 14 cycle parking spaces and there would be 2 additional visitor cycle spaces in the courtyard. No on-site parking is proposed.
- 1.10 The elevations of the building would be constructed of brickwork (mix of red and buff brick), with decorative brick banding between the first and second floors. The roof would be constructed of vertical standing seam cladding and the windows, doors and shopfront are proposed to be grey UPVC.
- 1.11 The proposed plans were amended during the course of the application process to address some design concerns raised by officers. The amendments were as follows:  
 Replacement of render with buff brick to the east and part north elevations at first and second floor level;  
 Eastern section of roof set back 0.8m from the northern façade;  
 Confirmation that windows would be recessed by 0.1m.
- 1.12 Planning history
- 1.13 2A New Road:
- The planning history for No.2A New Road dates back to 1959 and includes applications for signage and changes of use of the building. The most recent permission was as follows:
- A\*22540/AA - change of use to offices for us as staff agency (A2) - permission 7 June 2002
- 1.14 48 Kingston Road:
- A\*27845/AA - Lawful Development certificate for existing use as two flats at first floor level - granted 21 March 1994
- A\*27845/A - construction of ground floor rear and side extension to provide store - conditional permission 20 September 1988
- 1.15 There have also been two previous applications for signage relating to 48 - 50 Kingston Road, granted consent in 1997 and 1970.

## **2.0 POLICY CONTEXT**

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

- PCS10 (Housing Delivery)
- PCS13 (A Greener Portsmouth)
- PCS14 (A Healthy City)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS18 (Local Shops and Services)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS21 (Housing Density)
- PCS23 (Design and Conservation)

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

### **2.3 Saved Policy DC21 (Contaminated Land)**

### **2.4 Other Guidance**

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

## **3.0 CONSULTATIONS**

### **3.1 Highways Engineer (HE)**

### **3.2 HE further comments 26 February 2020:**

3.3 The applicant is seeking to rely on parking space within the Hanway Road car park, which is not land within the control of the applicant, nor can it be secured. As a consequence, the application is in conflict with the Adopted Parking SPD and there is insufficient space on street to accommodate the parking shortfall. The issue is one of residential amenity rather than highway safety, capacity or accessibility.

### **3.4 HE further comments 19 July 2019:**

3.5 The site is not within a high accessibility zone identified in the SPD although it does offer similar transport accessibility characteristics to parts of those. That said, the location within one of these zones is not in itself sufficient to justify consideration of a reduction in the parking standard. It is only in the city centre that the SPD determines that a reduction in the parking expectation will be appropriate.

3.6 Where a development is proposed without parking, we need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home. When doing so, consideration is given to one street road space and car parks which are in the control of the local highway authority.

3.7 In this case, the parking survey relies on off-street car parking spaces found in car parks on Hanway Road. These car parks are not controlled, operated or managed by the Local Highway Authority. They therefore cannot be relied upon to provide parking

facilities in the same way that on street space or car parks operated by the Local Highway Authority can be, as they could have usage restrictions placed on them at any time, or be promoted for redevelopment.

- 3.8 Highway Engineer original comments:
- 3.9 Recommend refusal of the application due to the scale of the proposal, it is not anticipated that associated traffic generation would have a material impact on the operation of the local highway network.
- 3.10 Local on and off-street parking facilities are considered sufficient to meet the demand associated with the proposed commercial uses, but not the residential uses.
- 3.11 The site does not lie within an area of the city that the Parking Standards SPD identifies as a sufficiently accessible area to allow a reduction in parking provision. The site lies in an area where the demand for parking by residents frequently exceeds the capacity available on street, particularly overnight and at weekends.
- 3.12 The existing site accommodate 3 flats with no parking, representing a shortfall in 3.5 spaces in accordance with the Parking Standards SPD. The proposed development would require 11 parking spaces in accordance with the SPD, increasing the shortfall by 7.5 spaces.
- 3.13 The submitted parking survey does not include any photographic evidence of available parking spaces, nor has a plan been provided showing the location of these. The survey demonstrates that spaces are mainly available within public car parks, with limited capacity on street. These car parks cannot be relied upon to provide residential parking as they are not operated by the Local Highway Authority (LHA) and could be redeveloped in the future.
- 3.14 Based on the submitted information, the LHA is not satisfied that there is capacity on street to accommodate the additional residential parking demand.
- 3.15 As a consequence the development would increase local parking demand, making it more inconvenient for residents to find a place to park, impacting on residential amenity and air quality, and resulting in increased indiscriminate parking, contrary to highway safety.
- 3.16 Environmental Health
- 3.17 Environmental Health further comments received 29 May 2020:
- 3.18 In relation to air quality, a review of an Air Quality Assessment carried out for a nearby development where similar levels of air pollution were present, determined that the proposal to provide residential accommodation at first floor level and above was suitable from an air quality perspective. Air quality is therefore not considered to be a material constraint to the development.
- 3.19 Environmental Health Original comments:
- 3.20 No objection subject to the fitting of windows with the proposed glazing specification: Pilkington 4-12AR-K4 Rw (C;Ctr) 31dB - Spec B and Pilkington 6-16AR-K10/8LP RW (C;Ctr 42dB - Spec A. This would ensure that future residents are protected from road traffic noise.
- 3.20 Contaminated Land Team

- 3.21 The site has been used by various commercial and industrial uses over its history including a dyers/cleaners in the 1920s, and is close to other potentially contaminative historic land uses. Therefore, there is the potential for contamination to exist on the site. No objection subject to conditions requiring:
- a desk top study, site investigation report and remediation method statement;
  - a verification report that the remediation scheme has been completed as approved.
- 3.22 Natural England
- 3.23 Concern raised regarding deterioration of the water environment and the likely significant effect on the Portsmouth Harbour Special protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) specifically in relation to the impact of nutrients from the development. Therefore an Appropriate Assessment is required.
- 3.24 No objection in respect of recreational disturbance to birds subject to mitigation under the Solent Recreation Mitigation Strategy.
- 3.25 Recommend an appropriate level of biodiversity enhancement, such as the addition of bat and bird boxes.
- 3.26 Ecology
- 3.27 No comments received.

#### **4.0 REPRESENTATIONS**

- 4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- 4.2 Neighbour letters sent: 3 June 2019; expiry: 1 July 2019
- 4.3 Site Notice displayed: 7 June 2019; expiry: 28 June 2019
- 4.4 Press Notice: 22 May 2020; expiry: 12 June 2020
- 4.5 One representation received, raising the following comments:
- Scheme looks well thought out;
  - Concern about possible trespass/encroachment onto 44 Kingston Road;
  - Concern about overlooking into the garden of 44 Kingston Road;
  - Concern about parking;
  - A lot of development for a small plot;
  - Issues with viewing the plans on the website.

#### **5.0 COMMENT**

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

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



- 5.3 Currently, the Council can demonstrate 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would contribute towards meeting housing needs through a net gain of 8 dwellings.
- 5.4 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.5 The site lies within the Kingston Road local centre. Policy PCS18 of The Portsmouth Plan relates to 'local shops and services' and sets out the criteria for development that will help local centres to continue fulfilling their role. Shopping uses (Class A1) will be encouraged and other town centre uses will be supported, provided that the local centre would continue to provide for the top-up shopping needs of nearby residents and that there would not be an over-concentration of non-shopping uses in the local centre as a whole, or in the vicinity of the proposed development. The policy also states that above ground floor level, residential uses will be encouraged, but not at ground floor level. The proposal retains and enhances the retail element of the existing building and all the residential accommodation is on the first floor and above. The proposal is therefore acceptable in accordance with Policy PCS18.
- 5.6 Housing mix, density and affordable housing
- 5.7 Policy PCS19 of the Portsmouth Plan states that affordable housing would be sought on all schemes with a net increase in 8 dwellings or more. However, this has been superseded by National Policy, which states that affordable housing should only be sought for major developments of 10 dwellings or more. As the scheme is for a net increase in 8 dwellings, no affordable housing is required in accordance with national policy.
- 5.8 Policies PCS19 and PCS21 also set requirements for housing mix and density. Policy PCS19 states that all new development should provide 40% family housing (3 or more bedrooms) where appropriate, although it is recognised that not all sites would be suitable for such a provision. In this case, it is considered that the location and restricted size of the site makes it more suited to flatted development for single persons and couples.
- 5.9 In terms of density, Policy PCS21 states that development should achieve a density of at least 40 dwellings per hectare (dph), with higher densities of 100dph sought in more accessible locations. The proposal is for 11 dwellings on a site of 0.03ha, representing a density of 367dph. Given the accessible local centre location, this density is considered appropriate.
- 5.10 Design
- 5.11 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.
- 5.12 The site occupies a prominent corner position and as such provides an opportunity to enhance the character and appearance of the local street scene. The existing buildings on the site are in a visually poor condition with staining to the paintwork on the upper elevations and vacant shop units giving them a somewhat derelict appearance. The buildings incorporate a mix of window styles and roof forms and have no architectural features that are considered to be of specific quality.

- 5.13 The proposed building would be between 3 and 4-storeys in height, with the 4<sup>th</sup> floor set back from the principal elevations which does reduce its overall mass/scale. The immediate adjacent buildings on Kingston Road and New Road vary from 2 - 4 storeys in height, and there is a greater mix of building heights within the wider surrounding area. The part 3-storey element on New Road reflects the 3-storey height building on the opposite side at the junction with Kingston Road and the rise to 4-storeys on the Kingston Road corner is considered appropriate and would not be out of scale in this context.
- 5.14 Materials for the building would include brickwork to the main elevations, with vertical standing seam cladding at 4<sup>th</sup> floor level. The building would have a fairly uniform appearance in terms of window styles and proportions, but would incorporate two different tones of brickwork separated by a glazed recessed stairwell on the New Road elevation. This has been designed to add visual interest to the building and give the appearance of two separate adjoining buildings. The 4<sup>th</sup> floor level of the building would be set back behind the main facades by approximately 0.8m, giving this element of the building a subservient appearance and reducing its overall bulk.
- 5.15 The original plans proposed render to the Kingston Road frontage but following concerns raised by officers about the potential for staining of render on a main road frontage and the resulting poor appearance, the plans were amended to propose brickwork instead. The use of brick is considered to represent a more attractive and appropriate material in this location and would respect the appearance of a number of brick buildings in the surrounding area.
- 5.16 Overall, it is considered that the proposed development would be in keeping with the scale of surrounding development and would represent a modern and positive addition to the corner location. The proposal is therefore considered acceptable subject to condition(s) on external materials finishes, in accordance with Policy PCS23 of the Portsmouth Plan.
- 5.17 Sustainable design and construction
- 5.18 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:
- 5.19 Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations  
Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).
- 5.20 The applicants have confirmed that the proposed development has been designed to meet these standards, which can be secured by condition.
- 5.21 Standard of living accommodation

- 5.22 In accordance with Policies PCS19 and PCS23 of the Portsmouth Plan, new development is required to achieve a good standard of living environment for the number of people that are to be accommodated. The Nationally Described Space Standards (NDSS) set out minimum sizes for new dwellings that would need to be met depending on the number of bedrooms proposed. Five of the 1-bedroom dwellings just meet the minimum required space standard of 39m<sup>2</sup>, and the rest of the units would exceed the minimum. All the units have the appropriate sized bedrooms and sufficient floor to ceiling height.
- 5.23 There is an issue regarding the quality of the proposed housing in relation to the provision of two (2) single aspect units facing north, representing 18% of the proposed units. These units would receive daylight from the north, and the outlook would be towards the windows of the 3 storey residential buildings on the other/opposite side of New Road. However, considering the typology of these units (one bedroom flats), the overall design scheme, the floor area and internal configuration, on balance it is unlikely to have any significant adverse impact on the health and quality of life of future occupiers by reason of levels of daylight and sunlight received.
- 5.24 All the other proposed habitable room windows of the units would face either east or west where the best levels of light and outlook would be achieved. The windows fronting the road frontages would be designed to achieve acceptable noise reduction, and this will be secured by condition. The site is within Air Quality Management Area 6, however, the Environmental Health Team has confirmed that results of an Air Quality Assessment carried out at a nearby site determined that the impacts of air quality on residential amenity at first floor level and above would not be significant.
- 5.25 Whilst there is no specific policy requiring the provision of amenity space, the NPPF seeks to promote healthy and safe communities. Only a small area of amenity space is proposed for the development within an enclosed rear courtyard. Balconies would not be considered appropriate in this location given the air quality issues, and given the constrained size of the site and proximity of main roads and surrounding buildings, it would be difficult to achieve any meaningful garden area. The courtyard provision is not considered inappropriate in this context and it is noted that there are public parks (including Buckland Park and Buckingham Green) near (within 500metres) to the site.
- 5.26 Impact on neighbouring amenity
- 5.27 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.28 The building has been designed to minimise any potential for overlooking. Most of the windows to the flats look out over Kingston Road and New Road. There would be bedroom windows on the east elevation of the flats in the south east corner of the building (apartments 2, 6 and 10) looking over the rear courtyard but these are 15m from the flank wall of the adjacent building fronting New Road which only has windows to a stair well. There would also be some hallway, bathroom and kitchen windows on the south elevation facing over the courtyard and towards neighbouring properties to the south, where there are some existing residential uses. However, subject to appropriately worded condition requiring all the south facing windows to be fixed shut and obscure glazed at no less than 1.7 metres above the finished floor level of the room in which it is installed, there would be no significant impact on the privacy of neighbouring residents.
- 5.29 It was noted on site that light and outlook to existing north facing windows on the adjacent property to the south was already greatly restricted by the existing building on the application site. Whilst the proposed building would be taller than existing, the tallest

element would be set away from the southern boundary and given the orientation to the north, it is not considered that it would result in any significant impact in terms of increased overshadowing. Having regard to the intervening roads and separation distances between buildings, it is also not considered that the development would significantly impact on the amenities of residents to the north or west of the site.

