

ST JOHNS COLLEGE, GROVE ROAD SOUTH, SOUTHSEA, PO5 3QW

APPLICATION A - PLANNING APPLICATION 23/01089/FUL

CONVERSION AND EXTENSION OF FORMER COLLEGE BUILDINGS TO CREATE 110 APARTMENTS AND DEMOLITION OF COLLEGE BUILDINGS AND ERECTION OF NEW BUILDINGS TO CREATE 102 APARTMENTS UTILISING EXISTING ACCESS FROM GROVE ROAD SOUTH, NELSON ROAD AND ALBANY ROAD TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING, CYCLING AND REFUSE STORAGE

LINK TO ONLINE DOCUMENTS [HERE](#)

APPLICATION B - LISTED BUILDING CONSENT APPLICATION 23/01074/LBC

CONVERSION AND ALTERATION OF LINNHOLM AND THE CASTLE TO CREATE 8 APARTMENTS.

LINK TO ONLINE DOCUMENTS [HERE](#)

Applications Submitted By:

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On behalf of:

Southsea Village Ltd

RDD: 22nd September 2023

LDD: 27th October 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 These applications are being presented to Planning Committee as they relate to a significant Major category development.

1.2 The main considerations are:

- Principle of development;
- Housing supply, density, mix and affordable housing
- Design and heritage considerations;
- Residential amenity;
- Transport and Highways;
- Trees and landscape;
- Appropriate Assessment, ecology and biodiversity;
- Flood risk and drainage;
- Energy and sustainability;
- Archaeology;
- Contaminated land;
- Community Infrastructure Levy and S106; and
- Human Rights and the Public Sector Equality Duty.

2.0 SITE AND SURROUNDINGS

- 2.1 The site, with an area of approximately 1.97 hectares (4.86 acres), is located within Southsea and comprises the former St Johns College, a private boarding school (Class C2) which was founded in 1908 by the De La Salle brothers and moved to the site in 1912. It occupies most of the block enclosed to the west by Grove Road South, to the north by The Thicket, to the east Albany Road and to the south by Nelson Road (although on the southern side of the site Nos 1 and 1A Nelson are excluded and on the eastern side No 1 Cavendish Road is excluded) as shown in **Figure 1** and **Figure 2** below.



Figure 1 - Existing Site Plan



Figure 2 - Aerial view of Site

- 2.2 The buildings on the site are 'villa' style detached properties ranging in height from single to three storeys of varying building form, massing and appearance. Several of the buildings were built or owned by Thomas Ellis Owen, the architect and chief surveyor for the Portsmouth area in the mid-1800s. In the post war years, the school was modernised, and a number of the villas were replaced by new purpose built blocks. In the 1980's the Simon Wing Building, a music, technical drawing and pottery classrooms was constructed in the north west corner to the designs of Edward Caugh of Headley Greentree Partnership in a brutalist style.
- 2.3 The site is located entirely within the Owen's Southsea Conservation Area and there are two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) as well as three non-designated locally listed buildings (St Catherines, Warleigh and The Scholes Building (attached to the northern side of Warleigh), Grove Road South) located within the site. The school was closed permanently in July 2022.
- 2.4 Since closing, a Children's Day Nursery (Class E) has subsequently occupied part of the ground floor of the Maurice Wing. A retrospective application, independent of the current proposals and applicant, has been submitted to retain this use (concurrent application 23/01258/FUL). The remaining parts of the site continue to be vacant.
- 2.5 The surrounding building typologies and building heights vary, primarily consisting of traditional terrace houses, but with more semi-detached and detached properties and apartments blocks closer to the site. On the opposite side of Grove Road South stands Holmbush Court, a recently constructed four storey building.
- 2.6 There are four existing vehicular access points to the site, including two on Grove Road South and one on Nelson and Albany Road, with extensive vehicle and cycle parking also found on site. The site is primarily laid to hardstanding with very little soft landscaping and few existing ecological habitats.
- 2.7 The site is located within a very sustainable location and is within the immediate proximity of Southsea High Street and town centre which provides a wide range of shops, services and employment opportunities. The area is serviced by a number of bus stops which run frequent services further afield and key local facilities can be accessed by foot or bike utilising existing well-lit footpaths. The closest bus stops are located on Grove Road South within 145m of the centre of the site and are within easy walking distance. These bus stops are served by services 3 and 18 which provide connections between Fareham, Paulsgrove and Southsea. Portsmouth and Southsea Train Station is located less than 1 mile away, with rail connections providing regular services to London, Southampton, Fareham, Winchester, Basingstoke, Woking and Cardiff Central.

3.0 POLICY CONTEXT

- 3.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).
- 3.2 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 3.3 Having regard to the location of this site within the city centre, the relevant policies within the Portsmouth Plan would include:
- PCS10 - Housing Delivery
 - PCS12 - Flood Risk
 - PCS13 - A Greener Portsmouth

- PCS14 - A Healthy City
- PCS15 - Sustainable Design and Construction
- PCS16 - Infrastructure and Community Benefit
- PCS17 - Transport
- PCS19 - Housing Mix, Size and the Provision of Affordable Homes
- PCS21 - Housing Density
- PCS23 - Design and Conservation

3.4 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).

- Policy DC21 - Contaminated Land

3.5 Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).

3.6 Regard also has to be had to the following SPDs and guidance that are also material considerations:

- Conservation & Built Heritage 2021;
- Parks and Open Spaces Strategy 2012;
- Sustainability Strategy 2010;
- Urban Characterisation Study 2011;
- Portsmouth Transport Strategy 2021-2038;
- Housing Provision in Portsmouth 2006-2027;
- Parking Standards and Transport Assessment SPD 2014;
- Solent Recreation Mitigation Strategy 2017;
- Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period) 2022;
- Air Quality and Air Pollution SPD 2006;
- Housing Standards SPD 2013 and Review Briefing Note 2015;
- Planning Obligations SPD 2012;
- Reducing Crime Through Design SPD 2006;
- Sustainable Design and Construction SPD 2013; and
- Achieving Employment and Skills Plans SPD 2013.

3.7 The National Planning Policy Framework (December 2023) (NPPF) is also an important material consideration and is supported by guidance in the National Planning Practice Guidance (NPPG).

4.0 STATUTORY DUTIES

4.1 The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:

- Section 70 of The Town and Country Planning Act 1990;
- Section 38(6) of The Planning and Compulsory Purchase Act 2004; and
- The Equality Act 2010.

5.0 RELEVANT PLANNING HISTORY

5.1 The planning history most relevant to the determination of the applications includes:

- 23/01258/FUL - St John's College, Grove Road South, Southsea, PO5 3QW - Change of use and alteration of part of ground floor with from Residential College (Class C2) to Children's Day Nursery (Class E) with associated car parking - Concurrent application.
- 22/00511/FUL - Woodford and School House, Grove Road South/Albany Grove, Southsea, PO5 3QW - Former St John's College building - Change of use from (Class F1(a)) Education buildings to 2 no. dwelling houses (Class C3); external alterations to include new vehicle access via Albany Road with hardstanding following partial removal of wall and provision for cycles and refuse; installation of timber fencing following removal of playcourt fencing - withdrawn 21/02/22.
- 21/01066/FUL - Hayfield, 1 Nelson Road, Southsea, P05 2AR - Former St John's College building - Change of use from F1(a) Provision of Education to purposes falling within Class C3 (dwelling house) - granted 18/11/21.
- 21/01067/FUL - 1 Cavendish Road, Southsea, PO5 2DG - Change of use from F1(a) Provision of Education to purposes falling within Class C3 (dwelling house) - granted 17/11/21.

6.0 PROPOSAL

- 6.1 The proposal seek planning permission (Application A - ref. 23/01089/FUL) to redevelop the former St John's College site to provide 212 new residential units with associated landscaping, parking, cycling and refuse storage. An accompanying listed building consent application (Application B - 23/01074/LBC) has also been submitted which seeks listed building consent for the associated conversion and alteration works proposed to the two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) on the site in order to create 8 new residential units.
- 6.2 The proposal would retain all the buildings on the site of historic merit, demolish some smaller buildings and replace them with larger blocks and remodel several of the larger buildings as shown in **Figure 3** and **Figure 4** below. In order to facilitate the development, five buildings are proposed to be demolished, including the Coach House, A-Block, The Firme, Simon Wing and West End.
- 6.3 The proposed development would include the retention of the existing site accesses from Cavendish Road, Nelson Road and Grove Road South for vehicular access and egress. In addition, the existing pedestrian accesses would be retained, and cycle access would be achieved via the vehicular access points.
- 6.4 A total of 106 vehicle parking spaces are proposed across the site at a ratio of 0.50 spaces per dwelling. All parking spaces provided across the site would provide EV charge points in accordance with the building regulations. Cycle parking would include long-stay cycle parking provisions for residents and short-stay visitor parking distributed across the site. In total, 375 cycle parking spaces are to be provided for residents and a further 38 short-stay cycle parking spaces (i.e. 10% of the long-stay provision) for visitors via Sheffield Stands throughout the site.
- 6.5 The buildings to be refurbished include:
- Woodleigh - 6 units (1 x 1-bedroom and 5 x 2-bedroom);
 - Linnholm (Grade II listed) - 4 units (3 x 1-bedroom and 1 x 4-bedroom);
 - St Donats - 4 units (3 x 2-bedroom and 1 x 4-bedroom);
 - Woodlands - 5 units (2 x 1-bedroom, 2 x 2-bedroom and 1 x 3-bedroom);

- Carnavon - 4 units (3 x 2-bedroom and 1 x 3-bedroom);
- School House - 5 units (2 x 1-bedroom and 3 x 2-bedroom);
- Woodford - 4 units (4 x 2-bedroom);
- Oaklands - 5 units (4 x 2-bedroom and 1 x 3-bedroom);
- St Catherines (locally listed) - 2 units (1 x 1-bedroom and 1 x 2-bedroom);
- Warleigh / Scholes (locally listed) - 25 units (3 x 1-bedroom, 20 x 2-bedroom and 2 x 3-bedroom); and
- The Castle (Grade II listed) - 4 units (1 x 1-bedroom and 3 x 2-bedroom).



Figure 3 - Proposed Site Masterplan

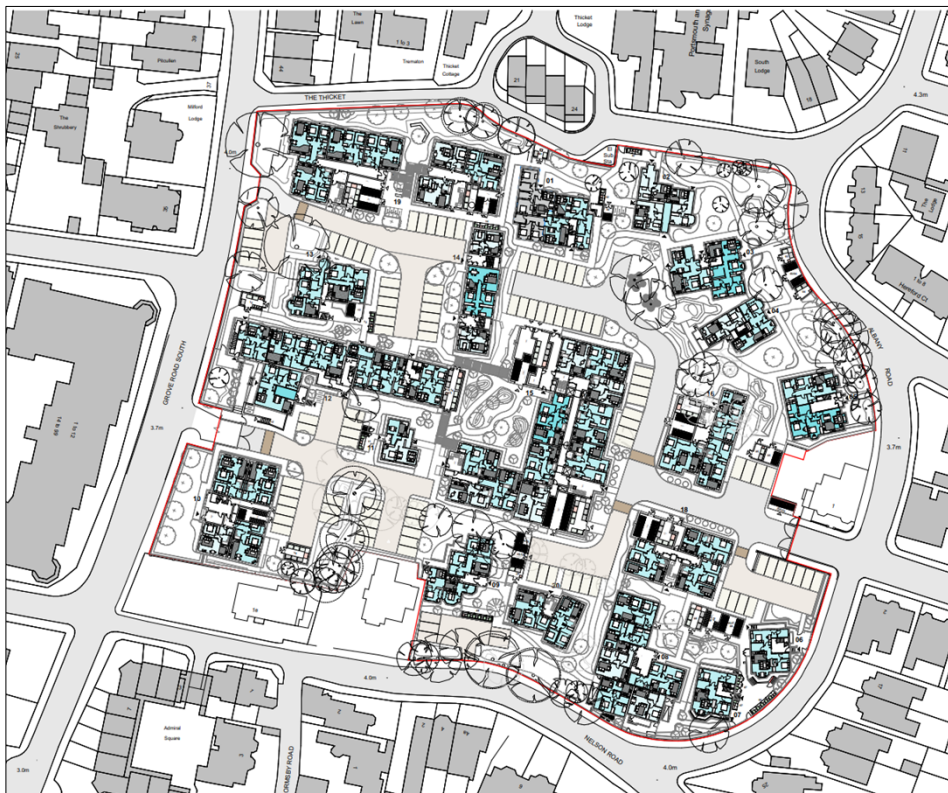


Figure 4 - Proposed Ground Floor Plan

6.6 The buildings to be converted and extended include:

- De La Salle - 16 units (1 x 1-bedroom, 9 x 2-bedroom and 6 x 3-bedroom);
- Maurice Wing - 14 units (5 x 1-bedroom, 8 x 2-bedroom and 1 x 3-bedroom); and
- Jubilee Block - 12 units (8 x 1-bedroom and 4 x 3-bedroom).

