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# NOTICE OF MEETING

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## PLANNING COMMITTEE

WEDNESDAY, 14 NOVEMBER 2018 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to 023 9283 4060  
Email: Democratic@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), Jo Hooper, Suzy Horton, Donna Jones, Gemma New, Steve Pitt, Lynne Stagg, Luke Stubbs and Claire Udy

### Standing Deputies

Councillors Frank Jonas BEM, Leo Madden, Robert New, Scott Payter-Harris, Jeanette Smith, David Tompkins, 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 the 17 October 2018 (Pages 3 - 8)**  
RECOMMENDED that the minutes of the previous meeting held on 17 October 2018 be agreed as a correct record and signed by the Chair.
- 4 **Updates on previous planning applications by the Assistant Director of City Development**

## Planning Applications

- 5**      **18/00967/FUL 132 Laburnum Grove Portsmouth PO2 0ES** (Pages 9 - 52)  
Change of Use from Mixed Use Class C3 (Dwelling house)/Class C4 (House in Multiple Occupation) to 7 Bed, 12 Person HMO (Sui-Generis); To include the Construction of a Single Storey Rear Extension.
  
- 6**      **18/01424/FUL Unity Hall, Social Club, Coburg Street Portsmouth PO1 1JA**  
Construction of Eleven Storey Student Halls of Residence Comprising of 123 Studio Flats (Class C1), to include Ancillary Facilities; Hard and Soft Landscaping; and other associated works.
  
- 7**      **18/00292/FUL 92 Osborne Road Southsea PO5 3LU**  
Change of Use from a Shop (Class A1) to a Cafe/Restaurant (Class A3); External Alterations to include Replacement Extract Duct to Rear Elevation.

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, 17 October 2018 at 1pm in the Executive Meeting Room - Third Floor, the Guildhall

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

### Present

Councillors Hugh Mason (Chair)  
Judith Smyth (Vice-Chair)  
Donna Jones  
Steve Pitt  
Luke Stubbs  
Claire Udy

### 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.

### 112. Apologies (AI 1)

Apologies for absence were received from: Councillor Suzy Horton (Councillor Rob Wood deputised for her), Councillor Gemma New and Councillor Tom Wood.

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

#### 18/01143/FUL - 58 Cromwell Road

Councillor Stubbs declared a non-prejudicial interest as he knows the former landlord of the premises when operating as a pub.

Councillor Pitt declared a non-prejudicial interest as he was the landlord of the licensed premises opposite this premises.

#### 18/00813/FUL - 32A Exmouth Road.

Councillor Judith Smyth declared a non-prejudicial interest as she lives near to this premises.

### 114. Minutes of the previous meeting held on 19 September 2018 (AI 3)

**RESOLVED** that the minutes of the Planning Committee held on 19 September be agreed as a correct record and signed by the Chair.

### 115. Updates on previous planning applications by the Assistant Director of City Development (AI 4)

The Assistant Director of City Development advised that there were no updates of the committee.

**116. 18/00057/FUL - Moneyfields Sports & Social Club Moneyfield Avenue, Portsmouth PO3 6LA (AI 5)**

The Planning Officer introduced the report and pointed out the following correction to the first line on page 32:

*Free hire of the AGP for a period of 2 hours, twice a month on Sundays, throughout the year, between 6pm and 8pm (with coaching arranged and undertaken by whichever local charity/ community group has booked the 2 hour slot).*

He referred members to the supplementary matters list. A further representation had been received relating to noise, drainage, visual impact and tree planting. A petition had also been received regarding the carpark. There was also a residual issue about fencing in Sport England's response.

The recommendations remained unchanged.

Deputations from the following people were heard:

1. Mr Pickup, agent
2. Mr Seiden, Director of Moneyfields Sports & Social Club and the Acting Chair of Moneyfields Football Club.
3. Councillor Sanders (objecting).

Members' Questions.

In response to questions, the following points were clarified:

- If problems arise from the public use of the car park, the applicant could apply for the condition to varied or removed.
- No notice had been given that the viability report would be considered in a public meeting. The broad figures are included in the report. Were the assessment to be made public at this meeting, the applicant's position might be weakened.
- The agent was then asked and said that the applicant would be happy for the assessment to be shared at this meeting. He added that the summary costs of the development were shown in the presentation, but not the assessment carried out by the PCC consultant.
- Officers explained that the Vail Williams report did not give total residual build per m<sup>2</sup>. The costs were listed as:

1-14 plots rebuild cost	£1,593/m <sup>2</sup>
Individual dwellings	£1,294/ m <sup>2</sup>
Commercial build	£2.866667/m average (from 3 quotes).
Contingency in the build	5%
The developer's profit would be 17.5%.	The range of profit to be expected for a low risk scheme would be between 18

	and 20%.
Marketing sales fees	£185,735

Timings: 6 months lead-in time, 18 months construction and 8 months sales period. A total of 2 years and 8 months.

- In real terms, there is a funding gap of £1m after the profits are deducted. The controls proposed via the S106 agreement would ensure that the community enabling facility is built.
- The discussion between the applicant and Sport England is outside this application, but the council has been party to that. Sport England did not offer a grant to fund the gap, but officers could not say for certain that it would not be given in the future.
- If delegated authority were to be granted by the committee, a sum equivalent of 4 units would be given to the council to hold to ensure all the scheme is carried out.
- A condition ensuring the car park is opened to residents could not have been imposed on this application. However, as the applicant has offered this provision, it would be an enforceable condition.
- 2m high acoustic fencing would be erected along the full length of the existing boundary with the gardens on the club side.
- The Environmental Health assessment identified the maximum luminosity level required and concluded that it is reasonable and appropriate for the site.
- A letter was sent to all third parties, including residents in Salcombe Avenue informing them of the application. The case file could be viewed online and at the Civic Offices.

#### Members' Comments.

Members commented that they were mindful that the loss of open space was permitted when justified, the scheme would be beneficial to residents, the development application seemed sensitive, the train line would act as a buffer for the nearby houses, the car park would only be available for local residents and that the S106 agreement would protect PCC interests.

**RESOLVED that delegated authority be given to the Assistant Director of City Development to:**

- 1. Grant conditional permission subject to the completion of a Section 106 Agreement in accord with the principals outlined in the report including an appropriate level of mitigation set out in the Solent Recreation Mitigation Strategy (so there would not be a significant effect on the SPAs)**
- 2. Add/ amend conditions where necessary.**
- 3. Refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.**

#### **117. 18/00840/FUL - 38 Vernon Avenue Southsea PO4 8SA (AI 6)**

The Planning Officer introduced the report and referred members to the supplementary matters report. One additional representation had been received raising concerns about the notification process, the change of use to four bedrooms,

the argument that four people could be considered as operating as a family, the property already being used as a HMO and how quickly issues would be addressed by the landlord.

The recommendation remains unchanged.

An amended site plan was circulated.

A deputation was heard from Mr Eveleigh (the applicant).

Members' Questions.

In response to questions from members, the following points were clarified:

Mr Eveleigh explained that he knew the other tenants as they were students on the same course as his son. He did not intend to re-let the property to students after they have left.

The Assistant Director of City Development added that when a landlord lives at a property with two other people planning permission for a change of use to a House of Multiple Occupation is required.

Members' Comments.

Members noted that granting the application would not increase the proportion of HMOs within a 50m radius to over 10%.

**RESOLVED that conditional permission be granted.**

**118. 18/00813/FUL - 32A Exmouth Road Southsea PO5 2QL (AI 7)**

Councillor Jones left the meeting.

The Planning Officer introduced the report and referred members to the supplementary matters list. Two further letters of objection had been received expressing concerns that were similar to those previously reported. Nine other representations had been received concerned that the amended drawings did not address concerns they had already raised. A petition containing the names of 57 individuals had also been received. Details of the council's discussions and additional condition are set out in the list.

Deputations were heard from the following people:

*Objecting*

Mr Foster

Ms Shepherd

*For*

Mr Knight, agent

Mr Oliver, applicant

Members' Questions.

In response to questions, the following points were clarified:

- There would not be a significant loss of light to neighbouring properties.

- There is a 35m of separation in some cases.
- One of the conditions stipulates that land contamination investigations must take place and the appropriate remediation as necessary.
- The drainage team has been involved in discussions regarding the high water table.

Members' Comments.

Members were pleased to note that the design was in keeping with the area, the development would not limit the light to neighbouring properties, would make the area feel safer and was not an over-development of the site.

**RESOLVED that the application be granted subject to conditional permission.**

**119. 18/01143/FUL - 58 Cromwell Road Southsea PO4 9PN (AI 8)**

The Planning Officer introduced the report and referred members to the supplementary matters list. Three additional representations had been made regarding loss of light and privacy, inadequate parking provision, lack of notification and loss of nearby public houses. Two other representations were received regarding the development not being in keeping with the area, overdevelopment and parking.

A deputation was heard from Mrs Atkins (against).

Members' Questions.

In response to questions, the following points were clarified:

- The use of the wall at no. 1 Tokar Street is a party wall issue and therefore not a planning issue.
- The amount of parking proposed would be a net improvement to the current parking provision.
- During negotiations, only cosmetic changes had been requested. The possible removal of the house from the application, was not discussed.
- The applicant had not indicated a willingness to remove the separate dwelling part of the application.
- It is located next to a conservation area and would use good materials.
- During the conversion of The Cellars no parking was provided.
- Moving the separate dwelling would to the west would create a gap with possible maintenance problems.
- The determination of this hearing could be deferred in order to ask the applicant to consider reconfiguration of site to provide easier access/ egress for cars.

Members' Comments.

Members considered the loss of light to the neighbouring property, the over intensification of the site, the logistics involved in parking in the courtyard area and exiting onto the main road, the materials proposed and the visual impact of this property which would not be in keeping with the nearby properties.

**RESOLVED that the application be refused.**

Reasons.

1. The proposed dwelling house to the west of the site would, by reason of its extent of site coverage and inconsistent fenestration represent a visually harmful form of development that would fail to relate appropriately to the adjoining terrace of properties on Tokar Street and the wider street scene resulting in an overdevelopment of the site that would be at odds with the character and appearance of the area. Therefore the proposal would be deemed to be contrary to Policy PCS23 of the Portsmouth Plan and the principles of good design set out within the National Planning Policy Framework.
2. The proposed internal courtyard area represents a cramped layout, lacking adequate space to sufficiently accommodate the different activities relating to the movement of cars, bicycles and bins and would therefore represent an overdevelopment of the site contrary to Policy PCS23 of the Portsmouth Plan.

The meeting concluded at 4:15pm.

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Signed by the Chair of the meeting  
Councillor Hugh Mason



# Agenda Item 5

## **PLANNING COMMITTEE 14 NOVEMBER 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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**01**

18/00967/FUL

WARD:COPNOR

132 LABURNUM GROVE PORTSMOUTH PO2 0ES

**CHANGE OF USE FROM MIXED USE CLASS C3 (DWELLINGHOUSE)/CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) TO 7 BED, 12 PERSON HMO (SUI-GENERIS); TO INCLUDE CONSTRUCTION OF SINGLE STOREY REAR EXTENSION**

**Application Submitted By:**

Mr Jonathan McDermott  
Town Planning Experts

**On behalf of:**

Mr P Moore  
C/O Agent

**RDD:** 21st May 2018

**LDD:** 16th July 2018

**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether the proposed accommodation would provide an acceptable standard of living condition for future occupiers and whether the proposal would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

**The Site**

The application relates to a mid-terrace property located on the south side of Laburnum Grove, between the junctions with Burlington Road and Beaulieu Road. The property has a double height bay window on the front elevation and is set back from the highway by a front forecourt and has a larger garden to the rear that can be accessed via a lockable gate and shared alleyway access to the west of Burlington Road.

**The Proposal**

The proposal is for a change of use from mixed use Class C3 (dwellinghouse)/Class C4 (House in Multiple Occupation) to a 7 bed, 12 person HMO (Sui-Generis); to include construction of single storey rear extension.

**Planning History**

18/00226/FUL - change of use from mixed use Class C3 / C4 to a 7 bed, 7 person HMO (Sui Generis), to include construction of single storey rear extension - conditional permission- 8 May 2018.

17/01446/FUL - Change of use from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) and/or Class C4 (house of multiple occupation) - conditional permission-11 October 2017.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Private Sector Housing**

#### Summary

3 storeys

7 bedrooms / 12 Person

This property would require to be licenced (mandatory) under Part 2, Housing Act 2004.

