



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 18 JUNE 2014 AT 2.00 PM

COUNCIL CHAMBER - THE GUILDHALL, FLOOR 2 (PUBLIC GALLERY ON UPPER 2ND)

Telephone enquiries to Joanne Wildsmith 0239283 4057
Email: joanne.wildsmith@portsmouthcc.gov.uk

Planning Committee Members:

Councillors Aiden Gray (Chair), Frank Jonas (Vice-Chair), Ken Ellcome, David Fuller, Colin Galloway, Stephen Hastings, Lee Mason, Les Stevens, Sandra Stockdale and Gerald Vernon-Jackson

Standing Deputies

Councillors Alicia Denny, Margaret Foster, Lee Hunt, Hugh Mason, Robert New, Darren Sanders and Rob Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests are accepted. Contact: Julie Watson 023 9283 4826 or planning.reps@portsmouthcc.gov.uk

AGENDA

- 1 Apologies for absence
- 2 Declaration of Members' Interests
- 3 Planning Application: 14/00489/FUL The Camber East Street Portsmouth

- Mixed use development to include the erection of a building to incorporate Class B1(c) light industrial and Class B1(b) research and development uses, team headquarters comprising Class B1(a) offices and meeting rooms, training and medical facilities, public access and viewing facilities and associated external hardstanding and car parking following the demolition of existing buildings
(Pages 1 - 30)

A report by the City Development Manager is attached.

Agenda Item 3

PLANNING COMMITTEE 18 JUNE 2014

**2 PM COUNCIL CHAMBER,
GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

THE CAMBER EAST STREET PORTSMOUTH

MIXED USE DEVELOPMENT TO INCLUDE THE ERECTION OF A BUILDING TO INCORPORATE CLASS B1(C) LIGHT INDUSTRIAL AND CLASS B1(B) RESEARCH AND DEVELOPMENT USES, TEAM HEADQUARTERS COMPRISING CLASS B1(A) OFFICES AND MEETING ROOMS, TRAINING AND MEDICAL FACILITIES, PUBLIC ACCESS AND VIEWING FACILITIES AND ASSOCIATED EXTERNAL HARDSTANDING AND CAR PARKING FOLLOWING THE DEMOLITION OF EXISTING BUILDINGS

Application Submitted By:

Luken Beck MDP Ltd

On behalf of:

Ben Ainslie Racing Ltd

RDD: 1st May 2014**LDD:** 5th August 2014**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the principle of development is acceptable in the intended location; whether the development would be considered acceptable in design terms; whether it would preserve or enhance the character and appearance of the 'Old Portsmouth Conservation Area'; whether it would preserve the setting of the adjacent 'Bridge Tavern' PH designated as a Grade II Listed Building for its special architectural or historic interest; whether it would be acceptable in highways terms; whether a tall building would be acceptable in this location; flood risk; whether it would be acceptable in terms of residential amenity; whether it would have any adverse impact on any nature conservation interests; and the economic benefits of the scheme.

The site and surroundings

This application relates to 'The Camber', an area of land located to the east of Broad Street. The application site covers an area of 0.797ha and comprises two distinct areas of land separated by East Street which runs through the centre of the Camber. The first is located to the north of East Street and is currently occupied by a large warehouse building and associated boat racking. The second is located to the south of East Street and to the east of Trimmers Court and is predominantly used for car parking.

The application site is located within the 'Old Portsmouth' Conservation Area with the Grade II Listed Bridge Tavern public house also in close proximity. It is located within the setting of the Gunwharf Conservation Area and the Isle of Wight ferry terminal is located opposite, separated from the application site by Portsmouth Harbour.

The application site is also located within close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). It is also located within an area of indicative floodplain (Flood Zone 3).

The proposal

Permission is sought for a development to provide the headquarters facility for an international sporting team. Following demolition of existing buildings, the proposal is for the erection of a building that will be used as a team headquarters. The accommodation for the Ben Ainslie race

team provided in the building will enable the team to carry out various team activities from the site.

The applicants describe their strong rationale for locating Ben Ainslie Racing (BAR) at The Camber as follows: "The Solent LEP area boasts a marine and maritime sector that is world class and operates within a global market. The sector is broad and it is important to consolidate this reputation including the higher end of the recreational and sporting element. The opportunity to provide the base for a sporting team with international renown would support this reputational consolidation, whilst at the same time delivering tangible outcomes in relation to marine technology (with a particular focus on composites), it would enable job opportunities to be created through apprenticeship, skills-building and benefits to the local supply chain. It should also be expected that a team operating at the cutting edge of global sport would bring focus to innovation that would be applicable across other sectors in the region. Moreover, the location of the team Headquarters in The Camber area would stimulate prestigious waterfront development, unlocking this key site in the Old Portsmouth area, supporting the aspirations to position Portsmouth as a world class great waterfront city."

This proposal seeks permission for a large building on a footprint of approximately 69m by 52m. At a maximum height of approximately 27m, the proposed building would exceed the height threshold of 20m as outlined in the Tall Buildings Supplementary Planning Document (SPD) and therefore falls within the definition of a tall building. This will be addressed in subsequent sections of the report. From this highest point, the proposed building would slope down over a series of stepped sections measuring approximately 25m, 22m, 18m and 15m in height respectively. It would have a steel frame with reinforced concrete slabs and a polished concrete textured composite base. The outer structure would comprise PTFE fabric stretched around the base structure with the capacity to be internally backlit if required by the applicant. The section of the building measuring approximately 25m in height would be clad using powder coated aluminium composite cladding in dark grey and all windows, doors, balconies and solar shading would comprise powder coat aluminium in dark grey.

Internally, the building would be divided over four main levels (ground, first, second and third) in addition to two mezzanine levels. The proposed ground floor level would measure approximately 13m in height from floor to ceiling and would comprise the main yacht assembly floor with ancillary container storage, storage rooms, plant room and WC facilities.

The first mezzanine level would be located approximately 6.8m above ground level and would measure approximately 3.6m in height from ground to ceiling level. This level would contain a gym, associated changing rooms, lockers and showers in addition to a simulator for use by the BAR team, all accessed via an open corridor overlooking the main assembly floor.

The second mezzanine level would be located approximately 10.2m above ground floor level and would measure approximately 3.6m in height from floor to ceiling level. This level would contain a sail loft and two plant rooms.

The proposed first floor level would measure approximately 3.6m in height from floor to ceiling and would comprise office accommodation, ancillary kitchen facilities and meeting rooms. There would be an element of inside/outside space at this level in addition to an external terrace area.

The proposed second floor level would measure approximately 3.6m in height from floor to ceiling and would comprise a visitor centre, staff canteen, WCs and a visitor centre roof terrace.

The proposed third floor level would measure approximately 3.6m in height from floor to ceiling and would comprise a VIP area and a VIP external roof terrace.

Externally, a sail and yacht turning area would be located to the west of the main building. There would be a small triangular landscaped area to the east of the main building in addition to six car parking spaces dedicated solely to the BAR team and available for use 24 hours a day and 7

days a week. A new pontoon would be established in the harbour, immediately to the north of the main building.

To the south of East Street, a new parking area would be established and would provide parking for the BAR team during weekdays between the hours of 8am and 6pm. This parking area would contain 65 parking spaces including 3 disabled parking spaces.

As an urban development project with a site area that exceeds 0.5ha it represents a 'Schedule 2' project under the Environmental Impact Assessment (EIA) Regulations, however, it is not considered likely to have a significant effect on the environment and consequently the view has been taken that the proposal is not an EIA development. Notwithstanding this, the application is supported by various documents including: Archaeological Statement, Archaeological Heritage Statement, Community Involvement Statement, Construction Management Plan, Design & Access Statement, Flood Risk Assessment, Preliminary Ground Investigation Report, Transport Assessment, Travel Plan and Tall Buildings Statement.

Planning history

Relevant planning history to this operational dock/harbour land at The Camber is limited to demolition of transit sheds, granted consent in March 1999 (ref A*24002/A). The demolished buildings previously occupied land since used for boat storage (by KB Boat Park Ltd).

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS9 (The Seafront), PCS11 (Employment Land), PCS12 (Flood Risk), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and Conservation) and PCS24 (Tall Buildings). The Seafront Masterplan Supplementary Planning Document (SPD), the Tall Buildings SPD, the Achieving Employment and Skills Plans SPD, the Sustainable Design and Construction SPD and the Conservation Area Guidelines for Old Portsmouth. would also be material to the determination of this application.

CONSULTATIONS

Contaminated Land Team

The application and letter report submitted by Soils Limited (dated 30 April 2014) have been reviewed. The report summaries a predominantly geotechnical site investigation undertaken on the site, comprising three boreholes with very limited chemical analysis. Based on the information held on the Contaminated Land Team's GIS, it is evident that The Camber has historically been used for a large number of potentially contaminative purposes. It is also worth advising the developer to ensure the desk study is comprehensive as the records also include petrol licensing information.

