

PLANNING COMMITTEE 31.05.2023

SUPPLEMENTARY MATTERS TO BE CONSIDERED AS PART OF THE REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

<u>ITEM NO</u>	<u>REF NO</u>	<u>LOCATION</u>	<u>COMMENTS</u>	<u>RECOMMENDATION</u>
1	21/01357/FUL	TIPNER EAST LAND OFF TWYFORD AVENUE AND TIPNER LANE PORTSMOUTH	<p>Following the publication of the agenda the following matters have arisen:</p> <p>1. Updates to Summary of Main Issues & Planning Considerations:</p> <p>Add:</p> <ul style="list-style-type: none"> • Environmental Impact Assessment • Biodiversity and Appropriate Assessment <p>Remove:</p> <ul style="list-style-type: none"> • Loss of trees. As confirmed by the council's tree officer in his consultation response, there are no significant trees being lost as a result of this development. <p>Planning Considerations</p> <p>Add section on 'Appropriate Assessment':</p> <p><i>Appropriate Assessment</i></p> <p>Pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation</p>	No change to officer recommendation.

			<p>management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.</p> <p>Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.</p> <p>The LPA is the competent authority in this case and the applicants have submitted a Shadow Habitat Regulations Assessment ('Shadow HRA') to assist the LPA in assessing the project.</p> <p>AND:</p> <p>Subject to the necessary mitigation and compensatory measures being secured by conditions and/or s106 planning obligations as recommended below, the LPA is able to conclude that the development would not harm the integrity of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the Appropriate Assessment to consider alternatives to the project as currently proposed.</p> <p>2. Updated consultation response from the</p>	
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			Highway Authority: No objection, subject to conditions.	
2	22/00226/FUL	COSHAM ROYAL BRITISH LEGION SIXTH AVENUE PORTSMOUTH	<p><u>Special Protection Areas (SPA):</u> Natural England response received re effects of the development on the SPAs: no objection, subject to the required mitigation being made.</p> <p><u>Affordable housing:</u> In the normal course of further preparation ahead of Planning Committee, the proposal's viability has been checked again and it has come to light that there has been a gap in presentation and/or understanding of the finances. The scheme's figures have been run again and, with the correct CIL and SPA mitigation sums, it is finally concluded that the development would have the following outcomes:</p> <p>No affordable housing: 4.23% profit (£180,828);</p> <p>7 affordable units: -1.4% profit (-£56,539, i.e. a deficit).</p> <p>It is now clear that neither scenario meets the NPPF guide of 15 - 20% profit (on GDV). As such, your Planning Officers agree with the Applicant that no affordable housing can be provided.</p> <p>Finally, the Applicant continues to disagree with the Local Planning Authority (LPA) about the amount of Community Infrastructure Levy (CIL) due. The Applicant's offer of £25,000 to contribute to off-site Affordable Housing was contingent on <i>their</i> position on CIL: that it is a significantly lower amount than the LPA states (Applicant: £184,442, LPA: £348,847). Since the LPA has repeated its</p>	<p>RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to: satisfactory completion of Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on SPAs (recreational disturbance and nitrates),</p> <p>RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.</p> <p>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</p>

			assessment of the CIL due is correct, the Applicant says they cannot afford that CIL amount <i>and</i> the offer of £25,000 to contribute to Affordable Housing. They have therefore withdrawn that offer. Since the scheme's viability would remain low (at the 4.23% profit), your Planning Officers continue to recommend that planning permission be granted, with no Affordable Housing.	been satisfactorily completed within three months of the date of this resolution.
3	23/00079/FUL	360 COPNOR ROAD PORTSMOUTH PO3 5EN	The proposed Elevations and Floor plans have been updated to clearly show land to the north is not part of the application. These new plans will be shown in the Committee Presentation.	Update Condition 2 accordingly.
4	---	COASTAL PARTNERSHIP	No update.	No change to officer recommendation.
5	23/00325/CPL	WEST BATTERY FIELD CLARENCE ESPLANADE SOUTHSEA	No update.	No change to officer recommendation.
6	23/00066/FUL	CAR PARK PROSPECT ROAD PORTSMOUTH	No update.	No change to officer recommendation.
7	23/00558/ADV	THE SPINNAKER TOWER GUNWHARF QUAYS PORTSMOUTH	No update.	No change to officer recommendation.
8	22/00205/FUL	2-6 SPENCER ROAD SOUTHSEA PORTSMOUTH	<p>The Applicant has informed the LPA that the care home has already closed and the former residents have moved.</p> <p>The proposed site plan and 3d visuals have been updated to Revision E, which will be shown in the</p>	<p>No change to officer recommendation.</p> <p>Update Condition 2 accordingly.</p>

			Committee Presentation.	
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