

PLANNING COMMITTEE

17 AUGUST 2016

1 PM CONFERENCE ROOM A,
2ND FLOOR, CIVIC OFFICES

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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01

16/00724/FUL

WARD:ST THOMAS

51 HUDSON ROAD SOUTHSEA PO5 1HB

CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO HOUSE IN MULTIPLE OCCUPATION FOR UPTO 7 PEOPLE (SUI GENERIS)

Application Submitted By:

Thorns Young Ltd
FAO Mr Sam Appleton

On behalf of:

OMPD Ltd
FAO Mr James Oliver

RDD: 5th May 2016

LDD: 5th July 2016

SUMMARY OF MAIN ISSUES

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

The Site

The application relates to a two-storey mid-terraced property located to the northern side of Hudson Road just to the west of its junction with St. Andrews Road. The property fronts directly onto the back edge of the pavement and comprises a kitchen/lounge, bedroom, bathroom and a toilet at ground floor, three bedrooms and a shower room at first floor level and three bedrooms within an extended loft space. The surrounding area is characterised by densely populated residential terraces.

Proposal

This application seeks planning permission to use the property as a 7 person house in multiple occupation (Sui Generis). The property currently has a lawful use as a Class C4 House in Multiple Occupation. Recent extensions at ground and roof level have been completed using the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

There is no planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs)

Supplementary Planning Document and the Parking Standards SPD would also be material to this application.

CONSULTATIONS

None

REPRESENTATIONS

At the time of writing, one letter of representation has been received from a local resident objecting on the grounds of: a) The Victorian properties were not designed for occupation by 7 or more who will be "transient and make little contribution to the community or supporting of local amenities"; (b) Too many students living within the area; and (c) The proposal is outside of Portsmouth City Council Guidelines regarding HMO density.

The application is referred to the Planning Committee as a result of a deputation request within the representation above.

COMMENT

The determining issues for this application relate to the suitability of the proposed HMO use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

Principle of the use

Planning permission is sought for the use of the property as a seven bedroom, seven person Sui Generis House in Multiple Occupation. The applicant has provided evidence and a Statutory Declaration from the previous owner of the property to demonstrate that the property was in use as a Class C4 HMO prior to the 1st November 2011 and has continued to be used as such until present. In combination with records held by the City Council, it is considered that, on the balance of probabilities, the property has a lawful use as a Class C4 HMO.

Having regard to the current lawful use as a Class C4 HMO, the proposed change of the use to a larger HMO (Sui Generis) would not result in an overall change to the balance of uses in the context of the surrounding area and would therefore, be in accordance with policy PCS20 of the Portsmouth Plan and the supporting HMO SPD.

Impact on residential amenity

The proposal involves the use of a ground floor extension and a loft extension to form additional bedrooms with communal facilities within a kitchen/lounge at the front of the property at ground floor level. Whilst the accommodation of additional occupants would lead to a more intensive occupation of property that could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow its occupation by up to six unrelated persons or by a family of an unrestricted size (by implementing its permitted development rights).

In considering an allowed appeal (October 2012) relating to this issue at 12 Beatrice Road (APP/Z1775/A/12/2177272) the Inspector stated that 'I do not consider that one additional resident would amount to an over-intensive use of the property. Having regard to the site's urban location and the density of housing in the area, such a small increase in occupancy would not have a significant impact on the intensity of activity in the surrounding area thereby affecting its character and appearance. Equally, an increase from six persons to seven would not result in a use demonstrably different from that already authorised. Any increase in activity, noise or disturbance is unlikely to be significant.' A further allowed appeal (December 2012) relating to

very similar issues at a property at 74 Telephone Road (APP/Z1775/A/12/2177629) stated that "the comings and goings, internal activity and resultant noise associated with one more person are not significant compared to the impact of the six that could reside in the property anyway". However, the Inspector did recognise that "if there were more than seven residents this would, of necessity, involve either the sharing of bedrooms or a significant reduction in the extent of the communal space to create additional bedrooms". The Inspector determined that "in these circumstances such a use would have an appreciably greater potential for resulting in undue noise and disturbance". As a result the Inspector imposed a condition limiting the number of residents to no more than seven "to protect living conditions".