#### Bedrooms

It is assumed that bedroom 4 and bedroom 7 are not for multiple occupancy and that bedrooms 1,2,3,5 and 6 are for double occupancy and meet the required space standards.

#### Bedroom 2

I have concerns regarding the width of this bedroom, albeit the overall size exceeds the minimum requirement for single occupancy. The concerns are in regard to the safe usability of the room as the width is restrictive and narrow, 2280mm as detailed in the plan.

#### Kitchen

Please note the following amenities are to be provided.

2 x conventional cookers and 2 combination microwaves.

2 x single bowls sink and integral drainer and a standard dishwasher.

2 x under the counter fridge and a separate freezer or 2 x equivalent combined fridge/freezer.

5 x 500mm base units and 3 x 1000mm wall units with doors or equivalent

Worktops 3000mm (l) x 500mm(d)

3 x twin sockets located at least 150mm above the work surface.

### **Waste Management Service**

The applicant / owner will need to purchase communal refuse and recycling bins.

## **REPRESENTATIONS**

One representation has been received, objecting to the development on the following grounds:

- (a) increased pressure for parking;
- (b) loss of family home;
- (c) insufficient space for refuse storage;
- (d) granting permission would set a precedent for similar developments;

## **COMMENT**

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

1. Principle of the proposed use
2. Design of the proposed extension
3. Internal living conditions
4. Impact on neighbouring amenity
5. Highways Implications
6. Impact on the Solent Special Protection Areas

### **Principle of the use**

Planning permission is sought for the use of the property as a seven bedroom, twelve person House in Multiple Occupation (Sui Generis). Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO (C4 or Sui Generis) will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The adopted Houses in Multiple Occupation Supplementary Planning Document (July 2018) (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

Paragraph 1.15 of the HMO SPD (adopted July 2018) states: "Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications "in areas where concentrations of HMOs already exceed the 10% threshold."

Based on the HMO count data the number of residential properties within a 50 metre radius is:

- 71 residential properties
- 3 of the 71 properties are in lawful use as HMO's (inclusive of the application site).
- The density of HMO's would remain the same as a result of this application (4.23%)

Therefore, as the granting of planning permission would increase the proportion of HMOs to 4.23% it is considered that the community is not already imbalanced by a concentration of HMO uses and that this application would not result in an imbalance of such uses. Therefore, the proposal is considered to be acceptable in principle.

The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not a significant concentration of HMOs within the surrounding area, it is considered that this proposal would not be significantly harmful at this particular point in time.

### **Design of proposed extension**

The plans for the conversion to a 7 bedroom HMO include the construction of a single-storey rear extension. This has been constructed on the west side of the south elevation, attached to the side wall of an existing rear projection, and measures 3m in depth, 3.2m in width and up to 2.9m in height with a flat roof. The extension has been constructed in block work/ render to match the existing building and the flat roof would match that on the existing rear projection. The proposed extension is therefore considered acceptable in terms of design.

## Internal Living Conditions

In terms of internal living conditions, the property would comprise seven bedrooms across three floors of accommodation ranging between 8.87m<sup>2</sup> and 17.38m<sup>2</sup>, a communal kitchen/living/dining room at ground floor level and seven en-suites (each with shower, w/c and wash basin). In order to secure a good standard of living accommodation within HMOs, the HMO SPD, as amended July 2018, and in accordance with Policy PCS23, sets out the minimum space standards that are expected within private and communal spaces.

The proposed HMO would comprise the following accommodation:

Room:	Provided:	Required Standard: (HMO SPD-JULY 2018)
Bedroom 1 (Ground Floor)	17.36m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Ground Floor)	14.14m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (First Floor)	12.97m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	8.87m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	15.85m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (Second Floor)	14.3m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 7 (Second Floor)	9.78m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Ground Floor)	34.8m <sup>2</sup>	27m <sup>2</sup>
Ensuite 1 (Ground Floor)	3.55m <sup>2</sup>	Not defined
Ensuite 2 (Ground Floor)	3m <sup>2</sup>	Not defined
Ensuite 3 (First Floor)	3.67m <sup>2</sup>	Not defined
Ensuite 4 (First Floor)	3.23m <sup>2</sup>	Not defined
Ensuite 5 (First Floor)	4.05m <sup>2</sup>	Not defined
Ensuite 6 (Second Floor)	4.37m <sup>2</sup>	Not defined
Ensuite 7 (Second Floor)	3.02m <sup>2</sup>	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD, it is considered that the property would provide an adequate standard of living accommodation for the intended number of occupants.

All of the bedrooms within the property meet the minimum size standards set out within the SPD. The minimum floor area for a single room would be 7.5m<sup>2</sup> whereas a double room would be 11.5m<sup>2</sup>. Bedrooms 1, 2, 3, 5 and 6 would be occupied as double rooms and bedrooms 4 and 7 would be for single occupancy.

The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>.

The SPD (July 2018) sets a standard of 27m<sup>2</sup> for combined living spaces for 7 or more people sharing. The kitchen/living/dining area measures 34.80m<sup>2</sup>. Having visited the site (10.10.2018), the kitchen area/ shared amenity space has access to the following amenities:

- 2 x Fridge/Freezers
- 2 x Electric Hobs (8 in total)
- 2 x Electric Ovens
- Washing machine/tumble dryer
- Dishwasher
- Breakfast bar, dining table and seated area
- Individual Storage cupboards for each occupant
- Access to WIFI
- Outdoor amenity space and seating areas.

-External storage and secure bicycle storage.

The city councils Private Sector Housing Team (PSHT) has been consulted as part of this application and has confirmed that the property would be required to be licensed under Part 2 of the Housing Act (2004). Furthermore it has been confirmed that the property has already granted a license for the occupation of the property (22nd August 2018) which is valid until August 2023.

### **Impact on residential amenity**

Planning application reference:18/00226/FUL was granted conditional permission on the 8th May 2018 for the change of use from mixed use Class C3 / C4 to a 7 bed, 7 person HMO (Sui Generis), to include construction of single storey rear extension.

This proposal therefore is to increase the number of occupants within the property from 7 to 12. No additional bedrooms have been proposed.

The impact of increasing the occupancy of an HMO on the amenities of neighbouring residents has been considered in a number of recent appeals.

In an appeal decision relating to 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined that: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Similarly, in an appeal decision relating to 37 Margate Road (Appeal ref. APP/Z1775/W/16/3159992, February 2017), which would have resulted in an increase in 1 bedroom, the Inspector commented as follows: "...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area".

In a more recent appeal at 59 Liss Road (Appeal ref. APP/Z1775/W/17/3185768, February 2018), the Inspector agreed with the decision of the previous Inspector for 37 Margate Road in respect of the impact of the additional occupancy.

It is generally considered that the level of activity associated with the use of any individual property as a HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour".

Furthermore, in considering the potential impact of the use on the amenity of nearby residents, the Inspector when considering an appeal at 11 Malvern Road (APP/Z1775/W/16/3158162 - Feb 2017) opined that: 'I have noted the evidence before me of incidents of anti-social behaviour and noise and disturbance at the appeal site and the concern of neighbours and local hotels that the appeal site has been a source of noise, disturbance and anti-social behaviour in the past and

has resulted in a fear of crime in the locality. However, such matters are a consequence of the behaviour of the occupants, which is a matter that is not controlled under the planning regime. The behaviour of future occupants is controlled by other legislation and I am making a decision on the basis of the planning merits of the appeal alone. If those matters were controlled through the appropriate legislation, the appeal development could contribute towards promoting safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as set out in paragraph 69 of the National Planning Policy Framework (the Framework)'.

Whilst this application would clearly lead to an intensification of the property in order to accommodate the maximum number of residents, having regard to these various appeal decisions it is not considered that an objection could reasonably be sustained on the basis of the impact on the amenities of neighbouring residents in terms of increased noise or disturbance, loss of community or increased anti-social behaviour.

### **Parking and refuse storage**

There is no parking associated with the property and no proposal to provide on-site parking.

The City Council's Highways Engineer noted in his consultation response that Portsmouth's residential parking standards state that Houses in Multiple Occupation (HMO), C4/ sui generis use with 6 bedrooms should provide 2 spaces per dwelling. Whilst this area already experiences parking demand exceeding on-street capacity, the proposal would have an expected parking demand of 2 spaces as per SPD guidance and as such would not need to provide any further spaces despite the increase in bedrooms. Similarly, the cycle parking provision required would remain the same as current use.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. This has been accommodated for in the rear yard of the application site with 4 no. wall mounted secure bicycle stands located under a roof covering and accessed from the rear by a secure lockable gate. The applicant has therefore satisfied the requirement to provide secure weatherproof bicycle storage in compliance with the Parking Standards and Transport Assessments SPD.

In relation to refuse requirements, in the front forecourt there are 2 x black refuse bins and 2 x green recycling bin. The City Council's Waste Reduction team Leader has confirmed that the waste arrangement is acceptable.

### **Solent Special Protection Areas**

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.



The 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.

Mitigation payments to the value of £337 would be required for this type of development. The applicant has indicated that they are willing to pay this contribution prior to the decision being issued.

## **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: PL-01 REV E, PL-07 REV E, PL-05 REV E, PL-03 REV E PL-DC-01 \*\*\*\* \*\*\*. .
- 3) The premises shall only be used as a house in multiple occupation (Sui-Generis) for a maximum of twelve residents.
- 4) Unless otherwise agreed in writing, the bicycle storage hereby approved shall be provided for and retained in accordance with drawing reference: PL-DC-01 (dated: 08.10.2018)

### **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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

### **PRO-ACTIVITY STATEMENT**

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

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**UNITY HALL, SOCIAL CLUB COBURG STREET PORTSMOUTH PO1 1JA****CONSTRUCTION OF ELEVEN STOREY STUDENT HALLS OF RESIDENCE COMPRISING OF 123 STUDIO FLATS (CLASS C1), TO INCLUDE ANCILLARY FACILITIES; HARD AND SOFT LANDSCAPING; AND OTHER ASSOCIATED WORKS****Application Submitted By:**

Euan Kellie Property Solutions  
FAO Miss Kelly Paddick

**On behalf of:**

Glenmore Student Property (Portsmouth) Limited  
FAO Mr Daniel Rubin

**RDD:** 17th August 2018

**LDD:** 5th December 2018

**SUMMARY OF MAIN ISSUES**

This application is brought to Committee by the Assistant Director of City Development as it proposes specialist student accommodation in area not identified for such development within the Council's 'City Centre Masterplan' (2013).

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the application are the principle of a student Halls of Residence in this location, design including whether a tall building is appropriate, sustainable design and construction, highways implications, impact on residential amenity, standard of accommodation for future occupiers and any impact on the Solent Special Protection Areas (SPAs).

**Site and surroundings**

The application site is broadly rectangular in shape and covers 758sqm. Most of the site is occupied by the Unity Hall building that is now vacant. Prior to closure, it was previously in use as the Portsmouth Labour Club.

Located in a prominent corner position close to the Holbrook Road (A2030)/Arundel Street roundabout, the site is bounded by street frontages onto Holbrook Road to the west and Coburg Street to the south, with the Portsmouth Deaf Centre on the opposite side of the street. To the north is a neighbourhood park that is an area of protected open space (policy PCS13) and to the east are two rows of council-owned garages either side of a central access. Adjacent the garages are flats; Wigmore House is a three-storey residential block and the Lord's Court development is 4 storeys in height closest to the application site stepping up to 6 storeys in height at the northern end of the park.

**Proposal**

Permission is sought for construction of an 11-storey student Halls of Residence comprising of 123 studio flats (Class C1) with ancillary facilities. The proposal has been the subject of minor but important amendment to the north elevation and additional information submitted of the quality of external materials for the proposed building.

The full application is supported by the following documents:

- Design and Access Statement, including Tall Building Statement, prepared by DAY;
- Landscape Proposals, prepared by TPM Landscape;
- Transport Statement and Framework Travel Plan, prepared by SK Transport Planning;
- Planning Policy Compliance Statement, prepared by EuanKellie Property Solutions;
- Drainage Strategy, prepared by Glanville Group; and,
- Bat Survey, prepared by agb Environmental Limited.