Conditions requested relating to desk top study, site investigation and remedial works.

English Heritage

Summary - This is an exciting and vibrant proposal which has the potential to bring great benefits to Old Portsmouth and the city of Portsmouth as a whole. This site, within the conservation area, has the capacity to accommodate a comparatively large building and in overall design terms this proposal would be comfortable here. However, in my view with regard to the mass the building is simply too large and would dwarf the surrounding older buildings of the conservation area. In this sense I would consider this proposal to be harmful to the character and appearance of the conservation area. However although the building would benefit from a reduction in height I do not think this would have to be a significant reduction and I hope that this could be achieved by a more efficient utilisation of space. The NPPF requires that any harm to heritage assets be avoided or at least minimised. If it is not possible to avoid all harm then a balanced decision has to be made by the Local Planning Authority which must take into account the degree of harm and the public benefits of the scheme.

Recommendation: This is an exciting proposal and offers a great opportunity to create a distinctive high quality building within Old Portsmouth. However taking into account policy guidance I would consider that this proposal, in its current form, by virtue of the height and mass, to be harmful to the character and appearance of the conservation area. In addition I have some concern about the potential loss of the view of The Cathedral from The Point (this requires clarification). I am, however, conscious of the benefits of the scheme in terms of the suitability of the use, the potential as a catalyst for regeneration of the area, the economic and employment benefits to the city etc which must be taken into account. Therefore, I am confident that if some reduction in height can be achieved, thereby reducing the harm to the conservation area (although perhaps not eliminating the harm altogether) the benefits of this development would outweigh the harm and on balance an acceptable scheme would result. I hope that the opportunity to improve the general amenity of the area (particularly the appearance of the boat stack etc) would be grasped too as this would be a real public benefit and would give the landmark building a setting of suitable quality.

Further comments were received on the 6th June. These are presented below.

Since submitting my first comments on this application (14/00489/FUL) in my letter to you dated 23 May 2014, I have now studied the Tall Buildings Statement and the associated visually verified montages which have been recently submitted (3 June) in support of this application. I am submitting this comment promptly without a further site visit (which would have been helpful) as I realise that the consultation period has already closed. This letter amplifies and supplements my comments of 23 May and it remains the case that we wish to acknowledge the potential benefits such an exciting scheme could bring to Portsmouth. However, I do believe that in its current form this building would be harmful to the character and appearance of the Old Portsmouth conservation area.

It is important therefore, that the requirements of the National Planning Policy Framework (NPPF) are adhered to and that a logical approach is adopted. This would involve, in the first instance, seeking the redesign of the building to avoid or reduce the harm to the heritage asset. Clearly this will take time. If, having gone into this, the applicant can demonstrate that harm cannot be wholly avoided, then any harm should be clearly justified and the applicant should submit a convincing justification. Only justified harm should be weighed against the public benefits of the scheme, resulting in a balanced decision having regard for all relevant matters. If unjustified harm results from this proposal or if justified harm cannot be outweighed by public benefit the application would not meet the requirements of the NPPF.

The visually verified montages (VVMs) are very helpful in assisting an understanding of how this proposed building would relate to its surroundings. The VVMs confirm my initial assessment that this building is significantly larger in terms of mass than the buildings within its vicinity and particularly those within the conservation area. As I have previously stated, I am of the view that this site could accommodate a building of greater scale than the other smaller buildings which are typical of the pattern of development within this part of Portsmouth. This is because this location is rather distinct or separate from the streets of Old Portsmouth and therefore the site is less constrained by the rhythm and grain of historic development. However, even when taking this into account, the VVMs show that the proposed building is disproportionately large, in terms of bulk, in this context. This building would dominate this part of Old Portsmouth by being significantly out of scale in relation to the other buildings, and would detract from the historic character and appearance of the conservation area. In this sense it would be harmful to the conservation area.

To satisfy the requirement of the National Planning Policy Framework any harm to a heritage asset should require clear and convincing justification (para.132, NPPF). The onus is therefore on you to rigorously test the necessity of any harmful works.

The current submission only briefly examines the space requirements for the building in the Tall Buildings Statement and the Design and Access Statement. Clearly this would be a purpose-built functional building designed around the specific needs of the BAR Team. I can understand the need, therefore, for the 40 metre turning circle for the sailor the 12 metre high manufacturing facility. However, there is no detailed explanation about the number of staff employed on site, the number and frequency of visitors etc. Therefore there are large areas of the building, such as multiple offices, meeting rooms, informal meeting rooms, open plan office, visitor centre, canteen and VIP area, which lack a specific and convincing justification. Are such levels of provision essential or are they generous? Cannot, for example, informal meetings be held in the staff canteen as is quite common in offices. Or cannot VIPs use the main visitor areas? Other considerations which could reduce the bulk of the building might be reducing the ceiling heights of the upper floors or abandoning the PTFE 'wrap'. I realise that this is an integral part of the current design but it significantly increases the bulk of the building without the benefit of creating useable space inside.

If the proposal is not (or cannot be) amended to avoid the harm to the historic environment, then this scheme would not meet the tests of the NPPF for 'sustainable development' as this requires seeking positive improvements in the quality of the built, natural and historic environment (paragraph 9). The NPPF recognises that there can be instances when the broader public benefits of a scheme might outweigh the harm to a heritage asset (paragraph 132). However, as stated above any harm or loss should require clear and convincing justification. Thus, in the first instance the necessity of the harm should be tested and then, and only if the justification is convincing, should the harm be weighed against any public benefits of the scheme and a balanced decision reached. It is therefore very important that this matter is brought to the attention of the applicants, prior to the Planning Committee meeting, to give them the opportunity to provide the additional information to justify the size of the building. Without such a justification the application would not meet the requirements of the NPPF.

In my last letter I raised some concern over the potential loss of the view of the lantern of the Cathedral from The Point. This is not a key view and will probably be obscured by the development already permitted to the east of this area. However, the view analysis does confirm that from within Broad Street the top of the Cathedral will still be visible. In this regard, therefore, the proposal would not be harmful to the character of the conservation area. Naturally we would be happy to comment further on any additional information submitted should time allow. If a meeting with yourselves and the applicants would help to determine any of these questions please let me know. I am conscious that there is an expectation that this proposal be considered by the Planning Committee on 18 June. However, I believe that for a building of such significance and in a site with inherent sensitivities the decision making process would be better informed if more time was allowed. As you will appreciate, I had hoped to be commenting in a more

constructive way as part of a dialogue; the timescale that has been mentioned is exceptionally tight. I remain confident that there is a solution which would at least reduce harm to the conservation area (if it cannot be avoided altogether) while meeting the needs of the applicant. If the decision is rushed the opportunity to generate such a scheme would be missed.

Environment Agency

The EA advise that planning permission should only be granted if the requested conditions are imposed. The conditions relate to the development being carried out in accordance with the approved Flood Risk Assessment and the submission and approval of a surface water drainage strategy for the site. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and the EA would wish to object to the application.

The proposed development is located within an area shown as tidal flood zone 3 and is therefore considered to have a high probability (>0.5%, 1 in 200) of flooding from the sea in any year.

The development can be considered to be water compatible and therefore is appropriate for this flood zone in accordance with Tables 2 & 3 in the Technical Guide to the NPPF.

The FRA has put forward a number of measures to help manage the flood risk at the site and it is considered necessary to condition the finished floor level as part of a package of measures. The proposed finished floor level of 3.6m AOD is likely to keep the building free of flooding for about 40 years. Beyond this timeframe the building will be increasingly at risk of inundation.

It is recognised that for operational reasons it may not be possible to raise ground floor levels any higher and therefore we recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing electrical services into the building at a high level so that plugs are located above possible flood levels.

The FRA has highlighted that safe access and egress from the site will not be available under flood conditions for the full lifetime of the development. To manage this risk the FRA has put forward the availability of a safe refuge within the building and recommends that a site specific flood management plan be developed.

If the LPA is satisfied that safe refuge and a flood management plan can effectively manage the risk resulting from a lack of safe access, then it is recommended that the requirement for a flood management plan is formalised within a planning condition.

A surface water drainage condition is considered necessary to ensure that runoff from storm events is managed effectively on the site. The majority of the site appears to be impermeable and therefore runoff can be maintained at existing rates although a reduction would be welcomed. Sufficient storage should be provided within the system to account for the effects of tide locking and runoff from all storms up to and including the 1 in 30 year event should be managed within the system. There should be no flooding of buildings resulting from the drainage system for all storms up to and including the 1 in 100 year 20% rainfall event.

An informative is also requested relating to the applicant obtaining written Flood Defence Consent from the EA for any works within 15m of a sea defence.

Coastal Partnership

The Coastal Partnership has no objection to the proposed development as submitted.

The applicant has submitted a flood risk assessment (FRA) for the site compiled by Such Salinger Peters, ref. 31672 Camber Dock, Portsmouth (dated 30.4.14), the content of which is acceptable and demonstrates how the development has been designed in compliance with the National Planning Policy Framework. The FRA proposes a raised floor slab, increasing the building's resilience to flooding. Condition requested.

