
NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 24 JUNE 2015 AT 5PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 0239283 4060

Email: jane.didino@portsmouthcc.gov.uk

Planning Committee Members:

Councillors Aiden Gray (Chair), Stephen Hastings (Vice-Chair), Jennie Brent, Ken Ellcome, David Fuller, Colin Galloway, Scott Harris, Hugh Mason, Sandra Stockdale and Gerald Vernon-Jackson

Standing Deputies

Councillors John Ferrett, Margaret Foster, Hannah Hockaday, Suzy Horton, Lee Hunt, Donna Jones, Lee Mason, Robert New, Darren Sanders, Linda Symes 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 to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826

AGENDA

- 1 Apologies
- 2 Declarations of Members' Interests

- 3 Minutes of the Previous Meeting - 3 June 2015 (Pages 1 - 6)**
- RECOMMENDED that the minutes of the Planning Committee held on 3 June 2015 be approved as a correct record and signed by the Chair.
- 4 Updates from the City Development Manager on Previous Planning Applications**
- 5 15/00788/PAMOD - Request to modify legal agreement attached to planning permission ref 09/00643/OUT relating to land at 10 St James's Street Portsea (Pages 7 - 12)**
- 6 15/00787/PAMOD - Request to modify legal agreement attached to planning permission ref 11/00961/FUL relating to land at 61 Earlsdon Street Southsea (Pages 13 - 16)**
- 7 14/00402/FUL Brunel House/ Havant Street Car Park, 42 The Hard, Portsmouth - construction of a forty storey tower to include a halls of residence (class C1) for students comprising 454 study/ bedrooms, 313 residential flats, 877 SQM of commercial floorspace for use as class A1 shop of A2 financial/ professional services or A3 cafe/ restaurant or A4 drinking establishment or A5 hot food takeaway and 0 SQM for use as class B1 office or taxi office and construction of a part 7/part 6 multi storey car park on Havant Street car park aned former ambulance station sites, after demolition of Brunel House, Victory Public House, 'City Wide Taxi's ' building and former ambulance station. (Pages 17 - 68)**
- 8 15/00293/FUL - St John's College 36-40 Grove Road South, Southsea PO5 3QW - formation of new car park, accessed via The Thicket, including new entrance gates, wall and pillars after removal of part of the external wall.**
- 9 15/00502/FUI - Cavendish House, 18 Victoria Road South, Southsea PO5 2BZ - change of use from purposes within class D1 to a 15 bedroom halls of residence (within C1) and associated off-road parking (re-submission of 14/01665/FUL)**
- 10 15/00572/HOU - 53 Goldsmith Avenue, Southsea PO4 8DU - installation of dropped kerb (re-submission of 14/01015/HOU)**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 3 June 2015 at 5.00 pm in The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Stephen Hastings (Vice-Chair)
Jennie Brent
Ken Ellcome
David Fuller
Colin Galloway
Scott Harris
Sandra Stockdale
Gerald Vernon-Jackson

Also in attendance
Councillors Robert New and Luke Stubbs

Welcome

The Chair welcomed members of the public and members to the meeting. As Councillor Gray was unable to attend this meeting, Councillor Hastings as Vice Chair explained he was chairing the meeting today.

Guildhall, Fire Procedure

The Chair, Councillor Hastings, explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

49. Apologies for Absence (AI 1)

Apologies for absence had been received from Councillor Aiden Gray and Councillor Hugh Mason. Councillor John Ferrett was in attendance for Councillor Gray and Councillor Darren Sanders was in attendance for Councillor Hugh Mason.

50. Declaration of Members' Interests (AI 2)

Councillor Vernon-Jackson declared a prejudicial interest in planning applications 1, Roko Health & Fitness Club and 2, Darby House, as he had had discussions on both applications in a previous role. He left the room before these applications were discussed.

Councillors Ken Ellcome and Scott Harris declared personal interests in planning application 1, Roko Health & Fitness Club, as they are both season ticket holders at Portsmouth Football Club.

Councillor Darren Sanders declared a personal interest in planning application 1, Roko Health & Fitness Club, as he had previously given money to Portsmouth Football Club.

51. Minutes of Previous Meeting - 29 April 2015 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the meeting of the Planning Committee held on 29 April 2015 were agreed and signed by the chair as a correct record.

52. Updates from the City Development Manager on previous planning applications (AI 4)

There were no updates.

53. Dates and times of Planning Committee meetings for 2015/16 municipal year (AI 5)

The committee noted the dates of Planning Committee meetings for the 2015/16 municipal year. These were agreed as:

24 June
22 July
19 August
16 September
14 October
11 November
9 December
13 January 2016
3 February
2 March
30 March
27 April

All meetings are on Wednesday and will start at 5pm.

(Councillor Vernon-Jackson left the meeting at this point due to his prejudicial interest in the subsequent planning applications).

54. 14/01523/FUL - Roko Health & Fitness Club Copnor Road, Portsmouth PO3 5EW - Construction of up to 3 metre high fencing with 5 metre high netting above to enclose 2 additional football pitches on land to the East of ROKO/Portsmouth FC Training Ground; Siting of 2 storage containers and water storage tank (AI 6)

The City Development Manager's supplementary matters report set out that a representation has been received from Penny Mordaunt, MP for Portsmouth North noting she has received representations from local residents both for and against the proposal. The representation was attached to the supplementary matters list. Three

additional objections have been received to the application, as have seven additional representations in support of the proposal.

A deputation was made by Mr Colvill, objecting to the proposal. Mr Colvill also spoke on behalf of Mrs Grant. Their points included:

- He felt that Policy PCS13 which does not require protected open space to be publicly accessible was absolutely wrong.
- He referred to the Council's core strategy and references within this stating that it is increasingly important to protect the city's open spaces and natural Environment, and asked why the Council would want to reduce this by approving this application.
- Parks and open spaces should be open to all therefore putting in fencing is wrong.
- Portsmouth Football Club has advised they would install CCTV on the footpath however this does not prevent crime.
- Existing pitches are suitable for football and are regularly used for this.

A deputation was made by Mr Slingsby, objecting to the proposal whose points included:

- Portsmouth is the second most densely populated city after London so protected open space is essential.
- Following the fences being built for the 5 a side pitches at Roko, residents were assured there would be no more development on the site.
- There is now 35m left of open view at ground level.
- The effect on the local residents will be huge as the fields are currently used by a many for sports, dog walking etc.

A deputation was made by Mrs Hill, objecting to the proposal whose points included:

- Objects to the application as it means the area will purely be used for football, which is not the only thing people are interested in and they would prefer for the fields to remain open for other activities.
- Portsmouth Football Club hardly uses the pitches already in place.
- The narrowing of pathway to Hilsea station will cause a health and safety risk to people walking to and from the station.

A deputation was made by Mr Garnett, objecting to the proposal. He felt that the open space is a valuable amenity and fears that if the application is approved, this will be lost forever and it will make the area less attractive.

A deputation was made by Councillor Robert New as ward councillor. His points included:

- Disappointed as it seems that little progress has been made since the application was before the committee in February.
- If this application was approved it would be to the detriment of the local community.
- Concerns of safety with people using the pathway to Hilsea station as the pathway would be enclosed creating a 3-4 metre corridor and if anyone encounters an incident there will be no way to escape . He was heartened that PFC have said they will install CCTV cameras as he had explored

whether PCC could install cameras that would be linked to the police, however there was currently no budget for this.

- When PFC had initially approached the Leader to discuss this it had not been advised that the pitches would be caged off and it was assumed that the pitches would remain as open space for the public to use.
- Community use agreement still would not benefit the local community.

A deputation was made by Mr Saunders, the applicant's agent. His points included:

- £250,000 invested in pitches and they are integral to the future of PFC.
- Since the application had been deferred in February, the club had met with local residents and following concerns had agreed to add hedge planting to screen the containers and agreed to install CCTV to enhance security.
- The CCTV would be monitored by the clubs current setup and would be 24 hour surveillance.
- The application would have no impact on parking in the area.
- The open mesh fencing would maintain a sense of openness.
- Will benefit the local footballing community.

A deputation was made by Ms Martin of Pompey in the Community, on behalf of the applicant. Her points included:

- The community use agreement requested by Sports England is being drafted and they are working with them to ensure all parties are happy.
- Health development and skills development is key.
- It is intended that the pitches will also be used by disabled and special needs teams including the amputee football team. Also for walking football and the women's and girls football programme which are all funded by Sports England.
- Evidence to show that well-structured activities such as those planned will make a huge impact and can help to reduce anti-social behaviour.

Members' Questions

A question was raised about the effect of the proposal on the existing cricket pitch. Officers advised that the plans had been adjusted so that the layout of the pitch did not need to be changed; therefore the initial objection from Sports England had been withdrawn. In response to a question regarding whether a condition could be added if the application were to be approved, to prevent any advertising boards being attached to the fencing, officers advised that a condition could be added that the fence must be installed in accordance with the drawings submitted with the application. Officers confirmed that the letters of support and objection were from a mix of local and other residents. Officers were asked to comment on the issues relating to the size of the proposed pitches, further expansion and light pollution to houses in Wesley Grove raised in the letter from Penny Mordaunt. Officers advised that one of the pitches would be a full size football pitch measuring 60m x 95m and one would be slightly smaller measuring 60m x 80m. Officers were not aware that the club are planning on expanding in the future, however if there were any future plans they may require the submission of a further planning application if additional fencing was required or through a separate process relating to the disposal of the land if any additional land was owned by the Council. This planning application did not include lighting for the pitches so there would be no light pollution to properties.

In response to a question, there was no requirement for the council to consult with Network Rail as the pathway is on Council owned land and the Network Rail boundary is on the other side.

Members asked how often the pitches would be used by the football club. The Chair invited the applicant to reply who advised that there were plans to use the pitches every day apart from Wednesday's. In response to a question whether Community Infrastructure Levy (CIL) money could be used to improve safety, officers advised that CIL money was for infrastructure only however there is no CIL money available. In response to concerns raised about the safety of users of the footpath, officers advised that the planning officer had taken into account the nature of the proposal, the nature of the fencing and the existing lighting and it was felt that there would be no additional risk to users of the path.

With regard to protected open space being open to the public, officers advised that some of the green infrastructure in the city is publicly accessible however there is some which is not although this still has a key role to play. With regard to the issue of the land being leased to PFC, Legal advice was given by the Senior Solicitor (Planning). She advised that under the Local Government Act 2000 the Executive and Regulatory Functions must be considered separately. Therefore the issue of appropriating the land so that it could be leased would be considered by the Executive at a separate meeting and following an advert being placed in the press for two weeks. In deciding whether to proceed with the appropriation, the portfolio holder would be obliged to take account of any responses, comment and objection received in response to the advertisement.

Officers advised the committee that they must make their decision based on whether the proposed fencing would cause a detrimental impact on residents.

Members' Comments

Members were sympathetic to the concerns raised by residents however felt that there was no planning reason to refuse the application. Members felt that it was important Portsmouth Football Club consult with local residents when finalising the community use agreement. Officers confirmed that the draft condition relating to the community use agreement would require it to be approved by the Council before development could proceed.

RESOLVED that conditional permission be granted subject to the conditions outlined within the City Development Managers report and the addition of the following condition:

4) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and/or re-enacting that Order with or without modification), the fencing hereby permitted shall not be altered, improved or added to without the express grant of further specific permission from the Local Planning Authority for that purpose.

Reason: To maintain views through the site in the interests of amenity and the safety of users of the adjacent footpath/cycle way in accordance with policy PCS23 of the Portsmouth Plan.

55. 15/00425/REM - Darby House Skye Close Portsmouth PO6 3LU - Application for the approval of Reserved Matters in respect of the appearance, scale and landscaping relating to the construction of 8 dwellings with associated car parking approved under outline application 13/00553/OUT (AI 7)

The City Development Manager introduced the report.

A deputation was made by Mr Trickett, objecting to the proposal whose points included:

- Does not object to the development in its entirety; however he objects to the relocation of the two parking bays to opposite his driveway in Orkney Road.
- The road is very narrow and he currently needs to reverse into his driveway. If there were two cars parked in the proposed parking bays opposite, this would make it very difficult for him to park and would need to mount the kerb.
- Cars parking in the bays would no doubt use his driveway to turn around in since Orkney Road is a dead end.
- Is it possible for the spaces to be relocated or removed?

A deputation was made by the applicant, Mr Wawman whose points included:

- The development is in keeping with the existing character of the area.
- There are now more off street parking spaces proposed and the highways department raised no objections to the development.
- Willing to extend the width of the drop kerb should it cause a problem parking for the properties in Orkney Road.

Members' Questions

In response to a question regarding one of the objections being that a three bedroom property was out of keeping in the area, officer advised that there is only one three bed dwelling proposed on the development and this would not be out of keeping with the estate.

Members' Comments

Members felt it would be sensible to widen the drop kerb as suggested by the applicant and officers advised this would be a matter for the applicant and Mr Trickett to discuss outside of the meeting.

RESOLVED that the application be approved.

The meeting concluded at 6.40 pm.

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Signed by the Chair of the meeting

Agenda Item 5



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: 15/00788/PAMOD
Request to modify legal agreement attached to planning permission ref 09/00643/OUT relating to land at 10 St James's Street Portsea

Report by: City Development Manager

Wards affected: Charles Dickens

Key decision: No

Full Council decision: No

1 Purpose

The purpose of the report is for Members to consider the applicants request to modify the planning obligation associated with planning permission ref 09/00643/OUT, and completed on 8th December 2009, in relation to the period of the summer vacation during which only students may occupy the accommodation (in accordance with the current terms of the planning agreement).

2 Recommendations

That the agreement be varied (within three months of the date of the Committee's decision) so that during academic terms only students may occupy the accommodation (as now) and at all other times the accommodation must be used as temporary residential accommodation for periods not exceeding two months in the case of any individual resident so occupying any of the accommodation at such times.

3 Background

The owners/operators of two sites for halls of residence branded 'Unilife' providing term-time accommodation at 61 Earlsdon Street and 10 St James's Street implemented permissions in March 2012 and December 2009 respectively. Both permissions were subject to legal agreements containing, amongst other things, clauses restricting the use and occupation in the halls of residence for no purpose other than as residential accommodation for students during their period of study.

In the adopted Student Halls of Residence Supplementary Planning Document the standard provisions seek to secure that "*During University of Portsmouth Academic Terms not to use nor permit or allow the use of any of the <specified number> study/bedrooms in*

the Halls of Residence for any purpose other than as temporary residential accommodation for a Student during his or her period of study".

The same 'Unilife' developer secured planning permission on 22 Middle Street for a proposed halls of residence, in 2013. The development is restricted to use as specialist residential accommodation for students by legal agreement but includes provision for limited and temporary 'unrestricted' (non-student) occupation outside of term time.

The applicants' agent accompanying letter includes the following comments: *"The ability to make student accommodation at St James's Street available to provide temporary accommodation for non-students and use out of term time to support events such as conferences, seminars and a whole range of cultural attractions would (as at Middle Street) contribute to the wider local economy of the City and business community (through investment and spend), including leisure and tourism. This could include events hosted or operated by the University."*

4 Representations

One representation has been received. Whilst it comments generally about the quality of construction on a very tight site "However I am very disappointed in the strong yellow colour of the finish of the structure. The detailed original design agreed with your planning and conservation officers called for a white structure over a small brick plinth."

This approved white finish 'colour' for the new building complements the adjoining award winning University Portland building designed by the late Sir Colin Stansfield Smith and Hampshire CC Architects Department. The strong yellow colour prevents the intended composition and it is considered to do nothing for the streetscape.

In the representation it suggests if the City is minded to extend the buildings use in the manner of this application which would be assumed to increase its overall profitability, in return for the amendment to the planning approval the owners should undertake to repaint the building in a white finish, before the new use can be implemented.

The building has been finished in a 'through colour' render but there is now precedent in the City for the redecoration over such finishes using the appropriate spirit based paints, manufactured by national paint companies, such as the former Horseshoe PH site development by PLC Architects at Kings Road Southsea (roundabout). The representation comments "I do not think the cost of such work would be unreasonable if set against the continued long term additional rents such an amendment would provide."

5 City Development Managers comments

The request to modify the legal agreement at 10 St James's Street is considered consistent with the Student Halls of Residence SPD and more recent S106 provisions for students halls of residence; unrestricted use outside of term time, additional to the principal occupation as a halls of residence for students during the academic term, is also considered to offer some potential contribution to the local economy.

In my view, there is no justification for amendment to the colour finish of this building or relevance to the applicant's modification request. The original outline application (ref 09/00643/OUT) excluded appearance and landscaping, for Reserved Matters approval. The Reserved Matters application ref 10/00143/REM proposed external materials to include a render finish in *white or off white* (above a brick plinth). The 'cream' colour render finish accords with the Reserved Matters approval.

6 Highways comments

The Highways Authority comment that the site falls within a highly sustainable location, where reliance on the private car is not necessary and having regard to permit controls there is no available on-street car parking (but ample cycle parking should this be required). The Highways team raise no objection to these premises being used outside of term time, although suggest an advisory: 'The web site and any information communicated to enquiries for the use of this accommodation includes information on the fact that there is no available car parking within the near vicinity of the site, and any cars would need to be parked in public car parks'.

7 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

8 Legal services' comments

The statutory provisions of Section 106A (S1096A) regulate the modification and discharge of planning agreements made pursuant to Section 106 Town and Country Planning Act, 1990 ("the Act"). An agreement may only be modified by deed undertaken in accordance with the provisions of S106A. The effect of the provisions is that where an agreement (which does not relate to affordable housing provision) has been completed for a period in excess of five years, it may be modified by agreement with the local planning authority responsible for its enforcement. The consent of all parties against whom the modified agreement is enforceable is required. An application has been made on the standard form available which proposes the specific terms of the modification required.

Having been completed on 8th December 2009, the agreement in this case is in excess of 5 years old. In such a case S106A provides a statutory process of application for modification or discharge of the agreement. The Member's decision is subject to a right of appeal to the Secretary of State in the same way as any other form of planning application. Such an application for modification is made pursuant to Section 106A(3) and must be submitted and determined in accordance with the statutory provisions.