### **Relevant planning history**

17/02065/OUT - Outline permission for the redevelopment of the site (following the demolition of the existing building) for a halls of residence in two linked blocks, of 5 and 10 storeys in height, was resolved to be granted in February 2018 subject to the satisfactory completion of a Section 106 Agreement. Following completion of the Agreement, outline permission was granted on 6 September 2018.

The application was an amended scheme to that considered under application 17/00924/OUT. The main change related to the 'red line' boundary, which was reduced to exclude the council-owned garages to the east of the application site. A number of elevational changes were made to reflect the reduced scale/massing of the proposed building and level of accommodation reduced to 80no. units (all 1-bed studios measuring 25sqm in area with the exception of DDA units measuring 32sqm and with communal areas provided throughout the building), rather than the 96no units proposed under application 17/00924/OUT (below).

- 17/00924/OUT - Outline application for the construction of up to 10 storey building to form halls of residence comprising 96 study/bedrooms (Class C1) and communal facilities, cycle/refuse stores, car parking and associated works (principles of appearance, layout and scale to considered) - Resolved to be granted outline permission by the Planning Committee in November 2017, subject to the completion of a S106 agreement. Withdrawn, April 2018.

- A\*17079/AB [28.01.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey, stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage (after demolition of existing building) (outline application) - Withdrawn, April 2004

- A\*38940/AA [20.10.2004] - Unity Hall, Deaf Centre And Coburg Street Garages - Construction of part 4/5/6/8 storey building to comprise ground floor community hall, doctors, dentists surgeries and cycle storage above semi-basement parking, bicycle storage; deaf centre and ten flats at first floor level; and sixty-two flats at second to seventh floor levels; provision of surface car park and relocated electricity sub-station to rear; landscaping and new pedestrian/cycle path adjacent to eastern boundary (Outline ) (Amended Scheme) - Withdrawn (Finally Disposed Of), Dec 2012

- A\*17079/AC [20.10.2004] - Unity Hall Coburg Street/Holbrook Road - Construction of part 5/6/7 storey stepping up to 11/12 storey building comprising of up to 50no flats with semi-basement car parking, bicycle storage and refuse storage facilities after demolition of existing building (outline permission) - Refused, Jan 2005

- A\*38940/AB [27.09.2005] - Unity Hall, Deaf Centre And Coburg Street Garages Arundel Street/Coburg Street - Construction of part 4/part 5/part 6 storey building comprising community hall at ground floor level and 31 flats at 1st to 5th floor levels with basement cycle store and car park; construction of part 3/part 4/part 5/part 6/ part 10 storey building comprising health centre, pharmacy at ground floor level, replacement deaf centre and 4 flats at first floor level and 49 flats at 2nd to 9th floor levels with basement cycle store and car park and provision of surface car park, alterations to Coburg Street to form a turning head and provision of landscaping (outline application) - Withdrawn, July 2006.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), 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 affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS24 (Tall buildings),

Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

National Planning Policy Framework

Still at the heart of the revised NPPF (July 2018) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).

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. The proposal should be assessed against development management policies in the NPPF and, in particular, the following paragraphs:

38 Core planning principles for decision making

54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations

64 For major housing development affordable housing provision expected (exceptions include purpose-built student accommodation)

80 Significant weight on the need to support economic growth through the planning system

95 Promote public safety, reduce vulnerability, increase resilience

103 Locate developments generating significant movement where need to travel minimised

104 Development designed for sustainable travel

109 Highways refusal only if an unacceptable impact on safety, or road network severe

124 High quality buildings and places is fundamental to what planning should achieve

129 Make use of and have regard to recommendations made by design review panels

130 Refuse poor design that fails to improve the character and quality of an area

174 Protect and enhance biodiversity

177 Presumption in favour of sustainable development (para 11) does not apply where AA required under Birds or Habitat Directives

178 Sites should be suitable for its proposed use where affected by contamination

180 Impacts of noise, air quality and light pollution should be mitigated and managed

189 Applicants should describe the significance and potential impact on any heritage assets

197 Effect on non-designated heritage assets to be taken into account

Supplementary Planning Documents (SPD) also provides relevant policy guidance:

- Sustainable Design & Construction SPD (January 2013)
- Reducing Crime Through Design SPD (March 2006)
- Tall Buildings (June 2012)
- City Centre Masterplan (Jan 2013)
- Achieving Employment and Skills Plan (July 2013)
- Solent Recreation Mitigation Strategy (2017)
- Parking Standards and Transport Assessments (July 2014)
- Student Halls of Residence (Oct 2014)

## **CONSULTATIONS**

### **Contaminated Land Team**

The community hall was from an era where asbestos may have been used in the buildings (asbestos register will help confirm this, but a refurbishment/demolition survey will also be

required). Historically the site has also been used by decorators in an era when leaded paint and solvents would have been used, and a small substation abuts the site and so should be acknowledged in the reports. The usage are minor, but given the residential future of the site, standard conditions are requested.

The survey is requested as a precaution and so a minimal scope and/or combined report submission will be acceptable to this office.

(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 '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 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 safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **Environmental Health**

The introduction of residential accommodation close to the kerbside of a busy road junction will require an air quality screening assessment to be carried out to establish as to whether there is a significant risk of poor air quality at this location. It is therefore recommended that prior to the commencement of the development, an assessment for air quality shall be submitted to the local planning authority and any mitigation's measures agreed prior to occupation.

Owing to the developments proximity to Holbrook Road and Arundel Street the following condition to protect the amenity of future residents due to road traffic noise should be imposed:

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: LAeq(16hr) (7:00 to 23:00) 35 dB,

Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

Access by private car has been discouraged and there is no car parking provision proposed. There will be secure cycle parking provision for 40 cycles on-site so it is unlikely that the proposed development will generate a significant increase in traffic at this location.

## **Natural England**

Recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance / mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, as mitigation measures are proposed to avoid a likely significant effect your authority's HRA will need to include an Appropriate Assessment under Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017. Please note Natural England is a statutory consultee for Appropriate Assessments and should be re-consulted once your authority has completed its HRA.

In summary, Natural England raise no objection, subject to securing appropriate mitigation.

This application is within 5.6km of the Portsmouth Harbour SPA and will lead to a net increase in student accommodation. Natural England is aware that Portsmouth City Council has recently adopted a planning policy to mitigate against adverse effects from in-combination recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) / Bird Aware Solent. Provided that the applicant is complying with the definitive rates for student accommodation and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, 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). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an Appropriate Assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Further advice on mitigation:

- Solent Recreation Mitigation

Natural England advise that an Appropriate Assessment sets out the level of contributions that will be collected in this case. In our view any deviation from the agreed SRMP would need to be fully justified and evidenced based. Please note that Natural England's own legal advice is that the Appropriate Assessment needs to include the new Bird Aware Solent Definitive Strategy Rates which came into force on 1st April 2018.

- Protected Species and Biodiversity

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 8, 170, 174 and 175d, 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, but should include measures to benefit wildlife such as planting native trees including fruit trees within communal areas, native hedges, new wildlife ponds and the provision and bird (eg house martin, swift) and bat boxes of a design that is incorporated into the fabric the new buildings.

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.

In addition, Natural England would advise on the following issues.

- Green Infrastructure and Environmental Enhancement

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions such as improving the attractiveness of the future dwellings for new residents, flood risk management, provision of accessible green space, climate change adaptation, biodiversity enhancement and supporting and enhancing the wider ecological network. Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

- Water Environment

Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

### **Ecology**

This application is supported by a Preliminary Roost Assessment (AGB Environmental, August 2017).

Comments have been offered on this type of development at this site and therefore remain similar to those previously provided but would note two key points:

\* Recent case law has provided clarification that developments which result in likely significant effects on Natura 2000 sites (individually or in-combination) cannot rely on mitigation measures to screen out such an effect. This means that developments which will be required to contribute to the Solent Recreation Mitigation Partnership will need to be assessed by Portsmouth City

Council (as the Competent Authority) through Appropriate Assessment for the potential impact on Natura 2000 site integrity.

\* Since the last application consultation, the contributions to the Solent Recreation Mitigation Partnership have increased. These are presented below.

No specific concerns are raised in relation to locally-designated sites or protected species.

It is noted that there may be opportunities for biodiversity enhancements, which have not been specifically identified within the application but which could be integrated into the proposal and associated soft landscaping. There is reference in the documents to "Landscape Proposals prepared by TPM Landscape" but have not been able to locate these in the submission.

Appropriate Assessment by the Competent Authority:

As described above, a requirement to contribute to the Solent Recreation Mitigation Partnership (SRMP) acknowledges an in-combination effect on the Natura 2000 sites, specifically Portsmouth Harbour SPA, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA. The SRMP Strategy seeks to provide mitigation for the duration of the impact (in-perpetuity) in line with the Habitats Regulations. There is therefore an acceptance that mitigation will be required for this type of effect and a likely significant effect on the Solent SPA's cannot be screened out.

At this stage of HRA, it is a statutory requirement for competent authorities to formally consult Natural England 'for the purposes of' an Appropriate Assessment (AA) and to 'have regard' to any representations that Natural England may make. In this case, Natural England have provided comments and stated that "Provided that the applicant is complying with the definitive rates for student accommodation and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, 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). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an Appropriate Assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017".

It is therefore interpreted that Natural England believes that the SRMP contribution will be sufficient to mitigate the likely significant effect and no residual effect on site integrity is expected. Portsmouth City Council is able to come to a separate conclusion; however there is currently no evidence to suggest that the recently adopted SRMP approach is unsuccessful in mitigating the in-combination effect on site integrity it was developed to address. It is therefore my advice that PCC can conclude that there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017, in line with the advice received from Natural England.

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). 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 and are for residential dwellings; student accommodation rates may vary.

### **Environment Agency**

No comments received.

### **Eastern Solent Coastal Partnership**

Eastern Solent Coastal Partnership (ESCP) has no objection to the proposed development in principle.

The site is shown to lie within the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk (<1 in 1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Portsmouth Harbour is 3.2 mAOD, increasing to a predicted 4.3 mAOD by 2115, due to the effects of climate change.

As the site has an area of less than 1.0 ha and is located within the Environment Agency's Flood Zone 1, no Flood Risk Assessment (FRA) is required.

### **Waste Management Service**

No comments received.

### **Coastal and Drainage**

The outline proposals seem fine and the reduction in run-off rates from site is welcome. However, the proposals should be backed up by further elements within the surface water Drainage Strategy:

An Operation & Maintenance Manual for the new drainage system  
Confirmation in writing from Southern Water of connection point  
Cross section of the geocellular storage crates construction showing levels to include invert levels and depth to cover  
Confirmation of how site currently drains, which may impact the design

There is another option that could be explored - green roof, which would likely reduce the size of storage and/or the requirement for a hydrobrake.

### **Highways Engineer**

Coburg Street is an unclassified road largely providing access to residential dwellings. It has a narrow single carriageway with parking restricted by double yellow lines on both sides of the road. The site is located at the western end of Coburg Street adjacent to the roundabout junction between Holbrook Road and Arundel Street. Arundel Street is a bus route served by service 13,14,15 and 21 providing a high quality and frequent service from the site to the city centre and as a consequence I am satisfied that the site is accessible by sustainable means of transport. The design and access statement submitted in support of the application explains the intention to provide 123 student studio apartments. No details are provided to explain how the development would be operated or managed either as a student hall of residence or outside of the academic term. Only 40 cycle parking spaces are proposed in the application which

compares with the 123 spaces required in the relevant SPD. No case has been made in the supporting information to justify such an under provision of cycle parking spaces although I am satisfied that this would reasonable meet the demands of tenants.

No specific car parking provision is proposed to be made for the halls of residence which I am satisfied that, with the exception of staff, in general use would be operated as a car free development. As such I am satisfied that in general operation the development would not have a material impact on the operation of the local highway network.

Section 4 of the TS (and section 2 of the framework TP) seeks to demonstrate the high accessibility of the site with Paragraph 4.4 and table 4.1 reflecting on walking through reference to outdated guidance and suggests that walking distances of up to 2km are appropriate for commuting or education trips and up to 800m for retail trips. However the current guidance, CIHT publication 'Planning for Walking' published April 2015, identifies 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 this section of the TS should largely be disregarded and given very little weight.

