
NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 9 SEPTEMBER 2020 AT 2.00 PM

VIRTUAL REMOTE MEETING - REMOTE

Telephone enquiries to Democratic Services Tel 023 9283 4870
Email: Democratic@portsmouthcc.gov.uk

Planning Committee Members:

Councillors David Fuller (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Chris Attwell, Lee Hunt, Donna Jones, Terry Norton, Lynne Stagg, Luke Stubbs and Claire Udy

Standing Deputies

Councillors Hugh Mason, George Fielding, Jo Hooper, Suzy Horton, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Steve Pitt and Tom Wood

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon on the day 7 working days preceding the relevant meeting, and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of previous meeting - 22 July 2020 (Pages 5 - 16)

RECOMMENDED that the minutes of the Planning Committee held on 22 July 2020 be approved as a correct record to be signed by the Chair.

4 Minutes of previous meeting - 12 August 2020 (Pages 17 - 26)

RECOMMENDED that the minutes of the Planning Committee held on 12 August 2020 be approved as a correct record to be signed by the Chair.

5 Update on previous applications

Planning Applications

6 56 Arundel Sreet, Portsmouth, PO1 1NL - 19/01919/CS3 (Pages 27 - 98)

Construction of 22-storey building (c.68 metres) comprising 76 dwellings (Class C3) and ground floor commercial unit (Class A3) with associated storage facilities and public realm works; alterations/relocation of windows to 54d and 54e Arundel Street

7 Brewery House, 18 - 20 Hambrook Street, Southsea, PO5 3BE - 19/01910/CS3

Conversion of brewery house to form 17 dwellings with external alterations to include: construction of additional storey; replacement windows and doors; replacement bay windows to southern elevation

8 69 Stanley Avenue, Portsmouth, PO3 6PL - 19/01916/HOU

Construction of single storey rear extension

9 29 Marine Court, Southsea, PO4 9QU - 19/01865/HOU

Construction of two storey side extension

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 22 July 2020 at 2.00 pm in the Virtual Remote Meeting - Remote

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

Present

Councillors David Fuller (Chair)
Judith Smyth (Vice-Chair)
Matthew Atkins
Chris Attwell
Lee Hunt
Donna Jones
Terry Norton
Lynne Stagg
Luke Stubbs
Claire Udy

Also in attendance

Councillors Jeanette Smith, Darren Sanders and Steve Wemyss

Welcome

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

40. Apologies (AI 1)

There were no apologies for absence.

Councillor Stagg advised she needed to leave the meeting at 3pm to attend another meeting.

41. Declaration of Members' Interests (AI 2)

Councillor Fuller declared a personal and prejudicial interest in planning application 3 (187 Havant Road) because of his employer's business, another care home on Havant Road and that there could be the appearance of bias if he participates in and votes on this item. He will not participate in or vote on this item and will vacate the chair.

Councillor Fuller declared a personal and prejudicial interest in planning application 5 (Forest Lodge, Locksway Road) because of his employer's business, another care home in Portsmouth and that there could be the appearance of bias if he participates in and votes on this item. He will not participate in or vote on this item and will vacate the chair.

Councillor Udy declared a personal interest in planning application 1 (Land to the rear of 118 London Road) as a former employee of the Clarence Gardens Public House. She did not consider herself to have any bias in this application.

Councillor Norton declared a personal and prejudicial interest in planning application 3 (187 Havant Road) and would leave the meeting for this item. He had a deputation to make on behalf of residents so would read this out then leave and not take part in the debate.

Councillor Fuller advised that as he needed to leave the meeting for the two planning applications previously mentioned, the order of the planning applications discussed today would be amended slightly. Planning applications 1, 2 and 4 would be heard first. Planning applications 3 and 5 will move to the end of the meeting and Cllr Smyth as Vice Chair will take over as Chair for the remainder of the meeting.

42. Minutes of previous meeting - 10 June 2020 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 10 June 2020 be approved as a correct record.

43. Update on previous applications (AI 4)

The Head of Development Management advised that since the last Planning Committee meeting there had been 11 appeals against decisions of the Local Planning Authority. There had also been two decisions; one had been allowed and one was dismissed. There had been six appeals against enforcement action against HMOs that had come forward without planning permission, which had all come from one applicant.

44. 19/00018/FUL - Land to rear of 118 London Road, Portsmouth, PO2 0LZ (AI 5)

The Planning Officer presented the report.

Further written deputations were read out as part of the officer presentation from:

- Mr Russell - Agent
- Mr Smith - Objector

Deputations are not minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-22jul2020/videos/208937684>

Members' Questions

In response to questions from members, officers explained that:

- The number of parking spaces was in accordance with the Parking Standards Supplementary Planning Document adopted by the City Council.
- The area is well served by buses, but it is some distance from the nearest train station.

- There are four trees, one is multi-stemmed so could be regarded as a group of trees. The planning officer pointed out on the indicative drawing where the planting was proposed.
- The impact of noise is a material planning condition. Placing residential uses at the back could result in some friction, where that is the case then appropriate mitigation measures must be put in place. Mitigation measures put forward by the applicant include acoustic screening and the placement of windows. There is a planning condition proposed to seek the precise details of mitigation.
- Waste collection from the public house will be through a private company. There will be noise but this is a short term impact once or twice a week which would not result in significant harm with the mitigation measures proposed.
- Richard Lee, Regulatory Services Manager said that the extraction system is roughly 13.5m from the boundary of the site to the façade of the new development. Officers suspect a level of dilution sufficient to ensure there is no cause for concern. He agreed that the site was not very open, however considering distances and understanding the routine maintenance, he did not believe it will be a particular problem.
- There is a planning condition proposed relating to energy use which could include solar panels as there is an area of flat roof. Members asked that this be requested from the applicant.
- The target is to make a 19% reduction in the emissions from the building, above what is required through the building regulations. The planning condition will ensure they provide an independent report to show they have met the target rate.

(Councillor Stagg left at 3pm before reaching members' comments.)

Members' Comments

Members had concerns about future occupiers of the dwellings being adversely affected by noise from the public house, the bottle collections, and smells from cooking. Members noted that the design of the building was appealing. Other members commented that the development would improve the area and that there was no reason to refuse the application.

RESOLVED

- (1) **Delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**
 - SPA nitrate mitigation
 - SPA recreational impact mitigation
- (2) **Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;**
- (3) **Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.**

45. **19/00615/FUL - 46-50 Kingston Road and 2A New Road, Portsmouth, PO2 7RB (AI 6)**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported:

The plans have been corrected to show a chamfered corner to the upper floors of the building on the Kingston Road/ New Road corner. This is to ensure that the development would not over-sail the public highway. This amendment does not change the assessment of the merits of the scheme as set out within the committee report.

No further written deputations have been made on this application

Condition 2 has been updated to reflect the amended plan numbers as follows:

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: Block and Location Plan 16.2198.105 P3; Proposed Ground Floor Plan 16.2198.100 P4; Proposed First Floor Plan 16.2198.101 P5; Proposed Second Floor Plan 16.2198.102 P5; Proposed Third Floor Plan 16.2198.103 P6; and Proposed Elevations 16.2198.104 P6.

Recommendation otherwise unchanged.

Members' Questions

In response to questions from members, officers explained that:

- This site is in an area where parking standards do not automatically allow a reduction in parking standards. Officially this scheme would require 12 spaces in accordance with adopted parking standards. Officers had balanced this with housing land supply provision, accessibility of the site and made a balanced decision that for 11 one bed flats, a scheme of this nature in this location is acceptable.
- The nearby car parks were pointed out to members on the plan. As referred to in paragraph 5.40 a parking survey determined that overnight there was up to 40 spaces available, which are currently unrestricted.
- Officers are currently revising the Council's SPD on parking and a further public consultation on this would be carried out later in the Summer/Autumn.

Members' Comments

Members noted that there was available parking nearby which is currently free. This development is in line with aspirations for the Kingston Road area, will provide new housing and new residents will revitalise the area.

RESOLVED

(1) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation
- SPA recreational impact mitigation
- (2) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;
- (3) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

46. 19/00371/CS3 - former Longdean Lodge site, Hillsley Road, Portsmouth, PO6 4NH (AI 8)

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported:

Since publication of the Committee Papers, one further letter of representation has been received from the occupier of an adjoining property to the north-west. Their objection relates to the height of the proposed building and resultant loss of privacy and light. These matters are addressed within the Committee Report.

No further written deputations have been made on this application.

Recommendation unchanged.

Members' Questions

There were no questions.

Members' Comments

Members thought that although there was substantial bulk to the building that it was in keeping with the area and would provide much needed supported living for the city. The proposed solar panels were also welcomed and members thought the design was pleasing.

RESOLVED

(1) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA nitrate mitigation
- SPA recreational impact mitigation

(2) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

(3) Delegated authority was granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

(Members had a short adjournment after this item)

(Councillor Udy left the meeting after this item)

(Councillor Fuller left the meeting after this item due to his earlier declared interests in the remaining items, Councillor Smyth as Vice Chair took over the meeting)

47. 19/00886/FUL - 187 Havant Road, Portsmouth, PO6 1EE (AI 7)

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported:

Further written deputations will be read out as part of the officer presentation from:

Applicant - The Society of St James

Objector - Mr Kaye (former resident of 189 Havant Road - now deceased)

111 further representations have been received.

105 of the representations are objecting to the scheme on the following grounds:

- a) inappropriate area for the proposed use due to being mainly populated by elderly residents and young families and close to schools;*
- b) the development would bring people with drug and alcohol problems into the area; there is an alcohol shop close to the site;*
- c) detrimental affect on the lives of local residents; increased noise and disturbance, concern that residents would have to leave the premises during the day;*
- d) additional strain on local services such as pharmacies and doctors;*
- e) small size of the flats unhealthy for future residents;*
- f) unclear what level of support the residents would receive; lack of overnight care;*
- g) increased risk of crime, antisocial behaviour and safety concerns for local residents;*
- h) potential negative impact on local businesses if local people feel discouraged to visit them;*
- i) negative impact on house prices in the local area;*
- j) benefits of housing homeless people outweighed by negative impact;*
- k) lack of communal areas for residents;*
- l) lack of notification and involvement of the local community in the application proposals;*
- m) lack of local facilities for residents and support services in the area;*
- n) flats do not meet relevant space standards and is more like a House in Multiple Occupation;*
- o) too close to a busy main road;*
- p) allowing the proposal would set a precedent for similar accommodation in the area;*
- q) an independent risk assessment should be conducted to assess the impact of the scheme on the local community;*
- r) too many rooms within the property; too dense;*
- s) concerned about lack of communication from the Society of St James when people were temporarily housed at the property during COVID-19;*
- t) the care home only had 9 residents and not many staff;*
- u) the scheme fails to justify the lack of parking against Portsmouth City Council's parking standards;*
- v) there is insufficient evidence to justify the small size of the units, contrary to Policy PCS19;*

- w) lack of appropriate conditions to ensure safety and protect amenity of neighbouring residents;
- x) increased noise and disturbance to neighbouring residents; noise levels have already increased since people have temporarily been housed in the property;
- y) concern that there are already residents in the property.

6 representations give support to the application on the following grounds:

- a) Good for people to get a second chance;
- b) support the aims of the Society of St James to assist and support people of all ages affected by homelessness;
- c) the accommodation will benefit vulnerable people;
- d) the proposed location would distance the residents from inner city areas where poor lifestyle choices are more likely to be made;
- e) suggest that residents should be provided with targeted professional support, including a room for counselling sessions;
- f) suggest more visitor parking is provided (e.g. by using the garden);
- f) suggest adequate laundry facilities provided;
- g) each flat should have a shower or bath;
- h) the location away from the city centre would provide a safer environment for occupants;
- i) an important scheme to meet the needs of the homeless community;
- j) anti-social behaviour is more likely to be a risk if people are left living on the streets;
- k) the property is located on a main road close to essential services and seems a suitable location;
- l) suggestion as to whether one of the vacant retail units in Drayton could be used as a charity shop to further support the scheme.

It is considered that the majority of the matters outlined within the new objections have been satisfactorily addressed within the committee report (please refer specifically to paragraphs 5.5, 5.10-5.12, 5.15, 5.20-5.25, and 5.27-5.31). It can be confirmed that the occupants would not be required to vacate the premises during the day, as it would be their place of residence. The applicant, The Society of St James, has also provided some additional information in response to the latest comments, as summarised below. These points are also made within a written deputation from the Society, which will be read out at the planning committee:

- *The Society of St James is a charity with many years' experience in delivering help for those in need;*
- *The property would accommodate adults with a range of ages and backgrounds, not specifically young people;*
- *Residents are likely to have been through a number of other stages of housing assistance, with the proposed accommodation being the last stage before they are considered ready for general rented accommodation;*
- *The purpose of the accommodation is for residents to have independence, without the need for communal facilities;*
- *The residents would not require 24 hour supervision, but support staff would visit several times a week and staff can be contacted at any time using a 24 hour on call system. There is an out of hours team who can attend the property at nights and weekends to resolve issues. Local residents can*

also be provided with the emergency numbers to report any issues or concerns;

- *Some of the residents may have mental health issues and will already be receiving support from local mental health services, which would continue;*
- *The location of the site was carefully considered. It is within an established community with good access to shops and services, but is far enough from Portsmouth City Centre that can be prone to offering a detrimental social environment.*

The recommendation remained unchanged.

Members noted that with the change to Standing Order 24 due to the COVID-19 pandemic, there had been some confusion over the deadline for deputations, meaning that not everyone who wanted to make a deputation had been able to do so today. The Principal Planning Solicitor said that officers had considered all the representations received and reminded members that deputation requests must be registered prior to the publication of the agenda and then they would be invited to submit a further written representation.

As there were over 100 further representations received which the committee had not been able to hear, the majority of members felt that this application should be deferred until the next meeting to give people additional notice to submit their deputations prior to the deadline.

(Councillor Norton did not vote on this due to his earlier declared interest)

RESOLVED that the application be deferred to the next meeting.

48. 19/01322/FUL - Forest Lodge, Locksway Road, Portsmouth, PO4 8LU (AI 9)

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported:

The Agent has clarified in response to a query regarding sustainability, that solar panels on the southern roof slope may be considered and/or a ground source heat pump system. Furthermore, that other energy and water efficiency measures would also be considered. Although no specific details are proposed within the submission.

The Agent and RNBT have suggested that if it is not possible to upload or show a submitted video walkthrough of the proposed development, that this can instead be viewed on the RNBT's website or on YouTube; by Members or by the public. It is understood that the video has nevertheless been sent to Members by the Agent.

The recommendation remains unchanged.

Further written deputations were read out as part of the officer presentation from:

Mr A Wood - Agent

Rob Bosshardt - Royal Navy Benevolent Fund - Supporter

Further written representations were received after the deadline for deputations. These were sent to members prior to the meeting but at the request of the committee were subsequently read out by the planning officer:

- Royal Navy Association (Bill Oliphant)
supports the application
- Agamemnon Housing Association (Nigel Langhorn)
supports the application
- Patrick Keefe (neighbour / former Navy Commander)
supports the application
- NHS Property Services (Nicola Booth)
supports the application

Deputations were also heard from:

- Councillor Jeanette Smith on behalf of the Chair of Milton Neighbourhood Planning Forum objecting to the application
- Councillor Darren Sanders on behalf of a constituent objecting to the application.

Deputations are not minuted but can be viewed as part of the livestream on the following link <https://livestream.com/accounts/14063785/planning-22jul2020/videos/208937684>

Members' Questions

In response to questions from members officers explained that:

- There had been extensive negotiations with the applicant over the concerns about the design. Some changes have been made and the applicant is no longer willing to make further changes as they feel the scheme is acceptable. Officers however do not feel the design is of a high enough standard.
- Officers clarified the process for submitting deputations. The deadline for requesting deputations is prior to the agenda being published in accordance with the amended Standing Order 24. Those who have previously registered will have the opportunity to submit a further written representation. The Deputy Director of Planning and Economic Growth, advised that unfortunately a small number of letters went out advising that deputations were available to people who had not properly registered and he apologised for this. The four deputations received following this had been included in the supplementary matters list in full and members have had the opportunity to read these. After a discussion these were subsequently read out to the committee as listed above.
- The most prominent view of the site is from Locksway Road which is considered to be the frontage. There is also the West Lodge traditional flint building on the opposite side of Solent Drive. The site is the gateway to historical access along to the historic St James' Hospital. It is a very prominent location where currently there is a hard boundary along the site. Officers considered it a missed opportunity in terms of integrating better into the street scene and surrounding roads.
- Officers had gone back to the agent with a number of suggestions such as breaking up the building and having lower storey elements and elements

suggested by the Design Review Panel, but the applicant was not prepared to change the bulk of the scheme.

- The previous scheme which was granted planning permission had 8 houses which were two storey and a block of flats. This was not implemented and planning permission has expired.
- Officers have not specifically said that the care home has to match the Flint Lodge adjacent, just asked that this is taken into account. The primary concern is the scale, massing and continuous block in combination with the design.
- Officers have not had a specific conversation with the applicant about the requirements for the internal layout. They have made suggestions though such as pulling apart the building to have two storey link attachments with three storey in the next section.
- Natural England have not agreed what is proposed to be acceptable therefore a condition could not be added. Natural England's view and sign off is needed for that element and the Council need them to say they are happy with the mitigation proposed.
- The Principal Planning Solicitor advised members that para 177 of the NPPF states: "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"
She advised members that in the absence of an appropriate assessment the likely significant effects of the development on the habitat site are unknown therefore planning permission should be refused. It would be unlawful for member to grant planning permission for this development today.
- The Assistant Director of Planning and Economic Growth added that the applicant provided the information last Monday, officers submitted to Natural England and in due course they will reply with hopefully a positive response.
- Officers advised that it would not be appropriate to give delegated authority to the Assistant Director to conclude negotiations with the applicant and Natural England as they do not know if will have a successful mitigation strategy until hear back from Natural England.

Members' Comments

Members were sympathetic to the application and noted that the applicant had reviewed a large number of sites around Portsmouth. The Committee felt that there is an obligation to provide suitable sites for naval veterans in the city. Members felt that the design is similar to other care homes and retains a large amount of greenery. It was felt that the nitrate issue should be resolvable as long as Natural England provide a positive response. There were some unsatisfactory elements to the application due to the environment however greater provision for older people was needed.

Some members however wished to support the officer recommendation to ensure that a better design for the site was achieved.

The Assistant Director of Planning and Economic Development and Principal Planning Solicitor advised that the Council was not lawfully in a position to grant

planning permission without the appropriate assessment. Officers advised that if members were minded to overturn the officer's recommendation they could either resolve to delegate the application to officers or bring back to the next committee scheduled for three weeks' time. Bringing the application back to committee would allow the committee to have some control over the conditions and the appropriate assessment will have been resolved. This will provide transparency for the grant of planning permission.

RESOLVED that the application not be refused and delegated authority be granted to the Assistant Director of Planning & Economic Growth to resolve the application within the next 3 months.

(The officers' recommendation for refusal was overturned)

The meeting concluded at 7.00 pm.

Signed by the Chair of the meeting
Councillor David Fuller

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Agenda Item 4

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 12 August 2020 at 2pm Virtual Remote Meeting - Remote

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

Present

Councillors	David Fuller (Chair)
	Judith Smyth (Vice-Chair)
	Matthew Atkins
	Chris Attwell
	Lee Hunt
	Donna Jones
	Terry Norton
	Lynne Stagg
	Luke Stubbs
	Claire Udy

Welcome

The chair welcomed everyone to the meeting and introductions were made.

49. Apologies (AI 1)

There were no apologies for absence.

50. Declaration of Members' Interests (AI 2)

Item 4: 19/00886/FUL 187 Havant Road

Councillor David Fuller declared a personal and prejudicial interest because of his employer's business, another care home on Havant Road. There could be the appearance of bias if he participates in and votes on this item. He will not participate in or vote on this item and will vacate the chair.

Councillor Lynne Stagg declared a personal and prejudicial interest as her daughter works for the Society of St James. She would leave the meeting for this item.

Councillor Terry Norton declared a personal and prejudicial interest because he had carried out some case work relating to this application. He would make a deputation and then leave and not take part in the debate.

Item 8: 20/00322/FUL Portsmouth Football Club, Fratton Park, Frogmore Road.

Councillor Donna Jones declared a pecuniary interest because she is the stadium Director and had been leading this piece of work. She would leave the meeting for this item.

51. Update on previous applications (AI 4)

The Head of Development Management gave the following updates:

The Planning Inspector had upheld this planning committee's decisions regarding the appeals for the applications at 7 Beatrice Road and 32 Montgomery Road.