By S106A subsection (6), the authority may determine

- That the planning obligation shall continue to have effect without modification
- If it no longer serves a useful purpose, that it shall be discharged (this does not have to be a useful planning purpose)

- If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

It has been judicially determined that in the case of an application under Section 106A the Council have only the discretions provided for by the Act. It is not open to the Council to make a decision that the agreement might be modified, but rather than a modification in the terms proposed within the application, by a modification in some other terms.

In particular, in this case, it is not open to the Council, in determining the application under Section 106A, to require any variation or modification of the development itself.

Having regard to the terms of the modification proposed, and the advice of the City Development Manager, the Member's must therefore determine the application, if they consider that the agreement no longer serves a useful purpose, by resolving that it be discharged, and if they consider that it does serve a useful purpose, in the terms of the modification proposed by the application.

Although the reference is to the terms proposed by the application, if modification is authorised to proceed, the terms of the deed of variation, taken together, would need to be effective to secure the modifying effect approved, rather than use directly the terminology in the application, which may not be apt to achieve the modification effectively. Whilst the revised terms of the covenants would accord with the application, the structure of the document would have to be one that accorded with the standard legal practice in such matters.

If the recommendation of the City Development Manager to modify the agreement is approved by Members, it will be necessary to prepare a Deed of Variation. It is not open to parties to an agreement to vary it by unilateral undertaking.

9 Finance comments

None.

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Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
National Planning Policy Framework (March 2012) Student Halls of Residence SPD (October 2014)	

<p>15/00788/PAMOD - includes</p> <ul style="list-style-type: none">• Agent's letter dated 8 May 2015• Copy of the S106 Agreement dated 8 December 2009	
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Agenda Item 6



Portsmouth
CITY COUNCIL

Agenda item:

Decision maker: Planning Committee

Subject: 15/00787/PAMOD
Request to modify legal agreement attached to planning permission ref 11/00961/FUL relating to land at 61 Earlsdon Street Southsea

Report by: City Development Manager

Wards affected: St Thomas

Key decision: No

Full Council decision: No

1 Purpose

The purpose of the report is for Members to consider the applicants request to modify the planning obligation associated with planning permission ref 11/00961/FUL, and completed on 27th March 2012, in relation to the period of the summer vacation during which only students may occupy the accommodation (in accordance with the current terms of the planning agreement).

2 Recommendations

That the agreement be varied (within three months of the date of the Committee's decision) so that during academic terms only students may occupy the accommodation (as now) and at all other times the accommodation must be used as temporary residential accommodation for periods not exceeding two months in the case of any individual resident so occupying any of the accommodation at such times.

3 Background

The owners/operators of two sites for halls of residence branded 'Unilife' providing term-time accommodation at 61 Earlsdon Street and 10 St James's Street implemented permissions in March 2012 and December 2009 respectively. Both permissions were subject to legal agreements containing, amongst other things, clauses restricting the use and occupation in the halls of residence for no purpose other than as residential accommodation for students during their period of study.

In the adopted Student Halls of Residence Supplementary Planning Document the standard provisions seek to secure that "*During University of Portsmouth Academic Terms not to use nor permit or allow the use of any of the <specified number> study/bedrooms in*

the Halls of Residence for any purpose other than as temporary residential accommodation for a Student during his or her period of study".

The same 'Unilife' developer secured planning permission on 22 Middle Street for a proposed halls of residence, in 2013. The development is restricted to use as specialist residential accommodation for students by legal agreement but includes provision for limited and temporary 'unrestricted' (non-student) occupation outside of term time.

The applicants' agent accompanying letter includes the following comments: *"The ability to make student accommodation at Earlsdon Street available to provide temporary accommodation for non-students and use out of term time to support events such as conferences, seminars and a whole range of cultural attractions would (as at Middle Street) contribute to the wider local economy of the City and business community (through investment and spend), including leisure and tourism. This could include events hosted or operated by the University."*

4 City Development Managers comments

The request to modify the legal agreement at 61 Earlsdon Street is considered consistent with the Student Halls of Residence SPD and more recent S106 provisions for students halls of residence; unrestricted use outside of term time, additional to the principal occupation as a halls of residence for students during the academic term, is also considered to offer some potential contribution to the local economy.

5 Highways comments

The Highways Authority comment that the site falls within a highly sustainable location, where reliance on the private car is not necessary and having regard to permit controls there is no available on-street car parking (but ample cycle parking should this be required). The Highways team raise no objection to these premises being used outside of term time, although suggest an advisory: 'The web site and any information communicated to enquiries for the use of this accommodation includes information on the fact that there is no available car parking within the near vicinity of the site, and any cars would need to be parked in public car parks'.

6 Equality impact assessment (EIA)

The document is a consultation document and therefore there is no significant impact.

7 Legal services' comments

The statutory provisions of Section 106A (S1096A) regulate the modification and discharge of planning agreements made pursuant to Section 106 Town and Country Planning Act, 1990 ("the Act"). An agreement may only be modified by deed undertaken in accordance with the provisions of S106A. The effect of the provisions is that where an agreement (which does not relate to affordable housing provision) has been completed for any period less than five years, it may only be modified by agreement with the local

planning authority responsible for its enforcement. The consent of all parties against whom the modified agreement is enforceable is required.

Having been completed only in March 2012, the developer must refer to the Council in accordance with the statutory provisions which make the Council's decision in such a case the final decision (subject to the requirement to make the decision reasonably, or be susceptible to successful judicial review). In determining the issue before them, Members must take account of relevant considerations, disregard considerations that are not material and avoid making a decision which might be regarded as perverse (i.e. a decision that no decision-maker, rightly advised and being aware of all the relevant facts could reasonably be expected to make).

If the recommendation of the City Development Manager to modify the agreement is approved by Members, it will be necessary to prepare a Deed of Variation. It is not open to parties to an agreement to vary it by unilateral undertaking.

8 Finance comments

None.

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 Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
National Planning Policy Framework (March 2012) Student Halls of Residence SPD (October 2014) 15/00787/PAMOD - includes <ul style="list-style-type: none"> • Agent's letter dated 8 May 2015 • Copy of the S106 Agreement dated 27 March 2012 	

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Agenda Item 7

PLANNING COMMITTEE 24 JUNE 2015

**5 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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BRUNEL HOUSE / HAVANT STREET CAR PARK, 42 THE HARD, PORTSMOUTH

CONSTRUCTION OF A FORTY STOREY TOWER TO INCLUDE A HALLS OF RESIDENCE (CLASS C1) FOR STUDENTS COMPRISING 454 STUDY/BEDROOMS; 313 RESIDENTIAL FLATS; 877 SQM OF COMMERCIAL FLOORSPACE FOR USE AS CLASS A1 SHOP OR A2 FINANCIAL/PROFESSIONAL SERVICES OR A3 CAFÉ/RESTAURANT OR A4 DRINKING ESTABLISHMENT OR A5 HOT FOOD TAKEAWAY AND 70 SQM FOR USE AS CLASS B1 OFFICE OR TAXI OFFICE; AND CONSTRUCTION OF A PART 7/PART 6 MULTI STOREY CAR PARK ON HAVANT STREET CAR PARK AND FORMER AMBULANCE STATION SITES, AFTER DEMOLITION OF BRUNEL HOUSE, VICTORY PUBLIC HOUSE, 'CITY WIDE TAXI'S' BUILDING AND FORMER AMBULANCE STATION

Application Submitted By:

Vail Williams LLP

On behalf of:

BY Development Ltd

RDD: 24th April 2014LDD: 24th July 2014*

**Planning Performance Agreement (PPA) signed by applicant and Local Planning Authority gave 6 months to determine, further amendment to scheme and time extension also agreed between LPA and applicant.*

THE SITES, PROPOSAL AND RELEVANT PLANNING HISTORY**The sites and surroundings**

This application relates to two sites (one partly owned by the city council) in Portsea, divided by College Street. The first (from now on referred to as Site 1) is the roughly triangular shaped 0.31 hectare site fronting The Hard, bounded by College Street to the north and Victory Road to the east, comprising the vacant 12 storey Brunel House office building with multi-level car park to the rear, City Wide Taxi Office, Victory Public House and vacant car garage.

Directly opposite the front of Site 1 sits the entrance to The Hard interchange, the locally listed former signal box, main pedestrian underpass entrance to Gunwharf Quays and two converted railway arches (one café and one tattoo parlour). To the east on the opposite side of Victory Road is a terrace of 12 x two storey houses, with No.18 Ordnance Row on the corner of Victory Road housing a hairdressing salon on the ground floor with 3 storeys of residential flats above.

To the north of Site 1 on the opposite side of College Street is the second site (0.19 hectares and from now on referred to as Site 2), the surface level city council 'Harbour' car park. Adjacent to Site 2 is 70 College Street, a square, two storey building comprising a convenience store on the ground floor with residential flat above. On the same side of College Street as Site 1 sits Cleverly House, a city council owned three storey block of residential flats, separated from the application site by a refuse storage area, parking spaces and incidental open space which includes three trees.

As mentioned above, Site 2 sits to the north of College Street and comprises the aforementioned council owned surface level Harbour Car Park with access from Havant Street, and the former Ambulance Station site adjoining the north east of the car park, which is currently a vacant part single, part two storey structure and accessed from Ship Leopard Street. Site 2 wraps around 70 College Street as described above. On the opposite side of Ship Leopard Street is Cochrane House, a four storey city council owned block of residential flats. To the north

of Site 2 is the Powell Square open space, screened by a line of mature trees. On the opposite side of Havant Street to the west is a mix of 3, 4 and 5 storey rear elevations of Nos. 21-28 The Hard.

The proposal

Site 1

Permission is sought for the demolition of all buildings currently on Site 1 and the construction of a building comprising a 40 storey tower element in the western section of the site fronting The Hard and College Street, stepping down along both The Hard and College Street elevations to a height of 5 storeys on the corner with Victory Road and opposite Cleverly House respectively. The footprint of the new building fills the entirety of Site 1, with the lowest point being the single storey element running along the majority of the Victory Road frontage.

As originally submitted, this proposed building was to comprise of 329 residential apartments (made up of 62 x 1-bed, 237 x 2-bed and 30 x 3-bed flats), 512 student study bedrooms, 940 square metres of ground floor commercial floorspace (A1-A5) and a replacement B1 / taxi office of 70 square metres. The apartments are located in the tower element of the scheme that occupies a consistent footprint up to 29 storeys, at which point the building starts to reduce in size floor by floor to the 39th storey which houses two apartments and then a plant room in the 40th storey.

The Halls of Residence with communal facilities is located within the two 'wings' running from the tower element of the scheme towards Cleverly House and Ordnance Row, decreasing in height from 20 storeys at the point directly adjoining the residential apartments to 6 storeys on the boundaries of the site in the NE and SE corners.

The ground floor would comprise a mix of uses and areas including the residential tower entrance & lift lobby, refuse and cycle storage, 3 commercial units of 101 sqm, 372 sqm and 467 sqm with refuse & cycle stores, replacement taxi office of 70 sqm, the Halls of Residence entrance, refuse & cycle storage with back office accommodation and various boiler / plant areas.

Following discussion with the Local Planning Authority, amended plans were submitted in March 2015 which included a number of revisions to the scheme. Whilst the predominant features and scale of building remain unchanged, a design alteration was made on the Victory Road corner, pulling the building back from the site boundary to replicate the form of the wing on the north of the site. Together with a series of internal alterations to the residential flats, the impact of these changes represent a reduction to 313 residential apartments (comprising 52 x 1-bed, 229 x 2-bed and 32 x 3-bed flats), 454 student study bedrooms in the Halls of Residence, 877 square metres of ground floor commercial floorspace (A1-A5) and a replacement B1 / taxi office of 70 square metres.

Site 2

The proposal for Site 2 is to demolish the existing buildings in the north east corner on the former ambulance station land and redevelop the whole site to provide a part 7 / part 6 multi storey car park accessed from Havant Street offering a total of 298 parking spaces, 11 of which are compliant with standards for access by disabled drivers (9 on the ground floor and 2 on the semi basement level).

The southern section of the site directly adjacent to the building at 70 College Street would consist of a semi-basement level and surface parking above only. The middle part of the site running from Havant Street across to the boundary with the parking area and yard of 70 College Street would form a 6 storey, open sided car park, with the 7 storey car park element across the northern area of the site from Havant Street to Ship Leopard Street looking out over the Powell Square open space.

The access and egress to the car park is situated on Havant Street in the same location as the existing entrance and exit point to the surface level car park. The circulation for vehicles to

access all levels up to the roof is within the middle of the site, the main pedestrian stair and lift core is directly south of the entrance, with a secondary stair core at the southern point of the former ambulance station site next to the yard of 70 College Street.

The proposals for Site 2 remain unaltered in the revised plans submitted in March 2015.

Relevant planning history

On the site of the Brunel House office building, conditional permission was granted on 8th July 2002 (application reference **A*24391/AA**) to CONSTRUCT TWO ADDITIONAL FLOORS; 2-STOREY FRONT EXTENSION, 3 LIFT/STAIR ENCLOSURES & BALCONIES INCLUDING CLADDING/WINDOW ALTERATIONS TO ALL ELEVATIONS; USE OF GROUND/FIRST FLOORS FOR A1/A2/A3/B1, TAXI OFFICE, HEALTH AND FITNESS CENTRE (D2) & DENTIST (D1) USES & CONVERSION OF FLOORS ABOVE TO 54 FLATS AND 3 MAISONNETTES, however this scheme was never implemented.

On the adjoining vacant car garage site, conditional permission was granted on 19th March 2002 (application reference **A*22483/AL**) for the CONSTRUCTION OF PART SIX/PART FIVE AND PART FOUR STOREY BUILDING COMPRISING 14 DWELLINGS ON FIRST TO FIFTH FLOORS AND RETAIL SHOP ON GROUND FLOOR WITH SEMI BASEMENT CAR PARKING AND REFUSE/CYCLE STORES (AFTER DEMOLITION OF EXISTING), however this was also never implemented.

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the locations proposed, whether the scheme is acceptable in design terms including whether a tall building is acceptable in this location, whether the impact on heritage assets is acceptable, whether the proposed uses are acceptable in terms of their impact on the residential amenity of future and nearby occupiers, whether it would be acceptable in highways terms, the impact on Portsmouth and Langstone Harbour's Special Protection Areas, whether the economic viability and subsequent lack of affordable housing provision can be robustly justified and other matters including any planning obligations reasonable and necessary to make the development acceptable.

POLICY CONTEXT

The National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14).

In addition, the application should also be assessed against the development management policies in the NPPF and, in particular, chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment).

The relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS10 (Housing delivery), PCS12 (Flood risk), PCS13 (A greener Portsmouth), PCS15 (Sustainable Design and Construction), PCS17 (Transport), PCS19 (Housing mix, size and the provision of Affordable Homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS24 (Tall Buildings), the Achieving Employment and Skills Plans Supplementary Planning Document (July 2013), Parking Standards and Transport Assessments Supplementary Planning Document (July 2014) and Housing Standards Supplementary Planning Document (January 2013).

The Tall Buildings Supplementary Planning Document (Tall Buildings SPD, June 2012) is also a material consideration when determining this planning application. Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD identify a number of areas of opportunity for tall buildings within the city. The city centre is one of those areas identified as an 'area of opportunity for tall buildings'. A tall building is defined as any building above 5 storeys and / or 20m in height. In order to facilitate and encourage the design of tall buildings of the highest quality the SPD also identifies criteria which any tall building should address. These are addressed in the comments section of this report.

The Hard Supplementary Planning Document (The Hard SPD, adopted June 2012) is a material consideration which sets out the city council's vision for this area of the city - *'To shape The Hard into a vibrant waterfront destination, building on its function as a key city gateway and its reputation as an area of historic character and charm.'* A number of objectives were set out that should underpin all development proposals and these included:

- Realising the important role that the area could play in the city's economy by identifying development opportunities that make best use of vacant sites and buildings, particularly those with little architectural and historic merit, and by promoting a mix of uses that bring 'life' to the area during the day and into the evening; and
- Ensuring that the design of new buildings and spaces is distinctive and of a high quality, and that it is sensitive to, and enhances, the historic character of the area.

The application sites were identified as key opportunity sites in The Hard SPD (in the SPD referred to as Site 3: The Hard South and Site 4: Havant Street) and detailed guidance against which development proposals would be assessed was set out covering development aspirations, mix of uses, key elevations, storey heights, opportunities for landmark buildings, access and servicing. This is discussed in more detail in the Comment section of this report when assessing the principle of the scheme.

In October 2014 the Council adopted the Student Halls of Residence Supplementary Planning Document (SPD), which includes a definition of halls of residence, preferred locations for such developments and the management and design standards such accommodation should meet, all of which are covered in the comments section.

CONSULTATIONS

Design Review Panel

The Panel first considered the proposal at pre-application stage and welcomed the redevelopment of this important site at the earliest opportunity, they were however disappointed with this scheme.

They considered the proposal would present a wall of enormous mass and height. At ground level it would appear massively out of scale. Concern was expressed over the potential negative impact on views of the Spinnaker Tower that would compete and conflict with the tower in a way that would be damaging.

The site is not considered large enough for a building of this massing and form. It was suggested that the design may benefit from breaking down into a mixed form building with a narrower and less massive landmark element.

The Panel saw the scheme again post-submission and commended the quality of the submission details. It was suggested however that in townscape terms it would mitigate and compete with the Spinnaker Tower, and that the site was not large enough for a building of this mass and form. They considered the design to be a simple tweak of the original, and that as such their previous comments still stand.

Recommendation: Proposal not considered acceptable in design terms.

Heritage England

Comprehensive comments have been received that discuss in detail issues of the significance of this area within the context of the history of the city, the impact of the scheme on listed buildings, scheduled ancient monuments and conservation areas and the application of national policy within the NPPF. Excerpts are discussed with the comments section however the summary and recommendation have been reproduced below:

'The erection of a very tall, bulky and inelegant building in the Brunel House site would cause a significant level of harm to a whole range of heritage assets which collectively make a major contribution to the naval heritage of the City of Portsmouth. These assets include nationally important historic buildings of the highest grades (grade I and II*), Scheduled Ancient Monuments, conservation areas and historic ships. Although no single heritage asset is 'substantially' harmed it is the widespread nature of the impact which makes it significant. Portsmouth City Council has a statutory duty to have special regard for the desirability of preserving the listed buildings etc. and this must be the first consideration. However should the council be minded to take account of the public benefit of this proposal and to weigh this against the harm to the assets, Heritage England (formerly English Heritage) would urge the Council to set a high benchmark as the harm to the assets is significant and to satisfy the NPPF the benefits must outweigh the harm.'