The National Planning Policy Framework/Guidance advises that planning conditions should only be imposed where they would meet all of the following six tests: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Conditions limiting the number of persons who could occupy a property would be "unsatisfactory in enforcement terms since it would be difficult to monitor and require an intolerable degree of supervision". It is clear from the guidance that the condition imposed by the Inspector is not appropriate and fails the test of enforceability. Accordingly it is considered inappropriate for a similar condition to be imposed in this case. The applicant has however, confirmed that the property would only be occupied as a seven bedroom seven person HMO.

In light of the decisions above, it is considered that the occupation of the property by seven individuals rather than six would not result in any significant increase in noise and disturbance, and is unlikely to have a significant additional impact on the occupiers of adjoining or nearby properties.

Stepping away from the planning merits of the proposal, the use of the property as a Sui Generis HMO would also require a licence from the City Council's Private Sector Housing Team who would ensure adequate size standards, sanitary facilities and fire safety measures for future residents, and could provide assistance should the property not be managed appropriately.

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). However, given the current lawful use of the property, the view of the planning Inspector detailed above and the sites proximity to local shops, services and transport facilities, it is considered that an objection on car parking standards could not be sustained. It is also noted that a Residents' Parking Scheme operates in this area which would restrict the number of parked vehicles that could be associated with this property. In previous applications, it has been considered that as a property already benefits from a lawful use as a HMO it would not be reasonable to impose conditions requiring the provision of cycle or refuse storage facilities.

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwelling houses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD 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.

Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £176. As a result, it is considered that with mitigation and payment through an agreement under S111 of the Local Government Act there would not be a significant effect on the SPAs. The requirement for this payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £176 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of Culture and City Development to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan and PG.1009.16.SUI Rev-A.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

02

16/00975/FUL

WARD: HILSEA

8 FEARON ROAD PORTSMOUTH PO2 0NJ

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)

Application Submitted By:

Mr Colin Sarling

On behalf of:

Mr Colin Sarling

RDD: 14th June 2016

LDD: 12th August 2016

SUMMARY OF MAIN ISSUES

This application is being considered by the Planning Committee at the request of Councillor Harris.

Summary of main issues

The determining issue for this application is whether the principle of the development is acceptable given the existing number of HMOs in the area. The material consideration is whether the living conditions of nearby and adjoining residents would be adversely affected by the proposal, and whether any potential harm can be controlled by way of conditions.

Site and Surroundings

This application relates to a terraced property which is located on the eastern side of Fearon Road to the north of where the road adjoins with Stubbington Avenue. The surrounding area is characterised similar terraced properties. The ground floor comprises of a kitchen/diner, a bedroom with an ensuite and a conservatory. The first floor comprises of three bedrooms, an ensuite bathroom and another bathroom.

Proposal

The lawful use of the property falls within Class C3 (dwellinghouse) of the Use Classes Order. This application seeks to change the use of this property from Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). Normally, a change of use between Class C3 and Class C4 would be classed as permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On the 1st November 2011 however, Portsmouth City Council implemented an Article 4 Direction relating to HMOs. As a result, planning permission is now required for a change of use between Class C3 (dwellinghouse) and Class C4 (House in Multiple Occupation) where between three and six unrelated people share at least a kitchen and/or bathroom.

Planning History

There is no relevant planning history for this application.

POLICY CONTEXT

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

CONSULTATIONS

None

REPRESENTATIONS

26 letters of objection from local residents have been received. Their concerns are as follows: 1) family area, not suitable for HMO 2) parking 3) noise

COMMENT

The determining issues for this application relate to the suitability of the proposed C3/C4 use within the existing community and its potential impact upon the living conditions of adjoining and neighbouring residents. Other considerations are whether the proposal complies with policy requirements relating to car and cycle parking.

This application seeks permission to change the use of this property falling within Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This would give the applicant greater flexibility to change between these two use classes.

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses of where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use.

