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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 20 JUNE 2018 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Democratic Services 02392 834056  
Email: [lisa.gallacher@portsmouthcc.gov.uk](mailto:lisa.gallacher@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Ken Ellcome, James Fleming, Suzy Horton, Donna Jones, Steve Pitt, Lynne Stagg, Luke Stubbs and Claire Udy

### Standing Deputies

Councillors Jo Hooper, Frank Jonas BEM, Leo Madden, Gemma New, Scott Payter-Harris, Jeanette Smith, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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(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](http://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](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4916.

## AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of the previous meeting held on 30 May 2018 (Pages 5 - 14)

**RECOMMENDED that the minutes of the Planning committee held on 30 May 2018 be agreed as a correct record and signed by the Chair.**

**4 Hampshire Fire and Rescue Authority Position Statement for Planning and Legislation (Pages 15 - 18)**

The Assistant Director of City Development will provide a verbal update.

**5 Updates on previous planning applications by the Assistant Director of City Development**

Planning Applications (Pages 19 - 178)

**6 17/01097/FUL - 170 Milton Road Portsmouth PO4 8PN**

Construction of 3-storey building to form 9 flats with associated parking, refuse/cycle stores and landscaping, following demolition of existing buildings.

**7 18/00150/FUL - Arundel Court Primary School Northam Street Portsmouth**

Demolition of existing school buildings, construction of three-storey replacement school building, associated landscaping

**8 17/01888/FUL - HM Kingston Prison Milton Road Portsmouth PO3 6AS**

Retrospective application for the partial change of use of the main prison building from prison use (use class C2A) to storage (use class B8) (amended description)

**9 18/00647/FUL - Ravelin Park Museum Road Portsmouth PO1 2QQ**

Construction of new sports and leisure facility (class D2) with associated car parking, access, public realm landscaping and other associated works to include the removal of two TPO trees, tree relocation and subsequent replacement planting.

**10 Exclusion of the Press and Public**

(NB the appendix to planning application 17/01807/FUL - Land Adjacent to (south of) Catherine House Stanhope Road, Portsmouth, PO1 1DZ is exempt so if members wish to discuss this, they will need to pass the resolution below)

That in the view of the contents of the following item on the agenda the committee is RECOMMENDED to adopt the following motion: "That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the appendix contains information defined as exempt in paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972, and that paragraphs 8 and 9 of Part 1, Schedule 12A of the Local Government Act 1972 do not apply so

as to prevent exemption, and, further, in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information"

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information. In the event that the Committee finds that the public interest does not weigh in favour of maintaining the exemption, it is RECOMMENDED that the item is deferred.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reasons for exemption of the listed item is shown below. (NB the exempt appendix will contain information which is commercially, legally or personally sensitive and confidential and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Local Democracy Officer at the conclusion of the meeting for shredding).

Item	Exemption Para No. *
9 - 17/01807/FUL - Land Adjacent (south of) Catherine House, Stanhope Road, Portsmouth PO1 1DZ - Exempt appendix	3

\*3. Information relating to the financial or business affairs of any particular persons (including the authority holding that information).

**11 17/01807/FUL - Land Adj. to (south of) Catherine House Stanhope Road  
Portsmouth**

**(NB the appendix to this item is exempt and provision has been made on the agenda for the meeting to be moved into exempt session if required)**

Mixed-use development comprising the construction of: 16-storey building to provide 147 dwellings and associated facilities (Class C3); 19-storey building to provide a 222-bed hotel (Class C1), offices (Class B1a), events space (Class B1a/Class D2), 'sky bar' (Class A3/A4), restaurant/bar (Class A3/A4), and ground floor café/restaurants (Class A3) totalling 16,344sqm (GEA) of non-residential floorspace; basement parking and plant areas with access from Stanhope Road; associated facilities and landscaping works to Commercial Road, Stanhope Road and entrances to Victoria Park.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor 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.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 30 May 2018 at 1.00 pm in the 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 Hugh Mason (Chair)  
James Fleming  
Suzy Horton  
Donna Jones  
Steve Pitt  
Lynne Stagg  
Luke Stubbs  
Claire Udy  
Frank Jonas (standing deputy)

Also in attendance

Councillor Steve Wemyss

### Welcome

The chair welcomed members of the public and members to the meeting.

### Guildhall, Fire Procedure

The Chair 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.

### 60. Apologies (AI 1)

Apologies for absence had been received from Councillors Judith Smyth (Vice-Chair) and Ken Ellcome (who was represented by standing deputy Cllr Jonas).

### 61. Declaration of Members' Interests (AI 2)

Councillor Frank Jonas declared a prejudicial interest in the application relating to 83 Tangier Road so would be leaving the room and not participating in this item.

Councillor Luke Stubbs declared a prejudicial interest in the applications relating to 29b South Parade as the property was near where he lives and the applicant is the freeholder of where he lives; he would therefore withdraw for these items. With regard to 83 Tangier Road he explained that he did not believe he had a prejudicial interest as the applicant was only a vague acquaintance (having met them for a few minutes only in the past).

Councillor Hugh Mason, as Chair, had made a statement in the press regarding 140-144 Kingston Road, but had remained neutral in his stance so would be participating.

Councillor Donna Jones confirmed that the applicant for 83 Tangier Road was a close relative so declared a pecuniary interest and would be leaving the room for that item.

Councillor James Fleming knew the applicant for 83 Tangier Road so would be leaving the room for that item.

Kieran Laven, Planning Solicitor, made the following statements regarding Code of Conduct:

For the application relating to land adjacent to 83 Tangier Road he advised that Michael Lawther, City Solicitor and Monitoring Officer, confirmed that this application was being made by a close relative of a Member and he confirmed in accordance with para 5.11 of the Council's 'Code for Members and Officers in Respect of Planning Matters' that as far as the Monitoring Officer was aware this planning application had been processed normally.

And that for the applications relating to 29b South Parade, Michael Lawther, City Solicitor and Monitoring Officer, confirmed that this application had been submitted through an agent who also acts as a planning officer for the City Council and he confirmed in accordance with para 5.11 of the Council's 'Code for Members and Officers in Respect of Planning Matters' that as far as the Monitoring Officer was aware this planning application had been processed normally.

**62. Minutes of the previous meeting held on 23 April 2018 (AI 3)**

**RESOLVED that the minutes of the Planning Committee held on 23 April 2018 be agreed as a correct record and signed by the Chair.**

**63. Planning Appeal Decisions - May 2018 (AI 4)**

The Assistant Director, City Development, presented her information report and drew members' attention in particular to the outcomes of the appeals regarding 167/169 London Road and Cornerstone House, London Road.

**RESOLVED that the individual inspectors' decisions be noted.**

**64. Hampshire Fire and Rescue Authority Position Statement for Planning and Legislation (AI 5)**

No formal report had been circulated, but the Assistant Director of City Development referred to minute 55 from the previous minutes in which she had given a verbal update on the position following the Grenfell Tower fire. She confirmed that a response letter had now been received from the Hampshire Fire and Rescue Service, which the Chair asked be circulated to members of the committee. The letter invited the Planning Authority to consult Hants Fire and Rescue Service on future planning applications; the Chair asked that this be brought back to the next committee meeting.

**65. Updates on previous planning applications by the Assistant Director of Culture and City Development (AI 6)**

There were no updates given.

Planning Applications

Deputations are not minuted in full. These are usually recorded as part of the web-cast of this meeting which can be viewed here, however due to technical problems the start of this meeting was not broadcasted:

<https://livestream.com/accounts/14063785/Planning-30May2018/videos/175607174>

**66. 17/02188/FUL - 46A Lealand Road Portsmouth PO6 1LZ - Construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) (Amended scheme to 15/01671/FUL) (report item 1) (AI 7)**

(Councillor Fleming was not present for this item.)

The presenting officer referred to the following supplementary information:

Two additional representations received from local residents, objecting on the following grounds:

- a) the developers have only dealt with the drainage on their site;
- b) increased risk of flooding to neighbouring properties;
- c) concern about who would be responsible if flooding to other properties took place following development;
- d) not convinced that flood risk issues have been resolved;
- e) design out of keeping with surroundings
- f) two storey bulk adjacent to boundary would impact on neighbours;
- g) noise and disturbance from cars at southern end of site;
- h) unsuitable access.

The officer's recommendation remained unchanged.

Deputations were made, whose points are summarised:

- i) Mr L Roberts handed in photographs and his objections included:
  - The scale and density of development for the size of the site
  - It would be an eyesore, not in keeping with the area with materials that did not match
  - Loss of privacy and light to neighbouring properties and gardens
  - It would be overbearing, only 1m away from boundaries
  - The developer had not reduced the density so it should be refused

- This added to the problems in an area already at high risk of flooding so would mean insurance problems for existing residents
  - There would be added pressure on emergency services
- ii) Ms M Parvin also objected, whose points included:
- Concern that water would disperse from the raised level to gardens to the North, causing flooding to her property and others, against common law principles
  - It was an ugly over-development of the site
- iii) Mrs R Harding the applicant's agent, spoke in support, whose points included:
- She referred to the history of the application and the previous ruling by the Inspector which had looked at drainage, ruling against PCC's engineer, and the scheme could not be expected to solve the wider flooding issues in the area
  - The impact on Nos 1 & 3 had been considered by the applicant and changing the layout could make the situation worse for neighbouring properties and reduce parking, therefore the original scheme was being returned to, after working closely with the planning officers to improve the scheme
  - If there was a refusal this would be ignoring the Inspector's decision, which would have consequences for a future appeal
- iv) Councillor Steve Wemyss spoke as a ward councillor, whose objections and concerns included:
- Whilst there had been an improvement the changes were not significant and the development was still on a large scale, with the bulk imposing an unacceptable sense of enclosure to properties in South Road and Lealand Road
  - He had written to the Planning Inspectorate/Environment Agency regarding flooding and it had been indicated to him that if there was sufficient evidence flooding could be a reason for refusal
  - The Inspector's decision had been based on errors in the original application
  - Fixing the broken sewer could actually exacerbate the flooding problem and PCC's own drainage engineer had not supported the scheme

#### Members' Questions

Members questions included:

- The extent of abnormal weather patterns being taken into account - it was reported that the applicant had taken this into account patterns over the last 100 years and felt that the application would deal with surface water
- The whereabouts of the correspondence referred to by Councillor Wemyss - the Planning Officer had not seen this letter from the Environment Agency so it was not referred to in the report



- Had Hampshire Fire & Rescue Service been consulted? It was reported that a letter had been received from the Fire Service regarding the new process which was to be implemented.
- Could the application make the flooding in the area worse? The committee was advised that they needed to consider if the drainage strategy was acceptable for the application site. The drainage engineer confirmed that there would be storage facility and there should not be more water from the new development. He had not received the extra information which would not be available until June.
- How would the condition 6a be undertaken and maintained? It was reported that the Planning Authority would liaise with the relevant consultees, and that enforcement powers are available.
- Due to the previous appeal decision would including flooding risk grounds of refusal be permissible? It was reported that this could open the authority to the award of costs and there was the possibility of an appeal on the grounds of non-determination if the extra information on flooding in the wider area was waited for.

#### Members' Comments

Members were mindful of the size and design of the development and the site being in an area of flood risk, however they were also constrained by the previous appeal decision and comments of the Inspector. This meant that the only matter that could be considered relevant (that would not leave the authority open to the challenge of costs) would be the relationship to other properties, which the applicant had looked at.

(An amendment to refuse on the grounds of PCS 12, 21 and 23 was lost.)

**RESOLVED that conditional permission be granted, subject to receipt of a completed Unilateral Undertaking to secure the Solent Special Protection Area mitigation, and subject to the conditions outlined in the Assistant Director of City Development's report.**

- 67. 17/01284/FUL - 140-144 Kingston Road Portsmouth PO2 7PD - part demolition of former bingo hall and conversion to form retail unit (class A1/A2) and 10 dwellinghouses; conversion/extension of outbuilding to form dwellinghouse; provision of associated refuse/bicycle stores and car parking with access from St Stephens Road via undercroft at No.37 following removal of street tree and pavement build-out (report item 2) (AI 8)**

The presenting officer drew members' attention to the supplementary matters that following publication of the Planning Committee reports, one further letter of objection had been received relating to the loss of the leisure and entertainment facility at the site. Whilst no evidence had been provided to demonstrate that alternative leisure and entertainment uses have been explored for the site, it is noted that the former bingo hall has been vacant for a number of years. Although the loss of the venue is disappointing, it is acknowledged that such uses are finding market conditions more challenging and the proposal represents a suitable alternative viable

use for the building. The Assistant Director City Development's recommendation remained unchanged.

There were no deputations for this item.

#### Members' Questions

Members asked for some time to look at the detailed plans which were circulated, before asking for clarification on the exact layout of units. With regard to the matter of affordability and viability the future plans to further split the site for another house or convert the retail unit were raised; it was reported that the Local Planning Authority would consider if any attempt was made by a developer to avoid affordable housing provision and would also seek evidence of marketing the retail element to find an occupant. It was confirmed that there was no on or off site contribution relating to affordable housing, due to the demolition and conversion costs. The level of cycle storage provision (and access routes to it) was examined and it was confirmed that the amended drawings showed more than adequate provision.

#### Members' Comments

Members welcomed the positive development to retain the frontage of the existing building. The main concern was the affordable housing due to the viability statement.

**RESOLVED that conditional permission be granted in the following terms:**

- 1) That delegated authority be granted to the Assistant Director of Regeneration to grant conditional permission subject to the prior completion of an agreement pursuant to Section 106 Town & Country Planning Act 1990 to secure the planning obligations (as set out in the report, Recommendation 1)**
- 2) That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.**

- 68. 17/02172/FUL - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 3) (AI 9)**

Councillor Stubbs withdrew from the room for the discussion of the two associated items, in accordance with his earlier declaration of interest (minute 61 refers to the member and officer Code of Conduct declarations for these items).

The presenting officer drew members' attention to the Supplementary Matters report which stated:

"Please note that there is an error on page 49 of the Committee Report, under the heading 'Access and parking'. The proposed 3-bedroom flat would require 2 parking spaces, rather than 3." The officer's recommendation remained unchanged.

There were no deputations for this item.

### Members' Questions

The height and relationship with adjacent buildings were examined; it was noted that there are some 5 storey buildings to the East. The extended height was 3.2m. It was asked if the Portsmouth Society had withdrawn their objection and it was reported that this was the case after there had been an amendment to the design. The assessment of loss of light and privacy was questioned; it was reported that the letters of representation had been from properties to the East regarding their outlook, but the roof extension was set back to help reduce the impact.

### Members' Comments

There were no additional comments.

**RESOLVED that conditional permission be granted, subject to the conditions outlined in the report.**

- 69. 17/02173/LBC - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 4) (AI 10)**

Councillor Stubbs withdrew from the room for the discussion of the two associated items, in accordance with his earlier declaration of interest (minute 61 refers to the member and officer Code of Conduct declarations for these items).

There were no deputations for this item and the presentation was made in conjunction with the associated previous item.

**RESOLVED that conditional Listed Buildings Consent be granted, subject to the conditions listed in the report.**

- 70. 18/00193/FUL - Land Adjacent To 83 Tangier Road Portsmouth - Construction of new dwellinghouse and parking space to rear with extended vehicular access onto Lynton Grove (report item 5) (AI 11)**

Councillors Donna Jones, Frank Jonas and James Fleming withdrew from the room in accordance with their earlier declarations of interest (minute 61 refers). The Chair explained that this has come to committee for determination due to the applicant being a close relative of Councillor Jones.

There were no deputations for this item.

The presenting officer referred to the information in the Supplementary Matters report which stated:

"In reply to the final paragraph of the Environment Agency consultation response, PCC has the following Plans in place to deal with an emergency in the event of flooding in the City:

- PCC Flood Response Plan - detailing the council specific response to a flooding event

- PCC Emergency Response Plan - detailing the generic council command and control arrangements for emergency response, including flooding and evacuation
- PCC Rest Centre Plan - detailing the provision of welfare support to evacuated residents and communities
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part One - detailing the generic emergency responders arrangements for dealing with a flooding event
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Two - providing a summary profile of flooding in each Lead Local Flood Authority area, including Portsmouth
- Hampshire and Isle of Wight Local Resilience Forum (HIOW LRF) Multi Agency Flood Response and Recovery Plan Part Three - operational plans detailing flooding in each EA flood warning area of Portsmouth, specifically relevant to this location is the one for Copnor, Baffins, Milton, Eastney and Craneswater (these plans cover all of Portsmouth).

The following is the consultation response from the Eastern Solent Coastal Partnership which was received after publication of the Committee Agenda:

Thank you for your consultation on the above application, I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development, subject to the FRA being complied with fully.

The site is shown to lie within the Environment Agency's Flood Zone 3, and is therefore considered to be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Langstone Harbour is 3.3mAOD, increasing to a predicted 4.4mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by D84 Architects, which sufficiently outlines how flood risk at the site will be mitigated. As stated within the FRA, all sleeping accommodation is to be set on the first floor of the property, above the predicted design tide level of 4.4mAOD. Therefore, occupants of the property could be provided with safe internal refuge during an extreme tidal flood event.

In addition, a number of flood resistance and resilience measures have been proposed to be incorporated into the detailed design of the development; including a sealed ground floor entrance, the raising of utility meters, switches and sockets, and the fitting of non-return valves to all new drainage.

The ESCP would also advise occupants of the property to prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, and for all occupants to sign up to the Government's Flood Warning Service to ensure that adequate warning is received prior to an extreme tidal flood event.

North Portsea island Flood and Coastal Erosion Risk management Scheme:  
The ESCP on behalf of Portsmouth City Council are currently constructing the next generation of coastal flood defences around North Portsea Island, with Phase 3

Tipner Lake currently underway. Phase 4 of the scheme, Kendalls Wharf to Milton Common may be of direct benefit to this proposed development. Once complete, the defences will offer a 1:500 year standard of protection, and will significantly reduce the risk of coastal flooding around North Portsea Island." The officer's recommendation remained unchanged.

#### Members' Questions

The design of the canopy over the front door was questioned; it was reported that this was slightly squarer but the materials were sympathetic to the other canopies in the vicinity.

#### Members' Comments

Members requested an additional condition to ensure that the canopy reflected the design and materials of others in the terrace.

**RESOLVED that conditional permission be granted, subject to the conditions outlined in the report with an additional condition:**

**Notwithstanding the submitted details shown on the approved plans, prior to the commencement of the development hereby permitted, details of the proposed canopy roof to the front elevation, including materials, shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details.**

#### **71. Dates and times of future meetings (AI 12)**

It was agreed that the meetings in 2018 be Wednesdays starting at 1pm on the following dates:

20th June (not 27th)  
25th July  
29th August (not 22nd)  
19th September  
17th October  
14th November  
12th December

(Dates for 2019 have yet to be confirmed.)

The meeting concluded at 3.20 pm.

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Signed by the Chair of the meeting  
Councillor Hugh Mason

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# Agenda Item 4



**HAMPSHIRE  
FIRE AND  
RESCUE  
AUTHORITY**

Chairman of the Hampshire Fire and Rescue  
Authority

Councillor Chris Carter  
Hampshire Fire and Rescue Service  
Leigh Road  
Eastleigh  
Hampshire  
SO50 9SJ

8 May 2018

## **POSITION STATEMENT FOR BUILDING REGULATIONS, PLANNING AND LEGISLATION**

Hampshire Fire and Rescue Authority (HFRA) is committed to making life safer for the people who live, work or visit Hampshire, as well as reducing damage to property, the economy and the environment from the effects of fire.

We are extremely proud to have led the changes in the role being played by the Service, in seeking improvements for the communities we serve. To build on this work, we have developed a position statement that clearly illustrates the Fire Authority's view with regards to planning, building regulations and legislation in respect to Fire Safety.

We, the Fire Authority, urge you to adopt this position on building regulations and planning, either locally or through a change in the National Planning Policy Framework.

HFRA are fully committed to supporting Local Authorities via consultation with Hampshire Fire and Rescue Service on a voluntary basis, whilst continuing to influence, at Government level, the Fire and Rescue Service proposal to be statutory planning consultees at the planning stage.

We trust you find the attached statement both useful and interesting. We have also included the 2012 Position Statement for Sprinklers for your reference. Should you require further information, please contact Area Manager Rob Cole ([rob.cole@hantsfire.gov.uk](mailto:rob.cole@hantsfire.gov.uk)) or Group Manager Tim Gates ([tim.gates@hantsfire.gov.uk](mailto:tim.gates@hantsfire.gov.uk)).

Yours sincerely

A handwritten signature in black ink, appearing to read 'CR Carter'.

Councillor Chris Carter  
Chairman of Hampshire Fire and Rescue Authority

A handwritten signature in black ink, appearing to read 'Neil Odin'.

CFO Neil Odin  
Hampshire Fire and Rescue Service



**HAMPSHIRE  
FIRE AND  
RESCUE  
AUTHORITY**

**Date 22 MARCH 2018**

## **POSITION STATEMENT FOR BUILDING REGULATIONS, PLANNING AND LEGISLATION**

Hampshire Fire and Rescue Authority play a key leadership role in promoting a better understanding amongst those involved in the construction process, of the benefits of early consultation with the Fire and Rescue Service, with respect to Fire Safety and Fire Engineered Solutions.

Accordingly, the Authority works to encourage local authorities, Building Control Bodies, building owners and developers to consult with Hampshire Fire and Rescue Service at an early stage, as this has been proven to improve the efficiency of the consultation process, which is to the benefit of all parties concerned: it reduces the likelihood of costly delays in the project; improves the public and firefighter safety; minimises environmental impact and can reduce the economic cost of fire.

Hampshire Fire and Rescue Authority proactively endorses the installation of sprinkler systems as detailed within the HFRA Position statement on sprinklers in 2012.

With respect to building regulations, planning and legislation, The Authority aspire to influence, at all Government levels, the proposal for the Fire and Rescue Service to be statutory consultees at the planning stage for:

- High Rise Housing, Schools, Hotels, High Rise Office Blocks, large development sites and National Health buildings including other buildings providing care with immediate effect.
- Change in use/conversions of any building to residential accommodation, where the fire safety order will apply.
- Major refurbishments of residential accommodation where the fire safety order will apply.

To influence a change in Fire and Rescue Service's involvement (and the inclusion of Fire Safety) as a statutory consultee will require an amendment of the National Planning Policy Framework.

HFRA strongly recommends that all Local Authorities consult with Hampshire Fire and Rescue Service on a voluntary basis whilst the Authority continue to influence, at Government level, the Fire and Rescue Service's proposal to be involved as statutory planning consultees.





**Hampshire Fire and Rescue Authority (HFRA)  
Position Statement for Sprinklers – February 2012**

Sprinklers

The correct installation and use of fire sprinklers provides an effective means of securing life, property and firefighter safety. When sprinklers are used within a building, some conventional design requirements can be waived. Without these conventional measures, significant costs can be saved in the design of a building.

*HFRA will promote and campaign for the use of fire sprinklers in high risk premises to enhance and improve public and firefighter safety.*

Sprinklers in Schools

The prevention of fires in educational establishments remains a priority for us because of their standing as a public and community asset and their importance for the educational well-being of children. Moreover, the loss of course-work, the implications in terms of wider economic and social costs, property protection and environmental damage means fires in schools have far reaching consequences. Schools also tend to be a target for arsonists

*HFRA recommends that new schools should have sprinklers fitted. Any exceptions to this will have to be justified by demonstrating that a school is low risk and that the use of sprinklers would not be good value for money.*

Sprinklers in Residential Care Premises

Fire deaths and injury data indicates that those most at risk are children, older people, people with mental health problems, and particularly those with mobility problems who are unable to leave buildings easily. These buildings are an asset to the community due to their importance in looking after those most vulnerable and remain a priority for us to protect.

*HFRA strongly recommends that all new residential care homes should be fully fitted with sprinklers for the protection of residents from fire.*

### Sprinklers in High Rise Buildings

Fires in this type of building can present additional risks and considerations for the occupants and firefighters. The design and construction of these buildings delay intervention by the fire service meaning fires can escalate.

*HFRA will campaign for sprinklers to be a mandatory requirement in all buildings above 30 metres in height.*

### Sprinklers in Commercial Buildings

The risks to fire-fighters in large commercial buildings are substantial due to the size and potential for rapid collapse of the building. This is particularly relevant when considering modern methods of construction. Sprinklers would assist to reduce risks associated with firefighting operations. The presence of more large commercial buildings with sprinklers will aid growth in the economy as it will reduce business losses from fire as fewer businesses will financially fail or be forced to relocate. It has been recorded that the carbon footprint of a building increases by a factor of 3 when destroyed by fire. The environmental impact of fires in commercial premises is great. Using sprinklers to control fires will reduce this impact on the environment.

*HFRA will promote the installation of sprinklers in all large commercial buildings on the basis of improved fire-fighter safety.*

### Sprinklers in Timber Framed Constructed Buildings

Unlike traditionally built property, a timber framed building is at the greatest risk of fire during the construction phase due to the amount of exposed and unprotected combustible elements. Fires in timber framed buildings have resulted in very rapid fire development leading to early structural collapse, and the severity of radiant heat generated has caused fire spread to neighbouring buildings up to 30 metres away.

*HFRA recommend that substantial timber framed buildings are installed with sprinklers and installation should be completed early to protect the building during the highest risk construction phase.*

### Sprinklers in Domestic Premises

Fire safety measures such as smoke detectors may sometimes not be sufficient to protect the most vulnerable when there is a fire within their home, due to their inability to evacuate themselves. This vulnerability can be due to factors such as lifestyle characteristics and those with less mobility. The ageing population and changes in social care policy mean that more vulnerable people are remaining in their own homes.

*HFRA recommend that sprinklers should be installed in the homes of those residents who are most vulnerable from a fire.*

# Agenda Item 6

## **PLANNING COMMITTEE 20 JUNE 2018**

**1 PM THE EXECUTIVE MEETING ROOM,  
FLOOR 3, GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT ON PLANNING APPLICATIONS**

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

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

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

#### **REPORTING OF CONSULTATIONS**

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - City Development 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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**170 MILTON ROAD PORTSMOUTH PO4 8PN****CONSTRUCTION OF 3-STOREY BUILDING TO FORM 9 FLATS WITH ASSOCIATED PARKING, REFUSE/CYCLE STORES AND LANDSCAPING, FOLLOWING DEMOLITION OF EXISTING BUILDINGS.****Application Submitted By:**Chris Flint Ass Ltd  
FAO Chris Flint**On behalf of:**

Mr C Burt

**RDD:** 26th June 2017**LDD:** 15th September 2017**SUMMARY OF MAIN ISSUES**

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

- Principle of the proposal
- Design and appearance
- Standard of living accommodation
- Impact on residential amenity
- Access and parking
- Ecology
- Impact on the Solent Special Protection Area

**Site and Proposal**

The application relates to the site of the former Brewers Arms public house, which is located on the west side of Milton Road, to the north of the junction with Priory Crescent. The site is occupied by a two-storey building on the Milton Road frontage, which has a mock Tudor design with a pitched roof. On the front of the building is a single-storey projection with a glazed lean-to style roof and to the rear there are a number of single-storey extensions and outbuildings, which previously formed ancillary accommodation and entertainment space for the public house. There is also a yard and garden area to the rear of the site, and there are trees adjacent to the southern boundary. There is vehicle access to the rear of the site from Milton Road, via a driveway which runs along the north side of the building.

To the north of the site is a pair of semi-detached two-storey dwellings and to the south there is a mix of residential and commercial units which extend around the corner onto Priory Crescent. To the rear (west) of the site is a four-storey block of flats, which are accessed from Priory Crescent and have their main windows facing south. To the east of the site, on the opposite side of Milton Road, is a three-storey modern building in use as a vets at ground floor level with residential accommodation above, which was granted planning permission in 2011.

Planning permission is sought for the construction of a three-storey building to form 9 flats after demolition of the existing buildings. The new building would be constructed on the eastern side of the site, fronting Milton Road and 8 car parking spaces would be provided to the rear, accessed via a driveway on the northern side of the site. Areas of grassed amenity space would also be provided to the front and rear of the building and adjacent to the parking area.

The plans have been amended throughout the course of the application process, following concerns raised about the design of the proposed building and the potential impact on neighbouring residents. The amendments can be summarised as follows:

- amendment to the design of the elevations;
- amendment to the rear elevation to set back part of the building at second floor level;
- amendment to internal layout of Flat 9 (second floor), resulting in the loss of 1 bedroom;
- amendments to the layout of the rear parking and amenity space, including removal of 1 parking space to facilitate vehicle turning.

Following the above amendments, the scheme would comprise a total of 2 x 1-bedroom flats and 7 x 2-bedroom flats.

### **Planning history**

08/01008/ADV - display of various illuminated and non-illuminated signs to front and side elevation including 3 lanterns and 7 floodlights - consent 1 August 2008

07/00073/FUL - construction of lean-to over existing seating area - conditional permission 6 March 2007

A\*17549/C - alterations to front elevation and erection of a single storey rear extension to form toilets - conditional permission 24 May 1978

A\*17549/B - double sided illuminated box forecourt pole sign - conditional permission 27 October 1975

A\*17549 - conversion of existing veranda into an extension to the bar - conditional permission 25 January 1952

Planning history for development at 253-255 Milton Road:

11/00131/FUL - Construction of 3 storey building to form 8 flats and Class D1 use on ground floor (after demolition of existing) (re-submission of 10/00734/FUL) - conditional permission 4 May 2011.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), and PCS23 (Design and Conservation).

### **CONSULTATIONS**

#### **Highways Engineer**

Initial Observations 7/9/17

I have reviewed the Design and Access Statement and drawing submitted in support of this application proposing the demolition of buildings on the above site and erection of a new 3-storey building to form 8 two bedroom and 1 single bedroom flats with associated parking, refuse/cycle stores and landscaping.

I am satisfied that the trip generation likely to arise from this development is such that it would not have a material impact on the capacity of the local highway network and as a consequence I would not require a transport assessment to be provided in support of the proposal.

The submitted drawing details the width of the access to Milton Road which is sufficient to allow a vehicle accessing the site to pass one waiting to exit as will be required to avoid a vehicle standing in the carriageway obstructing the free flow of traffic should conflicts arise at this access. Adequate visibility is available for vehicles to access the carriageway from the access which is positioned to provide visibility splays of 2m by 2m on either side of the access measured from the edge of the footway to ensure that drivers are able to see pedestrians when emerging.

The supplementary planning guidance published July 2014 establishes the parking provision requirement for residential development. The standard relevant to this proposed development, which does not fall within the zone where a relaxation of the standard maybe considered, is 1.5 vehicle parking spaces per dwelling for the 2 bedroomed flats together with 2 cycle parking spaces and 1 vehicle parking space for the single bed flat with 2 cycle parking spaces plus 10% for visitors. This equates to a requirement of 14.3 vehicle parking spaces and 18 long stay cycle parking spaces supported with 2 short stay cycle parking spaces.

Whilst adequate cycle parking is proposed on site only 9 vehicle parking spaces are shown on the submitted drawing. I am not satisfied that there is sufficient space on street to accommodate this shortfall and I am concerned that those spaces proposed at the end of the aisle on the western site boundary do not allow for vehicles to turn and so enter and leave the public highway in a forward gear.

The case is made in the D&A statement that 'the site to be about 500m from a District Centre and close to bus stops where frequent services are available to many parts of the city. It should be noted that although the car parking provision is slightly below the recommended standard the existing use as a pub, with no on-site parking, should be taken into consideration.' The SPD considers the accessibility of different parts of the city and identifies that area considered to be sufficiently acceptable to allow a reduction in the car parking standard. This site does not fall within that defined area and as a consequence relaxation of the parking standard would be contrary to policy. Furthermore there is not sufficient space on street to accommodate any confirmed shortfall which would be likely to lead to vehicles being parked inappropriately. The existing use as a public house largely served the local community and I am satisfied would not have resulted in any material parking demand given the close proximity of residential development and scope to access the site by sustainable modes of travel.

As the application stands I must recommend refusal for the following reasons:

1. The proposal does not provide parking in accordance with the SPD resulting in a shortfall of 6 spaces in an area where there is insufficient space to accommodate such a shortfall safely on the public highway.
2. The arrangement of the parking spaces on the western site boundary does not provide sufficient space to allow those to turn and consequently enter and leave the site in a forward gear contrary to highway safety.

There does not seem to be scope within the site to accommodate the parking demands associated with this scale of development and other than reducing the number of units proposed to be accommodated I cannot conceive a solution to the under provision which would arise.

I hope this is helpful but if you have any queries please do not hesitate to contact me

Updated Observations 14/2/18

I have reviewed the parking technical note produced by Paul Basham Associates dated 16/1/18 and submitted in support of this application and write to confirm my observations.

The purpose of the technical note is primarily to report the finding of a parking survey undertaken to support the applicant's contention that there are sufficient unoccupied on street parking opportunities to accommodate the shortfall in parking provision associated with this proposal overnight and at weekends.

Unfortunately the survey has not been undertaken within the time periods or consecutive days specified in the Lambeth methodology which the SPD recommends. Looking at the limited number of photos provided the majority of the vacant spaces shown appear to have been vacated earlier that morning (demonstrable by the dry road patches). These also show a number of vehicles parking half on footways to avoid obstructing the carriageway in Maylands Road and I infer similar such parking opportunities counted as available spaces which should not have been.

The survey considered a 200m diameter circle from the site (and included lengths of road beyond that) whereas the methodology requires that only those spaces within a 200m walking distance should be taken into account. The report explains the reasons for that which appear credible although the area considered on Milton Road should not extend beyond Milton Park Avenue.

In that light of the above I have no confidence that this survey demonstrates and availability of overnight parking spaces sufficient to accommodate the resultant increased on street parking demand rather should be undertaken again in accordance with the Lambeth model requirements.

The report also draws from the 2011 census data to provide insight on the number of cars generally owned by households in the ward. This data was available and informed the development of the SPD which establishes the parking requirement for new developments and does not provide any basis to diverge from that.

The technical report also considers the manoeuvring space for vehicles emerging from the parking spaces on site. This confirms that they can turn on the site if undertaking a 3 point turn within the aisle width. This is not a very satisfactory arrangement but given the difficulties of reversing around the corner into the carriageway I think, on balance, it is more likely that vehicles will undertake this turn. Having said that it would be better to hatch out the eastern most parking bay to provide a turning area which would increase the on site parking shortfall to 7 spaces.

Updated Observations 24/4/18

I have reviewed the updated parking technical note informed by a new parking survey and would make the following observations:

Whilst the new parking survey suggests that 25 parking spaces were available on street within reasonable walking distance of the site:

- One of the spaces on Blendworth Road was found on a road hump which is not of sufficient length to accommodate a 6 m space;
- Nine spaces were on Milton Road where a TRO limits waiting to one hour between 0800 and 1800 Monday to Saturday and as a consequence these do not practically provide parking opportunities for residents;
- The photographs of spaces on Priory Crescent only practically show the availability of 5 spaces rather than 6;
- The photograph of the space of Edgeware Road was taken in daylight hours beyond the required survey time period and appears too short to accommodate a parked vehicle.

In that light I am prepared to accept the availability of 13 on street parking spaces within a reasonable walking distance of the site. This is sufficient to meet the parking shortfall of 7



spaces which would be associated with the proposed development and in that light I would not wish to maintain a highway objection to this application.

### **Contaminated Land Team**

The Contaminated Land Team (CLT) have reviewed the above application and given the property's location adjacent to a former potentially contaminative use, together with the sensitive nature of the proposed development, the following conditions, or similar, are requested.

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;  
and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;  
and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **Environmental Health**

### Traffic noise

As the façade of Milton Road is likely to be subjected to elevated levels of road traffic noise and to ensure internal noise levels within the habitable rooms are within recommended guidelines. I would therefore suggest the following condition should permission be considered appropriate.

Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime (Living rooms and bedrooms): LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time (Bedrooms only): LAeq(8hr) (23:00 to 07:00) 30 dB and LMax 45dB.

The scheme should also include provisions for a mechanical ventilation system to ensure adequate background ventilation within habitable rooms can be achieved and minimise the requirement to open windows.

### Commercial Premises

In relation to nearby commercial premises, historically we have received complaints concerning loud music and noise from customers at the Milton Arms. The public house has a premise licence to provide entertainment from Sunday to Thursday 08:00 - 00:30 and Friday and Saturday 08:00 - 01:30. The properties on Priory Crescent will act as a barrier for any noise emanating from this premise for the proposed flats on the ground and first floor.

### Additional traffic movements

Due the proposed number of flats it is unlikely to result in a significant increase in traffic movements within the area.

In summary I wish to raise no objections to this application being granted.

## **Natural England**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has adopted Solent Special Protection Areas Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with this SPD and an appropriate planning condition or obligation is attached to any planning permission to secure the contribution, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s).

With the above mitigation in place, Natural England has no objection to this application.

### Other advice

Natural England recommends that the proposed landscape scheme for the development incorporates measures for biodiversity enhancements at the site to ensure the application meets the

additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118.

We recommend that the landscape scheme includes measures to benefit wildlife such as planting trees, native hedges, other plants which encourage wildlife, incorporation of climbers on walls, rockeries, the addition of features such as log piles and the provision of bird boxes.

## **Ecology**

Initial Comments 4 September 2017

Thank you for consulting me on this application for the construction of 3-storey building to form 9 flats with associated parking, refuse/cycle stores and landscaping, following demolition of existing buildings, which is not supported by any ecological information.

The existing building - to be demolished - comprises a two-storey former public house dating from the late nineteenth century, described as having a first floor with a half-timbered appearance with rendered panels under a clay tile clad hipped roof. The site is within 25 metres of Milton Park (which has recently been part of a programme of biodiversity enhancement), with the current southern boundary of the site closest to the park comprising mature (or semi-mature) trees, proposed for removal.

With reference to available site details - notably the age and construction of the building and proximity to suitable habitat - and applying planning and industry "trigger list" guidelines, I am concerned that the development may affect bats, which are protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended) (commonly referred to as the Habitats Regulations). It is my advice that permission should not be granted until sufficient information is provided to assess impacts on protected species and to confirm that sufficient measures are in place to ensure that impacts will be mitigated / compensated for as appropriate.

I would however highlight that the presence of bats (or indeed any protected species) is not a block to development. The legislation is designed to enable development to proceed, provided that the impacts to the affected species have been properly addressed.

Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

I would therefore advise that the application is supported by an ecological assessment specifically addressing the potential of the site to support roosting bats, based on further detailed site survey work. All survey work must be carried out to established industry guidelines, unless fully justified by the ecologist.

Where the survey work identifies that the proposal will have an adverse impact on ecological receptors, the application should include a detailed, evidenced strategy to show how such impacts will be avoided, mitigated or compensated for as necessary. The provision of this information would assist PCC in coming to a conclusion on whether the development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible, as set out in Policy PCS13 of the Portsmouth Local Plan and the Natural Environment and Rural Communities Act 2006.

## UPDATED COMMENTS

Thank you for submitting the requested Bat report. Having reviewed the bat report by Ecosupport Ltd (September 2017), I still have concerns that the development may affect bats, which are protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended) (commonly referred to as the Habitats Regulations).

The report clearly states that the existing Public House has potential to support roosting bats due to the presence of a number of lifted tiles on all elevations, in addition to lifted lead flashing. The report has then appointed a low-moderate value to the building. Please note that in accordance with the current best practice guidelines (Collins, 2016), the consultant ecologist would need to differentiate between a building with low suitability and one with moderate suitability as this value will further dictate how many activity surveys will be required to take place during the peak activity season for bats (May - Augusts).

The report then states that as the survey season for undertaking further bat surveys has been missed, the works could be carried out under a Method Statement. Unfortunately, it is not acceptable to supervise the removal of all roofing tiles by a licensed bat worker and stop the works when a bat or their evidence is discovered as stated in Section 6.2 and 6.3 of the report (Ecosupport Ltd, 2017). If a bat or their evidence is discovered during the supervision, an offence under the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations 2010 (as amended) has already occurred by disturbing/destroying a roost/bat.

Additional dusk / dawn bat surveys are therefore needed during spring and summer to confidently confirm or rule out bat presence. All survey work should be carried out to recognised standards, as set out in the Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016). If bats are present, the report should also include an assessment of the impacts the development will have on bats and if required, details of mitigation measures to be followed to show that the favourable conservation status of identified species would be maintained.

Unfortunately it is not appropriate to defer bat surveys as a condition of a planning permission - Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible. It is therefore my advice that permission should not be granted until sufficient information is provided to either confirm that bats are not present, or, if present, that sufficient measures are in place to ensure that impacts will be mitigated / compensated for as appropriate.

Updated Comments 7 June 2018

Thank you for consulting me on this updated application for the construction of 3-storey building to form 9 flats with associated parking, refuse/cycle stores and landscaping, following demolition of existing buildings, which is now supported by a Phase 1 Ecological Survey report (EcoSupport, September 2017) and a Phase 2 bat survey report (EcoSupport, May 2018).

The existing building - to be demolished - comprises a two-storey former public house dating from the late nineteenth century, described as having a first floor with a half-timbered appearance with rendered panels under a clay tile clad hipped roof. The site is within 25 metres of Milton Park (which has recently been part of a programme of biodiversity enhancement), with the current southern boundary of the site closest to the park comprising mature (or semi-mature) trees, proposed for removal. The Phase 2 bat survey reports identified Common Pipistrelle bats foraging over the garden of the property, but no bats were observed roosting within the buildings on site.

Provided the recommendations described in Section 7 of the Phase 1 Ecological Survey report are adhered to, I would raise no further concerns. These recommendations included the provision of bird and bat boxes; the addition of the specified native species planting to the site and careful timing of site clearance for nesting birds.

As identified in the Phase 1 Ecological Survey report, the development will however result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set per dwelling, on a sliding scale. The costs for the sliding scale are:

£337 for 1 bedroom dwelling  
£487 for 2 bedroom dwelling  
£637 for 3 bedroom dwelling  
£749 for 4 bedroom dwelling  
£880 for 5 bedroom dwelling

These charges came into effect from 1st April 2018 and will be updated each year in line with the Retail Price Index.

If you were minded to grant permission, I would simply suggest that the following condition be added to the decision notice:

- Development shall proceed in accordance with the recommendations set out in the submitted Phase 1 Ecological Survey Report (Evaluation and Conclusion) (Ecosupport Ltd, September 2017) and the ecological mitigation and enhancement measures retained in accordance with any such approved details. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

### **Waste Management Service**

The plan generally looks fine and with 9 flats 2 x 1100 bins should be sufficient, just wondering if the door way is big enough.

### **REPRESENTATIONS**

22 representations received, raising objections on the following grounds:

- loss of an attractive building
- overdevelopment of the site
- proposed development will not enhance the area
- poor design, not in keeping with the character of the area

- increased noise and disturbance to existing residents
- odour and dust pollution during construction
- significant increase in traffic movements resulting in increased congestion and air pollution
- impact on health of existing residents due to increased pollution
- traffic problems will be exacerbated with further planned development in the area
- potential contaminated land issues should be addressed before the application is determined
- lack of amenity space for residents
- lack of parking leading to increased pressure for parking on surrounding roads
- affordable housing should be included
- loss of trees, vegetation and garden
- insufficient technical reports submitted with the application
- no archaeological assessment carried out
- lack of neighbour notification
- not in accordance with the emerging Milton Neighbourhood Plan
- the existing building should be retained for its historical value
- loss of employment site within the city
- possibility of asbestos in existing building
- too many pubs being lost in the area

One representation received in support of the proposal, raising the following points:

- the development has been designed to minimise impact on neighbouring residents
- preference for private residents
- public house caused significant noise issues and anti-social behaviour
- design is appropriate for the area
- development will bring a vacant site back into use

Following consultation on amended plans, the following additional objections have been raised (3 further representations, some from previous objectors):

- there is still a lack of parking on the site, which would exacerbate parking problems in the area;
- parking survey should be extended to include consideration of overnight parking situation;
- too much development for the site;
- concern about loss of trees;
- inadequate space to manoeuvre vehicles in car park;
- contamination needs to be addressed;
- concern about potential harm to bats;
- parking survey does not seem accurate;
- the existing building should be protected for its heritage interest.

## **COMMENT**

### **Principle of the proposal**

In accordance with Policy PCS10 of the Portsmouth Plan, the Council is committed to delivering new homes throughout the city. This includes new housing on allocated sites as well as through conversions and redevelopment of previously developed land. In addition, paragraph 47 of the NPPF specifically requires Local Planning Authorities to maintain a five year supply of housing to ensure that housing need targets are met. The Council's current position is that there is a housing land supply of 5.1 years, but that position remains marginal. There is, therefore, an ongoing need to deliver housing to ensure that a five year housing land supply is maintained in accordance with the NPPF.

The proposal would involve the loss of a former public house, which has been vacant for approximately 2 years, since June 2016. There are no specific policies within the Portsmouth Plan to resist the loss of public houses, therefore, whilst a number of local residents have raised concern about its loss, it is not considered that an objection could be sustained on this basis.

The existing building is also not designated as a heritage asset (either statutory or non-statutory).

The proposed residential redevelopment is therefore considered acceptable in principle, subject to all other relevant policy considerations as outlined within this report.

### **Housing mix and affordable housing**

Policy PCS19 states that affordable housing would be required for developments of 8 dwellings or more. However, following a change to Government policy in 2014 (which was upheld at the Court of Appeal in 2016), Local Planning Authorities are no longer able to seek affordable housing on developments of 10 dwellings or less. Therefore, as the proposal is for a net increase in 9 dwellings, there is no requirement for affordable housing.

Policy PCS19 also seeks to ensure a balanced mix of housing within the city and states that new development, where appropriate, should achieve a target of 40% family housing (dwellings with 3-bedrooms or more). The policy notes that the appropriateness of the mix will depend on a variety of factors including the character of the area, site constraints and viability. In this case, the proposal does not include any 3-bedroom dwellings. The site lies within an area characterised by a mix of residential uses, which includes both larger family sized housing and flatted developments of smaller units. The proposed scheme has been designed to achieve an efficient use of the site and it is recognised that if 3-bedroom housing were incorporated, the amount of development would likely need to be significantly reduced due to the need to ensure adequate parking and garden space. The proposal would include a mix of both 1 and 2-bedroom properties and in the context of the area and in the interest of achieving an efficient use of the site, this is considered to be an appropriate mix of dwelling sizes.