The NPPF allows that harm can, in some instances, be outweighed by the public benefits of the scheme. In making this assessment your authority needs to have special regard for the desirability of preserving the significance of the listed buildings and conservation areas and then, as the next step, weigh any public benefits against the harm while being certain that the harm is clearly and convincingly justified. This is a planning decision for the local authority to make. Our advice is that the level of harm is significant and therefore the justified public benefits would have to be of a greater significance to outweigh the harm.

The redevelopment of the Brunel House site with a building which responds more positively to its context and which would not have the far-reaching harmful impacts of this proposal would be welcomed. There is no in principle objection to the redevelopment of the site and we would be pleased to offer further advice in this regard.'

Eastern Solent Coastal Partnership

Raise no objection subject to a condition ensuring raised floor slabs as shown on drawings in the accompanying Flood Risk assessment are implemented and finished floor levels are set no lower than 4.3m AOD.

Recommend informative relating to compilation of an appropriate flood warning and evacuation plan for the property given the low lying nature of surrounding road network and potential for limited access in extreme tidal flood event.

Environment Agency

Have reviewed the soil and groundwater reports accompanying the application and the site lies on a secondary aquifer with no immediate groundwater receptors. Agree with recommendations in reports to carry out further soil and groundwater testing and analysis post-demolition. Recommend appropriate conditions to secure relevant site investigation, remediation and verification works.

Port Manager

No comments received.

Queens Harbour Master

No comments received.

Civil Aviation Authority

Advisory comments covering Aerodrome safeguarding, safeguarding of communication and navigation systems, Aviation Warning lighting (considered appropriate in this instance - to be secured via condition) and Aviation Notification (informative for applicant to follow correct notification procedure once construction timescale known).

Network Rail

Due to the nature of works and proximity to Network Rail Operational Asset, the applicant is to contact Asset Protection Wessex Team to sign up to an Asset Protection Agreement prior to commencement that will cover demolition, substructure design, piling, superstructure works and temporary works.

Portsmouth Water

No comments received.

Southern Water

The proposed development would increase flows to the public sewerage system, and existing land and properties may be at risk from flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to the service the development. Should planning permission be granted a condition is requested ensuring that all foul and surface water disposal is agreed with Southern Water prior to the commencement of development.

Southern Electric

No comments received.

Southern Gas Networks

Details provided regarding location of low/medium/intermediate gas main in the vicinity of the application site and requirement for no mechanical excavations within appropriate distances of these mains.

Hampshire Fire & Rescue Service (HFRS)

Advisory comments received covering issues such as access for firefighters, the Fire Service & High Reach Appliances and firefighting and the environment. HFRS would strongly recommend that consideration is given to the installation of an Automatic Water Suppression System (AWSS) as this could add significant benefit to the structural protection of buildings from damage by fire.

HFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction in the loss of life and the impact on the wider community.

Contaminated Land Team

Request that full conditions relating to desktop study, site investigation, remedial strategy and subsequent implementation of remedial strategy are attached.

Head of Community Housing

Provision of Affordable Housing

It is noted that The 'Affordable Housing Statement' produced by Vail Williams' on behalf of the applicant concludes that "it would not be viable to provide any affordable housing in connection with this development". The statement discounts the provision of on - site; off - site; or financial contribution towards affordable housing. It is understood that the proposals for the site include 512 student units and 329 residential units.

Affordable Provision

Based upon 329 residential units (x 30% provision) = 99 units of Affordable accommodation.

These units would be delivered through an affordable housing provider and would involve the developer receiving a negotiated sum of money for these properties (perhaps 20% less than open market value)

On- site provision - The high specification of the build is acknowledged and this may render homes unaffordable owing to their cost.

Off - site provision - As an exception and if the developer can show robust evidence to the city council that demonstrates that on-site provision of affordable housing is either unviable or unfeasible, off-site provision may be negotiated. Off-site provision misses the opportunity to create mixed and balanced communities and therefore this will only be acceptable in extenuating circumstances where the council is satisfied that the units could not have been provided on-site. The council will need to be assured that the location of the alternative site is suitable and that development can take place within an appropriate timescale. Furthermore, as 100% private market housing would now be achieved on the original site, the total number of off-site affordable housing units sought by the council would rise, to maintain the original private market to affordable housing ratio.

Commuted Sum - It is assumed that there would be both 1bed and 2bed accommodation within the provision of 99 units and so an initial commuted sum estimate is based upon a 50:50 split - 50 x 1bed and 49 x two bed units (basing the 2 bed units at 60m² and the 1bed at 45m²). This would give a sum based on the bare minimum space standards of: **£5,190,000.00**

This figure is based on minimum space standards and not taking into account any units that are larger in both square metres and number of persons per bedroom (e.g. 2 bed 3 person at 65m² and 2 bed 4 person at 68m²). The funding would allow for provision of other desperately needed off site affordable homes to be built within the city.

As none of the above are being offered then this application does not comply with the Council's policies and should be rejected.

Additional comments have been offered on the revised scheme of 16 fewer residential apartments and 58 fewer student study bedrooms:

Based on the number of residential units in the development (313) the provision of Affordable Housing would be 94 units based on the 30% policy. The 94 units as an off-site Commuted Sum provision and based on a pro-rata mix of units we would be looking at in excess of £6.5 million.

The independent assessor mentions that the affordable housing provision could be provided at less than the 30% policy. Therefore should we be looking at 25% or negotiating for between 10-20% as compromise and if as low as 10% then adding a clause whereby at the completion of the scheme any profit above the level mentioned in the report by the District Valuer, a percentage (to be agreed - e.g. 10%) of that additional money is paid as a further commuted sum.

Looking at the worst case scenario of 10%, this would equate to 32 units which based on a pro-rata mix of residential flats within the development, a commuted sum figure would be over £2.226 million.

Head of Environmental Health

Raise no objection to the development subject to a number of conditions as detailed below:

Machinery / Plant Noise

The acoustic report contains recommended noise emission limits for fixed plant derived from measured background noise levels in the locality. Based upon these recommendations I would suggest the following conditions.

The rating level of the noise as defined in British Standard BS4142, from the operation of any fixed plant or machinery shall not exceed LAeq_(1hr) 38dB (07:00-23:00hrs) and LAeq_(5min) 33dB (23:00-07:00hrs) 1 metre from the façade of any residential property.

Such stringent noise measures may be difficult to achieve for the proposed emergency generator and as this will only operate in the event of a power failure or for routine maintenance purposes I would suggest these conditions could be relaxed:

The emergency generator shall only operate in the event of electrical power failure to the building or for the purposes of routine maintenance. Routine test running of the generator shall only take place between 09:00hrs and 17:00hrs.

The rating level of the noise as defined in BS4142, from the operation of the emergency generator shall not exceed LAeq_(1hr) 50dB (09:00-17:00hrs) 1 metre from the façade of any residential property.

Retail Units Noise / Odour Control

The proposed retail area is situated directly below residential accommodation and directly opposite existing residential properties in Victory Road. The proposed use for the retail units is for A1,A2,A3,A4 or A5. Consequently this could include restaurants, public houses and takeaways, all of which could potentially impact upon the amenity of both existing and new residents in terms of both noise and cooking odour. Public houses invariably involve the provision of entertainment, which usually entails high music noise levels. Consequently I would suggest that consideration needs to be given to the sound insulation of the separating floor between the two uses as well as the glazed facades in Victory Road therefore I would recommend the following 3 conditions.

Prior to the commencement of construction the applicant shall submit a scheme to demonstrate that the sound insulation of the separating floor between the retail units and residential accommodation will ensure noise levels within habitable rooms are within Noise Rating curve NR25 based upon an assumed source noise level of 90dB(A) and 94dB in the 63Hz and 125Hz octave bands.

Prior to the commencement of construction the proposed glazing specification for the windows of the ground floor retail area shall be submitted to the local authority for approval. The windows shall consist of glazing with a minimum weighted sound reduction index of Rw+Ctr 34dB.

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

Chapter 9 of the transport assessment indicates that the retail units will be serviced via a new loading bay in Victory Road. It also states in the delivery and servicing plan that the aim will be to minimise deliveries in the peak traffic hour periods and maximise the off peak periods. Whilst I appreciate this will be beneficial in terms of road traffic, the potential impact upon residents due to freight movements in such a small residential street cannot be ignored and I would suggest that hours of deliveries need to be restricted to ensure there is no such activity between 21:00hrs and 07:00hrs.

Air Quality

Although the site of the proposed development is not within an Air Quality Management Area it is 200 metres south of the boundary of AQMA 12 in Queen Street. I have reviewed the AQ assessment and I can confirm that air quality should not be an overriding issue for the proposed development.

The design of the proposed CHP system has yet to be finalised, which is not unusual at this stage, but a screening assessment based upon typical emissions data and a few assumptions indicates this should not be an issue. However I would suggest that any permission should be conditional requiring a further more detailed assessment of the performance of the CHP plant once the design is finalised to ensure any appropriate mitigation measures are included. I would therefore suggest the following condition:

Prior to the installation of the proposed combined heat and power system an air quality assessment of the impacts associated with its operation shall be submitted to the local authority. The approved system shall be installed and maintained as per manufacturer's recommendations.

Construction Noise and Dust

The application includes an environmental management plan which outlines the requirement for dust and noise control during the demolition / construction phase, however it is understandably short on detail at this stage and there was no assessment of construction site noise in the acoustic report.

Given the size of the development and the close proximity of residential properties I would suggest that at least 6 months prior to the commencement of construction we need to agree the detail of The Construction Environmental Management Plan (CEMP) including monitoring proposals, target criteria and actions to be taken in the event of any criteria being exceeded.

Highways Engineer

Comprehensive comments have been provided relating to the various highways aspects of the scheme that are reproduced below. Where suggestions have been made, for example under the Waste Management section, these can be secured through appropriately worded conditions requiring the approval of the specific design prior to commencement. A package of mitigation measures is also considered necessary to make the application acceptable in highways terms. Some of the mitigation proposals put forward by the Highways Engineer have been screened out as they were not considered to be justifiable as necessary to make the scheme acceptable; where such requirements are not necessary in planning terms they may not be regarded as material planning considerations. These included a significant contribution to a footbridge across Anglesea Road and junction improvements at Park Road / Burnaby Road. Consideration on this issue was supported by reviewing mitigation measures recently requested from similar city centre residential and Halls of Residence and a consistent approach has been reached in the determination of this application.

The following provides the main discussion on highways matters within this report with a section in the comments highlighting the key issues and conclusions.

Transport Assessment

The Transport Assessment concentrates on the impact on the highway network adjacent to the Brunel House and has not analysed major arterial junctions as identified during the scoping stage. The TA also identifies the accident statistics at all Junctions but fails to carry out any form of analysis or offer mitigating measures to offset the likely contribution of the development. In the absence of analysis carried out by the applicant PCC has carried out a full analysis and assessment review on behalf of the developers. The accident figures identify a number of issues at the surrounding highway network. The development proposal estimates around 2,500 additional movements (pedestrians & cyclists) a day not including walking to bus and train. The

Transport Assessment fails to identify a safe route for students walking from the Brunel House development to other University Buildings and city centre attractions.

Vehicular Access

Vehicular access to / from the site would be via The Hard, College Street and Victory Lane. Existing access and egress to the existing (unused) car park is provided on College Street and Victory Lane.

Trip Generation and Attraction Methodology

To calculate the trip generation of the proposed Brunel House development the computer database program TRICS (Version 6.11.1) has been used. Based on the trip data contained in this database, the trips generated by the proposed development have been established to understand the impact of the development on the local transport network.

Residential Future Trip Generation

The TRICS database has been examined in order to calculate the total number of trip generated by the proposed development. The comparator sites have been selected on the basis of location (in town centre or edge of town centre), accessibility and size.

Junction Analysis

Manual classified traffic turning counts have been undertaken at junctions surrounding the Brunel House.

- The Hard and Victory Road;
- The Hard and College Street
- College Street and Havant Street
- College Street and Butcher Street; and
- College Lane and Butcher Street.

At scoping report stage junctions further afield were identified to be analysed in order to assess the strategic impact of the proposed development.

These include:

- 1) Queen Street j/w Anglesea Road/Alfred Road
- 2) Anglesea Road j/w Park Road
- 3) Park Road j/w St Georges Road
- 4) Hawke Street j/w Queen Street

The applicant's Transport Assessment estimates that the proposal will generate around 585 additional vehicle movements a day. In the AM peak there would be 65 additional vehicle movements; in the PM, 74 additional vehicle movements. The above junctions run near capacity during peak periods but considering the proposal estimates just one additional vehicle every minute, current queues and levels of delay are not expected to significantly change.

Car Parking - residential

The site is situated within Controlled Parking Zone (CPZ) JA Portsea. The Hard is located outside the CPZ boundary. Permits are not valid in Pay and Display areas or in limited waiting bays in Queen Street and College Street. Permits can be used within the JD zone, which is located to the north of Queen Street. Visitors and non-permit holders are entitled to one hour free parking. The scheme operates at all times.

A total of 298 car parking spaces would be provided in the new multi-storey car park located to the north of the site. These provide 293 allocated residential parking spaces. In addition five spaces for the taxi office are also provided in the multi-storey car park. There is no parking

provision for the Halls of Residence. The provision of 298 spaces is considered to represent a suitable level of parking to serve 313 residential units of the development and accord with the Residential Parking Standards SPD policy.

Cycle Parking Spaces - residential

1 bed (52) 1 space per unit	-----	52
2 bed (229) 2 spaces per unit	-----	458
3 bed (32) 2 spaces per unit	-----	64
Total (313 units)	-----	574

In total 596 residential cycle parking spaces are provided by a combination of cycle parking provided at ground floor level (471 spaces) and within residential units where the unit is sized above the minimum requirement (125 spaces). The cycle parking located at ground floor level and in the basement is provided by cycle stackers. The stackers are located in a secure room. It is anticipated that the cycle stackers will be provided by the Josta 3 and 2-tier rack system (assisted lifting) or similar.

Cycle Parking Spaces - Halls of Residence

454 bedrooms (0.41 per bedroom) ----- 186

A total of 210 secure cycle parking spaces are provided for the Halls of Residence at ground floor level, accessed via College Lane. This provides a standard of 0.46 spaces per bed. The cycle parking is provided by cycle stackers, which can accommodate up to 12 cycles each. It is anticipated that the cycle stackers will be provided by the Josta 2-tier rack system (assisted lifting) or similar.

The cycle parking provision of 596 spaces for the residential and 210 spaces for the Halls of Residence would be considered to represent a suitable level of parking for the development.

Cycle Parking Spaces - retail

4 long stay secure cycle parking spaces would be provided at ground floor level. The ground floor plan shows that it is possible to accommodate up to 4 cycle stackers. The short stay spaces would be provided on-street (six required). The location of these spaces would be determined in conjunction with the City Council when the public realm proposals for The Hard are developed further.

Waste Management

The proposed layout looks cramped in the refuse storage areas and they would require a minimum of at least of 3 collections a week. The 19 x 1100 bins that can be accommodated would require a 2 x weekly collection of black sack waste with the once weekly of recyclables, to stay in line with crews schedules as the refuse crew are in the area twice weekly already. This arrangement would give each household approx. 200 litres per week capacity which is considered sufficient (residential).

For the Halls of Residence of 454 study rooms the applicant should allow a minimum of 100 litres per unit (45,400 Litres per week). This requires 25 x 1100 euro bins split 17 refuse & 8 recycling collected 2 x weekly and recycling 1 x weekly, giving a sufficient capacity of 45,833 litres per week. The student refuse store demonstrates sufficient space to accommodate up to 30 x 1100 euro bins.

Provision needs to be made for siting skips at the end of each term to cope with any excess waste produced when students leave/move. It is recommended separate bin stores are used for each business.

Servicing and Deliveries Strategy

All servicing and delivery vehicles associated with the Brunel House development proposals would load and unload from a new loading bay on College Street for the residential and Halls of Residence and from a new loading bay on Victory Road for the retail. The Halls of Residence, residential and retail unit 1 will utilise the College Street loading bay. Retail units 2 and 3 would utilise the loading bay on Victory Road for deliveries.

Victory Road Loading Bay

The swept path of a 10metre rigid vehicle indicates the full width of the carriageway is taken up when manoeuvring around the loading bay. This manoeuvre may cause head on collisions with vehicles coming from the opposite direction as there is no longer room for opposing vehicles to pass one another. The visibility is poor due to the right angled bend increasing concerns further.

To mitigate concerns regarding potential head on collisions it is suggested one-way operation of vehicular traffic is implemented on Victory Road between The Hard and Rosemary Lane, up to the junction with Rosemary Lane. The above will be implemented through the introduction of a TRO, secured via the Section 106 agreement.

Accident Analysis

Personal Injury Accidents for a three year period (February 2010-January 2013) have been identified but a summary and conclusion of the accident analysis is missing from the TA. The statistics below indicate the highest number of injury/accidents that have occurred at the following junctions:

- Anglesea Road j/w Park Road --- 10 (2 vehicles; 3 cycles; 5 pedestrians)
- Park Road j/w Burnaby Road -----8 (4 vehicles; 3 cycles; 1 pedestrian)
- Park Road ---- 5 (2 vehicles; 3 pedestrian)
- Queen Street ---8 (2 cycles; 1 motorcycle; 5 pedestrians)

Anglesea Road j/w Park Road

Casualty data has highlighted this junction to be within the top 3 casualty hot spots for pedestrians over the last 3 years. The University of Portsmouth, whose students are the major users of these crossings during term time, has expressed concern with regard to the safety crossing point closest to the railway bridge given its narrow central island. The University has requested re-instatement of the original footbridge crossing in Anglesea Road. The proposal would provide traffic free crossing for pedestrians and reduce the casualties on the crossing closest to the railway bridge. It is not feasible (for spatial and financial reasons) to provide a bridge that would ensure DDA compliance and therefore, ground level crossings require addressing through a separate, but linking, work stream.