52. 19/00886/FUL - 187 Havant Road. Conversion of care home (Class C2) to 13 self-contained units of 'move-on' accommodation (Class C3), with associated bicycle and refuse storage.

Councillor David Fuller left the meeting for this item and Councillor Judith Smyth took over as Chair.

The Planning Officer presented the report and added that in Supplementary Matters Report that had been circulated to the committee:

10 further representations had been received since publication of the report objecting to the proposal on the following grounds:

- a) short notice given to residents to make comments;
- b) no facilities in the area to accommodate the needs of the residents;
- c) off-licence very close to the site which would not help residents;
- d) inappropriate location with many elderly residents and families;
- e) increased pressure on local health services;
- f) increased parking problems due to lack of visitor parking;
- g) concern that some local residents still have not been consulted properly about the proposals; decision seems to be being rushed through;
- h) problems in the area have already increased since temporary use of the building;
- i) flats do not meet required size standards;

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

- a) the change of use will not be significant;
- b) the use is likely to generate less traffic as the residents are unlikely to own cars;
- c) the area has good accessibility to the city centre by public transport and cycling;
- d) provision of move-on accommodation for the homeless is essential;
- e) Drayton would benefit from a more diverse population.

Officers considered that the matters raised in the further representations had been addressed within the committee report.

Further written deputations were read out as part of the officer presentation from:

Against

Marcus Kaye with additional comments from his daughter Susannah Williams
Julie Salmond
Darren Brewer
J M Parry
Spencer-Gardner
Dawn Young

Supporting.

Applicant

Deputations were given by Councillor Steve Wemyss and Councillor Terry Norton. Both were against the application.

Councillor Darren Sanders gave a deputation in support of the application.

Deputations are not included in the minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-12aug2020>

Members' Questions

In response to questions from members, officers explained that:

- The planning committee has no control over codes of conduct or eviction policies for occupiers or tenants.
- This application has been assessed as a specific type of accommodation: move-on. Planning Officers have used The Homeless Foundation's definition of move-on accommodation as set out in paragraph 5.4 of the report.
- The officers' view is that although room sizes are significantly below the nationally set minimum room size standards, this is acceptable in this instance.
- The application is for self-contained units and therefore fall within Class 3 use category as the property is not for one family nor is it a HMO.
- The recommended condition stipulates that tenants' can reside there for a maximum of two years. This adequately mitigates the use of the land.
- PCS19 states that all new developments should meet the size standards.
- There is a need to consider whether the need to house rough sleepers outweighs the need to meet the minimum standards.
- This is the first time that a planning application for this type of accommodation has been presented to Portsmouth City Council's planning committee. Similar conditions have been imposed on planning permission in other local authority areas.

Members' Comments

Members expressed concern regarding:

- The size of the property and the possible implications of not adhering to the nationally recognised minimum size standards.
- The lack of a nationally accepted definition of move-on accommodation.
- Access to public transport is not ideal nor cheap. Most people in the area have cars.
- The lack of shared communal space which would be useful to enable conflicts to be resolved.
- Tenants who are not working or employed would spend a lot of time in their small units to the detriment of their mental health.
- Granting planning permission for units that fall significantly below the minimum size standards could set a precedent and lead developers to design micro-flats and claim exceptional standards.

However, members recognised the need for new housing in the city and noted that the Society of St James had explained that the tenants would be better off with smaller rooms and that the expectation is that most of the time they would be at college or work.

RESOLVED

Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.

53. **20/00357/CS3 - Land Corner Northern Parade & Doyle Avenue. Construction of 16 dwellings, comprising 4no. 3 bedroom townhouses, 3no. 4 bedroom accessible houses and 9no. 2 bedroom flats with associated parking (resubmission of 19/01690/CS3).**

54.

Councillor Fuller re-joined the meeting and chaired the rest of the meeting.

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

36 further representations have been received since publication of the Officer Report for Committee, objecting to the proposal on the following grounds:

- a) Development out of character with other properties in the area;*
- b) Inadequate parking causing highway /pedestrian safety and air quality concerns; consideration should be given to ways to provide more parking in the local area through changes to highway markings etc;*
- c) Lack of outside space for residents;*
- d) Overdevelopment of the site;*
- e) Increased population will create problems with social distancing on footpaths and roads, increasing health risk;*
- f) There could be better alternative uses for the site such as a park, community centre or parking provision for the nearby school;*
- g) The houses and flats are too big for the plot;*
- h) Internal arrangement of the flats not suitable for families;*
- i) Increased indiscriminate parking could lead to issues with emergency vehicle access in the area;*
- j) Particular concerns about increased parking problems in Templeton Close and Conan Road;*
- k) Feel that the scheme is being 'pushed through' without due regard to residents' concerns;*
- l) Increased strain on local facilities and services such as healthcare;*
- m) Negative impact on local house prices;*
- n) Insufficient bicycle storage;*
- o) Limited bus services from Northern Parade;*
- p) Increased waste and pollution.*

A letter had also been received from Penny Mordaunt MP, making the council aware of the concerns raised by residents in relation to parking pressure and safety of road users. The letter requests that the Planning Department considers the concerns of residents carefully as part of the planning process.

The Planning Officer reported that:

Matters relating to design, layout, standard of living accommodation and parking had been addressed within the planning committee report. The concern regarding impact on house prices is not a material planning consideration.

The applicant confirmed their intention to provide electric vehicle charging points for the three disabled parking spaces in front of the dwellings fronting Conan Road.

An additional plan showing the detailed elevations of the cycle and refuse storage facilities had also been provided. Conditions 2, 18 and 19 had been updated to reflect the additional plan number.

Further written deputations were read out as part of the officer presentation from:

Against

Janet Rennell-Smith
Stephen Carter
Mrs N Vaughan

Councillor Scott Payter-Harris gave a deputation against the application.

Members' Questions

In response to questions from members, officers explained that:

The Highways Engineer had clarified his concerns regarding amenities and impact on air quality of people driving around looking for parking spaces. Solar panels would be installed on the roofs.

Seven or eight representations had been received after the report had been published. Approximately ten more had been received early this week. None of these had indicated that they wished to make a deputation.

Parking in front of the houses on Northern Parade side of the building had not been investigated. None of the parking spaces would be allocated. It would be for the council to manage these through the tenancy agreements.

Members' Comments

Members noted the pressure from the government to build 12,000 new homes in the city, the need for more social housing particularly for disabled tenants and that this application was not an over-intensive use of the site.

Councillor Donna Jones reported that she had not been involved in any of the residents' discussions about this applications as one of the Ward Councillors for that area and therefore could sit on the committee for this item.

There was concern that this application would only provide 12 out of the 29 parking spaces required by the parking standards. However, more parking spaces would be made available after the removal of the hoardings particularly during term time.

RESOLVED

Permission was granted subject to the conditions set out in the report.

- 55. 19/01697/FUL - 1-3 Warwick Crescent. Construction of a 3 storey block of 4no. 5 bedroom and 1no. 6 bedroom student accommodation cluster apartments with associated refuse and cycle stores and amenity space (description amended 28/01/2020 and amended plans).**

The Planning Officer presented the report.

Further written deputations were read out as part of the officer presentation from:

Florentina Boorman - against
PDP Architecture LLP, the agent on behalf of the applicant.

Members' Questions

In response to questions from members, the Planning Officer explained that:

A management plan is being commissioned under section 106 to secure the contributions and the management of student arrivals and departures and will include having a one hour slot in the first weekend or first two weekends of term.

The original permission agreed in 2019 was based broadly on the public house that had been there previously. The current application is not materially larger.

This application is for residential student and therefore would not directly address any employment use. This is an application for a different type of resident for the property that already has planning approval so there is no loss of commercial use.

Members' Comments

Members sympathised with the loss of light for the neighbouring property caused by this building but noted that it would be the same size as the pub that had been there originally.

RESOLVED

Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.

- 56. 19/00589/FUI - 109-113 Sultan Road. Construction of additional storey and conversion of first floor to provide 5 self-contained flats; alterations to rear of ground floor to provide access, cycle storage and refuse storage.**

The Planning Officer presented the report and asked the members to note that the following line in the report should be deleted: Paragraph 5.8: *all but one window*.

A further written deputation was read out as part of the officer presentation from Kim Blake objecting to the application.

Members' Questions.

In response to questions from members, the Planning Officer explained that:

The parapet would be 2.4m higher than the existing one. The shadow on the neighbouring garden is not considered to be detrimental.

The windows at the back of the building would be obscure glazed.

Members' Comments.

Members noted that this would be an overbearing feature for neighbours especially at no. 115. However, there is sufficient street parking.

RESOLVED

Permission was granted subject to the conditions set out in the report and delegated authority granted to the Assistant Director of Planning & Economic Growth.

- 57. 20/00322/FUL - Portsmouth Football Club, Fratton Park, Frogmore Road. Improvements and alterations to the north-east and south-east sections (Milton End) to include construction of turnstiles and entrances (including change of use of part of local residential garden); construction of buildings to provide further facilities including disabled access, toilets blocks and security office; improvements alterations to concourse areas, stands, seating and facilities; extension of roof; retention of TV screen and replacement of boundary walls.**

The Planning Officer presented the report and drew attention to the Supplementary Matters which reported that two further representations had been received since publication of the report.

One representation raises objection to the proposals on the following grounds:

- a) Lack of notification to neighbours about the proposals;
- b) Concern about increased numbers of visitors to the stadium and resulting impact on local parking;
- c) Concern about residents safety if increased numbers of people entering and leaving the stadium on match days;
- d) Noise and disturbance during construction works;
- e) Increased parking problems likely to be caused by construction vehicles.

It is confirmed that public consultation was carried out in the form of letters to immediate surrounding neighbours and a site notice, as per the details set out in paragraph 4.1 of the committee report. The proposal would not result in an increase in the overall capacity of the football stadium. Any problems that may arise during construction would be short term and would be addressed through separate environmental legislation.

One representation is from the occupiers of No.42 Carisbrooke Road, raising concerns about the construction of a wall on the south-east side of the site, as follows:

- a) Wall being built but permission not yet granted;
- b) Only notified late about the intention to start works on the wall;
- c) Noise and disturbance;
- d) Concern about open access from the new storage area into private garden;
- e) Concern about what may be stored in the storage area;
- f) Loss of privacy

In response to the above representation, the applicant's agent confirmed that work had begun on the construction of a new wall to the rear of No.44 Carisbrooke Road, the timing of which related to part of the purchase agreement of the land. The applicants had since arranged to meet with the occupants of No.42 Carisbrooke Road to agree a suitable boundary treatment adjacent to their garden.

One representation received in support of the scheme, making the following points:

- a) The works would create better segregation of away fans;
- b) Would provide proper facilities for disabled fans;
- c) Hope that there could be wider upgrading of stadium facilities in the future, subject to improved road/railway infrastructure;
- d) The scheme would improve Specks Lane;
- e) Improvements to the Football Club could act as a catalyst to rejuvenating the Fratton and Milton areas of the city.

Further consultee comment - Environmental Health:

The Environmental Health Officer has commented that in their view, the provision of the proposed new concourse, which would be closer to the properties in Alverstone Road, would not represent a significant difference in noise environment. The works would not increase the capacity of the stadium and would be used as a supporters' entry and exit before and after the game similar to the use of the existing walkway. In addition, the new concourse is likely to disperse fans more quickly and the screening may result in reduced communication between fans on the walkway and those below. In summary, given the existing level of noise from the stadium, it is not considered that there would be a significant change in measured noise levels at nearby noise sensitive premises.

Further written depositions were read out from:

Andrew Smith - objecting.

PTP, the applicant's agent.

Members' Questions

In response to questions from members officers explained that:

The chain link fence would be replaced by a more solid structure of the same height and therefore provide more secure screening and would be supported on columns so that there should be no impact on safety.

The Assistant Director Planning & Economic Growth informed the committee that he has an ex-officio post as the Chair of Portsmouth Football Club Safety Advisory Group and can confirm that the Football Club has liaised with the relevant safety organisations and this is dealt with by a separate legislative regime.

Members' Comments

Members noted the good design, the better facilities and that there had been no complaints from neighbouring residents.

RESOLVED

Permission was granted subject to the conditions set out in the report.

The meeting concluded at 18:16

Signed by the Chair of the meeting
Councillor David Fuller

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Agenda Item 6

PLANNING COMMITTEE 9 SEPTEMBER 2020 VIRTUAL MEETING

REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH 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 - Planning and Economic Growth 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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56 ARUNDEL STREET PORTSMOUTH PO1 1NL (INC. 54D & 54E ARUNDEL STREET)

CONSTRUCTION OF 22-STOREY BUILDING (C.72 METRES) COMPRISING 76 DWELLINGS (CLASS C3) AND GROUND FLOOR COMMERCIAL UNIT (CLASS A3) WITH ASSOCIATED STORAGE FACILITIES AND PUBLIC REALM WORKS; ALTERATIONS/RELOCATION OF WINDOWS TO 54D & 54E ARUNDEL STREET

Application Submitted By:

David Richmond + Partners Ltd
FAO Mr David Richmond

On behalf of:

Mr Adrian Legg
Portsmouth City Council

RDD: 30th December 2019

LDD: 31st March 2020

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee for determination as it has been submitted by Portsmouth City Council and comprises more than 10 dwellings.
- 1.2 The main issues for consideration in the determination of the application are as follows:
- Principle of Development;
 - Design - scale appearance and townscape;
 - Standard of accommodation;
 - Impact on residential amenity;
 - Impact on trees;
 - Affordable Housing;
 - Highways Impacts;
 - Flood risk and drainage;
 - Sustainable Design & Construction;
 - Ecology & Impact on the Solent Special Protection Areas.
- 1.3 Site and surroundings
- 1.4 This Portsmouth City Council planning application relates to a broadly rectangular plot of land (approximately 28m x 15m) currently occupied by Portsmouth Shopmobility and enclosed on three side by timber fencing. The site is currently laid out with a series of parking spaces, with vehicular access from the south on Lower Church Path, and a temporary portable building extending much of the depth of the site.
- 1.5 The application red line extends beyond the existing fenced area of the site to include small sections of the adopted highway to the east and north, and a projecting element of the neighbouring building comprising two maisonettes known as 54D & 54E Arundel Street.
- 1.6 To the north, the site is bounded by a pedestrianised section of Arundel Street, a linear commercial route leading to Commercial Road, which is lined with a number of semi-mature trees. This route is lined by a varied mix of buildings ranging between 2 and 5-

storeys typically comprising commercial uses at ground floor level with ancillary uses above, although there have been a number of recent conversion schemes introducing residential uses at upper floor levels. This includes 32-54 Arundel Street immediately to the west which presents a 5-storey blank elevation to the application site.

- 1.7 To the east, the site is bounded by the highway at the transition between Station Street which extends towards the south and Arundel Street which extends towards the east. Beyond these routes the area is more residential in character with small blocks of flats and maisonettes surrounding a church/community hall and St. Edmund's School. Immediately to the south is a large commercial building formerly used a Royal Mail sorting office occupying an entire block between Slindon Street, Lower Church Path and Station Street.
- 1.8 The application site is located within the 'Commercial Road shopping area' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. Whilst situated within an edge of centre location there is significant footfall through the pedestrianised section of Arundel Street leading to Commercial Road which forms the city's main shopping district. The wider area is comprised almost entirely of post war redevelopment and with the exception of a limited number of designated heritage assets along the route of Commercial Road and some fine 1950's Portland Stone facades, the area lacks any significant architectural quality or consistency.
- 1.9 A number of tall building have recently been constructed/extended within the area including Stanhope House on the corner of Stanhope Road and Commercial Road, Crown Plaza located between Station Street and Surrey Street, Catherine House on Stanhope Road and Greetham Street (Unite Student block). Further tall buildings are also proposed at the former Royal Mail sorting office site immediately to the south and on land south of Catherine House opposite Portsmouth & Southsea Railway Station.
- 1.10 The proposal
- 1.11 Planning permission is sought for the construction of a 22-storey building comprising 76 dwellings (Class C3) with a ground floor commercial unit (Class A3 Café/restaurant (now Class E)) fronting into Arundel Street precinct. 19-storeys of residential accommodation comprising 17 x 1-bed, 46 x 2-bed and 13 x 3-bed dwellings would be accessed from the eastern elevation where a 1.5-storey high fully glazed façade would be set within a short colonnade with the building extending over the footway. Servicing for utilities, refuse, etc. would be from the southern elevation of the building on Lower Church path within a newly created servicing bay. The remainder of the ground floor (with mezzanine) would consist of residents' bike storage area.
- 1.12 The first 6-storeys of accommodation would extend across the full site area with the exception of a slight set-in from the western boundary on Lower Church Path. The building would then step in on its southern elevation to form a more slender tower element to its full height forming a small external 'green roof' located at 5th floor level. Further smaller steps in building line at 18th and 20th floor level provide greater articulation.
- 1.13 The building would be constructed with brick facades in two different shades of grey, the precise details of which have yet to be agreed, and unlike many of the more recent tall buildings constructed in and around the city centre would incorporate semi-recessed balconies at each corner. The submitted drawings indicate the inclusion of planters on each balcony and trees within the 'green roof' at first floor level softening the building visually and adding further interest.
- 1.14 The dwellings would be occupied on a 'Build to Rent' basis, i.e. remaining within a single ownership and management regime.

1.15 Lastly, the development proposes the alteration of window arrangements at the adjoining flats in 54D and 54E Arundel Street.

1.16 Planning history

- 12/00245/PLAREG - Continued use of single storey building, fence, double gates and car parking for the continued use as a shopmobility unit and associated office and store. Conditional Temporary Permission - 25.06.2012;
- 16/00002/PACOU - (32-54 Arundel Street) Application for prior approval relating to the change of use from office (Class B1) to 2 studios apartments. Prior Approval not required - 17.03.2016;
- 15/00060/FUL - (32-54 Arundel Street) Construction of additional floor to form 9 flats, formation of roof terrace with railings and associated cycle/refuse store. Conditional Permission 24.12.2015;
- 14/00010/PACOU - (32 54 Arundel Street) Application for prior approval relating to the change of use of from offices (Class B1) to 17 flats. Prior Approval not required - 06.11.2014.
- 14/00002/PACOU - (32-54 Arundel Street) Application for prior approval relating to the change of use from offices (Class B1) to create 7 flats. Prior Approval not required - 19.05.2014.
- 13/00006/PACOU - (32-54 Arundel Street) Application for prior approval relating to the change of use from offices (Class B1) to 10 flats. Prior Approval not required - 10.12.2013.

1.17 Immediately to the south, there are currently two formal planning applications currently under consideration for the former Royal Mail sorting office:

- 20/00152/FUL - Change of use of part of building to form hotel (Class C1); construction of two additional storeys and ground floor extension following demolition of former sorting office; external alterations including replacement of all facades.
- 20/00407/OUT - Outline planning application with all matters reserved except access and scale for construction of 2 no. buildings (first up to 13-storeys/43m and second up to 20-storey/64m for circa 210 nos. C3 dwellings) and associated works, following demolition and removal of existing buildings and structures.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS4 (Portsmouth City Centre);
- PCS10 (Housing Delivery);
- PCS13 (A Greener Portsmouth);
- PCS14 (A Healthy City);
- PCS15 (Sustainable Design and Construction);
- PCS17 (Transport);
- PCS19 (Housing mix, size and affordable homes);
- PCS23 (Design and Conservation);
- PCS24 (tall buildings).

- 2.2 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:
- Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.
- 2.3 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.
- 2.4 Other guidance:
- National Planning Policy Framework (2019);
 - National Planning Practice Guidance;
 - National Design Guide (2019);
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
 - Tall Buildings SPD (2012);
 - Sustainable Design & Construction SPD (January 2013);
 - Reducing Crime Through Design SPD (March 2006);
 - Achieving Employment and Skills Plans (July 2013);
 - The Solent Recreation Mitigation Strategy (2017);
 - The Interim Nutrient Neutral Mitigation Strategy (2019).

3.0 CONSULTATIONS

3.1 Natural England

3.2 Response awaited at time of Committee report publication.

3.3 Tree Officer

3.4 The content of the Arboricultural Report CBA11157 v1 dated April 20119 is accepted and agreed. Tree protection detail will be required. No arboricultural objections raised.

3.5 Landscape Group

3.6 With regards to the hard surfacing, it is positive to see the Arundel Street resin bound gravel and bands of granite continued to create a coherent surface treatment.