- 5.30 In terms of the impact on residential properties to the east, it is noted that the eastern elevation of the new building would extend forward of the building line of the adjacent building, and would be taller than the existing building on the site. However, given the orientation of the buildings and position of the windows, it is not considered that the development would result in any significant impact in terms of loss of light, outlook or privacy to the neighbouring residents.
- 5.31 It is considered that the development would protect the amenities of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.
- 5.32 Access and parking
- 5.34 The main highway considerations for this scheme relate to traffic generation and parking.
- 5.35 Both New Road and Kingston Road are classified roads and Kingston Road is one of the 3 main strategic routes into the city, and the junction of these two roads is controlled by traffic signals. In relation to traffic generation, the submitted Transport Statement concludes that the number of additional car trips generated by the development would make an insignificant contribution to the number of traffic movements in the area. The Council's Highway Consultant has concurred that the development would not have a material impact on the operation of the local highway network.
- 5.36 With regard to parking, the proposal is for 11 new 1-bedroom flats with no on-site car parking and the Council's Highway Engineer initially raised concerns about the impact of the lack of parking in relation to residential amenity, air quality and highway safety. The Highway Engineer is satisfied that the daytime requirements of the commercial units can be met within existing capacity, but does not consider there is capacity on street to satisfy the needs of the residential units, particularly at night and weekends. It is noted that 11 cycle spaces would be provided, which accords with the SPD cycle parking requirements, but this does not in itself mitigate the need for car parking.
- 5.37 There is no parking permitted on the western side of Kingston Road and on the eastern side there are only a few places where parking is permitted for limited times. Much of New Road has double yellow lines and there are also restrictions in surrounding roads. There are 4 public car parks on the west side of Kingston Road accessed from Hanway Road and there is some unrestricted layby parking in Hanway Road, Sultan Road and Seymour Close.
- 5.38 Under the provisions of the Adopted Parking Standards and Transport Assessments SPD, the parking requirement for this development would be 13 spaces (11 for the residents at 1 space per unit and 2 for visitors). As there is no parking at present there is an existing shortfall of 3.5 (4) spaces. Therefore the net shortfall resulting from the proposed development would be 9 spaces.
- 5.39 In these circumstances the developer is required to justify the lack of car parking provision to serve the proposed development, which should include parking surveys. The applicant submitted a Transport Statement, which included the results of 7 surveys undertaken to assess current car parking demand within the area at different times and days of the week. The surveys were completed in accordance with the Lambeth Parking Beat Survey methodology, which uses the distance of 200 metres walking distance.

- 5.40 The surveys demonstrated that there were a substantial number of spaces available at all times of the day with an average occupancy of 68%, and in the evenings there were at least 40 spaces within the nearby car parks on Hanway Road. In relation to the availability of the car parks, the Council's Property Team has confirmed that there are no current plans to redevelop the car parks, therefore there is no information to suggest that they would not remain available for the foreseeable future.
- 5.41 In reaching a determination on the acceptability of this application, a balance needs to be made between the potential highway impacts, having regard to the location of the development, and the benefits of the development in terms of contributing towards housing need.
- 5.42 The site is considered to be in a sustainable location, close to a main transport corridor with high frequency bus services and near to two local centres offering a variety of retail uses (including convenience store), community facilities and employment within easy walking distance. Bus services include those running to the city centre and Southsea at 10 minute intervals during the day, which also provide links to two nearby train stations (Portsmouth and Southsea and Fratton).
- 5.43 The applicant has highlighted two recent appeal decisions in the City (120 London Road North End and 167-169 London Road Hilsea) where the Inspector considered that because the residential units were single bedrooms and within easy walking distance of services, facilities and public transport, the need for private occupiers to have a private car was reduced. The applicant has also analysed the data underpinning the SPD and concluded that parking demand arising from 1-bed, 1-person households is lower than for larger properties.
- 5.44 In addition, the applicant has noted that if parking was to be provided on the application site, it would prejudice the delivery of the ground floor commercial uses and would result in additional vehicles entering and exiting the site close to a traffic light controlled junction, which may not be considered acceptable from a highway safety point of view. In general, the ability to provide parking on the application site would always be restricted by its constrained size.
- 5.45 With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met. On balance, having regard the various factors discussed, including the location of the site, the existing use and small size of the proposed residential dwellings, it is considered that any potential harm resulting from a lack of on-site parking is outweighed in this instance by the requirement for much needed housing within the city.
- 5.46 Impact on the Solent Special Protection Areas (SPA)
- 5.47 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.48 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.49 Recreational pressure:

- 5.50 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.51 The mitigation contribution depends on the size of the proposed dwellings and takes account of any existing dwellings on the site. In this case, the amount is calculated as follows:
- Existing - 3 x flats (1 x 2-bed, 2 x 1-bed)  
Proposed - 11 x 1-bed flats  
Net gain = 8 x 1-bed flats
- 5.52 Amount for 1-bed flat = £356  
Mitigation calculation for proposed = £356 x 11 = £3,916
- 5.53 Calculation of amount to be discounted based on existing = 2 x £356 + 1 x £514 = £1,226
- 5.54 Mitigation amount discounting existing = £3,916 - £1,226 = **£2,690**
- 5.55 Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.
- 5.56 Nitrates:
- 5.57 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.58 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 5.59 In this instance, the applicant has provided a Nitrate Neutrality Statement. In relation to Option 1, they have noted that the site does not benefit from any extant residential planning permission. Whilst the existing building has some residential use, the level of nitrogen output from the existing use would not fully off-set the nitrogen output from the proposed development. In relation to Option 2, the applicants have stated that as the development is for a replacement building on a small site, it is not feasible to incorporate SuDs. The applicant also does not own any agricultural land in the catchment that could

be used for green infrastructure off-setting. The applicant therefore wishes to rely on Option 3, to purchase 'credits' in accordance with the Council's Strategy.

- 5.60 The proposal would result in a net gain in 8 dwellings at the site. This would be considered as a minor scheme (less than 10 dwellings), for the purposes of the Strategy, and credits can be purchased for £200 per dwelling. The required contribution for this scheme would therefore be £1,600 (£200 x 8).
- 5.61 This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.
- 5.62 Subject to the legal agreement to secure mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.
- 5.63 Land contamination
- 5.64 The site has had various potentially contaminative uses including an oil and colour store and there was a brewery at no. 2 New Road. A desk top survey has been submitted which concludes that there is a low risk to human health as a result of these past land uses. However, further information is required to fully assess the potential risk from contamination and this can be requested by condition.
- 5.65 Community Infrastructure Levy (CIL)
- 5.66 For new residential development the relevant CIL charge for 2020 (taking into account indexation) is £157.26 per square metre
- 5.67 Conclusion
- 5.68 The proposed development would make a positive contribution towards the housing needs of the city and is considered to be acceptable in terms of layout, design, standard of living accommodation and impact on residential amenity. Whilst impacts on amenity have been identified by the Council's Highway Engineer, it is not considered that these impacts would 'significantly and demonstrably' outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole.
- 5.69 In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas.
- 5.70 In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

## RECOMMENDATIONS

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

- SPA nitrate mitigation
- SPA recreational impact mitigation

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

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

### Conditions

#### Time Limit

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

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

#### Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Block and Location Plan 16.2198.105 P3; Proposed Ground Floor Plan 16.2198.100 P3; Proposed First Floor Plan 16.2198.101 P3; Proposed Second Floor Plan 16.2198.102 P3; Proposed Third Floor Plan 16.2198.103 P4; and Proposed Elevations 16.2198.104 P4.

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

#### Contaminated Land

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

a) A *desk study* (undertaken in accordance with CLR11 following best practice including *BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'*) documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, with network diagram) showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth. and once this '*Phase 1*' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A *site investigation* report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with *BS10175:2011+A2:2017* and *BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'*). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; if so the remedial options appraisal shall include consideration of sustainability,



and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

c) A *Phase 3 remediation method statement* report detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the *design report, installation brief, and validation plan* as detailed in *8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings*, and shall include nomination of a competent person to oversee the implementation and completion of the works.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in compliance with policy PCS23 of the Portsmouth Plan and saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

### **Contaminated Land Verification**

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (3)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 *Good practice on the testing and verification of protection systems for buildings against hazardous ground gases*. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (3)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in compliance with policy PCS23 of the Portsmouth Plan and saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

### **Obscure Glazing**

5) The windows on the south elevation of the building hereby permitted shall be fixed shut and obscure glazed up to no less than 1.7 metres above the finished floor level of the room in which it is installed glazed. These windows shall be fitted with obscured glazing (at Pilkington Glass Level 4 or equivalent), and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.

### **Biodiversity Enhancements**

6) (a) No development (except demolition) shall take place at the site until a scheme for proposed biodiversity enhancements and their timing shall have been submitted to and approved in writing by the Local Planning Authority;

(b) The scheme for biodiversity enhancement shall be fully implemented in accordance with the details approved under part (a) of this condition and thereafter retained.

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

### **Materials Details**

7) Notwithstanding the details shown on the approved plans, no development (except demolition) shall take place at the site until details, including samples, of the types and colours of external materials and windows (including depth of window recesses), has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

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

### **Glazing Details**

8) The windows at first, second and third floor level on north and west elevations of the building hereby permitted, shall be glazed to the following specification and thereafter retained, unless an alternative glazing specification is first agreed in writing by the Local Planning Authority:

Pilkington 4-12AR-K4 RW (C;Ctr) 31dB - Spec B and Pilkington 6-16AR-K10.8Lp RW (C;Ctr) 42dB - Spec A).

Reason: To protect future occupants from road traffic noise, in accordance with Policy PCS23 of the Portsmouth Plan.

### **Bicycle Storage**

The facilities to be provided for the storage of bicycles, as shown on Plan ref. 16.2198.100 P3, shall be constructed and completed before the building hereby permitted is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the building for that storage at all times.

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

### **Refuse Storage**

10) The facilities to be provided for the storage of refuse and recyclable materials, as shown on Plan ref. 16.2198.100 P3, shall be constructed and completed before the building hereby permitted is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the building for that storage at all times.

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

### **Energy and Water Efficiency**

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

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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

#### **Construction Management Plan**

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

Reason: To minimise disruption to the operation of the local highway network in the interest of highway safety, and to protect the amenities of neighbouring residents, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

#### **Flat Roof Restriction**

13) The flat roof area at third floor level on the east elevation of the building hereby approved shall not be used as a balcony, roof terrace, sitting out area or similar amenity area, nor shall any railings or other means of enclosure be erected on top of or attached to the side of the extension without the grant of further specific planning permission by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of neighbouring properties, in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Nitrate Mitigation**

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

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

187 HAVANT ROAD PORTSMOUTH PO6 1EE

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

**Application Submitted By:**

Mr Lee Drennan

Kenn Scaddan Associates Ltd

**On behalf of:**

Mr Andrew Powell

The Society of St James

**RDD:** 5th June 2019

**LDD:** 5th September 2019

**1.0 SUMMARY OF MAIN ISSUES**

1.1 The application is being heard at committee due to the receipt of a deputation request from a neighbouring resident and due to its scale (13 residential units).

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

- Principle of the proposal
- Standard of living accommodation
- Design
- Impact on neighbouring amenity
- Access and parking
- Energy and water efficiency
- Impact on the Solent Special Protection Areas

1.3 Site and surroundings

1.4 The application relates to a large two-storey detached building located on the north side of Havant Road, between the junctions with Drayton Lane and Portsdown Avenue. The property was formally in use as a care home for the elderly (Use Class C2), with 10 bedrooms, and prior to COVID 19 had been vacant for approximately 2 years. The premises is currently being used to temporarily house vulnerable as a result of the COVID 19 lockdown. This temporary use is due to cease by mid August.

1.5 The building is set back from the road frontage with an area of hardstanding to the front of the site and a garden area to the rear. There is a mature tree located on Havant Road in front of the site, and a number of smaller trees and shrubs within the site. The trees on the site are not protected. The land levels on the site rise from south to north.

1.6 The site lies opposite the Havant Road Local Centre, which provides a variety of shops and services. The surrounding area is otherwise predominantly residential in character and has a verdant feel with rows of mature trees along Havant Road, and many properties set within well landscaped plots. The adjacent properties to the east and west of the site are both detached, two-storey residential dwellings. These are set back on their plots along a similar building line to the application site and have long rear gardens extending to the north. There are also residential properties to the north of the site.