We would also recommend that the applicant ensures residual flood risk is managed on site by compiling an appropriate flood warning and evacuation plan for the property.

The site is in Old Portsmouth, part of the Southsea flood risk area in the Portsea Island Coastal Defence Strategy. Although the local area benefits from flood defences comprising raised walls and flood gates which, when operated, form a barrier to tidal flood waters around the Spice Island peninsula, the location of the building is outside of the area benefitting from these defences. Because of the low lying nature of the surrounding road network access to the site will be limited during tidal flood events.

Flood gates are operated across the two road access points to the site, including Seagars Court and East Street during periods of spring tides to reduce flooding risks to the area. This can be for a period of time either side of the predicted high tide and will mean that vehicular access will be limited to the site as temporary road closures will be in place until high tide passes. This will be important to the operations of the site both in respect of timing of deliveries and in ensuring that employees vehicles are not left stranded within The Camber car park and are moved in advance of the gates being closed.

We recommend that the site operator sign up to the Environment Agency's Flood Warnings Direct Service which will give prior notice to when high tides are predicted in this area and when the gates will be operated.

Environmental Health

I write with regard to the above application for mixed use development to include the erection of a building to incorporate Class B1(c) light industrial and Class B1(b) research and development uses, team headquarters comprising Class B1(a) offices and meeting rooms, training and medical facilities, public access and viewing facilities and associated external hard-standing and car parking following the demolition of existing buildings.

This consultation is with regard to potential impact from the B1 use and the potential impact on air quality as a result of generated traffic movements.

B1 Use

A B1 use must be capable of being undertaken "in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit." The nature of the proposed business does not lend itself to the definition of heavy industry and it seems unlikely that vibration, smoke, soot, ash, dust or grit will be products of the proposed use.

I have enquired with the applicant concerning noise levels from the equipment being used and the following was the response:

"The noise levels will be minimal - we don't have any heavy machinery in the building and although there will be occasional grinding, that is about as loud as it gets. The crane we use to launch the boats may make some noise (small diesel engine) but we are looking at getting an electrically powered crane that makes no noise at all."

At present, the buildings intended for demolition are used by a boat storage business, a boat servicing business and a fish market.

Since specific information regarding current and potential future noise levels is not available at present, I am unable to comment as to the likely noise impact of the proposal. It is also likely that plant such as air handling units will form part of the development although no details have been provided. As such, should you be minded to grant permission, I recommend the following condition be applied:

Condition:

Prior to the development taking place, a scheme for protecting residential premises from noise generated by the proposed development shall be submitted for approval by the local planning authority. The scheme shall demonstrate that the noise rating level, as defined in BS4142, from the operation of all such plant and equipment expressed as an LAeq,T, one metre from the facade of the nearest residential development, will be less than 3dB above the measured background noise level expressed as an LA90 over one hour representative of the quietest period of a typical week. The reference time T shall be 1hr for daytime operation (08:00 - 18:00).

Reason: To protect the amenity of neighbouring residential use.

The above condition assumes a working day from 08:00-18:00. It is recommended that hours of use be determined for the proposal.

With regard to the potential for an impact to amenity from odour, the applicant had the following comment:

"We don't use glass fibre but we will be using carbon fibre. Most the carbon we will use is pre-impregnated so the resin system is already bound to the carbon when it arrives - it's impregnated at the factory and then frozen to stop it going off. We will use some raw resins / hardeners but this will be for repairs although a lot of repairs are done with pre-preg so the amount of resin / hardener on site will be minimal and we'll ensure it's handled as per all the health and safety requirements including storage in special boxes in separate rooms etc."

Activities involving resin, which has the most potential for odour issues, is largely carried out at other sites. As such, I am satisfied that there is unlikely to be an impact to amenity from odour. Should issues arise concerning odour, these can be dealt with through the nuisance provisions of the Environmental Protection Act 1990.

I note from Design and Access Statement that there is an intention to illuminate the building although little information has been provided as to how this is to be done nor an assessment of the likely impact provided. Should you be minded to grant consent, I recommend that the following condition be applied:

Condition:

Prior to the installation of the illumination scheme hereby approved, details of the light sources and the light intensity footprint and spillage shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To protect the amenity of neighbouring residential use.

Informative: The submission must include:

- o On and off times for the lighting
- o Full horizontal cut-off
- o Details of vertical illuminance of the adjacent residential properties

You have also asked me to comment on the possibility of increased noise to properties as a result of the proposed building reflecting noise. There is a building in the proposal location and so there is some reflection of noise already occurring although this building is much smaller than the proposed building. In theory, the introduction of a reflective surface could increase noise levels by up to 3dB although this is frequency dependant and relies on the reflective surface being in close proximity to the source noise and the recipient of the noise. In this case, there is considerable distance between the sources and the reflective surface, as well as the distances to the receivers, and any increase in noise levels would be in the region of 1-2 dB at most, an increase which is just perceptible to the human ear and would not significantly affect the amenity of neighbouring residential uses.

Air Quality

Proposals that generate significant levels of traffic have the potential to affect local air quality.

The proposal includes a Transport Assessment which details the amount of generated traffic as a result of the application. The number of additional car parking spaces to be provided is 21 and the approximate number of additional peak-time journeys is 50. This indicates that the proposal will not generate additional traffic that will have a significant detrimental impact on local air quality.

Natural England

Statutory nature conservation sites - no objection

Natural England is satisfied that if undertaken in strict accordance with the details submitted, the application is not likely to have a significant effect on the interest features for which Portsmouth Harbour has been classified. No Appropriate Assessment is therefore required.

Natural England is also satisfied that the proposed development will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified.

Protected Species - standing advice applicable.

Biodiversity enhancements - in line with paragraph 118 of the NPPF, if minded to grant permission the LPA should consider securing measures to enhance the biodiversity of the site .

Crime Prevention Design Advisor

To provide for the security of the building, following measures are recommended:

1. An appropriate level of external lighting
2. A Closed Circuit Television (CCTV) system is installed with cameras providing images of external doors;
3. An intruder detector alarm should be installed with appropriate sensors.

CCTV should also be installed within the adjacent car park with images viewed within the PCC CCTV control room.

Gosport Borough Council

Supportive in principle of the proposal which is in line with the broader aims and objectives for Portsmouth Harbour. Consideration should be given to the impact of noise and activity from and during the development and any impacts on protected species present in the area.

Southern Water

Our records show that both a public sewer and decommissioned combined sewer may cross the site. the exact position of which should be determined before the layout of the proposed development is finalised. No development or new tree planting should be located within 3m either side, no new soakaways within 5m of the sewer and all existing infrastructure should be protected during construction works (condition requested).

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development (requiring a formal application for connection to the public sewer, informative requested).

The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Responsibilities of each party and a timetable for the implementation of any SUDS scheme should form part of the drainage details submitted to the LPA, together with an ongoing management and maintenance plan.

Surface water drainage is proposed via the local watercourse and the relevant land drainage authority should comment on the adequacy of this proposal.

If permitted, a (pre-commencement) condition should be imposed requiring approval of details of the proposed means of foul and surface water sewage disposal.

Any areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water.

Highways Engineer

Further to your memo of 8th May 2014 the Highways Authority have reviewed, with the assistance IHTC, the draft transport assessment report produced by Robert West Consulting Ltd dated 30th April 2014 and the Design & Access prepared by HGP Architects submitted in support of the proposed Ben Ainslie Racing Development at The Camber, East Street, Portsmouth on behalf of PCC as the Local Highway Authority and write to confirm my findings.

Overall the Highway Authority is comfortable with the approach to the assessment. The scope of the transport assessment is sufficiently robust given the scale of the proposal. The Highway Authority is satisfied with the proposal however there are a few points that require further clarification which are noted below.

Modal Split Assumptions

The transport assessment determines that a third of staff journeys to work will be undertaken using sustainable means of transport with a further 7% car sharing although does not evidence the justification for that assumption.

The closest bus stop to the site is located at the Broad Street Terminus from which two services operate on two hourly frequencies. On weekdays these start at 0946 and 1007 on each of the routes respectively and do not provide an appropriate service for staff employed at the proposed development. This relatively poor accessibility by public transport is recognised in the transport assessment which only assumes 5% staff travel by public transport reflecting 'the site's location and limited public transport links within close proximity.

The assessment assumes that 28% of employees will cycle or walk to work anticipating that a significant number of staff will choose to live within walking or cycling distance. The basis for this assumption is not justified rather the details of the measures and incentives which will be put in place to encourage the BAR Team to travel by non-car modes are deferred to a workplace travel plan which remains to be provided. It will be important that this plan determines targets to that effect along with an appropriate monitoring mechanism and specific remedies in the event that these targets are not achieved.