Section 5 of the TS explains how the student arrival and departures would be managed at the beginning and end of each academic year. This relies on the availability of parking in Coburg Street which is not controlled and cannot be secured and assumes a 30min stay period. The management arrangements for student arrivals and departures at the beginning and end of each academic year for all other student halls of residence within the city centre have secured one parking space for an hour for each arrival utilising a range of on-street and private parking facilities secured for the arrivals period. In each case the management plans have required the provision of an arrivals programme to the LPA annually in advance of students taking up occupation to facilitate auditing of the plan implementation. A similar approach is required here although it is not clear where controllable parking facility to accommodate this demand can be provided. The on street parking in Coburg Street is not controlled and cannot be relied upon for this activity.

As this application stands a highway objection must be raised to the proposal as it is not clear how the student arrivals at the beginning of each academic year can be managed without impacting on the operation of the highway network nor is justification provided for the reduction in the relevant cycle parking standard the LHA must recommend that the application be refused.

Subject to the resolution of those matters the LHA would not wish to raise a highway objection subject to conditions / planning obligation requiring that:

- Prior to occupation a travel plan being submitted to and approved by the LPA to address the management arrangements for student arrivals and departure at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence within the city, supported with a £5500 fee to facility council auditing of the arrangements annually over the first 5 years of occupation;
- Securing cycle parking at an agreed level; and
- The development shall not be used for other than student accommodation.

### **Southern Water**

Any comments received to be reported as an update at the meeting.

### **Private Sector Housing**

- Definitions - Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1(5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor)—

- (a) Which forms part of a building
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

"Self-contained flat" means a separate set of premises (whether or not on the same floor) -

- (a) Which forms part of a building
- (b) Either the whole or a material part of which lies above or below some other part of the building; and
- (c) In which all three basic amenities are available for the exclusive use of its occupants

Relevant documents considered

1. Housing Act 2004.
2. BS 6465:Part 2:1996
3. BS 6465-1:2006A1:2009
4. National Code of Standards for Larger Developments.

Dwelling and facility sizes within student accommodation-

Taking into account the requirements under the Housing Act 2004, I feel that a suitable size for a self-contained flat, within this particular development for specific use by students under a term time only occupation tenancy is 25m<sup>2</sup> for single occupancy, of which the sleeping area is 6.5m<sup>2</sup>, kitchen area 5.5m<sup>2</sup> and en-suite 2.74m<sup>2</sup>.

Kitchen facilities-

The minimum size standard for a kitchen area within a studio flat is 5.5m<sup>2</sup>. Each kitchen must include a:

- \* A fridge and freezer.
- \* A gas or electrical cooking appliance with an oven, grill, and at least two hobs. A combination microwave is acceptable, but the appliance is to be properly and safely fitted. A minimum splash back of tiles to a height of 300mm is to be provided.
- \* A sink with drainer with a minimum splash back of tiles to a height of 300 mm is to be provided.
- \* A fixed work surface of suitable impervious material to give a food preparation surface of not less than 1m x 500mm in size per occupant. This area is in addition to that occupied by any cooking appliances or any permanently installed equipment. A minimum splash back of tiles to a height of 300mm is to be provided.
- \* A food storage cupboard with a minimum capacity of 0.4m<sup>3</sup> per occupant. NOTE: Space within the unit under the sink is not acceptable for this purpose.
- \* At least two electrical sockets at worktop level, which must be situated conveniently for the occupants to use for other non-fixed cooking appliances, such as kettles.

En-suites-

The minimum en-suite size is 2.74m<sup>2</sup>, and must accommodate a WC, wash hand basin, shower, heating and ventilation. The wall finishes and flooring shall be readily cleansable, the flooring well fitted and non-absorbent, and a suitable lock provided to the door. All bath or shower rooms must have a suitable layout and provide appropriate drying and changing space. The layout of the facilities in the en-suites must provide a drying/changing space and enable the occupant to use this area in a safe manner.

Please note: Purpose built manufactured pod systems are acceptable as an alternative to a standard bath/shower room, but for exclusive use only and not as a shared communal facility. The pod must be between 1.8m<sup>2</sup> and 2.07m<sup>2</sup> in size, with the circle of clearance of no less than 450mm diameter and must include an open shower area.

Light-

Each self-contained flat should have a window size that is 20% of the floor space to provide adequate natural light into the room.

#### Communal area-

A communal space is essential to support a student's life style when they are residing in a hall of residence. It is important that developments provide spacious, furnished and well-lit communal areas for the exclusive use of the students. The communal space offering should be dispersed throughout the building for ease of accessibility. It is expected that each resident will have 1m<sup>2</sup>(+8m<sup>2</sup>) of communal space that is not accessible by the public.

#### Consultation response

\* 11 storeys

\* 123 studio flats - self-contained

The proposed typical self-contained flats do not meet our size criteria of 25m<sup>2</sup>.

#### - Kitchen area

There has no information provided regarding the kitchen area and as such no comment can be made in regard to this aspect. It is expected that each flat will have a designated area of 5.5m<sup>2</sup> for the exclusive use of cooking, food preparation and storage. Based on the proposed location of the kitchen area within each flat a fire suppression system, such as a domestic sprinkler system will be required.

#### - En-suites

No room sizes have been provided for any of the en-suites and therefore no comment can be made at this stage in regard to this aspect. It is expected that each en-suite is a minimum of 2.74m<sup>2</sup> and includes the facility identified earlier in the document. It is noted that the location of the en-suites are at the entrance of the studios and are in close proximity of the main entrance/exit door which introduces a risk of collision. We advise that either the en-suites are re-located within the unit or there is an adequate distance between both doors to ensure they do not share the same open/close clearance area.

#### - Communal area

The communal offering is slightly smaller than required, however there is a gym proposed at 48m<sup>2</sup> that could be utilised as an additional communal area to meet the requirement. Should a gym be viewed as a necessity by the developer it is suggested the communal area measuring 11m<sup>2</sup> is used instead to provide a gym environment.

As the self-contained flats are undersize it is imperative that there is the appropriate communal offering to support social interaction and support a student lifestyle.

#### **Highways Contractor (Colas)**

Before any works take place at this location including any Demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk or fred.willett@colas.co.uk this is for Highway coordination purposes.

#### **Design Review Panel**

The panel noted the more tower like scale and mass of the proposal, and considered aspects of the design to be quite well composed. It was also acknowledged that the Design and Access statement showed some interesting aspects to the scheme that have unfortunately not been followed through.

The proposal felt too tall in the context of the adjacent maisonettes, and concern was expressed at the loss of daylight/sunlight to the building's immediate setting during the day. Indeed it was felt that the scheme does not address the park like nature of the building's setting.

Overall, the elevation's lack depth, and were considered poorly articulated, 'blank' even. The panel were clear that this aspect of the design should be re-examined. The north elevation in

particular was singled out as very poorly detailed and monolithic in character. It was conjectured that the principal elevation could wrap around to the north as a way to address these shortcomings. The absence of any real definition to the entrance (the least inviting part of the building), was also noted.

Notwithstanding some positivity towards elements of the scheme the panel were not convinced by the proposal overall. Recommendation of the panel - not supported in its current form.

## **REPRESENTATIONS**

One representation has been received raising objection on the grounds of:

- (a) will be an oppressive building in an area of lower storey buildings;
- (b) the university states it has more beds than needed;
- (c) there is an acute need for social housing in the city; and,
- (d) a lower storey building would be better.

## **COMMENT**

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration by the application are the principle of a student Halls of Residence in this location, design including whether a tall building is appropriate, sustainable design and construction, highways implications, impact on residential amenity, standard of accommodation for future occupiers and any impact on the Solent Special Protection Areas (SPAs).

### **Principle of development**

Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by para 61 of the revised NPPF that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students [etc]...)".

The most recent calculation of the Council's housing supply is set out in the 2017 Authority Monitoring Report; this assessment concluded that the Council has a five year supply of housing land (5.1 years), but the position remains marginal. In July 2018 the Government confirmed its revisions to the National Planning Policy Framework and introduction of a standard methodology for assessing local housing need. However, the Office for National Statistics (ONS) has announced that variant household projections will be published before Christmas, and MHCLG has indicated that it will be considering publishing proposals for amending the standard methodology, with the intention of ensuring that the starting point in the plan-making process is consistent with the government's aim to deliver housing growth. The Council will continue to monitor the position and will update its five year assessment as soon as it is able to do so. In the meantime, there is a recognised ongoing need for new housing in the city which proposals for new residential development, including purpose-built specialist accommodation for students, would help to meet.

This full application again proposes a Halls of Residence in a 4 and 11 storey building. The principle of redevelopment of this site for purpose-built student accommodation was established by outline planning permission ref 17/02065/OUT in September 2018 for a Halls of Residence comprising 80no. bedspaces in a building of 5 and 10 storeys. The application was an amended scheme to another similar outline application ref 17/00924/OUT, for 96no. bedspaces in a building of 4 and 10 storeys; considered by Members in November 2017, it was also resolved to be granted outline planning permission, subject to the completion of a S106 agreement. As such, the principle of this type of specialist accommodation for students on this site was found to be acceptable under both earlier applications and the current full application proposes the same

use for the site, with an increase in the overall scale/massing of the building at 11 storeys and an increased number of smaller study/bedrooms. The principle of a development for a Halls of Residence is considered to be acceptable, subject to consideration of material differences and impact of the amended scheme.

At more than 5 storeys, the proposal is again considered a 'tall building'. The application site lies within one of the preferred locations for tall buildings as set out in policy PCS24 that correlates with an 'area of opportunity' in Fratton for tall buildings within the Council's 'Tall Buildings' SPD, discussed in more detail later on in this report.

The Council's 'Student Halls of Residence' SPD (adopted October 2014) states that new halls of residence should be located close to the University or other educational establishments in order to ensure that journeys are made by foot or bicycle and therefore reduce the need for a car. It states that the preferred locations for such schemes would be the city centre or locations within walking/cycling distance. The 'City Centre Masterplan' (2013) identifies a number of development sites with the potential for student accommodation. The application site does not fall within the city centre and was not identified within the 'City Centre Masterplan'. However, the site lies within easy reach of the University and language schools within the city.

Historically, there have been insufficient student hall places to accommodate all first year students. The University of Portsmouth has more recently established it is able to offer a room in halls to all full-time UK/EU students who make Portsmouth their first choice and apply in advance of the deadline. The University has stated that the Council should discourage purpose built-accommodation unless supported by the University, and is seeking to play a part in revising the approach to student accommodation in the new Local Plan. This is being considered by the Council, but Council's current approach to new student accommodation is in response to continuing market interest in delivering new student accommodation, and an understanding that demand exists from 2nd and 3rd year students, as well as mature students, for this type of accommodation.

It is however acknowledged that significant numbers of student bedrooms have recently been provided within the City, as summarised below:

- Greetham Street - 836 study bedrooms
- Earlsdon Street - 35 study bedrooms
- Guildhall Walk - 25 study bedrooms
- The Registry - 41 study bedrooms
- Zurich House - 999 study bedrooms
- Europa House - 242 study bedrooms
- Middle Street - 124 study bedrooms
- Lake Road - 30 study bedrooms
- Isambard Brunel Road - 484 study bedrooms
- Surrey Street - 576 study bedrooms
- The Trafalgar - 136 study bedrooms

In addition, the following schemes are either under construction or going through the planning process:

- Stanhope House - 256 study bedrooms
- Middle Street - 66 study bedrooms
- Wingfield House - 295 study bedrooms
- 10 Guildhall Walk - 65 study bedrooms
- Venture Tower - 97 study bedrooms
- Hampshire Court Hotel - 38 study bedrooms
- 35-37 Fratton Road - 50 study bedrooms

The proposed development of 123no. purpose-built study/bedrooms in a Halls of Residence on this site would therefore make a contribution towards meeting the need for students choosing to study within Portsmouth and thereby contributing to the wider economic regeneration of the city. Notwithstanding this assessment, at present there is no obligation on a developer to identify a need for further student accommodation which ultimately will be determined by the market rather than through the planning system. The potential risk of oversupply is noted and the Council is seeking to mitigate this by separately recording bespoke student accommodation and publishing regular updates of supply in its Authority Monitoring Report on its website.

Proposals for residential development are normally subject to a number of detailed policy requirements, such as the delivery of affordable housing, the provision of public open space, car parking provision and compliance with nationally prescribed minimum space standards. Given the specialist nature and differing occupancy requirements of purpose-built student Halls of Residence, such requirements are not generally applied to this type of application. However, in order to justify waiving these requirements, the Council needs to be satisfied that the proposed student Halls of Residence conforms with the norms set out in the Codes for Accommodation, provided either by Universities or set out within Appendix 1 of the 'Student Halls of Residence' SPD and that the accommodation will be restricted to term-time use for students on a recognised full-time course of study.