Walking

Residents of this site are likely to either cross The Hard to access the bus hub, train station, ferries or Gunwharf Quays, or to head towards the university campuses and the city centre. The student residents of the site, whose main access is from College Street, are most likely to walk up College Street, which turns into Kent Street and provides direct access to the campus including the Milldam, Richmond and Buckingham Buildings. From here, by walking along Burnaby Road and turning into Park Road the campus on the far side of Anglesea Road can be accessed, and the city centre.

There are numerous junctions along this route. The footpath on the north side of College Street and Kent Street is wide and the route runs through a predominantly residential area, with a

reasonable degree of natural surveillance. Street lighting is regular, although without the brightest of luminance. The roads within the whole area are generally quiet, with low traffic volumes due to through routes being restricted and closed, and a blanket 20mph limit within the area.

- College Street/Havant Street junction will be reviewed and reconstructed as part of the overall proposal, enhancing the linkage of the car park with the new building. Pedestrian and cycle improvements will be designed into that scheme
- The Ship Leopard Street crossing benefits from dropped kerbs and tactile paving; Ship Leopard Street being a cul de sac.
- The Beneficial Street/Butcher Street/College Street junction benefits only from dropped crossing kerbing to cross the side roads only, but has no tactile paving.
- The Three Tun Close/Southampton Row/Kent Street junction has dropped kerbs only to both sides of Three Tun Close, and a dropped kerb lining up with the end of Southampton Row, but nothing to match on the opposite side of Kent Street linking with the through footpath opposite.
- The Curzon Howe Street/Kent Street junction has dropped crossings on both sides of Curzon Howe Street but has no tactile paving.
- The Bishop Street/Kent Street junction has dropped crossings to both sides of Bishop Street and one dropped crossing to the far side of Kent Street, with no corresponding crossing on the near side.
- Approaching St Georges Way the footpath on the south side of Kent Street narrows significantly, and the footway on the west side of St Georges Way too is narrow. Whilst there are dropped kerb crossing points, these are not appropriately located for use by the visually impaired, and none have any tactile paving.

Once St Georges Way has been crossed there is easy direct access to the closest University Campus which includes Milldam, Richmond and Buckingham Buildings. If pedestrians need to access the city centre campus this can be reached by walking through the first campus leaving via Burnaby Road, and then turning left into Park Road and walking up to the junction with Anglesea Road. Paving in Burnaby Road is of a natural uneven finish, and dropped crossings are paved with large setts, none of which is suitable for wheelchairs, pushchairs, or the less ambulant. Street lighting is of a historical style which offers lower levels of lighting when compared to the modern options. The feel in this area is leafy and open, although out of normal hours surveillance levels will be low as the buildings are all occupied by the university.

Park Road has a good small slabbed surface, and is of reasonable width. Street lighting is good, and there are intermittent waste bins, but the route is not well overlooked, due to the railway embankment one side and the sports pitches on the other, the only surveillance is offered by passing motorists. Planting/weeds from the railway embankment grow through the railings reducing the effective footpath width (*post response note - these have now been trimmed back to behind the railings*).

The junction with Anglesea Road and Park Road is traffic signal controlled with pedestrian facilities. However, the central island when crossing Anglesea Road aligning with the north side of Park Road is very narrow, and has little capacity for pedestrians who find themselves stranded in the middle of the junction. The crossing aligning with the southern footway of Park Road has much greater space, but is likely to be used less by residents of the Brunel House scheme due to it not being on the direct desire line. Once arriving on the east side of Anglesea Road the next main university campus is reached.

Cycling

The cyclist route very much follows the pedestrian route described above, which is signed from the junction of St Georges Way as National Route 22 to the Hard. The route for cyclists through the campus is not defined, but the general feeling of the area is informal and shared, and is best left that way.

Cyclists going to the closest campus are most likely to use this route. However, if they are travelling to the further city centre locations, they may opt to avoid the slower more awkward manoeuvring through the nearer campus and travel via The Hard, and into Park Road at the traffic signal controls at the entrance/exit to Gunwharf Quays. Along the Hard there is a short section of demarked cycle route leading to the traffic signals and an advance stop line cycle box. Beyond this, turning into Park Road there is no cycleway markings heading out. On the return route, on the westbound side of Park Road there is around 40m of on carriageway demarcation before cyclists are diverted onto the traffic island to line up with the crossing into Gunwharf Quays, which would not suit cycling commuters to the Brunel House site. There is a banned right turn from Park Road into The Hard, but cyclists are likely to try to do this manoeuvre, and with the road crossing only linking to Gunwharf, and no crossing facilities at the entrance/exit road to Gunwharf car parks, there is no safe way to make this without dismounting and crossing the end of Park Road and remounting after pushing the bike under the railway bridge to a convenient crossing point. Again, there is no pedestrian crossing facility within the traffic signals to cross over the end of The Hard, as there is nothing to connect pedestrians to when they land on the west side.

Cyclists are vulnerable to turning traffic further along Park Road at the junction with Burnaby Road, and again, even more so at the junction with Anglesea Road. The narrow centre island on the northern side of Park Road, in the centre of Anglesea Road is insufficient in width to accommodate a cycle, only the crossing on the south side is of adequate design, but there is no safe link to direct cyclists over the opposing carriageway to reach this.

Following the observations detailed above there is a need to provide enhanced crossing facilities in a number of locations where we have clear evidence that residents of this development would pass. In order to mitigate the shortcomings detailed above the council as highway authority would seek the following improvements:

Section 278 Obligations (the figures for costs are offered as guidance only)

- The provision of 4 pairs of dropped crossing points with tactile paving at the junction of Kent Street/Portland Street/St Georges Way @ £4600 per pair = £18,400
- The provision of tactile paving only at Bishops Street, Curzon Howe Road, Beneficial Street, Butcher @ £1200 per pair = £4,800
- The provision of dropped kerbs and tactile paving to cross College Street above and below the junctions with Beneficial Street and Butcher @ £4,600 per pair = £9,200 (this enables the sight impaired to cross to the other side of College Street to benefit from the wider better pavement.)
- To provide a raised table at the junction of Kent Street/Portland Street/St James Street = £150,000.
- Upgrade the beacons on the zebra crossings in Queen Street to Zebrite type (high ped casualty rates). Increased pedestrian, cycle and vehicular traffic justify this need =£10,000
- Improved signage for cycles, particularly on Burnaby Road/Park Road junction to direct cycles to the Hard via Kent Road and the N22 = £5000.

Section 106 Obligations

1. Public realm enhancements on The Hard as noted in TA.
2. Three management plans to be submitted and approved prior to commencement / occupation as detailed below
3. One-way traffic along Victory Road/ College Lane up to junction with Rosemary Lane to mitigate concerns regarding potential head on collisions around proposed new loading bay. Signage/Lining/TROs. £5000

Student intake management plan

A Student Intake Management plan to understand how students would be controlled on arrival and departure days when there is no available parking for drop off. It is essential therefore to understand how this process is managed to avoid congestion in the adjacent roads. We need to know how students receive instruction for arrival, where parents are advised to park, and subsequently move on to after their allotted dwell time close to the halls.

Refuse Management Plan

A Refuse Management plan is required to know how students would be required to separate waste for recycling, how the waste is transferred to the communal bins, and how the bin store is managed, and how collection day is managed. Also, end of term generates large amounts of refuse which results in bin stores being inundated with refuse, and it is necessary to know how this would be managed to prevent the problem from arising.

Construction Management Plan

The Construction Management plan would identify where deliveries can occur, and at what times. It would also identify how contractor parking is managed, and transporting operatives to site.

RECOMMENDATION: The above mitigation works are considered necessary to make the development acceptable in highway terms. Subject to above mitigations works highways raise no objections.

Crime Prevention Design Adviser

Proposal shows connectivity between the taxi office and retail units on the ground floor, making the security of each unit the responsibility of adjacent units as well. It is recommended that this connectivity is removed.

As the proposal creates a building with multiple occupants for the safety and security of residents and visitors it is recommended that:

- 1) Audio visual access control systems are installed
- 2) Individual apartment front doors and student room front doors are certificated to PAS24 standard or better
- 3) Closed Circuit Television systems are installed with cameras to provide images of the entrance doors, common passageways, stairs and other common areas.

To provide for the safety and security of people using the multi storey car park it is recommended that:

- 1) External access doors should be certificated to LPS1175 SR2
- 2) An access control system is installed to prevent casual access to the car park
- 3) CCTV cameras are deployed throughout the multi storey car park
- 4) An appropriate level of lighting is installed

The Portsmouth Society

Approve of the principle to site an iconic building in this location, however raise the following concerns about the actual building proposed:

- 1) Building has too much mass and considerable bulk at ground floor level
- 2) Mass of the building and exposed site to wind off the sea means there may be a considerable effect at ground level and detrimental impact on local residents and passers-by
- 3) Height not a major issue, however reduction of 10 floors could improve profile
- 4) As Hard Interchange is being redesigned important that this prestigious site is fit for purpose and attractive to arrivals in the city
- 5) Mass and height will cast a considerable shadow over adjoining properties, especially two storey dwellings on Victory Road who will have a substantial proportion of their sun light removed
- 6) Major opportunity lost by no hotel being included in the development. The city needs a quality hotel near the Historic Dockyard and developers should re-consider getting a hotel operator on board
- 7) Would like to see social housing included as in Admiralty Quarter on Queen Street
- 8) Disappointing that more use of clean energy not used, e.g. solar panels and ground source heat pump
- 9) Siting the plant room on the ground floor fronting The Hard is a mistake and should be relocated to the back of the building to improve the appearance

Consider the application be rejected until these flaws have been addressed.

Natural England

Originally objected to the application on the basis that they required further survey work to assess the impact of the proposals on the flight lines of birds associated with the Portsmouth Harbour and Chichester & Langstone Harbour SPAs. As a result of this response, the applicant commissioned a series of surveys to assess whether any bird species prevalent within the SPAs flew near or over the application sites. The methodology for these surveys was agreed in discussion with Natural England and the local planning authority.

Surveys took place on three occasions - 1st October, 28th October and 6th November, each at a different tidal state as per the agreed methodology. The accompanying report submitted by the ecological consultants concluded:

'No species that are qualifying features of the nearby European or other protected sites were seen within the air space above or near the proposal site during the surveys. At 40 storeys the tower would be above the height of most of the nearby buildings, with the exception of the Spinnaker Tower.

However given the context of the existing landscape of tall buildings, the proposed development would not result in a substantial reduction of the flight space available to birds. The proposal site is not on a regular flight line for target species or other bird species, and it does not lie between the coast and any known feeding or roosting areas for the qualifying species. Therefore there is no evidence to suggest it would present a collision risk to birds of the SPA.'

These survey findings were considered by Natural England who concurred that the risk is low and subject to appropriately worded conditions / reasons ensuring the materials and architectural lighting scheme approved consider the issue of collision mortality; have no objections to the scheme.

Isle of Wight Council

No comments received.

Gosport Borough Council

No comment to make on the application.

REPRESENTATIONS

16 letters of representation were received, 6 in support and 10 objecting with one petition of 15 signatures from the nearby Millgate House objecting to the scheme. The reasons for objections are summarised below and discussed in more detail in the main body of the report:

- Wholly out of character at The Hard
- Development will put too much pressure on stretched GP services
- Negative impact on Portsea in terms of parking and additional students
- Lack of hotel as part of the proposal
- Overbearing impact on Ordnance House, unacceptable bulk of building, loss of privacy and light to nearby properties, loss of property value
- Unacceptable increase in noise, congestion, anti-social behaviour
- Too big in comparison to Victory Road & Ordnance Row
- Increase in traffic, potential to gridlock already congested area, especially at weekends

The letters of support commented on the following positive aspects of the scheme:

- Much needed development of a derelict site
- Additional housing and student accommodation required
- Student halls will free up family housing in the rest of the city
- Inspired design will uplift the local area
- Bold. Ambitious and striking building
- Removal of unsightly building detracting from historic waterfront area

COMMENT

The main issues to be considered in the determination of this application are:

- the principle of a mixed use scheme comprising residential units, Halls of Residence and commercial floorspace being acceptable in this location;
- the design of the scheme being acceptable, including whether a tall building is appropriate in this location;
- whether the proposal would have any significant impacts on the heritage assets within the vicinity;
- the impact the development would have on the residential amenity of future occupiers and nearby occupiers / residents;
- the size and mix of residential accommodation provided being acceptable;
- whether the development accords with the appropriate sustainable design and construction methodologies;
- whether the proposal is acceptable in highway terms;
- the impact on Portsmouth and Langstone Harbour's Special Protection Areas (SPAs);
- whether the lack of any affordable housing on the grounds of viability can be robustly justified;
- securing appropriate planning and highways obligation by legally binding agreement.

These issues cover all of the matters raised in the letters of representation. The issue not discussed is the potential negative impact on property values. Members will be aware that the issue of loss of property values is not a material consideration when determining planning applications.

Principle

This section considers the issue of whether the uses proposed across the two sites (residential, Halls of Residence, commercial floorspace and multi storey car park) are acceptable in principle and deliver sustainable development that complies with national and local planning policies.

The application sites fall within the boundary of the defined city centre (Policy PCS4 of the Portsmouth Plan) and more specifically within the locality of 'The Hard'. PCS4 encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) which all contribute and add to the vitality and vibrancy of the city and support economic growth. The policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes, with 1,600 identified to be delivered in the plan period up to 2027.

As stated in the policy context section, the sites are also identified in The Hard master plan (which supplements Policy PCS4 of the Portsmouth Plan) as key opportunity sites to help deliver the vision of creating a vibrant waterfront destination. Chapter 2 of the document highlights the importance of attracting a viable mix of uses to The Hard to ensure its future success. The high accessibility and visual interest in the area are recognised as key factors in making the area ideal for much needed hotel accommodation.

The specific guidance for the Brunel House site outlines the key development aspirations and as well as being an important gateway site and a significant opportunity for a mixed use development, in referring to the proposed mix of uses the SPD recommends that upper storeys could accommodate a hotel/conference centre as well as residential accommodation. The need for a hotel in this area is also supported by The Portsmouth Hotel Futures report (July 2010) that demonstrates a need for between 12-15 new hotels across the city. A recent Hampshire Hotel Trends Survey (2014) shows that hotels in the city achieve very good room occupancy rates and some hotels are turning away business, including those in close proximity to the application site. Located next to key tourism drivers and visitor attractions, as well as The Hard multi modal transport interchange, the site provides one of the most logical sites for a hotel within the city.

As such, the lack of hotel as part of this scheme is seen as a missed opportunity and extremely disappointing. The applicant was actively exploring the inclusion of a hotel during the early stages of pre-application negotiation however this element was removed due to difficulties in securing an operator. There were a number of reasons for this including complications around the It should be noted that other sites within the SPD area remain available for hotel development and therefore the aforementioned aims and objectives of the master plan may still be delivered.

The inclusion of 313 residential units in the scheme is considered acceptable in principle and accords with policies PCS10 (Housing Delivery) and PCS21 (Housing Density) as well as the objectives and aims of The Hard master plan.

The proposed ground floor layout on Site 1 incorporating a small number of commercial units fronting The Hard, together with the relocated taxi office, adheres to the principles of the SPD that aim to introduce active ground floor uses on this site that benefit from the considerable footfall.

The inclusion of a Halls of Residence comprising 454 student study bedrooms with communal facilities on the site is also considered acceptable in principle. The site is in close proximity to the University of Portsmouth's main campus and other educational establishments which will enable future student residents to have easy access (by foot or bicycle) to the teaching facilities, in addition to the other retail and leisure uses and part-time employment opportunities found in the city centre, without the need for a car. Therefore, the site is considered a sustainable location for such a use and consistent with the Student Halls of Residence Supplementary Planning Document (SPD).

It is further considered that the provision of purpose built Halls of Residence in a sustainable location close to facilities will make a positive contribution to the housing market by freeing up homes currently in multiple occupation by students across the city.

Site 2 would accommodate the construction of a part 6 / part 7 level multi storey car park. This site is also identified in The Hard masterplan and the specific guidance recommended that a mix of uses such as residential, hotel/ conference or offices uses would be acceptable, or that it could be utilised as part of a more comprehensive scheme in conjunction with the Brunel House site. The proposed car park would support the commercial attractiveness of the residential element of the scheme on Site 1, whilst also ensuring that the impact on local roads and streets in terms of on-street parking is not further exacerbated.

Whilst it is disappointing that there is no hotel element to the scheme given the desire within The Hard masterplan and the clear demand for hotels in the city centre, it is considered that the basic land use principle of developing Site 1 for residential units, purpose built Halls of Residence and commercial floorspace and Site 2 for a multi storey car park would be acceptable when considered against both the NPPF (in particular paragraph 14 and chapter 1) and a range of adopted local planning policies.

Design / Tall Building

The following section will appraise the design of the development proposals within the context of their locations and consider the appropriateness of tall buildings in the form presented. These elements are intrinsically linked and each site is taken in turn:

Site 1

Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD identify The Hard as an area of opportunity for new tall buildings (a tall building is defined as any building above 5 storeys and / or 20m in height) and this proposal would fall into the definition of a tall building reaching 40 storeys at its highest point. The basic principle of a tall building in this location is acceptable and accords with the vision within The Hard masterplan. In order to facilitate and encourage the design of tall buildings of the highest quality the Tall Buildings SPD also identifies a number of criteria which any tall building should address and these are appraised below.