## 1.7 Proposal

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

## 2.0 **POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

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

- PCS23 (Design and Conservation)

## 2.2 Other Guidance

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

## 3.0 CONSULTATIONS

### 3.1 Head of Community Housing

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

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

### 3.4 Private Sector Housing

3.5 No comments to make.

### 3.6 Crime Prevention Design Advisor

3.7 No comments received.

### 3.8 Highways Engineer

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

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

3.11 Original comments

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

3.13 The site is not located in a part of the city found to be so accessible as to allow a reduction in the parking standard and as a consequence the parking expectation established in the SPD applies. This requires 1 car parking space and 1 cycle parking space per unit.

3.14 Satisfied that the traffic generation from the scale of development would be unlikely to have a material impact on the operation of the local highway network. However, adequate provision is not made on site for vehicle parking or cycles.

- 3.15 Parking is restricted on street at the site frontage by double yellow lines and no parking survey has been submitted in support of the application to demonstrate that there is sufficient on street parking capacity within a reasonable walking distance.
- 3.16 The proposal would increase the local parking demand making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will result in both instances of vehicles being parked indiscriminately raising highway safety concerns, and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.
- 3.17 Environmental Health
- 3.18 No objection. The site is adjacent to a busy road but the 20m separation distance between the edge of the carriageway and the south façade of the building should ensure that internal noise levels within the flats on the south side are within recommended guidelines.
- 3.19 Waste Management Officer
- 3.20 Due to the existing slope between the pavement and bin area, bins should be no larger than 360L. 4 x 360L bins would be sufficient for the proposal (2 x refuse and 2 x recycling). Residents would be required to bring the bins to the pavement for collection.

#### **4.0 REPRESENTATIONS**

- 4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent:
  - First round: 3 July 2019; expiry: 31 July 2019
  - Second round amended description: 11 February 2020; expiry: 10 March 2020
  - Site Notice displayed: 5 July 2019; expiry: 26 July 2019
  - Press Notice published: 29 May 2020; expiry: 19 June 2020
- 4.2 Two representations have been received, raising objection on the following grounds:
- a) too many units on the site / over intensification of the use;
  - b) dwellings are smaller than the recommended minimum size and do not conform to housing policy requirements;
  - c) inadequate parking provision; although residents may not have cars, visitors would require parking;
  - d) lack of parking on site would cause increased pressure for parking on surrounding roads;
  - e) no provision for laundry facilities on site and no nearby laundry;
  - f) does not appear to be provision for continuous staff presence to monitor and support residents;
  - g) no details of the management or maintenance of the gardens;
  - h) increased residents on the site would increase waste and pollution;
  - i) the development would not improve the area.

#### **5.0 COMMENT**

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

adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 5.3 Currently, the Council can demonstrate 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would contribute towards meeting housing needs through a gain of 13 dwellings (albeit set against the loss of the care home accommodation).
- 5.4 In this case the 13 dwellings have been designed to be occupied as 'move-on' accommodation for previously homeless persons. 'Move-on' accommodation is a term used by The Homeless Foundation, which defines it as follows:  
*'Move on accommodation is a stepping stone between hostels and independent living. These are essentially studio flats or bedrooms in shared houses in the community where people can live independently with the on going support from trained resettlement advisers. After a period of say 6 months to a year, the individual should have gained the skills and confidence to live independently and secure accommodation from either Housing Associations or the private rental market. For those capable of living independently, the ability to access move on accommodation is a critical factor in ensuring a permanent move away from homelessness'.*
- 5.5 The applicants are an established Homeless charity and tenants for the building would be agreed in liaison with Portsmouth City Council's Homeless Housing Pathway Panel. The Council's Housing Officer has expressed support for the scheme, commenting that the proposed scheme would contribute towards meeting the shortfall in temporary accommodation within the city.
- 5.6 The issue of homelessness and rough sleeping in Portsmouth is highlighted within the Council's Homelessness Strategy (2018-2023). The Strategy notes that there has been an increase in the number of people sleeping rough in the city in recent years, and that the availability of temporary accommodation and permanent housing is a significant issue. Improving access to accommodation is one of the main components of the strategy to help achieve the aim of preventing homelessness. The proposed development would therefore support the aims of the Council's Homelessness Strategy by providing additional temporary accommodation aimed at assisting people to live independently and move towards more permanent housing.
- 5.7 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.8 Standard of Accommodation
- 5.9 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It requires developments to meet specific space standards, (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.
- 5.10 The Nationally Described Space Standards set a minimum size for 1-bedroom flats at 37m<sup>2</sup>. The proposed units, ranging from 17m<sup>2</sup> to 26m<sup>2</sup> would therefore fall significantly short of this minimum standard. It is therefore necessary to consider whether there are



any exceptional circumstances that would allow reduced sized accommodation for this scheme.

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

5.19 Impact on the amenities of neighbouring residents

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

5.21 The two adjacent properties to the east and west of the site are in residential use as single dwellings. The existing building on the application site has a number of windows at both ground and first floor level on the side elevations facing the neighbouring properties. The rear windows of the building also provide oblique views over the rear gardens of the neighbouring properties, particularly the garden to the west. These windows previously served bedrooms and lounge areas of the former care home, which would have created an element of overlooking.

5.22 No new windows are proposed to be installed as part of the proposed development. From the ground floor windows, views into the neighbouring properties are obscured to a large extent by the existing boundary fencing and planting and therefore the impact of overlooking to neighbours from these windows is not considered to be significant. It is also not considered that there would be any significant privacy concerns resulting from the outlook from the first floor front and rear windows (north and south elevations), as these windows face over the application site and only provide oblique views into neighbouring gardens.

5.23 Whilst some of the first floor side facing windows would overlook the neighbouring properties, given that these windows previously served bedrooms and lounges of the care home, it is not considered that the impact on the privacy of the neighbours would be significantly greater than that which previously existed.

5.24 Within the representations, neighbouring residents have raised concerns about the intensification of the use of the property, as the proposal would provide 13 flats compared to the 10 previous elderly care bedrooms. For the proposed use, each of the flats would be occupied by 1 resident, and the applicants have confirmed that there would be 1 member of staff on the site during the day, along with 1 to 2 visits on some days by support staff to provide assistance with matters such as health and wellbeing, social skills and counselling. In comparison the care home is likely to have had more staff present, with more comings and goings to the site. Therefore, whilst the proposal would result in an increase in the number of occupants, it is not considered that the overall use would represent any significant intensification over the former care home use.

5.25 The applicants have also provided some further information regarding security of the site, to help alleviate any potential concerns of neighbouring residents, for example if any issues arose with anti-social behaviour or noise. The applicants have explained that there would be a security team who would carry out remote CCTV monitoring of the building including a night time check, as well as a responsive attendance should any issues occur (e.g. disturbance, alarms, noise etc). There is also an out of hours On Call Manager who could respond to issues if required. The residents themselves would have access to a communal phone, which would call through to a Support Team, and the same number could also be provided to neighbouring residents.

5.26 Access and Parking

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

- 5.28 In determining the acceptability of the parking provision, consideration needs to be given to the nature of the proposed use and the location of the site. With regard to the proposed use, the applicants have confirmed that the flats would be occupied by people who were previously homeless and their circumstances would be such that they would be unlikely to own cars. The units are also proposed to provide temporary accommodation only, up to a period of 2 years, and this could be controlled by condition.
- 5.29 In terms of location, the site lies opposite the Havant Road local centre, which provides a variety of shops and services within walking distance. There are also bus routes that run along Havant Road, providing links to Cosham Centre and railway station, and additional bus routes leading to the city centre. In terms of on-street parking, there is some restricted parking available along Havant Road itself and unrestricted parking in surrounding residential roads.
- 5.30 The Council's Highway Engineer originally raised concerns regarding lack of parking provision, commenting that the self-contained units would be considered as private dwellings and would require a level of parking in accordance with the Adopted Parking Standards (1 space per dwelling). The Highway Engineer noted that there are restrictions on parking in the surrounding area and no evidence had been provided to demonstrate that there would be adequate capacity on street to accommodate the parking demand of the development. However, following the clarification from the applicants about the intended residents and the temporary period of occupancy, the Highway Engineer's objection has been removed.
- 5.31 In summary, having regard to the specific nature of the proposed use, it is not considered that the development would generate a significant level of increased traffic or parking demand, or have an adverse impact on the operation of the local highway network.
- 5.32 In accordance with the Council's Adopted Parking Standards, there would also be a requirement for cycle parking for 13 bicycles. The submitted site plan indicates a location for cycle storage within the rear garden, and the precise details can be secured by condition.
- 5.34 Energy and water efficiency
- 5.35 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:
- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
  - Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).
- 5.36 As the proposal is for a conversion rather than a new build, it is recognised that there may be limitations on meeting the required energy saving measures (e.g. limited opportunities for utilising more energy efficient materials etc). It is therefore considered

reasonable to apply some flexibility in the condition wording, to allow the applicants to demonstrate the highest level of energy efficiency achievable.

5.37 Impact on the Solent Special Protection Areas (SPA)

- 5.38 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.39 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.40 Recreational pressure:
- 5.41 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.42 The mitigation contribution depends on the size of the proposed dwellings and takes account of the existing land use. In this case, the existing building was previously used as a care home and the occupants were subject to a high level of care. It is therefore not considered that the previous residents would have been likely to have placed any significant pressure on the SPAs through recreational use (i.e. they would have been likely to have spent the majority of their time in the home). The full level of mitigation equivalent to 13 new units of accommodation is therefore being sought, which amounts to £4,628 (£356 x 13).
- 5.43 Subject to securing the required mitigation through a legal agreement, it is considered that the scheme would not have a significant effect on the SPA as a result of increased recreational pressure.
- 5.44 Nitrates:
- 5.45 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.46 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the

Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

5.47 In this instance, the applicant has provided a Statement explaining the nature of the former and proposed uses and concluding that it is likely that the proposed use would result in a reduction in nitrogen release. However, the information did not include specific details about existing and proposed water usage and is not considered sufficient to determine that the new development would result in a nitrate neutral situation. It has therefore been agreed (subject to availability) for the applicants to mitigate the impact through the purchase of 'credits' in accordance with Option 3 of the Council's Nitrate Strategy.

5.48 The level of mitigation has been calculated on the basis of a net increase in 3 occupants, as follows:

Existing use - 10 bedroom care home (maximum 10 occupants)

Proposed use - 13 1-bedroom self-contained units (maximum 13 occupants)

Net increase = 3 occupants

5.49 In accordance with Natural England's methodology, it has been determined that the development would result in an increase in nitrogen output equivalent to 1kg/N/yr.

5.50 The cost of purchasing credits would be based on the costs set out in the Council's Strategy at £1,814.24 per bedspace. The total cost would therefore be £5,442.72 (3 x £1,814.24).

5.51 This mitigation would be secured by a legal agreement, and a condition is also attached to this recommendation, which would prevent occupation of the development until the mitigation is actually provided, i.e. the credits are purchased. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'.

5.52 Subject to the legal agreement to secure mitigation, it is determined that the development would not have a significant likely effect on the interest features of the Solent Special Protection Areas.

### **5.53 Conclusion**

5.54 The proposed development would make a positive contribution towards meeting the City's housing needs, specifically in relation to the need for temporary accommodation in accordance with the objectives of the Council's Homelessness Strategy. The proposed use would provide an extremely important and needed societal benefit, significantly improving many individuals' life-chances. The proposal is considered to be acceptable in terms of layout, design, standard of living accommodation and impact on residential amenity. It is not considered that there are any adverse impacts from the scheme that would outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.55 In relation to the impact on habitats sites, subject to the provision of financial contributions to mitigate the impact of the development on the Solent SPAs, it is determined that the development would not affect the integrity of these protected areas.

5.56 In conclusion, the development is considered to accord with all relevant local policies and would meet the tests set out in paragraph 11 of the NPPF, and is therefore recommended for permission.

## RECOMMENDATION

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

- SPA nitrate mitigation
- SPA recreational impact mitigation

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

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

### Conditions

#### Time limit

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

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

#### Approved plans

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

#### Occupancy restriction

3. (a) The dwellings hereby permitted shall be occupied as 'move-on' accommodation for the homeless only and for no other purpose, and in accordance with the time restriction set out in part (b);
- (b) The units of accommodation hereby permitted shall not be occupied by any individual for longer than 2 years, unless an alternative time frame is first agreed in writing by the Local Planning Authority;
- (c) Not to sever, subdivide or dispose of, or part with or sell or lease any of the dwellings, save for a lease on an assured short hold tenancy that complies with part (b).

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

#### Refuse storage

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

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

#### Cycle storage

5. Prior to occupation of the development hereby permitted, secure cycle storage facilities for 13 bicycles shall be provided in accordance with details that have first been submitted to and

approved in writing by the Local Planning Authority, and shall thereafter be retained for cycle storage purposes.