Incorporation of Public Highway into Development Site

The highway boundary of East Street extends to the built from the boundary to the north and public car park to the south incorporating pedestrian footways on both sides of the road. It is not clear if it is intended to retain these footways and it appears that the parking bays numbers 55-80 encroach onto the footway.

The highway boundary of Trimmer's Court extends to include the row of parking spaces and footway immediately to the west of the existing boat park boundary. The application drawings appear to incorporate this area into the car park to be provided for the proposed development. This would require a stopping up order and a suitable shared route should be considered.

Retained Daytime Public Parking Facilities

Whilst the parking accumulation surveys determine significant under-utilisation of the East Street car park during the day consideration should be given to retain car parking spaces where possible for uses on the site and the adjoining residential properties and may be a broader corporate aspiration to retain the parking facility in the longer term. Whilst specific provision is made within the scheme to meet the parking needs of The Bridge Tavern it is unclear on what daytime provision is retained for residents. From a Local Highway Authority perspective I am satisfied that the retention of those spaces currently within the public highway and fronting Trimmer's court for shared use as detailed above would be sufficient to meet that need.

Recommendation: As this application stands the Highways Authority recommend approval, but require further clarification on the points as detailed below:

1. Parts of the public highway of both East Street and Trimmer's Court have been incorporated into the parking facilities for the proposed development. If this interpretation is correct this would require a stopping up order and a suitable shared route.
2. Ensure that sufficient signage is provided to confirm a shared surface due to the loss of footway on both East Street and Trimmer's Court.
3. Ensure adequate access for emergency vehicles or provision around the site due to the reduced width of carriageway.

4. Confirmation that a review of the parking provision will be completed for provision during the daytime for residents and public parking where possible.

Design Review Panel

The panel acknowledged the proposal as a potential 'feather in the cap' for Portsmouth. They expressed concern however with its scale which they considered to be very large - possibly too large for its context, and with the absence of any relationship with surrounding buildings.

The qualities of the proposed skin were discussed, and its potential longevity in the exposed conditions of the area questioned. It was suggested that the overall detailing of the design may be a little too simplistic and also that the tower element of the proposal lacked elegance. The panel were concerned by an absence of information which they considered insufficient to gain a full and realistic understanding of the proposal's impact. It was suggested that the application would benefit from a simple model (and further visual material) showing the proposal in its wider context.

REPRESENTATIONS

At the time of writing this report 127 letters / e-mails of objection, 71 letters / e-mails of support and 7 letters / e-mails of general comments had been received (please note these figures do not include duplicates or further letters of comment received from the same person). A summary of those comments are set out below.

In the 7 letters of general comment, 5 supported the principle of the proposal but raised concerns over particular elements of the proposal, such as not convinced by the design of the building and imposing planning conditions to allow parking to be used by the public outside of office hours. As these areas of concern reflect the objection comments they have been included in the summary of objections (see below). Of the remaining 2 letters, one was asking where the boat park was to be relocated and other was from the Portsmouth Cycle Forum (PCF). PCF have stated that they neither support or object to the application but raise the following concerns:

- o there are no dedicate cycle routes to the Camber and no plans to provide any;
- o existing cycle routes are dis-jointed and often sub-standard, there are no plans to improve them;
- o road safety for cyclists is compromised by speedy motor vehicles;
- o no mention of cycle parking for visitors, and
- o plans to change the tarmacadam for cobbles in East Street will degrade the riding surface and increase the risk of accidents.

Although the grounds of objection are many and varied there are nevertheless common themes which have been summarised below:

- o inappropriate development that will have a detrimental impact on an important heritage asset and on the historic character of the area;
- o adverse impact to the setting of a Listed Building, the Bridge Tavern;
- o the building is visually intrusive;
- o design of building is inappropriate in terms of scale, height and bulk;
- o proposed materials for the building are inappropriate / out of keeping / out of character for the area;
- o no justification for the proposed height of the building / height could be reduced to provide facilities for yacht building and the ancillary office / 'entertaining' uses could be provided on another site;
- o the building will have a detrimental impact on the character of the area;
- o detrimental impact on the amenity of local residents in terms of loss of views, loss of light, overshadowing, light pollution (from proposed architectural lighting to the building) noise (including noise generated from the new development, relocation of boat park and by the building creating a structure which will allow noise from IoW ferries to bounce back into neighbouring properties) and general disturbance;

- o detrimental impact on local residents due to increase in traffic generated by the proposal, increased demands for parking and the proposal includes the loss of public parking;
- o impose planning conditions to enable parking spaces to be used by the public outside of 'office hours'.
- o loss of public right of way around the Camber;
- o unacceptable adverse impacts caused by construction process, including construction traffic;
- o the proposal is contrary to national and local planning policies, including the Tall Buildings SPD, Conservation Area guidelines and Policy PCS11 of the Portsmouth Plan which seeks to protect operational land for the commercial port;
- o application is for light industrial Class B1(c) - high tech boat building is not light industrial use;
- o there are better alternative locations for the proposal, such as the Dockyard or Gosport;
- o adverse impact on other local businesses, including those required to move for the development;
- o adverse impact to navigational waters in terms of additional boats / restricted space for boats / conflict with loW ferries;
- o there is no detailed business case / long term plan for the building which use is only for a relatively short time;
- o lack of public consultation / inadequate public consultation / consultation should be extended to enable residents to give full consideration of all the information;
- o lack of information in the application / inadequate and misleading information contained in the application, and
- o work has already commenced on site which is contrary to the proper planning process.

Included in the 51 letters of support are letters from KB Boats, Portsmouth Victory Class, Portsmouth Sailing Club and the Portsmouth Society. The common themes within the letters of support are summarised below:

- o will improve the area and increase its vibrancy;
- o will make the area safer and more attractive;
- o exciting project and will improve the city's profile;
- o will boost local economy, promote the area and will allow people to discover the historical character of the area;
- o will create jobs and attract maritime employment;
- o the proposed uses respect the maritime heritage / in keeping with the character of the area;
- o existing businesses will have to adapt but it seems care has been taken to allow them to do so;
- o the design is innovative and will create an iconic building;
- o the proposed height is acceptable for this area;
- o limited impact to local residents (in terms of loss of parking / traffic congestion) is outweighed by the wider benefits to the city, and
- o will contribute to the regeneration of the city.

COMMENT

The main considerations in the determination of this application are as follows:

1. Principle of development.
2. The principle of a tall building.
3. Design including whether the proposal would preserve or enhance the Old Portsmouth Conservation Area.
4. Highways impact.
5. Flood risk.
6. Residential amenity.
7. Nature conservation.
8. Economic benefits.

9. Sustainable Design and Construction
10. Other matters raised in representations.

Principle of development

Policy PCS9 of the Portsmouth Plan sets the vision for the Seafront area of the city stating that: 'new development will contribute to the revitalisation of the seafront, tourism and the wider regeneration strategy for Portsmouth'. The Seafront Masterplan SPD further expands policy PCS9 outlining a number of overarching aims for this area which are to: 'Increase the number of people using the Seafront year round by ensuring a wide range of experiences suited to a wide spectrum of age groups'; 'Realise the enhanced role that the Seafront could play in the city's economy by identifying opportunities for new attractions that bring life to the area during the day and into the evening'; and 'Deliver new, high quality buildings with a mix of uses that contribute to a vibrant local economy'. This document also sets out a number of objectives including: 'Ensuring that the design of new attractions and public spaces is distinctive and of a high quality, and that is sensitive to, and enhances, the character of that area'. This will however, be subject to consideration in other sections of the report.

The application site falls within the Old Portsmouth character area as identified in the Seafront Masterplan SPD. This area dates back to around 1180 and is the original settlement from which the city of Portsmouth grew. It has a strong maritime character with working boat yards present around the Camber area in particular. Whilst Old Portsmouth is now predominantly residential in character, the Camber remains a distinctive entity which has, over time, evolved from an area characterised by intensive storage and industrial uses associated predominantly with the waterfront, to an area which retains these waterfront uses on a smaller scale but which also accommodates a car park and has more of an open character. This proposal seeks permission for a mixed use development to facilitate the establishment of the BAR headquarters. This would incorporate a range of activities including yacht storage and assembly, storage, office accommodation, meeting room provision, training facilities and medical facilities. Importantly, it would also incorporate public viewing facilities, enabling both tourists and local residents to engage with BAR and be educated on the types of activities that are undertaken by the Americas Cup team. The proposed mix of uses would be consistent with the area's historic maritime character, diversify the range of waterfront uses and has the potential to significantly enhance the immediate and wider area whilst maintaining the distinctiveness of the Camber.