### **Layout, design and appearance**

Policy PCS23 of the Portsmouth Plan requires (amongst other matters), new development to achieve a high quality design and to be appropriate in terms of its scale, density, layout and appearance in relation to its particular context.

Policy PCS21 relates specifically to development density. The policy states that, outside of the city centre and local centres, development should seek to achieve a density of at least 40 dwellings per hectare. The site has an area of 0.0795ha and the proposal for 9 dwellings would represent a density of 113 dwellings per hectare, which is in excess of the minimum density requirement set out within Policy PCS21. There are a number of examples of similar flatted schemes within the surrounding area and the proposed development density is considered to be appropriate for the location.

In respect of scale, the site lies within an area characterised predominantly by two and three-storey buildings. Whilst there are two-storey buildings either side of the site to the north and south, there are various taller buildings in the vicinity, including a three-storey commercial and residential development on the opposite side of Milton Road (253-255 Milton Road), and a four storey block of flats to the north of this. There is also a four-storey block of flats to the rear (west) of the site. The proposed new three-storey building is therefore considered acceptable within the context of the surrounding area.

In terms of design, the plans have been amended during the course of the application process, which has resulted in a fairly substantial change to the design of the front elevation of the building. The plans as originally submitted, along with subsequent proposed iterations to the design, were presented to the Council's Design Review Panel in August and November 2017. Following these presentations and a review by Officers, a number of design concerns were raised. Specifically, the original proposed design, which included a shallow pitched roof, along with a mix of pitched and flat roof gable features, was considered to be poorly proportioned and in-cohesive, and lacking articulation. Concern was also raised about the amount of render

originally proposed for the front elevation, which did not relate to materials found in the surrounding area and would be likely to discolour.

In response to the concerns raised, the applicants submitted final amended plans in February 2018. The main elements of the amended design include the raising of the roof pitch to create a more traditional pitch height, the provision of more detailing and articulation on the front elevation and the use of predominantly red brick for the materials. In addition to red brick, the building would incorporate areas of cladding and contrasting brick courses to break up the visual mass of the elevations. With these amendments, it is considered that the proposed design would be acceptable, responding to the types of materials and features found on some of the buildings in the surrounding area. The building would also be set back from the main road frontage, ensuring that it would not have an over-dominant presence within the streetscene.

It is recognised that the precise details of materials are important for ensuring a quality finish for the development. A condition would therefore be imposed to require samples and details of materials to be submitted to and approved in writing by the Local Planning Authority prior to construction.

In summary, the proposed building is considered to be acceptable in terms of its scale and design, in accordance with Policy PCS23 of the Portsmouth Plan.

### **Trees and landscaping**

There are some existing trees at the rear of the site, along the southern boundary, which would be removed as part of the proposed development. These are self-seeded trees and are not protected by Tree Preservation Orders. Given their location to the rear of buildings, they do not have a high visual prominence within the surrounding area and are considered to be of low amenity value. Therefore, although a number of local residents have raised concerns about the loss of the trees, it is not considered that such an objection could be sustained by the Local Planning Authority.

The proposed development would include areas of amenity space to the rear and front of the site, which has the potential to include some new tree planting. A condition would be imposed to require precise details of a landscaping scheme for these areas to be approved by the Local Planning Authority to ensure that appropriate planting is provided to enhance the appearance and quality of the development.

### **Standard of living accommodation**

Policy PCS23 of the Portsmouth Plan requires development to achieve a good standard of living environment for future residents and Policy PCS19 of the Portsmouth Plan states that new development must be of a reasonable size and appropriate to the number of people that it is designed to accommodate. PCS19 previously referred to size standards set by Portsmouth City Council but these have since been superseded by National standards set out within the Nationally Described Space Standards (NDSS, March 2015). The NDSS sets out minimum sizes for new dwellings that are considered appropriate to provide a suitable standard of living accommodation.

The minimum size standards relevant to this proposal are as follows:

- 1-bed, 1 person - 39m<sup>2</sup>, or 37m<sup>2</sup> where only a shower room is provided
- 1-bed, 2 person - 50m<sup>2</sup>
- 2-bed, 3 person - 61m<sup>2</sup>
- 2-bed, 4 person - 70m<sup>2</sup>

The proposal is for the creation of 2 x 1-bedroom flats with floor areas of 55m<sup>2</sup> and 56m<sup>2</sup>, and 7 x 2-bedroom flats with floor areas of between 63m<sup>2</sup> and 72m<sup>2</sup>. All of these floor areas meet the minimum size standards as set out within the NDSS.



The flats would have their main habitable room windows facing either east or west and it is considered that this would provide a good level of light to future occupants. At ground floor level, areas of grassed amenity space would be provided directly in front of the habitable room windows, to provide a degree of separation between the main road to the east and the car parking area to the west. The east facing windows would also be required to achieve suitable levels of sound insulation to protect the occupants against road traffic noise, as per the Environmental Health Officers comments, and this can be secured by condition. The Environmental Health Officer has also noted that complaints have been received in the past in relation to commercial noise from the nearby Milton Arms Public House. This public house is located to the south of the site and it is considered that the impact of any noise from this premises on future residents of the flats would be mitigated by the presence of intervening buildings on the north side of Priory Crescent.

In terms of the level of amenity space, it is recognised that this is fairly limited. However, there is a need to achieve a balance between a number of factors when determining planning applications. In this case, the potential for achieving additional amenity space has been weighed against the requirement for providing on-site parking, which is considered vital in this area where off-site parking availability is limited. It is also noted that the site lies in close proximity to Milton Park, which provides a large area of public open space, along with sports and community facilities.

Overall, it is considered that the proposed flats would provide a good standard of living environment for future occupiers, in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.

### **Impact on the amenity of neighbouring residents**

Policy PCS23 requires new development to protect the amenity of neighbouring and local occupiers.

The nearest neighbouring residents are located to the north and south of the site. To the north of the site is a two-storey dwelling, which has some windows on the south elevation overlooking the application site. However, given the orientation of the dwelling with its main frontage onto Milton Road, it is likely that the main habitable room windows of the property would face either east, or west into the rear garden. The new building would be located to the south of this dwelling, separated by a distance of between 5.2m to 5.5m, with the access driveway in between. There is currently a high boundary fence and some ornamental planting along the northern boundary of the application site, which restricts the outlook from the ground floor side windows on the neighbouring dwelling. The outlook from the first floor side windows is also already restricted to some extent by the presence of the existing two-storey public house building. Although it is acknowledged that the proposed building would be taller, at three-stories in height, it is noted that ridge height of the northern side of the building has been designed to be lower than the main ridge height in order to reduce the impact on the neighbouring residents and to respect the change in scale between the two buildings. In summary, whilst the new building would result in a change in outlook from the south side facing windows of the neighbouring property to the north, having regard to the separation distance between buildings and the existing presence of a two-storey building and high boundary treatment, on balance it is not considered that the development would result in a significant impact on the amenities of these neighbouring residents in terms of loss of outlook, light or increased sense of enclosure.

In terms of privacy, there would be four windows on the north facing elevation of the proposed new building, at first and second floor level. These windows would include two secondary windows to the living/kitchen areas of Flats 4 and 7 and two hallway windows. Given the position of these windows, which would face towards the neighbouring property to the north, it is considered reasonable to impose a condition to require the windows to be obscure glazed to protect the privacy of the neighbouring residents.

To the south of the site, there are residential flats above some of the commercial premises on Priory Crescent, which have windows facing north towards the application site. Having assessed the position of the windows on these neighbouring properties to the south, it is considered that the property that would be most affected by the development would be No. 62-64 Priory Crescent. The outlook from these windows is currently dominated by the presence of the existing trees along the southern boundary of the application site. As a result of the proposed development, these trees would be removed, and the south side elevation of the new building would be constructed approximately 6m away from the neighbouring property. During the course of the application, the applicants carried out a review of the impact on the windows of this neighbouring property and one of the amendments made to the plans was to reduce the height of part of the rear of the building from three-storey down to two-storey with a flat roof. This would reduce the bulk of the building closest to the windows of No.62-64 Priory Crescent. With this amendment, whilst it is accepted that there would be a change in the outlook from these windows, it is not considered that the impact on the amenity of the residents would be so significant as to warrant a refusal of the application.

The flats to the west of the site are located approximately 19m away from the rear elevation of the proposed building. Whilst there are a number of windows on the east elevation of this building facing towards the application site, given the separation distance, it is not considered that the residents of the flats would be significantly impacted by loss of outlook, light or privacy from the development.

To the east of the application site, the nearest residential properties are located on the opposite side of Milton Road and having regard to the separation distance between buildings it is not considered that the amenities of these nearby residents would be adversely impacted by the development.

A further relevant point to note is that the existing public house would have generated a level of noise and disturbance to neighbouring residents, which is likely to be reduced as a result of the proposed change to residential use.

In summary, it is not considered that the proposed development would have a significant impact on the amenities of neighbouring residents, and would therefore be in accordance with Policy PCS23 of the Portsmouth Plan.

### **Access, parking and refuse storage**

There is existing vehicle access to the site from Milton Road and this is proposed to be retained and utilised to serve the rear parking area for the proposed development. The Highways Engineer is satisfied with the proposed access in terms of its width and visibility at the junction with Milton Road. It is not considered that the proposed development would generate any significant increase in vehicle movements in comparison to the former use. It is therefore not considered that the development would have a significant impact on the local highway network in terms of increased traffic generation.

In accordance with the Council's Adopted Parking Standards, the parking requirement for the proposed development would be as follows:

- 1-bedroom flats - 1 parking space each plus 2 cycle spaces;
- 2-bedroom flats - 1.5 parking spaces each plus 2 cycle space;
- Additional 10% parking spaces to serve visitors.

Total parking space requirement calculation:

- $2 \times 1 + 7 \times 1.5 = 12.5 + 10\% \text{ visitor spaces} = 13 \text{ spaces.}$

The parking area would provide 8 spaces, therefore resulting in a shortfall of 5 spaces against the Adopted Standards. In accordance with the guidance set out within the Adopted Parking Standards, where a reduction in spaces is proposed, the onus is on the application to put forward a robust case to justify the proposed level of provision. In this case, the applicants have made reference to the sites location near to public transport links on Milton Road and the close proximity to a number of local services and facilities (e.g. within the Eastney Road Local Centre). In addition, the applicants have carried out parking surveys to determine the availability of on-site parking in the surrounding area. Following initial concerns raised by the Highway Engineer about the timings of the survey and the size of the spaces identified, a revised parking survey was submitted in March 2018. This latest survey addressed the Highway Engineer's concerns and it has been determined that there would be sufficient on-site parking provision available within the surrounding area to make up for the shortfall of provision on site. On that basis, the Highway Engineer has withdrawn their objection.

In the original comments from the Highway Engineer, concern was also raised about the ability for cars to manoeuvre within the parking area in order to exit the site in a forward gear. To address this concern, one of the spaces originally proposed on the northern side of the car park has been removed to allow sufficient turning space. This has resulted in a reduction from 9 spaces to 8 spaces, which, as noted above, has been determined to be acceptable for the scheme.

For cycle parking the total requirement would be for 16 spaces in accordance with the Adopted Standards (7 x 2 + 2 x 1). The plans include a new cycle store that would be located to the rear of the flats, adjacent to the southern boundary, which would accommodate 16 spaces. Two additional external racks for visitor cycles would also be provided. The cycle parking provision would therefore be in accordance with the Adopted Parking Standards.

Some local residents have raised concerns about the potential impact of noise, disturbance and pollution during the construction phase of the development. To ensure that any such impacts are mitigated, and also to ensure that appropriate provision is made for construction vehicle access and deliveries, a condition would be imposed to require a Construction Management Plan to be approved by the Local Planning Authority, in liaison with the Highway Authority.

In relation to refuse storage, the plans show the provision of an internal refuse store located on the north side of the building, with an entrance door leading off the driveway. The store is considered acceptable in terms of its size and the amended plans included a roller shutter door to ensure ease of access to the bins.

## **Ecology**

The application was supported by a Phase 1 Ecological Survey of the site, dated September 2017. This concluded that the site as a whole was of limited ecological value, including the existing trees, but that the main building had the potential to support roosting bats. The report recommended that additional surveys were required to confirm or rule out the presence of bats and these were subsequently undertaken in May 2018. The findings of the additional surveys have been summarised within a Phase II Bat Survey Report, which concludes that no bats were found to be present and therefore the development is not likely to impact upon protected species.

Following review of the Phase II Bat Report, the County Ecologist has raised no objection and advised that the recommendations of the Phase 1 Ecological Report are adhered to as part of the development, which includes measures for enhancing habitats for wildlife. This would be secured by condition.

## Energy efficiency

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes.

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

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

The specific requirements of Policy PCS15 in terms of energy and water efficiency can be secured by condition.

## Impact on the Solent Special Protection Area

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas, due to increased recreational pressure. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy. The required amount depends on the type of dwellings proposed in terms of bedroom size. In this case, the proposal is for 2 x 1-bedroom dwellings and 7 x 2-bedroom dwellings and the calculation is as follows:

2 x £337 = £674  
7 x £487 = £3,409  
Total = £4,083

The applicants have confirmed that they would meet this requirement through provision of a unilateral undertaking, to secure payment of the contribution upon commencement of development. Therefore, subject to receipt of a completed unilateral undertaking, the proposal would not have a significant impact on the Solent SPA and would comply with Policy PCS13 of the Portsmouth Plan.

## RECOMMENDATION

**RECOMMENDATION 1** - That delegated authority be granted to the Assistant Director of Regeneration to grant Conditional Permission subject to the prior completion of an agreement

pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

1. Mitigating the impact of the proposed development on the Solent Special Protection Areas by securing a financial contribution before development commences (£4,083);
2. The payment of associated fees upon implementation of planning permission.

**RECOMMENDATION 2** - That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

## **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: LOCATION PLAN CFA FULL 01; FLOOR PLANS CFA FULL 02 02; ELEVATIONS CFA FULL 01 02 and TOPO SURVEY 17299.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;  
and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;  
and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

5) No development shall commence on site until detail, including samples, of the external materials to be used (including brickwork, cladding, roof tiles and window details), have been submitted to and approved in writing by the Local Planning Authority.

6) a) No development shall commence on site until a scheme for insulating habitable rooms against traffic noise has been submitted to the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms: Daytime (Living rooms and bedrooms): LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time (Bedrooms only): LAeq(8hr) (23:00 to 07:00) 30 dB and L<sub>Amax</sub> 45dB.

b) The approved scheme shall be implemented before first occupation of the building hereby permitted and thereafter retained.

7) (a) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of: Times of deliveries; Wheel wash facilities; Site office facilities; Contractor parking areas; Loading/off-loading areas; Method Statement for control of dust and emissions from construction and demolition; an Assessment and Method Statement for the control of construction noise.

(b) The development shall be carried out in accordance with the approved details and shall continue for as long as construction/demolition is taking place at the site.

8) Prior to commencement of the development hereby permitted, a landscaping scheme, to include details of species, planting sizes, spacing and numbers of trees/shrubs to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9) The first and second floor windows on the north elevation of the building hereby permitted, as shown on approved drawing No. CFA FULL 01 02, shall be obscure glazed (the obscuration of which shall be no less than that provided by Pilkington Glass Level 3 or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7m above the internal finished floor level of the room in which the window is installed.

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, the flats hereby permitted shall not be occupied/brought into use until the vehicular access and parking spaces have been provided in accordance with the details shown on Plan ref. CFA FULL 02 02.

(b) The parking spaces shall thereafter be permanently retained for the parking of vehicles at all times.

11) a) Unless otherwise agreed in writing by the Local Planning Authority, the flats hereby permitted shall not be occupied/brought into use until the facilities for refuse and bicycle storage have been provided in accordance with the details shown on Plans ref. CFA FULL 02 02 and CFA FULL 01 02.

b) The facilities shall thereafter be permanently retained for the storage of refuse and bicycles.

12) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by the local planning authority, proving that the development has achieved:

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

13) Development shall proceed in accordance with the recommendations set out in the submitted Phase 1 Ecological Survey Report (Section 7), prepared by Ecosupport Ltd, dated September 2017, and the ecological mitigation and enhancement measures shall thereafter be retained.

**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 that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To protect the amenities of future residents, in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) To protect the amenity of local residents by preventing excessive nuisance and minimise adverse effects on the local environment and the adjoining highway, as far as practicable, during works of demolition/construction in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 9) To protect the privacy of the neighbouring residents, in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) To ensure satisfactory provision for on-site parking, in the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.
- 11) In the interest of amenity and to ensure adequate provision of bicycle storage to encourage sustainable travel, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 12) To ensure that the development as built will minimise its need for resources in accordance with Policy PCS15 of the Portsmouth Plan.

13) To enhance biodiversity in accordance with Policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework, and the Natural Environment and Rural Communities Act 2006.

#### PRO-ACTIVITY STATEMENT

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

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**ARUNDEL COURT PRIMARY SCHOOL NORTHAM STREET PORTSMOUTH PO1 1JE****DEMOLITION OF EXISTING SCHOOL BUILDINGS, CONSTRUCTION OF THREE-STOREY REPLACEMENT SCHOOL BUILDING, ASSOCIATED LANDSCAPING, EXTERNAL WORKS, ACCESS AND CAR PARKING.****Application Submitted By:**

DPP

FAO Mrs Michelle Davies

**On behalf of:**

Elliot Group Ltd On Behalf Of Secretary Of State for Education

C/O Agent

**RDD:** 29th January 2018**LDD:** 30th April 2018**SUMMARY OF MAIN ISSUES**

The principal issue is whether the proposed replacement school would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (including any implications for school playing fields), design and impact on traffic/transportation implications, impact on amenity and nature conservation/trees.

**The Site**

Arundel Court Infant and Junior Schools are located between Holbrook Road, Arundel Street, Northam Street and Fyning Street (Charles Dickens Ward). The application site has an area of approximately 1.4 hectares (ha) comprising: the main school building; two temporary classroom units; a library block and nursery block. The schools are located within one interconnected building which occupies the central part of the site with a series of separate buildings to the southern part of the site. A mixture of hard play surfaces (east), a grassed playing field (north) and an all-weather pitch (east) are orientated around the perimeter of the site. Northam Street provides pedestrian and vehicular access to the school site via a small cul-de-sac entrance. There is additional vehicular access to the north of the site via Fyning Street; however this is only used for service access to the existing playing fields. The school car park is located to the west of the site and accessed via Northam Street. The existing temporary classrooms are located to the east of the main school building on an area of hardstanding which is also used as an informal play area. The Library block is located to the north-west of the site and the nursery block to the south-west of the site. To the south-east of the site is a "Sure Start Centre" which falls outside of the boundaries of the application site but is bounded by the junction of Arundel Street and Holbrook Road.

The school is located within Floodzone One representing a "low risk" of flooding. The site is not located in a Conservation Area and there are no listed buildings, non-designated heritage assets or scheduled ancient monuments in close proximity to the site. The site is not considered to be of archaeological importance. The site is not subject to a Tree Preservation Order (TPO).

The site and the school are entirely enclosed by existing 2.6m high weld-mesh fencing and screened to a significant degree from Holbrook Road by a dense landscaped strip stretching along the eastern boundary. To the north of the site, along Fyning Street, the grassed playing

field is enclosed by similar boundary treatments and number of mature trees. To the west of the site, the school site lies adjacent to Northam Street and a pedestrian precinct that connects Fyning Street to Arundel Street. There are areas of dense vegetation along this boundary provided by a number of mature trees, hedges other planting located within the boundaries of Landport Community Gardens. Furthermore to the south of the site, dense vegetation provides adequate screening to existing Nursery School facilities and associated play park area.

The surrounding area comprises a mixture of uses but is largely residential to the north, east and west of the school. To the north-west of the site is Landport Community Gardens, to the east is the school's playground and to the west, across the precinct, is Arundel Street Park accessed via Fyning Street and Northam Street. Arundel Court Primary School is located at a prominent junction between Arundel Street and Holbrook Road (A0230) which is a busy roundabout providing connections to Fratton to the east, Southsea to the south, the City Centre to the west and Buckland to the north.

## **The Proposal**

A replacement primary school has been proposed to increase the student capacity from 525 pupils to 630 pupils (95 Pupils-20% increase.) The development has arisen as part of the Priority School Building Programme delivered by the Education and Skills Funding Agency (ESFA). The proposed three storey building would be sited to the north of the existing school building block on an area of green open space currently in use as playing fields. The proposed school building would have a floorspace of 3229 sq. m (GEA) over a footprint of 1381sq.m. The design of the replacement school over three storeys would be more efficiently accommodated on a markedly smaller footprint as a result of the proposed development. The phased development would follow a sequence of:

-Phase 1: Site Establishment- Create temporary access via Holbrook Road for construction traffic and establish site compound. Create pedestrian and vehicular routes on to the site and erect site hoarding.

-Phase 2: Construction- Construct new school (while the existing school building is still in educational use),

-Phase 3: Demolition- Once constructed, decant pupils into new school building to enable the demolition of existing school building. (Nursery Block and Library Block retained)

-Phase 4: Completion Reinstatement- laying out of reconfigured playing fields (after demolition) and completion of landscaping works.

The proposed new school would be constructed off site to comply with the ESFA modular requirements in terms of construction standard, time, impact to residents and sustainability. The modular elements would be transported to the site for assembly via the temporary Holbrook Road access.

On 15th March 2018 the Local Planning Authority considered a screening request and determined that the proposal would not be classed as an EIA development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and would not require the submission of an Environmental Statement.

## **Relevant Planning History**

There is an extensive planning history associated with the site which can be seen below:

-B\*26280/AA: Siting of double temporary classroom for two years: Approved 13th May 1992.

- B\*26280/AC: Siting of temporary building, including construction of covered way, for us as crèche with ancillary office/meeting room for a period of two years following removal of existing temporary building: Approved 16th March 1999.
- B\*262801/AD: Single storey partial infill extension to courtyard to form library and meeting room: Approved 21st September 2000.
- A\*26280/AA: Change of use of north west corner of playing field to partly paved community garden including siting of portacabin, a polytunnel greenhouse, 1.8m high feature entrance gate to Fyning street and 1.8m high weld mesh fence to eastern boundary: Approved 19th December 2000.
- B\*26280/AE: Siting of portacabin in car park fronting Northam street for a temporary period: Temporary Permission approved 28th March 2002.
- B\*26280/AF: Construction of single storey extension (fronting Northam street): Approved 2003.
- B\*26280/AG: Construction of part two-storey and part single storey building for education and training use as sure start parent and child centre within Class D1 and detached single storey building for use as ancillary store: Approved 7th November 2003.
- A\*26280/AC: Construction of multi-sports court for school and community use with 4 floodlights up to a height of 10 metres enclosed by fencing to a height of 3 metres.
- 09/01532/FUL: Installation of new boundary fence and gates to replace part of existing: Approved 19th January 2010.
- 09/01571/FUL: Installation of play area and equipment to north of building: Approved 8th February 2010.
- 10/00533/FUL: Construction of single storey extension fronting Northam Street: Approved 13th July 2010.
- 11/00983/FUL Construction of single storey extension fronting Northam Street: Approved 3rd November 2011.
- 12/00508/FUL: Installation of 2 portacabins to provide an additional double and single classroom to include access ramps and steps for a temporary period of up to five years: Temporary Permission approved 5th July 2012.
- 14/00445/FUL: Construction of infill extension and covered walk way to elevation front Northam Street and provision of 2 parking spaces following removal of temporary classroom: Approved 20th June 2014.
- 14/01185/FUL Construction of single storey extension to existing classroom block fronting Northam Street: Approved 23rd October 2014.
- 14/01289/FUL: Installation of new door to front elevation after removal and blocking up of existing door to side elevation: Approved 24th November 2014.
- 14/01495/FUL: Construction of covered walkways to various elevations: Approved 12th January 2015.

## **POLICY CONTEXT**

The relevant policies within The Portsmouth Plan (2012) and Supplementary Planning Document (SPD) are:

PCS13: Trees (A Greener Portsmouth)  
PCS15: Sustainable Design and Construction  
PCS16: Infrastructure and Community Benefit  
PCS17: Transport  
PCS23: Design and Conservation

Saved Policy

DC21 (Contaminated land) of the Portsmouth City Local Plan.

Parking Standards and Transport Assessments SPD 2014  
Sustainable Design and Construction SPD  
Achieving Employment and Skills Plans SPD

### **National Planning Policy Framework**

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making this means approving development proposals that accord with the development plan without delay (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 113). The following paragraphs within the NPPF are relevant to the proposal:

- 17 Core planning principles for decision making
- 32 Transport Statements and Assessments
- 35 Development designed for sustainable transport
- 36 Travel Plans
- 56 Good design is indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Encouraged to regard design review panels and their comments
- 72 Be proactive and give weight to the need to create, expand or alter schools
- 74 Existing open space should not be built on unless criteria are met
- 96 New development should minimise energy consumption
- 118 Principles should be applied to conserve and enhance biodiversity
- 123 Avoid nuisance from noise or other significant adverse impacts on quality of life
- 190 Pre-application early engagement
- 197 Presumption in favour of sustainable development
- 204 Planning obligations and conditions used to make development acceptable

### **Environment Agency**

No comments received.

### **Natural England**

Natural England notes and welcomes the ecological assessment of the site. In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. The BMEP will secure appropriate mitigation and appropriate biodiversity enhancements.

Please note that provided the Hampshire County Council Ecologists' are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

## **OFSTED - Office for Standards in Education**

No comments received.

### **Southern Water**

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Construction over public sewers will not be allowed.

Please note:

No development or new tree planting should be located within 3.5 metres either side of the external edge of the public combined sewer and within 3 metres either side of the external edge of the public surface water sewer. All existing infrastructure should be protected during the course of construction works.

No new soakaways or other water retaining or conveying features should be located within 5 metres of public sewers.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)"

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read through our new charging arrangement documents which has now been published and is available to read through on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **Eastern Solent Coastal Partnership**

Thank you for your consultation on the above application. I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development.

The site is shown to lie within the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk of experiencing a present day 1:200 year (0.5% annual probability) extreme tidal flood event, or a 1:200 year (0.5% annual probability) extreme tidal flood event at least up until 2115. For information, the present day 1:200 year extreme tidal event for Portsmouth Harbour is 3.2mAOD, increasing up to 4.3mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by AVIC Consulting Ltd, which sufficiently outlines the flood risk at the site and how this risk will be mitigated. The finished ground floor levels of the development are proposed to be at 6.75mAOD, 2.45m above the predicted 1:200 year extreme tidal level in 2115. In addition, the upper floor can provide occupants with safe refuge during an extreme tidal flood event.

#### Advice:

The ESCP also recommend to sign up to the Environment Agency's Floodline Warnings Direct service, to ensure adequate warning is received prior to an extreme tidal flood event.

#### **Hampshire Fire & Rescue Service**

One of my inspectors has considered the information provided and the following comments are made:

##### Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

##### Hampshire Act 1983 Section 12 - Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

##### Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

##### Access for High Reach Appliances

High reach appliances currently operated by the Hampshire Fire and Rescue Service exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high rise appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

##### Water Supplies

Additional water supplies for fire fighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.

## Sprinklers

Hampshire Fire and Rescue Service (HFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:-

- Protect Life;
- Protect Property, Heritage, the Environment and our Climate;
- Help promote and sustain Business Continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can 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 of loss of life and the impact on the wider community.

## Fire fighting and the Environment

Should a serious un-suppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Fire Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

Further guidance on preventing pollution can be found in the following Environment Agency publications:

- a) Managing Fire Water and Major Spillages: PPG18
- b) Pollution Incident Response Planning: PPG21
- c) Controlled Burn: PPG28

## Timber Framed Buildings

These types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites' provides guidance on this issue and is available from: <http://uktfa.com/>

This guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2). Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN1-902790-32-4), are available for purchase from the FPA ([www.thefpa.co.uk](http://www.thefpa.co.uk)) and from Construction Industry Press ([www.cip-books.com](http://www.cip-books.com))

## Ecology

Initial comments received from Hampshire County Council Ecology Team stated: In summary, I am largely satisfied with the ecological survey work undertaken at the site, which reports that the site is of generally limited ecological value and with limited potential to support protected species.

I would however note that the Preliminary Ecological Appraisal was prepared without the knowledge of the final design and layout of the development and assumed redevelopment of the school within its existing footprint. This no longer appears to be the case and as a result the impact assessment has made assumptions which are no longer accurate and opportunities for biodiversity mitigation and, notably, enhancement have been missed. This would appear to apply equally to the Arboricultural Impact Assessment, as now a number of trees along the northern site boundary are being removed.

The submitted DAS makes reference to site planting, but stresses low maintenance. I would advise that the updated ecological appraisal considers how net loss and biodiversity enhancement considerations will be delivered through the redevelopment.

Further to this, the applicant submitted an updated Wildlife Enhancement Plan and re-consulted the Ecology Team. Their revised comments are as follows: Thank you for consulting me on the further information to support this application, which comprises a Wildlife Mitigation and Enhancement Plan (Thomson Ecology, April 2018).

In summary I am satisfied with the further assessment of impacts relating to the revised layout and proposed mitigation.

Provided the proposed mitigation measures are adhered to, I would not raise any further concerns relating to the proposal. If you were minded to grant permission, I would simply suggest that the following condition be added to the decision notice:

-Development shall proceed in accordance with the recommendations set out in Sections 2 and 3 of the submitted Wildlife Mitigation and Enhancement Plan (Thomson Ecology, April 2018) and the identified mitigation and enhancement measures retained within the site following completion. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

#### **Early Years & Childcare**

No comments received.

#### **Landscape Group**

I think the proposed development is a good one in terms of improving the school buildings. The new buildings seem reasonably attractive. The new layout opens up a large area in the centre for hard and soft surfaced play, which will be pleasant.

The plan and visual illustrations are very clear and indicate a well-considered approach to soften the street frontage along Fyning Street with fastigate tree species to replace some of the presence of the trees to be removed there. The tree species seem appropriate for this development.

I have no objections to this scheme in terms of landscape design and character.

#### **Waste Management Service**

No comments received.

#### **Crime Prevention Design Advisor**

Having considered the application I have the following comments to make with reference to crime prevention.

Access to the general office is from the reception area this is not ideal as this is a public area, access into the general office should be from the internal corridor.



The interview room is accessed from the Circulation area and the Reception area, the effect of this is that interviewees may access the public reception area. The doors are at right angles to each other, this has implications for the room layout and the ability of a staff member to leave the room should they feel threatened. The room should be laid out with doors on opposite walls, the door for the staff member should be from within the secure school area. The room should be laid out to provide protection and an escape route for the member of staff should the situation deteriorate. The staff entry door should be of robust construction and fitted with a lock to BS8621, the thumb turn should be located in the safe area.

The sick bay is located in the reception area this appears to be an open area, it appears that those in the sick bay will be visible to those in the reception area. The sick bay should be moved to place that provides privacy for the patient and can be readily tended by caring staff.

To provide for the security of the building external doors and windows should be third party certificated to LPS1175 SR2. All ground floor glazing should incorporate a pane of laminated glass to BSEN 356:2000 class P1A.

The staff room is located on the first floor adjacent to the studio. This is not ideal, as the studio is to double as a community asset, the staff room should be fitted with a robust door to LPS 1175 SR2, it should be fitted with a locking mechanism that provides for authorised access only. The door should be fitted with a door closing device.

The staff are expected to use the Assist WCs located on each floor, there is only one of these WCs on the ground floor. Access to this facility is via the reception area. This is not ideal and could lead to embarrassing situations, there is also the potential for confrontation. Staff toilets should be accessed from within the secure area of the school and should be for the exclusive use of staff.

The two halls on the ground floor and the studio on the first floor are shown as for use by the community, the available toilets are also on the first floor. The dispersal of these assets will allow "the community" to access a large portion of the school. Some consideration should be given to locating this assets much closer together and providing a separate entrance to enable the remainder of the school to be secured when not in use.

Care should be taken with the design of the building to ensure that items such as down pipes, external door protectors, etc. do not facilitate access to the roof.

### **Highways Engineer**

The Local Highways Authority offered a series of comments on the proposals, the latest comments being received on the 17th May 2018 stating:

I have reviewed the applicants reflections on my previous observations provided in their email of 9th May 2018 together with the updated Transport Statement (TS) and would make the following representation:

The only amendment to the TS seems to be the expansion of the accident record section to provide further detail on the nature of the accidents observed. This establishes that only 10 of the 55 accidents previously identified resulted in pedestrian casualties and does not identify any physical causation factors rather behavioural issues. As a consequence I am satisfied that there is no specific pedestrian safety mitigation improvements required on the walking routes to the school.

Having said that the TS continues to rely on outdated guidance which leads to an unrealistic assessment of the accessibility of the site. No indication is given of the existing staffing parking demand despite the community consultation reported in the first iteration of the TS explaining that the existing on site parking facilities are currently oversubscribed by staff with 'many members of staff having to park off site and having to go and move their car every 2 hours' Notwithstanding the difficulties in parking for the existing staff cohort, the proposed increase in parking on the site is not sufficient to meet the anticipated increase in staff parking demand.

There is no assessment of on street capacity to accommodate this increase in parking shortfall although given the difficulties experienced by existing staff the scope to accommodate this additional shortfall on street is likely to be limited

There is no assessment of the set down / pick up activity at the beginning and end of the school day nor assessment of the impact of the additional vehicle trips anticipated during those periods beyond simply explaining the quantum of the increase rather than any practical assessment of the issues which arise.

The covering email reflects that one of the concerns relates to traffic generation and takes the view that the additional 41 movements in each of the peak periods does not result in a severe residual cumulative impact, which the writer understands to be the national test. This does not acknowledge that the test of severity does not apply to safety issues (Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 refers) despite my previous advice to that effect. The question of whether development should be refused on safety grounds is a binary question: is the access safe or unsafe, degrees of "unsafety" are irrelevant.

Notwithstanding that the most recent although now withdrawn guidance on traffic impact assessment identified that such assessment is appropriate where the number of additional movement arising from a new development proposal exceeded 30. This development would result in an increase of more than a third above that threshold and is a material consideration which has not been assessed in the TS beyond reporting the quantum of the increase. As a consequence in the absence of a more robust transport statement it is unclear what the impacts of the proposal will be and whether or not these can be managed safely. In that light I must recommend that the application be refused.

Earlier comments received on the 23rd of April 2018 stated:

I have reviewed the revised transport statement dated 28th March 2018 and would make the following observations:

Commentary on the NPPF at paragraph 2.2.1 continues to highlight that 'developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' without explaining that the test of severity does not apply to safety issues (Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 refers) despite my previous advice to that effect. The question of whether development should be refused on safety grounds is a binary question: is the access safe or unsafe, degrees of "unsafety" is irrelevant.

Paragraph 2.2.1 also references that Local Planning Authorities should work with school promoters to identify and resolve key planning issues before applications are submitted. However the applicant did not seek to engage with the LHA prior to the submission of this application.

The policy section of the transport statement does not reference the Portsmouth Local Transport Plan nor the Supplementary Planning Document - Parking Standards & Transport Assessments and as a consequence does not provide a comprehensive assessment of the planning policy framework within which the application should be considered.

Paragraph 3.2 explains that the pupils on role are projected to increase from 525 with 126 staff to 630 with a consequent but unquantified increase in staff numbers.

Paragraph 3.3 continues to reference a 2km preferred walking distance drawn from the CIHT publication 'Guidelines for providing for journeys on foot' at paragraph despite my previous advice that this document has been superseded and should be given no weight in the planning balance. The current relevant guidance for pedestrian accessibility is provided in the 2015 CIHT publication 'Planning for Walking' which explains at paragraph 6.3 'Land use planning for pedestrians' that 'Most people will only walk if their destination is less than a mile away.' It continues to explain that 'Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres).' And that 'The power of a

destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres. As a consequence the walking accessibility map at figure 4 in the transport statement should be given no weight and this should be revisited based on a ten minute walking period assuming a reduced walking speed reflecting that walking speed of younger children.

The accident analysis completed at paragraph 3.5 identifies a cluster of accidents at the A2030 / Arundel Street Roundabout and suggests that this may be related to higher pedestrian flow in this area. Despite this and the junction being on one of the walking routes to the school no further analysis of the issue or proposals to mitigate the risk are suggested in the transport statement.

Section 4 of the transport statement and particularly paragraph 4.2 which deals specifically with pedestrian accessibility has not been update in light of my previous advise rather continues to reference outdated and superseded guidance.

Paragraph 4.4.1 considers the bus accessibility of the site and establishes that, '... the frequency of services is less than adequate.' and '...it is unlikely that bus travel will be a viable form of transport for parents dropping off or picking up children at Arundel Court Primary School' In light of the reliance on outdated guidance no weight can be given to the findings in paragraph 4.5 regarding the accessibility of the site.

The development proposals are explained at paragraph 5.2 which indicates that staff numbers will increase by between 4 and 9.

Paragraph 5.3 explains an intention to increase the on site parking provision by 2 spaces. Analysis of the likely increase in trip generation reported at paragraph 6.2 suggests that the proposal will result in 22 additional pupils travelling by car and 4 additional staff travelling by car although the staff number figures in table 6 do not correlate with the commentary thereon which is compounded by errors in the mathematics of tables 5 and 6 which are then carried forward to table 7. Even so the proposal does not include sufficient additional parking provision to meet the increase in staff parking demand nor any assessment on the on street parking capacity to accommodate this increase in parking shortfall associated with the site.

Given the existing congestion experienced in the vicinity of the school at the beginning and end of the school day I could not agree with the finding at paragraph 6.2 that the 12% increase in vehicle trips which would arise is not a significant increase in traffic.

In summary this revision of the transport statement does not address my previously raised concerns. The supporting information is incomplete and reliance continues to be placed on outdated guidance. No indication is given of the existing staffing parking demand nor is the future demand for staff parking provided for. There is no assessment of the set down / pick up activity at the beginning and end of the school day nor assessment of the impact of the additional vehicle trips anticipated during those periods beyond simply explaining the quantum of the increase. The accident analysis identifies a cluster of accidents potentially involving pedestrians on one of the routes to the school although these are not further analysed nor proposals made to mitigate the issue. As a consequence in the absence of a more robust transport statement it is unclear what the impacts of the proposal will be and whether or not these can be managed safely. In that light I must recommend that the application be refused.

Initial comments received on the 13th of March 2018 stated:

I have reviewed the details submitted in support of this application which proposes the demolition of existing school buildings, construction of three-storey replacement school building, associated landscaping, external works, access and car parking and I would make the following observations.

The planning statement indicates that the effect of the proposal will be to increase the pupil capacity at the school by 20% from 525 to 630 pupils. This is contradicted in the Transport Statement which explains at paragraph 3.2 that the school currently has 592 pupils. It is proposed in the planning statement to retain the existing on site parking facilities and add 2 disabled parking spaces. Paragraph 6.29 of the planning statement states that 36 parking spaces are proposed which conflicts with the Design and Access statement which indicates that 29 parking spaces are proposed which also conflicts with the transport statement at section 5.3 which explains that a new 35 space car park is to be provided.

The Transport Statement references the NPPF and highlights that 'developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' It does not explain that the test of severity does not apply to safety issues. The question of whether development should be refused on safety grounds is a binary question: is the access safe or unsafe, degrees of "unsafety" are irrelevant.

The transport statement also references the South Hampshire Transport Plan (2007-2031). Hampshire County Council is not the relevant local highway authority within Portsmouth and this Transport Plan has no weight or relevance in the planning balance.

The transport statement also references PPG13 and the CHIT publication 'Guidelines for providing for journeys on foot' at paragraph 4.2. Both of these documents have been superseded and should be given no weight in the planning balance. The current relevant guidance for pedestrian accessibility is provided in the 2015 CIHT publication 'Planning for Walking' which explains at paragraph 6.3 'Land use planning for pedestrians' that 'Most people will only walk if their destination is less than a mile away.' It continues to explain that 'Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres).' And that 'The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres. As a consequence the walking accessibility map at figure 4 in the transport statement should be given no weight and this should be revisited based on a ten minute walking period assuming a reduced walking speed reflecting that walking speed of younger children.

The community consultation indicates that the existing on site parking facilities are currently oversubscribed by staff with 'many members of staff having to park off site and having to go and move their car every 2 hours'

Beyond the community consultation none of the supporting documents seem to indicate the current staffing parking demand. It is my assumption that the existing staffing cohort will increase by 8 as the transport statement explains an assumption that all staff travel by car and indicates an expected increase of 8 staff vehicles in table 8. However no assessment is made of the future staff parking demand nor is it demonstrated how this may be accommodated. This is particularly relevant in this area where the demand for parking on street regularly exceeds the space available.

As this application stands the supporting information is contradictory and reliance is placed on irrelevant planning policy documents and outdated guidance. No indication is given of the existing staffing parking demand nor is the future requirement for staff parking assessed. There is no assessment of the set down / pick up activity at the beginning and end of the school day nor assessment of the impact of the additional vehicle trips anticipated during those periods. As a consequence in the absence of a more robust transport statement it is unclear what the impacts of the proposal will be and whether or not these can be managed safely. In that light I must recommend that the application be refused.

### **Environmental Health**

Further to the above application I can advise there are no outright objections to the proposed development in terms of either noise or air quality.

The predicted increase of 26 peak period traffic movements within Fyning Street will be insignificant in terms of average noise levels in the locality, given the existing ambient noise levels due to the proximity to Holbrook Road and the low vehicle speeds within Fyning Street.

The acoustic survey submitted with the application is primarily to ensure internal noise levels within the school are in compliance with Building Regulations as opposed to amenity of neighbouring residential dwellings.

Due to the school entrance being transferred from Northam Street to Fyning Street there will inevitably be some level of disturbance associated with the children entering and leaving the premises at the beginning and end of the school day but this will be brief and unlikely to have a massive impact upon internal noise levels.

However as the design of the ventilation system has yet to be finalised I would suggest that we need to ensure that any plant associated with the operation of the school has no impact upon the amenity of local residents.

We have also experienced problems associated with new external lighting installations on some recent school improvement projects which have resulted in complaints of statutory light nuisance from local residents, which although the installations have significantly increased light intrusion have been difficult to deal with using statutory nuisance legislation as the impact has to be quite severe to warrant statutory nuisance action as opposed to loss of amenity.

If permission should be considered appropriate I would suggest the following conditions.

- 1) Prior to the installation of any fixed plant or machinery, an assessment of the cumulative impact of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant and thereafter maintained.
- 2) Prior to the commencement of construction an assessment of the impact of any proposed external amenity or floodlighting upon neighbouring residential dwellings shall be undertaken which shall include predicted levels of vertical illuminance and any proposed mitigation measures to ensure compliance with the ILP Guidance Notes for Reduction of Obtrusive Light. Upon approval these measures shall be implemented in full and thereafter retained.

### **Contaminated Land Team**

The Contaminated Land Team (CLT) has reviewed the above application together with information held on the CLT GIS. This has identified that two site investigations have previously been carried out on site in 2003 and 2005 related to the development of a MUGA and other works, both of which identified a layer of made ground beneath the site with associated elevated contaminants.

Given the above, together with the sensitive nature of the proposed end-use, the following conditions, or similar, are requested.

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

a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,

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

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

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

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

(iii) The demolition of the school buildings on the eastern site (the area of proposed amenity grassland) hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an asbestos demolition/refurbishment survey of the existing school building. If the survey indicates that asbestos is present then a survey by a licenced consultant should be conducted and advice sought on the removal and/or safe demolition of the building.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Tree Officer Observations**

This site is incorrectly identified as being within a TPO boundary.

The content of The Arboricultural Impact and Method Statement dated January 2017 produced by the Thomson Group is accepted and agreed.

The detailed Landscape Planting Plan dated 10 October 2017 includes detail of mitigation planting for those trees lost to development.

There are no arboricultural objections to this development

Recommendations

The application be granted.

### **Coastal and Drainage**

Initial Comments were received from the Drainage Engineer on the 14th May 2018 stating:

I have had a look through the application pack and am satisfied that the drainage is appropriate for the development. There are two things I did not see which would be good to review:

- Overland flow routes if the system were to be exceeded
- An overflow pipe outlet from the soakaway units, into the surface water sewer traversing the site

Further to the submission of additional information, the Drainage Engineer concluded on the 18th May 2018: "The overland flow routes do not raise any serious concerns from me."

### **Sport England**

Summary: Sport England raises no objection to this application which is considered to meet exception E4 of our adopted Playing Fields Policy, subject to conditions relating to arrangements for access to alternative playing field during and following construction; and new playing field/pitch construction.

Sport England -Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below):  
[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposed development for the demolition of existing school buildings and construction of three-storey replacement school building with associated landscaping, external works, access and car parking will result in the loss of the existing playing field. Based on aerial imagery of the site taken from google earth, the existing playing field has been used flexibly for different sports and configuration of pitches including athletics and mini-soccer. It is proposed located the new school buildings on this area of playing field to re-provide the playing field on the footprint of the demolished school buildings. Sport England is satisfied that subject to the new replacement playing field area being built in accordance with Sport England's technical guidance notes on natural turf for sport (2011), copies of which can be found at:

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/natural-turf-for-sport> , then the proposal is capable of meeting our E4 exception policy:

- E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

However, Sport England also notes that given the phasing of the proposed development the school is likely to have no access to on-site playing field once construction begins for approximately 2 years. This is because the new school will be built on the existing playing field before the existing school is demolished and the new replacement playing field is constructed and available for use. It should be recognised that new playing field requires a settling in period of approximately 12 months. Sport England considers that further work should be carried out to ensure that the school can secure access to alternative playing field during this period to ensure that it can meet its curriculum requirements and extra curricula sports activities. Sport England understands that the on-site MUGA will be used for PE/sport during this period. However, Sport England would question whether such provision is adequate compensation during this period, especially during the summer months when the playing field is used for summer sports. For example, Sport England notes that the playing field has been marked out for athletics in the recent past.