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

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

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

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), unless an alternative level of energy saving has first been agreed in writing by the Local Planning Authority. Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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

#### **Nitrate mitigation**

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

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

**FORMER LONGDEAN LODGE SITE HILLSLEY ROAD PORTSMOUTH PO6 4NH****CONSTRUCTION OF A PART 3, PART 4 STOREY BUILDING TO PROVIDE 13 SUPPORTED LIVING FLATS WITH STAFF AND COMMUNAL FACILITIES AND ASSOCIATED LANDSCAPING****Application Submitted By:**

Chris Greed - Housing Neighbourhoods and Building Services, Portsmouth City Council

**On behalf of:**

Housing Neighbourhoods and Building Portsmouth City Council

**RDD:** 6th March 2019

**LDD:** 6th June 2019

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee for determination on the basis it has been submitted by Portsmouth City Council.

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

- The Principle of development;
- Design - scale appearance and townscape;
- Impact on trees;
- Standard of accommodation and Impact on residential amenity;
- Sustainable Design & Construction;
- Highway impacts;
- Impact on nature conservation interests

**Site and surroundings**

1.3 This Portsmouth City Council application relates to a broadly rectangular site to the northern side of Hillsley Road measuring approximately 53m x 70m. It is bounded to the north and west by public footpaths with two-storey dwellings beyond in Tintern Close, Almondsbury Close and Longdean Close. To the east, the site is bounded by Watershed Court and Beverston House a two and three-storey block of flats respectively. A mix of 2-storey dwellings are located to the south with the M27 motorway beyond. Following the demolition of the previous buildings, the site now lies vacant with a series of concrete footplates and a number of mature trees.

1.4 As a result of its position on the southern slope of Portsdown Hill there is a difference of approximately 5 metres from the highest point to the north of the site and Hillsley Road to the southern side.

**1.5 Proposal**

1.6 Planning permission is sought for the construction of a part-3, part-4-storey building to provide 13 supported living flats (Class C2) with staff and communal facilities and associated landscaping. This would allow individuals with physical and/or learning difficulties to live a semi-independent lifestyle, but with support staff based on site.



- 1.7 The proposed building would run approximately north/south through the centre of the site and would be stepped to give the impression of three separate buildings. As a result of site gradient, this would incorporate 4-storeys to its southern extent where distances to neighbouring properties are greatest, and 3-storeys to its northern extent. Externally the building has been designed as a modern interpretation of the 3-storey blocks of flats immediately to the east and incorporates traditional roof pitches and building materials (red brick) that are characteristic of the area. Internally the building would provide eight 1-bedroom flats (44-46sq.m.), five 4-bedroom flats (188sq.m.), two small staff sleeping rooms and communal spaces for residents totalling 138sq.m.
- 1.8 Whilst taller than the former Longdean Lodge buildings at the site (part 1,2 & 3-storey), the extent of proposed building footprint has been reduced to condense the built form centrally so as to provide greater separation distances. These distances would range between 23 and 24m (window to window) to properties to the west, 24 and 38m to the east and 12.5 metres to the north, although this would be a side to side relationship with both properties orientated east/west.
- 1.9 Planning history**
- 1.10 Outline planning permission was granted in 2010 (ref.10/00421/OUT) for the construction of a new building to form 40 Extra Care apartments. An application to renew this outline permission was permitted in 2013 (ref.13/00367/OUTR) however this has now expired.
- 1.11 An application for a determination of whether the prior approval of the Local Planning Authority was required for the demolition of the existing building at the site was submitted in March 2015 (ref.15/00376/DEM). It was determined that prior approval was not required and the buildings were demolished later in 2015.

## **2 POLICY CONTEXT**

2.1 The relevant policies would include:

2.2 Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);
- PCS15 (Sustainable Design and Construction);
- PCS17 (Transport);
- PCS19 (Housing mix, size and affordable homes) and
- PCS23 (Design and Conservation).

2.3 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

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

2.4 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

2.5 Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- The Solent Recreation Mitigation Strategy (2017);

- The Interim Nutrient Neutral Mitigation Strategy (2019).

### **3 CONSULTATIONS**

#### **3.1 Natural England**

- 3.2 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
- 3.3 Natural England is aware that your authority is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach.
- 3.4 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.
- 3.5 With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against existing lawful use of the Council owned housing stock, with measures to ensure this approach can be adequately secured and accounted for. We advise that you seek and rely on your own legal opinion with regard to this approach.
- 3.6 In the absence of a strategic solution, it is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

#### **3.7 Leisure/Arb Officer**

- 3.8 Observations: - A site visit was undertaken in March 2015 when this proposal was first discussed, prior to the demolition of the original care home. The then proposal was of significant impact upon the site and resulted in the loss of a large number of trees.
- 3.9 The current proposal falls largely within the footprint of the previous structure and is of considerably lower impact upon the existing tree stock. The content of Arboricultural Assessment 1054.bjh.jan19 produced by Mr Bernie Harverson is accepted and agreed.
- 3.10 The Tree Removal Plan 1234/5301/P1 identifies a number of category B1 and C trees around the Hillsley Road entrance for removal, this appears to facilitate site access enabling the construction process.
- 3.11 To the north of the site three further category A1 and B1 specimens of Silver Maple are identified for removal, regrettably the root protection areas and canopies are of such size that the proposal will impact significantly upon them.
- 3.12 The Design and Access Statement dated Feb19 alludes to the planting of 20 trees within the developed site and extensive landscape improvements.
- 3.13 Recommendations: - Prior to commencement of any enabling works the following are to be submitted to the LPA for approval:
- Tree protection plan.
  - Detailed landscaping scheme

### **3.14 Environmental Health**

- 3.15 An acoustic report has been submitted including an environmental noise survey and proposals for trickle vents. Following the submission of further information it is considered that the proposed glazing and vents would be adequate to protect future occupiers.

### **3.16 Highways Engineer**

- 3.17 The scale of the development is not sufficient to trigger a requirement for a transport assessment and the LHA would not anticipate the likely traffic generation to have a material impact on the highway network.
- 3.18 Access is proposed to the site utilising the two existing access points to the site from Hillsley Road. Hillsley Road is a local residential access road and serves as a bus route. Both of the access points have appropriate visibility and adequate space is provided on site to allow a vehicle to turn and so enter and leave the highway in a forward gear.
- 3.19 The SPD establishes a parking expectation for a development of this type and scale of 15 spaces with 4 long stay and 1 short stay cycle parking spaces. Vehicle parking provision is proposed in accordance with the standard with an excess provision of cycle parking
- 3.20 Therefore, no highways objection raised.

### **3.21 Contaminated Land Team**

- 3.22 Through the course of the application the Contaminated Land Team (CLT) has worked with the applicant to agree a Remediation Method Statement (RMS) for the development. As a result, the need for a pre-commencement planning condition requiring the submission and approval of this document, as previously requested in initial CLT responses, falls away. The CLT now just request the inclusion of a planning condition requiring the submission of a verification report demonstrating that the approved RMS has been fully implemented.

### **3.23 Environment Agency**

- 3.24 No comments received.

### **3.25 Ecology**

- 3.26 No comments received.

### **3.27 Coastal And Drainage**

- 3.28 No comments received.

### **3.29 Southern Water**

- 3.30 Southern Water would have no objections to the above proposal. Southern Water requires a formal application for a connection to the public foul and surface water sewers to be made by the applicant or developer. An informative to this effect is requested.
- 3.31 It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:
- Adequate soakaway or infiltration system
  - Water course
  - Where neither of the above is practicable sewer

- 3.32 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, an informative to this effect is requested.

#### **4.0 REPRESENTATIONS**

- 4.1 One letter of objection has been raised from an adjoining resident to the west. Whilst stating they have no objection to the development in principle and the retention of trees to the western boundary is positive, their concerns can be summarised as follows: a) The proposed building is too tall; b) loss of light; c) Loss of light; and d) Design of the southern elevation fronting Hillsley Road.
- 4.2 One letter of support has also been received from the Portsmouth Society. Whilst raising some reservations over the design, they highlight the inclusion of PV cells to roofs as a positive.
- 4.3 These representations were reported on the Members Information Service on 17.05.2019 (expiring 25.05.2019). Notwithstanding the absence of any request to bring the application to the Planning Committee for determination, the application is brought due to changes to the Scheme of Delegation that occurred during the determination period.
- 4.4 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent: 3 April 2019; expiry: 30 April 2019
  - Site Notice displayed: 4 April 2019
  - Press Notice Published: 25 May 2020

#### **5.0 COMMENT**

- 5.1 The main issues for consideration are:

- The principle of the development;
- Design - scale appearance and townscape;
- Impact on trees;
- Standard of accommodation and Impact on residential amenity;
- Sustainable Design & Construction;
- Highway impacts;
- Impact on nature conservation interests.

#### **5.2 The principle of the development**

- 5.3 The application site is not the subject of any site specific policy restrictions and has sat empty following the demolition of Longdean Lodge, a 60-bedroom residential care home. Having regard to the previous use of the site, the previous permissions at the site for similar uses and location within a residential neighbourhood, it is considered that the principle of the proposed development is acceptable and ideally suited to the vision of integrating future residents into a residential community.

#### **5.4 Design - scale, appearance and townscape**

- 5.5 The submitted Design & Access Statement sets out the rational for the design and layout highlighting the need for a single building with a central communal/staff core and a desire to maximise separation distances to adjoining residential properties. The resultant building has been orientated north-south which is reflective of the previous development at the site and sits largely within the previous building footprint. The applicant has also confirmed that this approach has been taken to avoid excessive solar gain within habitable rooms and to

ensure that all future residents have views out on to landscaped grounds and towards both Portsdown Hill and The Solent which could not be achieved with a building orientated east-west.

- 5.6 The design concept has been developed to break the built form into three distinct parts, to provide a domestic feel by incorporating pitched roofs and firewall details common to terraced houses; provide legibility and shelter/shading between car parks and the main entrances; split the car park to reduce vehicle dominance and provide easier disabled access having regard to site gradient, and provide a mix of projecting bays and recessed windows to add visual depth to elevations.
- 5.7 Whilst taller than the previous buildings at the site and those proposed through outline applications, it is considered that the design and layout has been well conceived. The design is both modern and traditional reflecting the character of the area, and the mass has been well distributed and broken by the orientation of the central core which sits at 90 degrees to its northern and southern wings. The inclusion of double pitches/gables with a central valley within these wings successfully provides a more domestic character comparable to the adjoining flats, and presents the more slender elements of the building to the street scene on Hillsley Road and the nearest residential properties to the north.
- 5.8 The design and scale is certainly more reflective of the flats to the east rather than the two-storey terraced houses to the north and west. However, this is not considered to be an inappropriate approach given the historic use of the site and type of accommodation being provided, and would not appear overly dominant to these smaller properties as a result of gradient, set back, separation distance and significant landscaping features.
- 5.9 Concerns have been raised in respect of the design of the southern elevation onto Hillsley Road, considering articulation and interest, and opportunities to take advantage of the views down the hill towards Portsmouth Harbour. As set out above, the applicant explained the rationale for the building's orientation which is acknowledged and accepted. However, it is considered that the tall and largely unrelieved elevation to the south onto Hillsley Road does not make a positive contribution to the wider street scene. On the basis the development is otherwise of a good design, there are solutions to address outstanding concerns in respect of the southern elevation, and the application is supportable in all other respects, it is considered that alternative design approaches could be sought and approved through an appropriately worded planning condition.
- 5.10 Overall, with the exception of the southern elevation, the design is considered to be of a high quality and with the use of appropriate high quality materials would represent a positive redevelopment of this vacant brownfield site that would contribute to the wider built form.

#### **5.11 Impact on Trees**

- 5.12 Whilst largely vacant, the site currently has a verdant character with a number of mature and semi mature trees and other landscape features. The application is supported by an Arboricultural Assessment (AA) which indicates that whilst the building would largely follow the footprint of previous buildings and a number of existing trees can be maintained, there will be a need to remove trees at the site. The submitted Design and Access Statement (DAS) suggests that 20 replacement trees would be planted within the development site as mitigation for those removed.
- 5.13 The City Council's Arboricultural Officer has considered the submitted AA and advises that its content is accepted and agreed. Whilst the loss of any landscape feature is regrettable, it is considered that in the interest of optimising site layout, density and distance to adjoining properties, and the wider benefits of the form of accommodation to be provided, the removal of the trees would be acceptable in this instance. However, this would be on

the basis that adequate mitigation is provided in the form of replacement planting as suggested within the DAS and which will be secured through a suitably worded landscaping condition. The submission of a tree protection plan to protect the retained features during development works is also required through condition.

#### **5.14 Standard of accommodation**

5.15 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Whilst providing a form of residential accommodation it is not considered that the 'Technical housing standards - nationally described space standard' (NDSS) would be appropriate in this instance. However, when used for comparison purposes, it is clear that the size of the units proposed would significantly exceed the minimum standards with the added benefit of separate shared amenity, on site accommodation for staff and access to verdant grounds.

5.16 With a good degree of natural light and outlook, predominantly towards the east or west, it is considered that the proposal would provide a high standard of living environment for future occupiers. The City Council's Environmental Health Team raise no objection to the proposal in principle but highlight that the site is relatively close to the M275 motorway and as such have sought clarity on the standard of glazing to habitable rooms. A suitably worded planning condition seeking the installation and retention of the agreed glazing specification is proposed to protect the amenity of future occupiers.