Policy PCS11 of the Portsmouth Plan deals with employment land within the city and states that: 'Sustainable economic development will be promoted by the provision of a flexible supply of good quality office, manufacturing and warehouse land and floorspace'. It outlines a number of locations where employment land will be provided and includes the 'Commercial Port' (Continental Port) as land which will be protected for uses that are directly related to the operational requirements of the Port. Whilst a number of representations have stated that this application is contrary to PCS11 (as the proposal is not directly related to the operational requirements of the Port and would result in the loss of employment land), this policy does not specifically designate the Camber as employment land. However, the Camber is considered to be an operational port in terms of the maritime activities that occur on site. As such, this proposal would be consistent with the existing maritime uses of the Camber and would not result in the loss of any employment land as designated by policy PCS11 of the Portsmouth Plan.

Having regard to the issues and policies outlined above and the wider character and existing uses at the Camber, it is considered that the proposed mixed use development would be acceptable in principle. Therefore, it is considered that the proposed development would not be contrary to the NPPF and policies PCS9 and PCS11 of the Portsmouth Plan.

Tall building

Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD (June 2012) identify a number of areas of opportunity for tall buildings within the city. A tall building is defined as any building

above 5 storeys and / or 20m in height. For this development, the applicant is seeking to construct a building of approximately 27m in height at its highest point, stepping down to approximately 15m in height at its lowest point. This section deals with the acceptability of the principle of a tall building in this location. Matters relating to the detailed design of the scheme and its impact in heritage terms will be dealt with in other sections.

The application site does not fall within one of the areas of opportunity for a tall building and there is therefore, a presumption against the construction of tall buildings in this location. This policy does not rule out the principle of tall buildings provided that an applicant can effectively demonstrate that the proposal has other merits that outweigh this general presumption. As such, the applicant has produced a Tall Buildings Statement accompanied by a series of Accurate Visual Representations (AVRs) to justify the appropriateness of a building of this height in the proposed location.

This proposal seeks to establish the BAR team headquarters in Portsmouth with the proposed building intended to fulfil three key functions: 1) The assembly of yachts for the racing team and an associated design studio; 2) A space to accommodate the training and welfare needs of the team; and 3) A visitor centre to provide educational opportunities for the general public. These functions have given rise to a number of unique locational requirements including; a waterside location; close proximity to marine and commercial activities; adequate land to accommodate a building of the proposed scale; and ease of access to the Solent.

In addition, throughout the design process, the design of the building has been governed by two unique operational requirements; a) The requirement for a 40m sail and yacht turning area; and b) The requirement for a 12m high clearance area for the assembly of yachts internally. The required 40m sail and yacht turning area would be located in the western half of the site to the north of East Street as this part of the site meets the operational requirements of the scheme particularly with regards to ease of access to the Solent. The requirement to have a 12m high clearance area for the assembly of yachts internally has governed the minimum height of the building. Whilst a building limited to 12m in height would provide adequate space for the assembly of yachts, it would not provide enough room to comfortably accommodate all of the other functions which would be required to match the aspiration of the applicant to establish a successful headquarters on the site. The other functions, which require floorspace in addition to the assembly area of the yachts, include offices, meeting rooms, a gym, simulator, medical facilities and a staff canteen for BAR staff. Furthermore, there is a desire to engage with the local and wider community through the provision of a visitor centre and associated viewing facilities. Having regard to this, a building with enough floorspace for the assembly of yachts only would not be considered a viable option as it would not achieve what the applicant is seeking to accomplish.

The application site meets all of the locational requirements as it is a waterfront location within an operational port land and is of a sufficient size to accommodate a building of the scale that is proposed. In addition, the areas of opportunity for tall buildings as outlined in both policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD were considered by the applicant but failed to satisfy all of the essential locational requirements of the scheme. Notably, a number of these locations are away from the waterfront, do not fall within close proximity to existing marine based industries and are constrained in terms of land availability. The areas of opportunity for tall buildings were therefore, deemed to be unsuitable for the proposed scheme.

In further consideration of the principle of a tall building on this site, the Camber is surrounded by water on three sides and appears as a standalone piece of land jutting out into Portsmouth Harbour. At one time, this was a highly industrialised area with buildings much higher than those which are present on site and within the wider Old Portsmouth area today. It is recognised that Old Portsmouth is a highly built up area characterised by relatively low lying residential dwellings. These contrast with both the taller buildings which can be found at the Gunwharf Quays complex on the opposite side of the Harbour and the Wightlink ferry terminal (with ferries frequently passing the site throughout the day and into the evening). Given the geographical

character of the site, and historical context, it is considered that the site could accommodate a tall building. Furthermore, the applicant is proposing that the 27m high building would be positioned in the eastern half of the northern section of the application site. It is considered that by positioning the proposed building in this section of the Camber, there would be an appropriate separation distance with the built up area of Old Portsmouth, notably Broad Street and Seagers Court which are in closest proximity to the application site. Whilst the proposed building would be considerably higher than any other building in the immediate vicinity, the retention of an appropriate separation distance is one component that would minimise the impact of this proposal.

To conclude on this issue of the principle of a tall building, notwithstanding the general presumption against tall buildings outside the specified areas of opportunity, it is considered that the site could accommodate a tall building and that in this instance, other material considerations as set out above would be sufficient to justify deviating from the policy. Therefore, it is considered that the proposed development would be acceptable when considered against the NPPF and policy PCS24 of the Portsmouth Plan.

Design including impact on heritage assets

This proposal seeks the comprehensive redevelopment of the Camber including the demolition of the existing buildings on site. The proposed scheme would comprise a mixed use development and would incorporate the construction of a building with a maximum height of approximately 27m in the north eastern section of the Camber, situated to the north of East Street. To the south of East Street, a new car parking area is proposed to serve the BAR headquarters. An associated pontoon would be positioned to the north of the Camber in Portsmouth Harbour. To the east of the main building, a triangular landscaped area would be established and would include six car parking spaces solely for use by BAR.

The main building would comprise a steel frame with reinforced concrete slabs and a polished concrete textured base. At 27m, the highest part of the building would contain the stairwell providing access to each level via a set of doors measuring approximately 2.8m in width by 2.4m in height. This stairwell would be extensively glazed and would have powder coated aluminium window frames in dark grey. From this point, the building would step down to approximately 25m in height and would be finished using powder coated aluminium composite cladding in dark grey. This section would also be extensively glazed with powder coated aluminium window frames in dark grey. From this point, the building would step down in three sections to approximately 22m, 18m and 15m in height respectively. Each of these sections would be finished using PTFE fabric stretched around the building frame. This would be backlit during the night time in multiple colours. At ground floor level, a set of four powder coated aluminium composite doors in dark grey and measuring approximately 12.6m in height at their highest point would be installed.

Chapter 7 of the NPPF sets out the overarching principles of good design. This chapter states that: 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'; 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'; and 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out in the NPPF requiring that new development should be of an excellent architectural quality; result in delight and innovation; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; protect and enhance the city's historic townscape and its cultural and national heritage, in particular its links to the sea; protect and enhance important views and

settings of key buildings across the sea, harbour and from Portsdown Hill and improving accessibility for all users.

As set out in the Tall Building section of this report, it is accepted that a building of the proposed scale is considerably larger than the predominant building heights of two, three and four storeys which characterise the wider Old Portsmouth area. On the opposite side of Portsmouth Harbour, building heights within the Gunwharf Quays complex exceed those that are found in Old Portsmouth. As previously stated it is considered that the Camber is a relatively isolated piece of land, remaining separate from the rest of the built up area. By siting the main building in the north eastern part of the Camber, the applicant has made the most effective use of the space that is available, separating it from built up area and removing the requirement to tie it in with the predominant built form in terms of height and scale. As a result, the proposed building would stand proud in its waterfront location, establishing a new landmark along this part of the Seafrost. Whilst the building is considerably larger than those typically found in Old Portsmouth, its relatively isolated location would minimise its overall impact on the wider streetscene.

The applicant has submitted initial details of the materials that would be used in the construction of the proposed building. These materials have been chosen for their aesthetic value and to ensure that the proposed building would maintain a high quality appearance within the harsh and exposed marine environment in which it is to be situated. A range of materials are present within the surrounding area, largely due to the highly diverse nature of Old Portsmouth. As such, there is no specific style which the building would be required to match. Of particular interest is the proposed use of PTFE fabric to form the external envelope of the building. This innovative material would provide a soft edge to the building giving it an elegant nautical appearance. The use of extensive glazing and PTFE fabric combined with its unique design would successfully reflect the high tech maritime use on-going within the building. In principle, the proposed construction materials are considered to be acceptable for this location however a condition requiring a full schedule and samples of external materials to be submitted and approved is considered to be necessary and reasonable if permission is granted given the scale and sensitive nature of the development.

The proposed building is considered to be of an excellent architectural quality with an innovative and unique design that would successfully reflect the nature of the proposed high tech maritime use. The curved form and smooth lines that would result from the application of the proposed translucent PTFE membrane would replicate the sails of a tall ship, ensuring that the building would be in keeping with the nautical character of the area. Such a bold and inspiring design in this highly prominent location would help to establish an iconic structure on the city's waterfront.