3.7 The drawing states the location of two proposed trees in the highway to be subject to underground services. Should these be in the way, alternative locations should be agreed to ensure an increase in our city centre tree canopy cover.

3.8 With regards to balcony planters and green roofs, a robust watering system and maintenance regime will have to be implemented to ensure they thrive.

3.9 The roof terrace 1st floor is mentioned in the D&A statement, however no detail further is provided. Would this be an extensive green roof? It also does not seem to have any access for maintenance purposes. Specifying the correct type of green roof will be essential to success.

3.10 The dropped kerb locations to the Southeast on the corner of Station Street and Lower Church path should be reviewed as they seems to be sitting at an awkward angle to cross. Could the kerb be realigned on this corner to reduce the width or change the angle at the exit of Lower Church Path?

- 3.11 A robust maintenance schedule should be adhered to / enforced, particularly for the street trees in order to ensure their establishment. We have seen it too many times in recent developments in the City centre that trees do not survive and are not replaced during the next planting season just leaving and unsightly tree-pit with a thin stump.
- 3.12 **Southern Water**
- 3.13 Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. The applicant's attention is drawn to the location of a 375mm diameter gravity surface water sewer and restriction on construction in close proximity of drainage infrastructure.
- 3.14 A condition in respect of the approval of foul and surface water sewerage disposal, and an informative relating to a formal connection to the public sewerage system is requested.
- 3.15 **Environment Agency**
- 3.16 No comments received.
- 3.17 **Portsmouth Water**
- 3.18 Portsmouth Water have no comments to make on this application from a groundwater quality protection perspective as it is outside a Source Protection Zone catchment for our drinking water supply sources.
- 3.19 **Ecology**
- 3.20 Nitrates - There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites. As such, the emerging advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing.
- 3.21 As this is an emerging and dynamic issue, I would advise that you consult Natural England on this issue. If PCC is able to provide a nitrogen budget calculation to demonstrate that there would be no additional nutrient load arising from this proposal then the LPA may be able to conclude that the development would not affect these areas.
- 3.22 Recreational Pressure - The development will result in a net increase in residential dwellings within 5.6km of the Solent 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 the development is unlikely to result any significant effects alone, 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.
- 3.23 As you are aware, PCC 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. Therefore, if the LPA were minded to grant permission I would advise that you secure this contribution from PCC.
- 3.24 Bird Collision - The proposed 68m-tall building will be located 1.83km from Portsmouth Harbour SPA and 1.56km from the nearest Core Primary site defined under the Solent Wader and Brent Goose Network (SWBGS). Following initial comments, the applicant has provided further details from EcoSupport (dated 15th June 2020) in this respect. The response provides a comprehensive literature review and justification, showing that there is a negligible risk of SPA bird collision with the proposed tall building. I am therefore satisfied that this scheme should cause no significant effect on the SPA or its features in this respect as a result of its location and height.
- 3.25 **Eastern Solent Coastal Partnership**
- 3.26 No comments received.
- 3.27 **Hampshire Fire & Rescue Service**
- 3.28 Building Regulations: Access for Firefighting - Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.
- 3.29 Hampshire Act 1983 Section 12 - Access for Fire Service - Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.
- 3.30 Fire and Rescue Services Act 2004 - The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.
- 3.31 Access for High-reach Appliances - High reach appliances currently operated by the HFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.
- 3.32 Water Supplies - Additional water supplies for fire fighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.
- 3.33 Fire Protection - HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises. HFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to

assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

- 3.34 Testing of Fire Safety Systems - HFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

3.35 Head of Community Housing

- 3.36 No objection in principle to the proposed 'transferring' of the affordable provision from Hambrook Street (19/01910/CS3). Off-site provision is required at a higher percentage than on-site, as per PCC's planning policy, it would be 43% affordable provision i.e. 8 units (rounded-up from 7.3).
- 3.37 At Arundel Street the total number of units is 76 so the provision of 30% would equal 22.8 units rounded up to 23. The total affordable provision across the two sites should be 31 units.
- 3.38 In this instance, it is also proposed to use the Build to Rent scheme. This results in fewer units than 'traditional' affordable housing, as the Build to Rent guidelines in the NPPG recommend 20% unless the local authority has identified a need for this product and has set it out in their planning policy to promote the scheme and achieve a higher percentage.
- 3.39 I note that the Build for Rent scheme is for private developers who manage their own stock. It is a way of getting the affordable rent in to the private market. It is not a product that is sold on by the developer but owned by the developer and managed by them or an appointed single agent (for both the private rent and the affordable private rent). There would be no social or affordable rent provision for the Housing Department to nominate and so occupiers will not come from the Council's waiting list.
- 3.40 A planning consent needs to secure the monitoring of who applies to occupy, who actually occupies, rent levels (a minimum of 80% of open market rent (including service charge)). Prospective tenants must meet the affordable criteria including a financial assessment.
- 3.41 I note that all of the units meet the minimum requirements for the Nationally Described Space Standards, and the storage provisions within each flat and the basement. Two-bed or larger units need some form of separation between kitchen and dining, for children's safety, I have spoken to the Applicant and understand this is being considered. I note that having the ground floor above street level, there is no disabled accommodation proposed. I note there is no car Parking.

3.42 Waste Management Service

- 3.43 The applicant has addressed initial concerns originally discussed at pre-application stage. The only small concern is whether both bins can be removed from the commercial bin store.

3.44 Highways Engineer

- 3.45 The LHA has reviewed the drawings, transport assessment and additional technical note submitted in support of this application and make the following observations:
- 3.46 This application proposes for the second floor and above stories to over-sail the highway being supported by piers to create a covered colonnade. Whilst the LHA has no objection

to this in principle and is satisfied that sufficient land will be retained for highway purposes, this area will need to be 'stopped up' as public highway formally through the TCPA stopping up process. The development should not be commenced until this stopping up process has been completed.

- 3.47 This site is located in an accessible location within the city centre and the LHA would not anticipate that it would generate sufficient traffic movements so as to have a material impact on the operation of the local highway network. The proposal makes no provision for off street parking to serve the proposed residential units. Whilst the Parking Standards SPD seeks a reduced parking provision in the city centre, this does not necessary mean zero parking and a reduction in parking provision must be justified.
- 3.48 Application of the parking expectation from the SPD suggests a likely parking demand of 106 parking spaces. However analysis of car ownership for dwellings within the city centre has found that to be broadly half that found elsewhere in the city and as a consequence the LHA would expect the residential parking demand associated with this development to be in the order of 50 spaces. Insufficient justification has been provided by the applicant for the reduced provision.
- 3.49 This is contrary to the policy established in the SPD and so could justify a reason for refusal although this is an issue of residential amenity rather than highway safety, capacity or accessibility and will need to be weighed in the planning balance when determining the application.
- 3.50 Access for service vehicles to the site is proposed via Lower Church Path where an amended footway alignment is suggested to accommodate a loading bay on street with repositioning of the existing disabled parking bays on the opposite side of the road. Whilst the LHA is comfortable with this arrangement for servicing the residential element of the scheme the existing parking restriction prohibit loading at this frontage.
- 3.51 The proposed bicycle parking provision is acceptable.
- 3.52 **Environmental Health**
- 3.53 The application includes an 'Acoustic Design Statement' which details a background noise survey and acoustic design requirements based on the results of the survey. The glazing provisions are based upon dimensions and layouts contained within the initial feasibility documents and provided that there has been no major deviation from this design I am satisfied with the recommendations made. It is noted however, from the 'Building Performance specification and SAP summary' that, under the heading 'Overheating', there is an overheating risk for which the mitigation appears to be 'Windows open half the time'. To achieve reasonable internal acoustic conditions at night, it is stated within the acoustic report that the majority of windows will need to be closed and so it is important to understand the meaning of 'windows open half the time'.
- 3.54 If it is necessary to have windows open half the time to prevent overheating then acoustic comfort will be compromised unless some redesign is possible. Within the SAP summary it is stated that MVHR ventilation is to be installed - it is important to ensure that noise generated by the MVHR system will not adversely impact on the residential use. Preferably this issue is addressed prior to planning consent being granted although could be addressed by condition.
- 3.55 A certain amount of plant has been designated for the roof. To ensure that noise from the flat does not impact on the amenity of the future tenants of the proposal, a planning condition in respect of noise is recommended.

- 3.56 The ground floor drawing indicates a coffee shop is anticipated for this space. Presumably only a basic food offering is anticipated based on the lack of kitchen ventilation equipment. To protect the amenity of neighbouring premises a condition relating to cooking operations and extraction is recommended. Consideration should also be given to the opening hours of the coffee shop to ensure the impact to amenity is limited.
- 3.57 Concerning the proposed balconies, it has been identified that noise levels for approximately half of the balconies on the eastern façade as well as on the flats on the four floors to the south of the main core of the building will have above the recommended levels of noise. It is accepted that in urban locations it may be difficult to achieve the recommended levels of noise. Section 7.5 of the report details mitigation that could reduce noise levels for balconies and a condition could be applied to this end.
- 3.58 The air quality officer highlights that the site location is not in an AQMA and the proposed development will not have an impact on the road network as no car parking is to be introduced. Hence no impact on local air quality. However there might be air quality issues during the building phase during which mitigation measures has to be introduced especially with dust nuisance. Based on the above AQ cannot be considered as a planning consideration.
- 3.59 **Contaminated Land Team**
- 3.60 The applicant has submitted the following two reports:
- Arundel St, 56 Desk Study OMNIA A11098 Version 2 May 2019 [submitted 12 Feb 20]
 - Arundel St, 56 Site Investigation OMNIA A11098 Version 1 July 2019 [submitted 24 Jan 2020]
- 3.61 The above reports review our data holdings and create the required conceptual model although it is minimal in nature. The CLT requests our standard conditions on any permission granted.
- 3.62 **Coastal And Drainage**
- 3.63 The existing drainage outlet from the site is not currently known. For re-use or for a new outlet, connection to one of the surface water sewers in the vicinity would be suitable e.g. MH 4353 as proposed in table 4.4 of FRA.
- 3.64 Agree and support proposal for green roof and rainwater harvesting SUDS;
- 3.65 The applicant needs to be aware that according to public sewer records, a 375mm diameter surface water sewer traverses the site footprint. This will need confirming and diverting as necessary under S185 agreement with Southern Water.
- 3.66 **Crime Prevention Design Advisor**
- 3.67 No comments received.
- 3.68 **City Centre Consultation**
- 3.69 No comments received.

4.0 REPRESENTATIONS

- 4.1 At the time of writing four letters of representation had been received from local residents including the owners of the two dwellings located within the application red line (54D & 54E Arundel Street). Their objections can be summarised as follows:
- a) The proposed building and its balconies would be located immediately adjacent to east facing windows of 54D & 54E Arundel Street resulting in a loss of light, outlook and privacy;
 - b) The development should not be approved unless alternative window solutions are provided for 54D & 54E Arundel Street;
 - c) Loss of light, shadowing and overlooking of surrounding area as a result of height;
 - d) Whilst located in an area of opportunity the site is too small for such a large building;
 - e) Impact on traffic and parking within the surrounding area, predictions of car ownership are not plausible;
 - f) Increased activity and anti-social behaviour from future residents.
- 4.2 Publicity dates (full Covid-19 lockdown started 24 March 2020):
- Neighbour letters sent: 24 January 2020; expiry: 21 February 2020
 - Site Notice displayed: 30 January 2020
 - Press Notice Published: 27 January 2020

5.0 COMMENT

5.1 The main issues for consideration in the determination of the application are as follows:

- Principle of Development;
- Design - scale appearance and townscape;
- Standard of accommodation
- Impact on residential amenity;
- Impact on trees;
- Affordable Housing;
- Highways Impacts;
- Flood risk and drainage;
- Sustainable Design & Construction;
- Ecology & Impact on the Solent Special Protection Areas.

5.2 Principle of Development

5.3 The National Planning Policy Framework (NPPF) states that decisions on planning applications should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.4 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has

concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below. Local policies would however, continue to offer guidance in assessing the acceptability of development and the assessment of potential benefits and impacts.

- 5.5 Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site.
- 5.6 The application site is located principally within the 'Station Square & Station Street' locality of the city centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. In addition, the policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes.
- 5.7 The City Centre Masterplan SPD (January 2013) expands upon this policy and sets a vision 'to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit. Whilst the SPD does not identify the application site as a development opportunity, the principle of redevelopment to provide residential accommodation over an active ground floor use would be acceptable.
- 5.8 Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas (including the city centre) which reflects the public transport links and proximity to local facilities (PCS21). The supporting text to PCS10 states:
- 5.9 *'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...'*
- 5.10** *New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites.'*
- 5.11 The Tall Buildings SPD (2012) includes much the city centre as one of nine distinct 'areas of opportunity' where the development of tall buildings (including alteration/extension of existing) may be appropriate having regard to: proximity and ease

of access to public transport; proximity to local commercial/shopping centres; the presence of existing tall buildings within the area; and, the suitability of their character and other townscape factors. The supporting text for area of opportunity 2: 'City Centre/Dockyard/Ferryport' states: *'Located within the western part of the city, and centred around the docks, ferryport and city centre this area of the city forms the commercial, retail and transport core of Portsmouth and already contains the highest concentration of tall buildings in the city - a cluster of tall buildings already exists within the city. Proposals for tall buildings in this area should: Where appropriate have due regard to the domestic scale of adjacent buildings; Where appropriate give particularly careful regard to their potential impact towards and/or the setting of the Guildhall and other sensitive sites; Have regard to the setting of listed buildings that lie within and in close proximity to the area of opportunity; and have regard to the character of the conservation areas within and surrounding the area of opportunity'*.

- 5.12 Whilst located on the very edge on the 'area of opportunity', having regard to the guidance set out within the Tall Buildings SPD, Policy PCS4 of the Portsmouth Plan and the supporting City Centre Masterplan SPD, the introduction of a further tall building into an 'area of opportunity' and cluster of existing tall buildings (completed/planned) would be acceptable in principle, but would be subject to a detailed assessment of design and impact.
- 5.13 There is currently uncertainty over the need to provide further commercial floorspace with a general national downward trend in demand and the immediate consequences of the Covid-19 pandemic. However, the proposed commercial unit at ground floor level would ensure an active ground floor frontage into a shopping precinct and is consistent with both local and national policies.
- 5.14 Policy PCS13 of the Portsmouth Plan requires that all developments providing 50 dwellings or more must provide on-site pocket parks to a standard of 1.5ha per 1,000 population. Whilst this would normally be expected, the LPA accepts that this is not always feasible or practical on all city centre sites given their limited scale and the need to accommodate commercial and ancillary facilities at ground floor level. Where it is agreed that this is not practical, the LPA has in similar situations accepted alternative forms of mitigation in the form of contributions towards the enhancement of existing public spaces in the city, thereby supporting the increased demands from the additional population.
- 5.15 In this particular instance it is not considered appropriate to insist on the provision of an on-site pocket park given the limited footprint and proximity to existing play and recreational spaces at Victoria Park and parks on Buckingham Street and Arundel Street/Holbrook Road. The applicant has agreed to the provision of alternative mitigation in lieu of an on-site on a pro-rata basis, the details of which can be agreed through a suitably worded planning condition.
- 5.16 Design - scale appearance and townscape
- 5.17 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place; and should optimise the potential of a site to accommodate and sustain an appropriate mix of development and support local facilities and transport networks.

- 5.18 Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: 'The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'
- 5.19 The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'.
- 5.20 The application is supported by a Design & Access Statement which explains the design rationale for the building including scale, elevational treatments and setting, focusing on key design elements such as materials, window alignment and balconies including landscaping features.
- 5.21 The application is for a tall building providing a large number of C3 dwellings within a single residential block, a rare form of development within the city centre where taller buildings have recently tended to provide purpose built student accommodation. Subject to appropriate design, the proposed use is considered to be positive and would contribute towards the wider ambitions for the regeneration/redevelopment of the wider city centre.
- 5.22 The proposed scale, form and design of the building is also ambitious for a small plot suggesting a palette of high quality materials, balconies for all dwellings and a landscaping scheme not seen before within the city including 'green roofs' incorporating large scale planting and verdant balcony planters.
- 5.23 Whilst of significant height and overall volume, the building would, as a result of its more restricted foot print, appear more slender than recently constructed tall buildings to the west. This is assisted by an intentionally strong change in brick colour to the wider east and west facing elevations, an angled eastern elevation and a series of floor to ceiling windows that provide a stronger vertical emphasis drawing the eye upwards. The incorporation of projecting balconies to each corner of the building would provide a more varied and softer edge, very different to the angular and 'hard' form of surrounding tall buildings.
- 5.24 To the upper floors the applicant has suggested the use of perforated brickwork to terminate the building and has provided a number of precedent images to demonstrate how this could be achieved. It is indicated that this design approach is for both aesthetic and practical purposes providing ventilation for plant and equipment concealed within the fabric of the building. This could offer opportunities for interesting architectural light schemes.
- 5.25 At ground floor/mezzanine level, an appropriate relationship is achieved between the building and the public realm with the inclusion of full height glazing to the entire north and east facing elevations ensuring these frontage remain active and legible. A narrow

colonnade formed by the building's structural columns and an overhang at first floor level maintains an adequate footway width and provides as a sense of drama and interest to the residential entrance which will form a prominent feature in approaches from the east as the carriageway turns towards the south.

- 5.26 An element of the ground floor would be given over to bicycle storage lockers with an access ramp leading to further storage facilities at mezzanine level. Whilst not typical to have such features on show, if finished appropriately this space, and in particular the ramp would form an interesting feature and ensure a visual connection between public and private spaces. There is a potential risk of bicycle storage lockers being on show and so attracting theft interest, however it is considered that this risk can be adequately managed by the applicant/future operator.
- 5.27 The southern ground floor elevation is less successful visually, incorporating the bulk of the building's supporting infrastructure and servicing requirements. However, having regard to the character of Lower Church Path which already provides much of the servicing arrangements for units fronting Arundel Street, it is considered that the suggested layout is the most appropriate for the site and the use of high quality and robust materials will ensure that this element of the building can be adequately treated.
- 5.28 Whilst the proposed trees at 5th floor level can reasonably be provided and be expected to survive, the Local Planning Authority has questioned the practicalities of the planters within the individual balconies. These features would certainly add interest to the building, add biodiversity value and reduce water flow into the combined sewer network. However, there is a significant risk that they could fail and detract from the appearance of the building rather than positively contributing towards it.
- 5.29 The applicant has insisted that the planters are an integral feature of the building's overall design concept and have provided a commitment to ensure that they are delivered and appropriately managed and maintained. The fact the building is to be delivered on a 'Build to Rent' basis ensuring that the dwellings and the building as a whole remain within a single ownership and management regime, does give some comfort that the planters could be successfully maintained in a form comparable to the submitted drawings and visuals. Based on the applicant's commitment to these balcony features, and on the basis they would form an integral part of the building's design and part of the measures designed to mitigate the impacts of strong winds, it is considered that there is a reasonable prospect of success. The precise details of the landscaping features including remote irrigation and an ongoing scheme of maintenance is sought through a planning condition.
- 5.30 In terms of context and setting, representations raise concerns over the buildings proposed height and bulk in relation to the character of the surrounding area. It is highlighted that whilst the building is located within an 'area of opportunity for tall buildings', the Tall Buildings SPD defines a tall building as 'any building above 5-storeys in height or any building of 20m or above in height. The policy does not suggest that all sites located within 'areas of opportunity' are capable of accommodating taller buildings such as that proposed, but explains that each application must be assessed on its merits.
- 5.31 As set out within the opening section of this report, the surrounding area has a diverse character which is typical for an edge of centre location. From the south and west, the proposed building would be viewed in the context of a commercial city centre location where buildings are typically of a more substantial scale, and where a small cluster of tall buildings has recently developed. With this in mind and having regard to development opportunities proposed within the surrounding area it is considered that the building would be of an acceptable scale and form providing an appropriate termination to 32-54 Arundel Street and the city centre.