6.7 The five new replacement three-storey buildings include:

- The Firme - 51 units (20 x 1-bedroom, 26 x 2-bedroom and 5 x 3-bedroom);
- Simon Wing East and West - 23 units (2 x 1-bedroom, 19 x 2-bedroom and 2 x 3-bedroom);
- Coach House - 11 units (11 x 2-bedroom);
- West End - 11 units (11 x 2-bedroom); and
- Wood End - 6 units (6 x 2-bedroom).

6.8 The refurbishment, conversion and extension of the existing buildings to be retained on the site will create 110 new residential units and the demolition and five replacement buildings will create 102 buildings. Overall, a total of 212 new residential units would be provided comprising 49 x 1-bedroom; 138 x 2-bedroom; 23 x 3-bedroom; and 2 x 4-bedroom apartments.

7.0 AMENDMENTS MADE

7.1 During the course of the applications, the following design changes and clarifications to the proposed development have been submitted. These include:

- Window details of the Simon Wing have been revised;
- Amendments to floor plans and accommodation schedule to ensure compliance with Nationally Described Space Standards area requirements;
- Further information provided with respect to proposed 'Turret' to Maurice Wing;
- Waste and recycling stores have been resized and relocated;
- An Energy Addendum report has been prepared to provide clarification on the sustainability measures proposed;
- A Supplementary Transport Note has been prepared to confirm provision of EV charging points, alternative on-street parking bays along Nelson Road and the provision of 'Copenhagen' style crossing at the site accesses from Grove Road South;
- Daylight and Sunlight Reports has been prepared which assess the daylight and sunlight impacts of the scheme on existing neighbouring residents and future occupiers of the site;
- The Landscape Plan has been amended to relocate footpaths further from buildings and habitable rooms to provide more defensible space;
- A Viability Report Addendum has been prepared to provide the additional information requested by the Council's Viability Consultants;
- An Archaeological Desk Based Assessment has been submitted; and
- A CGI has been prepared to provide a visual impression of the proposal when viewed from The Thicket.

7.2 The above amendments do not have a material impact upon the maximum quantum of floorspace or accommodation schedule sought for approval by the applications as originally submitted and registered in September 2023.

8.0 CONSULTATIONS

8.1 The following consultation responses have been received:

Active Travel England	At this stage in the absence of sufficient information that the scale of the financial contribution sought by the Council's Transport Planning team can adequately support local infrastructure and be fully deliverable, ATE recommend that the decision on this application is deferred until this is clarified.
Coastal Partners	HOLDING OBJECTION on the grounds that an insufficient Flood Risk Assessment (FRA) has been submitted in support of the application.
Hampshire Constabulary Designing Out Crime Officer	NO OBJECTION to the proposal subject to the public footpaths abutting the elevations of some of the buildings being realigned, defensible space for the ground floor apartments proposed being provided; and a condition relating to lighting details being attached to any permission granted.
Hampshire Fire & Rescue Service	NO OBJECTION to the proposal.
Hampshire Swifts	NO OBJECTION subject to a condition requiring hollow swift bricks to be installed in the walls of the new build homes being attached to any permission granted.
HCC - Archaeology Advisor	NO OBJECTION subject to a condition securing an Archaeological Written Scheme of Investigation being attached to any permission granted.
HCC - Ecology	NO OBJECTION to the proposal subject to contributions to the Solent Recreation Mitigation Strategy being secured and conditions relating to further bat survey work and biodiversity net gain enhancements, as suggested, being attached to any permission granted.
Historic England	NO OBJECTION to the proposal. Historic England provides advice when our engagement can add most value. In this case we are not offering advice.
Natural England	NO OBJECTION to the proposal. A Habitat Regulations Assessment (HRA) has been requested from the Council to fully consider impact on SPA and SAC. Once a HRA has been completed or adopted by the competent authority, Natural England will review the proposal.

	<p>Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection to this aspect of the application.</p>
NHS Hampshire integrated Care Board	<p>NO OBJECTION subject to a financial contribution towards the cost of increasing primary care infrastructure being secured by s106 legal agreement in any planning permission granted.</p>
PCC Arboricultural Officer	<p>NO OBJECTION subject to conditions relating to landscaping, tree protection, arboricultural method statement, tree planting and pruning as suggested being attached to any permission granted.</p>
PCC Conservation and Heritage	<p>SUPPORT for the application subject to conditions relating to the detailed design/appearance (including material) of all new windows and the detailed design/appearance and siting of the proposed cycle and refuse stores being attached to any permission granted.</p>
PCC Contaminated Land Team	<p>NO OBJECTION subject to conditions relating to contamination and remediation as suggested being attached to any permission granted.</p>
PCC Drainage Team	<p>NO OBJECTION to the proposal.</p>
PCC Regulatory Services	<p>NO OBJECTION to the proposal subject to conditions relating to demolition, noise and vibration and a Construction Environmental Management Plan as suggested being attached to any permission granted.</p>
PCC Landscape Architect	<p>NO OBJECTION to the proposal.</p>
PCC Public Health	<p>NO OBJECTION to the proposal. We note that a health impact assessment (HIA) has not been undertaken as part of this development application as would usually be expected of a development of this size. This lack of consideration may potentially mean impacts (both positive and negative) on the health of future residents of the development, as well as on the health of the development's immediate neighbours and the neighbourhood in</p>

	<p>general, have not been accounted for or mitigated against.</p> <p>We note that the ratio of GP's and NHS dentists to patients is significantly worse in Portsmouth than in other comparable cities and other parts of England, and any new development will inevitably create additional pressures which must be considered while attempts are made by the local Integrated Care Board and Partnership to address these long-standing systemic issues.</p>
PCC Transport Planning	NO OBJECTION to the proposal subject to financial contributions towards improvements to sustainable infrastructure within the vicinity of the site and travel plan monitoring being secured by s106 legal agreement and conditions securing parking, S278 highway works, cycle storage, electric charging points, a parking management plan and travel plan, as suggested, being attached to any permission granted.
PCC Waste Management Service	NO OBJECTION to the proposal subject to a condition securing satisfactory refuse storage being attached to any permission granted.
Portsmouth Cycle Forum	OBJECTION to the proposal on grounds of car parking. Our primary concern and objection relates to the fact that the surrounding road network is not safe and suitable for people walking and cycling, which, in line with NPPF, means that "safe and suitable access for all users" is not available. The Forum believes that the time is now right for Elm Grove, Victoria Road South and Albert Road to be 20mph zones. Funding secured by a s106 as part of any planning permission granted could support and enable this process.
Southern Water	NO OBJECTION to the proposal subject to an informative relating to sewerage and surface water disposal, as suggested, being attached to any permission granted.
The Portsmouth Society	OBJECTION to the proposal, which represents a poor-quality design and significant overdevelopment of the site. The proposal seeks to double the density of a nationally significant conservation area from the 53dph

	<p>identified in the characterisation study to 106dph. The quality of much of the design is poor and will result in real damage to the quality of a special part of Southsea. It will also have a significant impact on the quality and amenity of the surrounding areas whilst also reducing the number of trees and shrubs so characteristic of the area. The Portsmouth Society asks that this application be refused. It represents a clear departure from the Council's own stated policies and design guidance.</p>
<p>The Victorian Society</p>	<p>OBJECTION to the proposal. In principle the redevelopment of the site is acceptable, however, the proposed redevelopment raises concerns. Whilst removing some large buildings that make a negative contribution to the conservation area, the proposal seeks to introduce large new apartment buildings of a scale and form considerably at odds with the historic character of the area. The form and density of development proposed would harm the significance of the conservation area and the setting of the listed buildings, by diluting the picturesque character of Owen's villa suburb and introducing a more urban form and scale of development. As such, the proposal is unacceptable and would fail to preserve and enhance the character and significance of the conservation area and should be refused.</p>

9.0 REPRESENTATIONS

- 9.1 Site Notices (seven in total) were displayed around the boundaries of the site on 30/09/22, a Press Notice was published on 06/10/2023 and letters were sent to neighbouring properties on 27/09/2023.
- 9.2 Following the receipt of revised drawings and additional supporting information, neighbouring properties were reconsulted by letter on 16/02/2024. The public reconsultation period on the revisions formally ended on 01/03/2024.
- 9.3 In response, two (2) representations have been received in support and ninety four (94) representations objecting to the proposed development.
- 9.4 The representation of support make the following points:
- The development would make good use of a large area of unused property in the heart of Southsea, creating good quality new modern housing that will blend with the local area;

- The introduction of a few hundred new residents will only add to the vibrancy and economic sustainability of our local businesses and amenities; and
- Whilst the parking ratio commented on by others does not reflect current car ownership and usage, it is clear that government policy (national and local) needs to be used as a lever to change our relationship with the car, as happens successfully in many Northern European cities. To this end, perhaps the planning authority should incentivise the developer to include provision (dedicated parking spaces and vehicle charging points) for a carshare scheme such as "Zipcar".

9.5 The representations of objection raise the following concerns:

- Loss of existing school site;
- Overdevelopment of the site;
- The proposal lacks an appropriate mixture of occupancy types such as owner occupied dwellings and affordable housing;
- The proposal fails to provide sufficient family housing on the site contrary to policy PCS19 in the City Plan.
- The height, scale, form and detailing of the development is inappropriate and would be out of keeping with the surrounding area;
- The design is not in keeping with the surrounding conservation area and the planned new buildings will not complement the surrounding listed buildings in the neighbourhood.
- The proposal would have an adverse impact on the character and appearance of the Owen's Southsea Conservation Area;
- Overlooking and loss of privacy;
- Loss of sunlight and daylight;
- Inadequate funding to meet the additional burden the development will put on the local community;
- The proposal will have a huge negative impact on the local community and services;
- Increase in pressure on local infrastructure, such as schools, GP's and dental surgeries;
- Negative impact on biodiversity with limited environmental impact assessment;
- Loss of mature trees that will have a negative impact on ecology;
- Lack of open space;
- Increase in traffic and congestion;
- Increase in pollution;
- The standard of water and energy efficiency for sustainable development is not sufficient;
- There is a lack of electric vehicle charging allocations on site putting pressure on the outlets elsewhere in the neighbourhood;
- Inadequate water pressure;
- Adverse impact on local bat population;
- There will be a huge impact on the flora and fauna and there has been no attempt at considering the effect of this on the local biodiversity;
- Greater strain on sewage capacity without plans to overcome this; and
- Insufficient car parking leading to an increasing in existing parking problems.

10.0 PLANNING CONSIDERATIONS / COMMENT

Principle of the development

- 10.1 As set out in the NPPF (paragraph 2), *'Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise. The National Planning Policy Framework*

must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements'.

- 10.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.
- 10.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 10.4 In accordance with the Portsmouth Local Plan, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.
- 10.5 Paragraph 11 of the NPPF requires that *'decisions should apply a presumption in favour of sustainable development. For planning decisions this means:*
 1. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 10.6 Footnote 8 states that *'this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years'.*
- 10.7 Footnote 7 states *'the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change'.*
- 10.8 The NPPF also seeks, inter alia, to secure net gains in terms of economic, social and environmental objectives (paragraph 8). This includes ensuring sufficient land of the right type is available; coordinating the provision of infrastructure; providing a sufficient

number and range of homes, and; protecting and enhancing the natural, built and historic environment. These objectives are reflected in both the PPG and the Council's local planning guidance.