#### Assessment against Sport England Policy

In light of the above, Sport England does not wish to raise an objection to this application as it is considered to meet exception E4 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- No development shall commence until a scheme to ensure access to alternative playing field during the construction works and until the new replacement playing field is operational and available for use has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must set out details of the size, location, of the alternative playing field together with arrangements for access. The scheme must include a timetable for the use of the alternative playing field arrangements. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development and 12 months following construction of the new replacement playing field.

Reason: To protect against loss of availability of playing field during the construction of the development and to ensure the new replacement playing field is of satisfactory quality; and to accord with Development Plan Policy \*\*.

- The replacement new playing field and pitches shall be constructed and laid out in accordance with the planting plan: drawing no. 9112 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011). shall be made available for use within 18 months following first use of the replacement new school hereby permitted.

Reason: To ensure the quality of pitches is satisfactory; that they are available for use within a suitable timescale and to accord with Development Plan Policy \*\*.

#### **Southern Electric**

No comments received.



## REPRESENTATIONS

Five representations have been received objecting to the development on the grounds of:

- (a) development would result in a loss of view of playing fields to the south and the privacy this provides;
- (b) development would result in a loss of light for properties in Chatfield House;
- (c) proposals would result in the loss of trees and wildlife;
- (d) development would result in a loss of privacy for neighbouring occupiers;
- (e) noise and disturbance associated with construction of school building;
- (f) residents would not be able to enjoy outside space as a result of noise and loss of privacy;
- (g) increased parking demand and limited parking for residents;
- (h) the development would have an impact on the character and appearance of the area;
- (i) the proposed structure will be overbearing and bulky;
- (j) noise, disturbance and additional fumes as a result of increased car congestion on Fyning Street;
- (k) risk of road safety for students and members of the public as a result of increased congestion on Fyning Street;
- (l) Fyning Street is unsuitable for larger service vehicles;
- (m) school pick-up and drop-off would result in high levels of congestion;
- (n) the development would result in the loss of a playing field for the children of the school;
- (o) siting of the school would be better considered elsewhere;

## COMMENT

The principal issue is whether the proposed replacement school would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (including any implications for school playing fields), design and impact on heritage assets, traffic/transportation implications, impact on amenity and nature conservation/trees.

### Principle of the development

The application site is already used for educational purposes. The existing school building is located centrally within the site with an adjoining nursery block to the south, library block to the north and temporary classrooms to the east. To the south-east of the site, adjoining the boundary of the school grounds is a "Sure Start" Centre which is accessed independently via Arundel Street.

In view of the location of other schools in close proximity to the application site including St Edmunds Catholic School (Arundel Street) and St John's Cathedral Primary School (Arundel Street) the principle of accommodating a replacement school in this location is wholly appropriate.

The siting of the new primary school building to accommodate 630 pupils would be positioned entirely to the north of the site on an area of green open space currently used as playing fields. The proposal includes the demolition of the existing primary school as part of a phased development on the site. After demolition, the site of the existing building would be re-profiled and laid out as playing field provision to serve the replacement school.

The proposal is responding to the educational need in the area and the expansion of the school and associated increase in the number of places meets this need. The principle of development and expansion of schools is provided through Paragraph 72 of the NPPF which advises that local authorities should give great weight to the need to create, expand or alter schools.

The Local Planning Authority is required to work with school promoters to resolve key planning issues, which has been the case in relation to this proposal.

Playing fields should not be built on unless an assessment is undertaken of the land being surplus to need, or, equivalent provision will be provided in a suitable location, or the needs clearly outweigh the costs.

This proposal has the support of a Planning Statement that makes the case that the scheme would not result in any long-term reduction in the playing field provision on the site, but would in fact result in a net gain of 1850sq.m. of greenspace. It is acknowledged that the construction period would result in a short term impact which will be remedied once the existing school buildings are demolished and the site re-profiled for the recreational use.

In this regard the proposal would satisfy the provisions of paragraph 74 of the NPPF. Sports England are a statutory consultee and advise, in summary, that the proposal is considered to broadly meet exception E4 of Sport England's adopted Playing Fields Policy. Sport England have acknowledged that the phasing of the development would demand that the new school is built before the re-instatement of new sports fields, however raise no objection subject to conditions relating to arrangements for access to alternative playing fields during and following construction; and new playing field/ pitch construction. The applicant has sourced an agreement in principle with St Edmunds Catholic School (located 300m to the west) to enable the use of their sports facilities during the planned construction and demolition phases.

On (non-domestic) development of 1000sqm or larger, an employment and skills plan will ordinarily be requested. However, this publicly funded investment includes a contractual requirement for an employment and skills plan by the EFSA. On this basis duplication through the requirement of an employment and skills plan through a planning obligation is not considered necessary.

The principle of development is therefore considered to be acceptable.

## **Design Impact**

The proposed replacement school has been designed to be resilient in terms of its energy and performance and space requirements so as to provide the best educational space standards going forward. The school has a functional appearance and the new design with an overall footprint of buildings on the site totalling 1381 sq. m. resulting in the green space on site increasing by 1850 sq. m.

Design is subjective, when assessing proposals the Local Planning Authority seeks good design outcomes. The design process for the proposal has achieved a high quality build which will be inclusive and achieve energy performance standards. These elements strengthen the design, making it resilient to climate change and adaptation. It is good planning to focus on the total life of a scheme, its maintenance and cost of running, which this proposal achieves.

With sustainability being at the heart of the design process the scheme has been shaped so as to achieve a Very Good BREEAM rating, and the Low Zero Carbon and energy ratings required for an Excellent BREEAM rating. To elevate all criteria in the scheme to an Excellent BREEAM rating in the applicants words "will only have marginal gains to the delivery of the project performance of the building which are disproportionate to the associated costs."

By securing a scheme of this standard the energy consumption across the site has the potential to reduce regulated CO2 emissions by 31.2%. The detailed design process has the ability to achieve the 10% CO2 emissions reduction as encouraged by Policy PCS15 for new (non-domestic) schemes, and in so doing achieve the advice provided by paragraph 96 of the NPPF.

The proposal adopted an inclusive process seeking the views of staff, parents and carers, and local residents. The scheme has undergone a Design by Crime assessment and was also reviewed by the Design Review Panel. All of these consultations feed through the iterative

design process and demonstrate a commitment to design review and pre-application early engagement as encouraged by paragraphs 62 and 190 of the NPPF.

The comments from the Design Review Panel are not supportive, with the scheme being described as "aesthetically disappointing" and "were unconvinced by the render solution." The panel suggested that reconsideration of this material, (and its possible replacement with brick) would secure a higher quality outcome. It was also suggested that the elevations would benefit from the subtle but perceptible introduction of modulation into the treatment of the facades. In conclusion the panel stated: "Overall it was considered that the scheme and presentation had unfortunately been driven by the cost effectiveness of the solution." The purpose of this panel is to provide independent scrutiny of the design impacts of proposals for major development. The Local Planning Authority (LPA) is encouraged to engage in these discussions as per paragraph 62 of the NPPF, however they are not bounded by these comments and can express independent professional judgment on the design impacts of the proposal.

It is accepted that the school has developed the scheme partially in response to the economic constraints of working within the funding limitations of the Education and Skills Funding Agency (EFSA) and that this has in part played a role in the siting of the school in the proposed location, however, in consideration of the overall design of the scheme, it is considered that the proposed three-storey school building is a sympathetic fit and an appropriate response to facilitating the re-development of the existing school.

In terms of siting, the submitted Design and Access Statement (DAS) reference 3.04, identifies that the location of the existing school building has been a major constraint on the siting of the new school in its given location to the north of the application site. Paragraph 6.17 of the Planning Statement gives insight into the matter stating: "The physical state of the building and the presence of asbestos means that a phased demolition and re-build of it, whilst using temporary accommodation is not possible from a health and safety and education point of view. Similarly a total decant of the school into temporary accommodation, whilst the new school is re-provided is not something that the Academy considers to be acceptable in terms of the level of disruption and adverse educational impact on pupils."

Furthermore, throughout pre-application discussions with the applicant another major site constraint has been the location of two main sewer lines that cross the site east to west. Paragraph 6.17 of the Planning Statement provides insight: "The required easement from these sewers constrain the location of the new build, diversion of the sewer would be extremely costly but also would not gain much more space for the building due to the requirement to re-instate playing fields of the same quantity on the site in a single usable location."

In light of these site constraints, the applicant presented four possible locations and provided a justification for settling on the proposed location to the north of the site adjacent to Fyning Street. Other locations on site were rejected for numerous reasons including: threats to safeguarding; overlooking impacts; access for service vehicles restricted; convoluted pedestrian routes; impact on trees; limitations of construction access.

Whilst it is accepted that there are pro's and con's relating to the siting of the school in these four specific locations, it is agreed that the siting of the school represent the least amount of harm.

In understanding the context of how the school would be positioned in the proposed location, it is considered that the design impact of the proposed school building would represent a significant change to the character and appearance of Fyning Street. Fyning Street is characterised by four-storey blocks of flats to the north known as Jellicoe house, Beatty House and Chatfield House. The principal elevation of these properties face on to Central Street, however the ground floor amenity areas and outbuildings are adjacent to Fyning Street. Further south of these properties, six mature trees denote the boundary of the school and enclose the existing playing fields. To the west of the site, Landport Community Centre and Gardens adjoin

the site and to the east, Fyning Street has been enclosed by a pedestrian access and residential cul-de-sac.

The proposal would see the removal of 6no. trees and hedges along the northern boundary of the site to facilitate the new three-storey school building. The building would be set back from the highway by 5m to enable a new planting scheme and secure line to be installed to the front (north) of the school. The new school building would consist of a largely "L" shaped block that would be primarily three-storeys in height but would step down to a part single storey/ part two storey to the east on to Fyning Street. Further to the east, adjacent to Holbrook Road, a new vehicular access, disabled car parking and service access has been proposed. The first floor of the main school building and the single storey block to the north/ east would be clad with an external skin of 102mm brickwork. The upper floors would be predominately clad with insulated through render with varying colours. New windows would be powder coated aluminium whilst proposed louver's to service the kitchen and halls would also be aluminium and matching in colour to the windows. The product specification and final colour of these materials have not been confirmed, however it would be considered appropriate to secure these details by way of a suitably worded planning condition.

The proposed School building is considered to be sited appropriately given the nature of constraints on the site. Approaching the school along Fyning Street to the main entrance would provide an open and welcome aspect by virtue of the brightly coloured render panels and proposed signage which would give the building a sense of arrival and pronounce its connection with the local community. The use of a dark coloured brick finish and aluminium windows and doors offers a positive contrast to the massing of these elevations and helps to add definition to the appearance of the building. The design of the building would appear contemporary in nature and would help to modernise the character and appearance of the existing school site.

With a development of this scale, it is inevitable that the new school building would have a significant visual impact on Fyning Street in particular. Although the proposed development would see the removal of a number of trees which add to the character of the street, it is considered that the step back from the main highway paired with the proposed landscaping scheme would help to soften the hard urban edge of the development and would provide a building of interest which would instil civic pride in the local community. The remainder of the site would remain relatively well screened and enclosed however to the east, along Holbrook Road, it is considered that the combination of coloured render panels, signage and brick work above the height of retained trees would help the branding of the school and announce its location within the local community. There would be a substantial separation distance between Northam Street to the south and the proposed school building; however these elevations have been well considered and would have a contemporary appearance. Window openings are generous and proportionate which helps to provide an element of relief to the massing of these elevations. The coloured render panels help to add elements of interest and further assist the massing of the building. The proposed brickwork plinth, whilst the colour has not been confirmed, would be considered to relate to the surrounding built environment in terms of materiality, whilst offering a durable material solution resistant to school based ground floor activities. Looking north, in the context of the proposed landscaping scheme, the school would provide an interesting visual backdrop in the context of different social outdoor areas and areas of hard/soft landscaping.

The application site is not located in close proximity to any Conservation Areas, designated or non-designated heritage assets and therefore the proposals would not have an impact on the significance of these assets.

In light of this, the design of the proposal is considered to be acceptable and in compliance with the aims and objectives of Policy PCS23 of the Portsmouth Plan.

## Transport Impacts

The applicant has pro-actively worked with the Local Planning Authority throughout the course of this application in a bid to address comments and concerns raised by the Local Highway Authority (LHA).

Comments from the Highways Officer were received on three separate occasions as a result of the applicant's willingness to address specific concerns. The Highways Engineer's comments are set out in the consultations section of the report.

In summary the following aspects of the highways assessment need to be considered:

Pedestrian safety;  
Shortfall in on-site parking for staff;  
Increase in traffic movements;  
Increase in drop off and pick up due to increased student numbers; and  
Highway's safety.

The LHA are satisfied that the proposal does not raise a pedestrian safety matter that would require any mitigation. There was a detailed Transport Statement that was assessed and the exchange of questions and answers have led to this matter being concluded. There are no concerns in relation to pedestrian safety and the proposal.

The pupil and parent entrance will remain where it is currently on Northam Street and the new main entrance at Fyning Street will only be for staff and visitors. Therefore any concerns held by the Environmental Health Officer will not occur, as the pedestrian access points are not changing as set out in their consideration.

The proposal has a shortfall in on-site parking for staff. There is a shortfall of staff parking based on the existing demand. When considered in light of the proposal increasing the number of staff, due to the increase in students across the school site, it is expected that the impact of the shortfall will have an impact with parking in the local road network. The proposal has not been supported by an on street parking capacity assessment. The LHA cannot positively conclude this issue in the absence of the assessment. When considering this point it is open to the school to take a proactive approach to sustainable active travel of its staff and to facilitate solutions to this issue. The applicant has made the case that:

"There is evidence that availability of parking provision is a significant factor in the choice of transport to work. This is documented in TRL Parking Measures and Policies Research Review which states that 'Evidence from surveys of office development in London, quoted by Acutt, showed that the provision of car parking is a significant factor in the choice of transport to work. As with parking charges, the impact of car parking restrictions on total car use and fuel consumption might be ambiguous. Public transport use is, however, likely to increase. 'It is considered that the lack of available car parking will lead to a decrease in use of private car and an increase in the use of public transport.'"

When concluding whether the proposal will lead to harm from increased parking in the area, Members will need to balance the potential for the school to manage modal shift within the staff, and the sustainable location of the school.

The LHA assessment of the increase in traffic movements from the proposal notes that there will be an additional 41 movements in each of the peak periods. When a proposal will lead to an increase in additional traffic movements exceeding 30 an assessment should be undertaken.

In response to this, the applicant has provided a justification for additional movements at peak times. "It is advised that there is a wrap round childcare facility available from 7am - 6pm and that whilst there are a potential maximum number of arrivals to the school of 23 (including 5 staff

and pupils) and 18 departures during the AM period, as noted within the Transport Statement these arrivals are likely to include those children who are using the before school facility.

In addition, the school consists of the nursery, Lower (EY & KS1) and Upper (KS2), all of which have staggered start and finish times as follows:

Nursery - AM 08:30 - 11:30, PM 12:30 - 15:30

Lower - AM 09:00 - 11:45, PM 12:45 - 15:05

Upper - AM 08:50 - 12:15, PM 13:15 - 15:05

It is feasible to consider that the 18 pupils will arrive at the site from 7AM until 9AM, with the largest proportion arriving between 08:20 - 09:00. There are circa 112 children on the role for the before and after school care therefore it is reasonable to assume, proportionally, that approximately 4 children would attend the childcare facility with the remaining 14 arriving between 08:20 - 09:00 which equates to circa one arrival / departure every 3 minutes. This is not considered to cause a material impact on the highway network."

Weight has been given to the information above it is not considered that there will be a significant increase in traffic during the peak hours, and there would be a limited impact on the operation of the local road network surrounding the school.

Where the LHA would have welcomed further evidence and assessment is around increases in traffic movements at student drop off times. The Highways Officers noted: "There is no assessment of the set down / pick up activity at the beginning and end of the school day nor assessment of the impact of the additional vehicle trips anticipated during those periods beyond simply explaining the quantum of the increase rather than any practical assessment of the issues which arise."

It is understood that this has not been provided, however many of the pupils who attend this school live in a walking catchment of the school with safe pedestrian routes including a green pedestrian phase crossing point.

In response to this the applicant has opined: "Set down / pick up activity at the beginning and the end of the day will remain as it is at present from Northam Street, the minimal additional arrivals and departures are not considered to be significant enough to alter the current arrangements."

The LHA concluded that due to the absence of more robust transport statement the proposal should be refused. When considering this assessment weight should be given to the local knowledge of the catchment and while a more detailed transport statement may have resolved this issue, the absence of such is not in itself a reason to refuse the proposal when local knowledge is regarded.

The proposal is not recommended for refusal based on a highways safety objection due to impact on the highway and junctions and the level of trips, rather the level of assessment that has been provided falling short of what the LHA expectations.

When considering what weight should be given to the LHA position regard should be given to the following guidance.

When making a judgment on the likely impact of the development it is important to consider the accessibility of the school in its current location. Research identified in the revised Transport Statement produced by AECOM (Arundel Court Primary School Redevelopment- Transport Statement- 2nd May 2018) sets out the provision for travel to and from the site. Although superseded by the NPPF, Planning Policy Guidance 13 (PPG 13- Transport) provides relevant advice stating: "Walking is the most important mode of travel at the local level and offers the

greatest potential to replace short car trips, particularly under 2 km. Walking also forms an often forgotten part of all longer journeys by public transport and car."

Guidance for "Planning for Walking" by the Chartered Institute of Highways and Transportation (CIHT) suggests what an acceptable walking distance is for a town centre location. The study suggests that 200m is desirable, 400m would be acceptable with the preferred maximum being 800m. Given the schools central location, a walking distance of 2km from the school covers most of central Portsmouth including residential areas such as Somers Town (south), Buckland and Landport (north). Most of these routes are considered to consist of 2m wide well-lit footpaths served by dropped kerbs and pedestrian crossings. It is therefore considered that the proposed development site has good accessibility to residential areas and local amenities on foot.

Similarly, the "Sustainable School Travel Strategy for Portsmouth" (SSTS) are: "encouraging cycling as part of a range of measures to reduce car use and through this to contribute to reducing congestion, improving air quality and encouraging exercise as part of normal daily life." In respect of acceptable cycle distances, the Department for Transport "Local Transport Note 2/08: Cycling Infrastructure Design." states: "many utility cycle trips are less than 3 miles (approximately 5km), but for commuter journeys a distance of over 5 miles (approximately 8km) is not uncommon."

Based on the above, the majority of Portsmouth is accessible within the distance outlined for commuter journeys (5km), further accessing the residential areas of Wymering, Cosham, Drayton and Farlington within an 8km cycle distance of the site. It is therefore considered that the site is well accessed by cycle and that this provides a realistic alternative to the private car for staff and potentially some older pupils traveling to and from the school.

Furthermore, in terms of accessibility, the school is located approx. 750m to the east of Portsmouth and Southsea Train Station and is well serviced by a bus stop on Arundel Street 300m away from the school entrance.

The submitted document: " Arundel Court Primary Academy- Travel Information 2017.2018" outlines a survey conducted in December 2017 which indicated 73% of pupils travelled to school by foot and 6% travelled by bike whilst 21% travelled by car. The highly accessible nature of the school by foot, bicycle and public transport is considered to outweigh the potential impact generated by increasing the capacity of the school. Furthermore the re-development of the school in the proposed location is unlikely to generate significantly different modes of transport for pupils/staff.

In terms of increased trip generation, the number of staff would likely need to increase marginally in order to manage the rise in the number of pupils. It is acknowledged that this is likely to have an impact on the number of vehicles travelling to and from the school during peak AM (08:00-09:00) and PM (15:00-16:00) periods.

The submitted Transport Statement (2nd May 2018) under Table 7 on pg. 23 has provided a comparative analysis of additional vehicle movements. This table has identified that during AM peak hours (08:00-09:00) and PM peak hours (15:00-16:00) there would be an additional 18 vehicle movements for pupils and 5 vehicle movements for staff. With a total of 23 additional vehicle movements at peak AM and PM hours it is considered that this would not significantly impact the operation of the local road network surrounding the school.

In concluding the assessment of this application it is considered that the proposal does not give rise to a highways safety objection, and that the proposal is capable of support.

## Nature Conservation

Natural England were consulted on the planning application, their comments are set out in the consultations section of the report. In order to ensure compliance with paragraphs 7, 109 and 118 of the NPPF, Natural England advised that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist in order to secure appropriate mitigation and appropriate biodiversity enhancements. Further to this, it was advised: "provided the Hampshire County Council Ecologists' are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required."

Having sought the views of Hampshire County Council (HCC) Ecology team on this matter the Senior Ecologist stated: "I am largely satisfied with the ecological survey work undertaken at the site, which reports that the site is of generally limited ecological value and with limited potential to support protected species." It was however noted that the Preliminary Ecological Appraisal was prepared without the knowledge of the final design and layout of the development and assumed redevelopment of the school within its existing footprint. As a result the initial impact assessment made assumptions which are no longer accurate and opportunities for biodiversity mitigation and, notably, enhancement have been missed.

Through engagement between the applicant, HCC Ecology Team and PCC further information to support this application, including a Wildlife Mitigation and Enhancement Plan (Thomson Ecology, April 2018) was submitted. The Senior Ecologist concluded "Provided the proposed mitigation measures are adhered to, I would not raise any further concerns relating to the proposal." In making this recommendation a planning condition has been suggested advising the applicant that development shall proceed in accordance with the recommendations set out in Sections 2 and 3 of the submitted Wildlife Mitigation and Enhancement Plan (Thomson Ecology, April 2018).

## Trees

The submitted Arboricultural Report indicates there are 41 individual trees, 5 groups and 3 hedges surveyed at the school. The highest retention value (Category A) tree on site is located to the south of the site off Northam Street and would be unaffected by the proposals. The majority of the trees on site have been assessed as Category B (moderate retention value). These trees are generally located around the perimeter of the school and provide a screening function and good amenity value to the school ground. There are 9 individual trees on site assessed as Category C (low retention value) due to either their young age or low arboricultural and landscape value. The trees surveyed are not afforded the protection of a Tree Preservation Order.

The development would result in the removal of five Category B Trees, three Category C trees and one Category C group of trees (9 trees in total). The removal of these trees would not be considered to harm other trees on site that have been identified for retention subject to adequate tree protection measures during the construction and demolition phases.

Eight individual trees and one group of trees have been identified for removal. Six trees would be removed from the Fyning Street frontage to the north of the site. These trees would be removed to facilitate the development and comprise a mixture of Category B (moderate retention value) and Category C (low retention value) trees. Furthermore a Category C group of trees is also to be removed along this frontage. To the east of the site on Holbrook Road, two trees have been proposed to be removed to allow the creation of a new temporary access for construction vehicles and to enable the creation of a site compound during the construction phase. These two trees have been rated as Category B (moderate retention value).



The Tree Officer advises: "There are no arboricultural objections to this development" and furthermore states: "The content of The Arboricultural Impact and Method Statement dated January 2017 produced by the Thomson Group is accepted and agreed." Of the trees surveyed 33 individual trees, four groups of trees and three hedgerows would be retained as part of the proposal. The protection measures of these trees during the construction and demolition phases have been fully detailed in the applicants Arboricultural Impact Assessment and Method Statement (Thompson Ecology). This provides a commitment that suitably qualified arboriculturist shall be appointed to oversee key stages of the construction/demolition work that may have an impact on trees to be retained .

The applicant has submitted a detailed landscaping, re-planting plan and planting schedule. A total of 10 trees have been proposed to be replanted of various species. The Arboricultural Impact Assessment states that when considering re-planting, "The species chosen should be selected with the use of the site in mind and consider the trees ultimate size and spread and their future maintenance requirements." The trees proposed include 6no. Tulip Trees, 1no. Rowan Tree, 1.no. Hornbeam trees and 2 no. Norway Maple Trees. Having sought further clarification from the Arboricultural Officer, he has advised that these are suitable specimens for the site and are upright trees that would generally require less maintenance than those existing.

Whilst the loss of trees is generally discouraged, the poor standard of existing trees, paired with the extensive landscaping and tree-planting scheme is considered to mitigate the loss of these trees. The proposal is therefore in compliance with Policy PCS13 of the Portsmouth Plan.

### **Residential Amenity**

In the representations, objection is raised to a loss of view from Chatfield House over the existing playing fields to the north of the application site. In the context of this proposal, the loss of view would not represent a material planning consideration.

The proposed siting and three-storey scale of the replacement school would change the outlook and sense of enclosure for some nearby properties particularly residents of Beatty House and Chatfield House. It would also create a new focus of localised activity further north within the school curtilage than existing. The applicants have confirmed that the proposed schools facilities would allow an increased opportunity for community use.

However, across a separation distance of circa 22m the relocation of the school building to the north of the site would not result in any significant harm to the amenities of occupiers of the nearest residential properties. In terms of enclosure, there would be a notable difference at ground level to the south of residential properties backing on to Fyning street, however the building height (approx. 23m) would be comparable in height to these residential properties measuring approx. 26m in height. In any case the setback from the highway paired with the separation distance between the buildings is not considered to have a significant negative impact in terms of enclosure.

Any additional noise and disturbance associated with changes to patterns of activity at the replacement building beyond the normal Monday-Friday 'school day' through wider community use are considered unlikely to be significant and to be outweighed by the public benefit of such a local resource. Replacement playing field provision centrally within the site (after demolition of the existing school building) and wider community use as would be likely to change patterns of activity beyond the 'school day' on this part of the site. However, no floodlighting is proposed and any wider (external) community use would be intermittent in nature and take place during daylight hours only. The relocation of playing pitch provision centrally within the site would not be considered to result in any significant impact on the amenities of occupiers of the nearest residential properties.

Whilst new development inevitably gives rise to some inconvenience and disruption throughout the construction and demolition phases, this would be for a limited period of time and is not considered such disturbance would be so significant as to warrant withholding permission.

In response to other comments that have been raised in representations, regarding the potential loss of privacy as a result of the siting of the new school, careful consideration has been given to the internal layout of the new school building and the orientation of windows facing on to Fyning Street. The majority of class room space at all three levels would orientated to the east and west of the building to avoid overlooking on properties to the north. There is an infant classroom located at ground floor, however the rest of rooms facing north at this level would include the Headmasters office, an office/meeting room, a small hall and a lobby accessing the new kitchen. First floor level similarly has a Junior classroom, a staff room and studio orientated north. Finally at second floor level there are three junior classrooms facing north on to Fyning Street. Whilst it is inevitable that there would be some degree of overlooking to the rear of Chatfield House and Beatty House, given the separation distance (22m) and the location of predominately shared informal spaces to the north elevation of the building, it is considered that there would be no significant overlooking impact and a resulting loss of privacy. The location of the school is not considered to have an impact on neighbouring amenities to the east, west and south as a result of separation distances, retained boundary treatments and retained planting.

Representations refer to the potential loss of light as a result of the siting of the building to the north of the application site. In response to this the applicant has submitted additional sun path diagrams to demonstrate the effect of overshadowing during the spring and autumn equinox's at 9am, 1pm and 5pm. According to the diagrams, during the autumn to spring period, there would be minimal overshadowing to the north of the site at 9am and 1pm with shadows just about encroaching on the rear curtilage of Beatty House and Chatfield House whilst at 5pm, shadows would be cast to the east and would not affect these properties on Fyning Street. According to the diagrams, during autumn, at 9am there would be moderately more overshadowing to the rear curtilages of Beatty House, this would advance further to the east by 1pm and would not shadow these gardens and finally by 5pm shadows would be cast to the east and would not affect these properties whatsoever. It is acknowledged that the siting of the school in the proposed location would have a some impact in terms of overshadowing, however given the limited scale of the impact as demonstrated on the submitted sun path diagrams, it is not considered that this would be so significant to warrant a refusal.

In response to comments regarding the loss of playing fields and open space for the students of the school, a comprehensive landscaping plan has been submitted that outlines the provision of new playing fields centrally within the site further to the demolition of the existing school building. Due to the nature of the phased development, Sport England raised some initial concerns regarding accessibility to alternative playing fields. The applicant has been able to secure an agreement in principle for the use of sports facilities at St. Edmunds Catholic School located 300m to the west of the application site. Further to this, when the development is completed, the students of the school would have the advantage of accessing additional green open space and informal play areas with a net increase of 1850 sq. m of greenspace proposed.

Matters referred to in the representations relating to the loss of trees and highways impacts have been discussed in detail in the sections above.

The proposed development is therefore considered to be acceptable and would not represent a significant impact on the amenities of neighbouring occupiers adjoining the site. The proposal is therefore compliant with Policy PCS23 of the Portsmouth Plan.

**RECOMMENDATION** - That delegated authority be granted to the Assistant Director of Regeneration to add/amend conditions where necessary.

## **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:

ARND-DLA-ZZ-00-DR-L-9114 REV P01  
ARND-DLA-ZZ-00-DR-L-9100 REV P10  
ARND-DLA-ZZ-EL-DR-A-2030 REV P06  
ARND-DLA-ZZ-GF-DR-A-2000 REV P11  
ARND-DLA-ZZ-01-DR-A-2001 REV P09  
ARND-DLA-ZZ-02-DR-A-2002 REV P07  
ARND-DLA-ZZ-SX-DR-A-2035 REV P04  
ARND-DLA-ZZ-GF-DR-A-2010 REV P03  
ARND-DLA-ZZ-00-DR-L-9101 REV P07  
ARND-DLA-ZZ-00-DR-L-9102 REV P06  
ARND-DLA-ZZ-00-DR-L-9103 REV P06  
ARND-DLA-ZZ-00-DR-L-9104 REV P05  
ARND-DLA-ZZ-00-DR-L-9105 REV P010  
ARND-DLA-ZZ-00-DR-L-9106 REV P09  
ARND-DLA-ZZ-00-DR-L-9107 REV P01  
ARND-DLA-ZZ-00-DR-L-9108 REV P04  
ARND-DLA-ZZ-00-DR-L-9109 REV P06  
ARND-DLA-ZZ-00-DR-L-9111 REV P04  
ARND-DLA-ZZ-00-DR-L-9112 REV P04  
ARND-DLA-ZZ-RL-DR-A-2003 REV P04  
ARND-DLA-ZZ-00-DR-L-9116 REV P01  
ARND-AVE-00-XX-DR-C-001 REV P05  
ARND-ELT-ZZ-XX-DR-W-7001 REV P05  
ARND-ELT-ZZ-XX-DR-W-7002 REV P06  
ARND-ELT-ZZ-XX-DR-W-7003 REV P05  
ARND-ELT-ZZ-XX-DR-W-7004 REV P04

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

a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction,

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

5) The demolition of the school buildings on the eastern site (the area of proposed amenity grassland) hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an asbestos demolition/refurbishment survey of the existing school building. If the survey indicates that asbestos is present then a survey by a licenced consultant should be conducted and advice sought on the removal and/or safe demolition of the building.

6) Prior to the occupation of the development hereby permitted, necessary actions shall be carried out in accordance with the recommendations set out in Sections 2 and 3 of the submitted Wildlife Mitigation and Enhancement Plan (Thomson Ecology, April 2018). The identified mitigation and enhancement measures shall be thereafter retained on the site unless otherwise agreed (and approved in writing) by the Local Planning Authority.\*\*\*\*

7) No development shall commence until a scheme to ensure access to alternative playing field during the construction works and until the new replacement playing field is operational and available for use has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must set out details of the size, location, of the alternative playing field together with arrangements for access. The scheme must include a timetable for the use of the alternative playing field arrangements. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development and 12 months following construction of the new replacement playing field.

8) The replacement new playing field and pitches shall be constructed and laid out in accordance with the approved planting plan: drawing no. 9112 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011). shall be made available for use within 18 months following first use of the replacement new school hereby permitted.

9) Prior to the installation of any fixed plant or machinery, an assessment of the cumulative impact of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval.

Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant and thereafter maintained.

10) The proposed works to retain the existing 36 space car park (Northam Street) and provide parking for 2 widened 'disabled' bays shall have been surfaced, marked out and made available for use, along with level access from the car park for disabled visitors to the school in accordance with a timetable that shall have been submitted to and approved in writing by the local planning authority before the replacement school is first brought into use; the parking spaces shall be provided in accordance with the approved timetable and shall thereafter be retained.

11) All planting (to include the 9 no. trees proposed to replace those removed to facilitate the development), seeding or turfing comprised in the approved details of landscaping plans shall be carried out in the first planting and seeding season following the occupation of the replacement school building or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

12) Notwithstanding the details shown on the approved plans, no development shall commence on site until precise details, including samples, of the external materials and architectural detailing (including type, texture and bonding pattern of brickwork, details of cladding and doors and windows), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

13) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

14) Prior to installation of any external lighting (including architectural and/or security lighting), shall be installed until precise details (including type and position of lighting, level of luminance and extent of light spill), have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the approved details.

15) No construction shall take place until details shall have been submitted to and approved in writing by the Local Planning Authority of the proposed:

(a) means of foul and surface water sewerage disposal; and,

(b) measures to be undertaken to protect existing public sewer infrastructure.

The replacement school shall be brought into use until the drainage works have been carried out in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

16) Details of an updated School Travel Plan shall be submitted to and approved in writing by the local planning authority before the replacement school is first brought into use. The School Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring; and the approved measures shall thereafter be implemented.

**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 that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 6) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 7) To protect against the loss of availability of playing fields during the construction of the development and to ensure the new replacement playing field is of satisfactory quality in accordance with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) To ensure the quality of pitches is satisfactory and to guarantee the timely delivery of the playing field in accordance with Policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 9) To ensure that acceptable noise levels within the school building are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 10) To meet necessary parking requirements within the school and to minimise any impact on the safety and inconvenience of all users on the a busy bus route through the city, in accordance with policies PCS17 and 23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To secure replacement tree planting mitigation of at least equal value for the unavoidable loss of 9 no. existing trees, in the interests of the amenities of the area and biodiversity value of this green infrastructure asset, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 13) To minimise the potential for conflict with users of the surrounding highway network and in the interest of amenity, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 14) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 15) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

16) To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accord with policies PCS17 & 23 and the aims and objectives of the NPPF.

#### PRO-ACTIVITY STATEMENT

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

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**HM KINGSTON PRISON MILTON ROAD PORTSMOUTH PO3 6AS****RETROSPECTIVE APPLICATION FOR THE PARTIAL CHANGE OF USE OF THE MAIN PRISON BUILDING FROM PRISON (USE CLASS C2A) TO STORAGE (USE CLASS B8) (AMENDED DESCRIPTION)****Application Submitted By:**

City &amp; Country Portsmouth Limited

**On behalf of:**

City &amp; Country Portsmouth Limited

**RDD:** 31st October 2017**LDD:** 18th January 2018**SUMMARY OF MAIN ISSUES**

This application has been referred to Committee by the Assistant Director of City Development due to the importance of the site within the city.

The main issues for consideration are as set out below:

- a) Whether the proposal would contribute to the achievement of sustainable development in accordance with national and local planning policy;
- b) Whether the principle of a storage use in this location is acceptable;
- c) Whether the proposed development is acceptable in heritage terms
- d) Whether it would be acceptable in highway terms;
- e) Whether there would be any adverse impact to the amenities of neighbouring residential properties

**Site Description**

The application site measures approximately 2.64ha in size and contains a mixture of 1-4 storey buildings and a recreation area and is enclosed by a 4.5m high flint faced wall. An area of car parking lies to the north. The site was formerly in use as HM Kingston Prison but was closed in 2013 by the Ministry of Justice and subsequently purchased by the applicants, City & Country, in February 2015.

The former Kingston Prison is Grade II listed. The prison buildings are positioned in the southern half of the site and comprise the original radial plan prison and gatehouse complex, with the recreation area in the northern half of the site, inside the boundary wall.

The application site is bounded to the west by the main railway line . Kingston Cemetery, a Grade II Registered Park & Garden, lies to the west of the railway line. The site is bounded by areas of residential development to the north and east. St Mary's Road lies to the south and Milton Road lies along the majority of the eastern boundary.



## The Proposals

The application seeks retrospective permission for the partial change of use of the main prison building to storage use, Use Class B8. A detailed breakdown of the areas of the prison building and floor space figures is provided within the main body of the report.

During the life of the planning application, the proposals have been amended to limit the floor area to which the storage use relates and to remove the request for a temporary timescale for any permission. The amendments have deleted the reference to storage across the site and the proposal now relates to 121 m<sup>2</sup> of storage space for the sole use of the applicants, City & Country.

The application is supported by the following documents:

- Heritage Statement
- Statement of Building Uses
- Addendum Planning Statement (May 2018)

## Relevant Planning History

The planning history of the site is confined to those alterations to the former prison which were carried out post June 2006, when Crown immunity from planning law was removed. None of the works carried out by the Home Office or Ministry of Justice are considered relevant to the determination of this application.

- **18/00778/FUL** - Change of use of Main Prison Building from prison (Use Class C2a) to an Airsoft event centre (Use Class D2) - under consideration
- **17/01141/ADV** - Installation and display of two non-illuminated conjoined information panels fronting St Mary's Road - Consent, Aug 2017
- **16/00086/LBC** - Demolition of listed engineering/workshop building, part demolition and conversion of listed prison buildings (with associated internal and external alterations) to provide 73 dwellings and a commercial unit and part demolition of listed prison wall - Consent, June 2016
- **16/00085/FUL** - Redevelopment of former prison comprising: part demolition and conversion of listed buildings to provide 73 dwellings and commercial unit (within Class A1 or Class A3); demolition of non-listed structures; construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St Marys Road; and provision of car parking and associated landscaping and other works - Permitted, Feb 2017

## POLICY CONTEXT

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

In addition, the application should be assessed against the development management policies and other relevant paragraphs within the NPPF and in particular, Chapters 1 (Building a strong competitive economy, 4 (Promoting Sustainable Transport), 7 (Requiring Good Design), 12 (Conserving and Enhancing the Historic Environment).

The National Planning Policy Guidance sets out the Government's advice in relation to the use of planning conditions and the granting of temporary planning permissions, which is relevant to the consideration of this application.

The relevant policies within the Portsmouth Plan include:

- PCS17 'Transport' sets out the Council's aims for the delivery of a strategy that will reduce the need to travel and provide a sustainable and integrated transport network.
- PCS23 'Design & Conservation' states that all new development must be well designed and in particular, respect the character of the city. It sets out a number of expectations for new development, including excellent architectural quality, the protection and enhancement of the city's historic townscape, an appropriate scale, density, layout, appearance and use of materials in relation to the context and the protection of amenity and a good standard of living environment for neighbouring and future residents.

### **Supplementary Planning Documents**

The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Parking Standards and Transport Assessments (July 2014)

### **CONSULTATIONS**

#### **Highways Engineer**

Initial comments - objection - dated 08.12.17

I have reviewed the application cover letter and drawing submitted in support of this retrospective application for the change of use from a prison (class C2a) to offices (class B1a) and storage (class B8) and I would make the following observations:

The application does not include a design and access statement nor transport assessment / statement so it is not possible to assess the likely impact of the proposal on the operation of the local highway network nor scale of any improvements which may be necessary to mitigate that impact. Prior to any such statement being assembled a scoping report should be submitted to and approved by the LPA to establish the likely traffic generation and scope of the assessment.

Whilst the site has apparently been used for offices and storage since 27th February 2015 with the car park leased to the NHS since June 2105, contrary to the consented use of the site, the application does not seek a personal or restricted consent. As a consequence the transport impact of the proposal must be considered in the knowledge that if consented the site could be operated significantly more intensively than has been by the current occupier. In the assessment trip rates as may be anticipated from a typical B1a / B8 use of this scale as established from TRICS or similar dataset should be applied in addition to trips associated with the NHS use of the car park.

As the former use of the prison is redundant with no reasonable prospect of that use being re-established there is no traffic generation associated with that use against which the proposed development should be assessed as a baseline or fall-back position.

The site is located in close proximity to a part of the local highway network which is known to operate in excess of capacity resulting in significant congestion and delays at peak period arising in part from traffic generated by the unauthorised uses established on the site.

As this application stands insufficient information has been provided to allow determination of the likely traffic impact on the local highway network nor scale of any improvements which may be necessary to mitigate that impact. In that light I must recommend that the application be refused on that basis.

Additional comments - objection - dated 18.05.18

I have reviewed the amended Addendum Planning Statement (APS) dated 16<sup>th</sup> May 2018 submitted in support of amendments to the proposal and would make the following observations:

The PAS explains that consent is now only sought for a change of use within part of the Main Prison Building from prison (Use Class C2a) to storage (Use Class B8) for a six month term. The PAS does not indicate that the applicant seeks a personal consent although explains that City & Country has no intention of leasing the storage space at any point during the temporary consent and the PAS considers the impact of the development on that basis.

The assessment of the transport impact of proposal considers a scenario in which the proposed use would only generate an average of just one vehicle movement per week accessing via the existing gatehouse. Whilst such a level of traffic generation would not result in a material impact on the operation of the existing road network this is not commensurate with the unrestricted use of the floorspace for a B8 use as would be authorised should consent be granted for this proposal. As a consequence I do not find this to be a credible assessment of the likely traffic impact of the proposal.

No information is provided to inform the assessment of the traffic impact should the building be operated as would be permitted by an unrestricted B8 use and as a consequence I must recommend that this application be refused on that basis.

Additional comments - objection - dated 07.06.18

There is nothing in the additional information provided below which would cause me to vary the LHA representation on this application already provided. In essence this additional information confirms that the storage use may not be temporary and acknowledges that whilst it may not be the current intention the storage floorspace could be leased to others who may seek to use it more intensively than is considered in the assessment.

I remain of the view that whilst the quantum of floorspace which this application relates to does not include the entirety of the prison building, the application does seek an unrestricted and unlimited use of that floorspace for B8 storage. In that light and in the event of any sub lease as would not be controlled by any permission I find it implausible that the traffic impact of the proposal can reasonably be assessed on the basis of a trip generation of one vehicle per week.

#### **Contaminated Land Team**

No objection - dated 19.12.17

Given the limited ground works, I have no comment on this retrospective application. But would highlight it must not be transferred to residential use directly without further consideration. The prison has been used for motor vehicle repair, has a photographic developers. The site itself includes brick field, clay pit.

#### **Environmental Health**

No objection - dated 28.11.17

Further to the above application I can confirm we have no objections or recommendations to make with regards to this application.

## REPRESENTATIONS

A total of thirteen representation were received in respect of the application as originally submitted, raising the following concerns:

### Principle

- Why is the application retrospective?
- Why has much needed housing been dropped from application?
- New proposal turns development into an industrial park
- Inappropriate application for this site
- What happened to plans for housing and apartments?
- We do not need more office or storage facilities in Portsmouth - what we desperately need is more affordable housing
- Scope of this permission would be of concern as to what is stored or what type of business operates from the offices
- This type of business is unlikely to bring employment opportunities to the local demographic types or any major financial benefit to Portsmouth
- Can understand a need for a temporary consent during reconstruction to another use but the permanent use for B8 storage and distribution is inappropriate in this location
- Whereas use for commercial purposes within Class B1a should be welcomed in terms of contributing to local economy, the B8 use amounts to non-conforming use in residential area
- B8 use, even if only for open storage, should not be permitted
- As this is retrospective application, it is applying that the premises was used for this purpose whilst run as a prison - there were offices onsite where admin personnel worked but the only storage was of goods/materials necessary for day to day running of the establishment
- If, as approved, the site is developed into housing, we question what role do office and storage buildings play?
- The use for office space might be better than original application for housing but have serious reservations concerning storage use on site

### Heritage Issues

- The building is listed - how will reclassifying the development affect this status?
- Will be detrimental to the listed building

### Amenity Issues

- A business of this nature is likely to impact the area, predominantly a residential area
- As it is unlikely to obtain a representative current level of noise or traffic increase because the facility is already in operation, this is showing blatant disregard for the process
- Feel operators are unlikely to consider the effect of their business on the neighbours, previous, current or future daily lives
- The Baffins & Milton community do a lot to enhance the residential area and encourage strong community spirit - to have a commercial entity allowed to operate such a business on this site will only blight their efforts
- This area is not a commercial or industrial park - it is a residential area

### Highway Issues

- Will be increased traffic in an already over populated area - what provision is there for parking and increased traffic flow?
- Commercial usage would mean a number of HGV movements every day entering and leaving site in built up residential area
- Amount of HGV lorries going in and out on a main busy road plus disruption for residents is appalling
- Application brings huge risks to both road users and pedestrians alike

- Safety and well being on road users and pedestrians will be far too dangerous if accepted
- Engineers report identified the area as already being considered as overloaded
- Will cause traffic congestion amongst other issues
- HGVs should be discouraged from this part of the city on environmental and road safety grounds
- Any surplus open land on the site may be better utilised for car parking to improve residential amenity in the surrounding neighbourhood
- Concerned this would incur extra problems, traffic and parking, and object on these facts
- Local road structure is totally inadequate, with an extremely busy roundabout at the junction of five roads, one regularly having ambulance access over 24 hours - to add burden of HGVS regularly accessing site is not acceptable
- The TA states there is nothing to guarantee that the use of the site will not dramatically increase should the proposed temporary use to Class B8 be granted for six months
- Would like to see formal agreement between the Council and the developer stating the end date of the proposed change and guarantee that the site cannot be used by another company, particularly for distribution

### **Other**

- Was under the impression that having been given permission to convert the former Prison to housing, City & Country would proceed with conversion without delay - seemed to be the case when 20<sup>th</sup> century buildings were demolished but no further progress has been made
- Confused and incomplete application rather than clarifying position, further confuses it
- One would assume the logistics of moving equipment around would be worked out in advance of building work?
- Surely in PCC's interest to see that the originally agreed proposal goes ahead as soon as possible
- An application for change of use of this site, after going through public consultation and years of closure, sends an incredibly strong message as to the way in which the developer regards the views of the community
- This must not be allowed to go under the radar without full consideration of residents
- No Design & Access Statement is included, nor a traffic or noise assessment
- Applicant should be invited to withdraw the application and resubmit without B8 option or risk refusal

Following receipt of the Addendum Planning Statement (May 2018), a further two letters have been received, raising the following concerns:

### **Principle**

- Main building was never used as storage, only to house prisoners - necessary goods were delivered on daily basis with any surplus held in small storeroom within workshops
- Term 'retrospective' is irrelevant in this application
- As description states 'partial change of use', what else is in store for rest of building?
- If housing development was not able to generate enough profit, how can latest proposal come anywhere near their target?
- Site has been used for offices and storage since Feb 2015, with car park leased to NHS since June 2015, contrary to consented use of the site - this unauthorised use must be investigated and explanations sought to establish credibility of developer before any subsequent applications are considered

## Environmental Impact

- Application is non-specific about type of goods to be stored on site and does not preclude storage of hazardous substances or other dangerous goods - there is a potential for negative environmental or health impacts that needs to be assessed
- Appalled at lack of due diligence from Environmental Health Officer who provided no recommendations on this in their memo

## Highways

- Application lacks any assessment of the proposed change of use on traffic congestion, air quality or noise - these already pose a major problem since the roads in the neighbourhood operate above capacity at peak times
- Concern re potential for increased heavy goods vehicle traffic to site

## Portsmouth Society - comment - dated 22.05.18

- It is difficult to assess this application without knowing how long the temporary storage use will continue
- Can you please indicate the nature of the financial deficit identified and the technical work required before the residential development can commence?