#### **5.17 Impact on residential amenities**

5.18 One letter of representation has been received from a resident to the west raising concerns in respect of building height, overlooking and overshadowing. It is accepted that the building would be taller than that previously proposed, however, it is more slender and positioned to the centre of the site to provide a degree of separation to neighbouring properties. This would ensure that impacts in terms of shadowing or overbearing impact would not be significant.

5.19 Windows would be positioned within the east and west facing elevations of the building offering outlook to future residents where there is currently a vacant site. This would inevitably offer views towards adjoining properties to the east and west. However, having regard to the previous development at the site, the separation distances ranging from 23 to 38m (window to window), a number of trees on the boundary and mutual overlooking from existing dwellings, it is not considered any impacts in respect of overlooking or loss of privacy would be significant.

5.20 The closest relationship would be between the northern elevation of the proposed building and the southern flank elevation and garden of No.16 Tintern Close at 12.5 metres (windows to flank elevation). In the current absence of any development at the application site, the introduction of a three-storey building in this location would certainly be perceptible to the residents of No.16 and the neighbouring property to the north (No.15) when using their gardens. However, as a result of their orientation, the proposed building would not be visible from within the dwellings and their outlook would be unaffected internally.

5.21 A building of the height proposed would have the potential to cast a shadow to the north. However, it is noted that the proposed building has been orientated to present its more slender profile to the north reducing its potential for shadowing, and that Nos. 15 & 16 Tintern Close are sited slightly above the application site, due to the gradients, and separated by a public footpath. With the presence of existing trees along the boundary that would cast their own shadows across the gardens to the north, it is not considered that the

impact of the proposed development would be so harmful as to sustain a reason for refusal in terms of loss of light, loss of outlook or overshadowing.

- 5.22 The submitted drawings indicate the inclusion of windows to the north facing elevations. These would serve corridors and form secondary windows to habitable rooms within the flats. These would certainly offer opportunities for future residents to look down into the gardens of Nos. 15 & 16 Tintern Close. On the basis that the habitable rooms would also benefit from larger windows looking east and west, it is considered reasonable to include an appropriately worded planning condition requiring that all windows at upper floor level within the northernmost elevation be obscure glazed and non-opening below 1.7m.

### **5.23 Highway Impacts**

- 5.24 The application site would benefit from two accesses, one directly from Hillsley Road and one from an existing access route to the eastern boundary. The southern access would provide a main car park with 11 parking spaces including one disabled space and an electric charging point. The secondary access would incorporate four further parking spaces (two disabled spaces) as well as access to bin and bike stores.
- 5.25 The application has been considered by the Local Highways Authority who highlight that the scale of the development would not be sufficient to trigger a requirement for a transport assessment and would not anticipate that the likely level of traffic generation would have a material impact on the surrounding highway network. It is also confirmed that both accesses onto Hillsley Road have adequate visibility splays with adequate space on site to turn vehicles and approach the highway in a forward gear, and that adequate parking is provided to meet parking demands.
- 5.26 Storage facilities for bicycle and refuse/recyclable materials are located within the northern car park within two pitched roof brick buildings. These are considered to be of a robust construction and conveniently located for residents and collection services. Their provision and retention is required through suitably worded conditions.

### **5.27 Sustainable design and construction**

- 5.28 The applicant has provided a BREEAM NC 2018 Pre-Assessment Estimate indicating that the development can achieve a policy compliant BREEAM 'Excellent' rating with a proposed score of 73.96%. This is considered to be extremely positive and the delivery of these standards can be required through a suitably worded planning condition.

### **5.29 Impact on nature conservation interests**

- 5.30 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated 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.
- 5.31 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 5.32 1. The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st

April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

- 5.33 The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England. The SRMP highlights that the need for mitigation for the recreational impact of other types of residential accommodation (other than dwellings) will be assessed on a case-by-case basis with the 'key' test based around the likelihood of the proposed development generating additional recreational visits to the SPA(s).
- 5.34 The proposed accommodation has been specifically designed to allow individuals with physical and/or learning difficulties to live a semi-independent lifestyle, but with support staff based on site. Whilst it is likely that future residents may choose to make recreational visits to the SPA(s) independently or assisted by staff/group trips, the applicant has confirmed that residents would not own dogs (other house based pets will be permitted) and of the 204 individuals currently cared for in the city only one can drive.
- 5.35 SRMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. When considering student accommodation where pets are not permitted, the SRMP suggests that the impact from purpose built student accommodation would be half of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing. On the basis that a reduction in mitigation has been agreed in principle on the basis of 'pet free' developments (specifically dogs), it is considered reasonable to apply a similar reduction in mitigation for the specialist form of residential accommodation (Class C2) proposed where occupiers will not own dogs.
- 5.36 Therefore, based on the methodology set out within the SRMP and the points above, an appropriate scale of mitigation would be calculated as £ £3,502.24 (8 x 1-bedroom units @ £346 and 5 x 4-bedroom units @ £768 with a reduction of 47% due to absence of dogs). This mitigation will be provided through a legal agreement. With this mitigation in place, the authority, as competent authority has concluded that the adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.
- 5.37 2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.
- 5.38 The project being assessed would result in the construction of a specialist form of residential accommodation (Class C2) with increased input into the water environment within the Solent.
- 5.39 The applicant highlights that the Council has a number of assets across the city which are residential in nature, all of which input into the water environment within the Solent. As



such these form part of the 'existing problem' as set out by Natural England in respect of deterioration of the water environment. A number of these assets have been identified as redevelopment opportunities to either: increase capacity/housing numbers, renew aging stock, or simply adapt to the needs of its residents. As a result there are residential properties within the city that are vacant or are soon to be vacated to allow for redevelopment, although the delivery programmes in some cases extend to a number of years.

- 5.40 In the absence of a strategic mitigation strategy to address the impacts of new development on the water environment within the Solent, and given currently delays for new development projects in the city, there is the potential for the City Council to upgrade, refurbish and re-occupy existing vacant housing stock to meet the needs of residents. This is not however, considered to be the most efficient use of resources and would not result in a reduction of waste water into the network.
- 5.41 As a number of the Council's projects are typically to improve its aging stock and meet the specific needs of residents rather than providing additional capacity (as is the case here through Adult Social Care), a solution to allow the development of the most needed specialist forms of residential accommodation would be to offset the impact of new residential development against its existing aging housing stock. By agreeing not to bring vacant housing stock back into use, this would offset any increased input into the water environment resulting in an overall Nitrate Neutral development.
- 5.42 In this particular instance, the applicant proposes to offset the proposed development against a vacant care home site within the city (Edinburgh House) which was previously occupied by 32 residents. Furthermore, the applicant has indicated that evidence of water consumption through its water meter records suggests a water usage significantly above that expected for typical residential accommodation and significantly above the Local Authority average of 150 litres per person per day. Therefore, with a reduced water consumption of 110 litres per person per day at the application site, a betterment in terms of water consumption/waste could also be sought within the proposed development.
- 5.43 This is considered to be an appropriate solution to ensure that the proposal, when considered in combination with the offsetting (which could be secured through an agreement) would result in a Nitrate Neutral development. As long as such an agreement is secured through the planning process to ensure that vacant units are not subsequently brought back into use at Edinburgh House, the proposed development will not result in increased levels of nitrogen and phosphorus input into the water environment and therefore act against the stated conservation objectives of the European sites.
- 5.44 Any future development at Edinburgh House could not rely upon its previous use 'credits' if those 'credits' have been relied upon to offset the impact of development elsewhere in the city. The redevelopment of Edinburgh House will therefore, itself be the subject of a requirement for nitrate offsetting in the future, either through 'credits' from other sites within the Authority's control, through mitigation derived from the Interim Nutrient-Neutral Mitigation Strategy or any other appropriate mitigation put forward by the applicant.
- 5.45 Natural England has considered the LPA's HRA Appropriate Assessment and raise no objection to this approach in principle subject to the proposed measures being adequately secured and recorded. A legal agreement linked with the Edinburgh House site will secure the mitigation and ensure that there is a clear record that the 'credits' from the development at Edinburgh House cannot be relied upon as part of any future development there without providing its own mitigation.

#### **5.46 Conclusion**

- 5.47 The proposal would provide 13 specifically designed units of accommodation for up to 28 individuals with physical and/or learning difficulties, allowing them to live a semi-independent lifestyle, but with the security of support staff based on site. This would make an extremely positive contribution a very specific housing need within the city.
- 5.48 Having regard to all of the material planning matters which have been explored above, it is considered that the proposed development has been well conceived in terms of design, scale and layout and would sit comfortably within the wider street scene, assisted by extensive landscaping opportunities. Whilst there will be some limited impact on adjoining residents who have become accustomed to a vacant site for the last 5-years, it is considered that the proposed relationships are acceptable and any limited harm is outweighed by the significant benefits provided by the specialist form of accommodation and the positive impact it would have on the lives of future occupiers. With a legal agreement to secure the provision of mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent, it is considered that the proposal would meet the definition of sustainable development as set out within the NPPF.

## **RECOMMENDATIONS:**

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

- SPA nitrate mitigation
- SPA recreational impact mitigation

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

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

### **Conditions:**

#### **Time Limit:**

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

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

#### **Approved Plan Numbers:**

- 2) Unless agreed in writing by the Local Planning Authority or specified within other planning conditions, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 1234/1100/P2, 1234/1201/P4, 1234/1202/P4, 1234/1203/P4, 1234/1204/P4, 1234/1205/P4, 1234/1301/P3, 1234/1302/P3, 1234/1304/P1, 1234/1401/P1, 1234/5300/P5, 1234/5301/P1 and 1234-ES-E700.

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

#### **Contaminated Land Verification:**

3) Unless otherwise agreed in writing with the Local Planning Authority (LPA), the development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by the LPA, a stand-alone verification report demonstrating that the approved remediation scheme (as detailed in Longdean Lodge, Cosham, Remediation Method Statement (RMS) for Portsmouth City Council Housing Developments, Ridge and Partners LLP, Report Reference 5008712- 5008712-RDG-XXST-DOC-C-00RMS02-A, 22 June 2020), has been implemented fully in accordance with the approved details and best practice (unless varied with the written agreement of the LPA in advance of implementation). As a minimum the report shall include:

- a) summary of the risk assessment undertaken for the redevelopment of the site, including reference to pertinent reports, including: Ground Condition Assessment, Hillsley Road, Portsmouth, for Portsmouth City Council Housing Developments, Ridge and Partners LLP, Report Reference 1521871-815-01, 29 September 2015; Supplementary Ground Condition Assessment, Hillsley Road, Portsmouth for Portsmouth City Council Housing Developments, Ridge and Partners LLP, Report Reference 5000655-815-01, 18th July 2016; and Further Investigation Report, Longdean Lodge, Cosham, for Portsmouth City Council Housing Developments, Ridge and Partners LLP, Report Reference 5008712- RDG-XX-ST-XX-C-00001, 01 April 2019;
- b) a description of the remedial scheme agreed;
- c) as built drawings;
- d) any necessary evidence to confirm implementation of the approved remediation scheme (to include photographs of the remediation works in progress and/or certification to demonstrate that material imported and/or retained in-situ is free from contamination, and waste disposal records.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

#### **Design:**

- 4) (a) Notwithstanding the submitted details, prior to the commencement of any development above ground floor slab level, alternative design solutions for the principal south facing elevation onto Hillsley Road shall be submitted to and approved in writing by the Local Planning Authority; and
- (b) The development shall then be carried in full accordance with the details approved pursuant to part (a) of this condition unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve design quality to the southern elevation of the building in the interests of visual amenity having regard to the specific view that has been taken that this principal elevation lacks sufficient articulation and interest to contribute positively to the wider street scene as required by the NPPF and Policy PCS23 of the Portsmouth Plan.

#### **Materials:**

- 5) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the schedule of materials contained within the Design and Access Statement (Longdean Lodge Site Supported Living Flats - Design and Access Statement, Page 16) read in conjunction with the approved elevational drawings and drawing 1234/5300/P5.

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

#### **Window Specification:**

6) Unless otherwise agreed in writing with the Local Planning Authority, all habitable room windows shall be triple glazed with a minimum Rw index of 33dB and with acoustic trickle vents with a minimum Dn,e,w of 40dB, and shall thereafter be permanently retained in that condition.

Reason: To protect the amenities of the occupiers from traffic noise on the adjoining M27 in accordance with policy PCS23 of the Portsmouth Plan.

#### **Safeguarding of Trees:**

7) (a) No development shall commence on site until a scheme for the safeguarding of all trees and hedgerow planting not scheduled for removal during the course of the site works and building operations (in accordance with British Standard BS5837 2012) has been submitted to and approved in writing by the Local Planning Authority.

(b) Such methods of safeguarding and protection as agreed pursuant to part (a) of this condition shall be installed prior to the commencement of development and retained for as long as development works/construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

#### **Soft Landscaping Scheme:**

8) (a) The development hereby permitted shall not be first occupied/brought into use until details of a soft landscaping scheme detailing species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and the provision for future maintenance have been submitted to and approved in writing by the Local Planning Authority;

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

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

Reason: To secure a high quality setting and to mitigate the loss of green infrastructure at the site as a result of the development works in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

#### **Sustainable Design & Construction:**

9) Within 6 months of first occupation of the development hereby permitted, written documentary evidence shall be submitted to and approved in writing by the local planning authority demonstrating that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.