- 5.32 To the east, the building's context is more domestic in scale with buildings typically ranging between 4 and 6-storeys. At 22-storeys, the proposed building would be significantly taller and visible within a number of longer views. With the separation distances provided by Station Street & Arundel Street, such relationships are not uncommon within the city and it is not considered to be harmful to the character of appearance of the surrounding neighbourhoods.
- 5.33 As tall buildings already exist in longer views through the surrounding neighbourhoods, the development would not be out of character and would provide a sense of arrival within the city centre, particularly from the east where it would terminate views along Arundel Street.
- 5.34 As suggested by the NPPF (Paragraph 129), the application was presented to the Design Review Panel, comprising an independent group of suitably qualified and experienced local architects, who recommended their support for the proposal (subject to minor concerns), offering the following comments:
- 5.35 *'The panel found the proposal interesting and exciting and (with the exception of the feedback provided below), considered it successful. In this context, a range of positive comments were provided in response to the scheme:*
- 5.36 *It was noted that its small footprint gives the tower slenderness. The proportions and height of the building were also satisfying.*
- 5.37 *The panel considered the ground floor to be well articulated, and the colonnade, step out and balconies to work well. The use of brick for the façade, and the building's relationship to its neighbour were also thought to be acceptable.*
- 5.38 *Notwithstanding the generally positive reception the scheme received, it was suggested that aspects of the design required further consideration / finessing. In light of this a number of points were raised by the panel:*
- 5.39 *It was not considered that the building has been terminated very effectively, (the suggestion of perforated brick work was thought particularly unsuitable). This aspect of the scheme was felt to require further consideration.*
- 5.40 *The panel were also unsure whether other approaches to the articulation of the facades have been explored. In this context, it was suggested that the proportions of the building were confused by the presence of horizontal banding - a design detail that was considered unnecessary. The pattern of fenestration was also discussed, and it was suggested that a more randomised approach might be beneficial. In response to these points it was suggested that overall the design may benefit from a comprehensive elevational/articulation study identifying what would work best on the building.*
- 5.41 *The panel concluded by discussing the significance of material selection and quality. Given the location and scale of the scheme, they were clear that these would be matters of critical importance to its success'.*
- 5.42 The LPA would concur with the views of the Design Review Panel that the proposed building would be of a good overall design quality incorporating a number of interesting elements. However, there are still a number of minor design aspects that need to be resolved such as the finer detailing of the perforated brickwork and the horizontal banding features which break the otherwise strong vertical emphasis that contributes towards the more slender appearance.

- 5.43 Concerns have also been raised by the LPA in respect of the design of the northern elevation of the building, which could benefit from greater articulation and visual interest with an improved ratio of solid brickwork to glazing. The use of a lighter colour brickwork may also result in a 'lighter' appearance and so contribute more positively to the skyline in views from the north. These matters have been raised with the applicant who has provided assurances that they would work with the LPA to resolve these matters through the detailed design stage and would welcome the inclusion of a planning condition requiring the future agreement of the LPA on these matters.
- 5.44 On the basis the development is otherwise of a good quality design, and there are solutions to address outstanding concerns as detailed above, and the application is supportable in all other respects, it is considered that alternative design approaches could be sought and approved through an appropriately worded planning condition.
- 5.45 Overall, with the exception of the northern elevation and minor detailing/clarification on other elements of the design as set out above, the building is considered to be of an appropriately high standard and with the use of appropriate materials would make a positive contribution to the evolving skyline within the city centre and would optimise the use of a city centre brownfield site.
- 5.46 In reaching this conclusion significant weight has been placed on the specific design concept, the architectural detailing and high quality materials and finishes indicated within the application drawings and supporting information. Deviation from these particulars could compromise the overall design concept resulting in a materially different proposal for which a separate judgement of acceptability would need to be made.
- 5.47 The application is supported by a Wind Microclimate Assessment to analyse the likely wind microclimate around the proposed development. The Assessment concludes that with the inclusion of the proposed mitigation measures, in the form of planting at ground and fifth floor level, the recessing of the main entrances and planters within balconies, to address the impacts of wind Down-washing, Corner acceleration and Channelling, the development would be expected to have suitable wind comfort conditions and safe wind conditions for the intended uses in and around the development.
- 5.48 The one outstanding area of concern would a small section of the carriageway on Arundel Street/Station Street immediately to the east of the site where there is the potential for isolated instances of strong winds exceeding safety thresholds (15m/s for more than 2.2 hours per year) in the windiest season.
- 5.49 In light of the points above regarding the need for further design work to parts of the elevations and on the basis the supporting evidence suggests that the potential impacts from wind are small and can be adequately mitigated, it is considered that it would be reasonable to seek a further assessment of wind impacts and the incorporation of appropriate mitigation measures as the finer construction design work is undertaken through a suitably worded planning condition.
- 5.50 Whilst principally a matter to be addressed through the Building Control regime, the application is supported by a Fire Strategy Report which details solutions and measures designed into the building to demonstrate a level of fire safety equal to or greater than British Standards. The report suggests that this level of safety would satisfy the functional requirements of Part B of the Building Regulations. Such measures include, but not limited to: Means of escape; Fire detection and warning systems; automatic sprinkler systems within dwellings; firefighting shaft; wet-rising fire main in the firefighting stair; large water storage tanks at ground floor level; and emergency power supplies. The finer matters would evolve through the detailed construction design stage and would be considered through the Building Control Regime.

5.51 Standard of accommodation

- 5.52 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 5.53 The sizes of the proposed dwellings in comparison to the NDSS requirement is set out below:
- 17 x 1-bed/2 person dwellings - 54.5 - 55.3sq.m. (NDSS requirement - 50sq.m.)
 - 46 x 2-bed/4 person dwellings - 72.0 - 72.2sq.m. (NDSS requirement - 70sq.m.)
 - 11 x 3-bed/5 person dwellings - 89.6sq.m. (NDSS requirement - 86sq.m.)
 - 2 x 3-bed/6 person dwellings - 101.2sq.m. (NDSS requirement - 95sq.m.)
- 5.54 All of the proposed dwellings would meet the required space standards, including individual room sizes, and would benefit from a good degree of natural light and outlook, particularly those at higher floor levels and those overlooking the green roofs, and small external amenity areas in the form of balconies. The dwellings are of an acceptable layout and in most cases avoid the placement of living areas adjacent to neighbouring bedrooms.
- 5.55 The application has been considered by the City Council's Environmental Health Team who raise no objection to the proposal in principle. However, having regard to the location of the site and considered the content of the submitted Acoustic Design Statement, a series of planning conditions are suggested to protect the residential amenity of future occupiers from noise associated with commercial uses (including the proposed café at ground floor level) traffic and the operation of any plant and equipment required for heating and cooling the building. On the basis there are technical solutions to ensure an adequate standard of living condition can be provided for future residents in terms of noise attenuation and climate control it is considered that these matters can be controlled through suitably worded planning conditions and addressed as the finer construction details are known.
- 5.56 Overall, it is considered that the proposal would provide a good standard of living environment for future occupiers.

5.57 Impact on residential amenity

- 5.58 The application site is located principally within a commercial area although residential uses exist immediately to the west within a recently converted and extended former office building (32-54 Arundel Street) and to the east beyond Arundel Street within four-storey blocks of maisonettes. As a result of the development's proposed height and projection beyond the northern and southern building of 32-54 Arundel Street, there will be an impact on the occupiers of the adjoining properties particularly those to the west in terms of overshadowing, outlook and levels of light (direct sunlight and general daylight).
- 5.59 To the south, the development would project approximately 11.5 metres beyond the southern building line of 32-54 Arundel Street which includes a number of single aspect dwellings with habitable room windows located close to the shared boundary. Following pre-application discussions, the applicant has sought to reduce the potential impact of the development on these dwellings by stepping the 1st-5th floors in from the boundary by between 1.3 and 3.7 metres. Notwithstanding this very slight set in, the submitted Daylight, Sunlight and Overshadowing Assessment highlights that the windows in closest

proximity to the development would result in reduced levels of daylight and sunlight in addition to a loss of outlook towards the east. This impact reduces significantly as you move further to the west within 32-54 Arundel Street.

- 5.60 Paragraph 123 of the NPPF offers guidance in such situations stating: 'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances...c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 5.61 Whilst this relationship is not ideal and will result in harm to the occupiers of the closest dwellings more during the earlier parts of the day, the site is located within the city centre where higher densities and closer relationships are to be expected. On that basis and having regard to the NPPF, it is not considered that the impact on a very limited number of windows to the southern elevation of 32-54 Arundel Street would significantly and demonstrably outweigh the wider benefits of the development as a whole.
- 5.62 To the north, the development would project approximately 3m beyond the main northern building line of 32-54 Arundel Street and abut a brick projection that formerly accommodated toilets associated with the former office block. Following the conversion of this element of the building under permitted development rights, the projection now forms two maisonettes known as 54D & 54E Arundel Street which are served solely by a single high level window per floor on the eastern elevation. Having visited these dwellings their extremely cramped layout (less than 18sq.m across two floors) and absence of any meaningful outlook was apparent. The windows at each floor did however, offer views of the sky and relatively good levels of natural light.
- 5.63 Representations received from the owners of both properties highlight the significant impact the siting of the building and its balconies immediately adjacent to these windows would have in terms of loss of light, privacy, and the limited outlook that exists. Whilst the standard of living conditions within 54D & 54E Arundel Street is extremely poor, the proposal would exacerbate the existing issues significantly. In order to address this matter, the applicant has engaged with the owners of these properties and proposes the installation of new larger windows at each floor to the northern elevation of the building following the removal of the high level east facing windows.
- 5.64 Whilst the new windows proposed to 54D & 54E Arundel Street would be north facing, they would be larger than the existing and offer occupiers significantly improved outlook. This is considered to be a reasonable approach to address the potential harm on the occupiers of the two maisonettes and ensure the optimal use of the application site. As the harm would otherwise be significant, it is considered necessary to impose a condition requiring the works to 54D & 54E Arundel Street to be completed before the proposed development extends above foundation level.
- 5.65 Having regard to the orientation of dwellings to the east and degree of separation, it is not considered that the proposal would result in significant overshadowing or privacy concerns.
- 5.66 The ground floor commercial use is considered to be appropriate in a city centre location and is unlikely to result in any significant adverse impacts on the occupiers of dwellings. However having regard to this more peripheral and quieter location within the city centre,

conditions are proposed to limit the use, operating hours and cooking operations at the site.

5.67 Impact on trees

5.68 The application is supported by a Tree Survey which details the position, condition and life expectancy of five existing trees located within the pedestrianised section of Arundel Street to the north of the building. Whilst the upper floors of the northern elevation would be situated in close proximity to these landscape features, the LPA's Arboricultural Officer has confirmed that the content of the Tree Survey is accepted and agreed, and is of the view that the development can take place without affecting the long term health and stability of these features which make a positive contribution to the precinct.

5.69 Given the proximity of the proposed building to these trees a planning condition seeking the submission and approval of a tree protection plan for the construction stages of the development is proposed. Two additional street trees are also proposed to the eastern elevation of the building as part of the landscaping scheme and wind mitigation strategy. These would contribute positively to the quality building's main entrance and the wider street scene.

5.70 Affordable Housing

5.71 Policy PCS19 of the Portsmouth Plan requires all developments resulting in a net increase of eight or more dwellings to make provision for sufficient affordable housing which will contribute to meeting the identified need in the city. However, National Planning Policy Guidance was updated in November 2016 with the effect that LPAs could not seek contributions from developments of 10-units or less. This was later clarified within the NPPF (2019 - Paragraph 63).

5.72 The applicant has indicated that the development would be a form of 'Build to Rent' accommodation which is defined by the NPPF as: 'Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control. Whilst this type of accommodation has existed for some time, it has recently been recognised within the NPPF and further National Planning Policy Guidance has been published to clarify how this type of development should be considered and managed, and what form of affordable housing should be provided for this form of tenure.

5.73 As the Portsmouth Plan does not consider or provide any policy guidance in respect of 'Build to Rent' development, it is necessary to consider this aspect of the development in line with National Policy and Guidelines set out within the NPPF and NPPG accordingly.

5.74 The NPPG sets out that the type of affordable housing delivered as part of a 'Build to Rent' Development would, by default, be in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development would typically be managed collectively by a single build to rent landlord and do not need the separate involvement of a registered landlord.

5.75 The level of affordable housing is generally 20% affordable private rent homes provided and maintained in perpetuity. As set out within the NPPF, affordable housing for rent in this particular scenario should ensure that the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable).

- 5.76 Therefore, based on national policy and guidance, the level of affordable housing required in the form of affordable private rent homes from this development would be a minimum of 20%. Portsmouth City Council, as applicant has indicated that 19 dwellings (25%) would form the affordable housing provision occupying the first five floors of accommodation, all in the form of affordable private rent homes. This would comprise four x 1-bed dwellings measuring 55.3sq.m. and fifteen x 2-bed dwellings measuring 72sq.m.
- 5.77 The first five floors would also accommodate a further 5 units of affordable housing as the off-site provision proposed as part of planning application 19/01910/CS3 (Brewery House, Hambrook Street - also 'Build to Rent') also under consideration elsewhere on this agenda. However, the provision of these additional affordable units would be required as part application 19/01910/CS3 and not as part of this application. Reference is made for clarification purposes only, although the decision reached for this application will have implications for the application at Brewery House - 19/01910/CS3.
- 5.78 Whilst the affordable housing provision would not incorporate any 3-bedroom dwellings, this is off-set by the provision of additional affordable dwellings above the 20% minimum set out within national guidance.
- 5.79 The development would not deliver a typical form of Affordable Housing seen previously within the city. However, affordable private rent homes are a nationally recognised form of affordable housing and considered appropriate to meet the needs of individuals wishing to rent, or unable to buy. Overall, it is considered that the proposal would meet national policy requirements and would contribute towards a specific housing need. A planning condition is proposed requiring the submission of a full scheme of affordable housing including details of management, marketing, eligibility criteria, rental values, tenancy options, reporting and clawback mechanisms should affordable units be proposed to be withdrawn in the future. This scheme will address the issues re occupancy and rent levels raised by our Housing colleague.
- 5.80 Highways Impacts
- 5.81 Parking - The application site is located within a highly accessible location a short walk from a wide range of shops, services, recreational facilities and transport connections. The submitted Transport Statement (TS) seeks to demonstrate that as a result of the site's highly accessible location, future residents would benefit from a range of sustainable travel options reducing the reliance on the private car and mitigating the absence of any on-site parking provision.
- 5.82 The TS has been assessed by the Local Highways Authority (LHA) who agree that the site is located within an accessible location and do not anticipate that the development would generate sufficient traffic movements so as to have a material impact on the operation of the local highway network. However, concerns are raised in respect of the absence of any on-site parking provision and the servicing arrangement for the ground floor commercial unit.
- 5.83 The Portsmouth Parking Standards SPD sets out the expected level of parking provision that should be included within new residential developments. It seeks to encourage developers to consider lower levels of parking in the defined city centre, although the LHA highlight that this does not mean that all developments without adequate parking facilities will be acceptable, rather that there needs to be a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home.

- 5.84 Notwithstanding the information detailed within the TS and subsequent Technical Note, the LHA is of the view that based on an analysis of car ownership for dwellings within the city centre, the proposed development would result in a parking demand of approximately 50 spaces. The site does not fall within a Residents' Parking Zone and long stay on-street parking within the surrounding area is 'Pay at Meter' parking charging between 08:00 and 18:00 daily, with the exception of Station Street which charges 24 hours daily.
- 5.85 The TS details the results of two parking surveys that took place on Wednesday 27th March 2019 and Thursday 28th March 2019 between 03:00 and 04:00, indicating that there were 46/47 spare 'Pay at Meter' parking spaces available. Whilst the LHA highlight that the survey was not carried out in accordance with PCC guidelines or adequately evidenced, it would appear that there is some limited capacity within the surrounding network to accommodate resident parking free of charge between 18:00 and 08:00. This would be a less attractive option outside of these hours as a result of the associated cost.
- 5.86 In the absence of adequate on-site parking or justification for a reduced provision, the LHA conclude that the proposal would increase parking demand by approximately 50 spaces making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity.
- 5.87 Whilst the comments of the LHA are noted, the weight given to them must be limited as they do not concern highway safety. The planning assessment of this application must strike a balance between the matters raised by the LHA, the policy presumption in favour of sustainable development, the contribution the development would make towards meeting the city's identified housing need as set out within Policies PCS10, PCS19 and PCS21 of the Portsmouth Plan and the redevelopment of a vacant plot within a highly accessible city centre location.
- 5.88 Owing to the highly sustainable city centre location of the site within 300m of a railway station and bus interchange, the provision of a good standard of bicycle storage facilities and good pedestrian and cycle routes to a wide range of shops, service, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle. With significant concerns in respect of air quality on strategic routes through the city from existing vehicular movements and associated with future growth, opportunities to develop at high densities within highly sustainable locations where residents can travel by more sustainable modes should be encouraged and is supported by the aims and objectives of the NPPF.
- 5.89 In this particular instance placing significant weight on the provision of 76 dwellings towards the city's identified housing need including the provision of affordable housing within a highly sustainable location, it is considered that the benefits of the development would outweigh the concerns of the LHA (which in any event focus on impacts on residential amenity, rather than highway safety).
- 5.90 To ensure that the development would optimise its location and opportunities for sustainable modes of transport, a planning condition seeking the submission and approval of a Travel Plan with the aim of encouraging walking, cycling and use of public transport as an alternative to private vehicles is suggested. As part of the Travel Plan, the applicant has agreed to explore opportunities to contribute towards the initial set-up and promotion of a car share scheme within the local area which is also being promoted with applicants of nearby development sites.
- 5.91 In reaching this conclusion regard is also made to the 'local climate emergency' which was declared by Portsmouth City Council in March 2019 with a priority to make the city

cleaner, safer and greener reducing Portsmouth's Scope 1, 2 and 3 emissions to net zero by 2030. Encouraging active travel forms part of this strategy.

- 5.92 Servicing - Access for service vehicles to the site is proposed via the southern side of the building on Lower Church Path where an amended footway alignment is suggested to accommodate a loading bay on-street with the repositioning of the existing disabled parking bays on the opposite side of the road. The LHA raise no objection to the creation of the servicing bay and are satisfied this would be an appropriate location to service the residential element of the building with access to refuse stores positioned on the southern elevation.
- 5.93 However, the LPA highlight that the proposed servicing arrangements would be inadequate for the commercial unit located to the opposite, northern side of the building with no direct access to the servicing bay. This would result in the use of trolleys to deliver to the unit along a footway that will be reduced by the presence of supporting columns.
- 5.94 Again, whilst these concerns are noted, having regard to the limited scale of the commercial unit, the benefits of incorporating an active frontage on to a pedestrianised section of the city centre and the absence of any practical alternative solutions, it is considered that there would be limited movements between the servicing bay and the buildings frontage and as such the proposal would not result in significant harm.
- 5.95 The City Council's Waste Team has indicated that the refuse storage facilities for both the residential and commercial uses are of an appropriate size and location, and can be serviced from Lower Church Path.
- 5.96 Bicycle Storage - The Parking Standards SPD seeks the provision of 1 secure bicycle storage space for each 1-bedroomed dwelling, 2 secure spaces for each 2/3 bedroomed dwellings and an additional 10% short stay cycle parking spaces for visitors amounting to 135 long stay and 14 short stay spaces. The development proposes the provision of a 2 space cycle locker for each dwelling located at ground and mezzanine level accessed by a cycle ramp. Following the submission of further details in respect of short stay facilities outside the building, the LHA consider the facilities are appropriate.
- 5.97 The LHA highlight that the upper floors of the building over-sail the ground floor and would be supported by a number of columns into the highway. No objection to this approach is raised in principle on the basis there is sufficient width for the footway, however these areas will need to be formally 'stopped-up' under the provisions of Part III of the Town and Country Planning Act 1990. The LPA understands that the applicant has already commenced this process and an application to 'stop-up' a small section of the highway has already been made to the Department for Transport.
- 5.98 As a result of the proposed scale of the development, constrained nature of the site, proximity to a number of sensitive uses and an important vehicular route, it is considered necessary and reasonable to impose a planning condition seeking the submission and approval of a Construction Environmental Management Plan to minimise impact on the surrounding highway network and neighbouring residential occupiers.
- 5.99 Flood Risk and Drainage
- 5.100 The application is supported by a Flood Risk and Drainage Strategy which highlights that: the site is located within Flood Zone 1 at a low risk of tidal flooding which is not expected to change as a result of climate change on tidal levels; the overall risk of flooding from surface water and ground water at the site is low; evidence from Southern Water confirms that there is adequate capacity in the local combined network to accommodate foul flow; and that a green roof system at different levels of the building

and rainwater harvesting will be used to reduce the rate of surface water runoff from the building.

5.101 The City Council's drainage team raise no objection to the proposal and welcome the use of green roofs and rainwater harvesting. It is however highlighted, and reiterated by Southern Water, that the development would encroach upon a surface water sewer to the south-east corner of the site. The applicant has confirmed that they are aware of the sewer which will need to be redirected. A condition seeking the approval of foul and surface water sewerage disposal, including the diversion of any existing infrastructure is proposed which would be considered in consultation with Southern Water and the City Council's Drainage Team.