Of the 63 properties located within a 50m radius of this property, one property is classed in C4 HMO use. However, after further investigation it was confirmed that another property is also in use as a C4 HMO These properties are:

- 1) 84 Balfour Road
- 2) 88 Balfour Road

The local residents had concerns that a number of other properties in the 50 metre radius were in use as C4 HMOs. These properties were: 96 Balfour Road and 94 Balfour Road. However, after checking council tax records and after visiting the properties, it was confirmed that the properties are currently in use as C3 dwelling houses and are not in use as C4 HMOs.

The HMO SPD states that an application would be imbalanced where more than 10% of residential properties within the area surrounding the application are already in HMO. As the granting of planning permission would increase the proportion of HMOs to three (4.76%) it is considered that the community is not already imbalanced by the concentration of HMO uses and that this application would not result in an imbalance of such uses.

With regards to the impact of the proposed use upon the living conditions of adjoining occupiers, the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. The Houses in Multiple Occupation SPD is supported by an assessment of the supply, demand and community impacts of shared housing in Portsmouth. Paragraphs 9.1-9.10 discuss the negative impacts

upon local communities resulting from concentrations of Class C4 HMO uses. However, given that there is only one other HMO within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time seeing that there would only be two HMOs in the 50 metre radius.

The application site does not benefit from any off-street parking and there is no parking proposed as part of this application. However, given that the level of occupation associated with a HMO it is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on parking grounds could not be sustained. There is no indication of the provision of cycle storage facilities on the submitted drawings. However, it is considered that there is sufficient space within the rear garden for such facilities to be provided. These can be required by a suitably worded planning condition. The storage for refuse and recyclable materials would remain unchanged.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: SITE LOCATION PLAN, BLOCK PLAN, CYCLE STORAGE PLAN, GROUND FLOOR PLAN, FIRST FLOOR PLAN, SECOND FLOOR PLAN.
3. Prior to the first occupation of the property as a House in Multiple Occupation within Class C4, secure and weatherproof bicycle storage facilities shall be provided in accordance with a detailed scheme (to include materials, size, appearance and security) to be submitted to and approved in writing by the Local Planning Authority, The facilities thereafter shall be retained.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To ensure appropriate provision is made for cyclists to promote and encourage alternative and sustainable modes of transport to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

03

16/01098/FUL

WARD:NELSON

6 WESTERN TERRACE PORTSMOUTH PO2 8JX

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE)

Application Submitted By:

New Era Agency Ltd
FAO Mr Chris Broyd

On behalf of:

Mr David Manchester

RDD: 23rd June 2016

LDD: 19th August 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

This application has been brought to committee due to local residents deputations.

The Proposal

The applicant seeks permission for a change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).

The Site

This application relates to a two-storey mid-terraced dwellinghouse located on the east side of Western Terrace which is a pedestrian only access way. The area is comparatively verdant to others areas of the City, although there is a four storey block of flats to the north of this terrace. The property is within an indicative area of flooding (zone three).

Relevant Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation).

CONSULTATIONS

Private Sector Housing

None

REPRESENTATIONS

Six representations have been received objecting on the grounds of: (a) Occupiers of HMOs do not take pride in the area and lack of respect for existing occupiers; (b) Lack of maintenance of property and grounds; (c) Increase in rubbish, fly tipping and littering; (d) Anti-social behaviour activities including issues with physical security, noise, disturbance and risk of theft; (e) Loss of family character of area and high transition of people in property; (f) The type of people using HMOs are unsuitable and it would result in the loss of one family dwellinghouse; (g) Increased parking problems on already congested roads and the site is not highly accessible to public transport; (h) Local garages in area are used for storage not parking of vehicles exacerbating parking problems; (i) Increased overlooking; and, (j) Lack of public consultation.

A petition of 19 signatures has also been received.

Other matters raised relate to the loss of property value which is not a material consideration in the determination of this application.

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of car and cycle parking, and refuse and recyclable materials storage.

This change of use is not considered to increase the risk of flooding.

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property is currently in use as a dwellinghouse.

Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO use. In identifying the area surrounding the application property, 1 of the 55 properties within a 50 metre radius were known to be in Class C4 use. The number of HMOs as a percentage is therefore 1.82%, rising to 3.64% if permission was granted, under the 10% threshold set out within the HMO SPD.

Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No additional properties have been brought to the attention of the LPA for further investigation.