## COMMENT

### Principle of Development

As noted above, the application seeks retrospective permission for the change of use of the site from the former Prison use (Class C2A) to Offices (B1A) and Storage (B8). At the time of the application being originally submitted, the application proposed a retrospective change of use for the entire site.

However, the applicants have subsequently submitted an addendum statement, which revises the details of the retrospective permission being sought to the following:

- The retrospective change of use is now limited to parts of the Main Prison Building only, from the former Prison (Class C2A) to Storage (Class B8), which the applicants state This reflects the use of the Main Prison Building by City & Country since 27th February 2015
- The previously proposed change of use to offices (Use Class B1a) is removed from the proposals;
- the revised proposals relate solely to internal areas of the Main Prison Building, with no external storage use proposed

The applicants have also stated that they have "... no intention of leasing the storage space at any point and the purpose of this application is to secure a lawful use of parts of the Main Prison Building for storage until the approved residential redevelopment of the former prison site is able to commence in accordance with consent 16/00085/FUL".

The applicants have stated that the "...proposals no longer seek to restrict the storage use within the Main Prison Building for a six-month term. This will ensure that the heritage asset can remain in beneficial use until such time that the comprehensive redevelopment of the former prison site commences". At the time of writing this report, no indication has been given as to the likely timeline for the implementation of the residential permission on the site.

Consideration must therefore be given as to whether a change of use in planning terms has taken place on the site and whether the purported storage use can now be considered as the principal land use on the site.

Site clearance and demolition works commenced on site in April 2017, in accordance with the works consented under application 16/00086/LBC. Paragraph 2.6 of the 'Statement of Building Uses', submitted in support of the application states that:

*'...as buildings have been demolished , we (City & Country) have not had the luxury of using all of the space and have therefore had to send more plant and equipment back to the Head Office storage area. This trend will continue if and when redevelopment works start in earnest. We will maintain the regional offices at the site for as long as possible due to the ease of access for regional management staff''.*

It goes on to state, in paragraph 4.1 that:

*"...all of the former prison buildings were used in whole or in part for the purposes of our use as a regional headquarters since purchase on 27<sup>th</sup> February 2015".*

The buildings are described as having been used for the following purposes:

- **Gatehouse (& Staff Mess)** - used as security office from 27.02.15 to date
- **Gatehouse Entrance & Staff Facilities** - from 27.02.15 to July 2016, the ground floor was initially used as a storage and welfare area, with toilet and kitchen. From July 2016 to date, in use as offices for the regional headquarters
- **Austin House (Staff Mess)** - continual use for storage of materials since 27.02.15, including sample material and office furniture
- **Engineers Workshop** - from 27.02.15 to April 2017, the ground floor was used as handyman's workshop including storage of tools, plant and equipment. The first floor was used from 27.02.15 to July 2016 as storage for historic archives, health & safety and asbestos files and main key press store. The building was demolished in April 2017.
- **Administration & Visitors Block** - The ground floor was used from April 2015 to July 2017 to provide welfare facilities and meeting room and to house IT equipment. The first floor was used as a site office, handyman office and welfare facilities from July 2015 to September 2016 and handyman office/demolition office to June 2017. The building was then demolished in June 2017.
- **Main Prison Building & DIS Workshop** - the Sports Hall linked to B Wing used to store equipment from Feb 2015 to April 2017, then demolished. The former cells in D wing used to store office equipment from April 2015 to soft strip of building in April 2017. Areas of A, B and D wings used for storage from April 2015 to soft strip of the wings in April 2017. The main prison building has been used for regular meetings/presentations to date. The DIS workshop was used for general storage purposes from Feb 2015 to its demolition in June 2017.
- **Library/Chapel** - From Feb 2015, building used for meetings/presentations associated with the regional office until its demolition in June 2017. The Boiler House was maintained up until its demolition in June 2017.
- **Works Plant** - used from Feb 2015 for general storage purposes until its demolition in June 2017.

- **Containers 015, 016, 020, 024, 027, 028 & 033** - all containers in use from Feb 2015 to date for storage of materials and equipment.
- **Stores 013, 014, 017, 018, 019, 023, 025, 026, 029, 030 and 032** - in use to store maintenance equipment or external equipment items
- **Use of External Car Parks** - applicants use the main car park on an occasional basis and the car park area adjacent to the Gatehouse complex

The red line denoting the application site on the submitted 'Existing Site Location Plan' (Drawing 1804/P/010 Rev P4) encompasses the entire site. However, following receipt of the addendum dated 16<sup>th</sup> May 2018 the revised change of use proposals relate only to 14no cells/rooms within the Main Prison Building, which consists of the former cell wings A to E and central rotunda.

Floor plans have now been provided to clarify which elements of the Main Prison Building the proposed change of use relates to:

- Drawing S330.CC.SK028A - 'A, D & E Wing - Basement Floor - Storage'

This plan identifies a single room measuring 8sqm in A Wing, as being in storage use.

- Drawing S330.CC.SK029A - 'A, E & D Wing - Ground Floor - Storage'

This plan identifies 5no cells within both A and D Wings, each measuring 8sqm, as being in storage use and a room measuring 17sqm in C Wing as being in storage use.

- Drawing S330.CC.SK030A - 'B & C Wing - Ground Floor - Storage'

This plan identifies a single room measuring 16sqm and a single room measuring 17sqm, (this room is also shown on drawing S330.CC.SK029A) within C Wing as being in storage use.

At the time of the officer's site visit, the cells/rooms referred to above contained a mixture of furniture (chairs/tables) display boards, ladders, doors, tools and equipment. The majority of the cells in storage use still have the original doors attached and were locked. As such, it was only possible to view the contents of the cells through the narrow glass windows within the cell doors.

The application form, in section 3, 'Description of the Proposals', states that the change of use started and was completed on the 27<sup>th</sup> Feb 2015 - the date at which the applicants took ownership of the site.

Under Section 14, 'Existing Use', the application form states 'Regional headquarters for City & Country Group, comprising offices and related uses or the storage of construction materials and other items required in connection with the company's activities'.

Under Section 18 which relates to non-residential floor space, the applicants have stated that 12,191sqm floor space would be changed to B1(a) Office use and 12,191 sqm would be changed to B8 Storage floor space. This results in a total floor space of 24,382sqm which is double the existing floor space of the Prison itself and does not reflect the revised detail set out in the Addendum to the application, as referred to above.

This discrepancy has been raised with the agent who has submitted amended details, clarifying the floor space figures, as shown below:

Use Class	Existing GIA (sqm)	GIA to be lost by change of use or demolition	Total GIA including changes of use (sqm)	Net additional GIA following development (sqm)



		(sqm)		
B8 – storage	0	0	121	121
C2a – Secure residential institution	12,191	121	12,070	-121
<b>TOTAL</b>	<b>12,191</b>	<b>121</b>	<b>12,191</b>	<b>0</b>

Overall, the area proposed to be in storage use amounts to 121sqm of floor space. The total floor area of the Main Prison Building is 12,191sqm - therefore the proposed storage areas equate to approximately 1% of the floor area of the Main Prison Building.

The Town and Country Planning Act 1990 regulates the “development” of land. Section 55 of the Act defines development as "... *the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land*" and under Section 57(1), planning permission is required for the 'development' of land.

The minimal extent of the floor space involved in the proposal gives rise to the question as to why the applicant is seeking planning permission. It is understood that the application has been made for transparency purposes as the applicants, City &Country are using the identified floor area for storage and wish it to be confirmed that this is lawful use of the identified areas of the building.

The proposal does not give rise to a material change of use of the Main Prison Building - the building could still be brought back into use as a prison. With no significant changes to the layout or operation of the building, the proposals would not preclude a Class D2A use being reinstated within the Main Prison Building.

As noted above, the applicants have stated that they no longer seek a temporary permission for the storage use, given the uncertainty over the timescale for the implementation of the current residential permission, ref: 16/00085/FUL. They have stated that any such temporary permission may result in the listed building becoming vacant at the end of such a permission, if they were still not in a position of being able to commence works on the residential scheme.

Section 72 of the Town and Country Planning Act 1990 enables local planning authorities to grant planning permission for a specified temporary period only. However, paragraph 14 of the PPG states that "...a condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity." It goes on to state that "...circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period." It also states that "...a temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use)".

As outlined in the planning history section, planning permission has been granted under application 16/00085/FUL for the following:

'Redevelopment of former prison comprising: part demolition and conversion of listed buildings to provide 73 dwellings and commercial unit (within Class A1 or Class A3); demolition of non-listed structures; construction of five blocks of between three and seven stories to provide 157 dwellings; part demolition of listed prison wall and formation of new vehicular accesses to Milton Road and St Marys Road; and provision of car parking and associated landscaping and other works'

This permission expires on 2<sup>nd</sup> February 2020 and whilst a number of the pre-commencement conditions have now been discharged, (conditions 8, 9, 11(a), 12(a), 13(a), 22(a) and 26) the permission has yet to be implemented due to viability issues. As such, the applicants have confirmed that at this moment in time, they are unable to provide a timescale as to when they may be in a position to be able to bring that scheme forward.

However, the storage use would not preclude the implementation of the extant residential permission and given the very limited extent of the use, it is not considered in this instance that a temporary permission is necessary to assess the harm and/or impact which may arise from the proposed use, as no such harm or impact has been identified.

### **Residential amenity**

Policy PCS23 of the adopted Local Plan sets a number of criteria that will be sought in new development, including the 'protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers'.

The proposed storage use relates to a total of 121sqm floor space within the Main Prison Building, in cells/rooms located in the basement and ground floor areas of A, C and D Wings. The recent Addendum to the application has also confirmed that no external storage is proposed and that no external lighting would be required to facilitate the storage activities.

So as to ensure the development does not give rise to comings and goings from the site and generate a commercial storage facility, it is considered that a condition restricting the use to City and Country or future operators of the site would be reasonable and enforceable and serve to protect the residential amenities of neighbouring properties within the area.

No objection has been raised by Environmental Health Officer on noise impact or amenity grounds. Subject to the recommended condition, it is considered that the proposed development is in accordance with Policy PCS23 of The Portsmouth Plan (2012).

### **Highways**

Concerns were raised by the Highway Officer in respect of the application as originally submitted, due to the lack of supporting information, meaning that it was not considered possible to assess the likely impact of the proposal on the operation of the local highway network nor scale of any improvements which may be necessary to mitigate that impact. In addition, it was considered that the given the unrestricted nature of the storage use proposed, the site could be used more intensively than it has previously been by the current occupier.

Following consideration of the Addendum and the resulting amendments to the scope of the proposals, the Highway Officer again raised concerns regarding the potential impact of an unrestricted B8 use on the highway network.

The Addendum states that the applicant's use of the site for storage purposes "... is not significant and vehicular traffic associated with the storage use is very infrequent with just one trip per week on average. Any traffic associated with the storage use has and will continue to access the site via the existing gatehouse off Milton Road, and so no vehicles will be parked outside the site on the surrounding roads".

Paragraph 32 of the NPPF states that "... development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Given the very limited number of vehicle movements associated with the proposed storage use, it is not considered that the application would result in a material or severe impact on the operation of the existing road network. As referenced above, restrictive conditions can be applied to limit the amount of floor space in storage use. As such, it is not considered that a refusal of permission could be justified on highway impact grounds and overall, the proposals are considered to

comply with the aims of Policy PCS17, the Council's 'Parking Standards and Transport Assessments' SPD and the NPPF.

## Heritage Issues

As noted above, Policy PCS23 of the adopted Local Plan outlines a number of criteria that will be sought in all new development. This includes the need for development to 'relate well to the geography and history of Portsmouth, particularly the city's conservation areas, listed buildings, locally listed buildings and scheduled ancient monuments'.

This is supported by paragraph 132 of the NPPF, which states that when '...considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation' and that "...significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting".

Paragraph 134 goes on to state that "...where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

As noted above, the Former Kingston Prison is a Grade II listed building. It was originally constructed in 1877 and was the last radial plan prison to be built in the UK. Prior to the disposal of the site in 2013, English Heritage (now Historic England) reviewed and amended the listing description to explicitly differentiate between those buildings and structures which are included and excluded from the listing.

The listing summarises the former HM Kingston Prison as including the principal prison building, comprising a series of radiating cell blocks executed in a robust, polychromatic idiom; the boundary wall and the entrance complex comprising the gate tower, Chief Warder's and Governor's houses and detached gate piers, executed in a decorative castellated style; surrounding the site is the imposing flint and brick wall. It was built in 1874-77 to the designs of George Rake. The early 20<sup>th</sup> century Engineer's Workshop which includes earlier fabric to the north and west is included in the listing but is of lesser special interest.

The former HM Kingston Prison is listed for three main reasons, these being:

- i) Architectural interest - 'comprised of both decorative castellated and robust polychromatic components, the buildings form a striking architectural ensemble with a high quality of design and details and a craftsmanly use of materials'
- ii) Planning interest - 'the prison was the last of 19 radial plan prisons to be built between 1842 and 1877'
- iii) Level of survival - 'aside from the loss of originally ancillary buildings on the site, the distinctive architectural character, fabric and plan-form of the prison remains unusually intact'

The following structures are explicitly excluded from the listing, or declared not of special architectural or historic interest:

- the three-storey workshop building connected to the west end of C-wing;
- the canteen, library and -chapel block, with walkway connecting to the main prison building, and adjoining boiler house, to the north of the rotunda; the detached visits block to the north-west of D-wing;
- the first-floor extension of B-wing and the attached basketball court to the south of B-wing;
- the southern east-west range of the engineers' workshop and stores;
- the external stair to the north of A-wing;
- the late-C20 extensions flanking the west face of the gate tower; and
- the late-C20 walls adjoining the original gate piers to the front of the site.

The supporting Heritage Statement (HS) states that since purchasing the site in February 2015, the applicants, City & Country, has used the prison site as its regional headquarters, which has involved "...setting up a regional office and continually using the former prison buildings for related uses or for the storage of construction materials and other items required in connection with the company's business activities".

It goes on to state that it has not been necessary to 'intervene' with any of the historic fabric of the former prison buildings in order to accommodate either the office or storage uses. It goes on to state that the change of use to office/storage use is seen only as an 'effective use' of the site as the applicant's headquarters until such time as the residential redevelopment of the site commences and concludes that there are no 'harmful or lasting' impacts on the significance of the heritage assets from the current office and storage uses.

Given the very limited amount of floor space now being proposed for retrospective use, 121sqm in total and the fact that this use has not result in any alteration to the layout, fabric or means of access to the listed building, it is not considered that the proposal would have a harmful impact on either the fabric or setting of the designated asset. As such the proposals are considered to be in accordance with Policy PCS23 and the aims of the NPPF and acceptable in heritage terms.

## **Conclusions**

As outlined above, the application and the extent of the storage use which the applicants are now seeking to regularise has been significantly amended during the course of the application. The area of floor space now being considered measures 121sqm in size, which equates to 1% of the floor space of the Main Prison Building and is minimal in size compared to the unrestricted blanket storage use originally proposed. The applicants have also now confirmed that no areas of external storage are being proposed.

The storage uses are contained within existing rooms and cells within the Main Prison Building and no works to the listed building have been required in order to facilitate this use. As such, the proposals have not resulted in any unacceptable degree of harm to the significance of the designated heritage asset. The proposals are therefore considered to comply with Policy PCS23 and the aims of the NPPF and acceptable in heritage terms.

In terms of highway issues, whilst the concerns raised by the Highway Officer are noted, the proposed storage is purely for use by the applicants, City & Country and is not being proposed as a general storage facility that would be available for use by members of the public or any other parties. A condition is recommended to restrict the use of the identified areas of the building to use by City & Country, or any other future operator of the site and to prevent the identified floor space from being used for any other purpose within Use Class B8. Whilst it is accepted that an assessment of traffic movements has not been provided, given the very minimal area of floor space involved, the limited number of movements per week and the proposed condition restricting the use of the 121sqm of floor space identified, it is not considered that the storage use would result in any adverse impact on the highway network. As such, the proposals are considered to be in accordance with the aims of Policy PCS17 of The Portsmouth Plan (2012) and the NPPF.

Similarly, the position of the rooms/cells in storage use, these being at basement and ground floor level, and the minimal amount of floor space identified as being in storage use means that the proposals do not result in any adverse degree of harm to the amenities of neighbouring residential properties. As noted above, the amount of floor space identified generates a very low number of vehicle movements and it is not considered that there would be any adverse impact arising in terms of noise or air quality. The applicants have also confirmed that no additional external lighting would be required. There would be no changes to the exterior of the building and the Main Prison Building itself is screened from neighbouring residential properties by the

perimeter wall. As such, the proposals are considered to comply with Policy PCS23 of The Portsmouth Plan (2012) in this regard.

The concerns raised by residents regarding the appropriateness of a storage use on this site and the previous permission for residential development are noted. However, the storage use itself does not preclude the current planning permission for the residential redevelopment of the site being implemented and given the very limited amount of floor space involved, it is not considered that the use would result in any identifiable adverse harm that would justify a refusal of planning permission in this instance.

Whilst a condition restricting the nature of the use is recommended, given the lack of harm arising from the proposals, it is not considered that a temporary grant of permission is reasonable or justified in this instance. Paragraph 001 of the PPG states that conditions can be used to "... enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development". This is supported by paragraph 206 of the NPPF which states that "...planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". As noted above, the storage use would not preclude the implementation of the extant residential permission and given the very limited extent of the use, it is not considered in this instance that a temporary permission is necessary to assess the harm and/or impact which may arise from the proposed use, as no such harm or impact has been identified.

The storage use equates to 1% of the total floor area of the Main Prison Building and can be considered as being ancillary to the existing Prison use, (Class D2A, which would remain as the established planning use for the remaining floor area of the building) and as referenced earlier in the report, the storage use would not preclude the prison use being reinstated. The purpose of the application is to enable to the applicants to demonstrate a continuous lawful use on the site, from the date at which they took ownership of the site in February 2015. The amount of storage has decreased over time to the current position of 121sqm and this can be strictly controlled by condition, to ensure that the total floor space area does not exceed this figure.

Overall, in light of these considerations, the proposals are considered to be in accordance with the development plan and it is recommended that retrospective planning permission be granted. It is noted that in granting permission, there may be a reduction in the overall CIL liability associated with the current residential permission, ref: 16/00085/FUL.

[Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) states that a local planning authority must have regard to a local finance consideration, which can include sums received in respect of CIL, in the assessment of a planning application as far as it is material to the application being considered.

It goes on to state that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms and advises that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. In this instance, the application does not trigger a requirement for CIL and whilst there may be a resulting impact to the CIL liability attached to a separate extant planning permission on the site, this does not form a justified reason of refusal.

It is therefore recommended that retrospective planning permission be granted, subject to the conditions outlined below.

## RECOMMENDATION

### Conditions

1. 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 1804/P/010 Rev P4 - Existing Site Location Plan

Drawing S330.CC.SK028A - 'A, D & E Wing - Basement Floor - Storage'

Drawing S330.CC.SK029A - 'A, E & D Wing - Ground Floor - Storage'

Drawing S330.CC.SK030A - 'B & C Wing - Ground Floor - Storage'

2. Notwithstanding the uses permitted within Class B8 of the Use Classes Order 2015, the 121sqm of floorspace hereby permitted to be used as storage space shall be used for no other purpose within Use Class B8 and shall only be used for this purpose by the applicants, City & Country, and any future occupier/owner of the site.

### The reasons for the conditions are:

1. To ensure the development is implemented in accordance with the permission granted.
2. To ensure an appropriate use of the site and in the interests of safeguarding the residential amenity of neighbouring properties, protecting the significance and historic fabric of the listed building and in the interests of highway safety, in accordance with Policies PCS17 and PCS23 of The Portsmouth Plan (2012) and the aims of the NPPF.

### PRO-ACTIVITY STATEMENT

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

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**RAVELIN PARK MUSEUM ROAD PORTSMOUTH PO1 2QQ****CONSTRUCTION OF NEW SPORTS AND LEISURE FACILITY (CLASS D2) WITH ASSOCIATED CAR PARKING, ACCESS, PUBLIC REALM, LANDSCAPING AND OTHER ASSOCIATED WORKS TO INCLUDE THE REMOVAL OF TPO TREES, TREE RELOCATION AND SUBSEQUENT REPLACEMENT PLANTING****Application Submitted By:**

Barton Willmore  
FAO Mr Mark Harris

**On behalf of:**

University Of Portsmouth Higher Education Facility  
c/o Agent

**RDD:** 17th April 2018

**LDD:** 19th July 2018

**SUMMARY OF MAIN ISSUES**

The principal issue is whether the new sports and leisure facility would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are: the principle of the development (including any implications relating to the loss of open space); impact on design (including impact on Archaeological Significance and Heritage Assets); impact on nature conservation and trees; impact on highways; sustainable construction and design and impact on amenity.

**The Site**

Ravelin Park is an area of green open space located at "Cambridge Junction" which serves as an interface between Cambridge Road, Museum Road, High Street and St Georges Road. The site is located in a prominent corner location and is bounded by Cambridge Road (west/north), Museum Road (south) and Landport Terrace (east) in the St Thomas Ward. The application site has a site area of approx. 2.6ha comprising: an area of green open space, planting and trees (Ravelin Park), a detached single storey octagonal shaped building known as "The Rotunda" and an area of hardstanding (south-west) known as Ravelin Car Park which currently accommodates 124 no. car parking spaces. Adjoining the site, outside of the boundaries of the site is Frewen Library (north), The William Beatty Building (north-east) and Ravelin House (south-east) which are all University of Portsmouth (UoP) assets but would remain unaffected by the proposals. The site is currently accessed via pedestrian entrances located on Landport Terrace, Cambridge Road and Museum Road. Vehicle access to Ravelin Car Park is granted through a one way system with vehicles entering the site via Cambridge Road and exiting via Museum Road. The entire site is enclosed by a 1.8m high black steel fence with lockable gates.

The site is located within Floodzone 1 (low risk of flooding). The site lies directly adjacent (and therefore within the immediate setting of) the "Old Portsmouth" Conservation Area (No.4) to the south and "The Terraces" Conservation Area (No.6) to the east. Ravelin Park itself is named after a component of the City's 16th century fortifications over which it was laid out in the 19th Century. The park is considered to have great archaeological potential and represents a significant opportunity to glimpse into the archaeological heritage of the island.

The park is located within a designated Tree Preservation Order TPO (No. 0190) which adds to the strong visual character of the area and provides relief from the hard urban edge of the surrounding context. A large number of designated/non designated heritage assets also lie in close proximity to the site including:

- Portsmouth Grammar School- High Street (Grade II)
- Portsmouth Grammar Primary-Cambridge Road (Grade II)
- City Museum- Museum Road (Grade II)
- Former Cambridge Barracks- High Street (Grade II)
- Landport Terrace (Multiple Buildings)- Landport Terrace (Grade II)
- Hampshire Court Hotel- Landport Terrace (Grade II)
- Hampshire Terrace (Multiple Buildings)- Hampshire Terrace (Grade II)
- Ravelin House- Ravelin Park (Locally Listed)
- Gun House- Hampshire Terrace (Locally Listed)

The surrounding area comprises a mixture of uses but is mainly comprised of: educational/ residential uses to the south; residential/ retail uses to the west; residential/ office uses to the east whilst the City Centre is to the north of the application site. The Royal Navy has numerous assets located close by, most notably HMS Temeraire (Burnaby Road) which serves as a sports facility for service members. Furthermore, a large proportion of the University of Portsmouth's teaching facilities are located close by, most notably a cluster of buildings on the northern end of Burnaby Road which include: The Burnaby Building; Burnaby Terrace; The Portland Building; The Richmond Building and the Dennis Sciama Building amongst others. Gunwharf Quays is located to the north-west of the application site which is a comprehensive retail, leisure and residential development and an important city asset.

## **The Proposal**

The proposal is for the construction of a new sports and leisure facility (Class D2) with associated car parking, access, public realm, landscaping and other associated works to include the removal of TPO trees, tree relocation and subsequent replacement planting. UoP have recently launched a new University Estate Masterplan which outlines proposals to regenerate the Quarter and contains an investment of over £400m in new education facilities, public realm and wider infrastructure over the next 15 years. The proposed development of providing a new sport and leisure facility for the University presents an important first phase in bringing forward the Estate Masterplan whilst providing an opportunity to regenerate this key site with substantial improvements to the public realm and design improvements to the site and immediate area.

The scheme aims to help UoP fulfil its potential by offering a high quality sport and leisure facility which will help to significantly enhance the non-academic life of students whilst delivering an improved student experience and promoting health and wellbeing through the provision of a wide range of sports and fitness activities. The new multi-sport facility will provide a high quality experience, for the student population, University staff and the wider local community. The building also provides an opportunity for UoP's Department of Sport and Exercise Science to address deficiencies in the existing offer provided at St. Paul's Centre, which does not meet student demand or expectations offer.

The development would include the construction of a new sport and leisure facility that would be situated primarily on the existing hardstanding (Ravelin Car Park) to the south-west corner of the site. The development would have gross internal floorspace (GIA) of approx. 11,009 sq. m. spanning over three floors including an integral basement. The new building would include some of the following facilities:

- 8 x lane 25 m swimming pool, with spectator seating;
- Sauna and steam room;
- Multipurpose sport hall with the ability to provide 8 x badminton courts, volleyball courts, basketball courts;



- Gymnasium with 175 fitness stations;
- 2 x squash courts;
- Climbing wall;
- Ski simulator; and
- 3 fitness studios.

The building would be laid out as follows:

#### Basement:

The sport and leisure element of the basement floor comprises a climbing wall and a state of the art ski simulator, both providing the sport centre with a unique offer to the City. The basement of the building also provides secure undercroft car parking.

#### Ground Floor:

The ground floor of the building comprises an atrium space within the centre of the facility provide a reception, social learning and viewing area and a "Grab and Go" catering facility. To the west of the atrium space is the gymnasium, fitness studios and associated changing rooms and storage facilities. The gymnasium has been designed to accommodate up to 175 high fitness stations. To the east of the atrium space is the 8 lane 25m swimming pool which has been positioned to provide views of the park for users, increasing overall experience of the facility. The pool has been designed to integrated a floating floor over half the pool to allow for flexibility in operation, specifically in relation to lessons and training sessions. A sauna and stream room are also provided as part of the facilities "wet" leisure activities. The western portion of the ground floor also comprises wet change facilities and 2 x squash courts which have a partition to increase flexibility in operation.

#### First Floor:

The first floor of the building predominantly comprises the multi-purpose sports hall which can be adapted for alternative sporting activities. This includes, volley ball courts, badminton courts and a basketball court. The remaining areas of the first floor comprise ancillary uses associated with the building, including an office, teaching room, plant and storage and group changing facilities.

The proposals also include the demolition of the existing rotunda building, which has been vacant for a number of years and is redundant. The proposals would provide both public realm and landscape enhancements and furthermore presents an opportunity to increase the biodiversity of Ravelin Park.

Key features of the landscaping Masterplan would include:

#### Events Fields/Parklands:

This area would be located to the centre of Ravelin Park and is the largest area of open space. Its primary function would be to provide a setting to the new sports building, be a space for events and/or sport and an area to relax. The grasslands would be enriched with native wildflowers to provide additional biodiversity value. The parklands trees would be retained whilst the current primary footpath would be relocated further east to provide additional event space.

#### Urban Edge Plaza:

The Plaza would be located along Cambridge Road and provide a key open space between the proposed sports building and University Library. It has been designed as a hard landscaped open space that would provide two areas of interest, the urban orchard to the west and an event

space to the east. This space also incorporates cycle parking for the site. The existing 1.8m high railings enclosing the park would be removed in order to improve permeability through the site.

#### Themed Pocket Parks:

The proposal would provide two themed pocket parks: "Rotunda Memory Garden" and "Nature's Steps". Both pocket parks would be located within the meadows area of Ravelin Park to the east. This area has been designed and would be planted to take into account the micro climate and would consist of wildflowers and ornamental species. The Rotunda Memory Garden would be located to the southern entrance of Museum Road and provide an opportunity to interpret the layer of history of the Site, whilst providing a space of interest and area to dwell and relax. Nature's Steps pocket park would be located to the east adjacent Landport Terrace and provides a small-scale amphitheatre created from grassed terraces within a wildflower meadow. This design approach is considered to encourage people to dwell and appreciate the enhanced ecological and biodiverse value of the park.

#### Museum Road Boulevard:

The proposals would provide a series of rain gardens and swales along Museum Road boundary of the Site to provide biodiverse and sustainable opportunity to accommodate the rainwater runoff from sections of the sports facility. This area also enhances the views to and from the City Museum.

#### Biodiverse Green Roof:

The biodiverse green roof has been designed to specifically increase the biodiversity and attract a particular fauna and flora. The green roof will include a wildflower meadow and introduce several bee hives, further adding to the ecological value of the site.

On 21st March 2018 the Local Planning Authority considered a screening request and determined that the proposal would not be classed as an EIA development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and would not require the submission of an Environmental Statement.

### **Relevant Planning History**

There is an extensive recorded planning history relating to the management of Tree Preservation Order (TPO) Trees which are not relevant for the determination of this application. The relevant planning history on this site includes:

Planning application reference: 07/02258/FUL: granted conditional permission in January 2008 for works to include the resurfacing of the existing car park.

Planning application reference: A\*35899/AJ: granted conditional permission in February 2005 for the retention of 3.75m high decorative gates and railings fronting Landport Terrace.

Planning application reference: A\*35899/AH: granted conditional permission in March 2004 for the construction of a car park with access from Cambridge Road and Egress on to Museum Road and associated landscaping, installation of railings and gates to external perimeter and installation of 10 no. 5m high lighting columns.

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), ST2 (Ravelin Park), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation),

The relevant policies within The Portsmouth Plan (2012) and Supplementary Planning Document (SPD) are:

PCS13: Trees (A Greener Portsmouth)  
PCS14: Healthy City  
PCS15: Sustainable Design and Construction  
PCS16: Infrastructure and Community Benefit  
PCS17: Transport  
PCS23: Design and Conservation

Saved Policy

Policy ST2 (Ravelin Park) Portsmouth City Local Plan (2001-2011)

Policy DC21 (contaminated land) of the Portsmouth City Local Plan (2001-2011) would also be relevant.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. This proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 17 - Core planning principles for decision making;
- 19 - Significant weight on the need to support economic growth through the planning system;
- 32 - Transport Statements and Assessments;
- 34 - Locate developments generating significant movement where need to travel minimised;
- 35 - Development designed for sustainable travel;
- 56 - Great importance to design and good design indivisible from good planning;
- 57 - Requires high quality and inclusive design in the built environment;
- 61 - Decisions should address connections between people and places;
- 62 - Local design review arrangements provide support to ensure high design standards;
- 64 - Refuse poor design that fails to improve the character and quality of an area;
- 96 - New development should minimise energy consumption;
- 118 - Principle should be applied to conserve and enhance biodiversity;
- 120 - Responsibility for a safe development where a site is affected by contamination;
- 121 - Site to be suitable for its new use taking account of ground conditions;
- 123 - Impacts of noise and air quality should be mitigated and managed;
- 128 - Applicants should describe the significance and potential impact on any heritage assets;
- 129 - LPA's should assess significance of any heritage asset, including its setting;
- 132 - Great weight should be given to conservation of heritage assets;
- 133 - Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm;
- 134 - Less than substantial harm to heritage assets should be weighed against public benefits;
- 135 - Significance of non-designated heritage assets should be taken into account;
- 139 - Weight to non-designated heritage assets of archaeological interest (where significant);
- 196 - Applications must be determined in accordance with the development plan;
- 197 - Presumption in favour of development; and
- 204 - Use of planning obligations and conditions to make development acceptable

Other Supplementary Planning Documents (SPD) also provide relevant policy guidance:  
Parking Standards and Transport Assessments SPD (July 2014);  
Sustainable Design & Construction SPD (January 2013);

## **CONSULTATIONS**

### **The Portsmouth Society**

No comments received.

### **Environment Agency**

No comments received.

### **Natural England**

Natural England notes and welcomes the ecological appraisal submitted with the application.

We welcome and support the principle of the proposal's biodiversity strategy to enhance the ecological value of the site.

Please note we have not assessed the application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist.

Provided an HCC approved BMEP is received and secured by any permission then your authority may be satisfied that it will have met its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', and in relation to European Protected Species Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

We would recommend that the scope of the BMEP is agreed with the HCC Ecologist. Please note that provided the HCC Ecologists' are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

Natural England strongly recommends that the University of Portsmouth engages with an organisation such as the Butterfly Conservation Trust to help realise and maximise the biodiversity potential of the design and for long term management. Natural England would be happy to provide a contact and further information in due course.

Natural England welcomes the Sustainability Report. Natural England encourages all new development to adopt the higher standard of water efficiency under the Building Regulations and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

### **Sport England**

Sport England - Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range

of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>.

This application falls within the scope of the above guidance as it relates to: a major new sports facility

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:  
<http://www.sportengland.org/planningforsport>

The Proposal and Assessment against Sport England's Objectives and the NPPF

The proposed development is for a new University of Portsmouth Leisure Centre including 8-lane 25m swimming pool; 8-court sports hall; fitness/exercise space; two squash courts; ski simulator and ancillary provision.

Sport England would welcome clarification as to whether the proposal is intended as replacement for the University's existing provision at St Paul's. It would be helpful to understand the detail/facility mix at St Paul's.

Sport England has consulted the relevant national governing bodies for sport on the proposal and has received the following comments.

Badminton England comments that badminton is popular in the area, with three junior and senior clubs within 5 miles of Portsmouth University. Badminton clubs are looking to increase membership with the demand for court space at an affordable cost on the rise. The opportunity to access another facility or additional court time would be a positive move.

Volleyball England are pleased to note that the hall dimensions appear to reflect the latest Sport England Guidance. Volleyball England is pleased to see that two crosscourt training/local league courts have been provided in one half of the hall. The little extra cost of marking and providing sockets and equipment in the other half is minimal in terms of the long term flexibility for the management of the centre. This way the University and public clubs are not restricted to one half as a result of the design. For some British University student competitions, Volleyball England student cup pools and regional events the provision of four courts will make this of regional significance. We would urge the University and its advisors to make this small change that will have long term volleyball development benefits. Ideally the posts should be drop in type or secured by floor anchors. Full guidance can be found via the Volleyball England web site or HUB office.

Sport England notes that there is no reference within any of the supporting documentation to our technical design guidance for sports halls and swimming pools. We have produced a range of guidance which is available here:

Sports Halls - <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/sports-halls/>

Swimming Pools - <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/swimming-pools/>

We would encourage consideration of the proposal against the guidance.

Sport England has a few comments in relation to the design and layout of the facility against our technical guidance, these are:

-Can confirmation be provided that the proposed sports hall meets the minimum recommended dimensions for an 8-court sports hall as per our guidance (40m x 34.5m) and that a minimum clearance height of 7.5m can be achieved free from obstructions/roof plant?

-Ideally, the storage space serving the sports hall should be located on the length of the hall rather than at the ends. This helps to reduce wear and tear on the floor surface through having to move equipment from one end to the other and back again.

-Accessible change/toilet provision. Consideration should be given to how disabled users would access the unisex/accessible change and toilet facilities. We would recommend at least two separate unisex/accessible change facilities which can be easily accessed from the main circulation areas. Configuration of the current change areas may make it difficult for disabled users to access suitable changing provision.

-Similarly, the lift is located some distance from the reception/lobby area. We would recommend that the lift is located closer to the reception area to improve overall accessibility.

-Has provision of a café been considered? This would support the overall sustainability of the centre through providing an additional income stream.

The primary purpose of this development is for student sport and to support the University's teaching and learning programmes. However, Sport England welcomes the intention to ensure the facility can also be used by the local community. Sport England is satisfied that it will have benefits to community sport. The application has identified the potential for this facility to be used for community sport, and this is reflected in its overall design, location and intended hours of operation. Sport England would wish to see this intention consolidated by way of a Community Use Agreement.

## Conclusion

This being the case, Sport England offers its support for this application, as it is considered to meet Objective 3 to provide new facilities to meet demand as set out above. We would recommend that the following condition is attached should the local authority be minded to approve the application.

-Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the leisure centre and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

## **Southern Electric**

No comments received.

## Southern Water

Thank you for your letter of 20/04/2018.

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public foul sewerage network. The results of this assessment indicate that with connection at the "practical point of connection" as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding unless network reinforcement is undertaken. This reinforcement will be provided through the New Infrastructure charge however Southern Water will need to work with and understand the development program and to review if the delivery of network reinforcement aligns with the occupation of the development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Occupation of the development shall not be permitted and shall be deferred until Local Planning authority is satisfied, in consultation with Southern Water, that adequate wastewater network capacity is available to serve the development. The occupation of the development is to be phased and co-ordinated to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding "

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

The application contains a proposal for a swimming pool for commercial/public use. If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer, and of the contents of the pool, if these need to be drained to the sewer, would have to be agreed with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/trade-effluent> for further information.

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the "practical point of connection" as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water runoff rates are to be discharged at proposed connection points.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water."

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Discharge of surface water run off can be allowed to the public dedicated surface water sewers only once the above alternatives have been investigated and exhausted/ discounted.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water systems. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing contributing flows.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: "Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

The design of drainage should ensure that no land drainage and groundwater will enter public sewers.

Connections to public sewers shall be in accordance with "Typical arrangement of pipe junctions within in manholes" Figure included in Sewers for Adoption standards.

Please note there is a decommissioned public surface water within the site boundaries.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)"

#### **Portsmouth Water**

No comments received.



## **Eastern Solent Coastal Partnership**

No comments received.

## **Hampshire Fire & Rescue Service**

I confirm that Hampshire Fire and Rescue Service (HFRS) has received your application, dated 20 April 2018. The inspector named above has considered the information provided and has made the following comments:

### **Building Regulations: Access for Firefighting**

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.  
Hampshire Act 1983 Section 12 - Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

### **Fire and Rescue Services Act 2004**

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

### **Water Supplies**

Additional water supplies for fire fighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.

### **Fire Protection**

HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.

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

### **Timber-framed Buildings**

These types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites' provides guidance on this issue and is available from:  
<http://www.ttf.co.uk/Document/Default.aspx?DocumentUid=E588E0CB-0873-4038-BF4A-B8F83681CB7F>

This guidance should be read in conjunction with the 'Joint Code of Practice on the Protection from Fire of Construction Sites and Buildings Undergoing Renovation', published by the Construction Confederation and The Fire Protection Association (Sixth Edition, ISBN 1-902790-33-2)

Copies of the 'Joint Codes of Practice' and useful sister publication, 'Construction Site Fire Prevention Checklist' (Second edition, ISBN 1-902790-32-4), are available for purchase from the Fire Protection Association (www.thefpa.co.uk )

### **Ecology**

Thank you for consulting me on this application which is supported by an Ecological Appraisal report by BSG Ecology (April 2018).

It is understood that the application site comprises large areas of amenity grassland, hedgerows, woodland planting, scattered trees, wildflower meadow and ornamental planting. A building and car parking areas are also present on site.

The construction of the new sports centre building will result in the loss of the car park, areas of amenity grassland, species-poor hedgerow and a number of trees. The submitted ecology report states that these habitats are assessed as being of low ecological value and recommends a number of sensible measures to ensure no adverse impact on legally protected species such as nesting birds and reptiles and provision of enhancement features such as bat and bird boxes, which I support.

It is also understood that the proposals will include a green roof, rain gardens, swales, hedgerow and meadow planting, bee hives and an urban orchard. I support these measures which are in line with the development meeting the requirements of Portsmouth Plan Policy PCS13 and NPPF for a net gain in biodiversity.

If you were minded to grant permission, I would suggest that the following condition be added to the decision notice:

- Development shall proceed in accordance with the measures set out in Section 5 'Impacts, Mitigation and Compensation' of the Ecological Appraisal report by BSG Ecology (April 2018) and Landscape Masterplan (Drawing no: 6015L103, LDA Design Consulting Ltd.). Thereafter, the enhancement features shall be permanently managed, maintained and retained in accordance with the approved details. Reason: to avoid impacts to protected species and enhance biodiversity in accordance with policy PCS13 of The Portsmouth Plan.

### **Landscape Group**

I am pleased to see a high quality landscape design that is thorough and well-considered. The designers have put a lot of thought into the whole of Ravelin Park, how people access and use the parkland open space between the existing library building and the links to the streets around. I believe the proposals show a good use of an underwhelming car park area with a successful integration of the proposed sports building into the surrounding park, giving good access and circulation, and addressing the green frontages along Museum Road and Cambridge Road.

The new building is bold and visually striking; I like the use of colours within the external cladding. I like how the building massing has been developed from early considerations. I am pleased that the whole park along the roads will be opened up with removal of the railings.

It's good to see the overall park character being improved with the rotunda area and wildflower grass amphitheatre area which will provide new focal areas and interest. I agree with the new access gates and paths to improve circulation.

It's also commendable that there will be a considerable increase in biodiversity to the whole park. I hope that all the added benefits of orchard, bee hives, green roof, rain gardens etc. will be realised in the final building and park scheme, and not value engineered out.

I have no objections to this scheme in terms of landscape and urban design and believe it will be an exemplary scheme for the University and the wider city of Portsmouth.

A small consideration is the proposed use of polished granite in the rotunda area. I note that the designers propose an anti-slip surface, I think this needs careful detailing to ensure it will not be a slip hazard. Polished granite can be as smooth as glass and is not usually recommended in an external ground surface.

### **Arboricultural Officer**

#### Observations

Ravelin Park falls within the boundary of TPO190.

Owned by the University of Portsmouth Ravelin Park is accessible to the public as well as the University.

Extensive pre-app discussions and site visits were undertaken prior to submission of this application. Those site visits suggested some poor quality trees are retained within the curtilage of the park and significantly informed this proposal in terms of the development itself and supporting landscape schemes.

As a consequence the content of the Arboricultural Impact Assessment and Tree Protection Plan prepared by Ben Rose and Nick Baxter on behalf of Bosky Trees dated 19 March 2018 is accepted and agreed. The tree protection plan adequately protects those trees identified for retention including the mature street trees present on Museum Road.

The Design and Access Statement Dated April 2018 includes an interesting palette of trees and shrubs to be introduced in substantial numbers.

Overall the landscaping and arboricultural scheme offers a net increase in the quality of trees and planting within Ravelin Park.

#### Recommendations

The application be granted.

### **Archaeology Advisor**

Initial comments were received from the County Archaeologist on the 26.04.2018 stating:

I would draw your attention to the Archaeology and Heritage Assessment submitted with the planning application which I would endorse to you. In particular paragraph 7.6; "The potential impact of the proposal to the buried archaeology within the site is considered significant. As the archaeology within the site, being medieval and post medieval city defences is considered important to the history of Portsmouth as a strategically important garrison town." And paragraph 7.9; "It is recommended that a programme of mitigation should be formulated and agreed in principle with Portsmouth City Council as part of an appropriately worded pre commencement condition." I would endorse both of these points. The archaeology of the defences of the town will be impacted and exposed and the nature of their construction, maintenance, scale, character, demolition and redundancy will all be revealed during development and steps taken to ensure these are recognised and recorded.

In addition to the archaeological excavation there is an opportunity to engage the community with the heritage of the defences, both in the short term during any exposure of the footprint of the defences, and in the long term in some way within the open space strategy for the park (such as information board or even some physical tracing of the footprint within the character of the park). The defences are a lost but once dominant and literally defining aspect of the towns

past and this development has the potential to present an opportunity to the community of Portsmouth and visitors to engage with such an important part of the town's past.

I recommend that an archaeological condition, or conditions, be attached to any planning permission which might be issued. These should secure the archaeological mitigation of the impact, (presumably) by archaeological excavation, should secure the reporting of the results and if at all possible should secure some element of enhancement of public space (temporary or permanent) to enable the community and visitors to Portsmouth to enjoy an understanding of this important aspect of Portsmouth's historic character.

Further to communications between the applicant and the County Archaeologist, a Written Statement of Investigation Mitigation was submitted ( Written Scheme of Investigation Mitigation Works at Ravelin Park- Mitigation Works for University of Portsmouth Sports Building at Ravelin Park 23 May 2018.) and further comment was provided on the 31.05.2018 stating:

Thank you for forwarding the WSI for Archaeological Mitigation Works at Ravelin Park Portsmouth. Should this be submitted to the planning authority I would endorse it to them.

However I would make a few small points for clarification. Where reference is made to the role of the Hampshire County Archaeologist this is in our role as the archaeological advisor to Portsmouth City Planning Authority. In 7.1, reporting, to note that the relevant HER is the Portsmouth HER. With regard to the maximum depth of excavation (the bottom of the moat or the lowest engineering depth whichever is higher), is fine but I would reiterate my concern that the engineering depth may change in the light of the deposits exposed by the archaeologists. Ie the engineers might have a depth in mind when they start but if you expose unstable moat fill they may then decide the moat needs to be emptied and consolidated in which case we need to make sure that you are called back in to complete you part of the job)

Many thanks for your help in this matter and I am looking forward to seeing what is exposed in due course. If it is very exciting I hope that your client will be willing, subject to practical considerations, to let the people of Portsmouth get a glimpse of it.