- 10.9 Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. As set out within Policy PCS10 of the Local Plan, housing delivery will be promoted across the city. The site is set outside of the town and district centres, and is within the "*rest of the city*" allocation of Policy PCS10 of the Local Plan, which seeks to provide an additional 1,674 homes in the plan period (2010 - 2027).
- 10.10 The overarching stance advocated by the NPPF and Policy PSC10 of the Local Plan is a presumption in favour of sustainable development that supports densification in the city confines. Whilst St John's College is located outside of Southsea town centre boundary and is also outside of the designated Albert Road and Elm Grove district centre, it is within the immediate proximity of these designated centres. Accordingly, the site benefits from being located within a highly sustainable location nearby a wide range of facilities, public transport, services and shops but also has no policy restrictions on the change of use from educational purposes to residential.
- 10.11 The principle of the change of use of the site to residential is further supported as the immediate surroundings of the site are residential in character. The Edwardian villas set to the site curtilages, which were originally built as dwellinghouses, have been used for many years as school boarding accommodation, therefore continuing the use of some of these buildings as living accommodation throughout the year.
- 10.12 The principle of residential development is therefore accepted. The development will make a significant contribution achieving the three sustainable objectives to planning outlined in the NPPF. The proposal will deliver 212 new, high quality, energy efficient homes within a soft landscaped setting. These will be delivered in a sustainable and accessible location in Portsmouth. In summary, the proposed residential development of the site would be fully in accordance with existing and emerging planning policy.
- 10.13 With regard to the principle of this development, the NPPF also makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (paragraph 60).
- 10.14 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the recently published Annual Monitoring Report the council can only demonstrate 3.31 years supply. As the development plan in Portsmouth is more than 5 years old, paragraph 77 of the NPPF states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.
- 10.15 Consequently, there is a presumption in favour for developing this site as long as the project does not have a significant effect on a habitat site (either alone or in combination with other projects, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 188).
- 10.16 Acknowledging that the development would have an increased burden on local infrastructure, the development would be liable for CIL (Community Infrastructure Levy). This is a charge which the Council levy on new development in the area. The revenue collected will be to help deliver the infrastructure needed to support development in the area.

Housing supply, density and housing mix

- 10.17 As housing delivery within the City has fallen below 75% of the housing requirement over the previous three years, the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with paragraph 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected 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 NPPF taken as a whole.
- 10.18 However, as the Council has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.
- 10.19 The Government's Standard Method has identified a need for the city of 16,161 homes for the plan period to 2038. However, the assessed need for the emerging draft Local Plan going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development.
- 10.20 Nevertheless, the emerging draft Local Plan has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. Policy H1 of the draft Local Plan states that a minimum of 17,701 new homes will be required over the plan period 2020-2038, which continues to support the provision of new housing in the City.
- 10.21 The proposal will significantly help to address the Council's housing delivery shortfall by providing 212 new apartments within the immediate vicinity of Southsea town centre. The units comprise a mixed range of sizes and vary from one-bed to four-bed units which will cater to a diverse array of prospective occupiers. Policy PCS21 of the Local Plan states that outside of town centres, density of development should be no less than 40dph, due to the inherent land constraints, which requires new proposals to make an effective and efficient use of land.
- 10.22 Portsmouth Local Plan 2038 - Policy H5: Housing Density background paper (July 2021)' which is being utilised as evidence to form the draft Local Plan highlights the Council's ambition for increasing density within the city. The application site has been earmarked as an area for medium density, increasing its density from 25-50 dwellings per hectare (dph) to at least 80dph. This proposal provides approximately 106dph in accordance with the guidance of more than 80 and less than 120 as set out in draft Policy.
- 10.23 With regard to housing mix, current Policy PCS19 requires that "*developments should achieve a target of 40% family housing where appropriate*" and that the "appropriate number of family sized dwellings on a site (will be) dependent on both the character of an area, the site and viability of a scheme". The proposals are for 212 new residential units comprising 49 x 1-bedroom; 138 x 2-bedroom; 23 x 3-bedroom; and 2 x 4-bedroom apartments as shown in **Table 1** below. The proposals would therefore only deliver 25 new family housing units (12%), which does not achieve the target of 40% family housing.
- 10.24 Whilst the proposal does not meet the target of 40% family housing, the proposed mix is considered to be acceptable focusing on the delivery of 2 (65%), 3 (11%) and 4 (1%) bedroom units. It is also noted that the conversion of (historic) buildings may well also reduce flexibility, compared to new build.

	1 bed	2 bed	3 bed	4 bed	Total
Refurbishment and Conversion	13	48	5	2	68
Conversion and extension	14	17	11	0	42
New Build Homes	22	73	7	0	102
Total	49	138	23	2	212
Total Provision %	23%	65%	11%	1%	

Table 1 - Proposed housing dwelling mix

- 10.25 The principle of housing development on this site, the proposed housing density and mix accords with the aims of policies PCS10 and PCS19.

Affordable Housing

- 10.26 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Local Plan to contribute to meeting the identified need in the city.

- 10.27 Based on the maximum level of development of 212 dwellings, this would equate to the provision of 64 affordable dwellings. However, the NPPF (paragraph 65) states that:

"to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".

- 10.28 Effectively this would eliminate affordable housing provision within the main school building and outlying buildings to be refurbished and converted because there is an overall net reduction in total floorspace resulting from the demolition and the Vacant Building Credit (VBC) applies in line with NPPF paragraph 65. The affordable housing requirement would therefore be 21 units after making allowance for Vacant Building Credit.

- 10.29 Policy PCS19 states:

"there are occasionally specific circumstances associated with a development which would render it unviable if the required amount and type of affordable housing is provided. In such situations the Council will negotiate with the developer so that the maximum amount and best mix of affordable housing can be provided whilst maintaining the scheme's viability, based on current land values. In such situations, developers will have to present robust evidence that it would not be feasible or viable, so that it can be closely scrutinised and validated. In such situations, developers will be expected to provide as much affordable housing as would be possible without rendering the scheme unviable."

- 10.30 As part of the application process, the Council carried out a Viability Review of the appellant's Viability Appraisal, which was submitted with the application. The Council's Viability Review, undertaken by the Council's appointed viability consultants BNP Paribas, concluded that the development could not support any affordable housing and while this is disappointing is nevertheless consequently in compliance with Local Plan Policy PCS19 which recognises that there will be circumstances where requiring contributions to affordable housing will render developments unviable.

- 10.31 Accordingly, the proposal would be in accordance with current and emerging planning policies in respect of housing delivery and mix and has also been informed by relevant planning guidance. The NPPF supports the Government's objective of significantly boosting the supply of homes and that land with permission is developed without unnecessary delay (paragraph 60). The proposal will deliver a significant number of homes (212) and contribute to a mixed and balanced community, directly responding to local and national planning objectives.

Design and Heritage Considerations

Design and Placemaking

- 10.32 The NPPF places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. Paragraph 131 states "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*" The NPPF is also supplemented by the National Design Guide (NDG) and the NMDC.
- 10.33 Policy PCS23 of the Local Plan further echoes the principles of good design set out within the NPPF requiring, all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth: is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development.
- 10.34 The application site is quite mixed in architectural character - containing buildings from a range of periods and styles - in which older historic buildings nevertheless predominate in terms of setting the overall character of the area. The significance of its various elements does therefore vary in terms of their architectural and historic qualities (and consequently their planning status). These are considered in a little more detail in **Table 2** in the '*Impact on Heritage Assets*' section below.
- 10.35 The site generally, is quite 'sylvan' in character. It has a relatively loose grain and is considered overall to represent an important and positive element both as a standalone, and within the wider context of the surrounding Owens Southsea Conservation Area (No.2). For these reasons the overall significance of the site in heritage terms is considered to be **high**.
- 10.36 The site has been substantially altered since 1835 when Thomas Owen originally lived in and built many of the buildings. Since the site changed to an educational facility, particularly in the post war years, the school modernised and a number of the villas were replaced by new purpose built blocks. In the 1950's an assembly hall and gymnasium building was erected on the site. This building caught fire in 2015 and a purpose-built sports hall 'The Firme' was built in the centre of the site as shown in **Figure 1** above.
- 10.37 Many of the more recent buildings, which were designed for educational purposes, do not relate well to the conservation area and are considered neutral or negative contributors to the setting of the listed buildings on the site. For example, the Simon Wing, located in the north west corner of the site, is a concrete block of poor design quality, that fails to relate to the surrounding vernacular and conservation area. Its proximity to The Castle (Grade II listed) building further exacerbates this harm.

- 10.38 The application site heights currently range from one to three storeys with varying floor zones while the surrounding area includes multiple four storey buildings, suggesting that increasing building heights within areas of the site would remain in keeping with the local precedent.

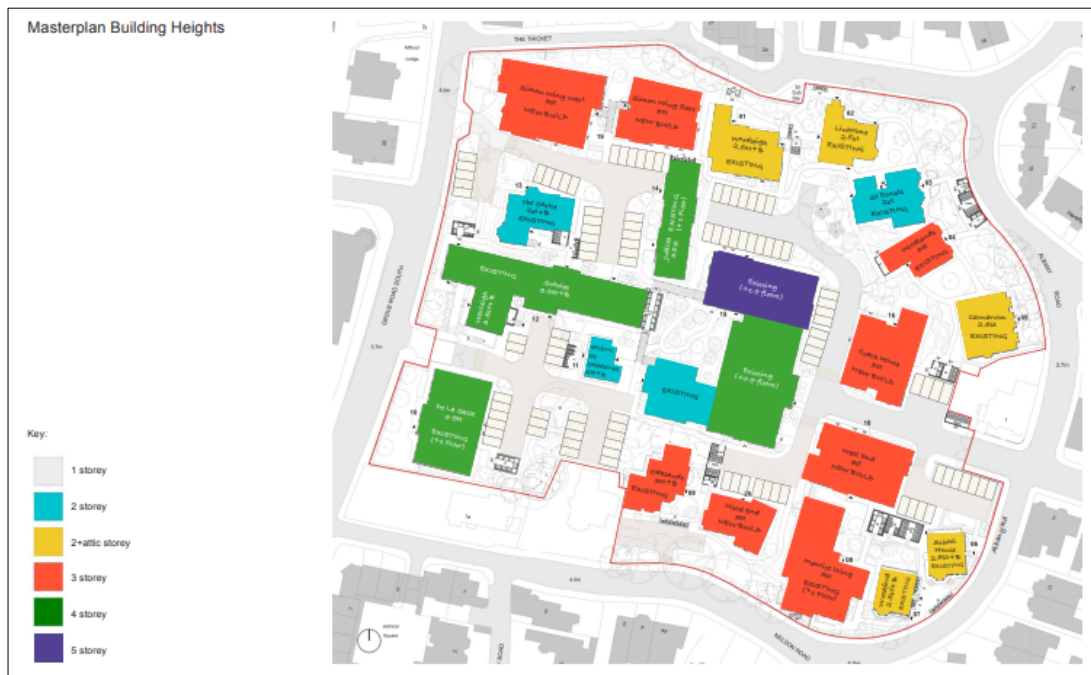


Figure 5 - Proposed Building Heights

- 10.39 The proposal would retain all the buildings on the site of historic merit, demolish some smaller buildings and replace them with larger blocks and remodel several of the larger buildings. It will also provide opportunities to improve the external appearance and setting of the listed buildings and locally listed buildings on the site, and to repair and maintain the existing boundary walls.
- 10.40 The building coverage of the site will not noticeably change, with a number of buildings being remodelled within their existing footprints and even a reduced footprint in the case of the Firme Building. This allows the opportunity for an extensive landscaping of the site to bring more soft landscape onto the site to allow the historic buildings to sit in their own spaces, echoing the gardens they originally had.
- 10.41 The proposals include remodelling the large Firme Building, retaining its frame but recladding it and reducing its footprint to create open space between it and the Scholes building which would become an enclosed garden area, akin to a cloister garden. Other buildings being remodelled include the De La Salle building and the Jubilee building, both of which would be given an additional floor in the roof structure and be externally refaced in brick.
- 10.42 The intended choice of materials for the recladding of these three large buildings would be structural brickwork, using red bricks with areas of brickwork broken up by detailing. Red brick is an appropriate material for recladding and new buildings on the site as it follows the use of this material on the Scholes building and later buildings on the site, and will allow the earlier villas to stand out as the historic first phase of development. Roof coverings will vary from metal sheet to tiles, and this variety will maintain the variety of roofing materials and colours that exist on the site. These details would be secured by condition.
- 10.43 There are a number of demolitions proposed on the site and these include modern additions to two of the older villa buildings added by the school, on Warleigh and

Woodleigh. Total demolition is also proposed of several of the post-war buildings built by the school to create sites for new buildings. The buildings proposed for demolition include: The Simon Building, West End House, Block B and The Coach House.