In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.

Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations.

There is no off-road parking available at this site and the constraints of the site are such that none can be provided. The site is also not within an area that is highly accessible to public transport, although the nearest bus routes of Twyford Avenue are only some 0.48km away. Access to North End District Centre, the associated shops and services and a high frequency bus route is considered to be within a short walk at some 0.96km away. In this case the site benefits from an enclosed rear garden and it is considered that there is a necessity for alternative and sustainable means of transport to be available for the future occupiers. An appropriately worded planning condition requiring secure and weatherproof bicycle facilities whilst the property is occupied as a HMO is therefore considered to be required prior to its occupation as such.

There is no indication of the proposed method of storage for refuse and recyclable materials which could be addressed by way of a planning condition. Even still, an objection of waste grounds would not form a sustainable reason for refusal.

Conclusion

This proposed change of use is considered to comply with the requirements of the Portsmouth Plan in all respects.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Ground Floor Plan and First Floor Plan.
3. Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 3 long-stay bicycles and 2 short-stay bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.
4. Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof refuse storage facilities, including two 80 litre bins for rubbish, shall be provided at the site and shall thereafter be retained for the secure storage of refuse at all times.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
4. To ensure that adequate provision is made for the storage of refuse and recycling materials in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

231 Highbury Grove Cosham Portsmouth PO6 2RN**CONSTRUCTION OF EXTENSION ONTO EXISTING SINGLE STOREY REAR EXTENSION****Application Submitted By:**

Portsmouth City Council
FAO Mr Robert Woods

On behalf of:

Portsmouth City Council
FAO Mr Robert Woods

RDD: 8th June 2016**LDD:** 11th August 2016**SUMMARY OF MAIN ISSUES**

This application is referred to the Planning Committee due to deputation request from a local resident.

Summary of main issues

The determining issues in this application are the design of the proposal and whether it relates appropriately to the recipient building and the wider street scene. Also whether the proposal would cause a significant impact on the amenity of the neighbouring occupiers.

Site and Surroundings

This application relates to a terraced property which is located on the north eastern side of Highbury Grove in between the junctions with Wembley Grove and Dovercourt Road. The surrounding area is characterised by similar residential terraced properties.

Proposal

The applicant seeks permission for the construction of an extension onto the existing single storey rear extension for a shower room. The proposed extension is flat roofed and is accessed internally via a new doorway from the kitchen. The proposal also includes a pair of doors from the dining room which open onto a level platform which has three steps leading to the rear yard.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

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

CONSULTATIONS

None

REPRESENTATIONS

23 letters of support having been received from local residents. In summary, the comments of support state that the proposed extension is essential for the occupiers of No 231 as it will provide a shower room for their disabled child.

One letter of objection has been received from neighbouring occupiers. Their main concern is the level of information communicated to them from the agent have not discussed the proposed works with the objectors. They have a number of queries including what type of materials will be used in construction? Who will be carrying out the construction of the building? Also will the construction of the rear extension have an impact on the objector's single storey rear extension. These issues have not been answered and the objectors have concerns that the proposal could potentially have a significant impact on their property.

COMMENT

The proposal is to construct an extension onto the existing single storey rear extension. This would contain a shower room that will be accessed internally via a new doorway from the kitchen. The proposal also includes the construction of a raised platform within the rear garden. This will be constructed of timber. The property has an existing extension that has a lean-to roof with a length of 6m and a height of 4m. The proposed extension involves demolishing part of the existing extension and replacing part of the extension with a flat roof creating the shower room. The extension would therefore have a total length of 7m and the same width as the existing which would be 3metres. Whilst the maximum height of the lean-to element would remain the same, the maximum height of flat roof would be 3.2 metres. The extension would occupy a shower room, therefore there would be a small obscure glazed window located on the rear elevation. The extension would be constructed of brick work to match the existing property.

The proposal would normally be within permitted development due to its siting and height. However, the extension extends further than 3 metres from the rear wall of the existing dwellinghouse. Whilst the extension projects a further metre from the rear wall of the existing extension, this is not part of the original dwellinghouse. Therefore the extension projects a total of 7m from the rear of the existing dwellinghouse. Also the proposal includes the construction of a raised platform that will be accessed from the dining room. The raised platform would have a height of 0.5m above the ground level.