#### **Waste Management Service**

No comments received.

#### **Highways Contractor (Colas)**

Before any works take place at this location including Demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk fred.willett@colas.co.uk this is for Highway coordination purposes.

#### **Crime Prevention Design Advisor**

No comments received.

#### **Highways Engineer**

This application is for the construction of a new sports and leisure facility (Class D2) on the site of an existing car park. I have reviewed the Transport Assessment (TA), Travel Plan (TP), Road Safety Audit (RSA) and associated plans submitted in support of the application and would make the following comment;

The site is located adjacent to Ravelin Park and is bounded to the West by Cambridge Road and to the South by Museum Road. The existing car park has accesses to each of these roads, the Cambridge Road access is "In only" and the Museum Road access for exiting traffic. The car park has capacity for 124 vehicles and is used by permit holders only during office hours (Mon-Fri 08:00-17:00), outside of these times the car park operates as a pay & display facility. Cambridge Road is part of the A3 and part of the city's strategic network linking the city centre to the area of Old Portsmouth and is subject to a 30mph speed limit. Museum Road is part of the B2154, part of Portsmouth's classified network. There is on-street parking arranged along both

sides of the road with the northern side of the road reserved for coach parking and the south side for general pay & display provision.

## Access

The access currently located at Museum Road is proposed to be retained and altered to allow ingress and egress. The access at Cambridge Road will not be retained. A Stage 1 RSA has been conducted by Mott Macdonald to assess the altered access onto Museum Road. The RSA found two problems with the design of the proposed new access, problem 1 found that the retained on-street parking either side of the access were located within the required visibility splay and as such adequate visibility to and from the access would not be afforded to drivers. It also found that the Manual for Streets 2 guidance suggests measuring the splay to the nearside vehicle track rather than the nearside kerb edge as has traditionally been the case. I would agree that this provides a more accurate representation of the available visibility at a junction and is acceptable. Problem 2 found that parking opposite the proposed access was omitted from the drawing and may cause a narrowing of the road when vehicles turn out of the access. The designer has provided a response to these issues accepting them as problems, the designer has subsequently reissued the plans to address the Auditor's comments.

The reissued plan uses a 2.4m x 44m visibility splay as is specified by Manual for Streets 2 for a 30mph road, I am satisfied that this is the appropriate standard however the plan appears to only show a splay of just over 40m. The splay when extended to 44m cuts across the corner of the proposed loading bay therefore not meeting the recommendation of the road safety auditor. I am of the opinion that the visibility can be achieved however this would either require the loss of further parking bays or preferably building the junction out to the line of the existing parking bays to give much greater visibility. Whilst the loss of some coach parking is acceptable to improve the main site access, the proposal to add a new entrance close to the Rotunda building in order to facilitate servicing of the swimming pool would result in the loss of two further coach bays which would be unacceptable given the lack of additional coach facilities elsewhere and loss of 2-3 coach bays as a result of the improved access required for the sports centre. Consideration should be given to facilitating servicing using the improved access, this would reduce the frequency of vehicle accesses along Museum Road and also prevent Lorries from having to travel across the park thus reducing construction costs of the paths that would otherwise have been trafficked by the servicing vehicles.

The designer has also shown that two vehicles can turn into and out of the site simultaneously and as such problem 2 as raised by the Auditor has been resolved. In principle I am satisfied that the main access can be accommodated safely and that adequate visibility is available however the tracking should be repeated to reflect the new position of the give way line as is the preferred option of the LHA to overcome the visibility issues. A s278 agreement will be required with the Local Highway Authority prior to any works being carried out; a £2500 fee will also be required in addition to the s278 fees in order to make the required alterations to existing Traffic Regulation Orders relating to on-street parking bays and double yellow line restrictions.

## Trip Generation

The existing car park is often full to capacity during the week, usually by 8.30 such is the competition for spaces. It is assumed that approximately half of the staff who use the car park vacate their space between 17:00-17:30.

The trip distribution associated with the proposed use has been informed by the University's business case that estimates the likely usage of the proposed facility by staff, students and the community. It has been assumed that a café within the leisure centre will not generate additional trips exclusive to the café as the facility is intended as a 'grab & go' rather than a destination in its own right. Given the considerable regeneration of the park that is proposed, I would expect some additional trip generation associated with the park and/or café that are not also using the

leisure centre however I would not expect that these would be vehicle trips and as such the assumption that the café will not generate additional trips is reasonable.

The usage of the proposed sports centre has been estimated as part of the business case for the development; it provides a breakdown of anticipated usage by staff, students and the community. It is expected that two defined peaks will occur throughout the day, at lunchtime (12:30-13:30) and after work (17:30-18:30) with the evening session being the busier of the two with a total of 338 users, it is expected that there will be 7 staff members working at this time. The vehicular trip generation for these users has been informed by the modal split data gathered from the latest University Travel Plan. The Travel Plan found that 37% of staff travel to work in a car on their own with a further 5% travelling as part of a car share. Just 5% of students travel by single occupancy car and another 1% car share. For community users, Census journey to work data has been used which estimates that approx. 44.7% will travel by car to the development. These trips rates have been applied to the number of expected users throughout the day allowing the likely parking accumulation to be extrapolated. This gives a peak parking demand of 72 vehicles at lunchtime and a peak parking demand of 68 in the evening peak. I am satisfied that the modal split percentages are reasonable, I would note that the peak parking accumulation at lunchtime is 4 spaces higher than the evening peak when there is expected to be an additional 34 users. The applicant has advised that this is due to the number of sport centre staff reducing significantly at this time amongst which there is a much higher rate of car use than the additional students likely to use the facility at this peak hour. Whilst it is a concern that at its peak demand, the car park will be full, I am satisfied that there is sufficient on-street pay & display parking to accommodate any additional demand within a comfortable walking distance.

#### Re-distribution of parking demand

The proposal results in the loss of an existing car park used daily by University permit holders. The car park is usually full on weekdays therefore 124 vehicles will require alternative parking facilities elsewhere in the city centre. The University's travel survey collected the origin of staff trips to work allowing fair assumptions to be made as to the routes many staff would take to reach the existing car park at the application site. I am content that the trip distribution methodology for staff arriving at work is sound and gives a relatively accurate picture of the likely impact upon nearby junctions.

With the loss of the car park, 124 cars are to be displaced to alternative facilities. The car parking facilities available to the University are detailed in their Travel Plan. Staff were asked where they park their vehicle, with 81% using University car parks. The remainder are split across paid and unpaid on-street parking and paid parking in commercial car parks. A spot survey was undertaken at the Ravelin Car park to establish the buildings in which car users work. A total of 104 responses were received which represents approx. 95% of the car park's capacity, 75% of which were found to be working within 400m of the car park. The remaining 25% of respondents work in buildings further than 400m from the car park, this is presumably because spaces are no available within closer proximity to their place of work. The largest proportion of respondents (15%) work at the St Andrews building which is slightly in excess of 400m from the existing car park. The case is made that because many of the users are willing to travel 400m or more from the Ravelin car park to their workplace, that they would therefore travel a similar distance from a different car park to their workplace; whilst I would broadly agree with this, it assumes an availability of spaces in alternative car parks. The TA notes that the existing alternative University car parks are already occupied to capacity.

The displaced vehicles have been apportioned to alternative University car parks based on the likely routes taken to work and the overall capacity of each of those car parks. The biggest increases are predicted to be at Milldam car park (19%), Melbourne Place (12%) & Anglesea rear car park (11%). This assumes that displaced vehicles will distribute evenly across the other existing car parks and find a space, as many of these car parks are closer to the buildings many of the survey respondents work in I find it unlikely that they would actually find a space in these

car parks as it would otherwise be expected that those respondents would already park there. It is also highly unlikely that a driver would find a parking spaces in the first car park that they visit given the established occupancy levels. In reality, I would expect that current users will travel to alternative car parks closer to their place of work and should they not find a space, travel to the next closest car park and so on until a space is found. This has the potential to significantly increase the level of movements on the network over and above that already anticipated (addressed in the following section).

The TA suggests that there are plans to limit the issue of parking permits to staff from Sept 2018 based on a stricter needs assessment in relation to a staff members' travelling distance to work which is anticipated to result in a reduction of between 150-300 staff members who are currently eligible for a parking permit. This represents between 10-20% of eligible staff which as a proportion of the approx. 800 spaces available in University car parks would equate to between 75-150 car park spaces. If this number is realistic, then it could provide a significant number of spaces back to accommodate the displaced vehicles, however these staff members would still presumably need to park somewhere within the vicinity of their place of work. Whilst some would likely be encouraged to change their mode of travel as a result of losing a parking permit, for many this would not be an option or their choice to shift modes. An analysis of where these displaced drivers may park should they not change travel modes has not been provided. It is also suggested that as part of the University's masterplan, the lower level of the existing Melbourne Place car park would be refurbished to provide an additional 45spaces currently out of use; it is advised that funding has been secured and that this work is anticipated to be undertaken late 2018/early 2019. Whilst all these measures would free up sufficient space to accommodate the displaces users of the Ravelin car park should they come to fruition, there can be no reasonable control applied to any planning permission to ensure that these spaces are made available and as such these cannot be taken into account in the assessment of the proposal and as a consequence I have no confidence that the displaced vehicles from Ravelin car park can be accommodated elsewhere.

#### Junction assessment

Using the likely trip distribution for the vehicles displaced form the existing Ravelin car park and users of the proposed sports centre, a number of junctions were identified as likely to experience an increase of 30 or more movement at peak times as a result of the proposals. All bar one of the assessed junctions experienced the greatest increase in movements during the PM Peak period, the roundabout junctions at either end of Museum Road and two junctions at St Michaels' Gyratory (Hampshire Terrace/St Michaels Road & Winston Churchill Ave/Guildhall Walk) were the worst affected. TemPro growth factors have been applied to the baseline traffic surveys to assess the opening year of 2022 and future year of 2027. LinSig models have been created for signalised junctions with models for roundabouts/priority junctions created using Junctions8. Only two of the assessed junctions exceeded their theoretical capacity under any of the scenarios tested; these were the junctions of St Michaels Road/Hampshire Terrace and Unicorn Road/Marketway. That said, having reviewed the results of some of the signal junctions, I would question the accuracy of the results. Knowing the network in this area and the traffic conditions often experienced at peak times, I am surprised to see some junctions operating within their practical capacity (<90%) and would have expected that these were operating at or in excess of their theoretical capacity currently. It is important that such models relied on reflect the actuality and should be supported with a validation report. As briefly explored above, the assumption has been made that vehicles displaced from the existing Ravelin Car Park will distribute evenly across the various other University car parks based on the overall capacity of those car parks. I find this scenario unlikely and would expect drivers to attempt to park as close to their workplace as possible now that their preferred parking place is no longer available. This will likely result in drivers moving from car park to car park in search of a space thus increasing the amount of movements on the network over and above the single movement currently assumed. This is difficult to quantify however considering that there can be no guarantee that space will be freed up elsewhere to accommodate these displaced

vehicles, the modelled junction assessments are unrealistic notwithstanding the doubts over the accuracy of the baseline models.

## Parking/Loading

It has been proposed that a basement car park will be included within the development to accommodate 72 parking spaces for users and staff of the sports facility. The parking accumulation based on the modal split of users predicted a total parking accumulation of 72 spaces giving 100% usage at peak times. As detailed above, whilst it is of concern that no contingency is available, there are parking opportunities on street within a comfortable walking distance and as such I am satisfied that should there be any additional parking demand, it could be accommodated on street. The provision of 2 electric vehicle parking spaces is welcomed, it would also be encouraged that infrastructure is installed to facilitate the expansion of this facility in future.

Day to day servicing of the development is proposed to be undertaken from Museum Road via a new loading bay to be created. This would replace part of an existing Coach bay. Should a solution for the swimming pool servicing be found at the main site access, the possibility of general loading also being undertaken from here could be explored to prevent the loss of further coach bays.

The Portsmouth Parking SPD does not give an expected standard for the amount of cycle parking that should be provided for non-residential development rather it is expected that cycle parking sufficient to achieve 2 BREEAM credits is provided. It is proposed that 65 spaces will be provided around Ravelin Park and the proposed sports centre. This provision is not shown on the supplied plans however I am satisfied that details and provision of adequate cycle parking can be secured by an appropriately worded condition.

## Other considerations

A framework Construction Traffic Management Plan has been provided to outline the proposed construction phase of the development. Whilst I am broadly comfortable with much of the information supplied within the document, I don't agree that the access points identified will necessarily be appropriate however the detailed plans including temporary means of access can be secured by condition; I would advise that the appointed contractor liaise with Colas and PCC as early as possible to ensure that the appropriate works notices are in place.

A framework travel plan is also provided for the proposed Sports Centre. The University's overarching Travel Plan states that single occupancy car use is expected to reduce by 6% during the existing travel plan period to match the 6% reduction achieved during the previous travel plan period. No set targets are outlined within the framework travel plan rather a series of fairly 'light-touch' measures to encourage travel to and from the site by sustainable modes and no therefore no interventions are identified should an identified target not be met.

Whilst the University Travel Plan has not been provided for reference, I find it unlikely that a further 6% of single occupancy vehicle trips would be saved unless reasonably robust measures are in place to ensure this, equally a 6% reduction in car use (presuming all 6% of SOV switched travel mode) would not achieve the reduction in parking demand required to accommodate the displaced parking from Ravelin car park. The TA states the University's intention to review its existing parking permit eligibility criteria in order to significantly reduce the level of permits issued however this is not reflected in the Framework Travel Plan for the development. If a reduction in car trips/parking demand is to be relied upon to accommodate the displaced vehicles a greater emphasis on Travel Plan measures is required to ensure this can be achieved however this would be more appropriate for a University-wide Travel Plan rather than a site specific plan.



## Summary

The biggest issue resulting from this application is the displacement of parking from the existing car park considering the lack parking capacity remaining in the other existing University car parks as shown by the surveys undertaken to support the production of the TA. Whilst there is an ambition to reduce the amount of parking permits issued to staff and increase the capacity of another existing car park to facilitate the displacement, this cannot be reasonably controlled in relation to a permission granted for this application and as such the loss of parking resulting from this proposal is unacceptable.

I question the validity of the traffic models provided, the results presented for certain junctions do not reflect the actual operation of the junctions and therefore in my opinion the baseline traffic conditions cannot be relied upon. I would also question the assumption that displaced vehicles will be able to find a parking space at the first attempt, given the lack of capacity in the remaining car parks I find it far more likely that drivers will be forced to try more than one car park given the increased competition for spaces therefore resulting in a higher number of vehicle movements through junctions. That said, I don't think that the increase in movements will have a severe impact upon the assessed junctions and therefore an objection solely on these grounds would be inappropriate.

The current access arrangements proposed result in an unacceptable loss of coach parking bays. The proposed service access would remove a further two coach parking bays in addition to the bays lost as a result of improving the main site access. Equally the service access has not assessed the required visibility requirements and the routing across the park would appear to be a rather inelegant solution and potentially disruptive to users of the park. The main site access should be redesigned to provide adequate visibility and limit the loss of coach parking; it should also incorporate access for service/delivery vehicles from this access.

As the application stands, I must recommend the application be refused for the reasons listed above. Should you be minded to approve the application, the following conditions should be secured;

-Development shall not be occupied until such a time as 45 additional parking spaces are provided at the Melbourne Place Car park which should then be retained for use by University staff.

-Development should not be occupied until such a time as 72 on-site parking spaces are provided to then be retained thereafter for use by staff and visitors of the sports centre.

-Details of cycle parking to SPD standards should be submitted to and approved by the LHA and subsequently provided prior to occupation of the development.

-Prior to the occupation of the development a s278 agreement is required with the LHA for works to the Highway and agreed works are to be completed and agreed with the LHA

-Prior to commencement of construction a detailed Construction Traffic Management Plan is to be agreed with the LHA including means of access for construction traffic.

### **Environmental Health**

I write with regard to the above application for construction of new sports and leisure facility (Class D2) with associated car parking, access, public realm, landscaping and other associated works to include the removal of TPO trees, tree relocation and subsequent replacement planting.

This consultation is with regard to the potential impact on the amenity of neighbouring uses from the proposed use as well as the potential impact on air quality from additional traffic generated by use.

A noise assessment (ref: UOP-MMD-XX-XX-RP-Z4-0000\_018\_Noise Assessment Report) has been submitted in support of the application. This report includes an assessment of the

prevailing noise conditions prior to the development, an assessment of noise and vibration during the construction phase and an assessment of noise limits for plant to be installed as part of the development. I'm satisfied with the assessments and the conclusions of the report.

### Operational Noise

Section 5 of the report confirms that no decisions have been made with regard to the proposed plant and equipment but will include such items as air handling units, chillers, pool pumps, split system condensers etc. Design targets, based on the results of the background noise surveys, have been set:

- Daytime: 46dB LAeq
- Night-time: 37dB LAeq

Should you be minded to grant planning permission, it will be necessary to condition these design targets to ensure that the selected plant will achieve these targets.

### Condition

Prior to the installation of mechanical plant an assessment of noise from the operation of all plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. The report shall demonstrate that noise from the mechanical plant, including mitigation where necessary, will be designed to ensure that rating levels at the nearest noise-sensitive premises do not exceed:

- Daytime (07:00-23:00): 46dB LAeq,(1 hour)
- Night-time (23:00-07:00): 37dB LAeq,(15 mins)

Upon approval all specified measures to achieve the rating levels shall be implemented and retained thereafter.

### Construction Noise and Vibration

Section 6 of the report considers noise from construction. Predictions for four phases of construction are considered and the likely levels at the nearest noise sensitive premises. It is concluded that construction work noise has the potential to have a significant impact on neighbouring uses. Section 6.1.3 describes potential mitigation measures that can be employed to reduce noise levels from construction works and a recommendation is made that noise can be controlled through the implementation of a Construction Noise Management Plan.

### Condition

Noise from the demolition and construction phase of the development shall not exceed 75 dB LAeq,1 hour as measured at any neighbouring sensitive use. Demolition and construction work shall be restricted between the hours of 07:30 and 18:00 Monday to Friday and the hours of 08:00 and 13:00 on Saturdays. No demolition or construction work involving plant or hand-tools shall take place on Sundays or Bank Holidays. A scheme to monitor and mitigate noise from demolition and construction shall be submitted to the planning authority for approval prior to the start of demolition and construction.

### Air Quality

I received the following text in an email from our Air Quality Officer, Redouan Sadak:

"I appraised the Air Quality Assessment submitted for the development of a sport centre on Portsmouth City Council Ground. Based on the assessment approach adopted in this assessment, the conclusions reached are acceptable.

The introduction of such development will have insignificant impact on local air quality. Hence, air quality is not a material planning consideration in this case."

## Dust

The potential impact from dust resulting from the construction phase is assessed in the Air Quality Assessment (Ref: UOP-MM-XX-XX-RP-Y-0007\_083\_Air Quality Assessment) in Section 5 with mitigation recommended in Section 6. The recommendation is that the control of dust be formalised within a Construction Environmental Management Plan which should be conditioned through the planning process. Should you be minded to grant consent I recommend that the following condition be applied:

## Condition

Prior to the commencement of the demolition and construction phase, a Construction Environmental Management Plan (CEMP) must be submitted for approval by the local planning authority. The CEMP must include measures to minimise and reduce dust from any proposed demolition and construction. Upon approval, all specified measures to control and mitigate dust shall be implemented.

## Contaminated Land Team

The ground survey\* submitted with the application is a factual report relating to geotechnical testing although it does have some pollution testing it does not constitute a pollution assessment for a survey of this size. No interpretation is provided and a conceptual model has not been formed.

The following conditions, or similar, are requested.

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A1:2013+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

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

remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

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

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

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out

### **Coastal and Drainage**

Please find below my comments relating to the above planning application:

Flood Risk Assessment dated 12 April 2018

-PCC preferred outlet for the site is the surface water sewer on Museum Road. We are keen to remove surface water from foul or combined sewer networks wherever this is feasible, and for this site it does seem feasible. It is known that the Museum Road surface water network discharges to sea eventually.

-PCC supports the proposed green roof and tree pit areas as drainage features. However, there must be consideration of overland flow routes for rainfall exceeding the design parameters, which I have not seen within the application pack. i.e. exceedance routes not flowing onto the highway or towards buildings.

-6.1.1 Infiltration Based Systems PCC would prefer infiltration to be utilised where at all possible. It is noted that there is a lot of clay in the substrata as determined by the GI Report

-6.4.2 Ponds and Basins PCC supports the idea of a pond or basin rather than geocellular storage.

-All sewers that are shown as deficient in condition by the CCTV survey will need to be made fully operational if they are to be reused

In summary it is clear that a lot of work has been undertaken to determine the Drainage Strategy. PCC supports the application in principle, however we would like to see the Museum Road surface water sewer as the outlet for surface water for the site rather than discharge to a combined sewer

### **REPRESENTATIONS**

Two representations have been received objecting to the development on the grounds of:

- (a) The development is unsuitable for this area.
- (b) The development is "massive" in scale.

- (c) The development would dominate the streetscene and leave a small area of greenery.
- (d) The development would result in the loss of mature trees, shrubs and hedgerows.
- (e) The development would destroy the existing natural environment of this area.
- (f) The development would have a significant impact on the existing streetscene.
- (g) Similar facilities are accommodated elsewhere in the city and the provision of an eight lane swimming pool is unnecessary.
- (h) Increased traffic congestion along a main arterial route and impact on coach parking.
- (i) Ravelin Park is not a site for development.
- (j) The development would encroach on green open space.
- (k) Ravelin Park is one of the city's protected green open spaces and the proposal would damage the ambience of the park.
- (l) The development would reduce the amount of green open space and would encourage further development on the site in the future.
- (m) Important to promote sustainability of green open spaces for future generations.

Two representations have been received supporting the development on the grounds of:

- (n) Welcome addition to the area which utilises existing space.
- (o) Fitness centre for the use by public and students would replace the loss of a 24/7 facility in Gunwharf Quays.
- (p) The development would improve the architectural landscape of Portsmouth
- (q) The development would represent an enhancement of Ravelin Park and would complement modern buildings in vicinity of park.
- (r) The new facilities would be of a benefit to local communities.
- (s) Landscaping is exciting and compensates for the loss of green open space to the north-east of the site.
- (t) In terms of heritage impact, consideration should be given to recent extensions at Portsmouth Grammar School.

## **COMMENT**

The principal issue is whether the new sports and leisure facility would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are: the principle of the development (including any implications relating to the loss of open space); impact on design (including impact on Archaeological Significance and Heritage Assets); impact on nature conservation and trees; impact on highways; sustainable construction and design and impact on amenity.

### Principle of Development

The purpose of the development is to provide a modern and comprehensive new sports and leisure facility which would enhance the recreational facilities available for students of the University of Portsmouth (UoP) and the wider community.

The UoP is a City based campus with a number of faculty buildings located within and immediate adjacent to the City Centre. The University's economic, social and cultural contributions to Portsmouth City range from being one of the largest employers in the City, to the value graduates add in the professional roles in the City's schools, health and justice services, businesses, local authorities and charities.

The UoP have recently launched a new University Estate Masterplan which outlines proposals to regenerate the Quarter and contains an investment of over £400m in new education facilities, public realm and wider infrastructure over the next 15 years. The proposed development to provide a new sport and leisure facility for the University presents an important first phase in bringing forward the Estate Masterplan whilst providing an opportunity to regenerate Ravelin Park.

The scheme aims to help the UoP fulfil its potential by offering a high quality sport and leisure facility. The new multi-sport facility would provide a high quality experience, for the student population, University staff and the wider local community. The building also provides an opportunity for UoP's Department of Sport and Exercise Science to address deficiencies in the existing offer provided at St. Paul's Centre, which does not meet student demand or expectations offer.

The proposals have been developed through an extensive, detailed pre-application process with a number of meetings being held between the applicant and the Local Planning Authority (LPA) throughout 2018.

The NPPF (2012) outlines the government's objectives for achieving sustainable development. The NPPF establishes a presumption in favour of sustainable development. Paragraph 7 outlines three dimensions to sustainable development: economic, social and environmental.

The proposal would be considered to meet the economic definition of sustainable development by providing a direct contribution to the local economy through future expenditure and value added from activity within the local area. The proposals would also contribute to the economy with jobs associated with the end use of the scheme and further job creation through the construction phase of the Proposed Development.

In the context of the NPPF the proposal would also have a social role. The development would help contribute towards creating a strong, vibrant and healthy community by offering improved and accessible leisure facilities for UoP students and staff as well as the local community including local schools and stakeholder groups.

In addition, the proposal would have a significant environmental role. The Proposed Development seeks to achieve a BREEAM rating of 'Outstanding' and will be the first sport and leisure building in the UK to achieve this rating.

Furthermore the proposals would contribute to the surrounding area by improving the quality of Ravelin Park, through the provision of well-designed sustainable building, public realm and landscaping (including ecological and biodiversity enhancements). It would also encourage use of non-car modes through the provision of pedestrian route improvements across the site which is in close proximity to the City Centre.

Paragraph 14 of the NPPF states: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

In reference to adjoining Heritage Assets, including Listed Buildings, NPPF Paragraph 126 is clear that these should be conserved "in a manner appropriate to their significance" and that applications should describe the significance of these assets within submissions referring to their contribution (Paragraph 128).

Paragraph 134 outlines the key test to determining applications in relation to the impact on Heritage Assets, stating that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

The impact of the proposals has been well considered throughout extensive pre-application discussions and the applicant has pro-actively worked with officers to respond to design challenges. An assessment of the impact the proposals would have on designated heritage assets and adjoining conservation areas has been fully considered under the Design/Impact on Heritage Assets below.

In terms of local planning policies, firstly, having consideration to saved policy ST2-Ravelin Park (Portsmouth City Local Plan 2001-2011) which outlines that the requirement for any proposals to redevelop or extend any parts of the University campus within Ravelin Park must preserve the setting of the Park. Paragraph 4.14.4 states: "In addition to its use by the University, it provides amenity open space for local residents. The city council will support proposals for increased public access to the park."

Furthermore, supporting justification set out in paragraph 4.14.5 states: "The University has relocated its students' union, which previously occupied premises in the south west corner of the park, to a new student centre in the north of the park, in order to consolidate University facilities in and around the city centre. This has released the south western site for redevelopment. This site would be appropriate for a variety of University uses"

In light of this specific policy, the proposed development is considered to be an appropriate "University use" and would be considered to increase public access to the park through an extensive landscaping scheme and series of works to promote openness and encourage activity. The proposed sports/leisure facility would result in the loss of some open space to the north of the existing car park and therefore the loss of this open space must be considered.

Portsmouth Council Core Strategy Policy PCS13 'A Greener Portsmouth' seeks to protect, enhance and develop the green infrastructure network within the City. Policy PCS13 stating that PCC will protect green infrastructure by "refusing planning permission for proposals which would result in the net loss of existing areas of open space and those which would compromise the overall integrity of green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm".

The new sports and leisure facility would be located to the south western portion of the existing park which serves as an operational surface level car park for the UoP. The new facility would encroach on a minimal proportion of soft landscaping located to the immediate north east of the car park.

In terms of siting, it is acknowledged that the proposed location for the facilities is acceptable and that it would principally utilise an area of hard standing that has a low amenity value in the context of the street scene and adjoining Conservation Areas. Although there would be a net loss of open space (approx. 0.6ha) as a result of the Proposed Development, the proposal would create substantial public benefits, including the increased accessibility and overall enhancements to the ecological and biodiversity value of Ravelin Park as well as enhancing its role and function as a key open amenity space. The Proposed Development would be the first sport centre in the UK to achieve a BREEAM 'Outstanding' rating, providing a number of environmental benefits. The Proposals will also aid in meeting key objectives of the Council in creating a healthy city and is therefore compliant with Core Strategy Policy PCS13.

Portsmouth Council Core Strategy Policy PCS14 'A Healthy City' seeks Portsmouth to become a healthy city and improve the health and well-being of its residents by reducing obesity levels in the city and improving physical and mental health by increasing the opportunities for formal and informal exercise through providing open space, play, recreation and sport and leisure facilities and making it easier to walk and cycle in Portsmouth. The proposed development will help to improve the leisure offer of UoP for the benefit of its students and staff population, whilst enhancing Portsmouth City's leisure offer to the local community within a highly sustainable location, in accordance with the objectives of Core Strategy Policy PCS14.

Furthermore, the proposed development provides a high quality new sport centre for University use, on a previously developed site which is appropriate and suitable for University use. A key objective of the Proposed Development is to retain the open space to the north and east of the existing car park and provide enhancements to the quality and access of Ravelin Park which will encourage it's use, and utilise its character as a key area of greenspace in the central part of the City. The Proposed Development also seeks to help meet the Council's objective of creating a

healthy city by providing a high quality sport and leisure facility to encourage the improvement of physical health through the increased opportunity to exercise.

In conclusion it is considered that the principle of development including the loss of open space at this location is considered to be appropriate and in accordance with Portsmouth Core Strategy Policy PCS13 and PCS14, Portsmouth City Local Plan (2001-2011) saved Policy ST2 and the NPPF.

The proposals compliance with specific policies relating to: design and conservation (including impact on heritage assets); impact on trees and nature conservation; impact on highways and impact on residential amenity will be assessed in the relevant sections below.

### Design Impact

The proposed development is for the construction of new sports and leisure facility (Class D2) with associated car parking, access, public realm, landscaping and other works to include the removal of TPO trees, tree relocation and subsequent replacement planting.

Ravelin Park is an area of green open space located at "Cambridge Junction" which serves as an interface between Cambridge Road, Museum Road, High Street and St Georges Road. The site is located in a prominent corner location and is bounded by Cambridge Road (west/north), Museum Road (south) and Landport Terrace (east) in the St Thomas Ward.

The application site has a site area of approx. 2.6Ha comprising: an area of green open space, planting and trees (Ravelin Park), a detached single storey octagonal shaped building known as "The Rotunda" and an area of hardstanding (south-west) known as Ravelin Car Park which currently accommodates 124 no. car parking spaces. Adjoining the site, outside of the boundaries of the red edge of development is Frewen Library (north), The William Beatty Building (north-east) and Ravelin House (south-east) which are all UoP assets but would remain unaffected by the proposals. The site is currently accessed via pedestrian entrances located on Landport Terrace, Cambridge Road and Museum Road. Vehicle access to Ravelin Car Park is granted through a one way system with vehicles entering the site via Cambridge Road and exiting via Museum Road. The entire site is enclosed by a 1.8m high black steel fence with lockable gates.

The new sports and leisure facility would have a gross internal area (GIA) of 11,009 m<sup>2</sup> and a gross external area (GEA) of 12,297m<sup>2</sup>. The building would be located to the south-western corner of the application site on an area of hardstanding that currently serves as a surface level car park for the UoP.

The submitted demolition plan indicates that the existing car park, Rotunda building and internal pathways would be demolished/removed whilst the historical and ornamental gated entrance to the eastern boundary of the site would be retained.

The rectangular shaped block measuring 57m in depth, 18m in height and 85m in width would straddle both Museum Road (south) and Cambridge Road (west). The building would be set back from the footway by approx 12m allowing for new landscaped elements and tree planting to the south-western boundary of the site. The building consists of three interlinked blocks with an integral basement which serve various functions within the sports and leisure offer. The submitted Design and Access Statement (DAS) refers to these elements as the Ravelin (ground floor plane), the FEZ (Functional Environmental Zone) and the Sports hall.

The proposed development delivers a building of 3 storeys (basement plus 2 floors) incorporating different heights, levels and building materials. This is designed to respond to the context of the site and promote transparency of the ground floor to ensure an active frontage is provided. This has resulted in the Sports Hall positioned at first floor level to allow for a flexible and transparent ground floor.



The building is complimented by an extensive landscaping scheme designed to provide an enhancement in the landscape quality of the site and immediate surrounding area. The landscaping scheme would incorporate the entire boundaries of Ravelin Park with the exception of an area of land in the south eastern corner of the site which forms a boundary with Ravelin House a locally listed building occupied by the UoP.

The Landscaping scheme would consist of a series of character zones and can be summarised below:

**Events Fields/Parklands:** This area is located to the centre of Ravelin Park and is the largest area of open space. Its primary function would be to provide a setting to the new sports building, be a space for events and/or sport and an area to relax. The grasslands would be enriched with native wildflowers to provide additional biodiversity value. The parklands trees would be retained whilst the current primary footpath would be relocated further east to provide additional event space.

**Urban Edge Plaza:** The Plaza would be located along Cambridge Road and provides a key open space between the proposed sports building and University Library. It has been designed as a hard landscaped open space that provides two areas, the urban orchard to the west and an event space to the east. The space also incorporates cycle parking for the Site.

**Themed Pocket Parks:** The proposal provides two pocket parks, "Rotunda Memory Garden" and "Natures Steps". Both pocket parks are located within the meadows area of Ravelin Park to the east. This area has been designed and planted to take into account the micro climate and will comprise of wildflowers and ornamental species. The Rotunda Memory Garden is located to the southern entrance of Museum Road and provides an opportunity to interpret the layer of history of the site, whilst providing a space of interest and area to dwell and relax. Natures Steps pocket park is located to the east adjacent Landport Terrace and provides a small-scale amphitheatre created from grassed terraces within a wildflower meadow. This design approach is considered to encourage people to dwell and appreciate the enhanced ecological and biodiverse value of the park.

**Museum Road Boulevard:** The proposals provide a series of rain gardens and swales along Museum Road boundary of the Site to provide biodiverse and sustainable opportunity to accommodate the rainwater runoff from sections of the sports facility. This area also enhances the views to and from the Listed Museum.

**Biodiverse green roof:** The biodiverse green roof has been designed to specifically increase the biodiversity and attract a particular fauna and flora. The green roof will include a wildflower meadow and introduce several bee hives, further adding to the ecological value of the site.

Having consideration to the comments of the City Council Landscape Architect it was acknowledged that the high quality landscape design was thorough and well-considered. Commenting that the designers have put a lot of thought into the whole of Ravelin Park, how people access and use the parkland open space between the existing library building and the links to the streets around. The Landscape Architect accepted the proposals show a good use of an underwhelming car park area through the successful integration of the proposed sports building into the surrounding park, giving good access and circulation, and addressing the green frontages along Museum Road and Cambridge Road.

The proposed landscaping scheme is considered to be extensive, meticulous and well designed. The works to include defined character areas for recreational activity and quieter social spaces is well considered. The extensive nature of tree planting and the creation of the urban orchard, bio-diverse green roof, bee boxes and rain gardens are considered to promote the ecological enhancement of the park whilst offering a distinct city centre park space. As an element of design, the proposed landscaping scheme is therefore acceptable.

Internally the ground floor of the new sports/leisure facility would be comprised of: a 25m, 8 lane swimming pool; sauna/steam room; gym with 175 fitness stations and gym studios; climbing wall; reception; dry/wet changing facilities and group changing facilities; grab and go coffee facilities and squash courts. The building would be serviced at this level via access doors on the southern elevation adjacent to Museum Road alongside the bin store, substation room and chemical store for the swimming pool. These spaces have been orientated in close proximity to the new vehicular access in order to avoid disruption to the road network.

The first floor would be comprised predominately of an 8 badminton court sports hall with a floorspace of 1418m<sup>2</sup>. The roof of the Sports hall would extrude beyond the first floor creating a three storey element to the south west corner of the building. This multi-use sports space will facilitate a range of activities including badminton, volley ball, basketball football and other sports and activities. This space would have movable bleachers that can help to divide the space and use for UoP events. Also located at this level are group changing facilities, open plan office space, treatment room and staff room. There are two large voids in the first floor over the swimming pool and squash courts. This approach allows optimum visibility of activity within the building.

The new facility would have an integral basement that would be accessed via Museum Road. This level of the building would accommodate underground car parking for 72 vehicles including 9 disabled parking bays and recharging points for 2 electrical vehicles. The pool treatment plant and associated access and storage would be located at this level. A lift, ski simulator and climbing wall would also be located here.

Externally the ground floor extrudes above ground level by 3.5m and in terms of materiality predominately consists of floor to ceiling glass panels which promote transparency and provide interaction with Ravelin Park and the street frontage. The entire north elevation would consist of glass and would serve as the primary entrance to the building. The glass façade would complement the proposed urban plaza which would predominately consist of a mixture of natural stone and resin bonded aggregate finishes. Large proportions of the south elevation on to Museum Road and the west elevation on to Cambridge Road would also be made up of glass with blocks of natural stone Ashlar cladding and powder coated louvre systems integrated into the design to break up the massing of the building introducing high quality materials to the natural environment making reference to the surrounding context and the predominant use of Portland Stone in the City centre.

The first floor level of the building or "the FEZ" would essentially sit on top of the ground floor plane extending to a height of 10.4m above ground level and extending beyond the footprint of the ground floor by 2m around the entire building. This would create a soffit feature on the underside of the FEZ that would be clad with timber and natural stone cladding. The external elevations of the FEZ would add arguably the most visual interest to the building. The entire level would be clad with a vertical, terracotta baguette system consisting of approx. 2m long, 50mm wide tubular terracotta slips in alternating colours mounted on a composite panel system and a series of support rails and flashings. With the variation in colours consisting of a range of (reds, browns, oranges blue and cream) and the sheer number of terracotta baguettes the building would appear animated and visually appealing from a distance. The DAS (page 105) indicates three likely colour configurations. Throughout the course of pre-application discussions, officers indicated their preference for the option reference: R8/22.B4/22.BW1/22 which is a mix between an over dominance of blue and cream coloured baguettes and an over dominance of red, orange and brown baguettes. Officers noted that this was the least offensive design solution and similarly made a connection with the materials used on adjoining buildings. It is accepted that in any case the final pattern or specification of this terracotta baguette system would have to be approved by way of a planning condition; however the use of this material as an element of architectural interest and contemporary design is considered to be acceptable.

To the south west corner of the site, along the Museum Road and Cambridge Road boundaries, the roof of the Sports hall would extrude beyond the FEZ to reach a maximum height of 18m above ground level. This element of the design provides a large roof structure measuring 41m in width, 39m in depth and 8m in height and would be comprised of flat architectural metal cladding panels mounted on to composite panel system. The box provides essential height to the sports hall facility in order to adhere to specific requirements by Sport England. Usually speaking, sports halls would be located at ground floor, allowing for the massing of a large roof to be accommodated in the design. In this case the vision of the scheme to promote transparency at ground floor has resulted in the hall being located in a prominent position, highly visible along key vehicular access routes including travelling north on High street and travelling east along St Georges Road.

The materiality of the box was a prominent concern of officers throughout pre-application discussions. The applicant sought to use a wide range of materials and the DAS (page 108) offers a comparative performance table for other suitable materials including: glass/curtain wall; polycarbonate; perforated/profiled metal panel, architectural metal panel or shingles. This assessment found that the use of glass as previously suggested by officers would result in poor sustainability performance that would jeopardise the overall BREAMM sustainability level of the building. Other materials including polycarbonate scored low in terms of their life span and maintenance. Perforated and profiled metals scored evenly across all performance criteria, however samples provided at pre-application stage did not appear to be an acceptable design solution for such a prominent element of the design. The applicant has settled on the use of an architectural metal panel that would have semi-reflective qualities and would have a subtle two tone silver/blue colour. Samples shown to officers were encouraging and appeared to be of high quality. This system would enable the sports hall roof to become profiled and would interact in different lights and weather conditions. This material is also analysed as having the second highest lifespan maintenance in comparison with the other materials suggested which is encouraged given the prominence of the development at Cambridge Junction and given its location adjacent to numerous designated Heritage Assets and Conservation Areas.

Notwithstanding the submitted information and the assessment of the impact of the scheme on designated heritage assets as detailed below, the LPA has welcomed the pro-active approach of the University to accommodate samples and mitigate Officers concerns in relation to the materiality of the building. It is acknowledged that based on the information presented to officers that the materials including; natural stone Ashlar cladding, resin bonded aggregate; glazed panel system; terracotta baguette system and sports hall roof system would be acceptable subject to further refinement and confirmation of their acceptability by the LPA in writing. It would be considered appropriate to apply a planning condition requiring the applicant to submit details for approval prior to the construction of the building in order to ensure a commitment to high quality materials and contemporary design.

#### Impact on Heritage Assets and Archaeological Significance

Ravelin Park is an area of protected open space located within Portsmouth City Centre bounded by Cambridge Road to the west, Museum Road to the south west and Landport Terrace to the east. The park is located within the St Thomas Ward of the city and lies directly adjacent (and therefore within the immediate setting of) the "Old Portsmouth" Conservation Area (No.4) to the south and "The Terraces" Conservation Area (No.6) to the north -east. Ravelin Park itself is named for a component of the City's 16th century fortifications over which it was laid out in the 19th Century. The park is considered to have great archaeological potential and represents a significant opportunity to glimpse into the archaeological heritage of the island.

The park is located within a designated TPO (No. 0190) which adds to the strong visual character of the area and provides relief from the hard urban edge of the surrounding context. A large number of designated/non designated heritage assets also lie in close proximity to the site including:

- Portsmouth Grammar School- High Street (Grade II)
- Portsmouth Grammar Primary-Cambridge Road Junction (Grade II)
- City Museum- Museum Road (Grade II)
- Former Cambridge Barracks- High Street (Grade II)
- Landport Terrace (Multiple Buildings)- Landport Terrace (Grade II)
- Hampshire Court Hotel- Landport Terrace (Grade II)
- Hampshire Terrace (Multiple Buildings)- Hampshire Terrace (Grade II)
- Ravelin House- Ravelin Park (Locally Listed)
- Gun House- Hampshire Terrace (Locally Listed)

The range of designated assets is extensive, and (in combination with the nearby conservation areas) is indicative of the sensitive historic context of the site.

An Archaeology and Heritage Assessment produced by Mott Macdonald considers the heritage effects of the proposed development of the new sport/leisure facility, including the effects on the potential archaeological interests of the site. An assessment of the significance and contribution of nearby heritage assets and archaeological impact has been undertaken to a proportionate degree of detail to enable an understanding of the potential impacts, in accordance with paragraph 128 of the NPPF.

In terms of archaeological impact the desk-based assessment confirms that there have been two previous archaeological investigations on the Site, taking place in 2004 and in 1972. As part of these investigations trial excavations were conducted with the aim of locating the historical city defences within the area. Both investigations found remains of the defences but raised some questions in relation to the interpretation of the walls. Further details of these investigations are provided within Section 4.5 of the Archaeology and Heritage Assessment.

Following consideration of various archaeological data including review of cartographic, Historic Environment Record, previous archaeological and geotechnical investigations, the archaeological desk-based assessment concludes that there is a low likelihood of prehistoric, Roman or early medieval archaeology within the site. In relation to medieval archaeology, the assessment concludes that there is low to moderate potential for some of the remains of Town Mount Bastion to survive within the Site.

In relation to post medieval archaeology, the assessment states that there is very high potential for the existence of post medieval archaeology to remain on the site in the form of city defences. The remains of the main city walls, counterscarp walls, Ravelin walls and moat revetments are all likely to survive to significant depths, albeit with some of the face stonework removed.

Due to the potential for the existence of post medieval archaeology to remain on the site, the Archaeology and Heritage Assessment recommends that a program of archaeological mitigation is implemented and agreed in principle with PCC officers and secured through an appropriately worded condition.

Further to consultations between the LPA, the applicant and Hampshire County Council (HCC) County Archaeologist, a Written Statement of Investigation Mitigation was submitted (Written Scheme of Investigation Mitigation Works at Ravelin Park- Mitigation Works for University of Portsmouth Sports Building at Ravelin Park 23 May 2018.)

Full details of the County Archaeologist's response is detailed in the Consultation section of the report above that outlines his acknowledgment of the recommendations set forward in the report and endorses the proposed works. He notes that the proposed excavation works would represent an exciting opportunity for the people of Portsmouth to get a glimpse of the historic fortifications. In making this recommendation the County Archaeologist has requested a planning condition to be applied to the planning permission requiring that no construction shall take place until the submitted details of the Written Scheme of Investigation (Written Scheme of

Investigation Mitigation Works- Mitigation Works for University of Portsmouth, Sports Building at Ravelin Park, 23 May 2018) have been fully implemented.

Before the development is first brought into use a report of findings prepared in accordance with an approved programme of archaeological assessment (including where appropriate post-excavation assessment, specialist analysis and reports, and publication) shall have been submitted to and approved in writing by the local planning authority.

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 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Chapter 12 of the NPPF requires both the applicant and the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposal and the impact the development would have on the significance of those assets.

In the conclusions section of the submitted Archaeology and Heritage Assessment (20th February 2018) paragraph 7.7 states that the given the setting of the historic buildings on the opposite side of Museum Road and Cambridge Road (the site) has already been impacted by adjacent modern buildings, modern street furniture the impact to the setting of these buildings is considered negligible. Paragraph 7.8 states that the impact on the setting of the "Old Portsmouth" and "The Terraces" Conservation Areas is considered negligible. Whilst the Assessment is relatively detailed and well considered, in the view of the LPA, its conclusions tend to downplay the significance of the identified assets and the impact the proposed development would have on the setting of each asset.

Given the proximity of the proposed development directly adjacent to designated heritage assets including Portsmouth Grammar School- High Street (Grade II), Portsmouth Grammar Primary- Cambridge Road (Grade II) and the City Museum- Museum Road (Grade II) and immediately adjoining the "Old Portsmouth Conservation Area" and "The Terraces" Conservation Areas it is considered that the scale of the proposed development would have some impact on the setting, character and appearance of these designated heritage assets.

The Conservation Officer in his comments acknowledged the impact of the development on the surrounding townscape: "The proposal represents a major intervention in the townscape of the area. Depending on viewing position its location would make it a prominent feature in views south (along Cambridge Road), east/west (along Museum and Gunwharf Roads), north (from Old Portsmouth High Street), and in views across and from Ravelin Park."