- 10.44 Notwithstanding the unusual brutalist architectural styling of the Simon Building, the contribution of this, alongside the other buildings on site identified for removal, to the character and appearance of the Conservation Area is considered (both individually and collectively) to be 'neutral' at best. In light of this, their loss is regarded as acceptable, and possibly even beneficial to the conservation area.
- 10.45 The most prominent new buildings will be those at either end of the site on Grove Road South and the west end of The Thicket. It is proposed to replace the Simons buildings by one of two blocks along the north boundary facing The Thicket. The area of the site east of the present Simons Building is a large expanse of tarmac used for ball games by the school with a tall fence inside the wall.
- 10.46 While this area is open now, on the site of the Simons Building and the playground there were two villas as well as a stables outbuilding to Grove House (The Castle). It is therefore considered appropriate to construct two blocks in this location. At the other end, the proposals are to retain the frame of the De La Salle building and create new elevations in brickwork, adding a mansard roof. The building would be of the same height as Holmbush Court across the road and would be in keeping with this part of Grove Road South.
- 10.47 The treatment of the Jubilee Building would be similar, with new brick elevations and a pitched roof with dormers. In its role as a backdrop to the listed The Castle it would be no more prominent.
- 10.48 The Maurice wing would only have a roof addition to its range facing Nelson Road, but this would not be readily visible from outside the site due to the row of trees planted along the boundary.
- 10.49 The biggest change in form, bulk and appearance will be to the Firme Building where it is proposed to take the structure back to its frame and insert floor plates into what at present is the large volume of the assembly hall. A major benefit will be to reduce the footprint on the west side to create space between it and the Scholes Building to allow the creation of a quiet space for residents in what might be termed a cloister garden.
- 10.50 The east facing elevation of the building will be broken up by a central projecting gabled wing which will align with the axis of Cavendish Road, thus creating a much better feature to close the view down this straight road running from Victoria Road South. In front of this there would be on either side of the end of Cavendish Road within the site, new blocks, framing an improved area of public realm.
- 10.51 The one place where a new building is proposed on open ground that is not tarmac is on the large lawn east of Oaklands, between it and the Maurice Wing. On the Title map and OS Map of 1865/7 this appears to be a separate plot but seems to have become part of a larger garden of Oaklands. While this will mean the loss of some open space on the site, its impact on the historic environment will be small. This area is screened from Nelson Road by mature trees and only the setting of the locally listed Oaklands will be directly affected, with a small impact on the conservation area.
- 10.52 The new buildings proposed and those to be converted have been carefully designed to offer similar architectural styles to the surrounding locality, taking their inspiration from the surrounding context including the use of brick, prominent gable ends, sash windows and a restricted material palette.

- 10.53 The proposed buildings are predominantly three storey and have been designed to build in height towards the centre of the site, as shown in **Figure 5** above, retaining the existing perimeter ridge line while maximising the sites potential in the inner areas. The proposed increases in height have been carefully designed through maximising the use of roof space to reduce overall scale proposing taller buildings to the centre of the site and away from the surrounding street scene. The removal of negative contributor buildings and their replacement with high quality replacements that reflect the surrounding locality, would be in accordance with Policy PCS21 of the Local Plan.
- 10.54 The site currently has limited access for both pedestrians and vehicles, by continuing to limit vehicular access in the proposal, greater use can be made of shared surfaces, prioritising and encouraging internal pedestrian and cycle movement. A variety of street widths also makes for an intimate street-scape, and enhances the low-car, cycle and pedestrian driven scheme ethos.
- 10.55 In addition, key vistas have been identified and gable façades are located on these principal elevations, in particular to the main entrances to the site. The proposed entrances will provide a significant positive contribution and enhancement to the character of the conservation area providing legibility and relating well to the surrounding vernacular, utilising a similar scale of development, architectural style and material palette.
- 10.56 Overall, a number of the principles set out in the scheme are very welcome including the provision of landscaping and green space across the development as a whole. The proposed new buildings within the scheme will be of excellent architectural quality and the resulting development will be high quality, legible and distinctive. It will provide a modern, sustainable and inclusive development and would be fully in accordance with the design objectives in the Local Plan (Policies PSC13, PCS15 and PCS23), the NPPF and local planning guidance.

Impact on Heritage Assets

- 10.57 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Section 66). In relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"* (Section 72).
- 10.58 The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting.
- 10.59 Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.60 Policy PCS23 of the Local Plan further advises that *"all new development must be well designed and, in particular, respect the character of the city"* with the *"protection and*

enhancement of the city's historic townscape and its cultural and natural heritage, in particular its links to the sea" being sought within new development.

- 10.61 Turning to consider the application of the legislative and policy requirements referred to above, the first step is for the decision-maker to consider each of the designated heritage assets (referred to hereafter simply as "heritage assets") which would be affected by the proposed development (the applicant should describe the significance of the heritage assets affected) in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 10.62 The decision of the Court of Appeal in *Barnwell Manor* confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.70 (2) of the Town and Country Planning Act 1990 and s.38 (6) of the Planning and Compulsory Purchase Act 2004, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, *Barnwell Manor* establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 10.63 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the *Forge Field* case the High Court explained that the presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 10.64 The case-law also establishes that even where the harm identified is 'less than substantial' (i.e., falls within paragraph 205 of the NPPF), that harm must still be given considerable importance and weight.
- 10.65 Where more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.
- 10.66 What follows is an officer assessment of the extent of harm which would result from the proposed development. This includes conservation areas and listed buildings. An individual assessment against each heritage asset as well a cumulative assessment is provided. This is then followed by an assessment of the heritage benefits of the proposal.
- 10.67 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to safeguard the special interest of listed buildings and their settings. Section 72 of the Act imposes a statutory duty on planning authorities to preserve or enhance the character and appearance of conservation areas.
- 10.68 Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 208 of the NPPF requires the harm to

be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

- 10.69 If the harm is substantial, or results in a total loss of significance, paragraph 207 states that local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all four of the following criteria apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of not for profit charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.70 Paragraph 205 of the NPPF advises that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 10.71 Paragraph 206 further advises that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 10.72 The site is located entirely within the Owen's Southsea Conservation Area and there are two Grade II listed buildings (The Castle, Grove Road South and Linholme, The Thicket) as well as three non-designated locally listed buildings (St Catherines, Warleigh and The Scholes Building (attached to the northern side of Warleigh), Grove Road South) located within the site.
- 10.73 A Heritage Assessment has been undertaken by the applicant. This provides an assessment of the heritage impacts and heritage benefits of the proposal for each of the above on-site and the nearby heritage assets identified within the report.
- 10.74 This assessment has been undertaken according to the up-to-date requirements of the NPPF, and against the Planning and Listed Buildings Act (1990). The assessment concludes that the proposals will have an impact on the designated heritage assets of the listed buildings and conservation area, albeit minimal harm, probably unmeasurable. It concludes that if some measurable harm is identified it is only at the bottom end of the scale of 'less than substantial harm', and NPPF paragraph 208 is applied. The positive changes proposed to the listed buildings and the removal of the buildings that are seen as having a negative contribution in the conservation areas, can be regarded as heritage benefits outweighing any small amount of harm.
- 10.75 The Council has also undertaken its own assessment, including both the above designated heritage assets and the non-designated heritage assets within the vicinity of the site identified within the Assessment, and has undertaken a balancing exercise of the anticipated level of harm to the relevant heritage assets identified against the heritage and public benefits.
- 10.76 The impact on 'Heritage Assets', including listed buildings on and in proximity of the site, conservation areas and locally listed buildings/structures has been fully considered in detail below and comments provided where necessary. The area beyond the site boundary is surrounded by a number of designated and undesignated heritage assets, but - as outlined by the applicant in their Heritage Assessment - these have been scoped out of consideration - a position which, for the reasons outlined in their Assessment, is considered reasonable and acceptable.

10.77 The significance of the relevant assets on the site has been considered, as has the scheme's impact on their fabric and/ or setting (as set out in **Table 2** below).

10.78 The proposed developments impact(s) are derived principally from two sources:

1. Changes/ alterations directly to the fabric of affected assets e.g. Internal works of (re)configuration, new/replacement windows and doors, and other works of 'repair' to existing fabric.

10.79 These are focussed on proposed internal and external works to the fabric of the individually listed (and locally) listed buildings on the site. Having viewed the description and analysis of these works in the submitted Heritage Assessment, the Council's Conservation and Heritage officer is supportive of the proposal and on balance finds it acceptable. A number of conditions have been suggested, in order to secure optimal outcomes in relation to these aspects of the proposed works covering the following matters:

- The detailed design/ appearance (including material) of all proposed new metal windows in all new build buildings proposed on the site;
 - The addition of new appropriate timber (replacement) windows to the designated and undesignated heritage assets on the site; and
 - The detailed design/ appearance and siting of proposed cycle and bin stores on the site.
2. Changes to the close and wider setting of assets at a range of scales e.g. through the introduction of new build elements onto the site where they were not previously present.

10.80 These derive from:

- The removal of the existing 'brutalist' music block at the north west corner of the site, and its subsequent replacement with two 3 / 4 storey blocks - with a break in built form (on an east-west axis addressing The Thicket);
- A single storey addition to the roof, and re-facing of the elevations of, the main school block at the southwestern corner of the site - addressing Grove Road South;
- The addition of a newbuild villa style property in the existing garden 'gap' to the southern part of the site - addressing Nelson Road;
- The addition of No.2 new residential blocks to the eastern centre of the site (adjacent/close to the Firme building); and
- The refacing and internal subdivision of the Firme building/ sports hall at the centre of the site in order to create new residential units.

10.81 The siting, scale, mass and form of these additions would represent the addition of an appreciable, but not inappropriate or unacceptable quantum of new residential development on the site. It would alter the setting and therefore the character of all four aspects of the site, but perhaps most notably so, its northern aspect - including the setting of both the listed 'The Castle', and 'Linnholm' buildings respectively.

10.82 Having analysed the submitted drawings, interpreted their impact in context (on site), and given this matter careful consideration, it is considered that none of the proposed newbuild additions - including those to the north addressing The Thicket - nor indeed any of the changes to existing fabric of any of the designated or undesignated heritage assets on the site, are of sufficient impact to justify a refusal of either listed building consent or planning permission for the proposed works.

10.83 Notwithstanding that a number of buildings on the site would be remodelled within their existing footprints and that new elements of soft landscaping would be added,

the principal individual and collective (aggregate) impact(s) of the scheme relate to the introduction of elements of new built form into the existing context and setting of some of the affected assets.

Adverse Heritage Impacts

10.84 In summary, the Council's design/townscape analysis above contains the detailed narrative on heritage impacts. Any adverse impacts identified are summarised in **Table 2** below:

St John's College - Heritage Significance and Impacts		
Asset	Significance	Impact
Grade II Listed Buildings:		
'The Castle'	High	'Medium' - to its close northern setting
Linnholm	High	Low - to its western setting
Locally Listed Buildings		
Warleigh	Low	Neutral - to the buildings fabric
St Catherine's	Low	Neutral - to the buildings fabric
St Donats	Low	Neutral - to the buildings fabric
Conservation Area:		
Owen's Southsea Conservation Area (No.2).	High	Low - to the internal/ external setting, and therefore the character and appearance for the conservation area <i>overall</i> .
Cumulative/ Aggregate The overall ('aggregate') impact of the scheme - when its various separate impacts are considered together collectively.	N/A	Low

Table 2 - Heritage Significance and Impacts

10.85 Whilst all instances of harm to designated heritage assets may be 'less than substantial', great weight must be given to the conservation of heritage assets (Paragraph 205 of the NPPF) and clear and convincing justification provided for any level of harm (Paragraph 206).