Impact on neighbours

The proposed extension would project a further metre in length than the existing extension and it would have a relatively low height of 3.2 metres. Therefore it is considered that the extension would not have any significant impact in terms of loss of light, overshadowing or an increased sense of enclosure to the adjoining property to east No 233. The extension would be constructed on the eastern boundary of the property, therefore due to the 5m distance between the proposal and No 233, it is not considered that the proposal would cause a significant impact on the neighbouring occupiers of 229 to the west . The proposed platform would have a maximum height of 0.5 metres from the ground level. It is therefore considered that this height would not have a significant impact on the amenity of the neighbouring occupiers in terms of overlooking or loss of privacy. The proposal would therefore be acceptable and in accordance with PCS23 of the Portsmouth Plan.

RECOMMENDATION

Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: SITE LOCATION PLAN-16/6/16 and BLOCK PLAN- 16/6/16 and PROPOSED ELEVATIONS- 16/6/16 and SECTION- 16/6/16 and FLOORPLANS-16/6/16.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.

PRO-ACTIVITY STATEMENT

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

**SITE OF FORMER SAVOY COURT & SAVOY BUILDINGS SOUTH PARADE SOUTHSEA
PO4 0SR****CONSTRUCTION OF REPLACEMENT BOUNDARY WALL TO REAR OF NUMBERS 20-34
ALHAMBRA ROAD****Application Submitted By:**

The Planning Bureau Ltd
FAO Mr Matthew Shellum

On behalf of:

McCarthy & Stone Retirement Lifestyles Ltd.
FAO McCarthy & S

RDD: 25th May 2016

LDD: 4th August 2016

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the proposal is acceptable in design and heritage terms and whether the proposed use would have an acceptable relationship with surrounding development protecting the residential amenity of future and nearby occupiers.

This application has been referred to the Planning Committee following a deputation request by the owner of a neighbouring property.

The site and surroundings

The wider application site covers just under ½ hectare and is bounded by roads on 3 sides. It is located in a prominent seafront location at a pinch point where buildings are closest to the beach, positioned opposite and within the setting of the Grade II listed South Parade Pier. To the west, at Nos 38-42 South Parade, is a part 3/4-storey Grade II listed building. The site lies within the 'East Southsea' Conservation Area and adjoins 'The Sea Front' Conservation Area.

Proposal

This application seeks planning permission for the construction of a replacement boundary wall to the rear of numbers 20 - 34 (evens) Alhambra Road. The wall would measure a maximum of 4.1 metres when measured from Alhambra Road with the lower half of the wall being a retaining structure for the former Savoy site where ground level is approximately two metres above that in Alhambra Road. The proposed wall would measure two metres in height when viewed from within the Savoy site. A previous boundary wall which was the same size as that proposed was removed on safety grounds earlier this year.

Relevant planning history

The site is currently being developed pursuant to a permission granted on appeal in June 2015 for a mixed use development comprising a part seven, part five storey building to provide 31 Retirement Living flats (C3), 66 Assisted Living (Extra Care) flats (C2), a ground floor retail unit (A1) and associated surface car parking spaces and landscaping.

POLICY CONTEXT

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

Paragraphs 126 to 141 of the National Planning Policy Framework are also relevant to this application.

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. 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.

CONSULTATIONS

None

REPRESENTATIONS

One objection has been received from the owner of an adjacent property in Alhambra Road on the grounds the wall is not owner by the applicant but by the adjacent property owner.

COMMENT

The proposed wall would be the same height as that which formerly existed as the boundary between the Savoy site and the rear gardens of properties in Alhambra Road. The wall would be finished in a red brick chosen to replicate the finish of most of the previous wall.

Amenity

In amenity terms it is considered that the proposed replacement wall would have no greater impact on the living conditions of the occupiers of properties in Alhambra Road than the previous wall.

Design & Heritage

The proposed red brick (Hathaway Brindeled) would provide an appropriate and acceptable visual appearance that would preserve the character and appearance of the East Southsea Conservation Area. Due to its location the proposal would not affect the setting of neighbouring listed buildings.