The Conservation Officer acknowledged his input into the process and that the proposal reflects extensive and detailed discussion/negotiation between the applicant and the LPA and that he has been fully embedded in discussions which have addressed the detailed design, materials and heritage impact of the scheme at considerable length. In response to this engagement the scheme has evolved through a range of tweaks, and more substantial changes, (in particular to material selection). The ambitious scale, design and palette of materials would represent a building of interest and promote an ambitious University development helping to create a sense of place and encourage activity in the 'University Quarter'

An assessment of the level of harm has been undertaken by the Conservation Officer that illustrated that the LPA were satisfied that the scheme does possess appreciable qualities as a piece of architecture that lifts the development visually far beyond a mere sports 'shed'. The quality of the materials selected including 'native' natural stones (Portland and York), and the vertical terracotta baguette system for the cladding of the FEZ with gives the scheme an ordered

yet complex patterning system give a level of material detail which is expressive of quality and also provides a high level of visual interest.

He notes: "The building would also be complemented by a comprehensive but sympathetic scheme of soft and hard landscaping, also utilising high quality natural stones, incorporating physical features and planting which add visual interest, and respond to the history of the site. These factors give the scheme a significant level of interest in its own right, and by turn contribute significantly to mitigating its physical presence."

The Conservation Officer noted that in contrast with the assessments offered by the applicant, the LPA is of the opinion that the location (proximity), footprint, scale and height of the proposed building (in particular the sports box) dictate that the development would still nevertheless have an impact on the setting of nearby designated assets but that the level of harm could reasonably be considered as 'medium'.

It is considered that as a result of the individual design qualities of the proposed development including the suggested use of materials, the level of harm would fall within the 'less substantial' category as described by paragraph 134 of the NPPF. This paragraph states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

In light of the conclusions of the Archaeology and Heritage Statement and the comments of the Conservation Officer, the proposed development is considered to have less than substantial harm in relation to how the development would affect the setting of adjoining Listed Buildings. Whilst the proposed development could be reasonably interpreted to have an impact on the setting of Grade II Listed Buildings in close proximity to the site including Portsmouth Grammar School, The City Museum and Portsmouth Grammar Primary. In this instance it is recommended that the proposed development would not have a material impact on the setting of these listed buildings. Furthermore the scale of the proposed development is not considered to have a significant impact on the character and appearance of the Old Portsmouth Conservation Area" and "The Terraces" Conservation Area. The proposal is therefore in compliance with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended)

In terms of balancing 'less than substantial harm' against the public benefits of the scheme as required by Paragraph 134 of the NPPF, the benefits of the proposal in terms of the schemes contribution to townscape architecture; improved sustainability and bio-diversity measures; the delivery of modern health and leisure facilities; the provision of public realm improvements; extensive landscaping and tree planting proposals and the promotion of good health and wellbeing in the city is, in this instance considered to outweigh the 'less than substantial heritage' impact of the proposed development.

## **Impact on Trees and Nature Conservation**

### **Trees**

The proposed development has been designed to provide an enhancement in the landscape quality of the site and immediate surrounding area. This is focussed on public realm areas and an improvement to the existing Ravelin Park to encourage its improved use. The level of landscaping has been designed to enhance and improve the setting and appearance of the site, which seeks to develop upon the existing Ravelin Park which is considered to be an important green open space in close proximity to the city centre.

The park is located within a designated (Tree Preservation Order) TPO (No. 0190) which adds to the strong visual character of the area and provides relief from the hard urban edge of the surrounding context. Surveys undertaken by the applicant detailed in the submitted

Arboricultural Impact Assessment (AIA) indicate that a total of 167 individual trees, ten groups of trees and seven hedgerows were assessed as part of this application. This study found that 6 trees were considered to be of high quality (Category A), 80 were considered to be of moderate quality (Category B), 74 were considered to be low quality (Category C) and 7 were considered to be very poor in quality (Category U).

Paragraph 3.1 of the AIA indicates the proposed development would require the removal of 31 no. trees to facilitate the construction of the facility, 9 no. of which would be Category B trees with a further 22 no. Category C trees being removed. The removal of five other trees has been recommended as a result of their poor condition and less than 10 years life expectancy. All five of these trees are Category U trees and offer little amenity value. Five groups of trees would be removed which are predominately rated Category C trees and 5 hedgerows would also be removed. A total of 10 no. young and recently planted trees to the south east and south west of Frewen Library would be replanted along the eastern boundary of the application site as a result of the proposed works.

The proposal in total would result in the loss 36 no. trees, 5 no. groups of trees and 5 no. hedgerows' predominately along the southern and western boundaries of the application site. A total of 12 no. trees would be removed along the Cambridge Road boundary of the site with a further 9. no trees being removed along the Museum Road boundary of the site. The remaining trees, groups of trees and hedgerows to be removed would be located centrally within the site. All trees are considered to be Category B or less with no Category A trees being affected by the proposal. None of the TPO trees included in TPO 0190 that denote the junction where Museum Road meets Cambridge Junction would be affected by the tree removal proposals. Similarly, the trees that align Museum Road would remain unaffected by the tree removal and landscaping proposals.

Having consideration to the Arboricultural Officer's comments, he acknowledges through extensive pre-app discussions and site visits undertaken prior to submission of this application that a number of poor quality trees were identified and were considered to offer low amenity value to the overall quality and context of Ravelin Park. He adds "As a consequence the content of the Arboricultural Impact Assessment and Tree Protection Plan prepared by Ben Rose and Nick Baxter on behalf of Bosky Trees dated 19 March 2018 is accepted and agreed. The tree protection plan adequately protects those trees identified for retention including the mature street trees present on Museum Road."

To mitigate the impact of the loss of 36 no. trees, 5 no. groups of trees and 5 no. hedgerows' the applicant has proposed to plant a total of 140 no. trees in the park to compliment the new site layout. The majority of new trees that have been proposed would help to soften the urban edge of the development on the Cambridge Road frontage which integrates the western elevation of the new facility and the urban arrival plaza. The set back of the building would allow for new spaces to be created that would form landscaped "rain gardens" and an urban orchard. Other new tree planting would be located along the eastern boundary of the site adjacent to Landport Terrace. This would provide relief from this busy section of highway and provide enclosure for the newly formed amphitheatre. Commenting on the new tree planting the Officer stated: "The Design and Access Statement Dated April 2018 includes an interesting palette of trees and shrubs to be introduced in substantial numbers. Overall the landscaping and arboricultural scheme offers a net increase in the quality of trees and planting within Ravelin Park. I recommend application be granted."

Having consideration to the Arboricultural Officer's comments and the submitted Arboricultural Impact Assessment & Tree Protection Plan, Arboricultural Method Statement, Submitted Design and Access Statement and Landscaping Masterplan, the loss of 36 no. trees, 5 no. groups of trees and 5 no. hedgerows is considered to be acceptable as a result of the commitment of the applicant to replant 140 no. trees and conduct extensive landscape improvements to Ravelin Park, as such the proposal is in compliance with Policy PCS 13 of the Portsmouth Plan.

## Nature Conservation

An Extended Phase 1 Habitat Survey was undertaken in November 2017 on the Site and an Ecology Report been prepared by BSG Ecology and submitted to accompany this planning application. The survey was extended to include an assessment of the potential of the habitats present on site to support protected and priority species. This included assessing the potential of the buildings and trees on the site to support roosting bats.

The report concludes that, based on the evidence obtained from site survey work, the site is considered to be of low ecological value and there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected or priority species would be adversely affected by the Proposed Development. On this basis, the report states that there are not considered to be any overriding ecological constraints to the proposals.

To enhance the biodiversity value of the site to meet the specific BREEAM credits, the proposed development has been designed to include a comprehensive landscape strategy which provides ecological and biodiversity enhancements within Ravelin Park. These include: the inclusion of a biodiverse green roof to the proposed sports/leisure facility; the installation of bee hives on the biodiverse green roof; the enhancement of the existing meadow with native wildflower species; the inclusion of an urban orchard and retention of mature trees across the site and further planting of trees (approximately 140 new trees) and hedges throughout the site.

Natural England were consulted on the planning application, their comments are set out in the consultations section of the report. Natural England acknowledged that the submitted ecology report recommends a number of sensible measures to ensure no adverse impact on legally protected species such as nesting birds and reptiles and provision of enhancement features such as bat and bird boxes, which is supported. Furthermore the provision of a green roof, rain gardens, swales, hedgerow and meadow planting, bee hives and an urban orchard. The advisor offered support for these measures which are in line with the development meeting the requirements of Portsmouth Plan Policy PCS13 and NPPF for a net gain in biodiversity.

In order to ensure compliance with paragraphs 7, 109 and 118 of the NPPF, Natural England advised that the application is carried out in accordance with the measures set out in Section 5 'Impacts, Mitigation and Compensation' of the Ecological Appraisal report by BSG Ecology (April 2018) and Landscape Masterplan (Drawing no: 6015L103, LDA Design Consulting Ltd.). Thereafter, the enhancement features shall be permanently managed, maintained and retained in accordance with the approved details in order to avoid impacts to protected species and enhance biodiversity in accordance with policy PCS13 of The Portsmouth Plan.

### **Impact on Highways**

The applicant has pro-actively worked with the Local Planning Authority throughout the course of this application in a bid to address comments and concerns raised by the Local Highway Authority (LHA).

In summary the following aspects of the highways assessment need to be considered:

- Parking/loading
- Re-distribution of parking demand
- Access

#### Parking/loading

In order to enable the construction of the sports and leisure facility the existing Ravelin Park car park in the south west corner of the site would be demolished resulting in the loss of 124 parking spaces. The development proposes a total of 72 car parking spaces within the new basement level car park, which is to be provided for staff and sport centre users. Of these car parking



spaces, 9 accessible parking spaces will be provided and 2 electric vehicle charging spaces will be provided. Suitable controls will be in place to ensure the restriction of use of the car park. Access to the proposed basement car park will be provided from Museum Road.

The Highways Officer in his response has noted that based on the modal split of users predicted, a total parking accumulation of 72 spaces would be in use, giving 100% usage at peak times. This indicates that at peak times, the facility would be able to meet optimum parking demand for users of the facility travelling by car. The Officer notes that while there are some concerns raised in regards to a lack of contingency parking, he acknowledged that there are adequate on-street parking opportunities within a comfortable walking distance. The provision of two electric vehicle charging points has also been welcomed and is encouraged for the expansion of this type of infrastructure within the facility in the future.

The development will be serviced via a new entrance located on the south side of Museum Road which would require the conversion of a section of on-street coach parking. This would create a dedicated service bay for the new facility which would facilitate servicing for the grab and go coffee facilities, office supplies and gym equipment. This service entrance would also be used for the chemical deliveries to the swimming pool which would occur every two-three weeks by tanker lorry. The submitted Transport Assessment (TA) indicates that the University seek to avoid servicing of the pool at peak times. The proposed opening hours would be 06:30-22:30 Monday-Friday and 07:30-20:30 Saturday and Sunday which would enable adequate time to avoid peak traffic. There would be a dedicated chemical store located at ground floor whilst service door on the Museum Road elevation would provide access via a stairwell to the basement of the facility. The submitted swept path analysis plans indicate that a tanker lorry approx. 12m in length required for servicing the swimming pool could access the site via Museum Road and would have sufficient turning space created by a hammer-head turning point within the site. The access and service arrangements to the site are considered to be acceptable.

#### Re-distribution of parking demand

The principal issue from a Highways perspective is the re-distribution of parking demand. The proposal would result in the loss of an existing car park used on a daily basis by University staff. Monitoring data suggests that the car park is usually full on weekdays and therefore 124 vehicles displaced by the proposals would have to find alternative parking arrangements.

The TA indicates that 81% of staff surveyed in the University's Travel Plan park their vehicles in University car parks with the remainder of staff travelling by car, split across paid and unpaid parking facilities. A spot survey was undertaken at Ravelin Park indicating that 75% of 104 respondents worked within 400m walking distance of the car park. The TA makes the case that the majority of users of the Ravelin Park car park that would be displaced as a result of the development would be willing to walk a distance greater than 400m to their place of work. The Highways officer acknowledges that he broadly agrees with this case however it is dependent on the assumption that there is an availability of spaces in alternative car parks. The TA notes that existing alternative University car parks are already occupied to capacity.

Based on likely routes to work by car, the biggest increases are predicted to be at Milldam car park (19%), Melbourne Place (12%) & Anglesea rear car park (11%). This assumes that displaced vehicles will distribute evenly across the other existing car parks and find a space. The Highways Officer indicates this would be unlikely as the respondents of the survey would already park within these locations if this was the case. Furthermore the Officer notes that given the existing occupancy rate of UoP car parks, it is unlikely that displaced vehicles travelling to their place of work by car would automatically find a space in the first car park they travel to, which in turn would create additional trip generation at peak times.

The TA suggests that there are plans to limit the issue of parking permits to staff from September 2018 based on a stricter needs assessment in relation to a staff members' travelling

distance to work which is anticipated to result in a reduction of between 150-300 staff members who are currently eligible for a parking permit. This represents between 10-20% of eligible staff which as a proportion of the approx. 800 spaces available in University car parks, would equate to between 75-150 car park spaces that could be provided back to the network to accommodate displaced vehicles as a result of this proposal. The Highways Officer notes that these staff members would still presumably need to park somewhere within the vicinity of their place of work. Whilst some would likely be encouraged to change their mode of travel as a result of losing a parking permit, for many this would not be an option or their choice of travel to work.

Further to measures to reduce the number of parking permits to staff the University's Masterplan indicates the lower level of the existing Melbourne Place car park would be refurbished to provide an additional 45 spaces that are currently out of use; it is advised that funding has been secured and that this work is anticipated to be undertaken late 2018/early 2019.

It is considered that these measures would free up sufficient space to accommodate the displaced users of the Ravelin car park. The Highways Officer notes that " there can be no reasonable control applied to any planning permission to ensure that these spaces are made available and as such these cannot be taken into account in the assessment of the proposal and as a consequence I have no confidence that the displaced vehicles from Ravelin car park can be accommodated elsewhere."

Further to negotiations with the applicant, in order to provide greater certainty that the displaced vehicles from Ravelin Park car park can be accommodated in other UoP car parking facilities, the Highways Officer has suggested a series of planning conditions to enable the provision of 45 additional car parking spaces at Melbourne Place prior to the occupation of the facility and that the 72 onsite parking spaces proposed are provided and retained for staff and visitors of the sports centre. The Technical Note (Prepared by Mott MacDonald dated: 04/06/2018) submitted on behalf of the applicant indicates that a condition is recommended that the development shall not be occupied until such a time as the Melbourne car park is refurbished. "The University of Portsmouth will accept such a condition to enable the planning authority to have confidence that the displaced trips can be accommodated."

In light of this commitment from the University, it is considered that the provision of 45 additional car parking spaces at Melbourne Place prior to the occupation of the new facility, paired with measures to free up capacity through stricter controls on University permits resulting in the provision of approx. 75-150 car parking spaces would enable displaced vehicles as a result of this development to find an alternative parking space within the network of existing UoP facilities.

## Access

In terms of access, the Highways Officer noted some concerns regarding the loss of parking spaces for coaches as a result of a newly formed service access on to Museum Road and the potential loss of visibility at this junction. The applicant has since indicated in the submitted Technical Note that the University would agree to the Highways Officer's recommendation to build-out this access in line with the existing parking bays which would allow the length of coach parking bays to be increased, minimising the loss of coach parking and improve visibility at the junction.

In terms of access the LHA identified that consideration should be given to facilitating servicing using the improved access, in order to reduce the frequency of vehicle accesses along Museum Road and also prevent Lorries from having to travel across the park. The Technical Note (dated: 04.06.2018) has provided an interpretation of different service access arrangements that would have a greater impact in terms of a loss of trees and further loss of coach parking spaces. The pool servicing strategy involves chemical deliveries to an internal bulk storage container. Best practice prohibits the delivery hose from crossing a public area or footpath. The Design Team recommends that the current proposals (access via the Rotunda) are the most practical

solution, and minimises potential conflict with other building users and the public. Further work will be undertaken to mitigate the impact of the deliveries onto the park and its users. For instance, the deliveries could be arranged during the hours when the park has minimal use and will be managed around the events schedule. Other potential measures include the use of staff to marshal deliveries and demarcation of the delivery route within the park.

Concluding on access, the Highways Officer stated: "In principle I am satisfied that the main access can be accommodated safely and that adequate visibility."

In light of this, the LPA is satisfied that the proposed service access arrangements to the swimming pool via the rotunda entrance off Museum Road is the safest and most practical route for this essential maintenance. The University have indicated that these works would be conducted at off peak times to avoid disruptions to the road network and users of the park. Furthermore, the submitted swept path analysis diagrams, Transport Assessment and associated Technical note indicate that there would be adequate visibility for cars, buses, panel vans and tanker lorries to access and egress from the two proposed vehicular entrances.

### Sustainable Design and Construction

All development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD). Both the policy and SPD require non-domestic developments to achieve a BREEAM level 'Excellent', as well as further minimum standards in terms of cyclist facilities and low or zero carbon (LZC) energy technologies.

An Energy and BREEAM Statement submitted with the application indicates target scores of 88.8% for the new sports and leisure facility with the potential to rise to 99.34% which would enable the building to achieve a BREAMM level "Outstanding".

The Design and Access Statement outlines the proposed sustainable credentials of the overall scheme. This concludes that an energy efficient design is proposed with key aspects of the sustainable approach including; flexible building design, a reduction in emissions and energy conservation measures. As such the Proposed Development complies with Core Strategy Policy PCS15, the NPPF (paragraph 65) and PPG. The Sustainability and Energy Strategy Report (S&ES) submitted in support this Application provides a summary of the key aspects of sustainability incorporated into the design and management of the Proposed Development against the requirements set out within Core Strategy Policy PCS15 'Sustainable Design and Construction'.

The S&ES confirms that the proposed development would be an exemplar of sustainable design, construction and operation and will be the first sports centre in the UK to achieve an 'Outstanding' BREEAM rating. The development would also adopt a Soft Landings process, which includes 2 years of aftercare to ensure the lowest possible energy in operation is achieved. The scheme will incorporate all aspects of sustainability, including the incorporation of all specific BREEAM credits requires by PCC's Sustainable Design and Construction SPD, such as low energy design, provision of renewables and cycling facilities. In relation to renewable energy, a feasibility study confirms that Photovoltaic panels ('PV') is the most suitable and cost-effective approach for on-site renewable energy generation for this scheme. An initial PV roof arrangement analysis has indicated that there is space within the development for approximately 700 panels, providing 250MWH/yr of power.

It is considered that the proposal complies with the aims and objectives of Policy PCS15 and the SPD. The residential element of the proposal would be fully in line with the current requirements of Policy PCS15. It is also positive to see the inclusion of a green and biodiverse roof above the residential element partly to provide drainage attenuation but also to provide ecological benefits.

Southern Water has indicated that there is currently insufficient information available to confirm whether foul and surface water sewer capacity is available to serve the proposed development and further investigation of the downstream sewerage network is required. In order to overcome this issue Southern Water have suggested the imposition of planning conditions seeking the submission and approval (in consultation with Southern Water) of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable. The details of further off-site infrastructure works (if required) will need to be discussed and agreed between the applicant and Southern Water. This would not amount to a reason to withhold the grant of planning permission.

### **Impact on Amenity**

The surrounding area comprises a mixture of uses but is mainly comprised of: educational/ residential uses to the south; residential/ retail uses to the west; residential/ office uses to the east whilst the City Centre is to the north of the application site. The Royal Navy has numerous assets located close by, most notably HMS Temeraire (Burnaby Road) which serves as a sports facility for service members. Furthermore, a large proportion of the University of Portsmouth's teaching facilities are located close by, most notably a cluster of buildings on the northern end of Burnaby Road which include: The Burnaby Building; Burnaby Terrace; The Portland Building; The Richmond Building and the Dennis Sciama Building amongst others. Gunwharf Quays is located to the north-west of the application site which is a comprehensive retail, leisure and residential development and an important city asset.

Given the separation distance of the application site with any immediate adjoining residential occupiers, the proposed development is not considered to have a significant impact on the amenity of neighbouring occupiers in terms of a loss of light, greater sense of enclosure, or a loss of privacy.

In terms of the impact on operational noise, the Environmental Health Officer acknowledges a noise assessment (ref: UOP-MMD-XX-XX-RP-Z4-0000\_018\_Noise Assessment Report) has been submitted in support of the application. This report includes an assessment of the prevailing noise conditions prior to the development, an assessment of noise and vibration during the construction phase and an assessment of noise limits for plant to be installed as part of the development. The officer indicated that he was satisfied with the assessments and the conclusions of the report.

A number of conditions have been suggested by the Officer in order to determine operational noise levels of the proposed plant systems that would service the building. Furthermore conditions relating to air quality, construction noise/vibration and impact of dust have also been considered and can be approximately managed through the implementation of a Construction Management Plan.

In light of the recommendations of officers, the proposed development is not considered to have a significant impact on the amenity of neighbouring occupiers in accordance with Policy PCS 23 of the Portsmouth Plan. Matters raised in representations in relation to the design impact of the scheme, highways impact and loss of open spaces have been assessed in the relevant sections above.

**RECOMMENDATION** - That delegated authority be granted to the Assistant Director of Regeneration to add/amend conditions where necessary.

### **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: UOP-FBA-Z1-00-DR-A05\_10\_001 REV P1.1 UOP-FBA-Z2-00-DR-A-05\_10-100 REV P1.1 UOP-FBA-Z1-00-DR-A-00\_10-000 REV P1.1 UOP-FBA-Z1-01-DR-A-00\_10-100 REV P1.1 UOP-FBA-Z1-02-DR-A-00\_10-200 REV P1.1 UOP-FBA-Z1-03-DR-A-00\_10-300 REV P1.1 UOP-FBA-Z1-B1-DR-A-00\_10-B100 REV P1.1 UOP-FBA-Z1-XX-DR-A-00\_10-01 REV P1.1 UOP-FBA-Z1-XX-DR-A-00\_10-02 REV P1.1 UOP-FBA-Z1-XX-DR-A-00\_10-51 REV P1.2.

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

a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction,

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

- 5) Notwithstanding the details shown on the approved plans, before construction of any building above ground level precise details, including samples, of the external materials and architectural detailing (including type, texture and bonding pattern of brickwork, details of cladding, curtain walling and doors and windows), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) No construction shall take place until the submitted details of the Written Scheme of Investigation (Written Scheme of Investigation Mitigation Works- Mitigation Works for University of Portsmouth, Sports Building at Ravelin Park, 23 May 2018) have been fully implemented. Before the development is first brought into use a report of findings prepared in accordance with an approved programme of archaeological assessment (including where appropriate post-excavation assessment, specialist analysis and reports, and publication) shall have been submitted to and approved in writing by the local planning authority.
- 7) The development hereby approved shall not be occupied until such a time as details have been submitted to and approved in writing by the Local Planning Authority in relation to the provision of 45 additional car parking spaces at the Melbourne Place car park (or alternative acceptable location). The approved details should thereafter be retained for use by University staff.
- 8) The development hereby approved shall not be occupied until such a time as 72 on-site parking spaces are provided in accordance with approved plans. The parking spaces shall be thereafter retained for use by staff and visitors of the sports centre.
- 9) Prior to the first occupation of the development a s278 agreement is required to be submitted and approved by the Local Highways Authority for works to be completed to the Highway and the agreed works are to be thereafter retained.
- 10) Prior to the first occupation of the building, details of cycle parking shall be submitted to and approved by the Local Highways Authority in accordance with Parking Standards and Transport Assessments SPD (2012).
- 11) Unless otherwise agreed in writing with the Local Planning Authority the development hereby approved shall be carried out in accordance with the measures set out in Section 5 'Impacts, Mitigation and Compensation' of the Ecological Appraisal report by BSG Ecology (April 2018) and Landscape Masterplan (Drawing no: 6015L103, LDA Design Consulting Ltd.). Thereafter, the enhancement features shall be permanently managed, maintained and retained in accordance with the approved details
- 12) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the approved 'Arboricultural Method Statement (BOSKY TREES: Arboricultural Method Statement for development works at Ravelin Park University of Portsmouth dated: 11th April 2018) for the safeguarding of all trees within the application site and all trees and shrubs within Ravelin Park on the boundary with the site not scheduled for removal during the course of the site works and building operations; and  
(b) Such methods of safeguarding and protection as set out by part (a) of this condition shall be maintained for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.
- 13) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the approved 'Arboricultural Impact Assessment' (BOSKY TREES: Arboricultural Impact Assessment & Tree Protection Plan for trees at Ravelin Park University of Portsmouth dated: 11th April 2018) for the safeguarding of all trees within the application site and all trees and shrubs within Ravelin Park on the boundary

with the site not scheduled for removal during the course of the site works and building operations; and

(b) Such methods of safeguarding and protection as set out by part (a) of this condition shall be maintained for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

14) (a) Unless otherwise agreed in writing with the Local Planning Authority, no construction of any building above ground level shall commence until a detailed soft landscaping scheme which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority;

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

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

15) (a) Unless otherwise agreed in writing with the Local Planning Authority, no construction of any building above ground level shall commence until details of all hard surface treatments and street furniture proposed across the application site including the types, textures and colour finishes (and samples as may be required), have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority); and

(b) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied/brought into use until all hard landscaping works (to Cambridge Road and Museum Road) have been carried out in full accordance with the details agreed pursuant to part (a) of this condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980.

16) Written documentary evidence shall be submitted to, and approved in writing by the Local Planning Authority in an agreed timeframe demonstrating that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), \*\*including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.

17) The sports and leisure facility hereby permitted shall not be brought into use until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports and leisure centre and will include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used otherwise than in strict compliance with the approved agreement.

18) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details of (i) the proposed means of foul and surface water sewerage disposal, and (ii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), have been submitted to and approved in writing by the Local Planning Authority; and

(b) No part of the development shall be occupied/brought into use until the drainage works have been carried out in full accordance with the details agreed pursuant to part (a) of this condition, unless otherwise agreed in writing by the Local Planning Authority

19) No development shall take place until details of the measures to be undertaken to protect the public sewers shall have been submitted to and approved in writing with the Local Planning Authority. Such approved measures to protect the public sewers shall be implemented and retained during construction works and the sports/leisure facility shall not be brought into use until the drainage works have been carried out in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

20) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

21) Prior to the installation of mechanical plant an assessment of noise from the operation of all plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. The report shall demonstrate that noise from the mechanical plant, including mitigation where necessary, will be designed to ensure that rating levels at the nearest noise-sensitive premises do not exceed:

-Daytime (07:00-23:00): 46dB LAeq,(1 hour)  
-Night-time (23:00-07:00): 37dB LAeq,(15 mins)

22) Noise from the demolition and construction phase of the development shall not exceed 75 dB LAeq,1 hour as measured at any neighbouring sensitive use. Demolition and construction work shall be restricted between the hours of 07:30 and 18:00 Monday to Friday and the hours of 08:00 and 13:00 on Saturdays. No demolition or construction work involving plant or hand-tools shall take place on Sundays or Bank Holidays. A scheme to monitor and mitigate noise from demolition and construction shall be submitted to the planning authority for approval prior to the start of demolition and construction.

**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 that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential for the remains of buildings dating from the earliest settlement phase of the area (17th -18th century) to survive within the site and



ensure information is preserved by record for any future generations, in accordance with policy PCS23 and the aims and objectives of the NPPF.

- 7) To ensure adequate provision of onsite parking in the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.
- 8) To ensure adequate provision of onsite parking in the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.
- 9) In the interests of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.
- 10) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 11) In order to avoid impacts to protected species and enhance biodiversity in accordance with policy PCS13 of The Portsmouth Plan.
- 12) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the setting of Ravelin Park in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.
- 13) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the setting of Ravelin Park in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.
- 14) To secure a high quality setting for the new sports and leisure facility on a prominent and important site and to provide an appropriate setting for nearby heritage assets in the interests of visual amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan, and the aims and objectives of the National Planning Policy Framework.
- 15) To secure a high quality setting for the new sports and leisure facility on a prominent and important site and to provide an appropriate setting for nearby heritage assets in the interests of visual amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan, and the aims and objectives of the National Planning Policy Framework.
- 16) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 17) To secure well managed safe community access to the sport and lesiure facilities, to ensure sufficient benefit to the development of sport and to accord with Policy PCS13 of the Portsmouth Plan.
- 18) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, in accordance with Policy PCS12 and PCS16 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 19) To ensure existing infrastructure is protected during the course of construction works in accordance with policy PCS12 and PCS16 of the Portsmouth Plan.
- 20) To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.

21) To ensure that acceptable noise levels within the sports and leisure facility are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

22) To ensure that acceptable noise levels during the construction and demolition phases of development are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

#### PRO-ACTIVITY STATEMENT

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

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LAND ADJ. TO (SOUTH OF) CATHERINE HOUSE STANHOPE ROAD PORTSMOUTH PO1 1DZ

**MIXED-USE DEVELOPMENT COMPRISING THE CONSTRUCTION OF: 16-STOREY BUILDING TO PROVIDE 147 DWELLINGS AND ASSOCIATED FACILITIES (CLASS C3); 19-STOREY BUILDING TO PROVIDE 222-BED HOTEL (CLASS C1), OFFICES (CLASS B1A), EVENTS SPACE (CLASS B1A/CLASS D2), 'SKY BAR' (CLASS A3/A4), RESTAURANT/BAR (CLASS A3/A4), AND GROUND FLOOR CAFÉ/RESTAURANTS (CLASS A3) TALLING 16,344SQM (GEA) OF NON-RESIDENTIAL FLOORSPACE; BASEMENT PARKING AND PLANT AREAS WITH ACCESS FROM STANHOPE ROAD; ASSOCIATED FACILITIES AND LANDSCAPING WORKS TO COMMERCIAL ROAD, STANHOPE ROAD AND ENTRANCES TO VICTORIA PARK.**

**Application Submitted By:**

Terence O'Rourke Limited  
FAO Mr Luke Vallins

**On behalf of:**

THAT Group

**RDD:** 13th October 2017

**LDD:** 24th January 2018

**SUMMARY OF MAIN ISSUES**

The key issues in this application relate to the principle of the development including the introduction of tall buildings, design including impact on heritage assets, the provision of affordable housing, highways implications, living conditions for future residents and the amenity of neighbours, sustainable design and construction, and impact on nearby nature conservation.

**The Site**

The application relates to a vacant area of land situated at the junction of Commercial Road and Stanhope Road, directly opposite Portsmouth and Southsea railway station. The site was former used as a surface level car park associated with the neighbouring office development known as 'Zurich House' which has recently been redeveloped to provide a large student halls of residence (995-study bedrooms) now known as Catherine House. The application site also incorporates areas of adopted highway on Commercial Road and Stanhope Road, a pedestrian entrance to Victoria Park along the southern edge of the site parallel to a railway embankment, a new 'boulevard' and entrance into Victoria Park created by the Catherine House development and a layby on Stanhope Road (totalling approximately 0.39ha).

The application site is located principally within the 'Station Square & Station Street' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan although also extends into the 'The Guildhall Area' locality. To the south and south-west the site abuts Victoria Park which is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. Along the southern boundary the application site also extends into the "Guildhall & Victoria Park' Conservation Area (No.18). To the north and east, the site forms part of the immediate setting of the former Drill Hall (Stanhope Road) and Portsmouth & Southsea Railway Station (Commercial Road/Station Street) respectively with the Portsmouth War Memorial and the Guildhall located to

the south of the railway embankment. All of these buildings and structures are Grade II or II\* listed.

Commercial Road immediately to the east forms a key pedestrian connection between civic and university uses to the south and the main shopping precinct to the north. Together with Stanhope Road these form key frontages into the city centre at a prominent gateway site for those arriving in to the city centre by train or bus. The south and western boundaries are much quieter in character forming entrances into Victoria Park. The western 'boulevard' has recently been laid out to create a new entrance into the Park improving legibility and linkages with the shopping precinct.

## **The Proposal**

Planning permission is sought for a mixed use development comprising two separate tall buildings connected at basement, ground and first floor level only. To the southern side of the site this would include a 16-storey building accommodating 147 dwellings (Class C3 - 89 x 1-bed & 58 x 2-bed) with its entrance to the north-west corner adjacent to the new main entrance into Victoria Park. To the northern side of the site a 19-storey building (with an open plant level above) would comprise a 222-bed hotel (Class C1) across 14 floors, offices (Class B1a) across three floors, a flexible events space (Class B1a/Class D2), and a 'sky bar' (Class A3/A4) at 18th (top) floor level. At ground and first floor levels a restaurant/bar (Class A3/A4) would front onto the new boulevard and café/restaurants (Class A3) would be located at ground floor level fronting onto Commercial Road (a total of 16,344sqm (GEA) non-residential floorspace). A basement level accessed from Stanhope Road would provide 41-car parking spaces and ancillary plant and service spaces. Hard and soft landscaping works are also proposed to the Commercial Road and Stanhope Road frontages, within the boulevard and along the southern access into Victoria Park.

## **Relevant Planning History**

- Planning permission was granted in 2015 (ref.15/00821/FUL) for the change of use of 'Zurich House' to form a student halls of residence (405 Study bedrooms), the construction of a part 9/11/12-storey building to form a student halls of residence (595 Study bedrooms) with retail at ground floor level and pedestrian link from Stanhope Road to Victoria Park (Station Square site 4/5 within the City Centre Masterplan SPD and now known as Catherine House). This development is now complete and occupied.

- Planning permission was granted in 2011 (ref.10/00935/FUL) for the change of use of 'Zurich House' from offices (Class B1a) to a 210-bedroom hotel and 93-suite aparthotel (both in Use Class C1) with an extension to the rear including undercroft area up to 475sqm; the construction of an 11-storey building to form a 243-bedroom hotel (Class C1) up to 9509sqm of gross internal floorspace and the construction of part 6/7/8-storey building to form offices (for Class B1a use) up to 7773sqm, 2 units for restaurant/cafe uses (Class A3) up to 833sqm with 55 residential flats, above a new basement accessed from Stanhope Road for parking/plant; and associated landscaping. This included the application site but was not implemented.

- Planning permission was granted in 2010 (ref.08/02253/FUL) for the change of use of 'Zurich House' from offices (Class B1a) to a 207-bedroom hotel and 47-suite aparthotel (both in Class C1) with an extension to rear undercroft area up to 359sqm; the construction of an 11-storey building to form a 243-bedroom hotel (Class C1) up to 9509sqm of gross internal floorspace and the construction of a part 6/7/8-storey building to form offices (for Class B1a use) up to 7773sqm, 2 units for restaurant/cafe use (Class A3) up to 833sqm with 55 residential flats, above a new basement accessed from Stanhope Road for parking/plant; and associated landscaping. This included the application site but was not implemented.

Planning permission was granted in 2003 (ref.A\*28733/AJ) for the construction of a 7-storey office building with basement parking within the surface level car park to the south of Zurich

House. This was a renewal of planning permission A\*28733/AG which in turn was a renewal of planning permission A\*28733/AB. This included the application site but was not implemented.

Within the surrounding area:

- Planning permission was granted in December 2017 (ref.17/00228/FUL) for the construction of a part 10/12-storey building to form a 152-bedroom hotel on the site immediately north of Catherine House (Station Square site 5 within the City Centre Masterplan SPD). This development is currently under construction.

- Planning permission was granted in August 2017 (ref.16/01537/FUL) for the construction of an 18-storey building to form a student halls of residence (256 Study bedrooms) with retail at ground and first floor level immediately to the north of the application site on the opposite corner of Stanhope Road and Commercial Road (91-95 Commercial Road - not identified as an opportunity site within the City Centre Masterplan SPD). This development is currently under construction.

- Planning permission was granted in July 2016 (ref.16/00142/FUL) for the construction of a 23-storey building to form a student halls of residence (576 Study bedrooms) at Surrey Street just to the east (Station Square site 8 within the City Centre Masterplan SPD). This development is currently under construction.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS10 (housing delivery), PCS11 (employment land), PCS13 (A greener Portsmouth), PCS14 (a healthy city), PCS15 (sustainable design and construction), PCS16 (infrastructure and community benefit), PCS17 (transport), PCS19 (housing mix, size, and the provision of affordable housing), PCS21 (housing density), PCS23 (design and conservation) and PCS24 (tall buildings). Saved policy DC21 (contaminated land) of the Portsmouth City Local Plan 2001-2011 would also be relevant.

Site-specific policy - PCS11 (employment land) covers the entire city centre including the application site which previously formed part of a larger office development known as Zurich House. PCS11 seeks to promote sustainable economic growth through a supply of good quality office, manufacturing and warehouse land and floorspace also known as 'employment uses' (use class B1, B2 and B8). The policy identifies the Station Square and Station Street area as a location within the city centre where new office development will be expected to be delivered.

Policy PCS4 and the related City Centre Masterplan also highlight that a substantial increase in office floorspace is expected although states that opportunities for hotels for alternative mix of uses could be considered in this highly visible and accessible location including hotels, residential, leisure and ground floor retail/café restaurant uses (Site 4 of the Masterplan).

Objectives 1-8 as set out within the Portsmouth Plan echo the principles of the National Planning Policy Framework with the aim of making Portsmouth an attractive, accessible, healthy, safe and sustainable city with a strong economy, employment opportunities for all and affordable/quality housing where people want to live.

National Planning Policy Framework - At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (paragraph 14).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and

environmental. This proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

- 17 - Core planning principles for decision making;
- 19 - Significant weight on the need to support economic growth through the planning system;
- 32 - Transport Statements and Assessments;
- 34 - Locate developments generating significant movement where need to travel minimised;
- 35 - Development designed for sustainable travel;
- 56 - Great importance to design and good design indivisible from good planning;
- 57 - Requires high quality and inclusive design in the built environment;
- 61 - Decisions should address connections between people and places;
- 62 - Local design review arrangements provide support to ensure high design standards;
- 64 - Refuse poor design that fails to improve the character and quality of an area;
- 96 - New development should minimise energy consumption;
- 118 - Principle should be applied to conserve and enhance biodiversity;
- 120 - Responsibility for a safe development where a site is affected by contamination;
- 121 - Site to be suitable for its new use taking account of ground conditions;
- 123 - Impacts of noise and air quality should be mitigated and managed;
- 128 - Applicants should describe the significance and potential impact on any heritage assets;
- 129 - LPA's should assess significance of any heritage asset, including its setting;
- 132 - Great weight should be given to conservation of heritage assets;
- 133 - Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm;
- 134 - Less than substantial harm to heritage assets should be weighed against public benefits;
- 135 - Significance of non-designated heritage assets should be taken into account;
- 139 - Weight to non-designated heritage assets of archaeological interest (where significant);
- 196 - Applications must be determined in accordance with the development plan;
- 197 - Presumption in favour of development; and
- 204 - Use of planning obligations and conditions to make development acceptable

The City Centre Masterplan SPD (January 2013) is a material planning consideration when determining planning applications within the city centre and (at pages 42-48) identifies 'Site 4: Station Square west' as a 'significant gateway site' and states that there is an 'important opportunity to develop the site for a mix of city centre uses within a striking built form that contributes to the skyline of Portsmouth', that a positive interface with Victoria Park must form part of the layout, that buildings should enhance the public realm by animating the surrounding streets and Victoria Park, and residential uses should also front into Victoria Park. The masterplan also provides guidance on general design principles on a range of issues, such as access points, key building elevations, active edges, storey heights, planting, materials, lighting and street furniture; the purpose of the design principles is to ensure that new development and public realm improvements are of the highest quality.

Policy PCS24 of the Portsmouth Plan and The Tall Buildings SPD (June 2012) identify a number locations where tall buildings may be acceptable within the city. The city centre is one of the areas identified as an 'area of opportunity' for tall buildings (defined as any building above 5 storeys or 20m or above in height). To facilitate and encourage the design of tall buildings of the highest quality, the SPD also identifies criteria which any tall building should address.

Other Supplementary Planning Documents (SPD) also provide relevant policy guidance: Parking Standards and Transport Assessments SPD (July 2014); Sustainable Design & Construction SPD (January 2013); Reducing Crime Through Design SPD (March 2006); and Achieving Employment and Skills Plans (July 2013).

## CONSULTATIONS

### Coastal and Drainage

The proposal seems well considered and the drainage team welcome the green roof and rainwater harvesting strategy. It is not clear how the basement level car park will be drained, or indeed if drainage is required. Tanking the structure's basement perimeter to reduce the risk of groundwater ingress is recommended.

### Licensing

No comments received.

### Tree Officer

The content of Tree Report Arboricultural Impact Assessment WIT-17-21-012-aia prepared by Wayne Isaacson dated 22 September 2017 is accepted and agreed.

If the measures outlined within the report are adopted the development should have no impact upon the adjacent trees. The loss of T1 is accepted - contained within a raised brick planter which is damaged, root development is constrained significantly and although prominent and of considerable amenity value the future contribution is limited.

The use of *Metasequoia glyptostroboides* is a bold suggestion, however as a tree which appears to require full sun or partial shade its positioning to the north of two multi storey structures is questioned.

There are no arboricultural objections to this proposal.

### Contaminated Land Team

The Contaminated Land Team (CLT) has now reviewed the following report in relation to the above application:

c) Remedial Proposals Report, Portsmouth Point, Stanhope Road, Hampshire, PO1 1DU, GEA Ltd., Report Ref: J17186, 29 September 2017.

Previously the appendices weren't included, and as such a full review could not be carried out. This report provides recommendations for remedial works on land to the south of Catherine House based on the findings of the following reports which were carried out for the wider area, mainly Catherine House to the north/northwest and land north of the former Zurich House:

a) Desk Study and Ground Investigation Report, Zurich House, Stanhope Road, Portsmouth, GEA Ltd., Report Ref: J10169 Issue 19th October 2010;

b) Ground Investigation Report, Zurich House, Stanhope Road, Portsmouth, GEA Ltd., Report Ref: J15094, December 2015;

Given the lack of information provided on the previous submission the CLT requested full conditions are applied to any planning approval granted. Comment can now be provided on the remedial proposals which are set out below and any conditions still required should planning approval be granted:

1. Two potential sources of contamination have been identified on site through the above investigations and additional sampling carried out during service trench excavations on site and the adjacent land; these were lead and asbestos free fibres. Chrysotile and amosite fibres to a maximum concentration of 0.14% have been found with lead concentrations up to 2000mg/kg. From the description of the development provided within the report (16-storey building and 19-storey building connected by a two storey podium, with a single level basement for car parking, extending to a depth of 3.30m below, mixed use, including a hotel, residential, offices and retail space with no soft landscaped areas) it is agreed that the following will require consideration/remediation:

- Site workers and the surrounding public/environment during the works;
- Services;
- Any unexpected contamination encountered;
- Soft landscaped areas if any are added into the proposals.

2. Section 3.2.1 says that a watching brief will be maintained as part of the groundworks. The remedial strategy will need to name the nominated appropriate person who will oversee works and have the appropriate level of experience working on contaminated sites. They will be responsible for stopping works on site should any unexpected materials or materials of concern be encountered, and contacting GEA Ltd. or other nominated environmental consultant to discuss and agree the most appropriate way forward. The CLT should also be contacted at this point. The report should be amended to include this level of detail in order to satisfy the previous conditions recommended (namely 1c). It is noted that much of this information is included in section 3.2.3 - the competent person (site manager noted) needs to be specified in the report.

3. The method of working on site will need to be provided to the CLT either as part of an amended remedial strategy or an addendum to it. The site is considered a medium risk site based on the JIWG Decision Support Tool for the Categorisation of Work Activities Involving Asbestos in Soil and Construction & Demolition Materials in accordance with the Control of Asbestos Regulations 2012. As such it is agreed that a qualified asbestos professional must be present on site during any ground work involving excavations and movement of soils. Details of who this will be and their role will need to be specified within the remedial strategy.

4. PPE/RPE required on a site with concentrations of asbestos up to 0.14% must also be discussed and detailed in the construction method statement. This is likely to include as a minimum an EN140 half mask with P3 filter and somebody trained in fitting this RPE will need to be present on site during the works. An appropriate risk assessment such as the JIWG decision making tool should be used to specify and justify the level of RPE required.

5. It is agreed that dust suppression and asbestos monitoring will need to be undertaken during the groundworks. The report states that further details of which should be provided by the contractor in a separate document. In this regard if submitted separately it should then be included as an appendix in an updated remedial strategy, as all methods of working with regard to contamination should form the agreed remedial strategy in order to address part 1c of the pre-commencement contaminated land condition. On the adjacent site this was provided by Envirochem (Risk assessment and method statement for Asbestos Air Monitoring during groundworks and piling at Zurich House, 91 Stanhope Road, Portsmouth, PO1 1DU, Envirochem, 03 December 2015).

6. New services will need to be backfilled with clean inert material as detailed in section 3.2.4. In addition, in order to protect future maintenance workers all services should be lined with a suitable geotextile to separate clean backfill material from surrounding soils. This detail should be added to the remedial strategy and the report amended.

Given the above points the CLT consider conditions relating to contamination are still required. Although parts 1a and 1b are partly satisfied, the full conditions are still requested as further sampling may be required to inform risk assessments. Once the above points have been addressed point by point to the satisfaction of the CLT, with any amendments highlighted in an amended remedial strategy report, the pre-commencement condition can be discharged.

### **Environmental Health**

In terms of Environmental noise and air quality the primary issue associated with the proposed development is the amenity of future residents within the proposed residential dwellings.

The potential for loss of amenity could be due to the following:

- 1) Noise associated with the operation of the Pryzm Nightclub (licensed to 04:00hrs)
- 2) Noise from the operation of the adjacent railway line.



- 3) Noise from any plant / machinery associated with the development.
- 4) Noise / odour from the operation of kitchen extract systems associated with the operation of the proposed A3 uses on the ground floor.

The layout of the development indicates that the residential dwellings are to be located to the south of the development adjacent to the railway line; therefore the hotel building should provide a significant degree of protection from activities associated with the operation of the night club.

Having reviewed the acoustic report submitted with the application the proximity to the railway line should not be an issue providing appropriate mitigation measures are employed to the structure of the building.