As with the earlier applications, in order to achieve these restrictions, the applicants are required to enter into a S106 agreement limiting the proposed halls of residence to temporary term-time accommodation for occupation solely or principally by students on a recognised full-time course of study and to ensure that the property does not become permanent, general needs housing. The applicants have been made aware of this requirement and need to similarly secure such provisions in a legal agreement.

### **Standard of accommodation**

It is important to ensure that any halls of residence provided within the city offer a good standard of accommodation and provide a good quality living environment with space to study. The current scheme show a total of 123no. study/bedrooms that would all incorporate en-suite bathrooms, small kitchen areas and combined living/sleeping areas, with an internal floorspace of just over 18sqm, with the exception of 3no. 'accessible' studios at 30.5sqm each. Communal areas are no longer sought to be provided throughout the building but exclusively on the ground floor of the building comprising a laundry, gym and common areas/dining, with refuse and cycle storage facilities.

Private Sector Housing advise that the proposals would be considered as self-contained dwellings and amongst other general comments on the internal layout of the units as not meeting their size criteria of 25sqm. As specialist temporary term-time accommodation only, it is not sought or designed to achieve the minimum nationally described space standards for a single-person flat of 37sqm or size criteria required by Private Sector Housing. The previously permitted scheme of 80 no. studios at 25sqm each provided for a more generously spacious layout but the current applicants have a different design specification for all their buildings based on bedroom sizes ranging from 18.5 to 21sqm.

### **Loss of existing building**

As with the earlier outline applications relating to this site, the proposed redevelopment requires the demolition of the existing building - Unity Hall - which dates from 1926. The building was last in use as the Labour Club, prior to closing. The submitted application form identifies that use of the site ceased on 30 June 2015.

Policy PCS23 (Design & Conservation) outlines the expectations for new development in design terms, to ensure the delivery of well-designed schemes, which respect the character of the city. As such, new development should relate well to the geography and history of Portsmouth,

including the City's built heritage. However, the existing building, Unity Hall, is not listed. As such, the building is not considered to be a designated heritage asset in its own right, nor does it fall within a conservation area.

The building is not without architectural interest - its façade is chamfered at the junctions of Holbrook Road and Coburg Street, with the design responding to the corner with the suggestion of a tower feature which is emphasised in stone. This is complemented by a stone plinth detail, heavy plain frieze at first floor and stone window surrounds, arches and brackets, some elements of which are further embellished with a number of neoclassical /'baroque' motifs. These features are modest in size and number but are considered to show a degree of craftsmanship and add an element of visual interest to the building.

However, the building does not create or form part of a striking view or vista within the immediate area in townscape terms and is partially screened in views from the north and south by the slightly set back position from the roundabout junction to the south and tree planting on both Holbrook Road and Coburg Street. In terms of its overall design, there is a lack of symmetry within the composition of the building and a degree of awkwardness in its proportions, massing and the rhythm and pattern of window openings. The building has also been subject to significant and unsympathetic alterations, with the remodelling of the principal entrance, alterations to the windows and a large brick extension to the rear. There are also sections of razor wire on the eastern sections of the building which are a detrimental and intrusive feature within the immediate streetscene and at odds with the predominantly residential character of the areas to the north and east of the site.

When taking all of these factors into consideration, the level of significance that can be attributed to the building is considered to be low, particularly when compared with other buildings of a similar age and use within the city. Unity Hall is neither a designated heritage asset or locally listed and it is noted that its loss was considered to be acceptable under the earlier application. The loss of the existing building would not result in any harm to designated or non-designated heritage assets and once again, it is not considered that a refusal of planning permission could be justified on heritage grounds. As such, the proposals are considered to comply with the aims of policy PCS23 on these grounds.

## **Design**

Policy PCS23 echoes the principles of good design set out within the NPPF, stating that all new development must be well designed and in particular, respect the character of the city. It sets out a number of criteria which will be sought in new development, including excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.

The applicant's supporting 'Planning Policy Compliance Statement' describes the proposal as comprising of two elements of 11 storeys and 4 storeys with "The taller element seeks to address the junction and will act as a landmark in this part of Fratton, and the smaller element reflects the scale of the adjacent buildings and residential properties, having a more domestic scale... designed to integrate the scheme with the existing context and create a defined entrance at the ground floor. The use of a colonnade on the Holbrook Road (West) façade is a means to 'ground' the building and improve the streetscape by creation of a protected 'street'...".

The proposed building at eleven storeys in height, to a parapet height of 32½m, constitutes a tall building. Policy PCS24 relates to tall buildings and identifies preferred locations for such buildings within the City. This is supported by the Council's 'Tall Buildings' SPD (adopted 2012). The SPD identifies nine 'areas of opportunity' for tall buildings within the City. The application site lies within the 'Fratton' area of opportunity, with the SPD stating that the Fratton area of opportunity has been 'identified as a possible location for tall buildings on the basis of its



proximity to Fratton railway station, Fratton district centre and the number of important roads and two major roundabouts.' It goes on to state that the area may offer an opportunity for a landmark building and that proposals in this area should:

- Where appropriate, have due regard to the domestic scale of adjacent buildings, particularly on the northern boundary of sub areas A and C and the southern boundary of sub area D
- Where appropriate, give particular consideration to their potential impact on views towards and/or the setting of St Mary's Church

The application is supported by a 'Tall Buildings' Statement and 3D visual representations have also been provided by the applicants.

Given the corner location of the plot and its position in relation to the adjacent section of highway, the roundabout and the scale of nearby residential blocks, the construction of a tall building on the site is still considered to be acceptable in streetscape terms and the proposed scheme in some respects mirrors the design approach permitted under application 17/02065/OUT. The building has similarly been designed to step up in height towards the Holbrook Road elevation, with the scale/massing of the building stepping down at its eastern end proximate to the neighbouring three-storey buildings on Coburg Street.

In the previously permitted scheme visual separation between the two 'blocks' of the overall scheme were differentiated in terms of materials and articulation, so that to a degree they would be read as separate entities. The lower overall height and massing of Block B, divided by a glazed linking section of built-form within the streetscene from the 10-storey element of Block A, stepped down to the existing neighbouring 3-storey blocks immediately to the east. Whilst the more overtly contemporary nature of the 10-storey form of Block A was in stark contrast to the existing streetscene, where nearby buildings are generally much lower in height and more traditional in terms of materials, this was not considered to render the scheme unacceptable.

The current proposal uses the same overall materials palette for the 11-storey 'tower' element onto Holbrook Road as the 4-storey lower element onto Coburg Street but replaces the strong vertical emphasis of the window arrangement on the 'tower' to a more horizontal emphasis and detailing of the window arrangement to the lower element. The appearance of the building would be dominated by facing brickwork, in a light buff colour finish, but incorporating areas visual interest by projecting brick features, horizontal stone banding/coping and bronze cladding panels (angled and perforated on the 1st to 3rd floor levels).

The minutes of the Design Review Panel are set out in the 'Consultations' section of this report; it concludes "Notwithstanding some positivity towards elements of the scheme, the panel were not convinced by the proposal overall."

The panel noted the Design and Access Statement (D&AS) showed some aspects of the scheme that have unfortunately not been followed through. In response the applicant's comment one of the purposes of the document "...is to demonstrate the thought process/rationale behind the final proposals, therefore it is hoped that the scheme submitted for determination is a direct reflection of [sic] the information contained within the D&AS." Officers consider the panel's observations present a fair point; in reality, concepts in this document show some quality design precedents of buildings and detailing from which cues may have initially been taken but are diminished on the proposal.

The panel considered the proposal too tall in context of neighbouring properties, loss of daylight/sunlight to the building's setting and does not address the park like nature of its setting. In response, the applicants comment p.52 of the D&AS "...provides a diagrammatic cross reference of the two proposals and explains the thought processes behind the rationalisation of the overall massing" and in addition "...the current proposal looks to reduce the mass along Coburg Street, in doing so the Coburg Street elevation has reduced in its height (compared to

that of the outline approval 17/02065/OUT) and therefore reduces overshadowing on the adjacent properties and neighbourhood park."

The panel considered the entrance lacks definition and the elevation's lack depth - were poorly articulated, with the north elevation singled out as poorly detailed and monolithic in character, suggesting the principal elevation wrap around the north side. In response, the applicants describe "The architectural intent is to have a rationalised layering to the façades that will provide articulation through varied depth:

(a) the principal elevation (Holbrook Road) has a strong vertical banding, this is intersected horizontally by slender white stone effect banding that will be slightly set back to that of the vertical elements. A bronze metal cladding panel provides material contrast to the masonry elements and is further set back within reveal. Finally the glazed elements are set back within the bronze metal cladding...

(b) The building accommodation has been orientated specifically not to overlook the park, it is hoped that this retains a level of privacy to what is a public space... consciously orientated to take advantage of views...

(c) The introduction of a colonnade to Holbrook Road and Coburg Street grounds the tower element, however its primary function is to define the entrance to the building. The height of colonnade and curtain wall glazing to this area is increased to further accentuate this..."

Officers share the concerns of the panel, especially the dispiriting nature of the north elevation. However, the proposal has subsequently been the subject of minor but important amendment to this north elevation by wrapping the treatment of the Holbrook Road elevation around its corner onto the north elevation. The entrance is still considered to lack definition, the significance of change or accentuation of height by the colonnade/glazing is understated and there is a meanness in depth of features not reflected in design precedents shown in the D&AS that demonstrate dramatic, welcoming and dynamic entrance features that are not reproduced in the current proposal representing a missed opportunity. Careful use of architectural lighting is encouraged, which would potentially improve the features and the entrance during the hours of darkness. In accordance with the Tall Building SPD a planning condition to secure an architectural lighting scheme is considered necessary and reasonable. Further detail of the nature/extent of articulation of the facades has also been provided by the applicants; these show how the angled/projecting framing of window detailing on the Coburg Street elevation would contribute to its overall interest and quality. It is recommended that a condition be applied requiring the facade treatments and the suggested external materials are carried put as an integral part of the development to ensure a quality finishes and an appropriate quality to the appearance of the building.

With the design amendment and additional details of the facade treatments/external materials, it is considered that the proposed building overall would make a positive contribution to the existing street scene, acting as the intended landmark on this corner plot for reasons more than simply its 11-storey height. The proposal is, therefore, considered to comply with policies PCS23 and PCS24 of the adopted Local Plan and the aims of the NPPF with regards to the delivery of good design.

## **Landscaping**

The opportunity for landscaping to contribute to the setting of the building is very limited. If the public/private space is not well defined by quality boundary treatment there is a concern that any contribution of soft landscape is unlikely to become established or retained. A scheme for the hard/soft landscaping to the site frontage and external rear courtyard along with the quality of any means of enclosure to the Holbrook Road (west) and a robust but attractive neighbourhood park (north) boundary would be appropriate to secure by planning condition, to accord with policies PCS13 and PCS23 in this respect.

With regard to an existing tree within the neighbourhood park close to the application site, the applicants state "... that it will not be necessary to remove the tree adjacent to the site boundary

as part of the proposed development... The Architect has confirmed that the proposed cycle store does sit within the tree's canopy, however it is only single-storey, and is smaller than the existing building located on this part of the site." The existing tree is unaffected by the proposal.

### **Residential amenity for existing neighbours/future occupiers**

Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact on existing neighbouring residents to the site and secondly, the impact on future occupiers of the scheme. With regards to existing residents, consideration needs to be given to the potential impact in terms of any potential overlooking, loss of privacy, loss of light/outlook and general noise and disturbance issues. In terms of future occupiers, consideration also needs to be given to noise/general disturbance and air quality from the existing highway network.

#### **- Amenity of future occupiers**

In terms of the potential for overlooking and any resulting effect on privacy, consideration needs to be given to the siting of the proposed building within the site and the position of windows. The eastern elevation (adjoining the garage blocks), proposing 4 storeys in height would be set back by approximately 18.5m to 20m from the adjacent western elevation of the neighbouring block, Wigmore House, which contains 4no windows at 1st and 2nd floor level, facing towards the application site. The proposed eastern elevation contains a ribbon of windows serving central corridors only on each of the 1st, 2nd and 3rd floors. Given the separation distances to Wigmore House, it is not considered that these corridor windows would give rise to any significant impact in terms of overlooking and resulting loss of privacy to neighbouring residents.