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

#### **Obscure Glazing:**

10) All windows positioned at upper floor levels within the northernmost elevation of the building hereby permitted shall be both glazed with obscure glass (to at least Pilkington Grade 3 or equivalent) and be non-opening to at least 1.7 metres above internal finished floor levels of the room in which the window is installed and thereafter permanently retained in that condition.

Reason: To protect the privacy of the occupiers of adjoining properties and to prevent overlooking having regard to the proximity of the windows to the boundary and their elevated position in relation to adjoining gardens to the north in accordance with policy PCS23 of The Portsmouth Plan.

#### **Car Parking Facilities:**

11) (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) the associated car parking spaces and associated accesses shall be provided in accordance with the approved drawings; and

(b) The car parking spaces required by part (a) of this condition shall thereafter be permanently retained for the parking of vehicles associated with the development hereby permitted only.

Reason: To ensure adequate off-road parking provision for the development in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards and Transport Assessments Supplementary Planning Document.

#### **Bicycle Storage Facilities:**

12) (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) facilities for the storage of bicycles shall be provided in accordance with approved drawings:

1234/1304/P1 & 1234/5300/P5 and made available for use by the residents and staff associated with the development hereby permitted; and

(b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of bicycles at all times.

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

#### **Refuse Storage Facilities:**

13) (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) facilities for the storage of refuse and recyclable materials shall be provided in accordance with approved drawings: 1234/1304/P1 & 1234/5300/P5 and made available for use by the residents and staff associated with the development hereby permitted; and

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

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

**FOREST LODGE LOCKSWAY ROAD SOUTHSEA PO4 8LU****CONSTRUCTION OF THREE STOREY BUILDING TO FORM 66 BEDROOM ADULT RESIDENTIAL CARE HOME WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING****Application Submitted By:**

Mr Alistair Wood  
LNT Construction Ltd

**On behalf of:**

LNT Care Developments Ltd

**RDD:** 30th August 2019

**LDD:** 29th November 2019

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is being heard at committee due to its scale, level of public interest (support and objection) and deputation request.
- 1.2 The main considerations are as follows:
- i) Principle of development
  - ii) Amenity of neighbouring properties
  - iii) Amenity of future occupiers
  - iv) Highways and parking
  - v) Impact on trees
  - vi) Ecology and biodiversity
  - vii) Flood risk and drainage
  - viii) Impact on the Solent SPAs
  - ix) Design, scale, layout and character
  - x) Other matters and material considerations

**The Site and Surroundings**

- 1.3 The application site is a 0.5ha rectangular island of land bounded on all sides by road; Locksway Road to the south, The Driveway to the east, Solent Drive to the west, and a single way access within the site along its north boundary adjoining Solent Drive and The Driveway. The site contains an existing two-storey brick building known as Forest Lodge relatively centrally within the site, which is understood to have been vacant for some time since its previous use as a 5-person care home for adults with learning disabilities, but is otherwise undeveloped and verdant in character. The area is covered by a group Tree Protection Order; thus there are a number of mature and protected trees throughout the site, as well as mature shrubs. The site front is marked by a wall and railings.
- 1.4 The land immediately to the north and east of the site is defined open space, comprising a cricket ground and St James Public Park respectively. To the west, on the opposite side of Solent Drive, is a traditional flint cottage, West Lodge, currently used as a nursery. To the south, across Locksway Road, is a series of terraced, two-storey, mostly brick and rendered houses. The largely vacant Grade II Listed St James' Hospital lies approximately 200m to the north. There are no other nearby listed buildings or designated heritage assets, and the site is not within or near to a conservation area. The

site is wholly within Flood Zone 1 (Zones 2 and 3 being of higher risk). The site, which lies within a mainly residential area to the east of the city, is characterised by predominantly Victorian housing with some later in-fill development. With regards to the wider area, Langstone Harbour, a Special Protection Area, lies nearby to the east. Also to the east, just beyond St James' Park, is a small modern housing estate, The Harbour School, and the University of Portsmouth campus. A large expanse of allotment land is situated to the south-east beyond the row of housing, and other parks and gardens can be found more widely such as Milton Park and Bransbury Park. Local services, shops and other amenities can be found in within Eastney Road, a designated Local Centre 400m to the south-west. Bus stops can also be found along Locksway Road, including immediately in front of the site.

### Proposal

- 1.5 The application proposes the demolition of the existing building on site, and the removal of 14 protected trees, to facilitate the erection of a three-storey 66-bed care home for the elderly; intended particularly for Royal Navy veterans.
- 1.6 The proposed footprint of the building is chevron-shaped, with the forward-most element closest to Locksway Road and the remainder of the building being progressively set-back through connected cambered elements. Elevations would comprise red brick, light render and dark weatherboarding, with slate style concrete roof tiles and uPVC windows.
- 1.7 Internally, private rooms with en-suites would be accommodated throughout both wings, with central large communal areas in addition to other amenities such as garden room, bar, cinema, lounge/dining, hair salon etc.
- 1.8 A 23-space car park is situated to the rear, with corresponding pedestrian entrance to the building at the rear also. The existing access point off Solent Drive at the north-west corner of the site forms the vehicle access point to the car park and site. The remainder of the existing one-way link road between Solent Drive and The Driveway would be removed and landscaped. Cycle parking for 8no bicycles is also proposed.

### Planning History

- 1.9 A\*34719/AD: Construction of 8 terraced houses, 2-storey block to form 14 flats and 2-storey building to replace forest lodge with associated garages, parking & landscaping accessed from Locksway Road (outline application) - PERMITTED on 04.08.2003 (not implemented).
- 1.10 Prior to the above unimplemented application, another application was granted in 1991 to allow the use of the existing building as two semi-detached dwellings, although it is unclear if this was implemented. Before this, and the last known use of the site was as a 5-person care home.
- 1.11 Additionally, various TPO applications have been granted to undertake works and maintenance of some of the site's protected trees.
- 1.12 Pre-application advice was also provided to the NHS in May 2019 for the site, with it being at the time part of development proposals for the wider St James' site.

## **2.0 POLICY CONTEXT**

- 2.1 The following policies and guidelines are relevant in the assessment of this application:

### 2.2 Portsmouth Plan (2012)

- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design & Construction)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and the Provision of Affordable Homes)
- PCS23 (Design and Conservation)

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

- Saved policy DC21 (Contaminated Land)

### 2.4 Other Local Guidance

- The Car Parking and Transport Assessment SPD 2014
- The Solent Special Protection Areas SPD 2017
- Interim Nutrient Mitigation Strategy for New Dwellings 2019

### 2.5 National Guidance

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

2.6 The draft Milton Neighbourhood Plan is at an early stage and so carries limited weight in decision-making. It has a range of policies applicable to the site, which is also designated for various uses including residential care.

## 3.0 **CONSULTATIONS**

### 3.1 Natural England

Initial comments not received to date. Typically (re)consulted once a formal SPA mitigation scheme has been proposed and an Appropriate Assessment conducted; which has not yet occurred.

### 3.2 Environment Agency

No comments received.

### 3.3 PCC Highways Engineer (summarised)

This site accesses to Locksway Road via Solent Drive. Locksway Road is a classified Road and operates as a bus route. Few of the properties fronting Locksway Road have off street parking facilities and the demand for parking on street exceeds the space available particularly overnight and at weekends.

I have reviewed the initial and additional information submitted in support of this application with specific regard to the parking requirement. I am satisfied that the proposed shift pattern would practically limit the number of staff on site at any time to a maximum of 24 individuals on site at any one time. The shift rotation is proposed to be staggered and as a consequence I am satisfied that the associated traffic generation would amount to less than an additional 30 movements in the peak periods and therefore would not have a material impact on the operation of the local highway network.

Applying that staffing complement to the parking standard (rather than the total number of staff employed at the facility) would suggest a parking expectation of 23 vehicle spaces with 4 long stay cycle space and 1 short stay cycle spaces.

This application only proposes 21 vehicle parking spaces and 8 cycle parking spaces which is a shortfall of 2 vehicle spaces. The assessment of the accessibility and sustainability of the site continues to rely on outdate guidance and consequently overstates the actual accessibility.



In that light and given the shortfall in parking provision I must continue to recommend that this application be refused.

3.4 PCC Drainage Officer

Both the Flood Risk & Drainage Statement and Preliminary Geoenvironmental Investigation seem to have covered the drainage and groundwater elements well. LLFA agrees soakaways are not suitable for the site

The applicant will need to be aware of PCS12 of the Local Plan. In addition the LLFA requests a site specific Drainage Strategy, to include layout, materials, ILs, pipe sizes, attenuation (with volume and flow rate calculations), MH schedule, Southern Water capacity check and approval to connect and any other relevant information relating to drainage of the site. I'm happy for this to be under a Condition of the application

3.5 PCC Ecology Officer

Designated sites:

The development is close to Chichester and Langstone Harbours Special Protection Area (SPA). As identified in the ecology report, the development would have a likely significant effect on the SPA through increasing recreational pressure on the SPA and supporting bird habitat. It is proposed to address this through payments to the SRMP. This is acceptable, and provided this is secured, the LPA can conclude the development would not adversely affect the integrity of the SPA.

On-site biodiversity:

Protected species – bats

The ecology report notes that the existing building offers moderate bat roost suitability and recommends further surveys. Ordinarily I would agree with this; however, I also note (as highlighted in the report) that the building was surveyed in 2018 and no bats were seen emerging from it.

I would suggest that this is clarified with the applicant's ecologist. The report also identifies that there is a horse chestnut tree on site that offers high bat roost suitability, and recommends further surveys. I would agree that this is necessary. I would therefore advise that further information is provided to either demonstrate that bats are likely absent or unaffected by the development or, if present, that sufficient measures are in place to address the impacts. In summary, I would advise the following information is provided:

- Provision of further information regarding bats in relation to the on-site tree.
- Clarification of the status of the bat survey work on the building.

General biodiversity

The on-site habitats are of limited intrinsic ecological interest beyond the site level. However, they do offer some ecological interest, and overall, the area of buildings and hardstanding proposed is far greater than is currently present. Thus, the development will result in an overall net loss on biodiversity through the removal of numerous trees and scrub / hedges.

The Sustainability Statement suggests that new planting would help address this, although no clear strategy is presented. I would advise that if you were minded to grant permission, a planning condition is used to secure the provision of a well-considered biodiversity enhancement strategy that delivers net gains to biodiversity.

Possible condition wording would be:

- Prior to commencement, a detailed Biodiversity Enhancement Plan that demonstrates a clear net gain in biodiversity shall be submitted to and approved by the Local Planning Authority. Development shall subsequently proceed in

accordance with the approved details, with all enhancement features being permanently retained. Reason: to conserve and enhance biodiversity

### 3.6 PCC Tree Officer

The content of Arboricultural Report And Arboricultural Impact Assessment Ref:15142/EW revised Oct 19 prepared by JCA Ltd is accepted and agreed.

Many of the trees throughout the St James site have remained unmanaged for a considerable period of time recorded history suggests nothing other than statutory works have been undertaken since at least 2012 in this area of the hospital site.

Regrettably the Horse Chestnut T6 displays symptoms of inoculation by *Pseudomonas syringae* pv 'Aesculi' Chestnut Bleeding Canker, and colonisation by decay pathogens leading to limb failure and visible areas of decay. Retention is therefore unwise given the proposed future use.

The proximity of T6 and T7 suggests a codominant crown form and removal of T6 may expose T7 to wind forces not previously experienced and result in failure.

Prior to commencement works being undertaken the applicant is to supply detail of proposed construction techniques within root protection areas and a detailed landscaping scheme featuring detail of tree loss mitigation planting.

There are no arboricultural objections to the proposal provided adequate mitigation planting is undertaken.

### 3.7 PCC Environmental Health

Consideration has been given to traffic noise on Locksway Road and the development being situated close to the Wind and Willows day care centre.

As the area consists of mainly residential accommodation, I have searched our complaints data base and no noise complaints have been received concerning the operation of the Wind and Willows day care. It is therefore unlikely that a loss of amenity will be caused by this commercial business.

Due to the development being set back from the road, a standard thermal glazing as required by the Building Regulations will be sufficient to protect the proposed occupants from traffic noise on Locksway Road.

I can confirm we have no objections to this application being granted.

### 3.8 PCC Waste

Although this a residential home, and therefore will not have its waste collected by Portsmouth City Council (PCC) but that of a private contractor, I am concerned about the layout.

The bin shed is located at the furthest end of the development, there are no additional plans of the bin store other than the one shown below, so there is no way of understanding what the bin store will look like and whether it is open, has doors, if they are big enough etc. Additionally it is unclear how wide the path is, or the distance from the bin store to the car park, though it should be 25 metres or less. The path is not straight which adds more difficulty to moving the bins, which can weigh up to half a tonne when full, also the path comes out between two parking spaces. Can the developer clarify that there is a dropped kerb there and if there are railings or bollards to protect the bin from hitting any parked vehicles.