10.86 The duty to pay "special regard" or "special attention", in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 means that there is a "strong presumption" against the grant of planning permission where it would cause harm to a heritage asset. It is also important to note that the identification of 'less than substantial harm' does not equate to a 'less than substantial' objection. The decision-maker must apply a weighted or tilted balancing exercise, giving the assessed degree of harm to the heritage asset "*considerable importance and weight*" and offsetting harm against other considerations.

10.87 With regard heritage impact, the NPPF states:

'203 In determining applications, local planning authorities should take account of

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

205 *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

206 *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

208 *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

209 *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

10.88 The NPPF places great weight on the preservation of designated heritage assets and their settings. This applies to the identified statutory listed buildings and conservation area in this case. The starting point is 'no harm'.

Assessment of Harm versus Benefits

10.89 Paragraph 208 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, "*this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.*"

10.90 In summary, it is considered that the changes wrought by the proposal would on balance be relatively limited in terms of their scope and impact on relevant heritage assets, causing a **low** degree of **harm** to assets *overall*.

10.91 Whilst this does represent a finding of *some* degree of harm, this is considered to be focussed primarily on the new build blocks which would encroach on the close northern setting of the grade II listed 'The Castle' building.

10.92 In light of this it is important in policy terms to note that impact of the scheme is considered '**less than substantial**' in conservation heritage terms.

10.93 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 202 of the NPPF. These benefits are considered to be:

- New Homes - delivery of 212 new homes provided in a range of sizes and contributing to a mixed and balanced community; and
- Optimum Viable Use - securing an ongoing viable use for the site and its assets,

10.94 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.

10.95 The proposal would contribute to the economic viability, accessibility and environmental quality of the local area, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

Residential Amenity

Open Space, Recreation and Living Conditions for Future Occupiers

10.96 Policy PCS13 of the Portsmouth Plan states that the Council will work collaboratively to protect, enhance and develop the green infrastructure network, inter alia, requiring improved accessibility to green space by foot, cycle and public transport corridors, play value for the whole community including pocket parks of 1.5ha per 1000 population (sites above 50 dwellings). There is no bespoke open space standard set out in existing Local Plan policy or SPD; however, the NPPF makes it clear that resident access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Furthermore, guidance is contained in the Fields in Trust benchmark guidelines "*Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard (2015)*" and in the Council's Parks and Open Spaces Strategy (2012 to 2022).

10.97 Policy PCS23 of the Portsmouth Plan requires 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, emerging Policy H6 of the emerging local plan, 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.

Open Space and Recreation

10.98 The proposed development would include the introduction of soft landscaping around each of the listed buildings to improve their setting, and across the site as a whole, as shown in **Figure 6** below, providing 3,651sqm of open space and a significant improvement on the harsh mass of hardstanding prevalent on the site as currently exists. The introduction of formal and informal paths will allow for easy movement across and around the site. The junctions of the paths will link to visual nodes at the end or beginning of site vistas. Nodes provide seating at key locations, providing locations for rest, contemplation and reflection all in proximity of the adjacent dwellings. The planting at these locations will also provide a sensory delight to both residents and visitors to enjoy.



Figure 6 - Proposed Landscaping Masterplan

10.99 Key gateways both physically and visually are to be established north / south and west into and out of the central courtyard. Pergola / covered ways will enclose the space between the Firme, Jubilee and Scholes giving it a cloistered feel. The proposed open space to the centre of the site will create amenity for both social interaction and will enhance green infrastructure.

10.100 Overall, the whole site layout provides an attractive and robust landscape, which aims to retain the heritage importance and enhance the site biodiversity, along with providing tree structure for future generations. Subject to such details being conditions, the proposal would be in accordance with Policies PCS13 and PCS23 of the Local Plan and the NPPF.

Living Conditions of Future Occupiers

10.101 As described in the four revised '*Accommodation Schedule Plots - Sheets*' submitted with the application, the proposed units would all meet the minimum gross internal floor areas set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard.

10.102 All homes would be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate and a minimum of 5% of all homes would be provided as wheelchair user dwellings (Building Regulations M4(3)) and 20% would

be accessible standards (M4(2)). This aligns with emerging Portsmouth policy which sets a target for 5% of all newly built dwellings to be wheelchair accessible homes.

- 10.103 All homes will have access to communal amenity space, in the form of the landscaped grounds of the site. In order to ensure that the privacy of the ground floor residential units is protected, details of defensible space for these units would be secured by condition.

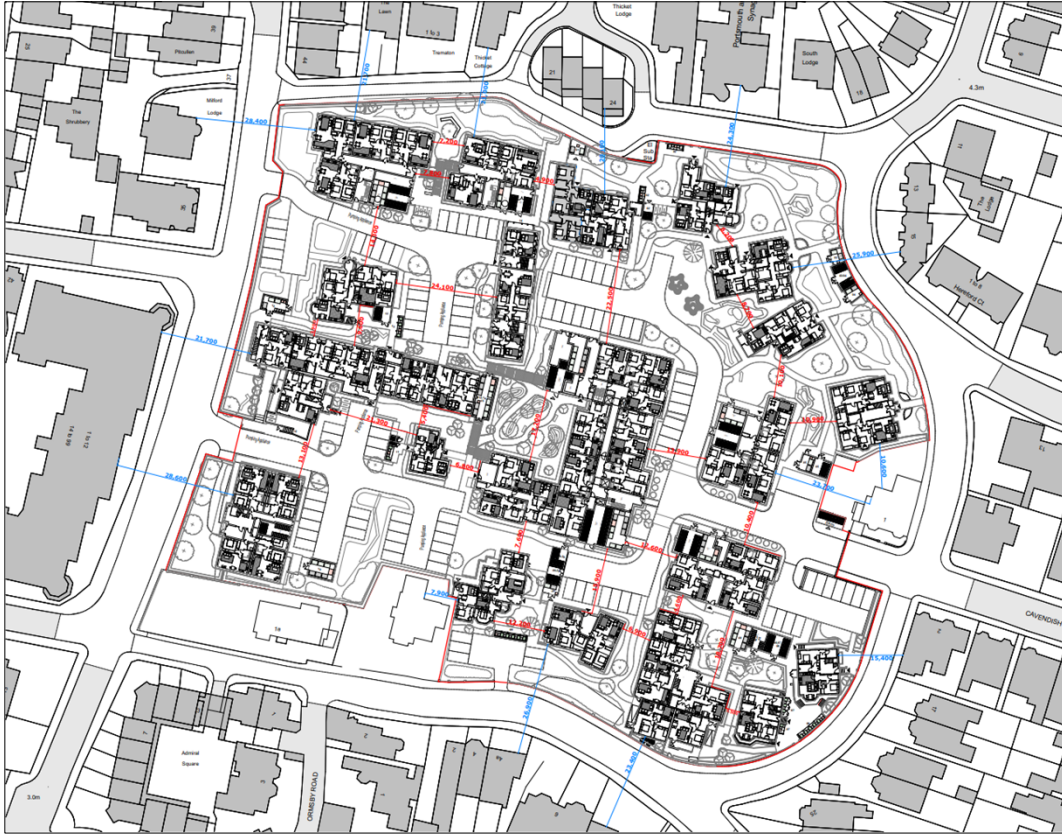


Figure 7 - Proposed window separation distances between existing and proposed dwellings

- 10.104 In terms of the physical layout of the site, there is adequate separation provided between the existing and proposed buildings (this ranges from 3.3 metres to 21.3 metres as shown in **Figure 7** above) to ensure that satisfactory outlook and privacy for future occupiers is provided. The internal layout of all the proposed units has been carefully considered to ensure windows and doors are positioned appropriately to minimise the potential for overlooking.
- 10.105 An 'Internal Daylight Sunlight and Overshadowing Report' has been submitted with the application which considers the quality and level of light to be received by future occupiers of the development. The methodology and criteria used for the assessments is provided by the Building Research Establishment's (BRE) guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 3rd Edition, 2022 (the 'BRE Guidelines').
- 10.106 Of the 625 rooms assessed, 464 (74%) meet the BRE target for daylight. This level of compliance is considered to be satisfactory, particularly given the urban location of the site and the fact that some of the proposed units are within conversions of listed buildings where façade modifications are to be avoided.
- 10.107 The NPPF urges flexibility in relation to numeric results to ensure efficient use of land and it states in paragraph 129 that:

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 10.108 Paragraph 129 of the NPPF allows flexibility in the application of the BRE guidelines so long as the resulting scheme would provide acceptable living standards, which is the case for the proposed development.
- 10.109 Of the 625 rooms assessed, 396 (63%) meet the BRE target for sunlight exposure. Again, this level of compliance is considered to be satisfactory, particularly given the urban location and the fact that some of the proposed units are within conversions of listed buildings, where façade modifications are to be avoided. Furthermore, because sunlight is orientational it is inevitable that some units (those not facing in a southerly direction) will be limited in sunlight terms and, as such, a flexible approach should be applied as per the approach suggested within the NPPF.
- 10.110 Of the 16 external amenity areas / gardens assessed, 14 (80%) meet the BRE target for shading. Again, this level of compliance is considered to be excellent and will provide occupiers with good access to sunlit outdoor spaces.
- 10.111 Overall, the proposal will provide adequate levels of daylight and sunlight to future occupiers. The external areas will provide good access to sunlit amenity space. The results are considered to be commensurate with urban schemes and accord with the BRE guide and planning policy.
- 10.112 Taken as a whole, the proposals will provide spacious and high-quality accommodation for future occupiers in accordance with Policy PCS19 of the Local Plan.

Impact on amenities of adjoining properties

- 10.113 Policy PCS23 of the Local Plan requires that development should protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers.
- 10.114 A 'Daylight and Sunlight Amenity Report' has also been submitted with the application which considers the developments impact on light to existing neighbouring residential properties within the vicinity of the site. The methodology and criteria used for the assessments is provided by the BRE Guidelines.

Daylight and sunlight

- 10.115 The BRE Guidelines outline three detailed methods for assessing daylight for existing residential accommodation: the Vertical Sky Component (VSC) method, No-Sky Line (NSL) method and the Average Daylight Factor (ADF) method.
- 10.116 When reviewing the daylight results for each surrounding property in the first instance, the VSC results are considered, looking at the daylight potential at the window face. This is the most basic daylight assessment and is considered in conjunction with the NSL to consider the distribution of daylight within rooms. The levels of significance of effect to existing neighbouring properties is determined through VSC and NSL assessment.

10.117 The assessment of overshadowing determines the potential for the proposed development to cast a shadow on nearby areas of amenity spaces near the site.

10.118 As part of the applicant's assessment conducted in accordance with the BRE Guidelines, the following neighbouring properties were assessed:

- 44 Grove Road South;
- The Lawn;
- 1-3 The Thicket;
- Thicket Cottage;
- 21 The Thicket;
- 1A Nelson Road;
- Holmbush Court; and
- 1 Cavendish Road.

10.119 Windows to other adjacent buildings, are at such a distance from the proposed development as to pass the 'Three times height' and '25 degree' tests (as set out in Appendix A of the applicant's Assessment) and therefore, pursuant to the BRE Guidelines, do not require testing for daylight or sunlight availability.

Daylight

10.120 Daylight is the general amount of light (direct and indirect) which enters a room during the daytime. To identify potential effects, a total of 98 windows serving 66 rooms have been assessed.

10.121 Of the 98 windows assessed for VSC, 96 will meet the target values as set out in the BRE guidelines (98% will meet the target).