Other Matters

The applicant has confirmed that the wall and the land on which it is located is within their ownership. The applicant has been in dialogue with the owners and occupiers of the neighbouring properties in regard to access to enable the construction of the replacement wall.

Conclusions

The proposal is considered acceptable in amenity, heritage and design grounds terms and is capable of support.

RECOMMENDATION

Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 162.S.01 Rev.A; and SE-1975-05-LA-408 Rev.C.
3. The replacement wall hereby permitted shall be finished using a Hathaway Brindled brick by Wienberger laid in a stretcher bond or any alternative brick or bond pattern that may be agreed in writing by the Local Planning Authority.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In the interests of the residential amenities of the occupiers of existing and future residents and to preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

116 - 118 CLARENDON ROAD SOUTHSEA PO4 0SE**CHANGE OF USE FROM HOTEL (CLASS C1) TO 25 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) WITH ASSOCIATED CYCLE AND REFUSE STORAGE****Application Submitted By:**

PLC Architects

FAO Mr Rick Carter & Mr Tristan Holt

On behalf of:

JDI Developments Ltd

RDD: 6th June 2016**LDD:** 9th August 2016**SUMMARY OF MAIN ISSUES**

The main issues to be considered in the determination of this application are whether the principle of development is acceptable, whether the proposal would have any effect on the character and appearance of the Conservation Area or the amenities of the occupiers of neighbouring properties. Other issues to consider relate to flooding, the parking/highway implications of the proposal and SPA mitigation.

This application has been referred to the Planning Committee at the request of Ward Councillor Winnington.

The Site

The site is located on the western side of Clarendon Road, 100 metres north of its junction with South Parade and is within an area characterised by three and four-storey terraced buildings comprising flats, houses and tourist accommodation. The property, formerly known as 'The Anstey Hotel' is a three-storey building, with further accommodation at basement level and within the roof space. The site is located within the East Southsea Conservation Area.

Proposal

This application seeks planning permission for the change of use of the site from a hotel (within Class C1) to 25 bedroom house in multiple occupation (a sui generis use) together with associated alterations to provide cycle and refuse storage facilities.

Planning History

The relevant parts of the planning history of the site are firstly planning permission granted in June 2011 for the use of the property as a hotel/guest house within Class C1. This represents the current and lawful use of the property. Prior to its current use the property benefited from a Certificate of Lawfulness granted in February 2009 for the existing use of the site as a hostel providing accommodation for the homeless.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation).

The National Planning Policy Framework and the Houses in Multiple Occupation and Solent Special Protection Areas SPDs are all relevant to the proposed development.

CONSULTATIONS

Coastal Partnership

Many thanks for your consultation on the above planning application. I can confirm that the Eastern Solent Coastal Partnership has no objection to the proposed development. Although the finished floor level for sleeping accommodation is below the 2115 1 in 200 year flood level for Portsmouth Harbour, all occupants of the property would have internal access to safe refuge at higher levels during a flood event.

As a like-for-like development, no extra people are being put at risk.

Advice

We would encourage the applicant to consider flood resistance and resilience measures to reduce the cost of damages, should an extreme flood event occur. Information on these can be found on the following web pages:

Resilience - http://www.escp.org.uk/sites/default/files/documents/esdp%20-%20flood%20resilient%20homes_1.pdf

Resistance - http://www.escp.org.uk/sites/default/files/documents/esdp%20-%20flood%20resistant%20homes_1.pdf

It is recommended that a Flood Evacuation Plan is produced.

Highways Engineer

Clarendon Road runs east / west and is in close proximity to the seafront and is in the KC Residents Parking Zone (RPZ). This allows 3 hours free parking and no return within 4 hours for non-permit holders. While it is in the KC RPZ there are very few parking spaces on the western side of Clarendon road with the whole of the opposite side of subject to double yellow lines. The building is within 400 metres of a high frequency bus corridor but not considered to be in an highly sustainable area.

The existing use as a hotel with 26 rooms would have had hotel guests visiting the site

Parking

To be compliant with the Parking Standards SPD (July 2014) an HMO of this size should provide the following 2 car parking spaces and 4 cycle parking spaces.