The submitted ventilation strategy statement confirms that all extraction systems will vent at roof level consequently the impact of odour emissions will be minimal and should not require further abatement measures.

If permission should be considered appropriate, the EHT would recommend conditions in respect of the insulation of habitable rooms against noise, the installation of fixed plant and equipment, opening hours and deliveries are imposed.

### **Highways Engineer**

Initial Comments - 5th December 2017 - The LHA is generally comfortable with the proposed site access and servicing arrangements although the doors at ground floor are all shown to open outwards into pedestrian areas. These should either open inwards or be protected with planters to avoid them being opened into the path of pedestrians. It will be necessary to ensure that the layby is available to facilitate servicing of the site and to that end any consent should be subject to a Grampian condition requiring a TRO to be in place on the layby limiting its' use to a loading bay prior to the occupation of the development. The developer will be required to enter into a S278 agreement with the LHA to establish the access arrangement and progress such a TRO. A stopping up order will also be required to facilitate the development on the eastern part of the site which may also require an over-sailing licence.

Given the city centre location and proximate committed developments likely to be under construction during the same period it is essential that this application is supported with a construction management plan.

This site is arguably the most accessible site by sustainable and active travel modes within Portsmouth being located within the city centre in close proximity to the rail station and within the zone which is found to be sufficiently accessible that a reduction in the parking standard from that prescribed in the SPD for the residential element can be considered. However neither the Transport Statement (TS) nor the Travel Plan (TP) make any practical assessment of the transport demands associated with the residential component of the scheme nor make a compelling case for a zero base vehicle parking position for the residential element as is required in the Parking Standards and Transport Assessments SPD. Whilst the LHA is confident that there is a case to be made for a reduction in the residential parking standard the LHA is not convinced that will facilitate a zero parking solution without the 5% provision required for disabled persons' parking spaces.

Paragraph 6.3.2 of the TS, notes that cycle parking will be provided in a secure dedicated cycle storage area on the ground floor although exact numbers of cycle parking spaces are not detailed and there does not seem to be scope to meet the cycle parking standard within the space indicated on the application drawing. This information together with any case for a reduction in the cycle parking standards is fundamental to the assessment of the development proposal from a transport perspective.

The commercial components of the scheme are addressed in greater detail in the TS. Whilst the LHA is comfortable that these are unlikely to generate sufficient traffic movements such that

they would have a material impact on the operation of the local transport network, the Parking Standards and Transport Assessments SPD requires that any planning application includes robust evidence to justify proposed parking provision. The TS only considers 4 hotels as comparators to the proposal outside of London with each of those having significantly fewer bedrooms. Analysis of those suggests a parking provision of 0.44 spaces per bedroom which would suggest a parking requirement for the proposal of 98 spaces for the 222 bed hotel.

The TA considers the London based hotels in the analysis and determines a likely parking demand in the range of 28 - 69 spaces. Only 41 spaces are shown in the proposed basement level car park with reliance placed on other existing town centre car parks to make up any shortfall. The TA recognises that the future rationalisation of city centre parking in Portsmouth will lead to a reduction in availability of off road parking spaces in the vicinity of the site and that the existing car parks have limited capacity although provides no assessment of the scope for these car parks to meet the hotel parking demand which is not provided for onsite. The detail provide in the TA needs to be extended to better justify the level of parking proposed for the hotel aspect of the application.

In terms of the other commercial uses the application does not propose any on site vehicle parking provision rather contends that no parking is in line with the SPD given the highly accessible city centre location of the site. This is not in accord with the SPD which requires an assessment of the parking demand likely to arise from the non-residential components of the development and justification of the case for the number of spaces proposed to be provided. Non-residential cycle parking is proposed in accordance with the relevant BREEAM standard As the application stands whilst the LHA has no objection in principle to the proposal:

- insufficient information is provided to allow a proper assessment of the likely parking demand or justification of the proposed vehicle and cycle parking provision the requirement for such having been made clear in the pre application discussions
- neither the TA nor TP address the residential component of the scheme appropriately
- no construction management plan is provided which is an essential component given the city centre location and proximate committed developments likely to be under construction during the same period.

In that light the LHA must recommend refusal of the application on the basis of the inadequacy of the supporting information provided.

Updated Comments - 9th March 2018 - The LHA has reviewed the additional transport information received on the 26th February 2018 and would make the following observations: The additional information provides indicative trip rates for the non-hotel land uses and distributes those by mode on the assumption that none of the trips will be made by private car. I'm comfortable that the trip rates are reasonable and that the redistribution between modes is also fair provided that the assumption that none of these trips will be made by car is sound. Unfortunately the additional information provides no justification for that assumption and no evidence base is provided to support the contention that none of the residential occupiers will seek to own a private car.

Correspondence with the prospective hotel operator submitted as an appendix to the additional transport information indicates a requirement for between 40 and 50 dedicated car parking spaces to facilitate that use. Only 41 spaces are shown in the proposed basement level car park making provision at the bottom end of the operational requirement.

There is also a redacted email included in the appendices which seems to relate to the residential element of the proposal indicating that the future operator of the site is comfortable with no car parking provision and the 90 proposed cycle parking spaces. However this is not a sufficiently robust evidence base to justify the relaxation of the parking standard as is proposed and does not address the parking requirement of disabled residents or visitors. In that light the LHA must maintain the position explained in its representation of 5th December 2017 above.

Update Comments 24th April 2018 - The LHA have reviewed the further information provided by Paul Basham Associates in support of the case for the residential element of the scheme to be car free although this does not advance the case. The additional information provides merely reiterates the accessibility of the site which is already established in the SDP and referenced other car free residential developments in other cities although provides no assessment of the relative success of those. No assessment is made of the likely demand for car ownership by the future residents nor their alternative parking options. To try and help move the issue forward the LHA would offer the following observations:

The Council cannot reasonably control car ownership through the planning process and tenancy conditions on car ownership are not practically enforceable. Drawing from the census data from the Charles Dickens Ward establishes that 32% of flat/maisonette households within the ward have at least one car which would suggest a demand for at least 47 parking spaces associated with the residential element of the scheme. However the significant majority of properties within the Charles Dickens Ward provide social housing with a proportionally lower car ownership rate than open market housing as is proposed on this site.

Limitation in parking opportunities will itself influence the level of car ownership on the site, however on smaller scale developments in similarly accessible locations applications for council off street parking permits have been made by typically a third of households. On balance the LHA is comfortable that a reduction in the parking standard to 1 space for each 3 flats would reasonably reflect the parking demand likely to arise from this proposal. That would require the provision of 49 parking spaces for the proposal a proportion of which should be accessible for those with disabilities. This shortfall would be sufficient to justify a reason for refusal of the application on the basis of the limited residential amenity of the flats arising from the shortfall in parking provision.

However this would not in itself generate a highway safety concern as there are no on street parking spaces within reasonable walking distance of the site and given the local on street restrictions and nature of the environment it seems unlikely that residents would practically seek to park on street contrary to the parking controls. The residents would not have access to a controlled parking scheme and therefore would not impact on the parking facilities available for existing residents although may be able to be accommodated in an off street car park through a permit scheme.

This site is perhaps the most accessible site within the city and as such the primary candidate for a car free development trial. In that light should the LPA be minded to allow this application the LHA would recommend that be done so on that basis so as not to set a precedent for future applications and that a travel plan with robust monitoring regime be secured together with a £5000 contribution towards the council's costs of auditing that on an annual basis for 5 years. That would provide the evidence base necessary to inform the assessment of similar future development and justify the approval of the application in the absence of robust evidence of the likely resident parking demand and provision of parking facilities to meet that need.

### **Crime Prevention Design Advisor**

Initial comments 15th November 2017 - Stanhope Road and Victoria Park suffer high levels of crime and anti-social behaviour. Between 8th November 2016 and 7th November 2017 over 200 incidents were reported to the police. Incidents reported included: anti-social behaviour, assault, public order, drug offences, theft, burglary, robbery and rape. The proposed development falls within the Cumulative Impact Zone (CIZ), which includes Stanhope Road, the lower end of Commercial Road and Guildhall Walk. The CIZ is an area within which are high levels of violence and alcohol related disorder. It is against this background that my comments are made.

The proposal creates 147 dwellings and two public bars within a busy Night Time Economy (NTE) area of Portsmouth. In such an area there will always be a conflict between residents and revellers which can affect the quality of life for residents. Therefore, it is asked is a residential

development and a further two licensed premises appropriate for this area? However, if the council are minded to grant consent the following comments are offered:

The access to the residential entrance lobby is at the south western corner of the building close to the access to Victoria Park. In this position there is limited natural surveillance of the entrance from Stanhope Road, and the boulevard. The close proximity of the entrance lobby to Victoria Park may attract rough sleepers from the park. For residents to reach the residential access they must pass the assesses to both the sky bar and the ground floor bar / lounge; contenting with those patrons on the boulevard, or enter the boulevard via Victoria Park (a park signed as being designated an "alcohol control area" by Portsmouth City Council, after 8pm this route is closed); once inside the lobby residents may have to pass through a number of rough sleepers. National Planning Policy advises that "Planning policies and decisions, in turn, should aim to achieve places which promote: safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion;". To provide for the safety of residents and visitors the access to the dwellings and the access to the bars must be significantly separated (perhaps on different sides of the building). The dwelling access doors must be relocated to a position with much greater natural surveillance. If the situation of the residential access cannot be significantly improved, I must object to this application.

The proposal shows two licensed premises (excluding the hotel), such premises will place an additional burden on the police service. The proposal does not contain details of modifications to the public realm to manage patrons, queueing for entry or waiting for transport to leave. It is at these times that the requirement for additional police resources often materialises.

Planning guidance advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To assist with the management of the boulevard Closed Circuit Television (CCTV) cameras should be deployed within the boulevard. The cameras should be linked into the council's CCTV system and monitored within the council's CCTV control room.

Gates are shown at the access to Victoria Park, to prevent incidents that occur on the boulevard moving into Victoria Park these gates should be secured overnight.

The proposal creates a basement containing a car park, cycle storage and access to the hotel. The basement facilities are for the sole use of the hotel. There is very little natural surveillance of the basement car park, which increases the vulnerability of the car park to crime. Planning guidance advises "Natural surveillance of parked cars is an important consideration." It goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." Therefore, to reduce the opportunities for crime it is recommended that an electronically controlled shutter is fitted at the road entrance to the basement car park. A Close Circuit Television (CCTV) system is installed within the hotel with cameras deployed throughout the car park. Access to the hotel lobby lifts within the basement should be controlled by the hotel reception.

It is unclear whether the basement cycle storage is for the use of guests or staff. However, the cycle store should be a secure enclosure fitted with a robust door, fitted with a lock to BS8621 that provides for authorised access only.

From the plan it appears possible to gain unauthorised access to the bedroom levels of the hotel from both the sky bar and the events area via the shared staircores. Such an arrangement increases the vulnerability of the hotel to crime. To provide adequate security for the hotel measures should be put in place to prevent unauthorised access from the sky bar and the events area into the hotel.

The proposal creates 147 dwellings, however, parking is not to be provided. Parking is becoming an issue and the LPA is reminded that vehicles parked in the public realm are many

times more likely to be the subject of an incident than those parked within curtilage. Therefore, given that this is a new development it is recommended that at least one parking space is provided for each dwelling.

Cycle theft is a crime that has occurred within Stanhope Road and Victoria Park. Access to the residential cycle store from the public highway is via a door with one and a half leaves, such an arrangement does not provide good security. Planning guidance advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." Therefore, to improve security of the cycle store I recommend that external access to the cycle store is removed and that internally a single leaf door is fitted to the cycle store. The door should be fitted with a locking mechanism that provides for authorised access only.

To reduce the opportunities for crime and anti-social behaviour unauthorised access to the residential entrance lobby should be prevented. Planning guidance advises that "Planning should address crime prevention" it further advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime and anti-social behaviour access to the residential lobby should be controlled. The door should be fitted with an electronic access control system, this should provide for token controlled access for residents and audio visual access control for visitors.

The post room should be fitted with a door to PAS24:2016 standard, the door should be electronically controlled to prevent unauthorised access.

Additional comments 17th November 2017 - The letter of the 15th November 2017 registers my objection to the proposal on the grounds of the residential access arrangements. It layouts the reasoning underpinning the objection and advises that the objection can be overcome if significant improvements to the residential access can be made, the letter suggests that this might be achieved by placing the entrances on different sides of the building.

During our telephone conversation of the 15th November 2017 we discussed the possibility of providing a private residential access using the existing access from Commercial Road into Victoria Park. Such an access would significantly improve the situation of the residential access and allow me to withdraw my objection. However, the design of this route would need careful consideration. It is important that the route is secured at each end, with only residential access. The route must be well lit and Closed Circuit Television (CCTV) cameras must be deployed along the route. The cameras should be monitored within Portsmouth City Council's CCTV control room.

### **Waste Management Service**

Initial comments - There are some matters that are a call for concern, which unless addressed by the developer would mean that the Waste Team would ask for the application to be refused. These are as follows:

- Though in the waste development plan they state that they would need to have 17 x1100 litre bins, using the BS 5906:2005 Waste management in buildings - Code of practice, we have found in practise that though this generally works with houses, flats tend to generate more waste. Also we look more towards a 50/50 split with refuse and recycling, though tending towards more on the refuse side, so if 17 bins were installed a split of 10 to 7 would be better.

- The Waste Planning Guidance document states the following: "Portsmouth City Council runs recycling bring sites throughout the city which includes provision for glass recycling. The nearest bring site is located at the Bridge Tavern pub on East Street and residents would need to use this service should they wish to recycle glass and textiles. In order to give residents at

Portsmouth Point the facility to recycle their glass bottles and jars, one of the provided containers can be substituted for an 1100 litre glass recycling bank." This is incorrect, the nearest glass, textile, book, CD and DVD bring banks are actually sited in Guildhall Square opposite Weatherspoon's public house.

"Bin storage areas should be constructed of masonry, have a suitable weatherproof roof and be ventilated with internal lighting that operates when bin store doors are open. They should be located no more than 25 metres away from where waste collection vehicles can safely and legally park up in order to facilitate collection." The bins should be fully accessible at all times, current plans show all bins in one block. They need to clarify if a member of staff will be moving the bins around for residents to access the refuse and recycling, also there should be a clear definition/space between refuse and recycling bins. Which they have for both the hotel and the office/retail bin stores.

- Large blocks of flats either ensure they have sufficient space to access bins independently from each other, or they have a collection point where the managing company brings them out to the collection point. The current plan of action does not seem to address either of these points.

- There should be double doors on bin stores that can be held back for safe access and egress in high winds.

- Refuse Storage Area and Access - "The guidance provided for the refuse storage area and access pathways is taken from Portsmouth City Council's own recommended advice for planning applications to secure services from the Council waste collection division." The domestic bin store distance to the collection service bay is in excess of 25 metres.

- Elevations and plans seem to show glass windows all the way round, pillars and steps. The distance between the pillars and the glass windows is unclear but the elevations make it appear to be insufficient. There needs to be safe access and egress for the bins for whoever moves them.

- Page 28 of Transport statement - The length of the service bay is 20m along the pavement edge and would be able to accommodate two light/medium service vehicles or one larger 10 tonne box van/18 tonne rigid lorry for laundry and beverage deliveries. The approximate carry distances from the service bay on Stanhope Road to the main access points of the development are summarised below. It is noted the bollards at the northern end of the boulevard parallel to the layby are spaced at 2m intervals. A standard 1100l bin is approximately 1.3m wide and would fit between the bollards.

- Refuse collection will be undertaken from the layby. It is envisaged the refuse vehicle will stop in the layby and the bins will be retrieved on foot either from within or outside the following service entrances and bin stores. It is envisaged that a detailed waste strategy for the site will be developed further in consultation with Portsmouth City Council.

- The layby needs to be able to take vehicles that weigh in excess of 25 tonnes, such as emergency vehicles and refuse vehicles as neither Portsmouth City Council or our contractor, currently Biffa, would accept liability for any damage that occurs if the layby is not made to take the correct amount of weight.

- As previously stated, the distance from the layby to the bin store is in excess of 25 metres, therefore the developer will need to make arrangements for the bins to be brought to an agreed point on the scheduled collection day(s) for the refuse and recycling, which maybe separate days. Otherwise we would not carry out the collection.

Office/Retail waste store - It is unclear which way the office/retail bins will be collected/brought out as the only entrances are from the 'Retail 2' unit, which would mean going through the unit

itself. The other door is via a small ventilated lobby which leads to the delivery entrance. Logically this would be the main route, but it will be difficult to get the bins through the two sets of doors as well as turning each bin by 90 degrees, not once, but twice to get the bins out. This could be resolved by moving the door from the lobby down so that it leads directly from the bin store to the delivery entrance.

Emergency services access - There could be an issue with access in case of a fire due to the distance from the only Dry riser for hotel, offices, retail, Sky bar and residential units, shown is "Stair 2" (Hotel and Retail 2 Escape Route) unless the bollards are removable.

Updated comments based on amended drawings - 12th April 2018 - Although not ideal, as long as there is safe passage collection should not be a problem. As such, though given that the distance from the bin store to the kerbside would appear to be in excess of 25 metres, and added to the location, it is considered there would be a need for the managing agent to ensure the bins are brought out to the kerbside, or an agreed point, by 7am on the scheduled day of collection. Given that there are 147 apartments and 17 x 1100 litre bins, it would be very likely they will need to have a twice a week collection. Also the managing agent will need to swap the bins around to ensure they all get used as you can only access the front row in the plans.

### **Landscape Group**

The submitted application lacks detail with regards to the external works. Submission of sufficient details including materials, planting, street furniture and levels would have to be added to the list of conditions.

The site inhabits a very prominent space in the city, fronting on to a very busy thoroughfare connecting Guildhall Square and the City Centre. Therefore this scheme has to be well considered with regards to the pedestrian flow around the site. As the intention is to develop part of the public realm in front of the development site, this would have to be to agreed highways standards in order for this to be adopted after completion. A clear demarcation of the property line, usually indicated with stainless steel studs in the pavement will be required.

With regards to the eastern frontage, the Landscape Team would expect the development to pick up on quality materials used further along Isambard Brunel Road/Commercial Road, these include grey granite, York stone 'Moselden', Marshall's 'Perfecta' concrete slabs and granite kerbs.

A well-considered scheme, including high quality materials, at no installation cost for the Local Authority, would help to continue the improvements of the public realm between Guildhall Square and the High Street and set a precedent for further developments.

The footpath access to Victoria Park at the south of the site and boundary treatment along will have to be considered. A resin bound gravel surface to lighten this stretch and black railings to match the park boundary (should railings be required) are suggested.

The 'boulevard' between Catherine House and the new development will need careful consideration to form the new link into Victoria Park and could do with some softening planting as the distance between the recently planted trees and the new building is in excess of 10m width, which seems ample for a pedestrian area.

Overall, considering the quality of material proposed for the building, the Landscape Team is hopeful that this will be continued on the external works and could make for a high quality environment.

### **Network Rail**

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land

- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The developer should comply with the comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land as detailed within the informative guidance attached to the formal consultation response.

### **Natural England**

No objection - Subject to appropriate mitigation being secured.

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City Council has adopted the Solent Special Protection Areas Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with this SPD and an appropriate planning condition or obligation is attached to any planning permission to secure the contribution, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the residential development on the integrity of the European site(s).

Natural England also recommends that this application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist and secured by condition. This will ensure the application meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118.

With the above mitigation in place, Natural England has no objection to this application.

European sites - Portsmouth Harbour Special Protection Area and Ramsar site - Based on the plans submitted, Natural England considers that the proposed 222-bed hotel will not have likely significant effects on the Portsmouth Harbour Special Protection Area and Ramsar site. The proposed hotel is located within the city centre, adjacent to the railway station and is, therefore, likely to cater predominately for tourist, city visitors and business travellers. Some of the visitors may access the coast. However, the increase in numbers is likely to be negligible and no significant adverse impacts on designated sites are considered likely.

Other advice - Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that the LPA seeks further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 7, 109 and 118, Natural England recommends



that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist.

Natural England supports the proposal for the green and biodiverse roof. The detailed design of the roof can be included in the BMEP along with other biodiversity enhancements and links with Victoria Park.

Please note that provided the Hampshire County Council Ecologists' are satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

### **Garden History Society**

The Gardens Trust has considered the information provided in support of the application and on the basis of this, do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

### **Southern Water**

Our initial investigations indicate that there is insufficient information currently available to confirm if foul and surface water sewer capacity is available to serve the proposed development. Further investigation of the downstream sewerage network is required to confirm the downstream sewerage details to assess capacity. The applicant is advised to initiate a sewer capacity check to identify the appropriate connection point for the development.

If the existing development discharges foul sewerage and surface water flows to the existing combined and surface water system, then a discharge from the site may be permitted. If the applicant wishes to investigate this option, the applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Any excess surface water should be attenuated and stored on site.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order a. Adequate soakaway or infiltration system b. Water course c. Where neither of the above is practicable sewer.

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent: "Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."

Southern Water request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

The connections to the public sewers should be designed via new or existing manholes.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

#### **Hampshire Garden Trust**

The Hampshire Gardens Trust do not object to the development adjacent to Victoria Park.

#### **Hampshire Fire & Rescue Service**

Building Regulations: Access for Firefighting - Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service - Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004 - The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Access for High Reach Appliances - High reach appliances currently operated by the Hampshire Fire and Rescue Service exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high rise appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies - Additional water supplies for firefighting may be necessary.

Sprinklers - Hampshire Fire and Rescue Service (HFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:-

- Protect Life;
- Protect Property, Heritage, the Environment and our Climate;
- Help promote and sustain Business Continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can 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 of loss of life and the impact on the wider community.

### **Ecology**

The submitted information confirms that the site comprises a former car park and is now in use for the storage of construction materials, dominated by bare ground and hardstanding and the development is stated to result in the loss of a small amount of vegetation comprising introduced shrub and a single tree (T1; an Indian bean tree *Catalpa bignonioides*) which is described in the AIA as being semi-mature and in good condition with no significant structural defects. This tree is categorised by the PEA as having negligible potential to support roosting bats.

The Ecology Team would conclude that the site has negligible potential to support protected species and there are no concerns that this development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. A contribution to on-site ecological enhancement may be provided by the proposed green and biodiverse roof over the residential building. This is described in the DAS to "serve the purpose of drainage attenuation as well as bringing ecological benefits". The PEA states that this feature should target bird species known to be present locally, including house sparrows and black redstart.

Green roofs are promoted under Policy PCS13 of The Portsmouth Plan and the inclusion of this feature is welcomed. It is noted that Natural England have recommended that the proposal "is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist and secured by condition". It is likely that the proposed green roof would provide a basis for this Plan, which could be provided under planning condition if the LPA was minded to grant permission.

Recommendations have been made in the PEA for nesting birds and invasive species. If the LPA was minded to grant permission, it is suggested that this could be controlled through planning condition.

Statutory Designated Sites - The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to

demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP).

#### **Southern Electric**

No comments received.

#### **Portsmouth Water**

No comments received.

#### **Highways Contractor (Colas)**

The developer will need to discuss the proposals with Colas prior to the commencement of development.

#### **Historic England**

On the basis of the information available to date, Historic England do not wish to offer any comments. It is suggested that you seek the views of the LPAs specialist conservation and archaeological advisers, as relevant.

#### **Archaeology Advisor**

The Archaeology Team would concur with the conclusions set out within the submitted 'Stanhope Road, Archaeology DBA'. Considering the impact of early modern development across the site (particularly that from the construction of the former Post Office). It is considered highly unlikely that any pre-modern archaeological features or deposits would survive within the proposed development footprint. It is not considered that there is any need for further archaeological work to be carried out in relation to development.

#### **Design Review Panel**

Initial Comments 02.06.2017 (based on pre-application discussions) - The panel were impressed by this scheme; applauding both its design and financial ambition. They commented positively on the proposed square (opposite the station), and considered the scale of the development to be appropriate. It was suggested that the scheme had a modern civic character appropriate to its context, (but that detailing would be critical). Despite their generally positive response the panel nevertheless expressed shortcomings, (or provided a clear 'steer') in relation to some important (but limited) aspects of the scheme's design.

West elevation (facing the railway station) - The facing material for this elevation was discussed at some length. The panel were not convinced by the suggested use of Roman brick, considering its scale and suggested colour finish to be inappropriate for the site and high rise scale of the building. They noted that stone had been discussed as an alternative, and were satisfied that the orientation and setting of this part of the scheme justified the use of a high quality natural stone on this elevation.

Brick skin to southern block - Conceptually the use of a brick skin for the building overall was considered positive and appropriate. Whilst acknowledging the rationale for the suggested use of red brick on the southern residential element of the scheme, the panel were nevertheless much less certain that this aspect of the proposal would be appropriate. It was suggested that a number of colour/texture finishes for the bricks (and possible alternative materials) should be tested.

Southern elevation and view from Guildhall Square - In addition to their uncertainty regarding brick colour the panel also expressed concern at the architectural treatment/fenestration for the southern elevation of the scheme, (the element which would close the view north from much of Guildhall Square). Given the importance of its setting, this aspect was considered the scheme's poorest. It does not respond well to context, appears unresolved and lacks refinement. The

panel were hopeful that a way could be found around these shortcomings not only through reconsideration of its colour treatment, but also through further examination of the scale and rhythm of openings, the depth of reveals, the pattern, colour and detailed design of the windows, and greater articulation within the façade, (the panel highlighted the treatment found on the building's north elevation as a positive precedent here).

In addition to these factors the panel were also clear that the proposed metal 'wrap'/lining to the internal reveals of the 'hood' features which frame the eastern elevation were not necessary these should be retained as brick.

Additional comments 20.10.17 (based on submission) - The panel were impressed by this scheme, noting the subtle variation in colours and textures it would deliver, and the quality of the proposed materials.

They were satisfied that their previous comments, (regarding the elevation(s) addressing the guildhall) have been responded to, resulting in a significant improvement to this aspect of the scheme. Overall the panel were encouraged by what they considered to be a very positive scheme. Recommendation: Scheme supported.

## **REPRESENTATIONS**

Two letters of representation have been received, one in support of the proposal and one in objection. The comments in support can be summarised as follows:

- a) The proposal shows an ambitious and high quality of architecture what would improve the city's skyline;
- b) The proposal would complete the Catherine House development parcel; and
- c) The proposal includes a good mix of uses for a city centre location. The objection received on behalf of the Portsmouth Cycle Forum relates to the level of bicycle storage provision for the residential and commercial uses at the site.

## **COMMENT**

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

1. The principle of development including the introduction of tall buildings;
2. Design and impact on the heritage assets;
3. Standard of living environment and impact on amenity;
4. Provision of affordable housing;
5. Highway Implications;
6. Sustainable design and construction; and
7. Impacts on nature conservation interests.

### **The principle of development including the introduction of tall buildings**

The application site is located principally within the 'Station Square & Station Street' locality of the city centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole 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) that add to the vitality and vibrancy of the city and support economic growth. In addition, 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. In respect of this particular 'locality' the policy identifies that: 'Station Square will become the business hub of Portsmouth with a substantial increase in office floorspace. Hotels will also be suitable in this locality in order to exploit its particularly high accessibility, being adjacent to Portsmouth and Southsea railway station and the proposed transport interchange at Station Street south'.

The City Centre Masterplan SPD (January 2013) expands upon this policy and sets a vision 'to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit. In respect of Station Square and Station Street, the SPD highlights that 'the area is a key arrival point for train and bus passengers, so it is important that they receive a strong and positive message that they have arrived in a vibrant, historic and attractive city. The application site is identified as part of Site 4 Station Square west (page 44) which also covers development sites to the north that have recently been delivered or are under construction, and highlights opportunities for a mix of uses. The design guidelines include the following:

- There are opportunities for a mix of uses within a striking built form that positively contributes to the city's skyline;
- Critical for development to establish a positive interface with Victoria Park ensuring that this important green space is accessible and safely overlooked;
- Development including a mix of uses would be appropriate fronting Commercial Road and Stanhope Road and should create a robust elevation which encloses the public realm and provides active ground floor uses that introduce life and activity onto Station Square;
- Apartments should also form part of the development mix fronting onto Victoria Park. Apartments fronting Commercial Road and Stanhope Road will not be acceptable given the potential for noise and disturbance from the Drill Hall nightclub;
- Principal entrances should be from Station Square fronting Commercial Road and should create a daytime link from Stanhope Road through to the War Memorial;
- The edges of buildings should enhance the public realm by animating surrounding streets and Victoria Park
- Development around Station Square should be set back to address the Station frontage and accommodate spill-out space;
- Storey heights should 6 and 10-storey will be appropriate to accommodate a robust mix of uses with landmark potential;
- Parking and servicing should be accommodated within the centre of the development block and accessed from Stanhope Road; and
- Any redevelopment must facilitate the closure of Victoria Park to the public during the evening and overnight.

Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas (including the city centre) which reflects the public transport links and proximity to local facilities (PCS21). The supporting text to PCS10 states:

'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will

be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites.

A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites is likely to continue and this development is unlikely to have a significant impact upon infrastructure provision'.

The Council's most recent published position on housing supply is set out in the 2017 Annual Monitoring Report, approved by PRED in February 2018. The Report concludes the city has a five year supply of housing land (5.1 years), but the position remains marginal. The council is currently considering the implications of the government's standard methodology for assessing housing need and proposed revisions to the NPPF. In the meantime, it is recognised that there is an on-going need for housing in the city which this proposal would help to meet.

PCS11 (employment land) covers the entire city centre including the application site. This policy seeks to promote sustainable economic growth through a supply of good quality office, manufacturing and warehouse land and floorspace also known as 'employment uses' (use class B1, B2 and B8). The policy identifies the Station Square and Station Street area as a location within the city centre where new office development will be expected to be delivered accommodating much of the identified need across the entire city centre (10,500sqm.).

This development would not provide the quantum of office floorspace (Class B1a) previously proposed at the site or envisaged within Policy PCS11 and the City Centre Master Plan. However, it would still provide approximately 1,800sq.m. (GIA) of office floorspace in an area of the city centre that has seen a recent decline in office accommodation, and in combination with the hotel and other commercial uses would provide equal alternative (to B1a) employment opportunities.

Overall this proposal seeks an ambitious level of development resulting in more than 16,000sq.m. (GEA) of non-residential floorspace comprising a mix of hotel, office and food and drink/leisure uses in addition to 147 (Class C3) dwellings. This mix of uses would be fully compatible with a highly accessible city centre location and would represent a significant level of investment into a prominent vacant site in an area that is undergoing rapid transformation with redevelopments underway at Catherine House, north of Catherine House, 91-95 Commercial Road, Surrey Street and further to the south-east on Isambard Brunel Road and Greetham Street. Through the course of extensive pre-application discussions and the application stage, the development has demonstrated compliance with the aims and objectives of Policy PCS4 and the City Centre Masterplan including the key design guidelines set out above and has the potential to contribute significantly towards the vision of transforming the city centre, creating a prominent and welcoming city centre, introducing vitality and vibrancy, supporting economic growth, providing employment opportunities and new dwellings.

Having regard to the points above, it is considered that the principle of proposal with the mix and quantum of development shown would be acceptable when considered against the aims and objectives of the National Planning Policy Framework (NPPF) (in particular paragraph 14 and chapters 1-4) and all of the relevant local planning policies and supporting documents, subject to the detailed assessment of design and impact and securing planning obligations through a Section 106 agreement, as detailed below.

The Tall Buildings SPD (March 2009) includes much the city centre site as one of nine distinct 'areas of opportunity' where the development of tall buildings (including alteration/extension of existing) may be appropriate having regard to: proximity and ease of access to public transport; proximity to local commercial/shopping centres; the presence of existing tall buildings within the area; and, the suitability of their character and other townscape factors. The supporting text for area of opportunity 2: 'City Centre/Dockyard/Ferryport' states: 'Located within the western part of the city, and centred around the docks, ferryport and city centre this area of the city forms the commercial, retail and transport core of Portsmouth and already contains the highest

concentration of tall buildings in the city - a cluster of tall buildings already exists within the city. Proposals for tall buildings in this area should: Where appropriate have due regard to the domestic scale of adjacent buildings; Where appropriate give particularly careful regard to their potential impact towards and/or the setting of the Guildhall and other sensitive sites; Have regard to the setting of listed buildings that lie within and in close proximity to the area of opportunity; and have regard to the character of the conservation areas within and surrounding the area of opportunity'. The Guildhall is identified as one of ten particularly sensitive sites within the city (Appendix 1).

Having regard to the guidance set out within the Tall Buildings SPD, Policy PCS4 of the Portsmouth Plan and the supporting City Centre Masterplan SPD, the introduction of further tall buildings into an 'area of opportunity' and cluster of existing tall buildings (completed and under construction) would be acceptable in principle, but would be subject to a detailed assessment of design of impact. Whilst the buildings proposed at the application site are significantly taller than suggested within the City Centre Masterplan SPD, it should be noted that this document was produced in July 2012, its guidance was based on previously approved schemes at the application site and developments at adjoining opportunity sites since this date have also resulted in taller developments. The development would not therefore, be significantly out of character for the Station Square area.

### **Design and impact on the heritage assets**

Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: 'The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'

The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'.

The application follows extensive pre-application discussions with the LPA which has seen the applicant respond positively to advice and guidance offered by a range of Council Officers and the Design Review Panel (Full details within the comments section above). In order to fully appreciate the ambitious scale of this development, the applicant has provided a range of accurate visual representations (AVRs) from pre-selected locations to illustrate the impact of the proposal within its immediate and wider context.

The resultant proposal effectively comprises two separate towers, the northern tower standing at approximately 68 metres (19-storeys) above ground level accommodating a hotel, offices and a sky bar, and the southern tower standing at 51 metres (16-storeys) providing residential accommodation. These would be connected at basement, first and second floor level by a podium where uses at lower levels will extend across the entire footprint of the building.

At ground floor level the building would be sited to the back edge of the adopted footway on Stanhope Road, onto the southern footpath of Victoria Park and the new boulevard to the west.



To the eastern elevation (Commercial Road), the ground floor facades and the southern tower would be set back from the carriageway to maintain a sense of spaciousness to the public realm along this busy pedestrian route, and would maintain views towards the Guildhall clocktower from the north. The northern tower would be set further forward oversailing the adopted highway (above first floor level) bringing its upper façades broadly in line with the established building line of Commercial Road to the north. This would however, maintain a footway width of more than 9 metres.

At ground floor level the building would maintain a consistent appearance with large areas of glazing and glazing effect panels to a height of 4.5 metres. These floor to ceiling heights and the use of glazing would continue around much of the north, east and west elevations at 1st floor level providing views out towards the station for hotel guest and a sense of activity within the street scene. As the building splits above podium level to form the residential and hotel/office elements, the two towers would take on slightly different design styles which would provide a contrast to one another other, but retain similar characteristics, particularly to the eastern elevation.

Both towers would be constructed in brick with the northern tower predominantly in dark grey/black (light grey to western elevation) and the southern tower in light grey. The applicant has indicated that the final brick choices would seek to provide very subtle tonal changes to soften the building and provide 'texture'. To the more slender eastern elevations, both towers would incorporate a full Portland Stone and glass façade with a graded effect increasing the quantity of glazing towards the top of each building. A projecting 'hood' to both towers would provide further interest and introduce a sense of depth. The suggested palette of materials is considered to be positive, reflecting and contrast the surrounding urban environment with the brick Drill Hall and Station, the dark black reflective qualities of Catherine House and Civic Offices and the 'white' Portland Stone facades of the Guildhall, Portsmouth War Memorial and buildings further to the north on Commercial Road.

To the bulkier north and south elevations, both buildings would incorporate a series of narrow vertical glazed slits extending the full height of the building providing light and outlook for internal uses, but also dissecting the large areas of brickwork and providing a strong vertical emphasis. Whilst the larger northern tower would incorporate a less articulated façade, the southern tower would incorporate slight changes to the building's external planes, a stagger of windows dividing the building visually into four separate elements and projecting window surrounds to provide a more dramatic and enlivened appearance (detailed within drawings P023, P025B & P026B). The south-east corner of southern tower would be chamfered to help reduce its bulk with large areas of glazing providing residents with views over Victoria Park and would incorporate a similar 'hood' feature linking back to the eastern elevations.

At roof level the southern tower would incorporate a 'green' roof whilst the northern tower would incorporate a full additional open storey to accommodate plant and equipment maintaining the building's crisp and uncluttered appearance. At ground floor level amended drawings have been provided to address changes in gradients at the site which would see the inclusion of a raised platform and steps/ramps to the western elevation into the boulevard and to the south-east corner. Into the boulevard, the resultant changes including curved steps leading down into Victoria Park and small areas of planting would provide the building with an interesting Civic quality that would contribute positively to the boulevard and approach to the Park. Overall the building has been designed to relate appropriate with the surrounding public realm.

Whilst the proposal would result in two extremely large and tall buildings, the proposal is considered to be extremely well conceived and demonstrates a high degree of architectural quality that responds to its individual siting and local context. In particular, the slimmer more elegant glass and Portland Stone facades fronting Portsmouth and Southsea railway station and the chamfered corner onto Victoria Park demonstrate exceptional architectural qualities that would contribute significantly to the city's skyline forming locally distinctive landmarks. These

would help provide the 'strong and positive message' to visitors that they have arrived in a vibrant, historic and attractive city as sought by the City Centre Master Plan.

Notwithstanding its positive characteristics, it must be noted that the proposal does result in two particularly tall and bulky elevations towards the north and south which would be particularly prominent both locally, and from a distance. It is however, considered that through the course of pre-application discussions, these elevations have evolved and significantly improved, as described above, and now reflect the architectural quality and interest that has been expressed within the other elevations. It is also noted that in longer views, the full extent of these facades would only be appreciable from limited locations due to the surrounding presence of other tall buildings.

As a result of the building's scale, height, prominence within the city centre and relationship with surrounding heritage assets (as addressed below), in considering the appropriateness of the development, significant weight has been placed on the specific architectural details and the use of a high quality palette of materials (particularly the use of brick and Portland Stone). These elements are considered essential to the overall architectural concept and the successful delivery of the proposal. A planning condition is suggested requiring the submission of a full schedule of materials and finishes including samples and mock panels of the buildings external façades to ensure the quality of finish suggested and assessed is achieved.

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 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Chapter 12 of the NPPF requires both the applicant and the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposal and the impact the development would have on the significance of those assets.

The applicant has submitted a Heritage Impact Assessment which adequately identifies the heritage assets what would be affected by a proposal. Whilst the Assessment is relatively detailed and well considered, in the view of the LPA, its conclusions tend to downplay the significance of the identified assets and the impact the proposed development would have on the setting of each asset. The following section focuses upon the significance of each heritage asset the impact of the proposal upon their setting both individually and cumulatively.

**Guildhall & Victoria Park Conservation Area** - This conservation area encompasses the civic heart of Portsmouth focussed around the imposing and dignified grade II listed Guildhall, its surrounding square, the area to the north including Victoria Park, and university campus further to the west. The conservation area guidelines and appraisal identifies a number of distinct 'districts' to the area, defined principally by their land use. Of these districts, the Park and Guildhall Square in particular enjoy aesthetic qualities derived from the application of conscious design in the form of picturesque landscape planning and townscape principles. This 'conscious design' is not evident as a unifying force across the conservation area as a whole. Its size, varied land uses and the piecemeal nature of development over time make its character overall quite diverse. A range of building scales, heights and materials are present, albeit that large and imposing buildings tend to visually dominate the internal 'setting' of the conservation area.

The conservation area has both historical and aesthetic value. As the city's civic/administrative core, it is here that Portsmouth's aspirations as a provincial city of substance are expressed. This is reflected in the impressive scale, high quality materials and elaborate detailing and ornamentation of much of the architecture and townscape in the area. The area also has communal and symbolic value, as the site of the Guildhall it is a place from which residents of

the city draw part of their identity. These factors give the conservation area as a whole high significance.

The application site occupies part of the north-eastern corner of the conservation area. The introduction of a 16/19-storey building would undoubtedly alter the setting of the conservation area, and all other assets within its context. However, due to a combination of location, scale and the height of surrounding buildings the development would only be 'fully' visible from a relatively limited part of the conservation area as a whole.

The most visually sensitive and therefore important components the development would impact are Victoria Park itself and the approach to the Cenotaph north towards the application site. Despite the presence of the railway embankment and trees the proposal would have a major presence becoming a significant fore/mid ground element in views north/east. Whilst this would result in harm to the currently more open character of the views, the impact is mitigated by a degree of separation, presence of the trees and the overall quality of the proposed design and use of materials. Regard is made to the existing framing of the park by tall buildings including the former Zurich building and its extension (known collectively as Catherine House), and developments currently under construction to the north of Catherine House and at 91-95 Commercial Road. Whilst the conservation area as a whole is considered to have a high degree of significance the same would not apply to the views identified and as such it is considered that the overall impact on the conservation area and its setting could be described as medium/low.

Victoria Park (Registered Grade II listed) - Victoria Park is one of only three registered parks and gardens in the city. It was planned and laid out in 1878 by Alexander Mackenzie chief landscape architect to the Metropolitan Board of Works and was a garden designer of national significance in the mid/late Victorian period. The design of the park was influenced by picturesque principles which can be seen in the meandering layout of its paths, and the strong diagonal axis which bisects it. It is arguably the most attractive park in the city, and is popular. Its significance is derived from multiple heritage values including illustrative value, associational value, due to its link with Mackenzie, and aesthetic/conscious design value through the picturesque quality of its layout. The park also has communal/social value, as a space which residents and visitors share, appreciate and enjoy for the quality of its environment. The range and combination of these factors give the park a High level of significance.

In views east from the park, Catherine House presents a very substantial 11-storey block for a length of approximately 50-60m adjacent to the park boundary. Construction of a part 10/part 12-storey hotel immediately to the north of Catherine House has also commenced. In combination with the proposed development, this would create a substantial 'wall' of development on the eastern boundary of the Park which has the potential to 'crowd' or contribute to 'overwhelming' the park. It is however, acknowledged that the bulk of the development principally addresses the Civic Offices/Guildhall Square to the south, that the building has been set back from the new boulevard as the park entrance narrows and the building has been chamfered to respond to the Park.

As clearly demonstrated within the AVRs (views 10 & 11) included within the Tall Building Statement, the development would be visible in views from areas of the Park. However, the 'angle' or 'perspective' to the Park, in combination with its unusual 'reductive' form, design and use of materials would add a degree of visual interest (contrast and juxtaposition) relative to the existing views. The proposal would also complete the framing effect of the entrance to the Park along the new boulevard which would be an enhancement. Overall it is considered that the harm to the Park could be regarded as medium.

Portsmouth War Memorial (Grade II listed 1972, upgraded to II\* 2016) - The War Memorial (or Cenotaph), unveiled in 1922 commemorates the city's First World War dead. Its Portland Stone finish complements the nearby Guildhall, and its scale makes it impressive without being monumental or overwhelming. It is a carefully considered and detailed example of a memorial

from this period, and as a site of collective and individual remembrance the memorial has a powerful commemorative value.

Its design aesthetic is inspired not only by the Cenotaph in Whitehall, but by other classical (Greek) precedents. These can be seen in details such as the sarcophagus surmounting the cenotaph, the funerary urns within alcoves, and the screen itself, which accommodates brass plates naming the dead, and encloses the space, creating an intimacy which encourages contemplation of the impact of the war on the city and its people. This aspect of the design reinforces the communal value of the site. Associational value is also found in the importance of Charles Sergeant Jagger, The sculptor of both the machine gunners which flank the entrance and the reliefs on the Cenotaph. Jagger, designer of the influential Artillery Memorial in Hyde Park, was amongst the most sought after and perhaps the most important sculptors of war memorials in the years after the First World War. These factors give the war memorial a High level of significance.

The design of the memorial, when enjoyed from within the space it creates, generates a strong sense of intimacy. Beyond its immediate confines its setting is impacted by a number of other features. The Guildhall and railway line predate the memorial and are original historic features of its setting. The former positively complements in material and in its scale and design detail brings a refined and equally complimentary classically inspired monumentality to the memorial's setting. The presence of the latter, is more negative. By its proximity it periodically impacts on the ability to peacefully enjoy the space due to the noise of passing trains. The memorial has also been negatively affected by the later addition of the former 'Drift Bar' into its setting, foreclosing the once open eastern aspect which it had facing Isambard Kingdom Brunel Road.

The presence of the application building would impact further on the setting of the memorial by introducing into its backdrop a very significant feature above the Portland Stone screen surrounding the cenotaph. The position, height, scale and material finish of the building would give it a very strong presence. The proposal would also become an imposing visual element in approach views to the memorial from its principal access point via the gap between the Guildhall and Civic Offices facing Guildhall Square. Indeed it would effectively fill or 'terminate' this view, and would be read as a very significant standalone feature. For this reason and in light of the limited separation distances, it is considered that the harm to the significance of the heritage asset could be described as medium/high.

Portsmouth Guildhall (Grade II listed) - The Guildhall was designed by the notable Victorian architect William Hill of Leeds, (who was also responsible for a number of other grand civic buildings around the country). It is an iconic building and symbol, and is the most striking and important civic asset in the city. Its elaborate ornate neo classical (Italianate) design, use of the finest white Portland stone and quality of execution give the building a high architectural/aesthetic significance and is an unusual example of a reconstructed city hall. Its war time destruction and subsequent rebuilding are emblematic of the wider history of Portsmouth, and give the building a high communal and historic significance. When considered together these attributes give the building overall a high level of significance.

Prior to the construction of the Civic Offices, the ability to see the clock tower of the Guildhall was once possible in large areas of the city to the east and south of the city centre. The decision to site the offices in their present location controversially removed this possibility across large areas of the city. Despite the re-planning of the centre in the early 1970s, the clocktower remains a feature of the skyline in views south from Commercial Road and its junction with Stanhope Road. It is a feature not only of the building itself, but also the surrounding conservation area, and the wider context of the city centre as a whole. As such the ability to see and appreciate this historic, iconic, and communally significant structure from these parts of the city is important. (The significance of the tower is highlighted by its inclusion in the list of 10 'sensitive sites' identified in the tall buildings SPD for the city).