5.102 Sustainable Design & Construction

5.103 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient. Following a Ministerial Statement on 25th March 2015, the former policy requirements to meet Code for Sustainable Homes Standards were superseded with a requirement to achieve a standard of energy and water efficiency above building regulations standards, as follows:

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

5.104 The application is supported by a Sustainability & Energy Statement which sets out that 'the proposed development will provide a modern, resource efficient, sustainable site that responds positively to the relevant planning policies and delivers the following measures: Greater than 19% improvement in CO₂ emissions over Building Regulations Part L; Communal ASHP heating and hot water system; roof mounted Solar PV; Mechanical ventilation and heat recover; A thermally efficient building fabric; Air-permeability; Efficient lighting, appliances and fittings...'

5.105 These measures would ensure that the energy usage of the development is minimised whilst maintaining comfortable living conditions for residents. A condition would be imposed to ensure that the necessary level of energy and water savings are achieved in accordance with Policy PCS15.

5.106 Ecology & Impact on the Solent Special Protection Areas

5.107 The Conservation of Habitats and Species Regulations 2017 [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.

5.108 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.

5.109 1. The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is

residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

- 5.110 Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £38,419.00 (17 x 1-bedroom units @ £356.00 plus 46 x 2-bedroom units @ £514.00 plus 13 x 3-bedroom units @ £671.00). The adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that with mitigation secured, by way of condition, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.
- 5.111 2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.
- 5.112 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.113 The applicant's Nitrate Neutrality Statement briefly explores options 1 & 2 set out within the INNMS and concludes that neither are viable for this particular development. The developer has concluded that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.114 The LPA has agreed that the applicant can seek to acquire 'credits' from the 'Mitigation Credit Bank'. Based on the methodology set out within the INNMS, to fully mitigate the increased levels of nitrogen input to the water environment within the Solent, the applicant will require credits equivalent to 59.1kg/TN/yr which has been identified as the net increase in the total nitrogen.
- 5.115 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), and subject to mitigation being secured in line with the INNMS through an appropriately worded planning condition the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would not therefore affect the integrity of the SPA through deterioration of the water environment.
- 5.116 Given the limited availability of mitigation 'Credits', the difficulty of calculating future projections and to ensure that development continues to take place with the associated economic benefits and the provision of new homes, it is also considered necessary and reasonable to restrict the implementation period of any permission to one year.

- 5.117 The application is supported by a Phase 1 Ecological Survey report which concludes that: 'the site is considered to be of negligible ecological value. No habitats of ecological importance, nor features likely to support protected and/or noted species, have been identified on site. Any future proposals have the opportunity to significantly enhance the site and local area in terms of biodiversity'. A series of recommendations are highlighted to improve biodiversity at the site including: the installation of integrated bat boxes into the fabric of the building; the installation of a 'Sparrow Terrace'; and the use of Native Planting which could be achieved within the green roofs. Such features can be required through planning conditions to ensure that the development would result in a net increase in biodiversity value.
- 5.118 Whilst not disagreeing with this conclusion, the City Council's Ecologist highlighted that this tall building would be located in close proximity to Portsmouth Harbour SPA and the nearest Core Primary site defined under the Solent Wader and Brent Goose Network (SWBGS) and SPA qualifying birds would be flying close to the building increasing the risk of bird strikes.
- 5.119 The applicant has provided a formal response (from EcoSupport - dated 15th June 2020) to these initial concerns providing a comprehensive literature review and justification, showing that there is a negligible risk of SPA bird collision with the building. The content and findings of the report have been agreed with the City Council's Ecologist and it is concluded that the proposal should cause no significant effect on the SPA or its qualifying features as a result of its height and impact on flight paths.
- 5.120 Conclusion
- 5.121 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would provide 76 new dwellings with an affordable housing provision contributing towards the city's identified housing need and optimising an underused highly accessible city centre site.
- 5.122 The overall scale of the proposed development is ambitious for a relatively small plot. However, the building is considered to be of a good architectural quality incorporating a number of interesting design elements which with the use of a high quality palette of materials as suggested, would make a positive contribution to the evolving city centre sky line. Design concerns remain in respect of certain design features and the lack of articulation/relief within the northern elevation although as the development is considered to be acceptable in all other respects and with reassurances from the applicant on design quality, it is considered that these matters can be resolved through planning conditions.
- 5.123 The development would not provide any parking provision and would place additional pressure on existing on-street facilities within the area. However, the site is located within perhaps the most sustainable and accessible locations in the city, close to a wide range of shops, services, recreational activities and employment opportunities and transport links, making the prospect of future residents residing without the need for private car ownership a realistic and achievable prospect.
- 5.124 As a result of the buildings scale and siting, there will inevitably be some impact on the amenity of neighbouring occupiers, particularly those to the west. The more significant impacts have largely been addressed by the re-positioning of windows to 54D & 54E Arundel Street. Dwellings to the southern side of 32-54 Arundel Street would suffer a loss of light, sunlight and outlook to varying degrees although having regard to the city centre location where tighter relationships are to be expected it is considered that the wider benefits of the proposal would outweigh these concerns.
- 5.125 With planning conditions to secure mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent, it is considered

that the proposal would meet the definition of sustainable development as set out within the NPPF.

- 5.126 With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met:
- 5.127 Test (i) (and Paragraph 177) - this test is relevant due to the potential recreational disturbance around the shorelines of the harbours, from increased levels of nitrogen and phosphorus entering the Solent water environment and the potential for disturbance to a protected species. In short, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy.
- 5.128 Test (ii) - the development would provide 76 new dwellings to help meet the city's housing supply, which is currently below the required 5 year total. Whilst the concerns of the Local Highways Authority in relation to the absence of adequate parking facilities is noted, and minor concerns are raised in respect of loss of light and outlook, it is considered that any impacts of the development would not 'significantly and demonstrably outweigh the benefits' of the proposal when assessed against the policies in the NPPF taken as a whole.

RECOMMENDATION Conditional Permission

Conditions:

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 1 year from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

Approved Plans:

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Location Plan

AHP.19.001A;

AHP.19.002;

AHP.19.003;

AHP.19.004;

AHP.19.005;

AHP.19.006;

AHP.19.007;

AHP.19.008;

AHP.19.009;

AHP.19.010;

AHP.19.011;

5TH Floor Green Roof - Rev-A (dated 18.03.2020);

1508-LA-5300 Rev-B;

GSAL2317/01 (dated July 2020);

GSAL2317/02 (dated July 2020).

Reason: To ensure the development is implemented in accordance with the permission granted.

Land Contamination - Remediation:

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

- a) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA;
- b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA;
- c) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

Land Contamination - Verification:

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. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under Conditions 3c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

Construction Environmental Management Plan:

5) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Development site compound and hoarding; Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Site

office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and

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

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Drainage Strategy:

6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details of:

(i) the proposed means of foul and surface water sewerage disposal including any necessary diversions of existing infrastructure; and

(ii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), have been submitted to and approved in writing by the Local Planning Authority; and

(b) No part of the development shall be occupied/brought into use until the drainage works have been carried out in full accordance with the details agreed pursuant to part (a) of this condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding and to protect existing sewerage infrastructure, in accordance with policy PCS12 of the Portsmouth Plan (2012).

Tree Protection:

7) (a) No works pursuant to this permission shall commence until a scheme for the safeguarding of all trees within the adjoining pedestrian precinct on Arundel Street (in accordance with British Standard BS5837 2012) has been submitted to and approved in writing by the Local Planning Authority; and

(b) Such methods of safeguarding and protection as agreed pursuant to part (a) of this condition shall be installed prior to the commencement of development and retained for as long as development works/construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the trees which make a positive contribution to the public realm are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

Employment & Skills Plan:

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until an Employments & Skills Plan has been submitted to and approved in writing with the Local Planning Authority. The Plan shall incorporate a package of measures aimed at improving the training skills and employability of the workforce to be employed for the construction of the development; and

(b) The development shall then be carried out in accordance with the Employment & Skills Plan approved pursuant to part (a) of this condition.

Reason: To contribute towards the provision of training and employment opportunities for local residents during the construction phase of the development in accordance with Policy PCS16 of the Portsmouth Plan and the Achieving Employment and Skills Plans SPD (2013).

Materials & Finishes:

- 9) (a) Notwithstanding the submitted details, no development works other than those associated with the construction of the building's foundations shall take place until a full and detailed schedule of all materials and finishes (including samples and mock panels (size to be agreed) of the external brick façades including window/reveal and brick detailing) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and
(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a) of this condition.

Reason: To secure a high quality finish to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and use of robust materials in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the City Centre Masterplan SPD (2013), the Tall Buildings SPD and the aims and objectives of the National Planning Policy Framework (2019).

Design - Northern Elevation:

- 10) (a) Notwithstanding the submitted details, no development works other than those associated with the construction of the building's foundations, shall take place until alternative design solutions for the north facing elevation have been submitted to and approved in writing by the Local Planning Authority; and
(b) The development shall then be carried in full accordance with the details approved pursuant to part (a) of this condition unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve design quality of the northern elevation of this tall and prominent building having regard to the specific view that has been taken that this elevation lacks sufficient quality, articulation and interest to contribute positively to the surrounding area and the city's skyline as required by the aims and objectives of the National Planning Policy Framework (2019), the City Centre Masterplan SPD (2013), the Tall Buildings SPD (2012) and Policies PCS23 and PCS24 of the Portsmouth Plan (2012).

Design - Architectural Detailing:

- 11) (a) Notwithstanding the submitted details, no development works other than those associated with the construction of the building's foundations, shall take place until precise constructional drawings of key architectural features at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:
- Windows and surrounds (including doors onto balconies) fabrication details including: frame dimensions, method of opening, infill panels, colour treatment, reveal depth and detailing, headers, cills;
 - Glazing to ground and mezzanine levels including: frame dimensions; doors, glazing type, infill panels, colour treatment.
 - Balcony construction including: railings, handrails, planter/rainwater butts, underside treatments;
 - Perforated ('hit & miss') brickwork;
 - Banding and junction details;
 - Soffit treatments;
 - bike ramp and relationship with building's façade;
 - The siting and appearance of any externally mounted equipment/platforms/cradles required for the cleaning and maintenance of the external surfaces of the building; and
- (b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: To secure a high quality appearance to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and use of robust materials in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the City Centre

Masterplan SPD (2013), the Tall Buildings SPD and the aims and objectives of the National Planning Policy Framework (2019).

Microclimate - Wind:

- 12) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the construction of the building's foundations shall take place until a scheme produced and/or assessed by a suitably competent person for mitigating the impacts of wind 'Down-washing', 'Corner Acceleration' and 'Channelling' (as identified within the 'Wind Microclimate desk based assessment, RWDI #2001089-Rev-C 19/12/2019) including the pedestrian environment to the east of the site has been submitted to and approved in writing by the Local Planning Authority; and
- (b) No part of the development shall be occupied/brought into use until all of the wind mitigation measures have been provided in accordance with the scheme approved pursuant to part (a) of this condition (with the exception of soft landscaping measures which shall initially be provided in accordance the timescales set out within the landscaping conditions); and
- (c) The wind mitigation measures shall thereafter be permanently retained in accordance with the scheme approved pursuant to part (a) of this condition unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure suitable wind conditions are achieved within balconies, entrances to the building and adjoining thoroughfares in the interests of public amenity and safety in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

TV/Radio Reception:

- 13) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the construction of the building's foundations shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and
- (b) With three calendar months of substantial completion of the building shell, a report to assess the impact the development hereby permitted may have upon television and radio equipment signals in the locality shall be submitted to the Local Planning Authority for approval; and
- (c) Within three calendar of approval of part (b) of this condition, a detailed scheme to mitigate any significant adverse effects upon TV/radio reception created by the presence of the development upon the occupiers of nearby properties shall be submitted to and approved in writing by the Local Planning Authority; and
- (d) Any mitigation measures required by part (c) of this condition shall be implemented within three calendar months of approval, or within such other period of time as approved in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Alterations to 54D and 54E Arundel Street:

- 14) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the construction of the building's foundations shall take place until the approved alterations to Nos. 54D and 54E Arundel Street have been fully completed as shown on approved drawings GSAL2317/01 & GSAL2317/02. For clarity the alterations to Nos. 54D and 54E Arundel Street comprise: the installation of four windows to the northern elevation (frames colour treated in dark grey to match existing upper floor windows at 54 Arundel Street); the blocking up of four windows to the eastern elevation (matching brickwork in terms of type colour, texture, bonding pattern) and the resisting of the street light on the northern elevation.

Reason: To remove a potential conflict between the proposed building and the existing east facing windows of Nos. 54D and 54E Arundel Street which would have resulted in significant harm to the amenity of existing and future occupiers, and to provide alternative access to natural light and improved outlook maintaining living conditions within these units in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Architectural/Security Lighting:

15) (a) Prior to installation, details of all external lighting schemes (architectural and security required) including the number, siting, appearance and specification of any luminaires and details of on-going maintenance and management processes, shall be submitted to and approved in writing by the Local Planning Authority. The submitted schemes which should form an integral part of the building's design shall take into account the prominent location of the site within the city centre, height, pedestrian and highway safety and residential amenity; and (b) The lighting schemes approved pursuant to part (a) of this condition shall be fully implemented as an integral part of the development, completed prior to first occupation of the building and thereafter permanently retained and operated in accordance with the approved maintenance and management processes unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building, and public safety in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the Tall Buildings SPD (2012) and the aims and objectives of the Reducing Crime Through Design SPD (2006).

Noise Insulation/Mechanical Ventilation:

16) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the installation of any external facades, a scheme for insulating all habitable rooms of the dwellings hereby permitted against external noise sources and commercial uses at ground floor level including details of mechanical ventilation shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms: Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB; and (b) The measures detailed within the scheme approved pursuant to part (a) of this condition shall then be fully implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted and thereafter permanently retained.

Reason: To ensure that acceptable levels of noise and vibration within the dwellings are not exceeded in the interests of residential amenity having regard to their proximity to commercial uses (including internally at ground floor) and road traffic and to prevent over heating in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Plant & Mechanical Equipment:

17) (a) Notwithstanding the submitted details, prior to the installation of any fixed plant, mechanical equipment or associated noise attenuation measures, precise details to include: a design stage Ventilation/Extraction Strategy; an assessment of noise from the operation of the plant and equipment undertaken using the procedures within British Standard BS4142:2014; and an associated maintenance programme, shall be submitted to the Local Planning Authority for approval in writing. Appropriate measures shall be implemented to ensure that the cumulative noise level from the operation of any proposed plant will not exceed the following noise levels 1m from the façade of any residential dwellings; LAeq(1hr) 42dB (07:00 - 23:00hrs) and LAeq(15min) 38dB (23:00 - 07:00hrs); and (b) Any fixed plant, mechanical equipment or associated noise attenuation measures approved pursuant to part (a) of this condition shall be installed and thereafter permanently retained and operated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that acceptable levels of noise and vibration within the dwellings are not exceeded in the interests of residential amenity in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Noise Insulation to Balconies:

18) Notwithstanding the submitted details, prior to the installation of the balconies, a scheme for insulating these external amenity spaces between 1st & 11th floor level on the eastern elevation and 1st & 4th floor level on the southern elevation against external noise sources shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed to achieve the guideline noise level of at least LAeq (16hr) 50-55dB(A).

Reason: To ensure acceptable levels of noise is not exceeded within the limited external amenity areas in the interests of residential amenity in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Affordable Housing Provision:

19) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until a scheme for the provision of affordable housing (comprising a minimum of 19 dwellings) has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing set out within the National Planning Policy Framework (2019) or any future guidance that replaces it; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the affordable housing provision shall then be provided and thereafter retained in accordance with the scheme approved pursuant to part (a) of this condition.

Reason: To ensure the provision of affordable housing in accordance with the aims and objectives of Policy PCS19 of the Portsmouth Plan (2012) of the National Planning Policy Framework (2019) and associated guidance.

Mitigation - Special Protection Areas:

20) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall then be carried out in full accordance with both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Mitigation - Pocket Park:

21) Notwithstanding the submitted details, unless otherwise agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until adequate mitigation for the absence of an on-site pocket park as required by Policy PCS13 of the Portsmouth Plan has been approved in writing by the Local Planning Authority.

Reason: In the absence of an on-site pocket park, to ensure the provision and/or improvement of off-site green infrastructure having regard to the increased pressure on Portsmouth's existing green infrastructure network from increasing population numbers, climate change and the need

for new development sites having regard to the social, health and environmental benefits for future residents in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS13 of the Portsmouth (2012).

Travel Plan:

- 22) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until a Travel Plan with the aim of reducing car ownership/dependency, encourage sustainable modes of travel, and including a contribution to a defined car share scheme, with a nominated co-ordinator shall be submitted to and approved in writing by the Local Planning Authority; and
(b) The development shall thereafter be carried out in full accordance with the provisions of the Travel Plan approved pursuant to part (a) of this condition.

Reason: To promote and encourage sustainable modes of transport as an alternative to use of the private motor car in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

Highways Alterations:

- 23) (a) Notwithstanding the submitted information, no works associated with the removal of the existing car park entrance onto Lower Church Path, the reinstatement of the footway to suit new levels, the construction of the replacement servicing bay and associated highways works at the junction of Lower Church Path and Station Street and the relocation of street furniture shall take place until full details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority). This shall include, but not limited to: the design, layout and construction detail of the servicing bay and adjoining footway, kerb heights, surface water drainage, pedestrian crossing points, signage, road marking and street lighting; and
(b) The highways works shall be laid out and constructed in full accordance with the details approved pursuant to part (a) of this condition before the development hereby permitted is first occupied/brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining a safe and efficient highway network and providing adequate access for the servicing of the development in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS17 of the Portsmouth Plan (2012).

Landscaping - Public Realm:

- 24) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping schemes for the area of public realm around the building at ground floor level Arundel Street Precinct, Arundel Street/Station Street and Lower Church Path has been submitted to and approved in writing by the Local Planning Authority. The schemes shall specify: materials, relocated street furniture and signage; tree sizes, species and locations, tree pit design including irrigation details and tree guards/protection cages; and
(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping scheme approved pursuant to part (a) of this condition shall be completed prior to first occupation of the building hereby permitted; and
(c) The soft landscaping scheme approved pursuant to part (a) of this condition shall be carried out within the first planting season following the first occupation of the building. Any trees which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting to the development and as part of a scheme to mitigate the impacts of 'Down-washing', 'Corner Acceleration' and 'Channelling' (wind conditions, as set out within the 'Wind Microclimate desk based assessment, RWDI #2001089-Rev-C 19/12/2019) in the interest of amenity and safety in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

Landscaping - Green Roofs:

25) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until a detailed landscaping scheme for the individual balcony planters and the 'Green Roofs' at 1st & 5th floor levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; planter/raised bed construction details; irrigation details and an ongoing management and maintenance strategy; and (b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the first occupation of the building and thereafter permanently retained and maintained in accordance the maintenance strategy approved pursuant to part (a) of this condition.

Reason: In the interests of visual amenity having regard to the specific design and emphasis placed on the landscaping quality of the building, to enhance the biodiversity value of the development site and as part of a scheme to mitigate the impacts of 'Down-washing', 'Corner Acceleration' and 'Channelling' (wind conditions, as set out within the 'Wind Microclimate desk based assessment, RWDI #2001089-Rev-C 19/12/2019) in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012), the Tall Buildings SPD (2012) and Paragraph 175 of the National Planning Policy Framework (2019).

Sustainable Design & Construction:

26) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: 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 (2012).

Bicycle storage Facilities:

27) (a) Notwithstanding the submitted information, prior to the first occupation of any dwelling hereby permitted (or such period as may otherwise be agreed in writing with the Local Planning Authority) precise details of all bicycle storage facilities and associated internal access ramp to mezzanine level have been submitted to and approved in writing by the Local Planning Authority; and (b) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the bicycle storage facilities and associated internal access ramp have been provided and made available for use by residents of the development hereby permitted in accordance with the details approved pursuant to part (a) of this condition; and (c) The bicycle storage facilities (and associated internal access ramp) approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

Refuse Storage Facilities:

28) (a) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until its associated refuse and recyclable material storage facilities have been provided in accordance with the approved drawings; and

(b) The approved facilities shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.

Biodiversity Enhancements:

29) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the 'Requirements, Recommendations and Enhancements' set out in Section 6 of the Phase I Ecological Survey (ecosupport limited, March 2019) addressing protected species, bats, nesting birds and native planting.