Consideration also needs to be given to the impact of the proposed building to existing neighbouring properties in terms of the physical presence of the building itself. The Unity Hall building is relatively modest in size and scale and does not generate any significant degree of overshadowing or impact the neighbouring residential blocks in terms of any sense of enclosure or overbearing physical impact. The proposed building would be significantly larger in scale than the current building and whilst not positioned any closer, it would increase the scale and bulk of built-form adjacent to the existing neighbouring buildings.

Supporting D&AS information contains solar analysis for September equinox and Winter solstice, to demonstrate the impact of the proposed built-form in terms of the degree of shadowing that would be created. The solar study shows the proposed building casting its morning shadow over Holbrook Road due to the 'tower' sited on the west side of the site.

Given the orientation of the application site in relation to the properties to the north-east, Lords Court, the proposed development would result in a greater degree of overshadowing to the western elevation of these neighbouring blocks during the winter months, in the afternoons. The design solution is an additional storey (compared to 17/02065/OUT) but still seeks to minimise the overall impact by reducing the height of the building to 4 storeys as it progresses eastwards across the site and setting the northern elevation of the building in from the site boundary. Given the proposed siting in relation to the neighbouring blocks, it is not considered that the scheme would result in any significant sense of enclosure to the western elevation of these buildings, which benefit from views out towards the area of neighbourhood park. As such, whilst it is accepted that there would be a degree of additional overshadowing to these units, it is not considered that this would be so severe as to justify a reason of refusal on amenity grounds.

#### **- Amenity impact on future occupiers**

Sited adjacent to Holbrook Road and in close proximity to Arundel Road, both of which are busy roads within the local highway network, single-aspect windows to study/bedrooms face onto the

street frontage on the 2nd to 10th floors of the west elevation of the building. The western elevation itself has a staggered building line and is set back approximately 1.5m to 3.5m from the highway boundary.

Whilst raising no objection to the principle of the proposed development, the Environmental Health Officer has stated that these habitable rooms would require protection against potential traffic noise and require air quality screening assessment. Conditions are recommended to secure a scheme for insulating habitable rooms to achieve specified acoustic criteria as well as possible mitigation against poor air quality, in order to safeguard the amenities of the occupants of the development.

Should outline permission be granted, there would inevitably be a degree of short-term disturbance to neighbouring properties during the demolition and construction process. However, this disturbance is likely to be limited and would be unlikely to continue into the evening and would not justify a refusal of permission.

Overall, it is considered that the proposed development is unlikely to result in any significant impact on the amenities of neighbouring residents or the future occupiers of the development. Subject to the condition referred to above in respect of noise and possibly air quality mitigation measures, the proposals are considered to comply with policy PCS23 in this respect.

### **Accessibility**

The 'Student Halls of Residence' SPD states that proposals should include a proportion of accessible bedrooms and servicing facilities, in accordance with appropriate standards and regulations.

The reception area and management office for the proposed Halls of Residence would be located at ground floor level, adjacent to the main entrance to the building on the western elevation, facing Holbrook Road. Accessible study/bedrooms are provided on each of the 1st, 2nd and 3rd floors and communal areas are provided on the ground floor of the building. As such, the proposals are considered to comply with the aims of the SPD in this regard.

### **Sustainable Design & Construction**

All development within the City must comply with the relevant sustainable design and construction standards set out within policy PCS15 of the adopted Local Plan and the Council's 'Sustainable Design and Construction' SPD. Both the policy and SPD require that non-residential developments which involve the construction of more than 500sqm of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards including Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions from the development by 10% as part of the selection of measures to meet the overall BREEAM level. In the absence of any pre-assessment, conditions are therefore recommended to ensure that the proposed development complies with these requirements.

### **Ecology**

Policy PCS13 seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. This would be necessary and reasonable to secure by planning condition.

### **Designated sites**

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

shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population.

The Council's 'Solent Special Protection Areas' SPD (adopted April 2014) has since been superseded by the Solent Recreation Mitigation Strategy (2017) which identifies a 5.6km catchment area around the SPAs in which research has indicated that there is a risk of increased visitor numbers and recreational pressure as a result of additional residential development. Any net increase in dwelling numbers would contribute to an in-combination likely significant effect on the SPAs. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect on the interest features of the Solent SPAs and therefore mitigation measures must be secured before planning permission can be lawfully granted.

The Solent Recreation Mitigation Strategy outlines a mitigation scheme, with a financial contribution towards the delivery of these measures being required from proposals resulting in additional residential development within the defined catchment area. Paras 6.5 and 6.6 of the mitigation strategy state:

"In the case of self-contained student accommodation, a case by case approach is taken because it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order). The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing. Whilst these units of accommodation are assessed on a case by case basis, not purely on their numbers of bedrooms, a general model for calculation follows: As the average number of study bedrooms in a unit of purpose built student accommodation is five, for the purposes of providing SPA mitigation, every five study bedrooms will be considered a unit of residential accommodation and charged accordingly (ie 50% of the rate of the 5-bedroom property charge)."

The proposed development comprising 123no. studios (at 50% of 25 x 5-bedroom property charges) would therefore generate a financial mitigation payment of £11,000.

It is considered that subject to this contribution being secured by a legal agreement, the proposed development would not result in a significant effect on the Solent SPAs. It is noted that the Natural England and the Ecology Officer have raised no objection to the proposals, subject to this mitigation being secured. The requirement for a legal agreement to secure the required mitigation is considered to be both directly related to and fairly and reasonably related in scale to the development. As such, subject to the completion of the required legal agreement, the proposals are considered to be in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and policy PCS13 in respect of European designated sites.

### **Protected species**

The application is supported by a 'Preliminary Roost Assessment' which confirms that no bat roosts were identified within the existing building during the survey work undertaken. It concludes that the building is considered to be of negligible suitability for bats due to an absence of suitable features and its location within an urban setting with heavy traffic and artificial lighting. The Ecology Officer has previously confirmed no objection in respect of bats and the proposals are considered to be in accordance with policy PCS13 in this regard.

### **Highway issues**

Coburg Street is an unclassified road largely providing access to residential dwellings. It has a narrow single carriageway with parking restricted by double yellow lines on both sides of the

road. The site is located at the western end of Coburg Street adjacent to the roundabout junction between Holbrook Road and Arundel Street. Arundel Street is a bus route served by service 13,14,15 and 21 providing a high quality and frequent service from the site to the city centre. The site is considered accessible by sustainable means of transport.

The Council's 'Parking Standards and Transport Assessments' SPD (adopted July 2014) states that for purpose built student accommodation the level of parking provision required will be determined by a Transport Assessment, which should include consideration of the use of the building outside of term time. In terms of cycle storage, the SPD requires 1 space per student room/bedroom and that a lower level of provision may be accepted when robust evidence is provided to justify any such reduction.

The supporting Design & Access Statement explains the intention to provide 123 student study/bedrooms but no details are provided to explain how the development would be operated or managed either as a student Halls of Residence or outside of the academic term. Only 40 cycle parking spaces are proposed to serve the Halls of Residence with 123 spaces required in the relevant SPD. No case has been made in the supporting information to justify under provision of cycle parking spaces although the Highways Authority considers that this would reasonable meet the demands of tenants.

No on-site parking provision is shown to serve the proposed Halls of Residence. The application has been considered by the Highway Authority stating that with the exception of staff members, the site would operate as a car free development and the proposal would not result in a material impact on the operation of the local highway network.

The Transport Statement (section 5) explains how the student arrival and departures would be managed at the beginning and end of each academic year. The Highways Authority express concerns that this relies on the availability of parking in Coburg Street, which is not controlled and cannot be secured and assumes a 30min stay period. The management arrangements for student arrivals and departures at the beginning and end of each academic year for other city centre student Halls of Residence within the city centre have secured one parking space for an hour for each arrival utilising a range of on-street and private parking facilities secured for the arrivals period. In each case the management plans have required the provision of an arrivals programme to the LPA annually in advance of students taking up occupation to facilitate auditing of the plan implementation. The Highways Authority suggest a similar approach is required here although question where a controllable parking facility to accommodate this demand can be provided since on-street parking in Coburg Street is not controlled and cannot be relied upon for this activity.

The Highways Authority raise an objection in the absence of clarity on how the student arrivals at the beginning and end of each academic year can be managed without impacting on the operation of the highway network and the absence of justification for the reduction in the relevant cycle parking standard. However, the Highways Authority comment that subject to the resolution of those matters, no highways objection would be raised subject to conditions / planning obligation requiring that:

- Prior to occupation a travel plan being submitted to and approved by the LPA to address the management arrangements for student arrivals and departure at the beginning and end of each academic year specifically and provide annual monitoring of that as has been required for the other student halls of residence within the city, supported with a £5500 fee to facilitate auditing of the arrangements annually over the first 5 years of occupation;
- Securing cycle parking at an agreed level; and
- The development shall not be used for other than student accommodation.

The previous outline application ref 17/02065/OUT was granted permission subject to above-mentioned obligation as part of a S106 Agreement and for consistency of decision-making a

similar approach is considered, on balance, appropriate and therefore reflected in the officer recommendations weighing up all material issues.

Given the constrained nature of the site and the parking restrictions in place along Coburg Street, it is considered reasonable to again impose a condition requiring the submission of a Construction Management Plan, to detail contractors' parking and areas for the storage of materials, as well as arrangements for deliveries etc to the site, to ensure no adverse impact to the highway network or the amenities of nearby residential properties. Overall, in light of the comments made above, the proposals are considered to comply with Policy PCS17 and the Council's 'Parking Standards and Transport Assessment' SPD and are therefore acceptable in highway terms.

### **Drainage**

The application sites lies within Flood Zone 1 and is therefore at low risk of tidal flooding.

The application is supported by a 'Drainage Strategy' report - however, this report relates to an earlier application (on a larger site, with the adjoining garage block) and does not reflect the current application site boundary or the scale of the proposed development. The Drainage Team advise that the proposal should include further elements within the surface water drainage strategy (or alternatively inclusion of a green roof would likely reduce the size of storage and/or requirements for a hydrobrake). Subject to a condition to secure further details, the proposals are considered to be in accordance with policy PCS12 of the adopted Local Plan.

### **Contaminated land**

Given the scale of development proposed and the sensitive nature of the proposed use of the site, as a student Halls of Residence, it is recommended that detailed conditions are applied to secure a detailed contamination assessment and remediation measures as required.

### **CONCLUSIONS**

Overall, the proposed development is considered to be acceptable in policy terms and would assist in the delivery of specialist student accommodation within the city. With the design amendment and additional details of the facade treatments/external materials, it is considered that the proposed building overall would make a positive contribution to the existing street scene, acting as the intended landmark on this corner plot for reasons more than simply its 11-storey height. Subject to the planning obligations below the proposal is considered acceptable:

1. A provision to restrict the occupation of each study bedroom to an individual University of Portsmouth student (or an individual on an equivalent full-time course) during their period of study and to prevent the use of the halls of residence for any purpose during academic term times as anything other than residential accommodation for a student during their period of study; A requirement for a Register of Students to be kept and maintained as an accurate record of the student residents within the Halls of Residence and to provide a copy of this register to the Assistant Director of City Development upon request; A provision to ensure that all times, other than University of Portsmouth academic terms, the building is not used for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;
2. A financial contribution towards mitigating the impact of the proposed development on the Solent Special Protection Areas, to be paid prior to first occupation of any part of the Halls of Residence; and,
3. Travel Management Plan to be approved before commencement of development, to pay Travel Management Plan Monitoring Contribution (£5,500) before first occupation of any part of the Halls of Residence and to put a Travel Plan Co-Ordinator in post and retain them for at least 2 years after the end of the 5 year Travel Plan Monitoring Period.

**RECOMMENDATION I:** That delegated authority be granted to the Assistant Director of City Development to add/amend conditions where necessary.

Delegated Authority to grant Conditional Permission subject to the completion of a Section 106 Agreement in accord with the principles outlined in the report including an appropriate level of mitigation set out in the Solent Recreation Mitigation Strategy (so there would not be a significant effect on the SPAs)

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of City Development to REFUSE planning permission, if the required legal agreement has not been completed within three months of the date of the resolution.