The application site falls within the Old Portsmouth Conservation Area and is located in close proximity to the Grade II Listed Bridge Tavern public house. Particular obligations fall upon the Council in determining any application which might affect a Grade II Listed Building and its setting or a Conservation Area. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, states that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regards to conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention will be paid to the desirability of preserving or enhancing the character or appearance of that area. In addition, Listed Buildings and Conservation Areas fall within the definition of a designated heritage asset for the purposes of the NPPF.

The NPPF (paragraph 132) states 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of 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 benefit that outweigh that harm or loss; or (paragraph 134) where the 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 securing its optimum viable use.

Old Portsmouth occupies a key location at the mouth of Portsmouth Harbour and is situated at the south-western corner of Portsea Island. Old Portsmouth began its life as a harbour settlement with the area around the Camber still used to this day by local fishermen and boat repairers. The site of the city's original settlement, Old Portsmouth is now a predominantly residential area. There are however, a range of other uses still operating within this area. Port related activity is a particular feature of the Camber area as well as the western shore of the Point. The architectural character of Old Portsmouth is diverse, mainly due to the extent of post war redevelopment. Historic elements, such as the Georgian townhouses and the medieval layout of roads and spaces are still evident although modern terraces and flats are now a more dominant feature of the townscape. In the south of the Conservation Area, further down Broad Street, a new development of townhouses, Spice Quay, is constructed in a style which attempts to reflect the vernacular style of Spice Islands historic built form with characteristic oriel windows and roof terraces maximising opportunities for views across the Solent. The significance of the conservation area is derived principally from its status as the earliest area of settlement in the city. When considered as a whole, architecturally, and in townscape terms it is engendered with a character that is typical of residential historic areas that pre date large scale industrialisation.

Its historic street pattern largely survives and it has a relatively tight urban grain. The typical height of buildings is between 3-4 storeys. Collectively the aggregated mass of each housing block in the area is considerable, however the buildings are, by virtue of their diverse architecture, read individually. For historic reasons, the character of the conservation area is diverse, and there are of course parts of it, including the proposal site, which do not share these attributes. In some parts, other tall and large buildings have been interposed into the streetscene.

Conservation area status does not rule out new development within an area and, as previously stated, the historic and on-going use of the Camber as operational port land in addition to the presence of a very large building on site in the recent past does demonstrate that this site is capable of accommodating a large building. However, it is considered that the proposed building would, due to its height, scale and massing, give rise to harm on the wider Old Portsmouth Conservation Area. This harm is considered to be less than substantial and the judgement that is therefore required is whether this less than substantial harm can be outweighed by other public benefits that would arise from the scheme.

Situated at the head of the peninsular, the significance of the Grade II Listed Bridge Tavern is derived from its age (early 19th century c.1806) and the Georgian character of the original historic element of the building. It cannot be regarded as a 'pristine' example of a building from this period as it has been subject to extensive alteration and remodelling through addition (with the benefit of a number of consents). These alterations have, to a significant degree eroded the character of the building. At present, the setting of this building is relatively open, as is characteristic of the wider Camber area. This emphasises the stand-alone presence of the building. Historically however, this has not always been the case. As recent as the mid-1980s, the western and southern elevations were enclosed at very close proximity by large and unattractive buttressed concrete walls extending to two thirds of the height of the building. The setting of this building was also impacted by an industrial style building whose footprint occupied a similar position to the proposal site but covered the entire northern element of the peninsula. The applicant has attempted to minimise the impact of the proposal on this heritage asset by locating the lowest part of the building in the part of the site closest to it. The highest part of the proposed building would be in the part of the site that is the furthest away from the Bridge Tavern. Given the proximity of the proposed building to the Grade II Listed Bridge Tavern (approximately 15m at its nearest point), it is considered that the proposal would have an impact on this heritage asset. This harm is considered to be less than substantial and due to the eroded

character of the Listed Building, this less than substantial harm can be regarded as modest. The judgement that is therefore required is whether this less than substantial harm can be outweighed by other public benefits that would arise from the scheme.

St Thomas's Cathedral is located at a significant distance away from the application site. The lantern of this Grade I Listed Building forms a medium / long distance element of the view from within and across the conservation area. This lantern is obscured by existing development in many parts of the conservation area in those areas where it is visible, its height and distinct form make it a noticeable and prominent feature of the town and roofscape of the south west corner of the city. The proposed development would remove the view of the lantern from parts of the Point, and the northern end of Broad Street. The Tall Building Statement submitted in support of the application provides an AVR (no.4) indicating that the loss of view would not be total. Depending on exact location within and progression through the area, views of the lantern are already obscured by existing development. It is also the case that future development (that has been consented on a different site) would further eliminate views of the cathedral from this part of the conservation area. Despite these observations the AVR confirms that the proposal would by virtue of its height, scale and mass intrude significantly becoming a very prominent foreground feature within the existing view of the lantern. Whilst harm would be caused, this would be considered to be less than substantial given the distance of this heritage asset from the application site. The judgement that is therefore required is whether this less than substantial harm can be outweighed by other public benefits that would arise from the scheme.

Having regard to the above issues, the judgement that is required is whether the less than substantial harm to the Grade II Listed Bridge Tavern, the Grade I Listed St Thomas's Cathedral and the Old Portsmouth Conservation Area that would arise from this proposal, could be outweighed by wider public benefits. It is important to emphasise that it is considered that the potential harm caused by the development is less than substantial and it is therefore, capable of being outweighed by the other public benefits that would arise from the scheme. The proposed mix of uses explicitly require a waterfront location in order to be carried out. These would be consistent with the maritime character of this area, significantly revitalising the Seafront by diversifying the offer for both tourists and local residents alike. Such a landmark building housing the proposed mix of high tech uses associated with the Americas Cup would result in significant economic benefits to the city in terms of job creation (further explored in the 'Employment' section of this report) over the lifetime of the development and in terms of the enhanced tourist offer over the lifetime of the Americas Cup team. Locating the proposed use here would ensure that the specialist skills associated with racing yacht manufacture and design would be retained within the UK in a key waterfront location and the stature that would be associated with a national sailing team locating in the city would support the aspiration of the city to maintain and enhance its role as the 'Great Waterfront City'. Having regard to these issues it is considered that on balance, the less than substantial harm to these designated heritage assets would be outweighed by the wider public benefits that would arise from such a scheme. As such, this proposal is considered to be acceptable in design and heritage terms in accordance with PCS23 of the Portsmouth Plan, Chapters 7 and 12 of the NPPF and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

A number of representations have raised concerns over the proposal to back light the PTFE fabric. Having regard to the importance and sensitivity of the site and potential impact to the amenity of local residents, it is considered that suitably worded planning condition should be imposed if planning permission is granted to control the final details, including level of illumination and hours of operation.

Highways impact

The NPPF states that: 'All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether; a) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; b) safe and

suitable access to the site can be achieved for all people; and c) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Policy PCS17 of the Portsmouth Plan states that: 'The council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network which will include; promoting walking and cycling and improved integration with other modes; and requiring travel plans from major new residential, business and retail development and schools'.

The applicant has submitted a Transport Assessment to examine the implications of the proposed development for the local highways network. This has been considered by the City Council's Highways Engineer who concludes that: 'Overall the Highway Authority is comfortable with the approach to the assessment. The scope of the Transport Assessment is sufficiently robust given the scale of the proposal'.

A number of representations have raised concern regarding the following issues; a) a loss of parking; b) traffic generation; c) public rights of way; and d) a lack of cycling provision for visitors.

An inventory survey and a number of parking beat surveys were undertaken to inform the submitted Transport Assessment. These were undertaken for the Camber Quays, Broad Street and Grand Parade car parks in addition to all parking streets in the vicinity of the site at 10:00, 15:00 and 21:00 on Thursday 3rd May and 13:00 and 20:00 on Saturday 5th May. These surveys indicated that the Camber Quays car park is poorly occupied. Whilst occupation of this car park increases during the weekend, these were still less than a third of the overall capacity. These surveys indicate that the Broad Street is used more heavily than the Camber Quays car park, particularly during evenings and weekends. It was recorded that 82% of parking spaces were occupied during the Saturday survey at 10:00. The Grand Parade car park appears to be well utilised during evenings and weekends and the on street permit holder only bays (which provide parking for non-permit holders for a 2 hour period) appear to be well utilised at all times. The Camber Quays car park will be lost due to the relocation of K.B Boats from the application site. The Broad Street and Camber Quays car parks in addition to the on street provision would however remain to meet the need for visitor parking.

The southern section of the application site located to the south of East Street would contain the proposed BAR parking area. This is in addition to a parking area containing 6 spaces within the proposed landscaping area explicitly for use by BAR employees. The parking area to the south of East Street would comprise 65 car parking spaces including 3 disabled parking spaces. It would appear that spaces 55-62 and the three proposed disabled car parking spaces would encroach onto the public highway along East Street as they would be situated on an existing footway. Furthermore, parking spaces 41-54 encroach onto the public highway along Trimmers Court, an area which is currently used to provide a row of pay and display parking spaces. A stopping up order would be required to enable this to happen. There would be some time delays associated with this process. This is a separate process that would have to be carried out if planning permission were granted and as such, this does not affect the planning decision. A suitably worded planning condition requiring the provision and retention of the proposed car parking is considered to be necessary.