From Guildhall Square views of the proposed development would be limited to the northern extent and Guildhall steps, the impact of which is explored above as part of the Portsmouth War Memorial above. In terms of views towards the Guildhall, (in particular from the southern end of Commercial Road), the absence of any building on the application site currently permits views of the Guildhall clocktower as a striking and attractive mid ground feature of the skyline towards the south providing a visual connection between the city's main shopping thoroughfare and its principal civic building.

The presence of the development will impact views of the clocktower restricting views from Commercial Road to its south-east corner at its junction with Station Road as shown by the AVR (View 3) within the Tall Buildings Statement. Whilst this would further limit the number of locations from which the Guildhall clocktower can be appreciated by residents and visitors, it is noted that the construction of an 18-storey block at 91-95 Commercial Road will remove a number of key views from the north on Commercial Road.

Whilst it is acknowledged that the design quality and use of materials would be respectful to this setting and would add visual interest, it is considered that the impact on the Guildhall's setting from the north would be medium/high. In contrast the impact of the proposal on the northern setting of Guildhall would be medium/low.

Portsmouth & Southsea Station (Grade II listed) - A period mid/late Victorian station. The building is relatively modest for a city the size of Portsmouth. Its attractive design is influenced by the French chateau style, the mansard roof forming a particularly strong and distinguishing feature of the elevation. The age and architectural qualities of the building, and its degree of intactness give it aesthetic and historical significance. The station's role as one of the key entry points into the city also gives it a major role in generating people's (particularly new visitor's) crucial first impressions of the city.

The station and the space in front of it is a busy environment. They afford very good views of the development site, which would permit the eastern elevation of the scheme to be appreciated at their full height across Commercial Road. The proximity of the site would give the scheme a very strong presence as a foreground feature in the view west from the main entrance to the station.

The station is close to the application site, but the degree of separation provided by its plaza, main road and footways ensure that despite its scale the proposal would not overwhelm it. Indeed, it is reasonable to argue that the presence of the development would, despite its scale and bold palate of materials, provide the station entrance with a more dramatic setting, clearly signifying arrival in a city. It cannot however, be argued that the introduction of such a large development would have little impact on the setting of the station and as a result of height and bulk this would be regarded as medium/high.

Former Connaught Drill Hall (TA Centre - Grade II listed) - A 'Tudor' style former Territorial Army drill hall (1901), designed by noted and prolific local architect A.H.Bone. The building has an interesting façade and roof line clearly influenced by fortress architecture. Now part converted to a nightclub and fitness centre the building has a large footprint, and substantial mass in the streetscape, but its form is relatively 'lowslung'. Although its height is significantly lower than that of surrounding buildings, its scale still gives the building a substantial presence within the townscape of the area. It remains substantially intact and relatively rare survival nationally, of a building type which although not common was once more prolific. The detailing and ornament on the facades, in combination with its historic use give the building architectural/aesthetic, historic and a degree of communal value. The combination of these factors equate to a medium to high level of significance.

The setting of the Hall would be impacted in views from either end of Stanhope Road where both buildings would sit in obvious juxtaposition to one another. The height and bulk of the proposal would make its impact on the setting of the drill hall significant. The differential between the two is such that the question of the domination and 'miniaturisation' of the hall relative to its

immediate neighbour comes in to play. Although the scheme 'pushes the boundary' and significantly 'challenges' the drill hall in terms of siting, bulk and height, its own scale, the degree of separation between the sites and the 'top out' height of the tower would be sufficient to ensure that the scheme would not truly miniaturise the hall.

Given its city centre location and the historic and ongoing history of redevelopment in the area it is reasonable to suggest that 'preservation' of the current setting of the drill hall is not realistic, (or feasible). It is a building with a robust presence in the street scene and historically a more utilitarian/functional purpose than the other heritage assets considered here. Although from the south /south east views of the building would suggest it was 'surrounded' by dominant tall buildings, this would not be the case. The northern and eastern aspects of the site would retain a similar scale and height.

When these factors are weighed against the impact of the proposal on the hall's setting, (and in particular on the impact to its key 'front' elevation, on balance, it is considered that despite the differential in height between the asset and proposed development, the harm caused to the drill hall would be medium/high.

Whilst the assessment above has concluded that the combined height, bulk, siting, proximity and relationship with the adjoining heritage assets would result in a varying degree of harm, the appreciable individual and cumulative levels of harm that have been attributed to the proposed development have not been identified as substantial in their own right. Therefore, having regard to the prevailing post war aesthetic of the surrounding area, the city centre location, the range of existing tall buildings/those under construction and the individual design qualities of the proposed development including the suggested use of materials, it is considered that the level of harm would fall within the 'less substantial' category as described by paragraph 134 of the NPPF. This paragraph states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

As indicated within the 'principle' and 'design' sections above, the proposal would in itself require a significant level of investment to see a vacant plot within the heart of the city centre redeveloped with a positive mix of uses that would make a significant economic contribution (initial investment, future jobs and visitor spend) to the city. The ambitious scale, design and palette of materials would represent a marked improvement in recent design quality complementing Catherine House, completing the development block to the south/eastern side of Stanhope Road and the entrance into Victoria Park via the boulevard, and creating a positive and dramatic entrance to the city centre for those arriving by train. Whilst not providing an affordable housing contribution (addressed below), the development would provide 147 dwellings contributing towards the city's identified housing need and would see improvements to the public realm on Commercial Road, Stanhope Road and the park approaches. Overall it is considered that the proposal would make significant contribution to the vitality and viability of the city centre and its wider regeneration in line with the key aims and objectives of the Portsmouth Plan and the supporting City Centre Masterplan. In light of these issues, it is considered that that the wider public benefits of the proposal would outweigh the less than substantial harm to the identified heritage assets.

- Microclimate - The application is supported by a Pedestrian Level Wind Assessment to analyse the likely wind microclimate in and around the proposed development. Whilst this assessment does not raise any significant concerns, it does highlight that thoroughfares to the east and west of the development site are likely to experience windier conditions than would normally be expected for the suggested end uses both during summer and windier seasons. This would be as a result of downdraughting wind flowing around the west of the development and wind channelling between the application and neighbouring developments. The report concludes that mitigation measures would be required to improve the wind microclimate around the development to ensure it would be suitable for intended pedestrian uses.

Following discussions with the applicant to establish the extent of mitigation measures required, a memorandum has been provided by their consultants indicating that measures are likely to be in the form of soft landscaping including tree canopies and hedges or porous screens to disrupt wind flows. A planning condition requiring the submission of a scheme of mitigation in conjunction with a landscaping scheme is suggested.

- Crime advice - Based on the documents initially submitted, significant concerns were raised by the Crime Prevention Design Advisor (CPDA) highlighting that the application site is located within the Cumulative Impact Zone (CIZ) incorporating Stanhope Road, the lower end of Commercial Road and Guildhall Walk where high levels of violence and alcohol related disorder occurs principally during the evening and late at night. It is highlighted that with the addition of 147 additional dwellings and two further bars conflict between revellers and residents is likely to occur. Whilst full comments are detailed within the Consultation section above, principle concerns relate to: the position of the residential entrance to the south-west corner of the site where natural surveillance is restricted; the creation of undercrofts attracting rough sleepers; parking provision; uncontrolled access to the basement and hotel; access to Victoria Park; bicycle storage; and the management of patrons arriving and leaving drinking establishments. Notwithstanding these concerns, it should be noted that a pre-application meeting took place between the developer, the LPA, the City Council's Environmental Health & Licensing Teams and representatives of Hampshire Police where the proposal was presented largely in its current form. No significant concerns were raised at that point and the development was progressed on that basis.

As highlighted by the CPDA, the NPPF states that (paragraph 58): Planning policies and decisions should aim to ensure that developments...create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. This does not however, suggest that development should not take place in areas that experience crime and disorder and can in itself be used as a tool to assist in addressing existing economic, social and environmental problems. The same paragraph of the NPPF also states that developments must also: function well and add to the overall quality of an area over its life time; establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit; create and sustain an appropriate mix of uses; and are visually attractive as a result of good architecture and appropriate landscaping.

Working with the LPA, the applicant has sought to address the concerns of the CPDA by introducing a package of security measures to provide alternative safe routes for residents wishing to avoid the boulevard including: alterations to the layout along the southern boundary to create a single secured access to Victoria Park; the installation external lighting; the installation of railings along the edge of the railway embankment; removing small undercroft spaces; and providing a contribution towards the installation and future maintenance/monitoring of a CCTV camera to the southern end of the boulevard linked directly to PCCs control/monitoring facilities. The introduction of residential uses would also provide additional natural surveillance to both the boulevard and southern route. Design changes to the boulevard have also resulted in two distinct levels that would assist in the management of patrons, and security shutters are now proposed to the carpark entrance.

Whilst the concerns of the CPDA are not discounted, with the design changes and the additional measures that can be imposed through the licencing regime in terms of management and security associated with the licenced premises, it is considered that on balance, crime and the fear of crime can be adequately managed at the application site without significantly affecting the amenity of future residents, adjoining occupiers or placing significant additional burden on the police resources. Given the city centre location of the development and open market tenure the proposed dwellings, this would be a development where residents would choose to live having full regard to the range of uses within the surrounding area and would be expecting a very different living environment to other parts of the city.

- Landscaping - Policy PCS13 of the Portsmouth Plan requires that all developments providing 50 dwellings or more must provide on-site pocket parks to a standard of 1.5ha per 1,000 population. Whilst this would normally be expected, the LPA accepts that this is not considered to be feasible on all city centre sites given the limited size of plots (resulting in taller development) and the need to incorporate active uses at ground floor level. In this particular instance the site is located immediately adjacent to an existing park. In lieu of this provision, the applicant has agreed to carry out and meet the costs of public realm improvements to the adopted highway on Commercial Road and Stanhope Road continuing the City Council's programme of improvements along Isambard Brunel Road and up to Commercial Road. In addition to the soft landscaping proposed around the building, improvements to the Council's southern entrance into the park and the green roof, it is considered that cumulatively these improvements would provide equal benefit to the provision of a pocket park without incurring additional future liability to the developer and/or Council. On the basis that significant weight has been placed on the cumulative benefits of these elements, their delivery through suitably worded planning conditions is considered to be necessary and reasonable. The City Council's Landscape Team welcome improvements to the public realm but request conditions seeking the submission and approval of soft and hard landscaping schemes to ensure consistency and continuity of materials throughout Commercial Road and Isambard Brunel Road. This has been agreed with the applicant.

The proposal has also been considered by the City Council's Arboricultural Officer who highlights that if the protection measures outlined in the submitted Arboricultural Impact Assessment (AIA) are followed, there should be no impact upon trees located beyond the application site within Victoria Park and the railway embankment. Whilst the loss of a single tree on Commercial Road is unfortunate, it is currently contained within a damaged raised planter which will constrain root development and its life expectancy. Its retention would not outweigh the wider benefits of the development and mitigation planting is suggested. The full implementation of the AIA and replacement planting can be controlled through planning condition although the precise species and location may be influenced by the need to mitigate the impacts of draughting and wind flows as detailed above.

So as to ensure that the development quality endures over time and the city skyline continues to benefit from the positive design outcome, a planning condition is suggested removing permitted development rights for 'telecommunication equipment' (works permitted by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

### **Standard of living environment and impact on amenity**

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

In terms of internal living conditions, the 147 dwellings proposed would be arranged across 15-storeys within the southern tower with their entrance located to the south-east corner of the site within the boulevard. Each floor would typically accommodate six 1-bedroom dwellings each measuring 40sq.m. and four 2-bedroom dwellings ranging between 60 and 70sq.m. Whilst it is noted that a number (29) of the two-bedroom dwellings fall marginally short (1sq.m.) of the required floorspace set out within the nationally described space standards (61sq.m.), these dwellings typically benefit from improved outlook and all of the 1-bedroom dwellings exceed the minimum standards by at least 3sq.m. Such a small deviation (1sq.m.) on a limited number of



units would not significantly affect overall internal living conditions and for the reasons set out above highlighting the benefits of the proposal, this would not amount to sustainable reason for refusal in this particular instance.

Whilst the majority of units would benefit from an excellent degree of natural light and outlook towards the south, east and west, it is noted that dwellings positioned to the north of the block would take principal light and outlook from the internal space between the two towers. At its closest point the distance between the two buildings would be just 5.3 metres although this would increase to approximately 11 metres. Whilst this relationship is not ideal, it is considered that these 1-bedroom units would still provide an acceptable standard of living environment and future buyers/occupiers would be fully aware of this relationship before occupation. It is also noted that the building layout has been arranged so that just two dwellings on each floor would face solely into this internal space with other dwellings also benefitting from views towards the boulevard or to the east and west.

The building would not provide any external amenity space with the applicant siting the potential impact of balconies or external terraces on the overall design concept, and relationship with the railway line and other commercial uses. The LPA would share the applicant's view that this would not be an ideal location for the incorporating of balconies to all units and it is noted that the dwellings would be situated directly adjacent to a large public park.

The City Council's Environmental Health Team (EHT) has considered the application and the supporting Noise and Vibration Impact Assessment and Ventilation Strategy Statement. It is highlighted that on the basis that there would be limited parking opportunities at the site, impact on air quality is not considered to be a concern. It is highlighted that the principal issue will be the impact of noise associated with adjoining commercial uses including the Pryzm Nightclub (within the Drill Hall, Stanhope Road), the bars and restaurants proposed at ground/first floor level and any plant and equipment associated with their use and the railway line.

The EHT team confirm that having reviewed the submitted acoustic report, it is considered that the building's proximity to the railway line should not form a significant concern subject to the use of adequate noise attenuation measures into the building's fabric which can be controlled through suitably worded planning conditions. The same principles would apply to the proposed commercial uses at the application site. It is also noted that the presence of the hotel building would also act as a barrier limiting noise associated with the operation of the nightclub within the Drill Hall. The submitted Ventilation Strategy Statement confirms that all extraction systems will vent at roof level limiting any potential impact of fumes and odours associated with cooking operations at the site.

Overall, it is considered that the proposal would provide an acceptable standard of living environment for future occupiers subject to the inclusion of planning conditions relating to the submission and approval (in consultation with the EHT) of details in respect of noise attenuation measures, details relating to any external plant and equipment, timings of servicing and deliveries and the operating hours of the commercial uses. Any limited concerns over the standard of accommodation would be outweighed by the wider benefits of the proposal including the redevelopment of an important city centre site and the provision of 147 towards the city's identified housing need.

The application site is located primarily within a commercial area although residential uses (purpose built student accommodation) have recently been introduced at Catherine House and are under construction within the surrounding area. It is not considered that the introduction of further residential uses would have a significant adverse impact on existing residents, although the introduction of further late night uses particularly within the boulevard would have the potential to increase noise and disturbance. However, having regard to the city centre location where residents would be accustomed to a degree of noise and disturbance later into the evening and the presence of the existing large nightclub within the Drill Hall, the EHT raise no specific concerns over the potential impact of the commercial elements of the proposal on the

amenity of neighbouring occupiers subject to the inclusion of conditions restricting operating hours and the timings of servicing and deliveries.

The introduction of a 16 and 19-storey building would inevitably change the outlook for residents residing to the eastern side of Catherine House overlooking the boulevard. With a separation distance of approximately 15 metres, the development would also affect the amount of light entering windows on this eastern elevation. Whilst such a relationship is not necessarily appropriate in all situations, regard is made to the location of the site within the city centre where the presence of taller buildings is to be expected and separation distances reduced, and the wider vision for the Catherine House set out within the City Centre Masterplan which suggested development either side of the boulevard. Regard is also made the position of the development site to the east of Catherine House limiting direct shadowing to the morning only, and the central space between the two towers that would allow light and views through.

### **Provision of affordable housing**

Policy PCS19 of the Portsmouth Plan requires all developments resulting in a net increase of eight or more dwellings must make provision for affordable housing which will contribute towards meeting the identified need in the city. However, the National Planning Policy Guidance was updated on 16th November 2016 following a Court of Appeal judgment dated 13 May 2016, which gave legal effect to the policy set out in the written ministerial statement of 28 November 2014 which states that contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. The impact of these changes are that the LPA can only seek an affordable housing contribution from developments of 11 or more dwellings, although the proportion of affordable housing would continue to be dictated by policy PCS19. As such, this proposal would be required to provide an affordable housing provision of 30% which would amount to 42 units.

In this instance however, the applicant has submitted a Feasibility Study (produced by Bilfinger GVA in conjunction with Savills) in order to demonstrate that the proposal as a whole would not be viable with an affordable housing provision either on site or through a commuted sum towards the provision of affordable housing off site. The City Council has sought an independent review (CBRE) of the applicant's assessment. Following extensive discussions requiring the submission of further information, evidence and points of clarification from the applicant, the City Council's consultants have concluded that the assessment undertaken by Bilfinger GVA has been undertaken in a standard format and even without a more prudent view of the gross development value and costs, contributions of 30% affordable housing (or 45% as a commuted sum towards off-site affordable housing) would not be viable with normal commercial considerations. CBRE's review highlights that in their professional opinion, the overall development is at best marginal as with or without affordable housing the developers profit is below 15% which is a generally accepted measure for a scheme to be attractive to a developer. It is also noted that all of the key parameters are at the high end or beyond for the value expectations of the completed scheme whilst the costs of development provided on an indexed basis are potentially low and uncertainty exists within the market leading up to the UK's exit from the EU.

In conclusion, placing significant weight on the expert independent review carried out by CBRE on behalf of Portsmouth City Council, it is considered that the development would not be viable with a policy compliant 30% on-site affordable housing contribution or with a commuted sum towards the provision of off-site affordable housing. Whilst the LPA would not conclude that the development is completely unviable and planning permission should be withheld, it is aware that the development is marginal and relies upon the developer incurring no further unexpected development costs, meeting predicted targets for occupancy levels and room rates within the hotel, and finding occupiers for the other commercial uses. This possess a significant risk to the developer and on that basis it is considered that the significant benefits from the development detailed throughout this report would again outweigh the absence of an affordable housing contribution.

Whilst CBRE's review identifies that a reassessment of the scheme's viability should take place in six months' time, this is considered to be an unreasonably short time period given that legal agreements (S.106 & S.278) need to be completed before planning permission can be granted and development can commence. In line with other schemes in the city, a more reasonable time period is considered to be 18 months from the date of permission unless the development is substantially complete. This would give the developer greater certainty within an uncertain market increasing the likelihood of delivery.

## Highway Implications

The proposal makes provision for 41 car parking spaces (five of which would be universally accessible) within a basement car park accessed from Stanhope Road. These would be allocated solely to hotel guests with an internal lobby within the basement connecting directly to the hotel above. The residential and other commercial elements of the development would operate on a car free basis with service and deliveries taking place from an existing lay-by on Stanhope Road immediately adjacent to the boulevard. The original and updated views of the Local Highways Authority (LHA) are set out in full within the Consultation section of the report.

Based on the initial submission, the LHA agree that the application site is arguably the most accessible site by sustainable and active travel modes within Portsmouth, located within the city centre in close proximity to the rail station and within the zone which is found to be sufficiently accessible that a reduction in the residential parking standard from that prescribed in the Parking Standards SPD could be considered. Whilst raising no objection to the proposal in principle and highlighting that a case for a reduced parking provision could be made, the LHA took the view that neither the submitted Transport Statement (TS) nor the Travel Plan (TP) made any practical assessment of the transport demands associated with the residential component of the scheme, nor made a compelling case for a zero vehicle parking provision. It was however, noted that a reduced/zero parking provision would ensure that the development would be unlikely to generate sufficient traffic movements to have a material impact on the operation of the local transport network.

Following the submission of additional supporting information, the LHA conclude that the suggested trip rates for the commercial elements of the development (excluding the hotel) and the assumption that none of these trips will be made by car is sound. It is also considered that the level of parking provision for the hotel is likely to meet the demands of future operators and the absence of further car parking facilities will ultimately deter guests from arriving by car which is positive given the sustainable location of the site.

In respect of the residential element of the proposal, the LHA conclude that despite the submission of further supporting information, insufficient evidence has been provided to justify a car free development at the site or a relaxation of the parking standards. The LHA does however highlight that car ownership within the Charles Dickens Ward stands at 32% for flat/maisonette households suggesting a demand for at least 47 parking spaces for the residential units, although it is accepted that car ownership within this Ward is proportionally lower due to the level of social/affordable housing. In addition, it is highlighted that limited parking opportunities will itself influence the level of car ownership and smaller developments within similarly accessible locations typically generate a demand for parking permits from a third of households. Applied to the proposal, the demand would equate to 49 spaces similar to that identified above.

An expected parking shortfall of 49 spaces would not in itself generate a highway safety concern as there are no unrestricted on street parking spaces within a reasonable walking distance of the site and given the local on street parking restrictions and nature of the environment it seems unlikely that residents would practically seek to park on street contrary to the parking controls. It should also be noted that future residents would not have access to a controlled parking scheme and therefore would not impact on the parking facilities available for existing residents within adjoining neighbourhoods.

Despite the parking shortfall, the LHA reiterate the highly accessible location of the site and suggest that the development would be a primary candidate for a car free development trial. No objection to the proposal is raised by the LHA solely on the basis that the development could be treated as a trial and would include a robust monitoring regime within a Travel Plan secured within the S.106 Agreement together with a financial contribution towards the Council's costs of auditing on an annual basis over a 5-year period. Whilst the LPA could not revisit its decision to grant planning permission should the monitoring reveal that car ownership has not been significantly reduced, it would provide invaluable data to assist with the determination of similar applications that are inevitable as part of the city centre redevelopment where major housing delivery is necessary. The LHA highlight that the Travel Plan and auditing is necessary to justify the approval of the application in the absence of robust evidence to demonstrate a reduced/zero parking provision.

In light of the comments issued by the LHA, it is considered that the commercial elements of the proposal would be adequately served by public transport and the basement car park and would not significantly affect the operation of the surrounding highway network. Whilst there is greater uncertainty over the residential parking position, having regard to the highly accessible location of the site, the inability of future residents to apply for parking permits within existing parking schemes and the absence of unrestricted parking within the surrounding area, it is considered that a trial of a car free development would be appropriate in this location. In the worst case scenario, the LHA could expect a parking demand of 49 spaces which would not significantly affect the operation of the highway network, and nearby city centre car parks could potentially issue parking permits subject to capacity.

In reaching this conclusion, weight is placed upon the sustainable benefits of reducing reliance on private vehicle ownership and the need to create active and welcoming spaces within the city centre and high density developments which are not dominated by vehicle parking. Whilst developments such as Gunwharf Quays have demonstrated that multi-level basement car parking can be delivered within the city, this is not always a viable option due to the high water table and associated cost of construction. Such a solution would not help reduce car dependence within the city.

Whilst opportunities for disabled parking provision connected to the residential element of the proposal has been extensively explored, it is considered that this cannot practically be accommodated on site. In addition, the applicant has indicated that due to future management and security complications, it would not be possible to allocate disabled parking spaces or car share vehicles for the residential development within the basement car park associated with the hotel. However, five universally accessible spaces as shown for use by hotel guests.

The LHA refer to the need to ensure that the layby on Stanhope Road is available to facilitate servicing of the site and a condition should be imposed requiring a TRO to be in place limiting its use to a loading bay. It is noted however, that the layby and associated TRO has already been completed as part of the Catherine House development and it is not necessary to repeat these requirements. A Construction Environmental Management Plan (CEMP) is sought through planning condition to limit the impact of development work given the level of development taking place within the Station Square area, the constrained nature of the site, its proximity to the adopted highway and residential accommodation in Catherine House.

- Bicycle storage - One letter of object has been received on behalf of the Portsmouth Cycle Forum raising concerns over the level of bicycle storage facilities for both the commercial and residential uses. This has been addressed by the applicant through the submission of amended drawings which shows a total of 150 bicycle storage spaces for the residential units and 42 for the hotel located at basement level. In addition, short stay spaces for 22 bicycles are provided externally around the building. Whilst the inclusion of part of the bicycle storage facilities at first floor level within the residential building is not considered to be ideal, this space is accessible by lift and reduces the amount of 'dead' frontage at ground floor level. Overall, it is considered that

the level of bicycle storage is adequate for the development and its provision and retention can be required through planning condition.

In addition to the need to complete a S.106 Agreement, there will also be a need for a S.278 to allow the developer to carry out works to the adopted highway in connection with the new vehicular entrance and crossover onto Stanhope Road and hard landscaping works within the public realm. A stopping-up order would be required for a small section of adopted highway to the north-east corner of the site at the hotel entrance and for supporting columns. An oversailing licence will also be required where the hotel would project over the adopted highway. With the exception of the S.106, these matters can be dealt with post decision and are referred to within the suggested planning conditions and informatives.

- Refuse storage - In terms of waste storage and collection, the applicant has sought to address initial concerns raised by the Council's Waste Management Service (WMS) by relocating the residential bin store closer to the layby on Stanhope Road. Whilst there are still a number of technical/practical issues to be resolved such as the management of the storage areas, confirmation of levels, details of doors etc. there is no outright objection from the WMS to the facilities in principle. These finer details can be reserved by planning conditions which will seek the provision and retention of the storage areas, and the submission and approval (in consultation with the WMS, EHT and the LHA) of a Delivery and Servicing Management Plan.

### **Sustainable design and construction**

All development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD). Both the policy and SPD require non-domestic developments to achieve a BREEAM level 'Excellent', as well as further minimum standards in terms of cyclist facilities and low or zero carbon (LZC) energy technologies. An Energy and BREEAM Statement submitted with the application indicates target scores of 73% for the hotel element of the development, 71% for the office uses and between 9% and 11% improvements in regulated emissions from a building regulations baseline for the remaining commercial elements. The Statement also suggests a 20% improvement in the dwelling emission rate over the target emission rate for the dwellings with a maximum water use of 110 litres per person per day.

Whilst the entire commercial element would not meet BREEAM Excellent standards, on the basis the two largest elements of the development (hotel & office uses) would meet this standard and the remaining elements which incorporate large areas of glazing would still see an improvement on building regulations requirements, it is considered that the proposal complies with the aims and objectives of Policy PCS15 and the SPD. The residential element of the proposal would be fully in line with the current requirements of Policy PCS15. It is also positive to see the inclusion of a green and biodiverse roof above the residential element partly to provide drainage attenuation but also to provide ecological benefits which is addressed in more detail below.

Southern Water has indicated that there is currently insufficient information available to confirm whether foul and surface water sewer capacity is available to serve the proposed development and further investigation of the downstream sewerage network is required. In order to overcome this issue Southern Water have suggested the imposition of planning conditions seeking the submission and approval (in consultation with Southern Water) of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable. The details of further off-site infrastructure works (if required) will need to be discussed and agreed between the applicant and Southern Water. This would not amount to a reason to withhold the grant of planning permission.

## Impacts on nature conservation interests

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

Based on the methodology set out within the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation would be calculated as £58,239 (89x1-bedroom dwelling @ £337 + 58x2-bedroom dwellings @ £487). It is considered that, subject to the inclusion of an appropriate level of mitigation secured within the S.106 agreement, there would not be a significant effect on the SPAs. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

In terms of mitigating the impacts of the hotel accommodation, the Solent Recreation Mitigation Strategy states (paragraph 6.9): 'The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the LPA. The key 'test' is based around the likelihood of the proposed development generating recreational visits to the SPA(s)... New hotels and other holiday/tourist accommodation - defined as both wholly new establishments and extensions of existing ones - is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the LPA in relation to the 'tests'. Mitigation is unlikely to be required for new hotel development within the city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast. On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend some time walking or pursuing other recreational activities at the coast'.

The LPA has no precise details of the target market for the hotel. However, having regard to the site's location within the city centre in close proximity to retail and leisure facilities within Commercial Road and Gunwharf Quays; attractions within the Historic Dockyard and the Seafront; civic and university related uses within the immediate vicinity; and proximity to the international port, it is considered that the hotel is likely to cater predominately for tourist, city visitors and business travellers. Whilst some visits to the more sensitive coastlines around the SPAs cannot be ruled out, any increase in numbers is likely to be negligible. As a result it is considered that the hotel element of the proposal would not have a likely significant effect on the SPAs and further mitigation could not be justified in this instance. This view is shared by Natural England (NE).

The City Council's Ecologist concludes that the site currently has negligible potential to support protected species and there are no concerns that the development would adversely affect any locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. It is noted that the proposed green and biodiverse roof over the residential element may offer an on-site ecological benefit with the submitted Preliminary Ecological Appraisal (PEA) highlighting that this feature should target bird species known to be present locally, including house sparrows and black redstart. Both NE and the Council's Ecologist recommend that the proposal should be supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) which can be required through planning condition and agreed in consultation with NE and the Council's Ecologist.

## **Conclusions**

Overall, the proposal represents a significantly positive and ambitious form of development that would regenerate an important and prominent gateway site within the city centre. Whilst introducing a significant level of development, the proposed design and use of materials displays elements of architectural excellence that would relate appropriately with its surrounding context which includes a mix of tall buildings and a number of sensitive heritage assets. Although the LHA highlights some reservations over the evidence to support a car free residential development, the site is located at arguably the most sustainable location within the city where opportunities for reduced parking standards should be encouraged. It is unfortunate that the proposal cannot make provision for affordable housing, however the wider social, economic and environmental benefits of the proposal are considered to outweigh this omission with the development making a significant contribution to the vitality and viability of the city centre and potentially stimulating similar regeneration projects within the area.

In light of the detailed assessment above, it is considered that the proposal would comply with the aims and objectives of the Portsmouth Plan Policies and supporting Supplementary Planning Documents, and would meet the definition of sustainable development as set out within the National Planning Policy Framework, subject to following planning obligations:

- Prepare, implement and monitor a Travel Plan (to encourage alternative modes of sustainable transport, reduce car ownership and monitor model habits of occupants);
- Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution;
- Financial contribution towards the provision and ongoing maintenance/monitoring of CCTV coverage within the boulevard and southern park entrance and securing access for installation and maintenance;
- Financial contribution towards future maintenance of new boundary treatments (railings) along the southern boundary of the site with the railway embankment and entrance to Victoria Park (the Council's Parks Service will be taking on the future liability for this section of the boundary);
- 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) before development commences;
- The provision and implementation of Street Management Plan to ensure that the new access is not blocked / people are prevented from using it when the Park is open and there is a maintenance / cleanliness regime for the boulevard;
- A provision to ensure the development is fully implemented and not part implemented;
- A provision to secure access to Victoria Park through the boulevard to the west of the site;

- The payment of a Project Management Fee upon implementation of planning permission:

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Regeneration to grant Conditional Permission subject to first securing the completion of a legal agreement (pursuant to Section 106 of the Town and Country Planning Act 1990 with principal terms as outlined in the report and such additional / amended items as the Assistant Director of Regeneration considers reasonable and necessary having regard to material considerations at the time the legal agreement is issued;

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Regeneration to add/amend conditions where necessary, and

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the legal agreement, pursuant to Section 106 of the Town and Country Planning Act 1990, has not been completed within three months of the date of the resolution pursuant to Recommendation I.

## **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: U189 - P001\_B, U189 - P002C, U189 - P003B, U189 - P004C, U189 - P005D, U189 - P006C, U189 - P007B, U189 - P008B, U189 - P009B, U189 - P010C, U189 - P011C, U189 - P012B, U189 - P013B, U189 - P014B, U189 - P015B, U189 - P016B, U189 - P017D, U189 - P018B, U189 - P019A, U189 - P020B, U189 - P021B, U189 - P022D, U189 - P023, U189 - P025B, U189 - P026B, and U189 - P027A.
  
- 3) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
  - a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;  
and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;  
and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.



- 4) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (3)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
- a) Description of remedial scheme
  - b) as built drawings of the implemented scheme
  - c) photographs of the remediation works in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

- 5) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a detailed Implementation Phasing Plan has been submitted to and approved in writing with the Local Planning Authority; and  
(b) The development shall thereafter be carried out in full accordance with the Implementation Phasing Plan agreed pursuant to part (a) of this condition.

- 6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and  
(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

- 7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details of (i) the proposed means of foul and surface water sewerage disposal, and (ii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), have been submitted to and approved in writing by the Local Planning Authority; and  
(b) No part of the development shall be occupied/brought into use until the drainage works have been carried out in full accordance with the details agreed pursuant to part (a) of this condition, unless otherwise agreed in writing by the Local Planning Authority

- 8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a full schedule of materials and finishes (including samples where requested and mock panels (size to be agreed) of the external façades (brick) constructed for approval) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and  
(b) The development shall thereafter be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this condition.

- 9) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the installation of any external facades, a scheme for insulating all habitable rooms of the dwellings hereby permitted against external noise sources shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed to ensure that the following

acoustic criteria will be achieved in all habitable rooms: Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB; and

(b) The scheme approved pursuant to part (a) of this condition shall be fully implemented prior to first occupation of each dwelling and shall thereafter be permanently retained.

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the installation of any external facades, precise glazing specifications and details of any entrance lobby areas associated with each of the proposed licensed premises (including the ground floor commercial units, hotel, ground/first floor bar and sky bar) shall be submitted to the Local Planning Authority for approval in writing. The specification should ensure a minimum sound insulation performance of Rw+Ctr of 32dB; and

(b) The development shall be carried out in full accordance with the details approved pursuant to part (a) of this condition and thereafter permanently retained.

11) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a scheme produced and/or assessed by a suitably competent person for mitigating the impacts of downdraughting, wind flowing around the west of the proposed development and wind channelling between the proposed and neighbouring developments (as identified within the Pedestrian Level Wind Assessment, RWDI #1602274-RevD 28/09/2017 and subsequent Memorandum 19/02/2018) shall be submitted to and approved in writing by the Local Planning Authority;

(b) No part of the development shall be occupied/brought into use until all of the wind mitigation measures have been provided in accordance with the scheme approved pursuant to part (a) of this condition (with the exception of soft landscaping measures which shall initially be provided in accordance with the requirements of Condition 15); and

(c) The wind mitigation measures shall thereafter be permanently retained in accordance with the scheme approved pursuant to part (a) of this condition unless otherwise agreed in writing with the Local Planning Authority.

12) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the vehicular access onto Stanhope Road (to serve the basement car park) shall commence until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) This shall include, but not limited to: the design and layout of the new vehicular access onto Stanhope Road and its means of construction including, surface water drainage, pedestrian crossing points, signage and road markings; and

(b) The access shall be laid out and constructed in accordance with the details approved pursuant to part (a) of this condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980 before the hotel is first occupied/brought into use.

13) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and

(b) With three calendar months of substantial completion of the either the hotel or residential building shell, a report to assess the impact the development hereby permitted may have upon television and radio equipment signals in the locality shall be submitted to the Local Planning Authority for approval; and

(c) Within three calendar of approval of part (b) of this condition, a detailed scheme to mitigate any significant adverse effects upon TV/radio reception created by the presence of the development upon the occupiers of nearby properties shall be submitted to and approved in writing by the Local Planning Authority; and

(d) Any mitigation measures required by part (c) of this condition shall be implemented within three calendar months of approval, or within such other period of time as approved in writing by the Local Planning Authority, and thereafter permanently retained.

14) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details of all hard surface treatments and street furniture proposed across the application site including the types, textures and colour finishes (and samples as may be required), have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority); and

(b) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied/brought into use until all hard landscaping works (to the boulevard, Stanhope Road, Commercial Road and southern entrance to Victoria Park along the railway embankment) have been carried out in full accordance with the details agreed pursuant to part (a) of this condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980.

15) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a detailed soft landscaping scheme which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority;

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

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

16) (a) Prior to installation, details of all external lighting schemes (architectural and security required) including details of the number, siting, appearance and specification of any luminaires shall be submitted to and approved in writing by the Local Planning Authority. The submitted schemes shall take into account the prominent location of the site within the city centre, impact nearby heritage assets, security for pedestrians within the 'Boulevard' and narrower entrance to the park (along the southern elevation) and impact on railway and highway safety; and

(b) The approved lighting schemes approved pursuant to part (a) of this condition shall be carried out as an integral part of the development prior to first occupation and thereafter permanently retained unless otherwise agreed in writing with the Local Planning Authority.

17) The development hereby permitted shall proceed in full accordance with the measures set out in Sections 4.10-4.17 inclusive of the submitted Preliminary Ecological Appraisal (The Ecology Consultancy, September 2017) addressing breeding birds, protected species and invasive species.

18) (a) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until details of the type, alignment (including means of access for maintenance), appearance, height, materials, finish and method of installation (including additional Arboricultural Impact Assessment and Method Statement) of the proposed park boundary treatment to be installed to the northern edge of the railway embankment has been submitted to and approved in writing with the Local Planning Authority; and

(b) The boundary treatment shall be installed in full accordance with the details approved pursuant to part (a) of this condition prior to first occupation/use of any part of the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

19) (a) Notwithstanding the submitted details, prior to the installation of any fixed plant, mechanical equipment or associated noise attenuation measures, precise details to include: a design stage Ventilation/Extraction Strategy; an assessment of noise from the operation of the plant and equipment undertaken using the procedures within British Standard BS4142:2014; and an associated maintenance programme, shall be submitted to the Local Planning Authority for approval in writing. Appropriate measures shall be implemented to ensure that the cumulative noise level from the operation of any proposed plant will not exceed the following

noise levels 1m from the façade of any residential dwellings; LAeq(1hr) 42dB (07:00 - 23:00hrs) and LAeq(15min) 38dB (23:00 - 07:00hrs); and

(b) Any fixed plant, mechanical equipment or associated noise attenuation measures approved pursuant to part (a) of this condition shall be installed and operated in accordance with the approved details and thereafter permanently retained unless otherwise agreed in writing with the Local Planning Authority.

20) (a) Notwithstanding the submitted details, prior to first use of each commercial kitchen (including the ground floor commercial units, hotel, ground/first floor bar and sky bar) precise details of any fixed plant and mechanical equipment required to suppress and disperse odours and fumes, and an associated maintenance programme shall be submitted to the Local Planning Authority for approval in writing; and

(b) Any fixed plant and mechanical equipment approved pursuant to part (a) of this condition shall be installed and operated in accordance with the approved details and thereafter permanently retained unless otherwise agreed in writing with the Local Planning Authority.

21) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until, a Biodiversity Mitigation and Enhancement Plan (BMEP) including specifications and locations of features to be incorporated into the development and incorporating (but not limited to) a green roof designed for biodiversity benefits shall be submitted for written approval to the Local Planning Authority. The design shall be informed by the recommendations of the submitted Preliminary Ecological Appraisal (The Ecology Consultancy, September 2017): and

(b) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development shall be occupied/brought into use until the features/measures identified within the Biodiversity Mitigation and Enhancement Plan (BMEP) approved pursuant to part (a) of this condition have been fully implemented.

22) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the approved 'Arboricultural Impact Assessment' (AIA - produced by Wayne Isaacson tree Consultancy Ltd. ref.WIT-17-21-012-ai dated 22/09/2017) for the safeguarding of all trees within the application site and all trees and shrubs within Victoria Park on the boundary with the site (in particular trees referred to as T2-T12 inclusive within the AIA) not scheduled for removal during the course of the site works and building operations; and

(b) Such methods of safeguarding and protection as set out by part (a) of this condition shall be maintained for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

23) (a) Prior to first occupation/use of any part of the development hereby permitted (or such alternative time period as may be agreed in writing with the Local Planning Authority) Closed Circuit Television (CCTV) coverage shall be provided in a location to be agreed in writing with the Local Planning Authority within the vicinity of the entrance to Victoria Park providing coverage of the 'boulevard' (north/south) and the southern route along the southern elevation of the development site (east/west); and

(b) The CCTV coverage shall thereafter be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

24) Before any part of the development is occupied (or within such alternative time period as may be agreed in writing with the Local Planning Authority), written documentary evidence shall be submitted to, and approved in writing by the Local Planning Authority demonstrating that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.

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

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

26) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation/use of any part of the development hereby permitted a Delivery and Servicing Strategy (including refuse and recyclable materials management) shall be submitted to the Local Planning Authority for approval in writing; and

(b) The development shall thereafter be operated in full accordance with the Delivery and Servicing Strategy approved pursuant to part (a) of this condition.

27) (a) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until its associated refuse and recyclable material storage facilities have been provided in accordance with the approved drawings; and

(b) The approved facilities shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

28) (a) Unless otherwise agreed in writing with the Local Planning Authority, the hotel hereby permitted shall not be occupied/brought into use until the 41 car park spaces (including 5 Universally Accessible spaces) have been marked out and made available for hotel guests in accordance with the approved drawings; and

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

29) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until precise details of all bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development shall be occupied/brought into use until its associated bicycle storage facilities have been provided and made available for use in accordance with the details approved pursuant to part (a) of this condition.

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

30) All clear glazed windows shown on approved drawings U189-P017D & U189-P027A to the southern elevation of the building at ground floor level shall remain unobscured at all times.

31) (a) With the exception of the restaurant/bar area associated with the operation of the hotel (Class C1), all of the commercial units (including the 'sky bar' (Class A3/A4), restaurant/bar (Class A3/A4), and ground floor café/restaurants (Class A3)) hereby permitted shall remain closed to and vacated by members of the public between the hours of 01:00am and 07:00am each day.

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, no structure, plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of

that Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

33) Other than those shown on approved drawings, no satellite antennae, flues, ducts, soil stacks, soil vent pipes, rainwater pipes shall be installed to the external elevations of the building/s hereby permitted without the prior written approval of the Local Planning Authority sought through the submission of a formal planning application.

34) The office floorspace at floors 14 to 16 inclusive hereby permitted shall be used as an office/s within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose without the prior written permission of the Local Planning Authority sought through the submission of a formal planning application.

**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 that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To ensure that the development progresses in an ordered and agreed methodology, to limit disruption to the surrounding highway network and to ensure the timely delivery of all public realm works in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 6) To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 7) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, in accordance with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 8) To secure a high quality finish to these tall buildings on a prominent and important site within the city centre having regard to the specific weight that has been placed on the quality of design and impact on nearby heritage assets in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the National Planning Policy Framework.
- 9) To ensure that acceptable noise levels within the dwelling are not exceeded in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 10) To provide a lively and attractive frontage whilst ensuring adequate natural surveillance in the interests of visual amenity having regard to the adjoining heritage assets and entrance to Victoria Park, and public safety as part of a scheme of security measures along the southern boundary of the site in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the Reducing Crime Through Design Supplementary Planning Document (March 2006).

- 11) To ensure suitable wind conditions are achieved within adjoining thoroughfares and entrances to the development in the interests of public amenity and safety in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan.
- 12) In the interests of maintaining a safe and efficient highway network in accordance with Policy PCS17 of the Portsmouth Plan and Paragraph 32 of the National Planning Policy Framework.
- 13) To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, to accord with Policy PCS23 of the Portsmouth Plan.
- 14) To secure a high quality setting to these tall buildings on a prominent and important site within the city centre, to provide an appropriate setting for nearby heritage assets and to ensure continuity with other public realm improvements through Isambard Brunel Road and Commercial Road (undertaken by the City Council) in the interests of visual amenity in accordance with Policies PCS13, PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the National Planning Policy Framework.
- 15) To secure a high quality setting to these tall buildings on a prominent and important site within the city centre, to provide an appropriate setting for nearby heritage assets and to ensure continuity with other public realm improvements through Isambard Brunel Road and Commercial Road (undertaken by the City Council) in the interests of visual amenity in accordance with Policies PCS13, PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the National Planning Policy Framework.
- 16) In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building/s and public safety as part of a scheme of security measures within the 'boulevard' and along the southern boundary of the site in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan, the Tall Buildings Supplementary Planning Document (SPD) and the aims and objectives of the Reducing Crime Through Design SPD (March 2006).
- 17) To maintain, protect and produce a net gain in biodiversity value at the development site in accordance with Policy PCS13 of the Portsmouth Plan, the aims and objectives of the National Planning Policy Framework and the Rural Communities Act 2006.
- 18) In the interests of visual amenity having regard to the adjoining heritage assets, public safety as part of a scheme of security measures to the southern end of the boulevard, park entrance and southern route along the railway embankment and to ensure that trees, shrubs and other natural features are adequately protected during installation in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.
- 19) In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 20) In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 21) To enhance biodiversity value of the development site, in accordance with Policy PCS13 of the Portsmouth Plan, the aims and objectives of the National Planning Policy Framework and the Rural Communities Act 2006.
- 22) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the setting of the neighbouring Registered Park & Garden and conservation area in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

- 23) In the interests of public safety as part of a scheme of security measures within the 'boulevard' and along the southern boundary of the site in accordance with Policies PCS23 of the Portsmouth Plan and the aims and objectives of the Reducing Crime Through Design Supplementary Planning Document (March 2006).
- 24) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy PCS15 of the Portsmouth Plan.
- 25) To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan.
- 26) In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 27) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the Portsmouth Plan.
- 28) To ensure adequate off-road parking provision for guests of the hotel in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards and Transport Assessments Supplementary Planning Document
- 29) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 30) To provide a lively and attractive frontage whilst ensuring adequate natural surveillance in the interests of visual amenity having regard to the adjoining heritage assets and entrance to the park, and public safety as part of a scheme of security measures along the southern boundary of the site in accordance with Policies PCS23 of the Portsmouth Plan and the aims and objectives of the Reducing Crime Through Design Supplementary Planning Document (March 2006).
- 31) In the interests of residential amenity and public safety having regard to the size and number of licenced premises within the area in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the Reducing Crime Through Design Supplementary Planning Document (March 2006).
- 32) To ensure this prominent building and its roof space remains free of visual clutter and to reduce the impact to nearby heritage assets by any subsequent alteration/addition, to accord with Policy PCS23 of the Portsmouth Plan.
- 33) In the interests of visual amenity having regard to the specific design of the building/s approved in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan and the Tall Buildings SPD.
- 34) To control the scope of the permission granted in the interests of amenity having regard to the range of uses within this part of the building in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

#### **Appendices: One Exempt Appendix (Technical Report)**



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Assistant Director of City Development  
12<sup>th</sup> June 2018

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