The application includes a series of accurate visual representations (AVRs) which illustrate the impact of the proposal within its immediate and wider context from a number of viewpoints agreed with the local planning authority. The AVRs demonstrate that this proposal is for a building of great magnitude, both in scale and mass and second only to the Spinnaker Tower in height, which will undoubtedly have a significant visual impact on both its immediate surroundings and the city skyline. The architect has clearly not attempted to shy away from presenting a bold solution that makes a clear statement of intent - indeed the Tall Buildings Statement outlines that the concept is to *'establish a landmark as a focal point for the redevelopment of The Hard'* and *'as a result, it is widely accepted that in general the mass and height of the building will, to some extent, affect and/or transform various street views and more distant views in the city.'*

The building is designed to dominate the surrounding area by extending to the majority of the edges of and filling the footprint of the site, gradually rising up in height from the two wings to the highest point on the corner of The Hard and College Street. The only relief from this is along the majority of the Victory Road frontage, where the building comprises a single storey element that stretches back into the site between the two wings towards the tower element, and the design revision on the corner of Victory Road where the building has been pulled back from the site boundary. This approach is negatively reflected in the comments of the Design Review Panel, who considered the design disappointing given the enormous mass and height and they felt that the site was not large enough for a building of this size. The scale of the building would undoubtedly 'miniaturise' the smaller scale buildings in the vicinity and be fundamentally in

contrast with its surrounding area. This also supports the notion that the proposal is so far removed from the existing characteristics of the area that the design must be considered in the context of being a 'signifier' or symbol of modernity.

The form of the building does however provide a degree of imagination and offers glimpses of elegance when viewed from certain locations, for example from Victory Gate the tower element that is visible provides a sleek, modern backdrop in combination with Number 1 Gunwharf ('The Lipstick' tower) to the traditional 'street frontage' on the eastern side of The Hard. Views from the neighbouring transport interchange offer a clean, sharp and modern perspective with an active ground floor frontage that knits well with the remainder of the eastern side of The Hard to the north of the site. The AVRs also demonstrate that in views from further afield, including those from the Isle of Wight and Portsdown Hill, the building does not appear uncomfortable or incongruous given the siting between other tall structures such as the Spinnaker Tower and No.1 Gunwharf. In general, a number of new views and juxtapositions are created that add variety and contrast to the texture of the setting.

This elegance is not however apparent from all views and vistas, indeed from a number of locations, predominantly the rear; the building can appear awkward and angular especially where the 'wings' join the tower element of the structure. This rather unrefined approach to the rear is at odds with the cleaner links between the structures on the principal elevations. The irregular footprint of the tower element of the proposal creates an elevation at the rear that comprises three different orientations, and this lack of uniformity creates a view that the building is 'turning its back' on the city and a lack of harmony.

Where the building steps down towards the corner of Victory Road the triangular footprint of the site originally created a form that contrasted to the corresponding wing that steps down along College Street. The revised plans submitted have pulled this back to mirror the other wing. This does not compensate for the dominance of the building however it does provide a degree of symmetry that was previously missing, rather than the impression that the building was being squeezed into the corners to maximise development, and offers a positive improvement to the scheme.

The use of materials on these aspects of the building viewed from the rear was also rather disappointing. On the corner of Victory Road and The Hard, at ground floor (now pulled back from the site boundary) the high level glazed treatment of the commercial unit that runs around the corner presents a lightweight and interesting façade, however this was offset by an angular vertical wall of grey cladding directly above, which originally rose to 27 metres above ground at its highest point. Prior to the design revisions, this was just 12 metres away from Ordnance House directly opposite and impact would have been one of significant enclosure. The revised plans see two key changes to this element - the built form moves back to 20 metres from Ordnance House, as well as a change in angle that not only sits more comfortably with the main southern elevation, but also reduces the amount of grey cladding to a maximum height of 17m, the bottom 10m of this being the glazed commercial façade.

As the building then rises up and away from this corner, there is some relief provided as a lighter cladding material is proposed to the 'end' of the building. On the opposite wing running along College Street, a similar effect is apparent, with vertical grey cladding up to a maximum of 16 metres opposite Cleverly House (17 metres away), again with the same lighter cladding solution as the wing rises up and away towards the tower element of the scheme.

The scale and mass of the building are most evident when the elevations of greatest length, namely those running along The Hard and College Street, are viewed from nearby locations, for example from within Gunwharf Quays and on Havant Street respectively. The first impression is of a stark presentation of a 'sheer wall' of development; however there are a number of features that do help to soften the impact. The application of slim, light coloured cladding in a horizontal direction, interspersed with corresponding horizontal lines of opaque cladding and glazing assists in providing a subtle shift away from consistently re-emphasising the vertical height of

the building. There are also simple vertical 'splits' to the building - where the wings housing the Halls of Residence meet the residential tower a slim line of contrasting gold opaque cladding, set back from the predominant building line, offers interest and delineation. These techniques and responses have the potential to work at street level but would be quickly lost on medium range views of the building as the sheer mass of the structure means there is little relief from the dominance of the building.

This simplicity in materials proposed as part of the design would play a fundamental part in achieving any integrity of design. Any facet of elegance on the dominant elevations would disappear if the quality and sharpness of materials becomes diluted through the detailed design process. A 'value engineering' exercise that seeks to reduce the quality of materials on this part of the building would not be acceptable. As noted above, there are also concerns over the material treatments of certain aspects of the rear of the building and these concerns would need to be allayed to match the principal elevations of the structure. This can be controlled through an appropriately worded condition securing a high quality palette of materials.

On issues of scale and mass, it is evident that the building does not respond to the context and setting that it sits within. The form of the building also lacks the well-proportioned, aesthetically pleasing elegance from all angles, which in a building of such magnitude that would be viewed from so many areas of the city, is a key consideration. From a streetscape perspective, the building does make a positive contribution as the historic pattern of built form along The Hard up to the edge of the pavement is reproduced. This would frame the view down The Hard from Victory Gate towards the railway arches and introduces natural surveillance and a clear definition of public and private space. However the response to the urban grain is poor - the sheer size of the principal elevations and lack of articulation in depth mean that the streets around the building would not remain at a human scale. As previously noted, the building has to be considered as a symbol of modernity and a 'break from the norm'.

In line with paragraph 6.41 of the Tall Buildings SPD, the applicant has also provided an analysis of the climatic effects of the proposal. A wind assessment has been prepared that models the existing and proposed wind conditions in and around the site and notes that *'the building presents a dominant structure with respect to wind, exposed to the prevailing south-westerly and westerly winds. The wind effects are likely to be dominated by corner accelerations, wake effects and façade downwash. The results of the wind tunnel test show that the inclusion of the proposed development on the site due to its location will create wind acceleration.'*

The report goes on to discuss that the results of the wind tunnel tests have been used to refine the building shape and the location of some entrance doors to improve conditions for people entering or leaving the building. Placing entrances on setbacks for the student and retail floorspace has a positive impact and assists in reducing the severity to a level that is not considered significant in these locations. Another key mitigation measure would be required for the areas around the development, for example on the footpath outside the front as this could potentially experience high wind speeds. The planting of trees in the public realm scheme mentioned in the highways section of this report would reduce the impact caused by wind speeds to the point where the residual effects are likely to be negligible. As this package of work would be secured through a legal agreement it is considered that the issue of wind speed can be satisfactorily mitigated.

Another key consideration for a building as tall as this is overshadowing. An assessment provided by the applicant compared the shadow casting of both the existing and proposed buildings in different periods (spring/summer/winter) of the year and at different times of day (morning/noon/afternoon). This analysis has demonstrated that areas with the greatest additional overshadowing are in the northwest and northeast directions given the shape of the building and morning and afternoon sun path. Properties along The Hard opposite the interchange would fall under significant morning shadow in the spring and autumn, whilst some properties at the end of Victory Road and the Cochrane House block of flats would be affected

in the afternoon shadow in a way they currently are not. The most severe impact is on 70 College Street, which would be in the shadow of the new building from early morning through to mid-afternoon as depicted on the March & September plans. It is agreed that shadowing impact in the summer and winter months is less pronounced, and the existing building provides a significant degree of shadowing in the area already. However the impact on 70 College Street, at only 10 metres from the development, in conjunction with the sense of enclosure the mass of the structure would also have on this property does not result in a 'neighbourly' development.

In conclusion, the design of the proposed building on Site 1 presents a complex contrast of elegance and simplicity of materials in some areas against sheer mass, scale and a perceived awkwardness in others, and therefore cannot be said to achieve all of the objectives of Policy PCS23 as it is not a development of all round excellent architectural quality. In addition, the scheme does not adhere to all of the objectives within the Tall Buildings SPD, which also seeks buildings which are 'delightful' and of 'high architectural quality'. There are a number of positive aspects to the design and on balance, it is considered as having sufficient design merit in conjunction with the range of public benefits that the regeneration of this site would provide, to satisfactorily outweigh concerns over the bulk and massing aspect of the design and the contrast that a building of this scale would have in this location and is considered to accord with policies PCS23 and PCS24.

Site 2

The proposal for Site 2 is to demolish the existing buildings in the north east corner on the former ambulance station land and redevelop the whole site to provide a part 7 / part 6 multi storey car park accessed from Havant Street offering a total of 298 parking spaces, 11 of which are disabled compliant (9 on the ground floor and 2 on the semi basement level). The primary stair and lift core is located on the western edge of the site, opposite the rear of the Keppels Head hotel (Nos.24-26 The Hard), with a secondary stair only core on the eastern boundary opposite Cochrane House (Ship Leopard Street). A central circulation core for vehicles allows access to the semi basement and ground floor levels to the south and the 5 levels and roof deck to the north.

The design is based around each level being partly open and transparent, allowing free air movement and reducing the bulk of the structure. This allows views through the building from all vistas. A palette of silver, lightweight metal cladding is proposed for the majority of the structure, with varying shades adding subtlety and interest. Each level will be clad in a predominantly light silver finish, and a thinner line of dark silver at the base. The primary stair and lift core would be clad in a mix of three shades of silver metal finish. The ground floor base running from the main core south down Havant Street is a contrasting black engineering brick.

Whilst the overall height of car park would not exceed the (highest) buildings on The Hard frontage, to the eastern side it would exceed both the eaves and ridge height of the maisonette blocks of Cochrane House on Ship Leopard Street. The car park would also be significantly higher than the existing shop (with flat over) at 70 College Street to the south of the site. Whilst The Hard SPD indicates development of 6 storeys could be accommodated on this site, a key factor is that this guidance was based on the redevelopment of the entire site, including 70 College Street, rather than excluding it. Even then, it was suggested that variances in height would be required including stepping back on key elevations with Havant Street and stepping down to Ship Leopard Street and College Street. The proposal does not embrace any of these themes and apart from the element directly adjacent to the western flank of 70 College Street, presents a 7 and 6 storey structure to the edges of the entire footprint.

Given the proposed use as a car park, the main design and amenity issues to consider do not centre on overlooking, but the proximity of the scheme to adjoining development and the scale and sense of enclosure created. To the north a line of mature trees run across the entire width of the site and are of such a height and maturity, that with over 70 metres across the Powell Square open space to the 4 storey Frobisher House maisonettes and with permeable views through the structure itself, it is considered that the design presents an acceptable north facing

elevation. The proposed use as a car park means opportunities to introduce natural surveillance to this public space in line with the SPD are limited, however the partly open-sided nature of the design offers the most appropriate solution given this limitation.

The relationship to the west presents a more complex arrangement, with a mix of development height and type running on the opposite side of Havant Street. Nos. 22-23 The Hard is a part 3 / part 4 storey building which is orientated at almost 45 degrees to the highway and has ground floor servicing for the Co-operative retail store with residential apartments above. This change of angle means the outlook is predominantly towards the Powell Square open space rather than directly towards the proposed car park. Whilst there would be a greater sense of enclosure, given the decked design and angle of view the relationship is considered satisfactory.

The most prominent relationship will be with the rear of the Keppels Head Hotel (Nos. 24-26 The Hard). The hotel presents a part 5 / part 3 storey rear façade to Havant Street, with servicing access at ground floor, and hotel accommodation windows on upper floors. 11 metres directly across the highway would be the primary lift/stair core of equal height to the 5 storey façade, and either side, a further metre back, are the 6 decked car park levels above ground floor level. The introduction of the proposed car park would undoubtedly have an adverse impact on the amenity of the occupiers of these rooms, however given the transient nature (i.e. it is not a form of permanent residence) and the part open sided design, a satisfactory relationship ensues.

To the rear of No.27 The Hard is a three storey block, the upper two floors consisting of short term guest accommodation as an annex to Number 21 The Hard. The proposed car park will be 12 metres from this elevation, although the southernmost building line of the car park corresponds with the southern boundary of this site. As such, relief is afforded from the sense of enclosure across the open area of the car park towards 70 College Street and beyond.

To the east the view from Ship Leopard Street, and in particular the residential properties of Cochrane House, would be of two elevations - the nearest of which is at 16 metres in the north east corner of the site, with the central section of the site set back to 30 metres from the residential units in this location. Taking into conjunction the height of the existing development behind the proposal and the semi-transparent nature of the design this latter relationship is considered to be satisfactory. The north east corner of Site 2 would introduce 7 levels of car parking opposite the northern 6 metres of Cochrane House. Despite the semi-open design, the only relief from this adverse sense of enclosure would be looking north, as to the south would be the wing of the building on Site 1 at 25 metres in height and slowly rising up towards the tower element.

Of key concern is the relationship of the design with 70 College Street. The residential property above the ground floor retail premises has windows on each of its four elevations. The applicant has attempted to address this relationship by pulling the building line of the car park north into the site. Whilst this means there would be no built form directly adjacent the western flank of the flat, the windows on the northern flank would look out towards 7 storeys of car park to the north at a distance of 18 metres, and 6 levels of car parking running along the site boundary immediately to the west. The adverse impact on the amenity of this property must be taken into consideration alongside the impact of development on Site 1, which as discussed later in the report would introduce built form at a height of 55 metres just 11 metres from the windows on the southern flank. The combination of structures would have the potential to overwhelm the two storey building and create an overbearing impact.

To conclude, the actual design of the car park structure itself has a degree of merit through the appropriate use of lightweight materials, permeable form and interest in articulation generated by the stepped approach; however given the mass it cannot be considered to represent a sympathetic and respectful fit in relation to existing neighbouring properties, particularly those on Havant Street and at 70 College Street. Any justification for so substantial a structure on this modest site relies on the fact that this level of parking provision is necessary to serve the wider development project on Site 1, balanced against the obvious visual harm and adverse amenity

impact on the occupiers of adjacent properties. With the two buildings so intrinsically linked, and the development on Site 1 offering sufficient design merit and public benefits to outweigh the concerns over scale, bulk and massing, the same conclusion can be reached for Site 2.

Impact on heritage assets

The response from English Heritage (EH) and comments of the city council's Conservation Officer provide a thorough, detailed and evidenced based analysis of the impact this scheme would have on the large number of heritage assets in the immediate and surrounding locality. There is no doubt that a scheme of this scale would have a great deal of impact and it is evident that the Heritage Statement submitted by the applicant underplays both the harm that would be caused and the scale and mass of the replacement building against the existing.

This is an application of great importance to the city of Portsmouth. The location, scale and appearance of the proposal dictate that it would impact on a very large number of heritage assets. A thorough and, given the contextual sensitivity of the site, proportionate consideration of this impact has been undertaken. To highlight the significance it is considered appropriate to list the assets that were identified, along with the level of harm:

Conservation Areas

HM Naval Base & St George's Square Conservation Area (No.22) (Location of proposed development site) - **Very significant harm**

Gunwharf Quays Conservation Area (No. 25) - **Intermediate harm**

Portsea Conservation Area (No.23) - **Intermediate harm**

Guildhall & Victoria Park Conservation Area (No.18) - **Moderate harm**

Listed Buildings

No. 20 Ordnance Row (Grade II listed 1972) - **Substantial harm**

Nos. 88, 88a & 92-96 St George's Square (Grade II listed 1972) - **Significant harm**

St George's Church (Grade II* listed 1953) - **Significant harm**

Beneficial School Kent Street (Grade II* listed 1953) - **Intermediate harm**

No.50 Havant Street (Grade II listed 1972) - **Significant harm**

No.16 The Hard (Grade II listed 1972) - **Significant harm**

No.18 The Hard (Grade II listed 1972) - **Significant harm**

Non-designated Heritage Assets

HMS Warrior 1860 - **Significant harm**

HMS Victory - **Intermediate harm**

A number of recurring issues occur when considering each heritage asset in turn, principally that the scale and mass of the building are considered excessive. This should be clarified that it is the height *in combination* with the footprint, form and siting which would generate a palpable sense of excessive mass/bulk. It is this relationship which in part places the structure fundamentally at odds with its surrounding context and the grain of the area. The scale of the building would be such that it 'miniaturised' the surrounding smaller scale historic (and other buildings) and also offered an unfavourable contrast with the older existing tall buildings in the area. The scale of the building would be several orders of magnitude greater than the existing Brunel House with a form that is 'heavy', lacking finesse and refinement. Providing a detail analysis below of the two assets most affected by the proposal offers a clear indication of these issues:

HM Naval Base & St George's Square Conservation Area (No.22)

This is the location of proposed development site.

Significance

The H.M. Naval Base and St George's Square Conservation Area (No.22) encompasses one of the greatest concentrations of historic military architecture in the UK. The historic dockyard contains c.35-40 separately designated buildings or structures and for this reason the impact of

the proposal is considered collectively rather than individually. Whilst the impact of the proposal may vary from site to site within the dockyard there is a significant degree of commonality to the nature of the impact make this approach credible. The yard has a strong uniformity derived from its powerful and imposing Georgian architecture and formal neo-classical planning (based around a series of axes). It is a site of paramount historic and cultural importance to the city, but is also of great significance nationally and internationally.

Character of the conservation area

The Conservation area is characterised by three distinct 'sub areas', the historic dockyard, The Hard and St Georges Square. The site of the proposed building lies at the south east end of The Hard, a predominantly low rise (3-6 storey) historic linear frontage of mixed use that principally addresses the harbour. Further south beyond a subtle 'pinch point' created by Ordnance House (which takes the corner with Victory Road), lies St George's Square. Despite the intrusion of (the 57m high) Mill Gate House the square retains a distinctive historic character of its own, a character which is derived from its essentially domestic scale. The Georgian origins of this part of the city can be clearly read and appreciated in this part of the conservation area.

Assessment of impact/ harm

Overall the historic morphology and much of the historic townscape of the conservation area has, despite the intrusion of post war development, been retained. The current building on the site is of poor architectural quality, and its replacement would be welcomed. The siting, footprint, scale, mass and height of the proposed replacement would not however be sympathetic to the prevailing character of the conservation area. The proposal would significantly exceed the harm caused to the setting of the area by the existing building, and would not constitute an improvement. It would represent an overdevelopment of the site whose scale would effectively 'miniaturise' the historic (and other) buildings nearby. When considered in terms of the conservation area as a whole the proposal would, for the range of reasons considered above, cause **very significant harm** to the character and setting of the H.M Naval Base & St George's Square Conservation Area (No.22). Whilst the harm would be very close to the cusp of being substantial given the pre-existence of other tall buildings in the area (and their appearance and finish) that it is reasonable to refrain from making this assertion.