The applicant has satisfactorily demonstrated through the submitted Transport Assessment that, in terms of trip generation and vehicular movements, the proposed development is unlikely to materially affect the operation and capacity of the local highway network. This addresses the concerns that have been raised with regards to traffic generation.

There are no formally designated public rights of way on this site however access is available to all parts of the Camber and as such, these can be considered as informal rights of way as it is

likely that these have been in use for more than 20 years. Public access would be retained around the perimeter of the Camber following the proposed development enabling members of the public to continue to walk around the Camber if they wish. This addresses the concerns that have been raised with regards to public rights of way.

There is no dedicated cycle route direct to the Camber however the site does benefit from an established cycle route located in close proximity to the site running from Pembroke Road, along Lombard Street and towards Gunwharf Road. This is demonstrated in the PCC Walking and Cycling Map submitted in Appendix A of the Transport Assessment. Furthermore, Broad Street is a cul de sac with sufficient room for cycles. In terms of walking, the site is located in close proximity to the Millennium Walkway, a key walking route within this part of the city. Internally, Manchester cycle racks would be provided at ground floor level with the capacity to accommodate 30 cycles. This would be accessed from the eastern side of the building and would serve both staff and visitors to the site. A suitably worded planning condition requiring the provision and retention of the proposed car parking is considered to be necessary.

The application site is located in an area with relatively poor access to public transport. The nearest bus stop is located at the Broad Street Terminus from which two services operate on two hourly frequencies. This would not be sufficient to serve the needs of staff members travelling to the Camber and is reflected in the Transport Assessment which estimates that only 5% of employees would use public transport to travel to work. This Transport Assessment does however, state that it is envisaged that a third of staff journeys to work would be undertaken using other sustainable means of transport with a further 7% undertaken through car sharing. This is supported by the submitted Travel Plan. It is considered that the proposed car parking and sustainable means of transport would be sufficient to serve the proposed development. A suitably worded planning condition requiring the implementation of the submitted Travel Plan is however, considered to be necessary.

Having regard to the nature of the proposed uses, the proposed parking provision and the availability of on street parking and nearby public car parks at Broad Street and Grand Parade, it is considered that the proposal would not give rise to a significant increase in traffic or demand for parking that would be likely to adversely affect highway safety. The Local Highways Authority raises no objection to this application.

Flood risk

As detailed in the consultation response from the Environment Agency (EA), the proposed development falls within Flood Zone 3 of the Environment Agency's Flood Map for Planning and is at primary risk of flooding from the sea. The proposed use can be considered to be water compatible and is therefore appropriate for this location in accordance with the NPPF. The Flood Risk Assessment (FRA) details a number of measures to help manage the flood risk at the site and these can be secured by an appropriately worded planning condition and restricting use of the ground floor to yacht / sail assembly / storage only on a water compatible use.

Residential amenity

Quay House is a four storey block of residential apartments located to the west of Trimmers Court and to the north of Seagers Court. This is the closest residential property to the application site. As a result of this proposal, Quay House would face the proposed BAR car parking area located to the south of East Street and on the opposite side of Trimmers Court. It would be orientated to the south west of the main BAR building, separated from this by the proposed yacht and sail turning area. Whilst the highest part of the main BAR building would be located on the part of the site closest to Quay House, it would remain separated from this nearest residential building by a distance of approximately 60m. This separation distance, combined with the buffer provided by the proposed sail and yacht turning area, would minimise the impact of the proposal on the residential amenities of the occupiers of Quay House. This would ensure that the proposed development would not give rise to any significant loss of light,

any increased overlooking of these neighbouring buildings or have an overbearing relationship with them. As such, the proposed scheme is considered acceptable in terms of its impact on residential amenity in terms of overshadowing, loss of lights and its relationship to those in Quay House.

A number of representations have been received from residents of Gunwharf Quays. Predominantly, these are based on the grounds that the proposed building would be harmful to the residential amenities of the residents of Gunwharf Quays in terms of loss of light, overshadowing, overlooking and increased noise (from the activities associated with the building of yachts and the building itself causing noise from the Wightlink Ferries to 'bounce back' into the existing residential properties). A significant separation distance would remain between the proposed building and the residential dwellings within the Gunwharf Quays complex, notably at its closest approximately 105m to Arethusa House, 174m to Blake House (albeit Arethusa House is between Blake House and the Camber) and 118m to Perseus Terrace, those properties which are closest to the Camber. This would ensure that this proposal would not give rise to any adverse impacts on the residential amenities of the occupiers of these properties by virtue of loss of light, overshadowing or overlooking. With regards to increased noise disturbance, planning permission is being sought for uses within class B1 which by definition do not give rise to significant noise and disturbance. The Town and Country Planning Use Classes Order 1987 (as amended) specifically states that uses which fall within class B1 are of a type of use 'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'.

A number of representations have been received from residents of the properties along Broad Street and to the south of Seagers Court, notably Mariners Court, Spinnaker Quay, Spice Quay and Captains Row. Predominantly, these are based on the grounds that the proposed building would be harmful to the residential amenities of the residents of these properties in terms of loss of light, overlooking, loss of view and increased noise (both from the development itself and by the relocation of KB Boat Park). In terms of the development itself, a significant separation distance would also remain between the application site and these residential properties (approximately 55m to Mariners Court, 76m to Spinnaker Quay, 98m to Spice Quay and 120m to Captains Row) to ensure that this proposal would not give rise to any adverse impacts on the residential amenities of their occupiers of these properties by virtue of loss of light. With regards to increased noise, the issue of the proposed B1 uses has been addressed above. The issue of the relocation of KB Boat Park is addressed in the section entitled 'Other matters raised in representations'.

As set out above number of representations also raised concern that the proposed building would result in a loss of view from a number of properties in the surrounding area. Loss of view is not, however, a material planning consideration and would not represent a reason for refusal.

In addition to the issues raised above, a number of representations also raised concern regarding light pollution from the proposed backlighting of the building during the night time. Having regard to the importance and sensitivity of the site and potential impact to the amenity of local residents, it is considered that suitably worded planning condition should be imposed to control the final details, including level of illumination and hours of operation.

The issue of detrimental impact on local residents due to increase in traffic generated by the proposal, increased demands for parking and the loss of public parking are addressed in the highways section of this report.

Nature conservation

The site is located within close proximity of the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and

Countryside Act 1981 place a duty on the Local Planning Authority to ensure that all development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species.

Whilst the proposal would result in a significant increase in building bulk on this area of the Camber, it is located within operational port land. The proposal is not therefore, likely to result in a significant intensification of any uses which are likely to cause any significant adverse impacts on nearby nature conservation interests. The application has been considered by Natural England who confirm that, if carried out in accordance with the submitted drawings, the development is not likely to have a significant effect on the interest features for which Portsmouth Harbour has been classified and will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been designated.

Economic benefits

The site falls outside of the allocated employment areas identified in Policy PCS11 of the Portsmouth Plan, however the proposal will make a positive contribution to the city in terms of job creation, both directly through employment within the BAR team and indirectly via the associated supply chain. The development will house high tech boat building, testing & maintenance, training & sports science, research & design, support services and a visitor centre, with the new B1(a), (b) & (c) uses on the site in line with the requirement to provide 243,000 sqm of new employment floorspace within the city by 2027.

There are significant opportunities for job creation described by the applicant. The construction of the team base would see between 20-40 highly skilled UK marine industry jobs created (incorporating sailors, designers, sail making, hull & spar construction, software) that could otherwise be lost abroad to other America's Cup campaigns. A further 30-40 jobs would be created in wider roles supporting the team. Apprentice opportunities and training schemes would be in place to raise skills and increase employment opportunities in line with policy PCS11 and the SPD. Additional employment opportunities will be apparent during construction (100 NVQ Level 2 and above roles during the 12 month timetable) and also post construction. It is anticipated that if the BAR headquarters are located at the Camber, World Series events would be hosted in the area which not only would create approximately 320 temporary event staff during World Series Events in 2015 & 2016 but is also likely to boost the visitor economy within the city and have a positive impact on the image of the city, raising its profile both nationally and internationally.

Sustainable Design and Construction

The City Council's sustainable design and construction standards for non-residential development are set out in Policy PCS15 and expanded upon in the Sustainable Design and Construction SPD. The SPD states that "Non-residential developments which involve the construction of more than 500m² of new floorspace must achieve a BREEAM (Building Research Establishment Environmental Assessment Methodology) level of 'excellent' from 2013 onwards". The applicant has submitted BREEAM Assessment Report which sets out a number of measures that are proposed for the scheme. In terms of building design, the proposed scheme would incorporate low carbon energy consumption through measures including LED lighting, heating and cooling in the design, building renewables, low carbon energy generation, rainwater harvesting for use in boat wash down and sanitation and use of natural light where possible. A suitably worded planning condition requiring the achievement of BREEAM 'excellent' is considered necessary.