The vehicle tracking is also a concern. It shows the orange lines going over the last parking space and cuts across the edge of the first one. This indicates that there isn't enough space allowed, furthermore it relies on the vehicles being parked with the parking bays and not over hanging. It would make more sense to have the bin store on the west end of the development, so that the collection vehicle could reverse into Solent Drive with the bins being within 25 metres, therefore safe and quick collections could take place.

3.9 Portsmouth Water

No comments to make on this application from a groundwater quality protection perspective as the site is outside one of our groundwater Source Protection Zones.

3.10 Design Review Panel

The panel were unconvinced by this proposal. They acknowledged that it is a tight site (because of trees), but commented that a standardised formulaic and unimaginative approach has been taken (to what is an important, and attractive site), a site that deserves better. It was suggested that *'nothing about the scheme makes it look like it has responded to, or been designed for the site'*, and that it would have a very negative impact on the predominantly 2 storey Locksway Road.

The absence of regard for the site's immediate setting (Locksway Road), and wider context, (the grade II listed hospital which it forms the gateway to), is seen across a range of design parameters including: height, scale, massing, materials and elevations.

The panel noted that the ground floor lounge has the least open space adjacent to it. This is indicative of a 'mean' approach to amenity space for the scheme generally. They also commented on the scheme's lack of respect for existing soft landscaping on the site. The existing trees and bushes on the site are attractive and make a valuable contribution to its character. Greater effort should be made to retain them.

Discussion of the proposal closed with a suggestion that it may be possible to achieve a more sympathetic response to the site, if the buildings mass were broken down/ 'pulled apart'. Overall the scheme was considered a poor response to the site, and in need of review.

Recommendation: Scheme not supported in its current form.

3.11 East Solent Coastal Partnership

I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection in principle.

The site is shown to lie within the Environment Agency's present day Flood Zone 1 and is predicted to do so for the duration of its 100-year lifetime, therefore is considered to be at low risk (less than 1:1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event. Some areas of the main access and egress route along Locksway Road are shown to lie within Flood Zone 2 by 2115, and may therefore be at risk from a 1:1000 year event.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by LNT Construction Ltd. and dated August 2019, which sufficiently outlines how flood risk at the site will be mitigated.

The ESCP would recommend that a Flood Warning and Evacuation Plan be developed, in accordance with advice from the Environment Agency, and for occupants of the site to sign up to the Environment Agency's Flood Warning Service

3.12 Hampshire Fire & Rescue

General advice provided in relation to building regulations, fire access, relevant Acts, fire protection, water supplies and fire testing etc.

#### **4.0 REPRESENTATIONS**

4.1 Publicity dates (noting full Covid-19 lockdown began 24th March 2020):

- Site notice displayed on 26/09/19, at the front of the site
- Neighbour letters sent out on 26/09/19
- Press notice published on 04/10/19
- The publicity period for making representations expired on 25/10/19

4.2 A total of 14 third party comments have been received;

- 7no letters of objection
- 6no letters of support
- 1no neutral comment.

4.3 These are summarised below, as follows, and addressed within the main body of this report:

4.4 Objection Comments

- considers scale and massing to be excessive/inappropriate
- does not consider the proposed building to be of high-quality or 'landmark' design
- does not consider the wider implications of developing this 'green plot' have been considered
- loss of greenery and change of character to the area
- raises concerns relating to overshadowing of opposite dwellings
- raises concerns regarding impacts on highway network / congestion
- raises concerns regarding impacts on highway safety
- raises concerns regarding lack of parking
- raises highways/traffic concerns in relation to the cumulative development in the area including the St James' and University sites
- loss of protected trees, other mature trees, vegetation and habitats; deemed contrary to 'Greener Portsmouth' principles and Policy PCS13 of the Portsmouth Plan
- does not agree with the applicant's assessment of affected trees
- raises concerns regarding air quality and environmental impacts
- raises concerns with regards to duration and hours of construction
- considers the development to be unsustainable
- considers the development to be at odds with aims to recover nature and use and manage land sustainably; specifically the Government's 2018 25 Year Environmental Strategy
- views the development as being inconsistent with the Council's Zero Carbon Emissions 2030 target
- believes the accommodation should be for other people in the city, rather than specifically for navy veterans
- does not consider NPPF/national policies have been applied proportionately

4.5 Supporting Comments

- considers the development to provide much needed and specific care for veterans
- provides employment and growth opportunities for the city
- considers the development to provide a modern, high-quality and bespoke care facility
- considers the location to be suitable; both physically and given the city's strong naval links
- considers there to be increasing demand for care homes
- views the design as being acceptable; blending in with the character of the area
- considers the proposed parking provision to be adequate

4.6 Neutral Comments

- the (Royal Navy Benevolent Trust) RNBT state they intend to own/run the care home
- concerns raised that the views of nearby residents are not properly taken into account
- questions raised regarding duration of build and hours of construction

4.7 The applicant has provided a comprehensive response to the third party objection comment, which is available to view online - on Public Access.

**5.0 COMMENT**

i) Principle of development

5.1 The existing building within the application site was most recently used as a smaller, 5-person care home. Given the proposal is for the same use, a Class C2 care home, albeit significantly larger, and the residential character of the area, there is no principle change or objection with regards to the use of the site. Furthermore, Policy PCS19 of the Portsmouth Plan, and Section 5 of the NPPF support the provision of care homes.

5.2 In addition to the accepted planning principle of development, the proposal would have a number of other material benefits; as follows:

- Social/Housing: creation of residential care for up to 66 people.
- Employment: creation of 62 jobs (42 full-time and 20 part-time) at the care home, in addition to construction jobs and other indirect employment implications.
- Housing Land Supply: Portsmouth City Council cannot currently demonstrate a five year supply of housing; the present figure stands at 4.7 years supply of housing land. Care homes do count towards the housing land supply as, in this case, it would provide residences for 66 elderly people and free up traditional housing stock. Therefore the proposed development would provide a valuable contribution to the housing land supply.

5.3 However, the NPPF also states that planning decisions should be based on a presumption in favour of sustainable development (Paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (Paragraph 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.4 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in Paragraph 11 (i and ii) of the NPPF and Paragraph 177, and against local policies and any other material considerations, which are provided within this report.

ii) Amenity of neighbouring properties

5.5 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents.

5.6 The application site is contained within its own parcel of land, surrounded by road, and separated from all neighbouring dwellings by a reasonable distance. The nearest residences/buildings being West Lodge nursery to the west and the terraced housing rows to the south; both of which being approximately 25m away. Given the separation

distance, tree and vegetation cover, intervening road, three-storey height and orientation of the proposed building to the north and east of its neighbours, there is not considered to be any material loss of light, outlook, or privacy, or significant increase in noise/disturbance levels, as a result of the development. The Council's Environmental Health Team has been consulted and raised no concerns with regards to the intensification of C2 Use and potential impacts on nearby residents. The proposal is therefore deemed to preserve the amenity of neighbours, in accordance with Portsmouth Plan Policy PCS23. Given the scale of development and nearby dwellings, a comprehensive Construction Management Plan should be conditioned to control construction logistics/hours/operations and preserve amenity.

### iii) Amenity of future occupiers

- 5.7 Policy PCS23 of the Portsmouth Plan also requires that new development should ensure the provision of a good standard of living environment for future residents and users of the development. Whilst providing a form of residential accommodation it is not considered that the 'Technical housing standards - nationally described space standard' (NDSS) would be appropriate in this instance, given this relates specifically to standard residential accommodation. However, when used for comparison purposes, it is clear that the size of the units proposed would exceed the minimum standards with the added benefit of separate shared amenity space, internal communal areas, and access to verdant grounds. Each of the private rooms, and indeed the communal areas, have good outlook and would receive an adequate level of light.
- 5.8 The Council's Environmental Health Team has been consulted and raised no objections subject to securing adequate glazing to protect residents from nearby traffic noise, which would be secured via Building Regulations. The PCC Contaminated Land Team has also been consulted although no comments have been received to date. Nevertheless, a standard precautionary approach and condition in relation to is deemed to suffice, given the previously developed nature of the site.

### iv) Highways and parking

- 5.9 The application proposes to utilise the existing access to the site at the north-western entrance from Solent Drive. The link road between Solent Drive and The Driveway would be closed, resulting in a better and safer road arrangement due to there being no through road within the development. The Council's Highways Engineer has been consulted and raised no concerns regarding the access or highway safety, but has objected on the grounds of insufficient car parking.
- 5.10 The applicant submitted further justification in relation to car parking, and general information; explaining that the shift pattern of employees is as such that there would never be more than 24 members of staff on site at any given time. Further, not every member of staff would drive, there is additional cycle parking, and some may walk, use public transport or car share. No car or cycle parking is proposed for residents of the home, given the nature and care needs of the occupants. The application originally proposed a total parking provision of 21 car parking spaces and 8 cycle parking spaces; a slight underprovision of car parking by 2no spaces and overprovision of cycle parking by 1no space; as identified by the Council's Highways Engineer, who raised an objection on the basis of the underprovision of car spaces.
- 5.11 The applicant has since submitted an amended Site Layout and Parking Plan that accommodates 23 car parking spaces. This would now meet the parking provision requirement and satisfy the Council's Highways Engineer.
- 5.12 In terms of waste collection, the applicant has since demonstrated adequate tracking and turning for a refuse vehicle through an amended parking area/drawing; and the waste

storage area remains at the eastern end of the building, next to the kitchen, which is accepted. Specific details of the waste storage and operations can be secured via condition.

- 5.13 The proposal is therefore viewed as being acceptable in terms of highways safety, parking provision, and highway network operations; thus accords with Policy PCS17 of the Portsmouth Plan.

v) Impact on trees

- 5.14 In order to accommodate the development, 14 protected trees (13 individual, one group of 3, and part of another group) are proposed to be removed (covered by group TPO ref number 177). The site is verdant in character, and as such there are a number of hedges/shrubs and protected trees on the site. It is acknowledged that some of these will need to be removed to provide an appropriate built care home development; which is supported in principle at this site. The applicant has submitted an Arboricultural Survey/Report which surveyed the 29 main items/groups of vegetation within the site; 24 individual trees, 3 groups of trees, and 2 hedges.
- 5.15 The majority of the mature trees, and those most prominent along the Locksway Road frontage, which provide the highest amenity and biodiversity value, are to be retained. Of those 14 trees removed, most are smaller, less mature and lower value trees within the centre of the site. One of the two mature trees to be removed (T6 - Horse Chestnut) has been identified by the Council's Tree Officer as infected/dying and in need of removal. The other mature tree (T7) to be removed is co-dependent on T6 and would likely fail as and when the T6 tree is removed or dies. The removal of these two trees is regrettable but it is accepted that some removals are inevitable in order to accommodate a care home development which is supported in principle. I return to the issue of tree and vegetation cover later in this report, with respect to overall site design and character.
- 5.16 The Council's Tree Officer has raised no objection to the application and removal of identified trees, subject to an adequate replanting scheme and protection plan for retained trees - which can be conditioned. The proposal is therefore considered to be acceptable in terms of its tree impact, with the proposed tree removal being justified, and enough mature trees remaining in addition to those that may be possible to provide in replanting; broadly retaining the green and verdant character of the site.

vi) Ecology and biodiversity

- 5.17 With regards to on-site biodiversity, the applicant has submitted an Ecology Survey/Appraisal for the site. The Council's Ecology Officer has been consulted, and other than requesting further justification in relation to potential bat habitat in one tree and the status of the building survey, suggested that a condition should secure a Biodiversity Enhancement Plan for the site/development. The applicant has since provided further survey for the identified tree and information in relation to the building, which clarifies there are no roosting bats or evidence of such in either. Bats are also protected by virtue of separate wildlife legislation, and in informative can be included making this clear to the applicant/developer. Subject to securing biodiversity gains across the site, the proposal is considered acceptable in terms of protected species and biodiversity on the site.

vii) Flood risk and drainage

- 5.18 The application site is wholly within Flood Zone 1; the area at least risk from flooding. The applicant has submitted a Flood Risk & Drainage Assessment with preliminary site investigations, and both the Council's Drainage Officer and ESCP have provided comments. No objections are raised, subject to securing an adequate drainage scheme

and flood evacuation plan; which can be done via condition. The proposal is therefore considered to be acceptable with regards to flood risk and drainage, in accordance with Policy PCS12 of the Portsmouth Plan.

viii) Impact on the Solent SPAs

- 5.19 The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.20 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure, as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.21 Recreational pressure:  
In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a contribution towards a Solent-wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. However, the applicant has stated that the development would provide assisted care for elderly residents unlikely to leave the site or visit the nearby protected habitats, and no residents' car parking is provided. Additionally, no pets would be allowed at the care home and no overnight staff accommodation is provided. In this instance it is therefore unlikely that the development would result in any additional recreational pressure on the SPAs and thus no contribution should be required. Natural England will be consulted on this basis.
- 5.22 Nitrates:  
Portsmouth City Council has approved an Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019). This Strategy identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.23 The INNMS outlines an option whereby assistance may be secured from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.24 The Council has on this occasion agreed that the developer can seek to acquire 'credits' from the 'Mitigation Credit Bank', as requested by the applicant. Based on the methodology set out within the INNMS (and set out above), to fully mitigate the increased levels of nitrogen input to the water environment within the Solent resulting from the overnight stay element of the development. The applicant will require credits equivalent to 79.5/TN/yr which has been identified as the net increase in the total nitrogen, at a contribution of £1814.24 per person. The nitrates fee for a 66-bed care home would therefore be £119,739.84. The Applicant will advise if they consider the development's finances can afford this sum. The previous occupation of the site's building by five persons may provide an off-set (reduction) to the above figures, with Natural England to be consulted.