Reason: To produce a net gain in biodiversity value at the development site in accordance with Policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2019).

Use of Commercial Unit:

30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, the ground floor/mezzanine level commercial unit annotated as 'Coffee Shop' on the approved drawings shall be used for purposes falling within Class E(a), E(b), E(c) or E(e) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever, including any other purpose falling within Use Class E, without the express permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To offer flexibility but also allow the Local Planning Authority to consider the implications of alternative uses having regard to the wide range of uses/activities within Class E; the potentially more intensive pattern of activity, parking, servicing and noise; the potential impact on the amenity of the occupiers of adjoining dwellings, including immediately above, and the surrounding highway network; and the need for further mitigation measures, in accordance with the aims and objectives of the National Planning Policy Framework and Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Operating Hours - Commercial Unit:

31) The ground floor/mezzanine level commercial unit annotated as 'Coffee Shop' on the approved drawings shall remain closed between the hours of 23:00hrs and 08:00hrs the following day.

Reason: In the interests of residential amenity having regard to proximity to residential properties in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Cooking Operations:

32) No cooking processes other than the preparation of hot beverages, toasting of bread, or the heating of food in a microwave oven or domestic cooking device shall be undertaken within the commercial unit at ground/mezzanine level, annotated as 'Coffee Shop' on the approved drawings, unless a suitable commercial kitchen extract ventilation system for the suppression and dispersion of odour and fumes, has been installed in accordance with details that have first been approved by the Local Planning Authority through a formal planning application.

Reason: In order to protect residents and users of the surrounding area from nuisance caused by excessive cooking odours and fumes in accordance with policy PCS23 of the Portsmouth Plan (2012)

Use of Flat Roofs:

33) With the exception of the private balconies to each dwelling as shown on the approved drawings, the external flat roof areas including those at 1st ('green roof at first floor'), 5th ('Green Roof'), 18th ('PV Solar panels on 18th floor flat roof') 20th ('Open roof area') and 21st ('Roof area for ASHP') floor levels shall not be accessed other than for the purposes of maintenance and repair.

Reason: In the interests of the amenities of the occupiers of adjoining residential properties in accordance with policy PCS23 of the Portsmouth Plan (2012).

External Equipment:

34) Unless otherwise agreed in writing with the Local Planning Authority, other than those shown on approved drawings, no externally mounted satellite antennae, flues, ducts, soil stacks, pipes or utility boxes/cabinets shall be installed on any elevation of the building hereby permitted.

Reason: To reduce visual clutter in the interests of visual amenity having regard to the specific design of this tall building in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings Supplementary Planning Document (2012).

Roof Top Equipment:

35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, other than that shown on the approved drawings (solar PV panels, aerials and Air Source Heat Pumps and generators the details of which are to be approved) no structure, plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To ensure this prominent building and its roof remains free of visual clutter in the interests of visual amenity having regard to the specific design of this tall building in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings Supplementary Planning Document (2012).

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.

BREWERY HOUSE 18 - 20 HAMBROOK STREET SOUTHSEA

CONVERSION OF BREWERY HOUSE TO FORM 17-DWELLINGS WITH EXTERNAL ALTERATIONS TO INCLUDE: CONSTRUCTION OF ADDITIONAL STOREY; REPLACEMENT WINDOWS AND DOORS; REPLACEMENT BAY WINDOWS TO SOUTHERN ELEVATION.

Application Submitted By:

Re-Format LLP
FAO Mr Matt Swanton

On behalf of:

Ms Mary Devaney
Portsmouth City Council

RDD: 23rd December 2019

LDD: 24th March 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as it has been submitted by Portsmouth City Council and comprises more than ten dwellings. Deputation requests have also been received from, and on behalf of local residents.

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of Development;
- Design and Impact on heritage Assets;
- Standard of accommodation and Impact on residential amenity;
- Affordable Housing;
- Highways and Parking;
- Flood risk and drainage;
- Sustainable Design & Construction;
- Ecology & Impact on the Solent Special Protection Areas.

1.3 Site and surroundings

1.4 This Portsmouth City Council planning application relates to a 2-storey building (with additional basement accommodation) known as Brewery House, a former bottling store for Long's Brewery, constructed c.1910 and converted for community uses in the early 1970s. The building has an interesting industrial appearance predominantly in brown brick with red and blue brick detailing and a series of sash windows with those at first floor level including arched headers. The southern elevation incorporates a central entrance, raised by twin staircases, flanked by two-storey timber bay window features. A central pediment feature raises above a low parapet forming a gable to a pitched roof element that runs centrally across the building connecting to a similar feature on the northern elevation. The remaining roof area is flat. The building is currently vacant and the external elevations are showing signs of disrepair including missing mortar and brickwork, rotten timber and damp caused by defective rainwater goods.

1.5 The building occupies the entire site and is bounded on all four side by carriageways and footways. To the north, Copper Street/Stone Street provide separation (c.13m) to a series

of small three-storey blocks of flats, with south facing balconies, set within verdant communal grounds. To the west, Little Hambrook Street separates the site from the flank wall of a similar 3-storey block of flats, which also incorporate south facing balconies (c.7m). To the south, the building fronts onto the junction of Hambrook Street and Cecil Place which is flanked by a 5-storey building of utilitarian appearance occupied as a student halls of residence (Burrell House) and a 2-storey teaching block associated with Portsmouth High School. To the east, the site faces directly onto a pedestrian footpath (c.3.75m wide) which is immediately bounded on its eastern side by St. George's Court, a 3-storey building providing sheltered housing for the elderly.

- 1.6 Brewery House is entered on the City Council's List of Buildings of Special Architectural and Historic Interest and located within the 'Castle Road' Conservation Area. The immediate area is however, characterised by post-war and modern developments of limited architectural quality with Brewery House, the remaining element of Long's brewery, and a cobbled section of Cecil Place representing the only features of architectural or historic significance.
- 1.7 The site is located in close proximity to the 'Castle Road' Local Centre which includes an eclectic mix of shops and restaurants and a short walk of Southsea Town Centre (0.6km) and Elm Grove (0.5km) which forms part of a District Centre. The City Centre is located approximately 1km to the north and large areas of recreational spaces exist to the south along the seafront.
- 1.8 The proposal
- 1.9 Planning permission is sought for the enlargement and conversion of Brewery House to provide four 1-bedroom dwellings and thirteen 2-bedroom dwellings ranging between 50 and 64sq.m. The dwellings would be arranged across three floors of accommodation, two within the original building and one within a contemporary roof extension following the removal of an existing roof structure. The new roof would consist of a series of three pitched bays evident on the east and west elevations, and be finished in vertical-profiled, dark grey metal cladding. The existing basement area would be converted to provide a series of individual storage units ranging between 10.7 and 13.2sq.m. for use by future residents of the dwellings.
- 1.10 Externally, much of the building's original facades would be retained and sympathetically refurbished and repaired. New timber sliding sash windows would match the original window styles and the non-original bay window features to the southern elevation would be replaced by contemporary features of similar proportions to reflect the style of the roof enlargement.
- 1.11 The main access to the building would be via a new entrance feature on the eastern elevation which opens onto the pedestrian footway, with a second access maintained to the southern elevation from the existing twin staircases.
- 1.12 Planning history
- 1.13 There is no planning history for this building.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);
- PCS14 (A Healthy City);
- PCS15 (Sustainable Design and Construction);

- PCS17 (Transport);
 - PCS19 (Housing mix, size and affordable homes) and
 - PCS23 (Design and Conservation).
- 2.2 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:
- Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.
- 2.3 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.
- 2.4 Other guidance:
- National Planning Policy Framework (2019)
 - National Planning Practice Guidance
 - National Design Guide (2019);
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
 - Sustainable Design & Construction SPD (January 2013);
 - The Solent Recreation Mitigation Strategy (2017);
 - The Interim Nutrient Neutral Mitigation Strategy (2019).

3.0 CONSULTATIONS

3.1 Natural England

- 3.2 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.
- 3.3 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.
- 3.4 Solent Recreation Mitigation Strategy - no objection subject to mitigation - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Portsmouth City Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.
- 3.5 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.
- 3.6 Nutrient Neutrality - no objection subject to mitigation - With regard to deterioration of the water environment, Natural England is aware that your authority has adopted an Interim Nutrient Neutral Mitigation Strategy for new dwellings for 2019-2023/24. It is noted that the

approach to address the positive nitrogen budget for this development is to offset against the interim strategy through the purchase of mitigation 'credits'. Provided that the applicant is complying with the requirements of the Interim Strategy for 13.2 Kg/N/Yr and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

3.7 **Eastern Solent Coastal Partnership**

3.8 No comments received.

3.9 **Ecology**

- 3.10 Recreational Impacts - 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 support 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 the development is unlikely to result any significant effects alone, 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.
- 3.11 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.
- 3.12 Nitrates Issue - There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites.
- 3.13 As such, the emerging advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing.
- 3.14 This is an emerging and dynamic issue, and I note that Natural England have responded on this point. If the applicant is able to provide a nitrogen budget calculation to demonstrate that there would be no additional nutrient load arising from this proposal then the LPA may be able to conclude that the development would not affect these areas.
- 3.15 Bats - The development may affect bats, which are protected under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (commonly referred to as the Habitats Regulations). There are a number of records of bat roosts in the area surrounding the site.

3.16 A Phase 1 Ecological Survey report (Ecosupport Ltd. - February 2019) has been submitted. The report is brief in its findings but concludes that the buildings is of negligible ecological value. The Ecology Team is not in full agreement with this statement, as the flat roof of the building is suitable for nesting gull species such as black-headed gull, which are protected while breeding. However the report conclusions and mitigation proposed is considered to be acceptable and no objection is raised subject to the inclusion of informatives relating to bats and nesting birds.

3.17 Head of Community Housing

3.18 No objection in principle to the proposed 'transferring' of the affordable provision from one site to another (the Applicant proposes 56 Arundel Street). Off-site provision is required at a higher percentage than on-site, as per PCC's planning policy, it would be 43% affordable provision i.e. 8 units (rounded-up from 7.3).

3.19 In this instance, it is also proposed to use the Build to Rent scheme. This results in fewer units than 'traditional' affordable housing, as the Build to Rent guidelines in the NPPG recommend 20% unless the local authority has identified a need for this product and has set it out in their planning policy to promote the scheme and achieve a higher percentage.

3.20 I note that the Build for Rent scheme is for private developers who manage their own stock. It is a way of getting the affordable rent in to the private market. It is not a product that is sold on by the developer but owned by the developer and managed by them or an appointed single agent (for both the private rent and the affordable private rent). There would be no social or affordable rent provision for the Housing Department to nominate and so occupiers will not come from the Council's waiting list.

3.21 A planning consent needs to secure the monitoring of who applies to occupy, who actually occupies, rent levels (a minimum of 80% of open market rent (including service charge)). Prospective tenants must meet the affordable criteria including a financial assessment.

3.22 I note that all of the units meet the minimum requirements for the Nationally Described Space Standards, and the storage provisions within each flat and the basement. Two-bed or larger units need some form of separation between kitchen and dining, for children's safety, I have spoken to the Applicant and understand this is being considered. I note that having the ground floor above street level, there is no disabled accommodation proposed. I note there is no car Parking.

3.23 Waste Management Service

3.24 The doorway is slightly narrow, although there is more than sufficient space for bins to service the development. Smaller bins than those shown on the submitted drawings could be used if necessary.

3.25 Highways Engineer

3.26 The Local Highways Authority (LHA) has reviewed the plans, Design and Access Statement, Technical Note (TN) and further response of the applicant submitted in support of the application and would make the following observations:

3.27 This site is bounded by Hambrook Street to the south and Little Hambrook Street to the west. Both of these are unclassified local access roads where parking at the site frontage is restricted by double yellow lines. Where parking is permitted on the opposite side of Hambrook Street the road falls within the resident parking zone 'KB' and parking is controlled on street to those with residents' permits or limited to a maximum stay of 2 hours. The introduction of the resident parking scheme was motivated to improve

residential amenity arising from the excessive demand for on street parking and the demand for on-street parking exceeds the space available particularly overnight and at weekends.

- 3.28 The parking requirement for the proposed development of 4 one bedroom and 13 two bedroomed properties is 23.5 car spaces with a cycle parking requirement of 30 long stay spaces and 3 short stay spaces. No car parking spaces are proposed within the development site. The TN explains that cycle access to the proposed storage in the basement will be facilitated with a bicycle ramp installed onto the flight of stairs and that 5 additional short stay cycle parking spaces will be provided within the lobby at basement level. Whilst the LHA would prefer level access for cycle storage, this provision would meet the standard established in the SPD.
- 3.29 The site is not located in that part of the city found to be sufficiently accessible so as to allow consideration of a reduction in the parking demand and inadequate justification for a reduced parking provision has been provided. The proposal will therefore, increase the local parking demand by 23.5 spaces making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will result in both instances of vehicles being parked indiscriminately and residents driving around the area hunting for a parking space with the consequent implications for air quality/pollution. This is contrary to the policy established in the SPD and so could justify a reason for refusal although this is an issue of residential amenity rather than highway safety and will need to be weighed in the planning balance when determining the application.
- 3.30 **Environmental Health**
- 3.31 The EHT has reviewed the application and raise no objections or recommendations.
- 3.32 **Contaminated Land Team**
- 3.33 The Contaminated Land Team (CLT) has reviewed the above application as well as information held on the CLT geographical information system. The site was used as a brewery and bottling facility before falling out of use and being renovated. The site was then used as a functional area for youth organisations with a firing range being set up in the basement.
- 3.34 Given the history of the site the potential for land contamination cannot be discounted. This, combined with the sensitive nature of the proposed residential end-use, means our standard contamination conditions should be applied to any planning approval granted.
- 3.35 **Coastal and Drainage**
- 3.36 The Flood Risk Assessment (FRA) is well considered. All points are agreed and that the basement should not be utilised as living quarters.
- 3.37 The building currently discharges onto highway, and is proposed to continue to do so. This is not normally acceptable especially as the public sewers in the vicinity are combined, however given the lack of options due to the limited space available for SuDS there does not appear to be a feasible alternative. The proposal of rainwater harvesting for flushing of toilets is welcome and would provide some betterment.
- 3.38 A condition relating to the use and design of the basement in the form of tanking, non-return valves and sockets/electrics/services at chest height etc. is suggested.
- 3.39 **Environment Agency**

3.40 As this development is located in Flood Zone 1, the application falls outside the EA's External Consultation Checklist and so the EA does not have any comments to make.

4.0 REPRESENTATIONS

4.1 At the time of writing four letters and a petition containing the names of 38 individuals from 29 separate addresses had been received in objection to the application. The objections can be summarised as follows:

- a) Whilst the need for new housing is acknowledged, a number of concerns remain;
- b) Design of the roof out of keeping with the character of the building, it is ugly, heavy and clumsy.
- c) Loss of privacy in breach of Article 8 of the Human Rights Act;
- d) Loss of Outlook;
- e) Overshadowing;
- f) Impact on the quiet character of the area;
- g) Impact on the health & Wellbeing of local residents;
- h) Parking;
- h) Access and disruption during construction works;
- i) Impact on property value.

4.2 A separate deputation request has also been received although no details of their concerns have been received.

4.3 Publicity dates (full Covid-19 lockdown started 24 March 2020):

- Neighbour letters sent: 16 January 2020; expiry: 14 February 2020
- Site Notice displayed: 24 January 2020
- Press Notice Published: 20 January 2020

5.0 COMMENT

5.1 The main issues for consideration in the determination of the application are as follows:

- Principle of Development;
- Design and Impact on Heritage Assets;
- Standard of accommodation and Impact on residential amenity;
- Affordable Housing;
- Highways and Parking;
- Flood risk and drainage;
- Sustainable Design & Construction;
- Ecology & Impact on the Solent Special Protection Areas.

5.2 Principle of Development

5.3 The National Planning Policy Framework (NPPF) states that decisions on planning applications should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 177). The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the

development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 5.4 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed below.
- 5.5 Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site.
- 5.6 The application building has been vacant for approximately 7-years following the relocation of community groups (scouts, band and the rifle club) and has long standing issues with the building's structure and external envelope, basement waterproofing, services and asbestos. The applicant has indicated that there is insufficient demand from community groups, due to the wide range of activities offered at Somerstown Central (the hub) and the former Brook Club in Sackville Street, to justify an estimated cost of approximately £500,000 to bring the building back into a community use.
- 5.7 The site is located within a predominantly residential area and is not the subject of any site specific policies. Therefore, having regard to the character of the surrounding area, the obvious difficulties and expense of bringing this long term vacant building back into use and the wider benefits of provided 17 new dwellings that would contribute towards an identified housing need, the application is considered to be acceptable in principle subject to its assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.8 Design and Impact on heritage Assets
- 5.9 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 5.10 When determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Paragraph 197 of the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Furthermore, Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.11 The proposal would see the retention of the building's decorative brick facades and much of its internal structure which contribute significantly to its interesting industrial appearance. These facades would be sensitively repaired/restored and would include the installation of similar timber sliding sash windows to maintain the bulk of the building in its original form.
- 5.12 The only other changes to be building's original facades would include new entrances to the south and east facing elevations, a new door to serve a refuse store following the removal of an external staircase, and the installation of contemporary two-storey bay windows to the southern elevation replacing non-original timber bay windows. The bay windows and frames to the new entrances would be dark grey powder coated aluminium.
- 5.13 The most significant addition would be the construction of a contemporary roof structure with alternating roof pitches terminating with vertical elements to the north and south facing elevations. The roof, ranging between 2.2 and 3.4m in height (above the existing parapet), would be finished in a dark grey profiled metal cladding and contain a series of simple window openings aligned with the windows below. To the southern elevation, the existing central pediment feature would be retained whereas a new larger pediment feature would be constructed to the northern elevation replacing a previously re-built structure. The submitted drawings indicate that the northern pediment would incorporate windows and brick detailing to match the original building.
- 5.14 Whilst there is little doubt that the restoration of the original elements of the building's façade and the replacement of the windows, largely on a like-for-like basis, would be extremely positive; the contemporary design solution for the entrances, bay windows and roof extension, which is deliberately bold, is more subjective and will inevitably divide opinion, as the objection comments illustrate.
- 5.15 The roof design solution is unapologetically bold and does not seek to replicate the style or form of the recipient building or others within the surrounding area. However, it does maintain a distinctly industrial appearance hinting at the building's original use and subtly links back to the buildings original form through the size and alignment of windows and the position of ridges and valleys on the east and west facing elevations to align with the wider brick columns below. It is considered that the retention/reconstruction of the brick pediments to the north and south elevation help 'knit' the roof form into the original structure which is further reinforced by the contemporary bay windows and entrance features.
- 5.16 The applicant has, through the course of pre-application discussions and the formal application process, committed to the highest possible quality of materials, detailing and finish and has provided a series of images to demonstrate how this can be achieved. A series of precedent images have also been provided to demonstrate how the design approach can work, although the success of these examples is also subjective. Notwithstanding individual views on the design concept, based on the information provided it is considered this resultant building would be of a sufficiently high quality in terms of finish and detailing required for a piece of bespoke contemporary architecture.
- 5.17 As suggested by the NPPF (Paragraph 129), the application was presented to the Design Review Panel who recommended their support for the proposal (subject to finer detailing being secured), offering the following comments:
- 5.18 *'...Overall, the Panel found the proposal interesting, and with the exception of the minor reservations detailed below, considered it would represent a positive and successful re-use of a locally listed building. The Panel agreed that the success of the design approach would ultimately rely on the finer detailing and the quality of materials and finish.'*

- 5.19 *Whilst some reservations were expressed in respect of the 'heaviness', height and profile of the roof, the consensus of the Panel was that the roof form represented an intentionally prominent and honest addition to this industrial building. Alternative roof rhythms and pitches were discussed (variations of the concept shown), although it was concluded that the form and profile suggested within the application including vertical elements to the north and south elevations was the 'cleanest' and most appropriate solution.*
- 5.20 *The replacement of the non-original bay windows to the southern elevation was welcomed. The Panel considered that the form of the replacement bay features was interesting, complementing the contemporary design approach taken at roof level.*
- 5.21 *The Panel indicated that the retention/upgrade/repair of the existing timber sliding sash windows was appropriate. However, if the windows needed to be replaced, the use of alternative materials and designs to complement the contemporary design approach would also be an acceptable solution. It was highlighted that any window replacements should maintain the reveal depth and should strike a balance between the detailing of the existing windows and the simpler windows proposed within the bays and at roof level.*
- 5.22 *Further details are required in respect of extract flues, vents, fans, etc. to ensure that such features would not detract from the 'clean' design approach or clutter the building's facades. The Panel suggested that the absence of any fully assessable units within a Portsmouth City Council scheme was disappointing'.*
- 5.23 Having regard to the view above in respect of quality of materials and finish, and placing significant weight on the views of the Design Review Panel comprising an independent group of suitably qualified and experienced local architects, it is considered that the bold and ambitious alterations and additions would relate appropriately with the original elements of this Locally Listed building preserving its historic industrial character and providing a modern contemporary appearance to complement its future long term use.
- 5.24 In terms of the building's setting, the surrounding area is diverse in terms of architecture styles and notwithstanding its designation as a conservation area, is characterised predominantly by post war developments of limited architectural quality following significant WWII bomb damage and subsequent clearance. Despite its industrial past as a bottling plant and occupying a relatively large footprint, Brewery House forms a relatively subservient feature within the street scene sitting below the ridgelines and neighbouring blocks of flats. The full extent of the building's depth is only apparent from limited positions on Hambrook Street and Copper Street to the east.
- 5.25 As a result of the roof form, height and use of materials, the resultant building would appear far more prominent within the street scene. However, this additional height and bulk is not considered to be harmful and would establish the building of greatest architectural and historic significance within the immediate area as a focal point at the wider junction of Hambrook Street and Cecil Place.
- 5.26 In line with the requirements of NPPF Paragraph 189, the applicant has submitted a Heritage Statement in support of the application which explores the history and significance of the Brewery House and the potential impact the proposal would have both on the significance of the non-designated heritage asset and the wider conservation area. The Statement concludes '*...the significance of the building derives from its former industrial use as a brewery... the building itself, which is locally listed, would be considered to be of Low Heritage Significance / Value and the Conservation Area, in which it is located is considered to have Medium Heritage Significance / Value...The change of use and subsequent changes to the building façade would allow for a viable use of the building, securing its use for future years. The main features associated with the buildings history as a brewery will be retained, whilst contemporary elements will be added with the proposed materials being industrial in nature. Considering the merits of the building*

alongside the proposed changes, the impact will be negligible/low and the proposal would not have any detrimental impact upon the historic integrity of the building or the character of the Conservation Area'.