No. 20 Ordnance Row (Grade II listed 1972)

Significance

An early 19th century house/shop with dentil detail and parapet. It is part of an attractive group of domestic scale locally listed (and non-listed buildings) in the Row. The building (and group) define the northern edge of St George's Square and make an attractive and positive contribution to the setting of the church and wider area.

Assessment of impact/ harm

Of the buildings individually considered this is the closest to the application site, and is the one that would be most heavily affected by this proposal. The building is located a short distance south west of the development site. When viewed from St George's Square the proposed building would form (as now with Brunel House) the backdrop to the asset. Its setting would be profoundly impacted by the introduction of a building of this height, mass and scale into the view. The applicant's comments in relation to the impact of the proposal on the building are outlined below:

"This group of largely Victorian terrace houses is much dominated by the presence of the current Brunel Tower, the high-rise flats of St George's Square and No.1 Gunwharf. The setting is a mix of modern and historic, however, the taller modern elements do dominate the area considerably. The addition of the proposed tower would not change the current setting other than to include a better designed building. The impact is considered to be slight"

The existing tall buildings in the area are of course a very significant feature in the townscape however contrary to the opinion offered it is not considered that they do 'dominate' its character. The interplay of the different elements of townscape is, given the survival of the historic street

pattern, a significant number of historic buildings and the essentially domestic scale of the majority buildings, more subtle than the applicant suggests. The assertion that the addition of the tower would not change the setting other than to include a better designed building, is, given the difference in height, scale, mass and siting disingenuous, and has no basis in fact. The impact the proposal would have has not been subject to serious consideration, and has been very significantly downplayed by the applicant.

In addition to the factors outlined above, there is concern that the form (in particular, though not exclusively, the unrefined handling of the intersection between the 'tower' element and its 'wings') and the material finish of the building would offer too stark a contrast with the heritage asset. A visually jarring and awkward relationship between the two buildings would result, creating an 'uncomplimentary juxtaposition' between the different elements within the view. In addition, as has been suggested by English Heritage, the differential in scale would result in a miniaturisation not only of the heritage asset, but also of all of the nearby domestic scale buildings in the surrounding conservation areas. In contrast to the view offered by the applicant that the impact would be slight, it is considered that the impact in this particular instance would for the reasons outlined and discussed above be **substantial**.

Having considered the revised scheme and viewed the further information provided by the applicant (Artists impression/photo impact study' and elevations) it is clear that the only external alteration to the proposed design would be a reduction to the footprint of the end of the southern wing of the building. This reduction would result in a change of form and loss of volume to the end of this wing. Within the overall context of the proposal it is reasonable to assert that the proposed change is **minimal**.

It has clearly been offered in response to the suggestion of **substantial harm** to the setting of 20 Ordnance Row. Having considered the original comments in relation to 20 Ordnance Row and specifically to this impact, despite the changes to the proposal the original conclusion still stands.

It is clear that the proposal would cause **significant harm** to the setting of the majority of heritage assets considered. In the example of the grade II listed No.20 Ordnance Row on St George's Square it is considered that the setting and thereby the significance of the building would be very seriously eroded resulting in **substantial harm**. Paragraph 132 of the NPPF makes clear that: "Where a 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 benefits that outweigh that harm or loss."

The proposal would impact heavily on the setting of surrounding conservation areas (including the historic dockyard), a large number of listed buildings and two very important undesignated heritage assets: HMS Warrior and HMS Victory. The proposal would negatively affect the significance of these assets, eroding the ability to appreciate their significance.

A key consideration is the level of harm that is caused (in most cases less than substantial, but widespread and significant and one case of substantial) balanced against the significance of the heritage assets in question. Paragraph 134 of the NPPF states that where the proposal will lead to less than substantial harm to the significance of a designated heritage asset (or assets), this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As highlighted in various other sections of this report, the Local Planning Authority considers that the scheme will deliver a package of public benefits for the city. These include the provision of a mixed use scheme that will make a positive contribution to the vitality and viability of the city; have the potential to act as a catalyst for wider regeneration in the city (and indeed other sites within The Hard masterplan area); the provision of a range of much needed housing (all of which exceeds minimum space standards), a Halls of Residence in a sustainable, city centre

location; a comprehensive improvement to the public realm linked into wider redevelopment plans for The Hard interchange and a significant Community Infrastructure Levy contribution.

Having regard to these issues it is considered that on balance, the less than substantial but widespread and significant harm to the majority of designated heritage assets and the substantial harm to one, would be marginally outweighed by the wider public benefits that would arise from the scheme in its current form. As a result the proposal is considered to be satisfactory in heritage terms in accordance with Chapter 12 of the NPPF.

Impact on amenity

Policy PCS23 requires new development to protect the amenity of and provide a good standard of living environment for neighbouring and local occupiers. When considering the impact on amenity, a careful examination of the key relationships with neighbouring development is required, together with an assessment of the likelihood of the building and its uses having a detrimental impact on existing and future residents in the locality. The properties most affected by the development will be those along Victory Road immediately to the east, including Ordnance House on the corner with The Hard, Cleverly House to the east of the northern wing and 70 College Street to the north of Site 1 on the opposite side of the road.

Taking the Victory Road properties first, the starting point must be the impact of the existing development on Site 1. The fronts of these two-storey traditional terraced houses are 12 metres across from the eastern edge of Site 1. Currently this edge comprises a mix of structures including the decked car park at the northern section, with part single, part two storey pitched roof structures running south at a range of heights up to approximately 5 metres. Set back into the site is the vacant 12 storey office block. Whilst the new development proposes a single storey along the majority of this boundary, given the commercial occupancy the height is considerable and would be a consistent 6 metres along the entire boundary. That in itself would not give rise to an unacceptable impact; however the relief from built form currently apparent either side of the office block would be entirely eroded given the new structure runs along the entire Hard and College Street elevations. For example, standing halfway along Victory Road looking north currently affords some views of Cochrane House, the former PALL Europe office tower and Admiralty Quarter on Queen Street in the distance. This would be replaced with a view of built form continually rising from a minimum of 16 metres in height. The effect would be a partial sense of enclosure, however this is not necessarily uncommon in a built up city such as Portsmouth. The amenity of Ordnance House has been discussed earlier in the report, with the original sheer, vertical 5 storey wall of grey cladding sitting just 12 metres from this three storey corner building with a 4th storey of accommodation set back, now improved through the design revision to be 18.5 metres and at an angle offering satisfactory relief.

Cleverley House is a three storey block of flats lying on the corner of College Street and Butcher Street to the east of Site 1. The block is 17 metres from the boundary separated by a small area that consists of parking spaces and a refuse storage area for the flats. Apart from the 3 metre high boundary to the deck car park, the nearest built form within Site 1 is the vacant office block at a distance of 60 metres. The proposal will see one of the two wings being located directly opposite Cleverley House across the width of the site at this point, with a minimum height of 12 metres, rising as the building moves west towards the tower element. As with Ordnance House, the immediate outlook from Cleverly House, and indeed further east along College Street will be one of uninterrupted grey / silver cladding. The introduction of this amount of built form significant closer to the flats would undoubtedly have an impact and greater sense of enclosure, however would not represent such an overbearing impact to warrant a refusal.

70 College Street is a two storey, flat roofed mixed-use property with ground floor retail and a residential flat above and would sit directly opposite the northern 'wing' of the new development. There are two habitable room windows facing the proposal, one at 11 metres and another set back slightly at 14 metres. The impact of this application is to introduce development of over 55 metres in height directly opposite the first window. Whilst a small degree of relief is provided by the building stepping down to the east (albeit not to a height less than 16 metres), this is

counteracted by the building continuing to rise to the west. The amenity of this residential property would be significantly affected by the proposal, in terms of both scale and overlooking.

When considering 70 College Street, the cumulative impact of the car park on Site 2 should also be examined. As mentioned in the Design comments on Site 2, the proposed car park introduces a dominant structure to the north of 70 College Street, and whilst the impact of the mass is reduced through the lightweight structure and ability to see through the structure, with 55 metres of development to the south at a distance of 11 metres and over 22 metres of development to the north at a distance of 18 metres 70 College Street would be significantly affected by the built form being introduced around it and a level of harm will be apparent to the residential amenity.

Another key issue is the provision of amenity space for the new residential development. Policy PCS13 (A Greener Portsmouth) requires sites delivering 50 or more units such as this to provide 'pocket parks' at a rate of 1.5ha per 1,000 population to increase the supply of open space for new residents. Policy PCS15 also requires private amenity space to be provided for as part of all new build residential units.

The originally submitted scheme provided no on-site public amenity space and as noted in paragraph 9.9 of the Planning Statement, the applicant was relying on three local 'open spaces', namely Powell Square to the north of Site 2 (grassed area of 0.14ha with small play park), Beneficial Street (0.18ha of private green space, part of the Beneficial School and inaccessible to the general public) and Ordnance Row (0.06ha area of hardstanding under a tree canopy incorporating the Brunel monument and some seating) as sufficient to cater for the amenity needs of the residents of this scheme. It is clear that relying on what was effectively just 0.14ha of usable existing open space to serve an additional 454 students and the residents generated by 313 properties (potentially in the region of 700 people based on the occupancy levels suggested by the applicant) would be inadequate and contrary to policy. The revised scheme submitted now introduces use of the roof of the single storey element facing Victory Road designated as private outdoor garden space for the residential flats; accessed from within the residential core at Floor 1 level.

Private space in the form of balconies and winter gardens are available for 92 of the 313 proposed apartments across floors 1-30. The winter gardens measure an average of 8.5 square metres, the balconies 9 square metres. As such, just under one third of the units will have their own private amenity space in line with Policy PCS15. It is accepted that the shape, design and height of the proposed tower means that balconies ultimately could not be provided for each individual dwelling, therefore the addition of on-site private amenity space (measuring 1,795 square metres) for the remaining residential properties is seen as a positive improvement over the original scheme. The three elements together, namely private outdoor garden deck, balconies/winter gardens and nearby public open space are considered to offer an acceptable solution in compliance with policies PCS13 & 15.

The 'neighbourliness' of the development must also be considered given the location of ground floor commercial floorspace in close proximity to existing residential properties on Victory Road, and new residential accommodation above. This would create the possibility of noise and disturbance having a detrimental impact on amenity in terms of both noise and cooking odour. Careful consideration will need to be given to the sound insulation of the separating floor between the two uses as well as the glazed facades in Victory Road, together with hours of operation and hours of deliveries for the commercial premises, however subject to appropriately worded conditions it is not thought that these issues would be sufficient to substantiate a reason for refusal.

In conclusion, it is considered that the proposal is unlikely to have a significant impact on the residential amenities of the occupiers of neighbouring properties in terms of noise and disturbance, the overbearing relationship with existing residential properties is not to such a

degree that an unacceptable degree of enclosure and dominance is apparent, therefore the proposal is considered, on balance, to adhere to policy PCS23 in this regard.

Housing mix / space standards

Policy PCS19 of the Portsmouth Plan sets out the requirements for an acceptable mix of housing to be provided in schemes, as well as the minimum space standards for individual units to ensure that appropriate standards of amenity are secured for occupiers. With regard to Housing mix, the policy states that developments should achieve 40% of family houses (3+ bedrooms) where appropriate. The application consists of 313 residential units, made up of 52 x 1-bed flats (17%), 229 x 2-bed flats (73%) and 32 x 3-bed flats (10%).

Whilst this does not provide the 40% of family houses envisaged by the policy, it is recognised that in high rise tower developments such as this where there are no houses, it is unlikely that this would be achieved. Within the predominant type of unit being provided (2-bed flat - 73%), the scheme provides a variety of sizes, 3 in total ranging from 66 square metres to 72 square metres, that are likely to appeal to a range of different types of occupier. Coupled with the 1-bedroom and 3-bedroom accommodation, it is considered that taking into account the site characteristics, and design of the development, a reasonable and acceptable housing mix is achieved.

Turning to the issue of space standards, PCS19 and the city council's Housing Standards SPD set out the minimum internal floorspace standards for residential accommodation in the city. The original scheme saw 9 different types of unit within the scheme and a large proportion of these fell below the minimum space standards set out (30% of the 329 units), predominantly due to the inclusion of a large number of 'studio' flats, some measuring just 23.9 square metres.

The revised scheme sees all of these 'studio' apartments removed, and the smallest flats are now two 1-bedroom units on Floor 1 at 47.6 square metres, with the minimum standard being 45 square metres. All of the other 1-bedroom properties are in excess of 52 square metres. Elsewhere across the scheme, other internal amendments have been made so that 100% of the flats now exceed the minimum space standards. Despite the footprint of the building and design approach being taken resulting in a number of irregular shaped units (for example on the two elevations of the residential tower fronting The Hard and College Street respectively, a cut in provides a linear external feature that adds articulation and interest to the building, yet angular internal rooms) all of these units now exceed the minimum space standard.

Taking into account the practical constraints of the design of the scheme comprising a tower development on an irregular footprint and external design features to add articulation, the final design solution that sees 100% of flats exceed minimum space standards is considered extremely positive. Add to this just under a third of these units having their own private external amenity space and it is apparent that a good standard of living accommodation for future occupiers would be provided in accordance with adopted policy.

Sustainable design and construction

Policy PCS15 of the Portsmouth Plan and the Sustainable Design & Construction SPD set out the criteria that new development must meet to ensure that a positive contribution to addressing the issue of climate change can be achieved. Given the mixed use nature of the scheme, both the Building Research Establishment's Environmental Assessment Method (BREEAM) and Code for Sustainable Homes assessments are relevant. However the Ministerial Statement which was released on 25th March regarding local standards is also a material consideration in terms of assessing proposals against the standards in Policy PCS15.

Residential accommodation

Considering Policy PCS15 and the weight which the Ministerial Statement has, it is considered that the appropriate standard of sustainability for the residential element of the scheme would be a 19% improvement in energy efficiency compared to the building regulations and a water

efficiency standard of 110 litres per person per day. The applicant has provided a pre-assessment estimator which shows that these standards can be met through a combination of an efficient thermal envelope alongside a gas fired Combined Heat and Power (CHP) Plant.

Halls of Residence and retail floorspace

The Ministerial Statement had no bearing on non-residential development and so the standards in Policy PCS15 apply, which requires achieving a level of Excellent in the BREEAM. The applicant has submitted a sustainability statement and two BREEAM pre-assessment estimators - one for the retail element and one for the student accommodation. Both of the pre-assessment estimators confirm that the 'Excellent' level can be achieved on both elements of the scheme. Again this is through the efficient thermal envelope and the use of CHP, which ensures that the requirement use low or zero carbon technologies has been met.

Overall the proposed development is targeting an impressive level of sustainable design in accordance with adopted policy and has approached the issue in a holistic way given the range of uses being proposed. Suitably worded conditions would be required to ensure these impressive targets are secured through the development and implementation process.

Highways issues

The comments from the Highways Engineer in the consultation response section of this report provide a thorough overview of the highways issues related to this development. In summary, the car and cycle parking provision for each element of the scheme are considered acceptable, especially as levels of provision have remained the same despite the removal of 16 residential units and 58 student study bedrooms. The trip generation and impact on the highway network are also seen as satisfactory. A package of mitigation measures related to the improvement of pedestrian and cycle routes in the vicinity of the application sites is also proposed and subject to the securing of these through a Section 278 Highways agreement and a Section 106 Planning Agreement, the development is considered acceptable in highways terms.

One key element of the highways requirements of the scheme is the public realm improvements immediately outside the front of the site on The Hard itself. As detailed in paragraph 4.10 and Figure 26 of the Transport Assessment (TA) that accompanied the application, during pre-application discussions a draft scheme was prepared that included a range of measures including the resurfacing of all pedestrian footways on either side of The Hard, the re-modelling of the highway to decrease vehicle speed and the general improvement in quality and visual impact. This scheme would allow the public realm to be enhanced to a level that would match the quality of design and materials used in the new development. This is one of the key public benefits of the scheme, tying in with city council redevelopment plans for the interchange in this essential gateway location.

As noted in the response from the Highways Engineer and the applicant's TA, the detailed design and delivery of these improvements would be secured through an appropriately worded clause in a Section 106 agreement. This method will also allow the works to take design inspiration from improvements the city council is making to adjacent The Hard interchange and public realm areas through a consistent use of materials and design theme.

The revised scheme submitted by the applicant in March 2015 saw further work on the design of this public realm be provided – using The Hard Interchange proposal as a guide (planning permission granted in June 2014), a uniform and coherent public realm utilising the same palette of materials will help to knit the area between Gunwharf Quays and the Historic Dockyard together.

Nature Conservation

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the amount of protected species (such as waders and Brent Geese) that they support. Evidence

shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect and therefore mitigation measures must be secured before planning permission can lawfully be granted.

The Solent Special Protection Areas Supplementary Planning Document (adopted 16th April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for residential properties and purpose built student accommodation is approximately 1.1km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closet point of Portsmouth coast to the development) and will result in a net increase in population.

In line with advice in Section 3 of the SPD, a permanent significant effect on the Solent SPAs is likely due to the increase in disturbance as a result of the new development and increase in population. As such, in order to lawfully be permitted, the development will need to include an avoidance and mitigation package.

The applicant has indicated a willingness to enter into a legal agreement to secure mitigation for the net increase in population arising from the scheme. This mitigation package includes **£54,462** from the C3 element and **£7,899.60** from the C1 element, a total of **£62,361.60**. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development. The requirement for a legal agreement to secure this mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Issues that relate to the potential impact on protected birds associated with the SPAs are discussed within the Natural England consultation response earlier in the report. As a result of this and the aforementioned mitigation package, as competent authority, Portsmouth City Council has carried out a Habitat Regulations Assessment (HRA) screening matrix and appropriate assessment statement and concluded that the development could be authorised once the mitigation package is secured through a legal agreement.