10.122 The two VSC transgressions are not considered to be material and there are mitigating factors which should be considered. In the case of 21 The Thicket, the window in question is set back under a balcony and the BRE guide suggests that in these situations more flexibility should be given, because the balcony itself causes the loss by shading a great deal of light from higher angles. With 1A Nelson Road, the affected window is a side pane in a bay window where the room remains well-lit as a whole. As such there would be no impact to the occupier.

10.123 Of the 66 rooms assessed for daylight distribution, 64 will meet the target values as set out in the BRE guidelines. Two rooms at Holmbush Court narrowly miss the BRE target with residual levels of light at 74% and 76%, against the BRE target of 80%. One of the rooms is a bedroom, which the BRE guide notes has a lower requirement for daylight.

10.124 In overall terms the results are very positive, and they largely accord with the BRE guide's targets.

Sunlight

10.125 Sunlight is the direct light from the sun which can be seen / which enters a room. To identify potential effects, a total of 78 rooms were assessed.

10.126 Of the 78 rooms assessed, all will meet the target values as set out in the BRE guidelines. This further demonstrates that the proposed development has been carefully designed to respect natural light amenity to the existing surrounding residential buildings.

Overshadowing

10.127 The overshadowing assessment shows that all nearby gardens and amenity areas are unaffected in terms of overshadowing. Those tested in detail all comfortably meet the BRE guide's target criteria for shading and hence no noticeable effects are expected as a result of the completed proposed development.

10.128 In virtually all respects, the proposals fully meet the BRE targets. In the few exceptions where they do not, there are material mitigating circumstances. It is important to note that the guidelines have been drafted primarily for use with low density suburban developments and should therefore be used flexibly when dealing with dense urban sites and extensions to existing buildings, a fact recognised in the BRE Guideline's Introduction which states:

'The Guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design..... In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.....'

10.129 The proposals are appropriate in scale and accord with the BRE Guidelines. They also accord with planning policy objectives and will not materially impact on natural light amenity to the neighbouring occupiers.

Outlook, privacy and overlooking

10.130 The development has been designed to ensure no undue overlooking or loss of privacy to neighbouring residential properties. The majority of existing neighbouring residential properties are all located well in excess of 21m from the proposed blocks and therefore no undue loss of outlook or privacy would arise to these properties.

10.131 Given the separation distances proposed and positioning of the proposed windows and amenity areas, the proposed development would not appear visually overbearing or result in any undue overlooking or loss of privacy to neighbouring residential properties.

Light pollution

10.132 It is recognised that there is the potential for some level of light pollution arising from the development as the buildings are larger and taller than that previously on site. However, it is not considered light generating from the flats would be unreasonable given they are expected to be used in a normal residential fashion. A planning condition is recommended that details of any external lighting are provided by condition to ensure that this will be acceptable in relation to existing neighbouring residents and future occupiers of the development. As well as ensuring that there is not an unacceptable impact on local wildlife and the surrounding landscape.

Transport and Highways

10.133 Section 9 of the NPPF sets out that transport issues for development should be considered from the earliest stages, so that: opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised for example in relation to the scale, location or density of development that can be

accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 114 states it should be ensured that: appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the NDG and the National Model Design Code.

- 10.134 The NDG states that '*compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car*', and that '*a well-designed movement network defines a clear pattern of streets that... limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality*'.
- 10.135 Furthermore, paragraph 116 of the NPPF states that applications for development should: give priority to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; and create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

Site layout, access and parking

- 10.136 The application site is located between the commercial hubs of Elm Grove and Southsea Centre. There are opportunities for sustainable travel in this urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised.
- 10.137 It is noted that in order to make the best use of previously developed land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site. Also increasing densities on brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving the Council's regeneration objectives.
- 10.138 The proposed site layout would include the retention of the existing site accesses from Cavendish Road, Nelson Road and Grove Road South for vehicular access and egress. In addition, the existing pedestrian accesses would be retained, and cycle access would be achieved via the vehicular access points.
- 10.139 Parking requirements for new residential developments are outlined in the Council's Parking and Transport Assessments SPD (2014). The required parking provision applies across the city; however, it is acknowledged that the city centre area may be suitable to provide a lower ratio of parking to dwellings given the proximity to transport options, services, and employment.
- 10.140 A key priority for the proposed development is to encourage a shift away from a reliance on the car to other more sustainable modes of transport such as walking, cycling and public transport. The Council are committed to promoting a more sustainable transport agenda but recognise that past policy and movement preferences place reliance on the private car.

- 10.141 The development proposes 106 allocated car parking spaces for residents, at a ratio of 0.50 spaces per dwelling, which would be accessed via Grove Road South, Nelson Road and Albany Road. The breakdown would be that 28 spaces would be accessed via the Grove Road South (North access), 26 spaces would be accessed via the Grove Road South (South access), 47 spaces would be accessed from Albany Road and 5 spaces would be accessed via Nelson Road. The development proposes 375 cycle spaces within the communal bike stokes and a further 36 spaces for visitors via Sheffield Stands.
- 10.142 Given the shortfall of parking on site, there is therefore the potential for overspill from the development into local roads and thus creating instances of residents driving around the area hunting for a parking space due to the additional pressure. It is noted that the applicant's Transport Assessment (TA) outlines that due to the Control Parking Zones within the vicinity of the site this would prevent parking overspill from the development, however, to avoid this occurring, a condition would be required for a parking management plan to be agreed that included a measure that prevented prospective residents applying for residential parking permits.
- 10.143 Paragraph 111E of the NPPF outlines that development should provide electric charging facilities, therefore, if possible. The Technical note provided by the applicant indicates that the development would conform with Part S of the Building regulations. Therefore, whilst discussion is ongoing with the relevant stakeholders, at a minimum all parking spaces would be provided with passive infrastructure (cable routing between the power supply(s) across the site to anticipated charge point locations) with at least 10% of the total parking spaces to be provided with active charging points. It is recommended that a condition is attached for the final provision to be provided prior to occupation of the new residential units.
- 10.144 With regards to the site access arrangements, these have been amended since the original submission. It is intended to utilise the existing access however to amend these to provide "Copenhagen" style crossovers to allow priority to pedestrians travelling north to south along this route was reached. Drawing ITB18564-GA-015 (received on 24th November 2023), demonstrates the configuration. It is considered in principle the arrangement is acceptable with the works to be secured via s278 legal agreement.
- 10.145 In relation to the access from Albany Road, during discussions with the applicant it was identified that potential conflict could arise due to the existing on street parking placements. It was agreed that these should be removed (loss of three spaces) and relocated to reduce conflict between vehicles and larger vehicles entering and exiting the site.
- 10.146 The applicants have provided drawing ITB18403-GA-0012B (as received on 24th November 2023) to demonstrate where these spaces would be relocated. Two of the spaces would be relocated along Albany Terrace and one of the spaces located along the Merton Road. It is considered that the relocated spaces are within sufficient distance of the site and would not result in any unacceptable impact to highway safety.

Traffic Impact

- 10.147 Paragraph 109 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

10.148 The TA has reviewed non-motorised links identifying low traffic routes and cycle lanes whilst also identifying links to bus stops and railway station. Portsmouth LWCIP has identified improvements within the vicinity of the development, given the increase in non-motorised trips resulting from the development. The Council's Transport Planning section has therefore requested that a financial contribution of £128,500 be sought from the applicant to provide for sustainable transport mitigation within the vicinity of the site. The contribution, which would also address this matter raised by Active Travel England, would be allocated to the following schemes:

- Relocation of bus stop infrastructure (including shelters and laybys) to increase usable footway width along the Western Side of Grove Road South;
- Construction of a new controlled crossing at Marmion Road;
- Construction of a continuous footway at side road crossings along Grove Road South; and/or
- Improving the design of junctions in the local vicinity to improve cyclist comfort and safety.

10.149 The Applicant has agreed to provide the requested contribution towards the above schemes which will be secured within a s278/s106 legal agreement.

10.150 The submitted TA has reviewed the potential impact to the highway network. It has reviewed the existing lawful use and provided a comparison to the proposed development. **Table 3** below outlines that the net impact would be:

	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)			Daily (07:00-19:00)		
	In	Out	Two-Way	In	Out	Two-Way	In	Out	Two-Way
Extant Use									
Trip Generation	101	72	173	15	18	33	291	284	575
Proposed Use									
Trip Generation	12	40	52	34	18	52	214	230	444
Net Impact									
	-89	-32	-121	19	0	19	-77	-54	-131

Table 3 - Net Traffic Impact (Source: Consultant Calculations)

10.151 The table above outlines that there would be a significant reduction in vehicle trips during the morning peak with a slight increase seen during the evening peak period. Overall, the daily trips could be reduced by up to 131 vehicles. It is considered that the methodology to determine the trip rates and likely distribution are acceptable.

10.152 The applicants have at the next stage carried out a traffic impact appraisal to determine the likely impacts on the wider highway network. An assessment was carried out on the following junctions:

- Grove Road / Elm Grove;
- Albany Road / Elm Grove;
- Victoria Road / Elm Grove; and
- Grove Road South / Nelson Road / Queens Crescent.

10.153 The assessment reviewed the current baseline (2023) and a future year scenario (2028). The results demonstrate that the largest impact would be on Grove Road/Elm Grove which would see 4.1% and 5.3% increase during the AM and PM respectively.

- 10.154 Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety or a severe impact to its function. Whilst it is considered that the development would result in an impact on the network above the existing situation, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.
- 10.155 Therefore, the proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection in principle is raised on transport and highway grounds in the light of the above considerations.

Servicing, Fire and Deliveries

- 10.156 Swept path analysis has been undertaken to ensure refuse, fire and servicing vehicles can enter the site, manoeuvre within the site safely and leave in a forward gear, and that emergency vehicles can satisfactorily manoeuvre around the site.
- 10.157 The swept path analysis demonstrates:
- All areas of the development are accessible for delivery vehicles;
 - Residents are not required to carry waste more than 30m (excluding any vertical distance to the storage point);
 - Waste collection vehicles can get within 18m of the communal bin collection points; and
 - Suitable access is provided for fire tenders to dry risers (where provided) and the access points to all buildings.

Travel Plan

- 10.158 As part of the redevelopment proposals, a Framework Travel Plan (FTP) has been prepared. The FTP provides a long-term strategy with the aim of decreasing the number of private vehicle trips generated by the site, as well as increasing both public transport usage and Active Travel.
- 10.159 The FTP sets out a number of measures that will be developed and promoted to future residents and a methodology to monitor its progress against modal share targets. It puts forward a range of non-infrastructure or 'soft' measures aimed at influencing modal choice for travel to the site, including:
- Measures to promote walking and cycling;
 - Promotion of public transport, including provision of public transport timetable and route information;
 - Promotion of car sharing scheme;
 - Provision of broadband access to enable easy access to local home delivery services and home working; and
 - A structure for management and implementation of the Travel Plan is set out in the FTP report.
- 10.160 The detailed travel plan would be secured by condition, with the applicant being required to enter into a s106 agreement to pay the sum of £5,500 towards the monitoring of the travel plan.

Summary (Transport and Highways)

- 10.161 Overall, Officers are satisfied that, subject to the above conditions suggested and the proposed obligations within the s106 agreement, the scheme appropriately promotes

active and sustainable transport and does not result in a significant harm to the operation of the highway network or highway safety risk. The development is considered therefore to be in accordance with national and local policies regarding transport and movement.