- 5.27 It is agreed that the significance of Brewery House is derived from its former industrial use, representing almost the only surviving fragment of several large breweries within the city, and the quality of its original decorative brick facades. As a result of the development, the building will be larger and more prominent within the street scene changing the character and appearance of the conservation area within this locality. However, the tests set out within the NPPF and Section 72 of LBCAA 1990 are not whether a development changes the character and appearance of a conservation area or setting of a heritage asset, but whether it preserves or enhances the character and appearance of the conservation area and the significance of non-designated heritage assets.
- 5.28 In light of the specific judgements that have been made above in terms of design quality, and relationships with adjoining properties and the street scene, it is considered that the changes to the heritage assets would not be harmful and that the proposal would be seen to preserve the character and appearance of the conservation area and the significance of the non-designated heritage assets. As such, the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.
- 5.29 In reaching this conclusion significant weight has been placed on the specific design concept, the architectural detailing and high quality materials and finish indicated within the application drawings and supporting information. Deviation from these particulars could compromise the overall design concept resulting in a materially different proposal for which a separate judgement of impact would need to be made. To ensure the development is delivered as indicated, planning conditions seeking precise construction drawings of key architectural features and details of materials and finishes are considered necessary and reasonable.
- 5.30 Standard of accommodation and Impact on residential amenity
- 5.31 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 5.32 The sizes of the proposed dwellings in comparison to the NDSS requirement is set out below:
- Four x 1-bed/2 person dwellings - 50.01 - 50.75sq.m. (NDSS requirement - 50sq.m.)
 - Thirteen x 2-bed/3 person dwellings - 61.03 - 63.86sq.m. (NDSS requirement - 61sq.m.)
- 5.33 All of the dwellings would meet the required space standards, including individual room sizes, and would also benefit from additional storage facilities at basement level. Units at upper ground floor level would benefit from high ceilings and those located to the north, west and south facing elevations would benefit from large windows offering a good degree of natural light and outlook. Whilst none of the units benefit from any external amenity space, this would not be possible to achieve as a result of the building's original design. The site is however, a short walk from large external amenity spaces along the seafront.
- 5.34 Flat No.8 benefits solely from east facing windows which face directly onto the flank elevation of St. George's Court, a 3-storey building providing sheltered housing for the elderly, across a public footway ranging between 3.75 and 4.8m in width. Whilst this is not

an ideal relationship and would not provide the highest standard of outlook, as a result of the size of the windows, the dwelling would benefit from sufficient levels of natural light and are considered to be acceptable given the historic character of the building and the existing relationships that exist. Whilst flat No.14 would have a similar layout to No.8, it would look across the roof slope of St. George's Court and benefit from an improved quality of light and outlook.

- 5.35 All windows to the east elevation of Brewery House would face directly onto west facing windows serving St. George's Court across a distance of between 3.75 and 4.8m. Whilst no individual letters of objection have been received from the occupiers of St. George's Court, an occupier has contributed to the petition in objection to the proposal.
- 5.36 Based on the original floorplans for St. George's Court and a site visit, it appears that the majority of the windows within the west facing elevation of St. George's Court serve communal corridors. However, it would appear that two vertical columns of windows at ground, first and second floor level towards the Hambrook Street and Copper Street frontages would serve bedrooms.
- 5.37 At ground floor level, direct views are already afforded towards these windows in St. George's Court from within the public realm and as such, the proposed development is unlikely to result in significantly different impact. It was observed at the site visit that windows at first floor level positioned opposite the bedroom windows at St. George's Court, would offer direct and short distance views towards neighbouring bedrooms, with more oblique views gained from other windows. The existing windows within Brewery House are largely obscure glazed, although they are opening and there are no planning conditions seeking their retention as obscure glazed.
- 5.38 Whilst the LPA recognises concerns, it must be acknowledged that these are existing relationships and no new window openings are proposed within the original part of Brewery House. New windows within the roof extension would align with those below, although as a result of differences in floor levels, future residents going about their general day to day activities would typically have an outlook across the roof slope of St. George's Court. It is accepted however, that they would offer the ability to look down into neighbouring windows.
- 5.39 Having carefully considered the proposed floorplans, it is apparent that the greatest potential for direct views from habitable rooms within Brewery House to bedroom windows within St. George's Court would be from the northernmost living room windows of flats 8, 9, 13 & 15. Given the more intensive nature of the proposed use, it is considered that the potential for overlooking and associated loss of privacy from these windows would be significant.
- 5.40 On the basis, flats 8, 9, 13 & 15 would benefit from a outlook from other windows within these rooms, it is considered necessary and reasonable to impose a planning condition require the aforementioned windows to be obscure glazed and non-opening below 1.7 metres in height. Whilst other windows within Brewery House would continue to offer oblique views towards the same bedroom windows within St. George's Court, these would not result in significant harm and similar conditions are not considered to be necessary.
- 5.41 Having regard to the existing presence of windows within Brewery House and views out towards dwellings to the north and west across public highways and communal open garden spaces, it is not considered that the proposal would result in significant overlooking and privacy issues to the occupiers of these dwellings.
- 5.42 The additional storey would increase the overall height of the building to approximately 11.7 metres on the north and south facing elevations, varying in height along the east and west elevations. However, having regard to the degree of separation to dwellings to the

north, which incorporate south facing balconies (c.13m window to window, c.12m window to balcony), and the west (c.7m), and the existing close relationship with St. Georges Court, it is not considered that the proposal would result in any significant overshadowing or loss of light.

5.43 Affordable Housing

- 5.44 Policy PCS19 of the Portsmouth Plan requires all developments resulting in a net increase of eight or more dwellings to make provision for sufficient affordable housing which will contribute to meeting the identified need in the city. However, National Planning Policy Guidance was updated in November 2016 with the effect that LPAs could not seek contributions from developments of 10-units or less. This was later clarified within the NPPF (2019 - Paragraph 63).
- 5.45 The applicant has indicated that the development would be a form of 'Build to Rent' accommodation which is defined by the NPPF as: 'Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control. Whilst this type of accommodation has existed for some time, it has recently been recognised within the NPPF and further National Planning Policy Guidance has been published to clarify how this type of development should be considered and managed, and what form of affordable housing should be provided for this form of tenure.
- 5.46 As the Portsmouth Plan does not consider or provide any policy guidance in respect of 'Build to Rent' development, it is necessary to consider this aspect of the development in line with National Policy and Guidelines set out within the NPPF and NPPG accordingly.
- 5.47 The NPPG sets out that the type of affordable housing delivered as part of a 'Build to Rent' Development would, by default, be in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development would typically be managed collectively by a single build to rent landlord and do not need the separate involvement of a registered landlord.
- 5.48 The level of affordable housing is generally 20% affordable private rent homes provided and maintained in perpetuity. As set out within the NPPF, affordable housing for rent in this particular scenario should ensure that the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable).
- 5.49 Therefore, based on national policy and guidance, the level of affordable housing required in the form of affordable private rent homes from this development would be 20% equating to 4 dwellings (3.4 rounded up to 4) with a pro-rata mix of one x 1-bed dwelling and three x 2-bed dwellings.
- 5.50 Portsmouth No affordable housing is proposed on site with alternative off-site provision proposed at 56 Arundel Street (ref.19/01919/CS3, also 'Build to Rent'), reported elsewhere on this agenda.
- 5.51 The applicant's argument, that this site cannot provide any form of affordable housing due to the low numbers of affordable units makes the management and maintenance of two separate tenures less practical, holds limited weight when typically there is no justifiable reason to segregate any form of affordable housing from market housing. However the argument that a combined affordable housing provision at Arundel Street would be more

suited with larger units, an additional unit, access to external amenity space (balconies) and closer access to shops, services and transport links is afforded significant weight.

- 5.52 The proposal would be CIL liable. Subject, therefore, to conditions to secure the affordable housing the application is recommended for approval. In the event that 19/01919/CS3 is refused then in the officer's opinion this would have a direct effect on this proposal.
- 5.53 Based on the submitted drawings for both schemes, in lieu of the 4 affordable private rent units at Brewery House (1 x 1-bed dwelling at 50sq.m. and 3 x 2-bed dwellings at 62sq.m.), 5 affordable rent units (29.4%) are proposed as an off-site provision at Arundel Street. This would comprise 1 x 1-bed dwelling at 55sq.m. and 4 x 2-bed dwellings at 72sq.m. all benefitting from balconies.
- 5.54 Whilst the LPA would prefer the provision of affordable housing on-site within all developments, there are situations where an alternative off-site provision or a commuted sum may be acceptable. In this particular instance, having regard to the relatively few affordable dwellings required at the application site, and placing significant weight on the increased number of units offered at Arundel Street which are larger and benefit from some limited external space, it is considered that the alternative provision would be acceptable in this instance. Whilst the development would not deliver a typical form of Affordable Housing seen previously within the city, it is nationally recognised and considered appropriate to meet the needs of individuals wishing to rent, or unable to buy.
- 5.55 There is a possibility that developments at the two sites (Brewery House and 56 Arundel Street) could progress at significantly different rates. Therefore, it is considered necessary and reasonable to impose a planning condition seeking a full scheme of affordable housing, which sets out scenarios where the affordable housing provision could be delivered on or off-site depending of development schedules, to be submitted to and approved by the LPA. This scheme will address the issues re occupancy and rent levels raised by our Housing colleague.
- 5.56 Highways and Parking
- 5.57 The development is not considered to be of such a scale that would have a material impact on the operation of the local highway network in terms of trip generation and no concerns in this respect are raised by the LHA.
- 5.58 The application site is located within Resident Parking Zone 'KB' and parking is controlled on street to those with residents' permits or limited to a maximum stay of 2 hours. Very few properties within the surrounding area benefit from off-street parking facilities and parking is generally on-street parallel to the footway. The Local Highways Authority (LHA) highlight that the residents' parking scheme was introduced to improve residential amenity arising from the excessive demand for on street parking where the demand exceeds the space available, particularly overnight and at weekends.
- 5.59 Occupiers of the proposed dwellings would be eligible for on-street parking permits within the 'KB' zone which at the time of writing had a capacity of 113 spaces and 106 valid permits.
- 5.60 The Portsmouth Parking Standards SPD sets out the expected level of parking provision that should be included within new residential developments. The LHA highlight that whilst the development is located between two areas of high accessibility as defined within the SPD, the site is not located in part of the city found to be sufficiently accessible to allow consideration of a reduction in the parking demand. That does not necessarily mean that each site must provide off road parking sufficient to meet the parking expectation. The SPD explains that 'the council recognises that, given the nature of available development sites in the city, it will not always be physically possible to accommodate the expected

standard on site. In some cases, it may not be possible or appropriate to provide any on-site parking at all'. However that does not mean that developments without adequate parking facilities will be acceptable, rather that the LPA need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home.

- 5.61 The parking requirement for the proposed development would be 23.5 (24) spaces with a cycle parking requirement of 30 long stay spaces and 3 short stay spaces. No parking is proposed as part of this development and any demand arising from the development would need to be found elsewhere.
- 5.62 The application is supported by a Highways Technical Report which details the results of parking surveys which took place on 17th & 18th March 2020. The LHA highlight that the survey was not carried out in accordance with PCC guidelines or adequately evidenced, and regard the reporting of 154/161 spaces as 'not credible' given that this area is well known to be one where the local demand for residential parking exceeds the space available. It is also noted that the surveys took place during a period of restricted movements associated with the Covid-19 Pandemic which raises further doubts on the reliability of the survey results.
- 5.63 In the absence of adequate on-site parking provision or justification for a reduced provision, the LHA conclude that proposal would 'significantly increase the local parking demand by 23.5 spaces making it more inconvenient for local residents to find a place to park with the consequent implications for residential amenity and will result in both instances of vehicles being parked indiscriminately and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution'.
- 5.64 Whilst the comments of the LHA are noted, the weight given to them must be limited as they do not concern highway safety. The planning assessment of this application must strike a balance between the matters raised by the LHA, the policy presumption in favour sustainable development, the contribution the development would make towards meeting the city's identified housing need as set out within Policies PCS10, PCS19 and PCS21 of the Portsmouth Plan and the benefits to securing the long term viable use of a Locally Listed Building.
- 5.65 The site is not within the most accessible area of the city, located more than the suggested walking distance (800m) from a station. However, it is situated within a short walk/cycle of a wide range of shops, services and recreational facilities that would offer future residents the opportunity to reside at the site without the need to own a private vehicle where this part of the city is relatively flat and compact. Latest 'KB' parking zone figures also suggest there is some limited capacity to accommodate residents who do choose to own a vehicle. The development would provide excellent cycle storage space in the basement, facilitated with a bicycle ramp installed onto the flight of stairs.
- 5.66 The LHA raises concerns about residential amenity and air quality. These are planning matters for the Local Planning Authority's judgement, they are not technical highway matters. Fundamentally, the LHA raises no objection on the grounds of highway safety, so there are no highway grounds to object to the application.
- 5.67 In light of the assessment above it is considered that the significant benefits arising from the proposal in terms of its contribution towards the city's housing need including the provision of affordable housing, and the repurposing and long term viable use of a Locally Listed Building would clearly outweigh any possible impacts on local parking pressure that might result from the residential development.
- 5.68 In reaching this conclusion regard is also made to the 'local climate emergency' which was declared by Portsmouth City Council in March 2019 with a priority to make the city cleaner,

safer and greener reducing Portsmouth's Scope 1, 2 and 3 emissions to net zero by 2030. Encouraging active travel forms part of this strategy, and I am not persuaded that any resultant driving around looking for parking spaces would result in a material difference to air quality.

- 5.69 The site does not benefit from a curtilage to accommodate a site compound during development works, is bounded on all four sides by carriageways and footways and is situated close proximity to a number of sensitive uses. It is therefore, considered necessary and reasonable to impose a planning condition seeking the submission and approval of a Construction Environmental Management Plan to minimise impact on the surrounding highway network and neighbouring residential occupiers.
- 5.70 Following the submission of further information, the LHA is satisfied with the proposed bicycle storage facilities which can be secured through an appropriately worded planning conditions.
- 5.71 The City Council's Waste Team is satisfied with the refuse storage facilities both in size of size and location.

5.72 Flood risk and drainage

- 5.73 At the date of submission the application site was partially located within Flood Zone 2. However, as a result of updated mapping by the Environment Agency, the site is now shown to be located entirely within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 5.74 The application is however, supported by a Flood Risk and Drainage Strategy which concludes that the overall risk of flooding from surface water within the site boundary is low, and the overall risk of flooding from groundwater within or in the vicinity of the site is also considered to be low, although the risk to the Brewery House basement is medium.
- 5.75 The Assessment also highlights that, taking into account sea level rise as a result of climate change, by 2115 a 1-in-200 year flood is predicted to reach a level of 3.62m AOD. As the ground floor level of the building, which is approximately 1m above pavement level, will be 4.33m AOD or 710 mm above the 1-in-200 year flood event in 2115, it is considered that the development would not result in an increased risk of flooding at the site or the adjoining area.
- 5.76 The application has been considered by the City Council's Drainage Team who raise no objection to the development in principle, although highlight the need to consider protection measures aimed at reducing the risk of flooding at basement level from the backing-up of the combined sewer network (as highlighted in the Flood Risk and Drainage Strategy) and the use of flood resilient construction methods. It is also considered necessary to restrict the use of the basement for ancillary storage purposes associated with the dwellings at upper floor levels.

5.77 Sustainable Design & Construction

- 5.78 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient. Following a Ministerial Statement on 25th March 2015, the former policy requirements to meet Code for Sustainable Homes Standards were superseded with a requirement to achieve a standard of energy and water efficiency above building regulations standards, as follows:
- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations

- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).
- 5.79 The Design and Access Statement highlights that the proposal would upgrade the existing thermal envelope of the building including the installation of further insulation and new windows and would incorporate mechanical ventilation with heat recovery and solar panels within the roof valleys.
- 5.80 These measures would ensure that the energy usage of the development is minimised and a condition would be imposed to ensure that the necessary level of energy and water savings are achieved in accordance with Policy PCS15. Given the specific design of the building's roof structure, a condition is also proposed to ensure that the solar PV and associated equipment required for maintenance purposes does not detract from its visual appearance.
- 5.81 Impact on nature conservation interests
- 5.82 The Conservation of Habitats and Species Regulations 2017 [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.
- 5.83 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 5.84 1. The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.
- 5.85 Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £8,106.00 (4 x 1-bedroom units @ £356.00 plus 13 x 2-bedroom units @ £514.00). The adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that with mitigation secured by way of condition, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.
- 5.86 2. Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.

- 5.87 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.88 The applicant's Nitrate Neutrality Statement briefly explores options 1 & 2 set out within the INNMS and concludes that neither are viable for this particular development. The developer has concluded that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.89 The LPA has agreed that the applicant can seek to acquire 'credits' from the 'Mitigation Credit Bank'. Based on the methodology set out within the INNMS, to fully mitigate the increased levels of nitrogen input to the water environment within the Solent, the applicant will require credits equivalent to 13.2kg/TN/yr which has been identified as the net increase in the total nitrogen.
- 5.90 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), and subject to mitigation being secured in line with the INNMS through an appropriately worded planning condition the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would not therefore affect the integrity of the SPA through deterioration of the water environment.
- 5.91 Given the limited availability of mitigation 'Credits', the difficulty of calculating future projections and to ensure that development continues to take place with the associated economic benefits and the provision of new homes, it is also considered necessary and reasonable to restrict implementation period of any permission to one year.
- 5.92 A Phase 1 Ecological Survey report (Ecosupport Ltd. - February 2019) has been submitted by the applicant and considered by the LPA's Ecologist. Whilst agreeing that the building is of negligible ecological value for bats, it is highlighted that the flat roof areas are suitable for nesting gull species such as black-headed gull, which are protected while breeding. It, is however agreed that the report conclusions and mitigation proposed is considered to be acceptable subject to the inclusion of informatives relating to the potential presence of bats and nesting birds, and best working practises.
- 5.93 Conclusion
- 5.94 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would provide 17 new dwellings with an affordable housing provision contributing towards the city's identified housing need, and would ensure the long term viable use of an important heritage asset.
- 5.95 The overall design approach is both bold and ambitious. The contemporary designed roof, bay windows and entrance features would integrate and complement the interesting and detailed brick facades of the original building maintaining and reinforcing its industrial heritage and ensuring that one of the last surviving fragments of several large breweries within the city is retained. The design is considered to be of a sufficiently high quality to ensure that the special architectural and historic interest of the Locally Listed Building and the character and appearance of the 'Castle Road' Conservation area is preserved.
- 5.96 The development would not provide further parking provision and would likely place additional pressure on existing on-street facilities within the 'KB' Residents' Parking Zone.