### 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:

Existing Elevations & 3D Views - AE-04-000 Rev.A;  
Existing OS Plan - AL-03-001 Rev.B;  
Topographical Survey - AL-03-002 Rev.A;  
Proposed Site Plan - AL-04-001 Rev.A;  
Proposed Roof Plan - AL-04-002 Rev.A;  
Proposed Ground Floor Plan - AL-04-100 Rev.A;  
Proposed Typical Upper Floors - AL-04-101 Rev.B;  
Proposed North and West Elevation - AE-04-001 Rev.B;  
Proposed South and East Elevation - AE-04-002 Rev.B;  
Proposed Section - AS-04-001 Rev.A;  
Proposed Façade Treatment - AE-04-003 Rev.A;  
Proposed Façade Treatment - AE-04-004 Rev.A;  
Proposed Façade Treatment - AE-04-005 Rev.A;  
Proposed Façade Treatment - AS-04-002 Rev.A;  
Proposed Façade Treatment - AS-04-003 Rev.A; and,  
Proposed Façade Treatment - AS-04-004 Rev.A.

3) No works shall commence on site 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 '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 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 condition 3(c).

5) No works shall take place on site until a scheme for insulating habitable rooms against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Day-time (living rooms and bedrooms): LAeq (16hr) (07:00 to 23:00) = 35dB

Night-time (bedrooms only): LAeq (8hr) (23:00 to 07:00) = 30dB and LAmax 45dB

The approved scheme shall then be implemented in accordance with the approved details prior to the first occupation of the Halls of Residence and shall thereafter be retained.

6) No works shall take place on site until there has been submitted to and approved in writing by the local planning authority:

(a) An air quality screening assessment; and, unless otherwise agreed in writing by the Local Planning Authority:-

(b) A detailed scheme for the mitigation of any significant adverse effects of air quality on the amenity of future occupiers by mechanical ventilation system to serve the study/bedrooms on the façade facing onto Holbrook Road, to include sufficient evidence to demonstrate that extract and purge ventilation rates can be achieved, and ensure that all associated air intakes and exhaust points are situated within areas where national air quality objectives are not exceeded. Upon approval the proposed mitigation measures shall be implemented prior to the occupation of the Halls of Residence and thereafter retained.

7) The external materials/finishes to the development shall only be carried out in accordance with:

(a) the approved Materials Specification for facing brick, natural Portland stone banding/coping, bronze panels, powder coated aluminium doors/windows and glass look-a-like spandrel panels, as shown on the Proposed Elevation drawings AE-04-001 Rev.B & AE-04-002 Rev.B (or such comparable quality alternative materials/finishes as may be submitted to and agreed in writing by the local planning authority beforehand); and

(b) such roofing treatment(s) as shall have been submitted to and approved in writing by the local planning authority beforehand.

8) No works shall take place on site until a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of construction vehicle routing, deliveries timing, the provision of loading/offloading areas, site office and contractors' parking areas, access arrangements to the site and areas for the storage

of materials. Implementation shall be in accordance with the approved details and maintained until the development is complete, unless otherwise agreed in writing with the Local Planning Authority.

9) No works shall take place on site until a detailed scheme of the proposed surface/storm water drainage measures, including the layout, flow calculations and its planned future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved details and thereafter permanently retained.

10) (a) A scheme for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority; (b) the approved biodiversity enhancements shall be carried out before the development is first brought into use and a verification report shall be submitted to and approved in writing by the local planning authority that the approved biodiversity enhancements shall have been carried fully in accordance with the approved scheme; and (c) these biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the local planning authority.

11) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings. 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. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the building.

12) Prior to the first use of the Halls of Residence secure/weatherproof bicycle storage facilities shall be constructed and available for use, in accordance with a detailed scheme for its appearance/materials and height (in the position shown on the approved Proposed Ground Floor drawing no.AL-04-100A) to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

13) Details of the appearance/finishes, alignment and height of any gates, walls, railings, fences or other means of enclosure shall be submitted and approved in writing with the local planning authority; and the approved gates, walls, railings, fences or other means of enclosure shall be carried out as an integral part of the development and shall thereafter be retained.

14) The facilities to be provided for the storage of waste and recyclable materials to the Halls of Residence in the position shown on the approved Proposed Ground Floor drawing no.AL-04-100A shall be constructed and available for use before the building is first brought into use and shall thereafter be retained for those purposes at all times.

15) No works shall take place on site until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum of 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 03, which evidence shall in the form of a BREEAM Design Stage Assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

16) Before the Halls of Residence is first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum level of 'Excellent' in the Building Research

Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

17) Access to all flat roof areas shall be restricted for servicing and maintenance requirements only and at no time shall these areas be used as balconies or roof terrace areas.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or other enactment modifying or revoking that Order, no structure or 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.

19) No works shall take place on site until there has been submitted to and approved in writing by the local planning authority:

(a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and following the substantial completion of the building shell:-

(b) A report to assess the impact that the proposed development may have upon television and radio equipment signals in the locality; and, unless otherwise agreed in writing by the Local Planning Authority:-

(c) A detailed scheme for a scheme for the mitigation of any significant adverse effects upon TV/radio reception created by the building.

Such measures as may be approved shall be implemented within 2 months of the approval of details, or within any other period of time approved in writing by the Local Planning Authority, and thereafter retained.

20) Before the Halls of Residence is first brought into use, the detailed constructional design of key architectural features such as recessed windows within projecting window framing, angled and perforated panels, Flemish and running bonds with projecting brickwork elements, entrance colonnade and doors, all as shown on the Proposed Façade Treatment drawings (as listed in full in condition 3 - approved drawings) shall have been carried out in accordance with the approved detailed designs as an integral part of the proposed development.

21) Details of the external architectural lighting effects (during the hours of darkness), including details of the siting and appearance of any luminaires, shall be submitted to and approved in writing by the Local Planning Authority; the architectural lighting shall be carried out as an integral part of the development and 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) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To safeguard the residential amenities of occupiers of the building, in accordance with Policy PCS23 of the Portsmouth Plan.

- 6) To ensure an acceptable living environment and safeguard the residential amenities of occupiers of the building by preventing nitrogen dioxide exceedances, in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 7) To secure the highest quality appearance for a tall building to improve the character of the area in accordance with the 'Tall Buildings' SPD and policies PCS23/PCS24 of the Portsmouth Plan and the aims and objectives of achieving well-designed places in the NPPF.
- 8) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network and impacts on adjoining residential/commercial properties, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 9) In order to ensure adequate capacity in the local drainage network to serve the development which might otherwise increase flows to the public sewerage system, placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.  
  
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.
- 10) To protect nature conservation interests and to enhance the biodiversity at the site, in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the revised NPPF.
- 11) To secure a well-planned and quality setting to the tall building, in the interests of the amenities and character of the area, in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12) To promote and encourage sustainable modes of travel by ensuring that adequate provision is made for cyclists using the premises in accordance with policies PCS14 and PCS17 of the Portsmouth Plan.
- 13) To secure a quality setting to the development that defines public and private space well with suitably robust and attractive boundary treatments, improve the general security of the site to be as safe as practicable from crime or fear of crime, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 14) To ensure that adequate provision is made for the storage of waste and recyclable materials for the flats, in accordance with policy PCS23 of the Portsmouth Plan.
- 15) 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.
- 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 prevent overlooking and to protect the privacy of the occupiers of neighbouring residential properties, in accordance with Policy PCS23 of the Portsmouth Plan.
- 18) To ensure the skyline and design concept for the building remains free of visual clutter in the interests of visual amenity, in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan.
- 19) 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.

20) To ensure the highest quality of development appropriate to the site prominently located onto a major arterial route through the city (A2030) in the interests of visual amenity, in accordance with policies PCS23 and PCS24 of the Portsmouth Plan, 'Tall Buildings' SPD and the aims and objectives of the NPPF.

21) In order to secure the highest design quality for this tall buildings over 24 hours (rather than daytime only) on a prominent corner site, in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan, the 'Tall Buildings' SPDs and the aims and objectives of the NPPF.

#### PRO-ACTIVITY STATEMENT

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

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**92 OSBORNE ROAD SOUTHSEA PO5 3LU****CHANGE OF USE FROM A SHOP (CLASS A1) TO A CAFE/RESTAURANT (CLASS A3);  
EXTERNAL ALTERATIONS TO INCLUDE REPLACEMENT EXTRACT DUCT TO REAR  
ELEVATION****Application Submitted By:**Pike Planning  
FAO Mr John Pike**On behalf of:**

Mr Sam Arrabbetou

**RDD:** 19th February 2018**LDD:** 4th May 2018**SUMMARY OF MAIN ISSUES**

The main issues in the determination of this application are whether the proposed use would be acceptable in principle, and whether it would have an adverse impact on the living conditions of adjoining and nearby residents. The application was deferred from the Planning Committee meeting of 25th July 2018 to allow for the submission of further information relating to the storage of refuse and the potential impact of the storage facilities on existing fire escapes from the building in the event of a fire within the commercial kitchen.

**Site and Proposal**

This application relates to the ground and first floors of a four-storey building situated on the south side of Osborne Road between NatWest bank and Barclays bank. At present the ground and first floor accommodation comprises a retail shop with ancillary office accommodation. The upper floors, similar to the adjoining buildings, comprise flats. The rear of the building has an external fire escape staircase leading down to ground level within a secure yard and a redundant refuse chute.

The applicant seeks permission for the use of the ground and first floor to form a restaurant providing approximately 42 covers. Following discussions with the developer, the commercial kitchen has been relocated from first floor level to the ground floor. Permission is also sought for the installation of an extraction system and the replacement of the redundant refuse chute with an extraction flue of a similar size. Although initially proposing operating hours of 9am to midnight Monday to Saturday and 10am to 10pm Sundays and Bank Holidays, the applicant now proposes to close the premises at 11pm on Fridays and Saturdays and 10.30pm on Sundays to Thursdays (including bank holidays).

**Planning History**

Other than the grant of advertisement consent for the display of a fascia and projecting signs there is no other relevant planning history.

## **POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework (NPPF) the relevant policies within the Portsmouth Plan would include;- PCS17 (Transport) and PCS23 (Design and Conservation).

The relevant policies within the Southsea Town Centre Area Action Plan (2007) include:- STC2 (Retailing and Town Centre Uses), STC4 (Restaurants and Cafes) and STC 10 (Design)

## **CONSULTATIONS**

### **Highways Engineer**

This application is for a change of use of retail shop (A1 class) to Café/Restaurant (A3 class). The LHA has reviewed the documents submitted in support of the application and would make the following comment:

The application site is located on Osborne Road on the edge of the Southsea town centre area and has a mix of shops, restaurants and bars. Osborne Road forms part of a main bus route accommodating bus services from most parts of the city. There is some on-street parking available on Osborne Road subject to limited wait restrictions however nearby residential roads, although part of a residents' parking scheme, do also allow limited wait parking of between 1 and 3 hours. Pay & Display parking is available for visitors to the area in nearby Ashby Place car park with capacity for 59 cars.

No traffic assessment has been submitted with the application however given the mix of retail and leisure uses in the area, the LHA do not believe this proposal would result in a material impact upon the immediate or wider highway network.

Portsmouth City Council does not specify an expected standard for numbers of parking spaces for non-residential developments rather expect that developments provide suitable parking provision. This application has made no parking assessment and there is no evidence that any parking will be made available primarily for this development. Current parking areas are used primarily for retail visits during the day and for the bars/restaurants in the evenings. Demand often outstrips capacity on street both during the day and in the evenings however the LHA is satisfied that the majority of trips to the proposed café will be linked to other pre-existing trips on the network or be diverted from another local establishment and a material increase in trip generation and/or parking demand associated with the development is unlikely.

As the application stands the LHA would not wish to raise an objection on Highways grounds.

### **Environmental Health**

Osborne Road represents a mixed commercial/residential area. The application is for a change of use from a jewellers (A1) to a café/restaurant (A3). The rear of Osborne Road consists mainly of service areas for the commercial uses on Osborne Road and a number of residential properties surround the car-park to the back of the proposed development. The ambient noise levels in this area are much quieter than immediately neighbouring locations as there is very little through-traffic noise and only the occasional vehicle using Ashby Place car park in the evening. The premises are located over the ground and first floors with residential use located directly above at 2nd and 3rd floors.