Viability assessment

As noted in the response from our Community Housing team, Policy PCS19 of the Portsmouth Plan requires developments of 15+ units such as this to provide 30% on-site affordable housing, with a tenure mix of 70% social rented and 30% intermediate products. This would equate to 99 units for the scheme being considered. The applicant has submitted a commercially sensitive Viability Report (VR) that concludes the scheme cannot provide any affordable housing due to viability.

Due to the unrealistic level of profit being put forward by the applicant for a scheme of this magnitude, in order to assess the robustness of the VR the LPA appointed the District Valuer (DV) to consider whether the scheme in its current form would be able to support either on site, off site, or a financial contribution towards affordable housing. The DV produced a comprehensive and commercially sensitive report that analysed the VR and considered the residential, Halls of Residence and commercial values that would be expected to be achieved. This was then balanced against the build cost, contingency, professional fees, Section 106 / CIL costs, marketing & finance costs and developers profit.

Following the detailed research of the DV, they concluded that the VR submitted with the scheme would actually result in a significant deficit and would not be viable to proceed with. As such they are of the view that a policy compliant scheme with affordable housing would not be viable as even an all private scheme showed a considerable deficit, even with a nil land value. The DV goes on to report that on a residual basis, the scheme shows a level of profit on cost that would reach a % whereby the decision by the developer to proceed is marginal, but more likely than as assessed in the VR submitted on behalf of the applicant. It should be noted that

this level of perceived profit is not at the minimum level above which we would expect a financial contribution to be forthcoming.

It is clear from both the VR and the DV work that the original scheme, with no affordable housing contribution of any sort, was marginal in terms of viability. The revisions resulting in 16 less residential units and 58 fewer student study bedrooms further pull the scheme from the margin of viability. There are a wide range of factors that contribute to this including the timescale for construction, residential land values against build cost and design of the building. The issue of design is an important factor to consider against viability. The higher than average construction costs associated with a tower building such as this, together with an inability to prime cash flow with phased sales because of the predicted 3 year construction programme before first occupation, are apparent only because of the design proposed, not the constraints of the site. A more modest structure that attracted lower construction costs and allowed a phased development and sale could be achieved on the Brunel House site, however this is in itself would result in a reduced commercial return.

On the basis of the evidence provided and analysed, it must be accepted that the scheme as submitted could not reasonably provide a contribution to affordable housing without having a further significant and detrimental impact on the already marginal viability. An appropriate review mechanism across various stages of construction will be included in any Section 106 agreement to ensure that changes in market circumstances that result in a more viable scheme allow this issue to be re-considered.

Planning Obligations - Required provisions

As highlighted through the report, to ensure the scheme is acceptable in planning policy terms and to secure the required mitigation of potential impacts, the council will require a legally enforceable mechanism through a legal agreement to secure planning obligations and necessary off-site highways works. It is considered that the provisions that must be secured relate directly to the proposed development and are fairly and reasonably related in scale to the development. In addition to any further provisions that the committee is advised are, or considers necessary, (and which have the same characteristics), the provisions to be secured include:

Section 106 agreement

1. A provision to secure a review mechanism (or mechanisms) related to the viability and affordable housing, or a timescale for delivery which if not met triggers an automatic viability review and a financial contribution for off-site affordable housing commensurate with any uplift in viability, capped at the level of contribution required to accord with policy;
2. Prior to the commencement of construction, a financial contribution of **£400,000.00** to cover the design, funding and implementation of public realm improvements on The Hard directly adjacent to Site 1;
3. A provision to secure the accommodation for full-time students attending colleges in the vicinity of the site during their period of study and not use the halls of residence for any other purpose than as residential accommodation for a student during his / her period of study;
4. Outside of academic term time, not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;
5. Prior to first occupation of the development, the preparation and implementation of Student Management and Refuse management Plans (to manage the arrivals and departures of students during the start and end of each year);

6. Prior to the commencement of development, mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution of **£62,361.60**;
7. Prior to the commencement of development, the preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people);
8. Prior to the commencement of development, implementation of a TRO to introduce one-way traffic along Victory Road/ College Lane up to junction with Rosemary Lane to mitigate concerns regarding potential head on collisions around proposed new loading bays to include signage and lining at **£5,000**;
9. The payment of a Project Management Fee of **£3,100**.

Section 278 agreement

10. The following off-site highway improvements work (figures for guidance only):
 - The provision of 4 pairs of dropped crossing points with tactile paving at the junction of Kent Street/Portland Street/St Georges Way @ £4600 per pair = £18,400
 - The provision of tactile paving only at Bishops Street, Curzon Howe Road, Beneficial Street, Butcher @ £1200 per pair = £4,800
 - The provision of dropped kerbs and tactile paving to cross College Street above and below the junctions with Beneficial Street and Butcher @ £4,600 per pair = £9,200 (this enables the sight impaired to cross to the other side of College Street to benefit from the wider better pavement.)
 - To provide a raised table at the junction of Kent Street/Portland Street/St James Street = £150,000.
 - Upgrade the beacons on the zebra crossings in Queen Street to Zebrite type (high ped casualty rates). Increased pedestrian, cycle and vehicular traffic justify this need =£10,000
 - Improved signage for cycles, particularly on Burnaby Road/Park Road junction to direct cycles to the Hard via Kent Road and the N22 = £5000.

Planning Obligations - legal mechanisms in this case

The form of the legal agreement that would be relied on to secure planning obligations would be made pursuant to Section 106 of the Town and Country Planning Act 1990 (s106 agreement), which is a form of agreement that has a special status conferred by the Act. Unlike other contractual arrangements in respect of land, a s106 agreement is enforceable not only against the person entering into that agreement but also against any person deriving title from that person, is a local land charge and is enforceable by injunction. For that reason, s106 agreements may be regarded as having a special status which does not apply to other types of agreements. Such a s106 agreement is a mechanism to overcome legitimate planning objections to the proposed development, and the existence of such a planning obligation is a material consideration to which the council should have regard when determining whether or not to grant planning permission.

The s106 agreement would normally be negotiated prior to the determination of the planning application and entered into once the Local Planning Authority had resolved to grant planning permission but before the formal grant of the permission. To enter into a s106 agreement the applicant has to have a legal interest in the land (such as a freehold interest). The agreement should be complete before permission is issued, to ensure that it is binding in respect of the whole application site. Once permission is issued, it may be implemented on any part of the site, so that development may be completed in accordance with the permission whether or not there is a binding agreement for the whole site or for the part where development commences. The whole application site to which a permission related must be included in the land bound by a Section 106 Agreement.

In this case, the applicants cannot yet enter into a Section 106 Agreement for the whole of the application site because the Council owns part of the site (part of Site 2).

Conclusion

An application of this scale generates a wide range of issues, some of which can be mitigated, others that cannot. Where mitigation is not possible, the local planning authority's role is to assess any harm and weigh it against the positive aspects of the scheme and any public benefits that arise.

The basic principles of redeveloping this site are undoubtedly welcome and have the opportunity to act as a catalyst for the continued regeneration within The Hard area. Whilst the nature of the mixed use development is not as envisaged within The Hard masterplan, the uses proposed accord with development plan policy and other opportunity sites remain within the area to deliver alternative uses.

Whilst the lack of affordable housing provision either on-site, off site or in the form of a financial contribution is disappointing, it has been independently assessed as a scheme unable to provide this and remain viable.

It is however clear that a building of this scale and mass would cause widespread and significant harm to a range of nationally important heritage assets in the area, albeit at a level considered less than substantial, but the cumulative effect of this should not be overlooked. There is also a localised impact in terms of the relationship with neighbouring properties. As such significant public benefits must be apparent on a level sufficient to outweigh this harm.

As highlighted throughout this report, it is considered that the scheme would deliver a package of public benefits for the city. These include the provision of a mixed use scheme that would make a positive contribution to the vitality and viability of the city; have the potential to act as a catalyst for wider regeneration in the city (and indeed other sites within The Hard masterplan area); the provision of a range of much needed housing (all of which exceeds minimum space standards); a Halls of Residence in a sustainable, city centre location offering the opportunity for HMO's to return to standard residential use; a significant improvement to the public realm linked into wider redevelopment plans for The Hard interchange; employment benefits during construction and ongoing operation (commercial and student management) and a significant Community Infrastructure Levy contribution.

On balance the scheme is considered to marginally offer both sufficient design merit and a range of public benefits that are essential to outweigh the level of harm caused and subject to completion of the relevant legal agreements to secure planning obligations and highways improvements, is recommended for conditional permission.

Recommendations

RECOMMENDATION I - Once the applicant has secured a legal interest in the land, delegated authority be granted to the City Development Manager to complete legal agreements pursuant to Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highways Act 1980 with principal terms as outlined in the report and such additional items as the City Development Manager considered reasonable and necessary having regard to material considerations at the time the planning permission was issued;

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

RECOMMENDATION III - The delegated authority be granted to the City Development Manager to refuse planning permission if the contractual agreement (pursuant to Section 106 of the Town & Country Planning Act 1990) has not been completed within six months of the date of the resolution.

Conditions

To follow

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework, the City Council has worked positively and pro-actively with the applicant before and through the application process and this has resulted in a revised scheme that is considered to accord with development plan policy, and where it does not, offer sufficient benefit to outweigh the harm identified.

ST JOHNS COLLEGE 36-40 GROVE ROAD SOUTH SOUTHSEA PO5 3QW**FORMATION OF NEW CAR PARK, ACCESSED VIA THE THICKET, INCLUDING NEW ENTRANCE GATES, WALL AND PILLARS AFTER REMOVAL OF PART OF EXTERNAL WALL****Application Submitted By:**

PMG Building Design & Consultancy Ltd
FAO Mr Paul Gosling

On behalf of:

St Johns College
FAO Mr R Phillips

RDD: 26th February 2015

LDD: 26th May 2015

SUMMARY OF MAIN ISSUES

This application is brought to the committee at the request of Ward Councillor Linda Symes.

SUMMARY OF MAIN ISSUES

The main issues in the determination of this application relate to the appropriateness of the design and whether it would preserve or enhance the character and appearance of 'Owen's Southsea' Conservation Area, the implications on the existing trees and the impact upon highway safety.

The site and surroundings

The proposed site is located on The Thicket to the west of its junction with Albany Road. The surrounding area is predominantly residential in character with a synagogue opposite the site.

The proposal

The college seeks permission to form an additional car park for eight vehicles which would be accessed via the Thicket. The proposal includes the installation of timber gates after the partial demolition of 4.5m of the boundary wall.

Planning history

There is no relevant planning history for this application

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS23 (Design and Conservation),

CONSULTATIONS

Highways Engineer

St Johns College is located on the eastern side of Grove Road South and the proposal involves formation of a new car park access via The Thicket.

The proposal is to increase the level of on-site car parking, thus reducing the need for staff to park in neighbouring residential streets. The school currently has 19 car parking spaces including 2 disabled spaces to serve 139 employees.

Additional car parking provision in this area will be beneficial as on-street parking availability is extremely limited. The roads immediately west of Grove Road South fall within the KD Castle Road Residents' Parking Zone (RPZ) where parking is only available to residents and their visitors in excess of the 2-hour waiting limit.

As part of the proposal, a new entrance gate will be formed on the northern boundary of the site, from The Thicket. A new opening will be formed in the existing brick boundary wall, with new brick piers formed to match the existing.

The revised drawing shows there are adequate intervisibility between drivers and pedestrians, enhancing safety.

The Highways Authority raises no objection, subject to a condition requiring the provision/retention of the car parking and have requested an informative concerning works to the highway.

Tree Officer

The City Council's Arboricultural Officer has visited the site and advises that the development would be capable of support, as the removal and replacement planting of the (TPO 140) trees is unlikely to cause damage to the trees due to their young age. The Arborcraft method of protecting the roots whilst the trees are being relocated is considered to be acceptable.

Southern Electric

No comments received.

Contaminated Land Team

No comments received.

REPRESENTATIONS

There have been 9 letters received raising objection on the grounds of : 1) increase in traffic; 2) loss of trees; 3) damage to the appearance of The Thicket; 4) loss of on-street parking; 5) failure to preserve the Conservation Area; 6) road safety issues, and; 7) removal of boundary wall.

COMMENT

The main issues in the determination of this application relate to the appropriateness of the design and whether it would preserve or enhance the character and appearance of 'Owen's Southsea' Conservation Area, the implications on the existing trees and the impact upon highway safety.

Design/ impact on Conservation Area

When determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Area Act 1990 (as amended) requires that

LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposal is to install timber gates after the partial demolition of 4.5m of the boundary wall. The Owen's Southsea Conservation Area guidelines states that the City Council will discourage the removal/demolition/or unsympathetic alterations of the existing walls and other means of enclosure which are of architectural townscape. Whilst the wall which is to be partly removed is not of a high architectural quality and it is relatively new compared to the other walls in the surrounding area, it does provide a sense of enclosure which is common throughout the Owen's Southsea Conservation Area. Therefore the installation of the timber gates would preserve the character and the appearance of the Owen's Southsea Conservation Area by providing the method of enclosure.

Implications on the existing trees

To form the eight parking bays for the car park there would be two TPO trees which are to be re-located. These two TPO trees are replacement trees and they are young specimens of tree, therefore they can readily be removed and be relocated. The City Council's Conservation Area guidelines state that it will continue to encourage good management of trees in this area and it will encourage new and replacement planting of appropriate species to help maintain and enhance the character and the appearance of the Conservation Area. Therefore it is not considered that the re-location of the trees cause harm to the Conservation Area. Also as the young specimens they currently do not provide a high amenity value due to their size.

Impact on highway safety

The formation of the dropped kerb would result the loss of two on-street parking spaces. However, the school has stated that a number of staff often park in the road therefore the additional car parking spaces would potentially result in more spaces for local residents becoming available.

The revised drawings show the gates to be set back 1m, this would provide the visibility so pedestrians and other vehicles can be seen when driving out of the car park. Therefore in terms of highway safety the proposal is considered acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 001 REV B and 002 REV B and 002 REV C and 002 REV D **** **.
- 3) The proposed works to T2 within TPO NO140 shall be carried out in accordance with the arboricultural report which is provided with the application.
- 4) The development shall not be brought into use until the car parking spaces shown on the approved drawings have been provided. The spaces thereafter shall be retained and not be used for any purpose other than the parking of vehicles unless otherwise agreed by the Local Planning Authority.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure the amenity afforded by trees is continued into the future in accordance with PCS23 of the Portsmouth Plan.
- 4) To ensure adequate on-site parking provision for the approved building(s) and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies DC25 and DC28 of the Portsmouth City Local Plan 2001-2011.

1) 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.

CAVENDISH HOUSE 18 VICTORIA ROAD SOUTH SOUTHSEA PO5 2BZ

CHANGE OF USE FROM PURPOSES WITHIN CLASS D1 TO A 15 BEDROOM HALLS OF RESIDENCE (WITHIN CLASS C1) AND ASSOCIATED OFF-ROAD PARKING (RE-SUBMISSION OF 14/01665/FUL)

Application Submitted By:

McAndrew Martin
FAO Mr James Bengree

On behalf of:

B2B Properties Ltd
FAO Mrs Fiona Taylor

RDD: 1st April 2015

LDD: 25th June 2015

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed use is acceptable in principle, whether it would preserve or enhance the character and appearance of the Conservation Area, whether the proposal would be likely to adversely affect the amenities of local residents. Other issues to consider relate to highway safety, parking, flooding and SPA Mitigation. Regard must also be had to the reason for the recent refusal of similar application.

The Site

The application site, which is located on the western side of Victoria Road South, adjacent to its junction with Cavendish Road, comprises a large vacant detached building previously used for medical purposes by the Community Mental Health Team. The property is included within the Local List of buildings of architectural and/or historic importance and is located within the Owen's Southsea Conservation Area. The site also falls within the indicative flood plain.

Victoria Road South forms the eastern boundary of the Owen's Southsea Conservation Area (with the eastern side of the road being located within the East Southsea Conservation Area). This part of the Conservation Area includes Cavendish, Hereford and Stafford Roads) leading from Victoria Road South to Albany Road. These date from between 1874-1900 and comprise late Victorian villas and semi-detached houses in a variety of materials, mainly brick or render but including stone and flint. These roads have a distinct building line and there is less tree planting than in other parts of the Conservation Area. Most properties have retained boundary walls and gate pillars. There are further Edwardian villas in Victoria Road South.

The Proposal

This application seeks planning permission for the change of use of the building from purposes within Class D1 to a 15 bedroom halls of residence (within Class C1) together with alterations to the walls and grounds of the property to provide off-street parking.

Planning History

The previous use of the building for medical purposes was the subject of a planning permission granted in 1987. Planning permission was granted in October 2013 (under reference 13/00779/FUL) for the change of use of the building to form a single dwellinghouse. A planning application (14/01665/FUL) for a similar proposal without any parking was refused in March 2015 for the following reason:

In the opinion of the Local Planning Authority, the proposed development, by reason of it making insufficient provision for the parking of cars, is likely to give rise to an increased demand for on-street parking in an area with no capacity to accommodate additional demand and as such would result in harm to the amenities of the occupiers of existing residential properties in the area by increasing the demand for on-street parking. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.

This refusal is currently the subject of an appeal.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

The NPPF and the Parking Standards, Student Halls of Residence and Solent Special Protection Areas SPDs are all relevant to the proposed development.

CONSULTATIONS

Environment Agency

No objection, offer comments regarding flood warning and emergency response

Coastal Partnership

No response received at the time of writing, raised no objection to previous application

Coastal And Drainage

No response received

Highways Engineer

Cavendish House is located on the west side of Victoria Road South at the junction with Cavendish Road. The existing building was previously owned by the NHS and served as a mental health clinic. The property is located in an area of low accessibility to public transport. The existing property has one off street car parking space. The proposed layout shows one car parking space located to the north of the site in front of the refuse storage area. The location of the car space will obstruct the access to the refuse storage area.

The side gate in Cavendish Road is the most practical location for the bin collection. Waste Management team carry out several communal collections from Cavendish Road already so this would logically fit into their round.

Considering the number of students, 360 litre bins are not appropriate to this proposal and it is suggested that 1 x 1100 refuse and 1 x 1100 recycling bins are appropriate for this site.