Trees and landscape

- 10.162 Policy PCS13 of the Local Plan requires that development enhances the City's green infrastructure, while the emerging plan in Policy D1 requires that new development should *"be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the...existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure"*.
- 10.163 The proposal incorporates a sensitive landscape design approach knitting together existing buildings of heritage value within a mature tree canopy, with new infill apartment buildings and well-designed landscape. Landscaping is proposed around each of the listed buildings to improve their settings, and across the site, with a significant improvement being made to the harsh mass of hardstanding prevalent on the site at present.
- 10.164 New parking areas are to be integrated well within the overall site, with several pocket green spaces comprising pleasing seating, informal play and sculptural quality with attractive and biodiverse planting design. Buildings have been given good defensible spaces around their curtilages, with attractive shrub planting to soften the overall built form. The siting of the refuse and cycle storage has also been well considered and integrated appropriately and final details of these would be secured by condition.
- 10.165 There is considerable permeability in terms of access, a wide range of diverse spaces and routes, created by the existing structure to work within. The proposed open space to the centre of the site creates amenity for both social interaction and would enhance green infrastructure in accordance with PCS13 of the Local Plan.
- 10.166 The application site contains trees in a variety of species, sizes, condition and age. Trees are generally individuals or in small, often linear groups scattered across the site, occasionally near the site boundaries and occasionally in small clusters within the site. Trees towards the road edges have a degree of amenity because of public visibility. Trees further into the site have limited amenity even when reasonably substantial because they are screened from view by large buildings. The trees along the boundaries are useful for giving the site definition and a degree of seclusion and separation from the neighbouring properties. With the noted exceptions, the proposal is for trees to be retained and protected during development.
- 10.167 An Arboricultural Impact Assessment, a Method Statement and a Tree Survey have all been submitted in support of the application. The Assessment confirms that there are no existing buildings, or those proposed for removal within the Root Protection Areas (RPA's). There will be modifications to existing buildings which may require removal of some building elements, but these will be within the footprints of existing buildings. No new buildings are proposed to be located within RPA's, ensuring the long-term preservation of these protected trees. This layout retains the significant trees on the site, with scope for their protection during development, and their subsequent management.

- 10.168 The applicant's Assessment concludes that the overall impact of the proposal on local amenity will be low and limited to the short term only. The proposals also take proper account of potential pressures for pruning and felling post-occupancy.
- 10.169 The proposals include the removal of generally British Standard Category C and U trees, with the exception of a Category B tree, with the U category trees needing to be removed for good site management, regardless of development. In total, 15 trees and 1 x large shrub are identified as being removed including 1 x Category B (1 x Birch (tree 22), 12 x Category C (1 x Cherry (tree 23), 1 x Sycamore (tree 31), 3 x Bay (tree 32, 33 and 34), 1 x Magnolia (tree 38), 1 x Holly (tree 39), 2 x Robinia (trees 47 and 53), 1 x Sweet Gum (tree 48), 2 x Rowan (trees 55 and 56) and 2 x Category U trees and large shrubs (1 x Holly (tree 40), 1 x Lime (tree 46) and 1 x Bay, laurel, ash (large shrubs)).
- 10.170 No objection has been raised by the Council's Arboricultural Officer or Landscape Architect to the proposal. Conditions relating to landscaping, tree protection, arboricultural method statement, tree planting and pruning as suggested would be attached to any permission granted. The intended tree removals will not have a significant adverse impact on amenity and will be substantially compensated for by the 52 individual new trees and planting shown in the Landscape Masterplan submitted and to be secured by condition.
- 10.171 Overall, the proposal ensures the long-term preservation of trees within the conservation area and removes the poor quality Category C and U trees, and provides significant replacement tree planting, which is entirely compliant with Policy PCS13 of the Local Plan.

Appropriate Assessment, ecology and biodiversity

- 10.172 The application is supported by a Preliminary Ecological Assessment, Phase 2 Bat Survey, Biodiversity Net Gain Assessment (Annex 3) and Nutrient Neutrality Briefing Note.

Appropriate Assessment

- 10.173 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 management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.
- 10.174 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 of 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 habitat 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 overriding public interest and if the necessary compensatory measures can be secured.
- 10.175 The Council is the competent authority in this case. The relevant protected sites for the purposes of AA, forming part of the National Site Network (formerly 'European sites') are those within a 10km Zone of Influence, taking a precautionary approach. These are:

- Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site - Qualifying features: internationally important site for wintering birds with non-breeding Annex 1 waterbirds and intertidal mudflats and saltmarshes;
- Solent and Dorset Coast SPA - Qualifying features: internationally important site for breeding bird populations of sandwich tern, common tern and little tern;
- Chichester and Langstone Harbours SPA and Ramsar - Qualifying features: breeding and nonbreeding species, including dark-bellied Brent gees and waterbird assemblage;
- Solent and Southampton Water SPA and Ramsar - Qualifying features breeding and non-breeding waterbirds and wetland habitat; and
- Solent Maritime SAC - Coastal features: major estuary hosting *Spartina* swards and salt meadows.

10.176 The development project would give rise to likely significant effects and has identified several impact pathways deriving from the proposed development which include an impact upon bird species on the Solent coast as a result of additional recreational pressure and human disturbance from the increased population the proposed development would bring within 5.6km of National Site Networks and International Sites; and water nutrient levels to National Site Networks and International Sites as a result of the increased nutrient loading from the proposed development. An AA is therefore required by the LPA as competent authority and a consideration of mitigation measures proposed by the applicant and whether these would result in no significant effects upon the integrity of these sites, whether alone or in combination with other plans and/or projects in the area.

10.177 For the recreational pressures the application of the measures in the Solent Recreation Mitigation Strategy 2017 is proposed, to be secured by a financial contribution based on the proposed number of residential homes. This would be secured by way of a s106 legal agreement.

10.178 For the nutrient levels, a number of mitigation measures will be incorporated within the design of the proposed development (for example green walls and permeable paving) to reduce the potential nutrient load. Further mitigation would be provided by participation in the Hampshire and Isle of Wight Wildlife Trust's nutrient reduction programme, with a financial contribution towards nitrogen credits is proposed. This would be in accordance with the Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period), February 2022 and would also be secured by s106 legal agreement.

10.179 No objection has been raised in principle by Natural England to the proposal. Subject to the necessary mitigation and compensatory measures being secured by s106 planning obligations as recommended above and the final HRA being agreed with Natural England, the Council 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.

Ecology and Biodiversity

10.180 The NPPF (paragraph 186) states that when determining planning applications, the Council should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

- 10.181 Policy PSC13 of the Local Plan seeks to protect, enhance and develop the green infrastructure network, ensuring that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated.
- 10.182 A Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain metric (BNG) have been submitted in support of the planning application. The habitats present on site consist largely of hard standing, buildings and vegetated garden which are all considered of low ecological value. The PEA has assessed the site for roosting bats, nesting birds, reptiles. There are ongoing surveys being undertaken to address the bats found in West End and the nesting birds in building 20. A set of measures have been provided within the PEA to ensure that bats, breeding and nesting birds, reptiles and retained trees and hedgerows are suitably protected both during construction and once in operation, in accordance with Policy PCS13.
- 10.183 HCC Ecology, who have raised no objection to the proposal, have requested that further bat activity survey work be undertaken by the applicant to investigate any current activity levels of bats on the site and how any habitats present are connected to habitats in the surrounding area, in line with current government guidance (Bat Conservation Trust, 2016). This would be secured by way of planning condition.
- 10.184 Any bats commuting and foraging in the local area could be adversely affected by additional artificial lighting associated with the scheme proposals, as well as other nocturnal wildlife. As such, it is considered appropriate for all details of external lighting, including layouts and design, to be secured by planning condition, thereby avoiding or minimising as far as possible any spill of artificial light away from the built environment and into the surrounding landscape.
- 10.185 A biodiversity net gain will be achieved, which incorporates the creation of wildflower areas, the planting of 52 individual trees and the use of green walls on a number of the buildings. A number of ecological features have been recommended to enhance the site's value for wildlife and increase biodiversity in the local area. These include features such as bat bricks, Swift bricks tree / shrub planting and hedgehog gravel boards to allow travel through boundary treatments into the wider area.
- 10.186 The BNG assessment included in the PEA report and supporting Metric show a proposed 1.88% BNG at the site. This is acceptable under current local and national policy and the enhancement measures set out in the report would be secured via a detailed enhancements plan condition.

- 10.187 The proposed development will deliver a significant improvement in the site's ecological value through the introduction of a significant uplift in tree planting and soft landscaping across the site. Full landscaping details are to be secured by condition and will include for a variety of species and habitats.
- 10.188 Subject to the above conditions, the proposed development will provide a significant and measurable improvement in the site's ecology and biodiversity fully in accordance with Policy PSC13 of the Local Plan and the NPPF (paragraphs 185 and 186).

Flooding and Drainage

- 10.189 The NPPF requires sites within Flood Zone 1 (i.e., land having a less than 1 in 1,000 annual probability of river or sea flooding) or over one hectare to provide a site-specific Flood Risk Assessment (FRA). The Environment Agency's Flood Map for Planning shows the site is located within Flood Zone 1. The EA surface water mapping indicates that the site is at 'very low' and 'medium' risk of flooding from surface water.
- 10.190 Policy PCS12 of the Local Plan comprises a flood risk management hierarchy which will Assess, Avoid, Substitute, Control and/or mitigate flood risk. An FRA, incorporating a surface water and foul drainage strategy for the site, has been submitted with the application, which considers the potential effects of flooding on the proposed development with any associated mitigation measures proposed.
- 10.191 Within the FRA, it is proposed that the surface water generated by the proposed development would be attenuated in permeable paving and cellular storage tanks prior to discharging into the combined sewers located in the roads around the site. There are three catchments on the site which are proposed to discharge to three new connections to the combined sewers. It is proposed that the surface water would be discharged at the natural greenfield run off state, split between the three discharge points and with the minimum discharge rate set at 1l/s. The discharge rates would be controlled using vortex control devices. The permeable paving and tanks have been designed to accommodate flows from a 1 in 100 year storm plus 45% to account for climate change, in line with the latest guidance.
- 10.192 It is proposed that the existing connections to the combined sewers on site would be used as far as possible to serve the new buildings, however, if this is not possible then new connections to the public Southern Water combined sewer would be proposed at close points of connection. The reuse of the existing connections and the new connections would be subject to agreement with Southern Water. This will be subject to a formal legal agreement with Southern Water, under the Water Industry Act 1991.
- 10.193 Coastal Partners have currently raised a holding objection to the application, on the grounds that the FRA submitted is insufficient. They note that whilst the site is currently within Flood Zone 1 with a low risk of flooding, it is shown by the Partnership for South Hampshire's Strategic Flood Risk Assessment (PfSH SFRA) to move within Flood Zones 2 and 3 from 2085 onwards and may be increasingly at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event, including some access and egress for the site. For information, the PfSH SFRA shows the present day 1:200 year extreme tidal flood level for Portsmouth Harbour to be 3.2m AOD, increasing to 4.3m AOD by 2115, due to the effects of climate change. However, the PfSH SFRA is currently being updated to reflect current climate change guidance.

- 10.194 The current FRA has not identified tidal flood risk as a potential source at the site, nor has it outlined how this or any residual tidal flood risk will be mitigated, over the lifetime of the development. In order to address the concerns of Coastal Partners, a revised FRA is required to include the following:
- All sources of flood risk which could impact the site, over the lifetime of the development;
 - Identification of the Flood Zone(s) within which the proposed development is located and consideration of the impact of climate change on this;
 - Identification of the proposed finished floor levels for the current proposed development (in metres above ordnance datum – mAOD), and evidence that these have been set with the extreme tidal flood levels and UKCIP18 climate change projections in mind;
 - How the residual flood risk at the site will be mitigated over the lifetime of the development, including the incorporation of flood resistance and resilience measures and safe access and egress during an extreme tidal flood event, both present day and throughout the development's lifetime.
- 10.195 The applicant is currently discussing making amendments to the FRA in consultation with Coastal Partners. It is considered appropriate for a revised FRA to be secured by condition requiring final agreement with Coastal Partners.
- 10.196 No objection has been raised by the Council's Drainage Team to the proposal subject to conditions relating to flooding and surface water drainage, as suggested, being attached to any permission granted. Subject to the above conditions being attached, the proposal would fully accord with national and local planning policy.