The proposal is for A3 restaurant use for 38 covers with the kitchen located on the first floor at the rear of the building. The hours of use applied for are 09:00-00:00 Monday to Saturday and 10:00-22:00 on Sundays and Bank Holidays.

The application documentation indicates that an extract flue at the rear of the premises is to be removed and replaced with a new extract duct to serve the proposed kitchen at the first floor. A site visit has revealed that this is not an extract flue but actually a redundant refuse chute for use

by the flats at 2nd and 3rd floor. No other information has been provided regarding any kitchen extraction system, the noise levels that would result from the operation of the fan and the control of any kitchen odour.

The Environmental Health Team (EHT) has significant concerns about the potential impact on the adjacent residential use. The application represents both an increase in opening hours, opening hours at more sensitive times (in the evening and night-time hours) and a more significant impact compared to the present use. A3 use has the potential to impact on the amenity of neighbouring uses through noise from plant, machinery, the kitchen, entertainment and customer noise and also odour from the cooking processes.

The location of the kitchen at first floor may exacerbate some of the impacts on the neighbour's amenity. Any kitchen extraction system will require fixing to the ceiling which will also be the same structure as the floor of the residential unit above. Noise and vibration will be transmitted from the extract system into the structure of the building. The EHT is also concerned about heat build-up within what is a small kitchen. There is a risk that to alleviate heat build-up, the door to the rear of the premises will be opened up. This will not only allow the escape of noise but also odour from the kitchen. In addition, the external fire escape at the rear of the property seems likely to become a space for staff to take their breaks. Perhaps the use of the door from the proposed kitchen area could be conditioned although the EHT cannot comment on whether this would be workable in practice or whether ventilation without the door being opened would lead to intolerable conditions in the kitchen.

There is also the potential for noise within the proposed A3 premises to affect the residents in the attached residential premises at 2nd/3rd floor level. No information has been provided as to the structure of the separating ceiling to the residential use above.

The significance of any impact is largely dependent on exactly when the impact occurs. The potential impacts described above will have far less significance if they are limited to earlier in the day. The proposal is to open until 00:00 hours for six days of the week, and until 22:00 on Sundays and Bank Holidays and I have significant concerns about the impact this would have on the neighbouring residential uses. Should the LPA be minded to grant permission conditions are recommended.

## **REPRESENTATIONS**

Four representations have been received from the occupiers of the flats situated above or adjacent to the application site. The grounds of objection raise the following points:-

- details of the proposal were not publicised
- premises not suitable for cafe/restaurant use due to noise, odours and inadequate refuse storage
- freeholder has not approved the change of use
- increased fire risk
- noise and disturbance from deliveries
- activity will go beyond stated opening hours
- no shortage of similar uses in the locality
- use of yard for loading/unloading may impact on adjoining bank's fire escape

## **COMMENT**

The principal issues are whether the use of the premises as a cafe/restaurant would be acceptable in the context of the Southsea Town Centre Action Area Plan, and whether, in the context of the Local Plan and NPPF, the proposal would have any significant adverse impact on the living conditions of the adjoining residential occupiers with particular regard to noise, disturbance and cooking fumes/odours.



## **Principle**

Southsea Town Centre is divided into primary and secondary frontages. The latter provides more opportunities for flexibility and diversity of uses, and it is the strategy of the Area Action Plan to build on these to create identifiable areas in which development can be focused. Osborne Road and the southern part of Palmerston Road has an identifiable character as a restaurant quarter. The Action Area Plan acknowledges that restaurants and cafes are essential to town centres to improve their vitality and, in the case here, to ensure that the restaurant quarter continues to attract visitors to the Southsea town centre, thereby fulfilling important economic and social roles.

The application site is situated between two banks within an established commercial frontage that provides a combination of day and evening attractions. Even though providing accommodation over two floors these premises are comparatively modest in size and back on to a rear service yard and public car park. In this context it is considered that the proposed use of the premises would be consistent with the objectives of the Southsea Town Centre Area Action Plan and policy STC4 in particular.

## **Amenity impact**

This part of Osborne Road is characterised by a mixed commercial frontage with residential uses at upper floor levels. Furthermore, there are a number of Class A3, A4 and A5 uses within the locality that cumulatively can affect the standard of living environment for residents. It is therefore understandable that the addition of a further Class A3 use would raise concerns from existing residents as borne out by the representations that have been received. Where any such adverse impacts on residential amenity cannot be adequately controlled and mitigated by planning conditions, such matters would outweigh the conclusion above that the proposal would be acceptable in principle.

The most affected residential accommodation is located immediately above the premises at second floor level. That accommodation has a kitchen and bathroom adjacent to the steel platform that forms part of the fire escape stairs, and would sit above the rear part of the first floor seating area of the restaurant. The front section of the first floor seating area would be below a lounge. Off-set from the lounge are two bedrooms facing Osborne Road. Following concerns raised by the Environmental Health Team, the kitchen to the restaurant is now to be situated at ground floor level to the rear. It is considered that an appropriately worded condition to secure a scheme of insulation against internal noise would adequately address the most direct amenity impact. Similarly, planning conditions in relation to the extraction system to mitigate odour and vibration together with restrictions on deliveries and the use of the rear doors would be sufficient to overcome other external environmental impacts.

With the imposition of these safeguarding conditions it is concluded that the proposed change of use would comply with the requirements of Policy PCS23 of the Portsmouth Plan (2012) which, amongst other matters, requires that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers.

In reaching this conclusion regard has been made to a recent appeal decision (18 May 2018) at No.17 Marmion Road (Appeal Ref: APP/Z1775/W/17/3191765) which related to a similar proposal but within a quieter area of Southsea Town Centre. In allowing the appeal the Inspector opined: 'Given the location of the appeal site within a fairly tight-knit town centre area comprising a mix of commercial, retail and residential uses there is the potential for the proposed use to have a detrimental effect, either by itself or cumulatively with other uses, on the amenity of local residents, particularly those living closest. That of course is not an uncommon concern in many town centre areas having a context of mixed commercial and residential uses in close proximity. In such circumstances, where any such adverse impacts on residential amenity cannot be adequately controlled and mitigated by planning conditions, planning permission should be withheld. I can understand the fear some local residents have articulated

in detail in their correspondence that the proposed use would result in noise and disturbance, including cumulatively with other uses such as the PH opposite the appeal site. However, in this particular case I am satisfied that planning conditions to secure a scheme of insulation against noise for upper floor occupiers, and restriction of operating hours and delivery times, would be sufficient to curtail any noise and disturbance to within acceptable levels. A condition to secure an extraction system to control cooking fumes and odours would also adequately control and mitigate such emissions. In this regard I note that the Council's Environmental Health consultation came to the same conclusion having assessed the technical data submitted with the application. There is no convincing evidence or alternative assessment before me which leads me to conclude otherwise'.

### **Refuse Storage**

At the Planning Committee meeting of 25th July 2018, Members raised concerns about the adequacy of the proposed refuse storage facilities within the rear yard and the potential impact of blocking fire escape routes. The LPA has since re-visited the site with the applicant and the City Council's Waste Collection Service to assess the size, accessibility and obstructions within the rear yard. The applicant has provided an amended drawing detailing that redundant equipment within the yard would be removed to allow sufficient space for the siting of five 360 litre refuse bins to serve the flats and the proposed restaurant. The Waste Collection Service has indicated that the bins would be adequate in terms of their size and number and can be accessed independently by users and the collection crew. It is highlighted that a daily collection can be arranged by the operator of the restaurant should this be necessary which is not uncommon for restaurants in the city.

The submitted drawings also demonstrate that the refuse stores can be sited without reducing the width of the fire escape route. A planning condition is suggested to ensure that the redundant equipment is removed from the yard and the bin stores provided in accordance with the approved drawings prior to the restaurant first operating. Should it become apparent that the redundant equipment cannot be removed, this would prevent the use of the restaurant until such time that an alternative storage arrangement can be agreed with the LPA in consultation with the City Council's Waste Collection Service.

### **Fire Safety/Escape**

Four residential units are located immediately above the application unit and the adjoining bank which are accessed via a communal entrance on Osborne Road. These units are served by an internal stairwell, but also have access to an external fire escape that leads down into the yard immediately to the rear of the proposed restaurant and adjacent to the proposed kitchen location. At the Planning Committee meeting of 25th July 2018, Members raised concerns about the potential impact of the development on the use of the fire escape in the event of a fire within the commercial kitchen.

Should a fire occur within the commercial kitchen, residents of the flats above would still have the use of their own separate internal staircase which would lead residents down to the Osborne Road frontage on the opposite side of the building to the commercial kitchen. In the unlikely event that a fire should occur in one of the flats and/or the commercial kitchen that would prevent the use of both the internal and external staircases, a large external terrace would provide a safe refuge area for resident/patrons of the restaurant until the fire service arrives.

The LPA has also consulted Hampshire Fire and Rescue who raise no objection to the application and highlight that matters of access for the Fire Service can be dealt with under the Building Control Regime at a later stage should planning permission be granted.

## **Other issues**

As outlined in the Highway Engineer's comments the Southsea Town Centre is served by public car parks in Ashby Place and Tonbridge Street with pay and display on-street parking in Portland Road. Some on-street parking, albeit falling within a residents parking zone and is time restricted, would also be available. The proposed use of the premises as a restaurant/cafe would be unlikely to materially affect the demand for car parking or have an unacceptable impact on the local highway network.

Publicity for the application involved the display of a site notice and a neighbour notification letter sent to the occupiers of Nos. 90, 94, 96, 98 and 100 Osborne Road and No. 68 Palmerston Road in accordance with established practice.

## **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) The permission hereby granted shall be carried out in accordance with drawing number 001C FEB 2018 and Bin Storage 2A, or in accordance with any variation that will have first been submitted to and approved in writing by the Council.
- 3) The premises shall remain closed and all external plant and equipment turned off between 2230 hours to 0900 hours the following day Sunday to Thursday and between 2300 hours to 0900 hours the following day Friday and Saturday.
- 4) Other than for the purpose of providing emergency egress from the building and access to the service yard (for the purposes of waste storage and collection only), the external kitchen door and first floor door to the rear elevation of the building (shown as MOE on approved drawing 001C) shall remain closed at all times.
- 5) No deliveries shall be received at the premises outside of 09:00 hours to 21:00 hours Monday to Saturday and 10:00 hours to 18:00 hours on Sundays and public holidays.
- 6) a) Prior to the commencement of the use hereby approved, a scheme for insulating the residential use of the upper floors against noise from the operation of the Class A3 restaurant/cafe use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved:
  - Second Floor Residential Premises: Noise criterion curve NC25 based on values of Leq(5mins); and
  - The reverberation time as measured within both the ground floor and first floor trading areas shall not exceed 0.8 seconds; and
- b) The scheme approved pursuant to part a) of this Condition shall then be implemented before the first use of the A3 premises and thereafter permanently retained.
- 7) a) Prior to the commencement of the use hereby permitted, an extraction system, including external ducting incorporating anti-vibration mounts, to suppress and disperse odour and fumes emitted from cooking operations shall be installed in accordance with a scheme (to include manufacturer's technical specifications and maintenance recommendations) to be submitted to and approved by the Local Planning Authority; and
- b) The equipment approved pursuant to part a) of this Condition shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommendations.

8) a) Prior to the installation of any external plant or equipment, an assessment of noise from the operation of the plant or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and submitted to the Local Planning Authority for approval in writing; and

b) Upon approval of part a) of this Condition, all specified measures to mitigate any identified observed adverse effects due to the operation of the plant or equipment shall be implemented and thereafter permanently retained.

9) Notwithstanding the details shown on drawing 001C FEB 2018, prior to first use of the premises as a cafe/restaurant (Class A3) all facilities for the storage of refuse and recyclable materials shall be provided in full accordance with drawing: 'Bin Storage 2A' following the removal of all redundant plant and equipment and shall thereafter be permanently retained for the storage of refuse and recyclable materials generated by the cafe/restaurant and the residential units above.

**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 protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

4) To ensure that smells and odours from cooking operations at the premises are expelled from the building through a kitchen extraction system and to limit noise transmission in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.

5) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

6) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

7) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

8) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

9) To ensure that adequate provision is made for the storage of refuse and recyclable materials and a safe escape route from the building is maintained 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.

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Assistant Director of City Development  
6<sup>th</sup> November 2018