The on-street parking is unrestricted, but the area suffers from severe parking congestion due to very little off-street parking and much of the large housing stock being converted into HMOs or flats. There is no spare capacity to accommodate parking associated with additional dwellings, which is why this area is being considered for a residents' parking zone in response to demand

from existing residents. If implemented, permits would be limited to a maximum of 2 per postal address.

With regard to the car parking layout fronting Victoria Road South: Vehicles using the access would need to reverse onto the classified Victoria Road South (B2151) as the site cannot accommodate on site turning. Reversing would increase the risk of conflict with those vehicles travelling along Victoria Road South and increases risk to cyclists who are more vulnerable to reversing vehicles.

Pedestrian safety is compromised in a similar manner, both those walking on the footpath and being obscured by adjacent boundary treatments.

With regard to the car parking layout fronting Cavendish Road: this is a residential road with unrestricted parking on both sides. The layout shows three cars parked in tandem and the fourth within a restricted area between the boundary wall and the building.

Three car spaces as shown in tandem are unacceptable as there should be 6.0m gap for cars to manoeuvre into and out of the spaces. The fourth space is unacceptable as a car is unable to manoeuvre into out of the space in a safe manner. Cars wishing to enter and leave the restricted site would increase the risk of conflict with those vehicles travelling along Cavendish Road and increases risk to cyclists who are more vulnerable to reversing vehicles.

Pedestrian safety is compromised in a similar manner, both those walking on the footpath and being obscured by adjacent boundary treatments.

The proposal provides a scheme for cycle storage which is acceptable.

The parking layout shown for the proposal is unacceptable and would lead to conditions prejudicial to the free flow of traffic and safety on the adjoining highway. The recommendation of the Highways Authority is to refuse this proposal.

Environmental Health

Satisfied proposed use unlikely to be affected by neighbouring properties.

The proposed use cannot inherently be associated with noise when the impacts may only occur as the result of the behaviour of certain individuals, not the behaviour of students as a whole. As such, an attempt to mitigate the perceived issue by, for example, treating the building as a whole might be seen as inappropriate or excessive. The nuisance provisions of the Environmental Protection Act 1990 will be sufficient to deal with any issues that arise. Notes that contrary to other similar applications this application does not include a provision for management of the use and suggests it may be expedient to condition this matter. Suggests that existing single glazing may not be sufficient to mitigate road noise and recommends imposition of a conditions relating to the insulation of habitable rooms fronting Victoria Road South and Cavendish Road.

Contaminated Land Team

Given that only limited ground works are proposed, a condition relating to land contamination is not required. However records show that the site is part situated on the Great Morass, a former tidal inlet that was reclaimed from the sea, and as such the potential for contamination to be present should not be discounted.

As a precautionary measure, an informative should be added, advising the developer that they should contact this department if any unexpected materials or materials of concern (such as oily, ashy, odorous or fibrous materials) are uncovered as part of the works for advice on the need for chemical testing and/or remedial measures to be incorporated into this development.

REPRESENTATIONS

Objections have been received from six local residents on the following grounds: i) loss of a family dwelling; ii) no need for more halls of residence; iii) proposal is a HMO not a halls of residence; iv) proposed parking arrangements impractical; v) proposal access arrangements dangerous; vi) too many student properties in the area already; and vii) adverse impact on community.

COMMENT

The main issues to be considered in the determination of this application are whether the proposed use is acceptable in principle, whether it would preserve or enhance the character and appearance of the Conservation Area, whether the proposal would be likely to adversely affect the amenities of local residents, having regard to the reason for the refusal of the previous application. Other issues to consider relate to highway safety, parking, flooding and SPA Mitigation.

Principle of Development

Between its junctions with Stafford Road and Nelson Road the eastern side of Victoria Road South is characterised by a mix of detached and large terraced properties of which a significant proportion comprise residential accommodation. The properties on the opposite (east) side of the road are more modest in scale but, again, are predominantly in residential use. Given the predominant land use within this locality, and as has been demonstrated by the recent grant of planning permission for the use of the property as a single dwelling, it is considered that the residential use of the building acceptable in principle. This application seeks permission for a specialist form of residential accommodation, a halls of residence. Having regard to the location of the site close to the Albert Road and Elm Grove District Centre and the aims and objectives of the adopted Student Halls of Residence Supplementary Planning Document it is considered that the proposed use is acceptable in principle.

Impact on Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

As noted above the character of this part of the Conservation Area is predominantly residential with the former medical use being somewhat at odds with the prevailing character. The existing locally listed building makes an important visual contribution to the street scene and retains the boundary wall and many architectural features including timber sash windows. It is noted that the proposals would not entail any external alterations to the building other than the provision of replacement cycle storage facilities to the rear. The former medical use of the building would have represented a fairly intensive use of the building and generated activity associated with both staff and visitors. As a result it is considered that the proposed use of the building as a halls of residence would preserve the character and appearance of the Conservation Area.

To provide the off-street parking proposed as part of this application, parts of the existing brick and flint wall fronting both Victoria Road South and Cavendish Road would need to be removed. There are existing vehicular accesses to both road frontages which would be widened to allow access to the proposed additional parking areas. The Council's published guidelines for the Owens Southsea Conservation Area encourages the retention of existing boundary walls, gate pillars and gates and other means of enclosure and discourages the removal/demolition/or unsympathetic alteration of existing walls and other means of enclosure which are of architectural or townscape value. It is considered that the existing wall makes a positive contribution to the character and appearance of the Conservation Area and that the proposed

loss of parts of the wall would have an erosive effect on the Conservation Area. As such this element of the proposal is considered to give rise to less than substantial harm to the character and appearance of the Conservation Area. In addition the loss of parts of the boundary wall would also adversely affect the setting of this locally listed building. Furthermore the proposed drawings indicate refuse storage facilities being provided at the front of the building, which it is considered would further harm the character and appearance of the Conservation Area

Impact on Amenity

The proposed use of the building would likely to be different in nature than the former medical use of the building in that the activity would be greater by extending into hours outside of a typical working day. The site does however comprise a detached building located adjacent to a main road and close to a busy District Centre with an active night-time economy. The intended occupiers of the building cannot be inherently associated with noise, as the behaviour of individuals cannot be assumed to be likely to be typical of a group falling within a particular tenure or demographic. The building is substantial and could be readily converted to flats in a manner that would allow the building to be occupied by similar number of people. It is therefore considered that the proposed specialist form of residential accommodation would not be likely to give rise to an increase in noise and general disturbance which would significantly affect the amenities of the occupiers of neighbouring properties.

The reason for the refusal of the previous application related to the lack of provision for the parking of cars being likely to give rise to an increased demand for on-street parking in an area with no capacity to accommodate additional demand and as such would result in harm to the amenities of the occupiers of existing residential properties in the area by increasing the demand for on-street parking. It is considered that having regard to the specialist form of residential accommodation proposed and the restriction which could be imposed on future occupiers, the proposal would be unlikely to result in such a demand for parking that it would have a significant impact on the living conditions of the occupiers of existing residential properties.

Highway Safety & Parking

The site benefits from two dropped kerbs (one to Victoria Road South to the north of the building and one to Cavendish Road to the west of the building) serving limited areas of hard standing which, as existing, could reasonably provide off-street parking for three vehicles. The submitted drawings indicate that a total of six car parking spaces would be provided. The restricted nature of the site is that (at most) only three of the spaces could be used independently and then only by carrying out manoeuvres which would involve reversing into or from both Cavendish Road and Victoria Road South. Having regard to the busy nature of Victoria Road South and the restricted width of Cavendish Road, it is considered that the use of the proposed off-street parking would be likely to result in an unacceptable risk to users of the surrounding highway network.

It should be noted that appeal decisions for similar halls of residence development (e.g. at 151 Fawcett Road and 130-136 Elm Grove) Inspectors have taken the view that for such developments in accessible locations, dedicated off-road parking should be avoided to discourage car use, and in light of a restriction to student occupation only, would not have a significant effect on the on-street parking in the locality.

The submitted drawings indicate that facilities for the storage of cycles would be provided at a ratio of one space per study bedroom which would accord with the requirements of the adopted Car Parking SPD.

Flooding

Although located within the indicative floodplain the property is nonetheless adjacent to Zone 1 and falls within a cell in which improvements to flood defences are likely to be delivered. In these circumstances the residual risks from a flood event are considered to be sufficiently low so as to ensure an objection under policy PCS12 would not arise.

SPA Mitigation

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, (as described in the Conservation of Habitats and Species Regulations 2010) on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). This has been acknowledged by the applicant who has indicated that they will enter into a planning obligation to provide the necessary mitigation. The Solent Special Protection Areas Supplementary Planning Document sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(15/5 \times £174/2) = £261.00$. It is therefore considered that, subject to the inclusion of an appropriate level of mitigation within a planning obligation (by unilateral undertaking or by agreement) there would not be a significant effect on the SPAs.

Other Matters

Having regard to the provisions of policy PCS19 in respect of the provision of affordable housing and minimum space standards, and the car parking issues discussed previously, it is considered that a Section 106 Agreement (to restrict occupation to students on a recognised full-time course of study in the vicinity of the development) is necessary to make the development acceptable in planning terms and would be both directly related to the development and be fairly and reasonably related in scale to the development.

Conclusion

This application includes provision for the off-street parking of cars in an attempt to address and overcome the reason for the refusal of the previous application. However it is considered that the proposal would result in harm to both the character and appearance of the Conservation Area and result in potential risk for users of the local highway network. It is considered that the benefit of providing on-site parking would not outweigh the harm identified and as such the proposal cannot be considered capable of support.

RECOMMENDATION Refuse

The reasons for the decisions are:

1) The proposed removal of parts of the existing boundary wall would result in the loss of features which make a positive contribution to the character and appearance of the Owens Southsea Conservation Area and give rise to harm to this important designated heritage asset. Furthermore the loss of parts of the boundary wall would also adversely affect the setting of the locally listed building. The potential benefit associated with the provision of off-street parking would not outweigh this harm. The proposal is therefore contrary to the aims and objectives of

the National Planning Policy Framework, Policy PCS23 of the Portsmouth Plan and the Council's published guidelines for development in the Owens Southsea Conservation Area.

2) The proposed off-street parking arrangements would, in the absence of sufficient space to turn a vehicle and approach the highway in a forward gear, be likely to cause a conflict with both vehicles and pedestrians travelling along both Victoria Road South and Cavendish Road resulting in additional hazard and inconvenience to all users of the road and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 and PCS23 of the Portsmouth Plan.

53 GOLDSMITH AVENUE SOUTHSEA PO4 8DU**INSTALLATION OF DROPPED KERB (RE-SUBMISSION OF 14/01015/HOU)****Application Submitted By:**

Miss Annette Clancy

On behalf of:

Miss Annette Clancy

RDD: 15th April 2015**LDD:** 2nd July 2015**SUMMARY OF MAIN ISSUES**

This application is brought to the committee at the request of Ward Councillor Gerald Vernon-Jackson.

SUMMARY OF MAIN ISSUES

The determining issue is highway safety.

The site and surroundings

This application relates to a two-storey semi-detached dwellinghouse located on the southern side of Goldsmith Avenue to the east of the junction with Clovelly Road and to the west of the junction with Prince Albert Road. There is a park opposite the property. The surrounding area is predominantly residential in character.

The proposal

The applicant seeks permission to install a dropped kerb (Re-submission of 14/01015/HOU). Although the dropped kerb itself has not been constructed, an opening of approximately 3.05m in width has been provided to the Goldsmith Avenue frontage. An area of hardstanding has already been established to the front of the property which comprises brindle coloured block paving.

Planning history

In October 2014 permission was refused for the installation of a dropped kerb (Ref 14/01015/HOU), for the following reason: The proposed dropped kerb would, in the absence of sufficient space to turn a vehicle and approach the highway in a forward gear, be likely to cause a conflict of traffic movement along Goldsmith Avenue resulting in additional hazard and inconvenience to all users of the road and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 of the Portsmouth Plan and saved policy DC26 of the Portsmouth City Local Plan 2001-2011.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS23 (Design and Conservation),

Also the saved policy DCS23 (Access onto Primary and Distributor Roads) of the Portsmouth City Local Plan 2001-2011.

CONSULTATIONS

Highways Engineer

This application is a re-submission of 14/01015/HOU, which is for the installation of dropped kerb.

Notwithstanding the additional information provided, in the form of a sketch and photograph, there is no new evidence to cause us to change our view and the previous recommendation remains valid and is included below.

Goldsmith Avenue is a busy principle road within the city and is classified as the A2030 and is a bus route. It carries traffic east/west between the areas of Southsea, Eastney and Milton to the city centre and Fratton. Within this section of Goldsmith Avenue there is housing fronting the road on the south side, and a park on the north side. Parking can occur on both sides of the road, with some short sections controlled with double yellow lines. There are a number of junctions along this section, Clovelly Road being just west of the site. This junction is of a traditional give way configuration, with double yellow lines extending approximately 10m in each direction around this T junction. However, sight lines for traffic emerging from this junction are seriously restricted by parked cars in Goldsmith Avenue. The site in question is the fourth house along from the junction, to the east, approximately 25.0 metres away from the junction of Clovelly Road.

There are several properties along Goldsmith Avenue which benefit from vehicular access, something which has occurred historically. The nearest property to the application site which has vehicular access is a further 3 along to the east of the site, number 47, further away from junctions, and benefits from sufficient room for on-site turning provision, and several parking spaces. Beyond that, number 37 has a hard paved forecourt and double gates, but no dropped kerb, and a disabled parking bay in front of the property. Number 21 benefits from a dropped kerb and on plot parking, but with no on site turning. These are the only near properties with vehicular access in Goldsmith Avenue.

It is highway officer opinion that a new vehicular access as proposed for no.53 Goldsmith Avenue is likely to harm highway safety. The reasons for this are expanded below:

1. The proximity of this access to the adjacent Clovelly Road junction is likely to lead to confusion and risk of collision involving vehicles using the junction, the proposed access, and traffic on Goldsmith Avenue. There is poor intervisibility between vehicles using these access points due to parked vehicles on Goldsmith Avenue. Double yellow lines could be extended from the junction with Clovelly Road beyond the entrance to no.53, and improve this visibility.

However, this would still not overcome highway concerns, and would compromise the amenity of the properties which would lose parking by extending the double yellow lines, and may then encourage them to apply for dropped kerb access also, even closer to the junction, and increasing the risk of conflict here.

2. Any vehicle using the proposed access would need to reverse onto or off of the drive, as the site cannot accommodate on site turning. This increases the risk of conflict with vehicles on Goldsmith Avenue, but also greatly increases risk to cyclists who are more vulnerable to reversing vehicles. The driver's ability to identify cyclists riding alongside parked cars is

compromised more greatly when reversing their car, due to the rear of the car being longer than the front, and the awkwardness of the driver needing to turn their head and recognise moving vehicles as well as other more vulnerable road users.

3. Pedestrian safety is compromised in a similar manner, both those walking on the footpath and being obscured by adjacent boundary treatments, and those who may be crossing Goldsmith Avenue.

4. The proximity of the adjacent street lighting column will further reduce the turning ability of vehicles in this location, making any manoeuvres undertaken here more onerous.

5. This proposal is contrary to saved policy DC26 regarding access onto primary and distributor roads within the city.

RECOMMENDATION: Refusal

Highway safety will be compromised by this proposal due to vehicle manoeuvres close to the nearby Clovelly Road junction adding to risk of collision with vehicles, cyclists and pedestrians. Visibility is restricted by parked vehicles, and use of the access would result in reversing manoeuvres which will increase risk of collision. The proximity of the adjacent street lighting column adds to difficulties when using this proposed access.

REPRESENTATIONS

None received.

COMMENT

The determining issue is highway safety.

Goldsmith Avenue (A2030) is designated as a Primary and Distributor Road by saved policy saved policy DC26 (Access onto primary distributor roads) of the Portsmouth City Local Plan 2001-2011. This policy states that: 'Proposals which would result in a net increase in the number of access points onto primary and distributor roads will not normally be permitted'. It does on to state: 'In the interests of highways safety, the City Council will seek to prevent the proliferation of accesses and the interruption of the flow of traffic on these roads and to ensure that efficient use is made of the available highway capacity. This policy is intended to safeguard against the introduction of individual access points at unscheduled intervals, rather than to impede the access of new development proposals'.

The application site currently benefits from an area of hardstanding between the front elevation and the public footpath. The applicant proposes a dropped kerb onto Goldsmith Avenue to provide access to this area of hardstanding which would accommodate one parked car. The area of hardstanding is relatively modest in scale. As a result, any vehicle using the proposed dropped kerb would be required to either reverse on or off the driveway as there is insufficient room for on-site turning. This would subsequently increase the risk of collision with vehicles travelling along Goldsmith Avenue. It would also increase the risk to cyclists and pedestrians travelling along this road who are inevitably more vulnerable to reversing vehicles.

On street parking is available on both sides of Goldsmith Avenue. The nearest junction is at Clovelly Road, approximately 25m away. Visibility when turning out of this junction is already poor when cars are parked on both sides of Goldsmith Avenue. The proposed dropped kerb would exacerbate this resulting in an increased risk to vehicles both turning out of Clovelly Road and travelling along Goldsmith Avenue.

The proposed dropped kerb has been considered by the Council's Highway Engineer who advises that vehicles manoeuvring onto and off of the application site, potentially in reverse

gear, will cause a conflict with vehicles travelling along Goldsmith Avenue compromising safety at this busy location. It is therefore, considered that the proposal would prejudice highway safety and would be contrary to the aims and objectives of saved policy DC26 of the Portsmouth City Local Plan 2001-2011 and policy PCS17 of the Portsmouth Plan . The applicant has provided no changes to the previous application and they have not provided an argument to justify why a deviation from these policy requirements would be acceptable.

RECOMMENDATION Refuse

The reason for the decision is:

1) The proposed dropped kerb would, in the absence of sufficient space to turn a vehicle and approach the highway in a forward gear, be likely to cause a conflict of traffic movement along Goldsmith Avenue resulting in additional hazard and inconvenience to all users of the road and to the detriment of highway safety. The proposal is therefore contrary to policies PCS17 of the Portsmouth Plan and saved policy DC26 of the Portsmouth City Local Plan 2001-2011.

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City Development Manager
15th June 2015