Energy and Sustainability

- 10.197 Policy PCS15 of the adopted Local Plan seeks sustainable design and construction in all development. Conversions yielding one unit or more should achieve Eco-homes or BREEAM Domestic Refurbishment 'very good' standard. Building design should maximise solar efficiency and development should include recycled construction material.
- 10.198 An Energy Strategy has been submitted in support of the planning application. The approach to energy complies with emerging policy where this has been possible, despite this not being part of an adopted policy and therefore of limited weight. New buildings will adopt an all-electric approach if capacity exists within local networks. This could be either Air Source Heat Pumps or via local direct electric heating and ASHP cylinders. Both of these approaches can adopt the 'optimum' fabric standards. Photovoltaics are to be provided across buildings within the scheme to further improved the sustainable construction of design at this site. Overall, the conversion of properties complies with BREEAM mandatory performance agreements, and a fabric first approach will be adopted for the new build, with provision such as PV and ASHP to comply with Building Regulations and to maximise the sustainability of development across the site. The scheme is entirely in accordance with Policy PCS15 of the Local Plan.
- 10.199 In accordance with the aspiration of policy PCS15 of the Local Plan, the following would be secured by condition:
- Sustainability - achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition) - such evidence would be in the form of

an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

10.200 The applicant's aspiration to exceed the above minimum adopted policy requirement and seek to achieve the emerging policy standard, as set out in policy D2 of the emerging Local Plan (this currently has 'Regulation 18' status) is supported and this would, as envisaged by the applicant, include:

- Sustainability - achieve 'Excellent' under the BREEAM Communities scheme for the residential new build element of the proposal and 'Very Good' under the BREEAM Refurbishment and Fit Out standard for the conversions and change of use element.
- Water efficiency - achieve water efficiency standards of no more than 110 litres per person per day for the whole development.

10.201 Overall, the proposed development will exceed the sustainable design and construction standards set out within Policy PCS15 of the Local Plan and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review).

Archaeology

10.202 Paragraph 195 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Paragraph 200 requires applicants to describe the significance of a heritage asset sufficiently to "*understand the potential impact of the proposal on their significance*".

10.203 The site lies close to the historic core of Southsea, being amongst the first parts of the area to be developed from the beginning of the 19th century onwards. Historic mapping shows that development within the site itself began by the mid to late 19th century but owing to its use as school buildings, the site was less densely developed than the surrounding area. Given the level of existing development, the immediate vicinity of the site has not been the subject to many significant archaeological investigations and, as such, the specific archaeological potential of the site is difficult to assess. However, where limited scale investigation have taken place in the immediate vicinity, they have returned some archaeological remains pre dating the 19th century. This indicates that there is both the presence of archaeological activity and the potential for surviving remains, in the surrounding area.

10.204 An Archaeological Desk Based Assessment and Watching Brief has been submitted with the applications which considers the archaeological potential of the site, the impact of past development, impact of the proposal and possible mitigation measures.

10.205 In terms of relevant designated archaeological heritage assets, no Scheduled Monuments, World Heritage Sites, Registered Battlefields, or Historic Wreck sites lie within the application site or its immediate vicinity. No designated archaeological assets have been identified as having the potential to be affected by the proposed development.

- 10.206 The site is likely to have been in agricultural use from at least the later medieval period onwards. In the 19th century the site was subject to built development as a result of the expansion of the Portsmouth-Southsea urban area. The site was in use as the campus of an independent school for most of the 20th century and into the 21st century. Post-depositional impacts as a result of built development are considered to have been severe.
- 10.207 Very few archaeological investigations have been carried out within the immediate vicinity of the site and little pre-17th century archaeological evidence has been recorded within a 1km radius of the site. It is possible that the limited pre-modern archaeological evidence recorded is a result of the general lack of past investigation.
- 10.208 The applicant's Assessment concludes that the site is considered to have a low-uncertain potential for all forms of archaeological evidence, with the exception of a high potential for evidence of known past phases of 19th century and later built development. Any archaeological evidence present within the site is most likely to be of low (local) significance only. As such, no further archaeological investigation are considered to be necessary in this instance.
- 10.209 No objection has been raised by The Council's Archaeological Advisor subject to further archaeological investigations being secured by way of a planning condition. The scope of any intrusive work would be agreed in consultation with the Council's Archaeological Advisor and in accordance within an approved archaeological Written Scheme of Investigation.
- 10.210 Subject to the above condition being attached, the proposal would comply with Policy PCS23 of the Portsmouth Plan and the NPPF in relation to below ground archaeological heritage potential.

Contaminated Land (ground conditions and pollution)

- 10.211 The NPPF, paragraph 194 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land. In this respect as set out in Paragraph 189, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in paragraph 190, the responsibility for securing a safe development rests with the developer and or landowner.
- 10.212 The Council's Contaminated Land Team have raised no objection to the proposal. In accordance with the advice given, details to deal with the contamination of the site to avoid risk to health and the environment will be required by condition. Subject to the recommended conditions provided being attached requiring both compliance with the submitted proposed measures and further details to be submitted in the form of a Remediation Method Statement and a Verification Report, the proposed development is considered acceptable in terms of contaminated land and in line with relevant guidance including paragraph 189 of the NPPF.

CIL and S106

- 10.213 Part 11 of the Planning Act 2008 provides for the introduction of the Community Infrastructure Levy (CIL). The detail of how CIL works is set out in the Community Infrastructure Regulations CIL is intended to be used for general infrastructure contributions whilst s106 obligations are for site specific mitigation. The regulations have three important repercussions for s106 obligations:
- Making the test for the use of s106 obligations statutory (S122);
 - Ensuring that there is no overlap in the use of CIL and s106 (S123); and

- Limiting the use of 'pooled' s106 obligations post April 2014 (S123).

CIL

- 10.214 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 10.215 The proposal would result in the creation of 212 new dwellings totalling 18,868sqm of GIA floorspace. Based on figures provided by the applicant, the likely CIL chargeable amount will be £3,153,832.74. If existing building discount can be applied to the 12,419sqm of existing GIA floorspace, the likely CIL chargeable amount will be £1,077,966.26. A CIL Form 1 was submitted with the application and the estimate is based on the figures provided.
- 10.216 This could be pooled and put towards funding improvements in primary care provision (as requested by the NHS Hampshire integrated Care Board), policing, education and infrastructure.

S106 - Heads of Terms

- 10.217 The applicant has indicated its willingness to enter into a legal agreement under s106. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 10.218 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.
- 10.219 As such the applicant has indicated a willingness to make financial contributions and those that are considered to meet the statutory tests are:

Obligation / Contribution	Requested by	Trigger
SANG/SAMM Solent Protection Area financial contribution, including 'Bird Aware' (TBC)	PCC	Prior to first occupation
Highways works (S278) within the vicinity of the site, including a financial contribution (£128,500) to be allocated to the following schemes: <ul style="list-style-type: none"> • Relocation of bus stop infrastructure (including shelters and laybys) to increase usable footway width along the Western Side of Grove Road South; • Construction of a new controlled crossing at Marmion Road; 	PCC	Prior to first occupation

<ul style="list-style-type: none"> • Construction of a continuous footway at side road crossings along Grove Road South; and/or • Improving the design of junctions in the local vicinity to improve cyclist comfort and safety. 		
Travel Plan Monitoring (£5,500)	PCC	Prior to first occupation
Nutrient Mitigation contribution and Delivery (TBC)	PCC	Prior to first occupation

Human Rights and the Public Sector Equality Duty (PSED)

- 10.220 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 10.221 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

11.0 CONCLUSION AND PLANNING BALANCE

- 11.1 The proposed development includes a significant quantum of new homes on a brownfield site in a sustainable location. As a previously developed site which is currently underutilised, the proposed development for housing is fully supported by policies for boosting the supply of homes.
- 11.2 This application proposes a redevelopment of the site through a high-quality designed scheme within a sylvian setting, which makes significant improvements to public realm and connectivity. The proposal will deliver a significant number of homes and contribute to a mixed and balanced community, directly responding to local and national planning objectives.
- 11.3 There is a pressing need for housing, including affordable house, and the Council has an extremely challenging housing delivery target. The Council is currently not meeting the Government's Housing Delivery Test and the 'presumption in favour of sustainable development' and the 'tilted balance' applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 11.4 Paragraph 208 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, *"this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."*

- 11.5 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets by the Council, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 208 of the NPPF. These benefits are considered to be:
- New Homes - delivery of 212 new homes provided in a range of sizes and contributing to a mixed and balanced community.
 - Optimum Viable Use - securing an ongoing viable use for the site and its assets,
- 11.6 With regard to the identified social, economic, environmental and sustainability value that the scheme would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified.
- 11.7 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.
- 11.8 The proposed buildings have been sensitively designed, taking inspiration from the surroundings and historic context of the site and would respect the character, context and the form and scale of neighbouring buildings and would sit comfortably within the streetscene and surrounding area. The appearance, materials, detailed facade treatment and landscape design of the development will be high quality, displaying an appropriate response to the surrounding character.
- 11.9 Given the distance and orientation to the nearest residential properties, and the inclusion of appropriate mitigation measures, the proposal would not result in any significant material impact in terms of overlooking and privacy.
- 11.10 The proposed development would meet all relevant residential space standards and the provision of communal amenity space proposed is considered to be acceptable. Adequate levels of daylight would also be provided within the flats for future residents. The proposal provides units with a good standard of accommodation, in terms of unit sizes, aspect and amenity space provision, being provided.
- 11.11 The development would have a sustainable construction, meeting all of the relevant sustainability standards. The likely impact of the reduction in car parking spaces and the merits of encouraging sustainable travel options have been fully assessed and are welcome.
- 11.12 Overall, therefore, it is concluded that the proposal is in accordance with the development plan. Material considerations which would not warrant refusal; for example, the heritage harm caused by the proposal is outweighed by the public benefits of the scheme.
- 11.13 Officers have taken into account the benefits of the scheme and weighed these against the impacts of the proposals, including amenity. The tilted balance in paragraph 11 of the NPPF would apply in this case as a result of the shortfall in housing delivery and because the harm to heritage assets does not provide a clear reason for refusing the proposed development (when also taking into account the presumption against harm). As a result, the NPPF policy is that planning permission

should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

- 11.14 The proposal would contribute to the economic viability, accessibility and environmental quality of the City, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

RECOMMENDATIONS

RECOMMENDATION A - PLANNING APPLICATION 23/01089/FUL

Grant planning permission subject to conditions and a s106 Agreement.

Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below) and finalise the s106 agreement in line with the Heads of Terms listed above.

Draft Conditions (Headings)

1. TIME LIMIT
2. APPROVED PLANS
3. MATERIALS
4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS
5. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN
6. CONTAMINATED LAND - RISK MITIGATION
7. CONTAMINATED LAND - VERIFICATION
8. CONTAMINATED LAND - WATCHING BRIEF
9. PREVIOUSLY UNIDENTIFIED CONTAMINATION
10. FLOODING - REVISED FLOOD RISK ASSESSMENT AND IMPLEMENTATION
11. SURFACE WATER DRAINAGE SCHEME
12. PILING METHOD STATEMENT
13. LOCAL HIGHWAY IMPROVEMENTS
14. LANDSCAPING - DETAILS
15. BOUNDARY TREATMENT
16. BOUNDARY ENTRANCE(S) OPENING TIMES
17. ARBORICULTURAL METHOD STATEMENT
18. TREE PROTECTION
19. LANDSCAPE IMPLEMENTATION
20. LIGHTING SCHEME
21. NOISE AND VIBRATION MITIGATION
22. ECOLOGICAL MITIGATION
23. SUSTAINABILITY MEASURES
24. WATER EFFICIENCY
25. CAR PARKING
26. CYCLE PARKING
27. CAR PARKING ACCESS AND MANAGEMENT PLAN
28. PROVISION OF REFUSE AND RECYCLING FACILITIES
29. ARCHAEOLOGY
30. DEFENSIBLE SPACE FOR GROUND FLOOR RESIDENTIAL UNITS

31. BAT SURVEY
32. SWIFT BRICKS
33. TRAVEL PLAN
34. EV CHARGING
35. DELIVERY AND SERVICING PLAN
36. BIODIVERSITY NET GAIN

RECOMMENDATION B - LISTED BUILDING CONSENT APPLICATION 23/01074/LBC

Grant listed building consent subject to conditions.

Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below).

Draft Conditions (Headings)

1. TIME LIMIT
2. APPROVED PLANS
3. MATERIALS
4. DETAILED DESIGN/APPEARANCE OF ALL NEW WINDOWS AND DOORS
5. DETAILED DESIGN/SITING OF REFUSE AND CYCLING STORES