Other matters raised in representations

A number of representations have raised the issue of why the relocated KB Boats racking and facility to the south of East Street has not been subject to a planning application like the BAR facility has. The land in question is port authority land and under The Town & Country Planning

(General Permitted Development) Order 1995 Schedule 2, Part 17 'Development by Statutory Undertakers', Class B, the port authority and lessees are able to carry out works and development related to dock , harbour and water transport undertakings without the need for planning permission. The BAR headquarters is a mixed use scheme including education, training, corporate entertainment and assembly which does not fall within port related permitted development. The Local Planning Authority has historically taken the view that the racking used by K.B Boats does not require planning permission. It remains the view that the new racking does not require planning permission.

Concerns have been raised in representations that inadequate consultation has been undertaken for this application. Prior to the submission of a formal planning application, the applicant undertook a public event to introduce the proposed scheme to the general public. This was not a statutory requirement and was something that was undertaken at the discretion of the applicant. Section 13 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) states that: 'In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development, the application shall be publicised in accordance with the requirements of paragraph (7) and by giving requisite notice - (a)(i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (ii) by serving the notice on any adjoining occupier or landowner; and (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated'. In accordance with these requirements, this proposal was advertised for a period of 21 days expiring on the 30th May 2014. This was done through the display of site notices, neighbour notification letters and an advert in 'The News', a local newspaper within the Portsmouth area.

Another issue that has been highlighted in the representations is the lack of consideration of other potential sites to accommodate the proposed use. As discussed in the 'Tall Buildings' section, other locations (within the areas of opportunity for tall buildings as outlined in policy PCS24 and the Tall Buildings SPD) were considered however did not possess all of the unique locational requirements for the scheme. They were therefore, deemed to be unsuitable.

Conclusion

In conclusion it is considered that the principle of development is acceptable. Whilst the site is not identified as an area of opportunity for a tall building given the need for a water side location and the lack of any other areas of opportunity adjacent to the water front, the geographic context of the site and the historic context it is concluded that sufficient weight should be given to these material considerations to justify departing from adopted policy. It is acknowledged that the proposed development will have less than substantial harm to the heritage assets, however it is considered that the significant economic benefits to the City that would be created by the development and the presence of BAR within the City outweigh the less than significant harm to the heritage assets.

Overall it is considered that this is a scheme that can be supported and it is therefore recommended that planning permission should be granted.

RECOMMENDATION I Conditional Permission

RECOMMENDATION II: That delegated authority be granted to the City Development Manager to add/amend conditions where necessary.

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site location plan 14.001.101; Site plan 14.001.102A; Site managem't plan 14.001.103A; Grd/flr 14.001.104A; Mezz1 14.001.105A; Mezz2 14.001.106A; F/flr 14.001.107A; 2nd/flr 14.001.108A; 3rd/flr 14.001.109A; Roof plan 14.001.110A; Elev'ns 14.001.111A & 14.001.112A; Pontoon 001-01; and Landscape plan M241-200-P1.
- 3) No construction shall commence until there has been submitted to and approved in writing by the local planning authority:-
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) No construction shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 1 in 100 year 20% critical storm will not exceed the run off from the site in its current form following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 5) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Such Salinger Peters Consulting Engineers (Doc. Ref: 31672, dated 30.4.14), and the following mitigation measures detailed within the FRA:
 - Finished floor levels are set no lower than 3.6m above Ordnance Datum (AOD).The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
- 6) The ground floor of the building hereby permitted shown on the approved plans for yacht and sail lay-up with associated container storage shall only be used for the assembly and associated storage and repair/maintenance of yachts and their components parts; at no time shall this area of the ground floor be used for any other purposes without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.
- 7) Before any part of the development is first brought into use the 68 car parking spaces and access thereto shown on the approved site layout plan, including not less than 3 'disabled' parking bays, shall have been surfaced (in materials/finishes shown on the approved schedule pursuant to condition 10), marked out and made available for use; and these parking spaces shall thereafter be retained.

- 8) Before any part of the development is first brought into use the facilities for secure/weatherproof storage of bicycles (for staff) shown on the approved plans shall have been provided and made available for use; and the approved bicycle storage facilities shall thereafter be retained.
- 9) Before any part of the development is first brought into use the facilities for the storage of refuse/recyclables shown on the approved plans shall have been provided and made available for use; and the approved refuse/recyclables storage facilities shall thereafter be retained.
- 10) No construction shall commence until a schedule of all external materials and finishes to be used for the proposed building and any alterations to areas of hardstanding around the building/car parking has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 11) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum level of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 03, which evidence shall in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.
- 12) Before any part of the development is first brought into use, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.
- 13) No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that shall have been submitted to and approved in writing by the Planning Authority.
- 14) No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that shall have been submitted to and approved in writing by the Planning Authority.
- 15) Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
- 16) Development shall not commence until there has been submitted to and approved by the local planning authority a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality. Following substantial completion of the proposed building shell, and prior to occupation of the development, a report to assess the impact that the development may have upon TV/radio signals in the locality shall be submitted to and agreed in writing with the local planning authority. If the report identifies that there would be a significant adverse effect on TV/radio signals caused by the development then a detailed scheme for the mitigation of the adverse effect shall be submitted to and approved by the local planning authority in writing prior to the occupation of the development. The approved scheme shall be implemented within two months of the approval of details or within any period of time agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

17) The measures contained within the framework Travel Plan (prepared by BAR, dated April 2014) shall be implemented in accordance with the approved details and maintained thereafter, unless otherwise agreed in writing with the Local Planning Authority (to include submission of contact details of the Travel Plan Coordinator prior to first occupation and within 6 months of occupation, details of the baseline travel survey to be submitted and agreed in writing with the Local Planning Authority, to enable review of targets). Within 12 months of occupation of the development a Final Travel Plan with monitoring report shall be submitted to and agreed in writing with the Local Planning Authority to identify achievement of the targets associated with the Travel Plan for the development.

18) The development shall be carried out in accordance with the approved Construction Management Plan (CMP) produced by Allied Developments Ltd (Revision dated 3.4.14). The development shall be carried out in accordance with the approved Construction Management Plan and shall continue for as long as construction/demolition is taking place at the site, unless otherwise agreed in writing by the Local Planning Authority.

19) No construction shall commence until details of (a) the proposed means of foul and surface water sewerage disposal and (b) the measures to be undertaken to protect any existing public sewers infrastructure, have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved details.

20) Prior to the installation of the illumination scheme hereby approved, details of the light sources and the light intensity footprint and spillage shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

21) Prior to the development taking place, a scheme for protecting residential premises from noise generated by the proposed development shall be submitted for approval by the local planning authority. The scheme shall demonstrate that the noise rating level, as defined in BS4142, from the operation of all such plant and equipment expressed as an LAeq,T, one metre from the facade of the nearest residential development, will be less than 3dB above the measured background noise level expressed as an LA90 over one hour representative of the quietest period of a typical week. The reference time T shall be 1hr for daytime operation (08:00 - 18:00).

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
 - (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

- 4) To prevent the increased risk of flooding, both on and off the site, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 5) To reduce the risk of flooding to the proposed development and future occupants, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 6) To facilitate development which specifically requires a harbourside location and represents a water compatible use but resist inappropriate development that fails to demonstrate specific requirements for harbourside access or a water compatible use, having regard to the sensitive location, risk of flooding, availability of parking to serve unfettered B1 business use at the site, other suitable employment sites across the city and competing maritime interests of different users of The Camber, to accord with policies PCS12, PCS17 and PCS23 of the Portsmouth Plan.
- 7) To ensure adequate provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) To ensure that adequate provision is made for cyclists using the premises and to promote alternative modes of transport to the private car, in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 9) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 10) To secure the highest design quality for the building appropriate for this prominent site and to preserve or enhance the character and appearance of the 'Old Portsmouth' Conservation Area and preserve the setting of listed buildings, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 12) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 13) To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets, in the interests of protecting and/or conserving evidence of the City's early heritage and development in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations, in the interests of protecting and/or conserving evidence of the City's early heritage and development in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 15) To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, in the interests of protecting and/or conserving evidence of the City's early heritage and development in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 16) To protect the occupiers of adjoining and nearby properties within the vicinity of the site from adverse impact on TV/radio reception, to accord with policy PCS23 of the Portsmouth Plan.

17) To discourage the unnecessary use of cars and facilitate and promote other means of travel, in accordance with policy PCS17 of the Portsmouth Plan.

18) To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment, as far as practicable, during works of demolition/construction on the occupiers of adjoining and nearby properties, in accordance with policy PCS23 of the Portsmouth Plan.

19) To reduce the risk of flooding to the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

20) In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

21) In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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City Development Manager
11th June 2014

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