- 5.25 'Credits' are currently available within the Mitigation Credit Forecast (Table 2 of the INNMS), subject to the developer securing them in line with the INNMS through an appropriate legal agreement. Subject to this legal agreement and a planning condition requiring mitigation to be in place prior to first occupation of any dwellings, which requires the credits still being available for draw-down at the time the development commences, the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent.
- 5.26 The position with the Applicant has only recently been clarified. Notwithstanding the recommendation to refuse the application, an Appropriate Assessment will now be carried out, and Natural England will be consulted on a formal mitigation strategy. Although the matter itself may be resolved, if the recommendation to refuse the application for the others reasons set out in this report is endorsed by the Committee, this matter would have to form a second reason for refusal. The matter may continue to be addressed, though, should a refusal be appealed, or if the Committee is minded to approve the application. For the latter, a legal agreement would be drawn up in the normal manner. Until such a time when appropriate mitigation has been secured, though, the proposed development is contrary to Policy PCS13 of the Portsmouth Plan and contravenes the Conservation of Habitats and Species Regulations 2017 and the advice in the NPPF; thus is unacceptable.

ix) Design, scale, layout and character

- 5.27 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set-out within the Section 12 of the NPPF, and requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping. The new National Design Guide sets out similar principles.
- 5.28 Whilst not considered to be within the grounds of the listed St James' Hospital the north, or in close physical proximity to this heritage asset, the site does however form an important part of the entrance to the St James' site. Given the application site's location adjacent to The Driveway, the main and historic access road to the listed hospital, coupled with the site's otherwise prominent location along Locksway Road, the need to achieve a high-quality, appropriately scaled and designed building is ever greater.
- 5.29 The application proposes a full and continuous three-storey high building, comprising a large footprint relative to the site, situated relatively centrally albeit with a larger landscaped space to the eastern side rather than to the west. The scheme has been designed to have its entrance and frontage to the north/rear of the site, its car park area also within the northern part - directly in front of the northern elevation, and to have its main amenity space to the frontage along Locksway Road; comprising grass, vegetation, path and patio seating areas.
- 5.30 The scale is not considered to respond to the prevailing character and heights of built form within the surrounding area. The residential development along Locksway Road to the south is two-storey in height, and the adjacent building to the west is single-storey. Given the size of the plot, taller (three-storey) St James' Hospital buildings to 200m to the north, and opportunity to create a new landmark type building within this site, it is acknowledged that three-storey elements could be appropriate. However, the proposal would be entirely three-storey which, in addition to being poor from a design view, does

not correspond well with the local area. The scale should better reflect the heights of surrounding buildings i.e. comprise a mixture of mainly two and three storey elements, perhaps with a single-storey section or outbuilding at the western side.

- 5.31 With regards to layout and the development's relationship with the site and area, there are a number of concerns. Contrary to the claim within the accompanying Design Statement, the proposed development is not considered to provide an 'active frontage' along Locksway Road, or indeed to the eastern and western frontages, nor is the building deemed to be a high-quality 'landmark', 'focal point' or 'gateway' development to the hospital site. The Design Statement fails to even mention the historic, flint cottage to the immediate west, and the applicant tries to say the scheme reflects both the character of the listed hospital and the Victorian terrace opposite. The main entrance to the building is proposed to be situated to the rear/northern elevation, which sets the tone for an inactive frontage both in principle and physical use. Furthermore, the front/south elevation is set-back by 10-20m from the front boundary and behind an almost uninterrupted expanse of walls and railings enclosing the site. Only a single, small (circa 1m wide) pedestrian access is proposed within the wall/railings at the front of the site, which appears lost within the length of hard boundary treatment; seemingly a missed opportunity for an interesting or more welcoming and pronounced entrance to the site's frontage, leading directly to a front door.
- 5.32 The front/south elevations of the proposed building itself also appear as a significant mass of continuous wall and fenestration, with little additional design features or architectural interest. The proposed building, and in particular the Locksway Road frontage, seemingly manages to create an imposing and unrelenting expanse of built form, dominant within the site, yet totally disconnected with the street scene and surrounding area.
- 5.33 The western side of the site (along Solent Drive) is presently wholly open, and the eastern side (along The Driveway) would become more open with the tree loss proposed. I am not convinced there is sufficient space in which to grow large replacement tree specimens that may in time soften the building scale, and hide the poor design. The proposal would also incorporate hard boundary treatments (with hedging behind) along both of these; thus having pretty inactive frontages along these two roads as well, and resulting in an overall somewhat harsh and completely enclosed development which does not integrate well with the surrounding area, physically/functionally or perceptually for neighbour. The cambered step back in built form, variation in three-storey heights and roof form, and mainly blank eastern elevation illustrate that less consideration has been given to the side-fronting elevations. These side views are considered to appear as a disjointed and confusing perspective of the building, whereby lots of different horizontal and vertical levels, lines and forms result in a cramped and incongruous appearance from an eastern and western viewpoint.
- 5.34 The scheme should, but fails to, take into account the hierarchy of the various 'frontages' of the site relative to their importance within the area. The Locksway Road side should be the most important, given its prominence and natural frontage of the site. Yet the scheme has the rear of the building facing this way. The northern side of the site is the natural 'rear', yet this contains the front of the building. Both the eastern and western sides have their own road frontages, and are considered to be the second most important relationships within the street scenes; yet, as mentioned, do not appear to have been properly considered or intended to have their own individual or appropriate relationship with their respective frontages.
- 5.35 I would have liked to consider the siting of the building further back in the site, with parking and pedestrian activity, and a true front door, to the front of the site. The applicant has declined this invitation, inter alia stating it would endanger frontage mature trees. I do not agree that would be bound to happen, and that therefore it needs to be

tested in order to try and achieve a more successful development, in conjunction with a change in design (massing and architecture). The applicant has attempted the latter during the course of the application, but with limited effect.

- 5.36 In terms of materials and finish, the scheme appears to focus on mirroring the two-storey terraced housing along the opposite side of Locksway Road, rather than taking into account the adjacent flint and slate West Lodge; or the traditional stone, English bond brick and slate roof of the St James' Hospital building to the north. This results in a relatively bland and generic appearance of lower quality materials and finish, and does not create a unique 'landmark' or 'focal point' building, nor does it respond well or assimilate with the more traditional built development on this northern side of Locksway Road.
- 5.37 The initial scheme was taken to the Design Review Panel, which was not supportive of the proposal stating they considered it to be a: *'standardised formulaic and unimaginative approach'* and that *'nothing about the scheme makes it look like it has responded to, or been designed for the site, and that it would have a very negative impact on the predominantly 2 storey Locksway Road.'* It was suggested that the development needed to reconsider its response to the site and area, and breakdown / pull apart the built form.
- 5.38 Following concerns regarding the scheme's overall design, which were relayed to the applicant at an early stage, including issues such as: appearance; scale; massing; siting; and layout, the applicant provided a Supplementary Design Statement, series of indicative 3D visual perspective drawings and a video walkthrough presentation. However, the Supplementary Design Statement seems to merely retrofit design rationale to an already established design brief. The new 3D perspectives, although not formal scaled elevational drawings, contain some minor design amendments such as the use of some stone elements to the front elevations, stone quoins, a small front canopy over the set of double doors, and some accentuating pitched roof gable features within the roof eaves. These changes, despite being modest, are viewed as positive; although are not considered to go far enough, and most importantly do not address the remaining concerns such as the overall building design and rationale, siting/layout, scale, massing, and frontage relationship.
- 5.39 It is suggested that the entire design rationale, site layout, scale/massing, and relationship with the frontage(s) and surrounding area are reconsidered. A more modest, scaled back, broken up built form, perhaps of amended siting, and with an active frontage on to Locksway Road, using higher quality materials and utilising a variation in heights (not entirely three-storey) across the site in addition to incorporating architecturally interesting features and design, would be supported.
- 5.40 This application would have strongly benefited from specific pre-application engagement between the applicant and Council; which could have significantly and positively influenced the design rationale for the scheme, and it is felt that an opportunity was missed in this regard. The Council did advise on a wider pre-app scheme, which included this site and an indicative plan of the proposed care home identical to this application. Concerns were raised at this stage regarding its scale, siting, footprint and how it was viewed as responding poorly to the urban grain and character of the area, in addition to the potential impact on trees. It was suggested a more modest proposal may be more acceptable, reconsidering the siting and taking into account the comments. This does not appear to have been taken into account within this application.
- 5.41 The proposal is therefore considered to be of poor design, failing to provide a high-quality development that responds well to its context. The scale and massing of the building is deemed to be too great, not in-keeping with the urban grain of the surrounds; the layout of the site inappropriate and resulting in poor relationships with the surrounding street scenes, area, and overall site appearance; and the general design is

deemed to be relatively generic and very mediocre at best and generating limited architectural details or interest. The result being a missed opportunity for good development on the site and a consequent detrimental impact upon the character and appearance of the surrounding area. The proposal therefore fails to accord with Policy PCS23 of the Portsmouth Plan, and Section 12 of the NPPF.

#### x) Other matters and material considerations

- 5.42 The public comments received have been predominantly addressed within the main body of the assessment above. The remaining comments are addressed in turn as follows:
- This application is its own site and is considered on its own merits. It is not relevant to take into account future prospective development within the wider area in terms of cumulative impacts as part of this application. Nevertheless, the application is modest in size compared to the remainder of the St James' redevelopment; and impact from that development will be considered within relevant applications.
  - The application is not considered to be specifically at odds with the Government's 2018 25 Year Environmental Strategy or the Council's Zero Carbon Emissions 2030 target. An overprovision of cycle parking is proposed, and the site is within existing C2 use and in a reasonably sustainable location served by public transport.
  - The occupation of the care home, with regards to ex-servicemen or not, is not a material planning consideration. Nevertheless, although it is suggested the care home is aimed at primarily Navy veterans, this does not necessarily exclude other elderly people.
  - In terms of air quality, the site is not within an AQMA but the applicant has nevertheless submitted an Air Quality Report; concluding only a slight increase in traffic and no significant impact on air quality. There are not considered to be any other notable environmental impacts.
  - The applicant has also provided a specific response to each of the above comments, in a supplementary response document.

#### Conclusion

- 5.43 The proposed development is not considered to be acceptable in terms of its design, scale, siting, layout or relationship with surrounding area, and has not appropriately mitigated against impacts to the Solent Special Protection Areas arising from residential development. The proposal therefore conflicts with Policies PCS13 and PCS23 of the Portsmouth Plan 2012, the Council's Interim Nutrient Mitigation Strategy for New Dwellings (2019) and The Solent Special Protection Areas SPD 2017, and Sections 12 and 15 of the NPPF.
- 5.44 It is acknowledged that there are substantial benefits of this scheme; most notably the provision of residential facilities for older people in need of care, and the generation of employment within the city. Both of these matters, and other planning, economic and social benefits, are fully supported by Portsmouth City Council. However, these benefits are not considered to outweigh the material harm caused by the deemed poor design, appearance, layout and massing of the proposed development, and its subsequent detrimental impact upon the character of the surrounding area. The contribution to Portsmouth's housing land supply is a significant material planning consideration, but in this instance is not deemed to outweigh the harmful effects of the site's poor design and subsequent impact on local character. As such, I consider the presumption in favour of development set out in Paragraph 11 of the NPPF is outweighed. It then follows that the thus-far lack of mitigation for effects on the SPA must also result in a reason for refusal.

- 5.45 There are no significant concerns with regards to the other main considerations and assessment criteria, providing relevant conditions are secured.

## **RECOMMENDATION                      Refuse**

The reason for the Local Planning Authority's decision is:-

1) The proposal, by virtue of its poor design, excessive scale and massing, inappropriate siting and layout, incongruous appearance and inappropriate relationship with its frontages, and with regards to its context and prominent location, is not considered to be sufficiently considered, rationalised or appropriate; resulting in a poorer quality development at odds with the street scenes, urban grain and prevailing character of the area. As such, the proposal would fail to comply with Policy PCS23 of the Portsmouth Plan and Section 12 of the NPPF 2019.

2) It has been identified that any residential development in the city will result in a significant effect on the Solent Special Protection Areas, through additional recreational pressures and nutrient output; with mitigation against these impacts being required. No justification or mitigation measures have been secured and, until such time as this has been provided, the proposal would have a significant detrimental impact on the Special Protection Areas; contrary to Policy PCS13 of The Portsmouth Plan 2012, the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, and Section 15 of the NPPF 2019.

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