However, the development makes good provision for bicycles and is located a short walk/cycle of a wide range of shops, facilities and recreational activities. Having regard to the wider benefits of the development, it is not considered that an objection on parking grounds could be sustained.

- 5.97 Having regard to the existing presence of the building including windows on all elevations, it is not considered that the proposal would result in significant harm to the amenity of neighbouring occupiers, particularly those to the east in terms of loss of privacy and light; and there is adequate separation distances to neighbouring properties to the north, west and south to mitigate any significant concerns in respect of overbearing impact or overshadowing.
- 5.98 With planning conditions to secure mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent, it is considered that the proposal would meet the definition of sustainable development as set out within the NPPF.
- 5.99 With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met:
- 5.100 Test (i) (and Paragraph 177) - this test is relevant due to the potential recreational disturbance around the shorelines of the harbours, from increased levels of nitrogen and phosphorus entering the Solent water environment and the potential for disturbance to a protected species. In short, the Applicant seeks to address both through the Solent Recreation Mitigation Strategy and the Council's Interim Nutrient-Neutral Mitigation Strategy.
- 5.101 Test (ii) - the development would provide 17 new dwellings to help meet the city's housing supply, which is currently below the required 5 year total. Whilst the concerns of the Local Highways Authority in relation to the absence of adequate parking facilities is noted, and minor concerns are raised in respect of privacy, it is considered that any impacts of the development would not 'significantly and demonstrably outweigh the benefits' of the proposal when assessed against the policies in the NPPF taken as a whole.

RECOMMENDATION Conditional Permission

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 1 year from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA nitrates mitigation.

Approved Plans:

- 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:
P19053-RFT-00-00-DR-A-0100 Rev-P01;
P19053-RFT-00-00-DR-A-0120 Rev-P01;
P19053-RFT-00-03-DR-A-0204 Rev-P01;
P19053-RFT-00-ZZ-DR-A-0200 Rev-P07;
P19053-RFT-00-ZZ-DR-A-0201 Rev-P05;

P19053-RFT-00-ZZ-DR-A-0300 Rev-P03;
P19053-RFT-00-ZZ-DR-A-0301 Rev-P03;
P19053-RFT-00-ZZ-DR-A-0401 Rev-P01;
P19053-RFT-00-ZZ-DR-A-0402 Rev-P01.

Reason: To ensure the development is implemented in accordance with the permission granted.

Land Contamination - Remediation:

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

a) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model); and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA; and

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). 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 once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA; and

c) A Phase 3 remediation method statement report detailing the remedial scheme 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 BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

Land Contamination - Verification:

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. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions (3)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

Construction Environmental Management Plan:

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

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

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers having regard to the absence of any site curtilage and proximity to sensitive uses in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Materials & Finishes:

6) (a) Notwithstanding the submitted details, no development works affecting the external appearance of the building shall commence until a detailed schedule of materials and finishes (including samples as requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and (b) The development shall thereafter be carried out in full accordance with the schedule approved pursuant to part (a) of this condition.

Reason: In the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Design - Architectural Detailing:

7) (a) Notwithstanding the submitted details, no development works affecting the external appearance of the building shall commence until precise constructional drawings of key architectural features at a 1:10 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:

- Precise window fabrication including: frame dimensions, method of opening, glazing bars, colour treatment, reveal depth;
- Gable/pediment build-up to the northern elevation including: brick bonding pattern, reveal depths, headers, string course, copings;
- Roof extension including: Cladding profile, corner detailing, window reveals/surrounds, junctions with existing copings, roof trims;
- Bay window features to southern elevation including;
- All door and surround details;

(b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: In the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Flood Risk:

8) (a) No development works associated with the basement shall commence until a scheme of flood protection measures aimed at reducing the risk of flooding at basement level from the backing-up of the combined sewer network through floor gullies and details of flood resilient construction methods has been submitted to and approved in writing with the Local Planning Authority.

(b) The development shall be carried out in full accordance with the scheme of flood protection measures and flood resilient construction methods approved pursuant to part (a) of this

condition, completed prior to first occupation of any dwelling hereby permitted and thereafter permanently retained.

Reason: To reduce the risk of flooding at the site and associated damage to the building and property in accordance with aims and objectives of the National Planning Policy Framework (2019) and Policies PCS12 and PCS23 of the Portsmouth Plan (2012).

Solar PV Equipment:

9) (a) Prior to the installation of any solar PV equipment, precise details including design, location, projection from the roof plane, and method of maintenance including any associated equipment shall be submitted to and approved in writing by the Local Planning Authority; and (b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: In the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Affordable Housing Provision:

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until a scheme for the provision of affordable housing as part of the development on-site, or as an alternative off-site provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing set out within the National Planning Policy Framework (2019) or any future guidance that replaces it; and (b) Unless otherwise agreed in writing with the Local Planning Authority, no more than 13 (units to be agreed on a pro-rata basis) of the dwellings hereby permitted shall be occupied until the affordable housing provision has been provided in accordance with the scheme approved pursuant to part (a) of this condition; and (c) Unless otherwise agreed in writing with the Local Planning Authority, the affordable housing provision shall be retained in accordance with the scheme approved pursuant to part (a) of this condition.

Reason: To ensure the provision of affordable housing in accordance with the aims and objectives of Policy PCS19 of the Portsmouth Plan (2012) of the National Planning Policy Framework (2019) and associated guidance.

Mitigation - Special Protection Areas:

11) (a) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have been submitted to and approved in writing by the Local Planning Authority; and (b) The development shall then be carried out in full accordance with both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Sustainable Design & Construction:

12) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: 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 (2012).

Obscure Glazing

13) All windows marked with an asterisk (*) and annotated as 'Obscure glazed' within flats 7, 9, 13 & 15 as shown on the approved drawings shall be both glazed with obscure glass (to at least Pilkington Grade 3 or equivalent) and be non-opening to at least 1.7 metres above internal finished floor levels of the room in which the window is installed and thereafter permanently retained in that condition.

Reason: To protect the privacy of the occupiers of adjoining properties having regard to the relative position, alignment and distance to neighbouring bedroom windows within St. George's Court in accordance with Policy PCS23 of The Portsmouth Plan.

Bicycle storage Facilities:

- 14) (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) facilities for the storage of bicycles shall be provided in accordance with approved drawings (with the addition of a bike access ramp to the basement staircase) and made available for use by the residents associated with the development hereby permitted; and
- (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan (2012).

Refuse Storage Facilities:

- 15) (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) facilities for the storage of refuse and recyclable materials shall be provided in accordance with approved drawings and made available for use by the residents of the development hereby permitted; and
- (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Storage Facilities:

16) The storage spaces at basement level (annotated as Flat 1- Flat 17 storage) shall be used for incidental and ancillary storage purposes (including bicycle storage) for the corresponding dwellings hereby permitted as shown on the approved drawings and retained thereafter solely for that purpose.

Reason: In the interests of residential amenity and potential risk of flooding in accordance with aims and objectives of the National Planning Policy Framework (2019) and Policies PCS12 and PCS23 of the Portsmouth Plan (2012).

Biodiversity Enhancements:

17) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the 'Requirements, Recommendations and Enhancements' set out in Section 6 of the Phase I Ecological Survey (ecosupport limited, February 2019) addressing protected species, bats and nesting birds.

Reason: To produce a net gain in biodiversity value at the development site in accordance with Policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2019).

External Equipment:

18) Unless otherwise agreed in writing with the Local Planning Authority, other than those shown on the approved drawings, no externally mounted flues, ducts, soil stacks, soil vent pipes, pipes or utility boxes/cabinets shall be installed on any elevation of the building.

Reason: To reduce visual clutter in the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

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.

69 STANLEY AVENUE PORTSMOUTH PO3 6PL

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION

Application Submitted By:

Mr Danny Murch

RDD: 27th December 2019

LDD: 21st February 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to the applicant's partner being an employee of Portsmouth City Council.

1.2 The main issues for consideration are;

- Principle of Development
- Design
- Impact upon Neighbouring Amenities
- Contaminated Land

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surrounding Area

1.5 The application site is occupied by a two-storey end of terraced dwelling. This is constructed of brick work at ground floor level and render at first floor. The property has bay windows at both ground and first floor with white upvc fenestration and a glazed porch area to the frontage. The site is set back by a small forecourt which is bound by low level brick wall as a means of boundary treatment. To the rear, there is an existing extension which is tight to the eastern boundary and set in from the western boundary. The rear gardens are bound by close board fencing.

1.6 The surrounding area is characterised by other residential properties of the same similar styles and design of property whereby there is a sense of uniformity throughout.

1.7 Proposal

1.8 The application proposes the addition of single storey rear extension to replace the existing.

1.9 At present the rear extension projects 4m from the rear elevation, measuring 2.8m in width. It has a mono-pitched roof with eaves measuring approx. 2m and an overall height of approx. 3.5m.

1.10 The proposed extension would project 5m from the rear elevation, spanning the full width of the dwelling (5.2m) and would have a flat roof measuring 3.3m in height and would also include a roof lantern.

1.11 Relevant Planning History

1.12 None

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

3.0 CONSULTATIONS

3.1 Contaminated Land Team

3.2 Preliminary comments received 7 February 2020 recommended the imposition of pre-commencement conditions.

3.3 Following correspondence between the agent and contaminated land team, comments received 14 April 2020 recommend that a conditions be imposed detailing information prior to the extension being brought into first use and an informative be imposed on a positive recommendation.

4.0 REPRESENTATIONS

4.1 Publicity dates (full Covid-19 lockdown started 24 March 2020).

4.2 Neighbour letters sent: 10 January 2020; expiry: 31 January 2020

4.3 One representation has been received. It comments about ownership of adjoining walls and any costs which are applicable and foundations being disturbed/ damaged.

5.0 COMMENT

5.1 The main considerations within this application are:

- Principle of Development
- Design
- Impact upon Neighbouring Amenities
- Contaminated Land

5.2 Principle of Development

5.3 The application relates to an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

5.4 Design

5.5 Policy PCS23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate; design and size, appearing appropriate when read in context.

5.6 The proposed extension would project 5m from the rear elevation, spanning the full width of the dwelling (5.2m) and would have a flat roof measuring 3.3m in height and would also include a roof lantern. The proposal would be constructed of materials to match the host dwelling. The proposed rear extension, whilst larger than the existing would still appear as an appropriate and subservient addition, thus being considered in accordance with PCS23 of the Portsmouth Plan.

- 5.7 Impact upon Neighbouring Amenities
- 5.8 Policy PCS23 requires new development to be respectful with regard to the neighbouring amenities, ensuring that the impact upon them would not be harmful.
- 5.9 The application proposes the replacement of a rear extension. At present there is a single storey rear extension projecting 4m from the rear elevation with a maximum height of 3.5m. From the proposed floor plans submitted it appears to show that the proposed extension would project approx. 1m further than the neighbouring extension to the east and approx. 2.4m from the neighbouring property to the west.
- 5.10 The proposed extension is not considered to have a significant impact upon the neighbouring property, given that there is already development tight to this shared boundary. The modest impact of the further 1m projection of the proposed extension would not be considered to have an adverse impact upon the amenities of the neighbouring property, and therefore would be acceptable in this regard.
- 5.11 The neighbouring property to the west also has an extension tight to the shared boundary with the application site, however at present the existing extension is set in from this boundary. The proposal would result in an extension tight to this boundary projecting approx. 2.3m further than that of the neighbouring extension. The proposed extension would have a flat roof measuring approx. 3.3m in height. Whilst there would be an increase in footprint of the extension, and would be located tight to the boundary, due to its overall height the proposal is not considered to have an overbearing impact upon this neighbouring amenity.
- 5.12 Overall the proposed extension, due to its dimensions and siting, combined with existing development and boundary treatments, considered to be acceptable with regard to the neighbouring amenities.
- 5.13 Contaminated Land
- 5.14 The site has been identified as a consultation zone for the Contaminated Land Team (CLT). Initially CLT advised that pre-commencement conditions be imposed upon a positive recommendation. The applicant was asked whether they would be agreeable to the imposition of the pre-commencement conditions, in line with the Pre-Commencement Condition Regulations 2018. Following this, the agent has since provided further information regarding the proposed works, whereby CLT have amended the pre-commencement conditions and suggested an alternative conditions be included in lieu. Therefore, and to conclude, a condition and informative are recommended to be attached, to ensure that the proposal would be acceptable in this regard.
- 5.15 Conclusion
- 5.16 To conclude, the proposal is considered to be in line with both local and national policies and is recommended for approval subject to conditions.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 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: 5321/1, 5321/2, 5321/3 and Site Layout Plan.

Reason: To ensure the development is implemented in accordance with the permission granted.

Contaminated Land

- 3) The extension hereby permitted shall not be 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 'Stanley Ave Gas Membrane Detail A Dunks 5321-5 dated April 2020, 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 the remedial scheme including:
- as built drawings;
 - any necessary evidence to confirm implementation of the approved remediation scheme (e.g. photographs of the remediation works in progress); and
 - certification / waste disposal records for any materials removed off site.

Reason: 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.

Materials

- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

29 MARINE COURT SOUTHSEA PO4 9QU

CONSTRUCTION OF TWO STOREY SIDE EXTENSION

Application Submitted By:

Both Creative
FAO Mr Bob Bramble

On behalf of:

Mr & Mrs M Botha

RDD: 11th December 2019

LDD: 27th February 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to the applicant being an employee of Portsmouth City Council.

1.2 The main issues for consideration are;

- Principle of Development
- Design and Impact upon the Eastney Barracks Conservation Area
- Impact upon Neighbouring Amenities

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.4 Site and Surrounding Area**

1.5 The application site comprises an end of terrace dwellinghouse on the north eastern side of Marine Court, a residential cul-de-sac accessed off St George's Road. The properties are brick faced and three storey in height (the second floor level being contained within a mansard roof) with an integral garage. Properties throughout Marine Court have a strong sense of uniformity in terms of their design and materials. Some end of terrace properties have been altered with the addition of single-storey side extensions, including on the application site.

1.6 The site and wider surroundings lies within the 'Eastney Barracks' Conservation Area.

1.7 Proposal

1.8 Construction of two storey side extension.

1.9 The proposed extension would replace and enlarge an existing single storey side extension. The proposal would project 4.1m from the side elevation, measuring 7m in depth and 6.5m in height including a mansard style roof, with eaves measuring approx. 3m.

1.10 The extension would be set back approximately 2.5m from the principal elevation, and would include a dormer window at first floor level within the front and rear roof-slopes. The design of the proposed extension has sought to reflect the fenestration of the host dwelling, in terms of roof style, fenestration and proposed materials to match the existing.

1.11 Relevant Planning History

1.12 A*32472 - 2 STOREY EXTENSION - Refused (09.04.1984)

Whilst it is noted that there was a previous refusal, following the submission of amendments within this current scheme, the proposal has addressed concerns relating to design and impact upon the wider surrounding Conservation Area.

1.13 A*32472/A - SINGLE STOREY SIDE EXTENSION - Permission (25.06.1984)

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

2.2 Other Guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance

3.0 CONSULTATIONS

3.1 None.

4.0 REPRESENTATIONS

4.1 Publicity dates (full Covid-19 lockdown started 24/3/20)

4.2 Site Notice displayed: 13 January 2020

4.3 First consultation was 7 January 2020, which expired on 28 January 2020. 4 no. representations were received; 1 no. support and 3 no. objection summarised as follows:

- Loss of light
- Loss of privacy
- Loss of outlook/ view
- Bulk/ overbearing size

4.4 There have been several amended plans, which have been re-consulted upon. The most recent consultation period of the plans subject to a positive recommendation, was: 24 April 2020, which expired 15 May 2020.

4.5 Following this re-consultation 3 no. objections have been received, summarised below:

- Loss of light
- Loss of privacy
- Loss of outlook/ view
- Bulk/ overbearing size

5.0 COMMENT

5.1 The main considerations comprise:

- Principle of Development
- Design and Impact upon the Eastney Bararcks Conservation Area
- Impact Upon Neighbouring Amenities

5.2 Principle of Development

5.3 The application site is an existing dwellinghouse, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

5.4 Design and Impact upon Conservation Area

5.5 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate design and size, and appearing appropriate when read in context.

5.6 Due to the location of the application site falling within the Eastney Barracks Conservation Area (No.17), when determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5.7 The application proposes a two-storey side extension. At present, there is a single storey side extension and the proposal would see the footprint of the existing extension increased with an additional storey.

5.8 Throughout the planning application process, the scheme has been amended. Initially the application proposed a pitched roof two-storey extension, including a Juliet balcony to the principal elevation, and fenestration which poorly related to the character of the host dwelling, and surrounding Conservation Area. The application has sought to include a mansard style roof including fenestration to reflect the design of the host dwelling, as well as significantly reducing the height of the eaves (1.8m reduction in height). The amended proposal would result in a two-storey extension with a maximum height of 7m, which would sit subserviently below the main ridge height of the host dwelling. The proposed extension would seek to reflect the design of the host dwelling in terms of its roof form and fenestration to the front and rear elevations.

5.9 The proposal would also incorporate 2 no. high level windows, at first floor level and bi-fold doors at ground floor level on the eastern elevation. Bi-fold doors are also proposed on the rear elevation at ground floor level. The proposed materials for fenestration would match the existing, with the proposed windows at first floor level, proposing to reflect the design of the existing at first floor on the front and rear elevations.

5.10 In terms of design, the proposal, following amendments, now seeks to reflect the character and appearance of the host dwelling, also incorporating materials to match the existing. Having regard to the appropriate design of the extension, its subservient size and set back from the principal elevation, the development is considered to preserve the character of the Eastney Barracks conservation area. The requirements of paragraphs 193-202 of the NPPF, which seeks to address the significance of any harm caused by development, would therefore not be applicable in this instance. Therefore and to conclude, the overall design of the proposed extension is considered to be acceptable and in line with national and local policies.

5.11 Impact Upon Neighbouring Amenities

5.12 It is noted that there has been a few objections received with regards to the proposed two-storey extension. The main concerns are that the proposal would be overbearing and cause a loss of light and privacy. To address the concern about loss of light, the Agent has submitted

shadow diagrams which have demonstrated that any resulting loss of light from the proposed extension to No.30 Marine Court, would not be significantly greater than the existing situation.

- 5.13 Whilst the proposed two-storey extension would be greater in depth, when compared to the existing extension, it would still maintain a distance from the boundaries, being set in from all; front, rear and side boundaries, further to this, the site does benefit from a side/ rear garden. At the date of the site visit the site was bound by low level fencing to the rear and some mature vegetation, where it was noted that some of the existing trees had been topped, which previously would have provided further screening to the application site. In a recent passing, however it was noted that the rear of the application site was bound by 2m close board fencing.
- 5.14 The proposed two-storey extension would be set in from the rear boundary of the site and would be separated from the nearest dwellings to the north by St Georges Road. The nearest property to the north would be approximately 15.5m away. Given this separation, it is not considered that the proposal would have a detrimental impact upon the neighbouring amenities to the north.
- 5.15 The main property that could be affected by the development is No.30 Marine Court to the east of the site, due to the two-storey nature of the proposal. The proposal would, however, be set back from the frontage and extend towards the rear of the property, and would not project any further east than the existing extension. On this eastern elevation the application proposes bi-fold doors at ground floor level and 2 no. high level windows. The high level windows are unlikely to pose any threat of overlooking to the neighbour due to their height above floor level.
- 5.16 To conclude, the proposal is not considered to have a detrimentally harmful impact upon the neighbouring amenities, thus would accord with the requirements of PCS23 of the Portsmouth Plan.
- 5.17 Conclusion
- 5.18 The proposed extension is considered to be acceptable in terms of its design in relation to the host dwelling and would preserve the character and appearance of the Eastney Barracks Conservation Area. The extension is also not considered to have any significant impact on the amenities of neighbouring residents. The proposal is therefore in line with both local and national policies and is recommended for permission subject to conditions.

RECOMMENDATION

CONDITIONAL PERMISSION

Conditions

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 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: 29 Marine Court, Southsea, Portsmouth, PO4 9QU Site Location Plan, 29 Marine Court, Southsea, Portsmouth, PO4 9QU Block Plan, 141119/pl1, and 141119/pl2B.

Reason: To ensure the development is implemented in accordance with the permission granted.

Materials

- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

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