Car parking

The application as it stands is not compliant with the Parking Standards as it has not provided the expected number of car parking spaces and no justification has been given for the under-provision. Having said that I am satisfied that the established lawful use as a hotel would be likely to generate a higher vehicle parking requirement than the proposed use and in that respect this development may generate a net reduction in the parking requirement.

Cycle parking

The application form states that 25 cycle parking spaces are to be provided, with drawing 162150103 P2 showing them in the basement area. These are in a communal space and are in the form of vertical racks which are not considered suitable as they are often too close to be practically useable and it is difficult for some people to lift their bikes into the racks. Where cycle storage is to be shared by a number of people in a communal area it should be provided in the form of individual lockers (see Parking Standards SPD (July 2014) as communal storage, which is used by many residents can be much less secure. Access to basement storage could be

problematic but I note that there is a platform lift which can be used to transport bikes to the basement. A cycle 'runner'/channel on the stairs must be provided to offer an alternative to the platform lift which will be useful for times when the lift breaks down.

While the over provision of cycle racks is welcomed, as it results in one cycle space per room and compensates for the lack of car parking, it is not considered acceptable. Therefore the applicant must provide details of alternative quality cycle storage that complies with the Parking Standards. This could be in the form of Sheffield stands that are more suitably spaced, individual lockers or two-tier cycle parking if there is enough head height.

Refuse

It is proposed that refuse in the form of 3 x 1100 litre bins is to be provided at basement level, with access via a platform lift from the street and internal access into the area for residents. Drawing 162150103 P2 shows a double door where there is currently a single door which would appear over-optimistic in this location with the restricted width available. It is not certain that doorway will be wide enough to enable a euro bin to be pushed through with space on either side for the bin operative to move it safely and there are also concerns about the lift breaking down which would result in refuse not being collected.

As the application stands I must recommend refusal as the proposed cycle parking is not compliant with Parking Standards as it is not acceptable and does not provide individual storage lockers within the communal area.

Supplementary response following receipt of amended plans

The amended drawing shows a new hardstanding area at ground level with the platform lift offering access to the waste storage area and which could be potentially used by the bikes.

Parking - To be compliant with the Parking Standards SPD (July 2014) an HMO of this size should provide the following 2 car parking spaces and 4 cycle parking spaces.

Cycle parking - The previous plan 162150103 P2 showed 25 cycle parking spaces provided in the basement area. These were in communal space and in the form of vertical racks which are not considered suitable.

The revised drawing now shows 5 suitably spaced sheffield stands with room for manoeuvre and access down to basement provided in the form of a cycle 'runner' or channel on the stairs as alternative to the platform lift which will be useful for times when the lift is not working.

The applicant has now provided storage space for 10 cycles, which means that it is compliant with Parking Standards.

As the application stands I am now able to recommend approval subject to the following condition:-

Prior to first occupation secure and weatherproof cycle parking and the 'runner' on the steps as shown on drawing 6.2150.103 Rev P3 to be provided and retained thereafter.

Contaminated Land Team

On the understanding that no ground works are proposed as part of the change of use, a condition relating the land contamination is not required.

Environmental Health

The lounge and the kitchen facilities are expected to be shared by the 25 occupants. The day to day living noise from the use of these facilities will be intensified beyond normal use because of the number of the occupants using them. Any increased activity is likely to cause a disturbance to the neighbouring properties and due to case law statutory nuisance legislation is not appropriate for dealing with complaints of this nature.

I can confirm that the change of use is unlikely to generate significant traffic movements in the area.

Environment Agency

We have no objections to the proposed development, subject to the inclusion of the following condition in any permission granted.

Without the inclusion of this condition we consider that the development poses an unacceptable risk to people from flooding.

Condition - Flood risk mitigation

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measure detailed within the FRA:

- No bedrooms in the basement area of the building

The mitigation measure shall be fully implemented prior to occupation and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

To reduce the risk of flooding to the proposed development and future occupants.

The site is located within tidal Flood Zone 3, as defined by our Flood Map. There is therefore considered to be a high probability of flooding at the site (at least 0.5% in any given year).

The Flood Zone 3 extent does not take into account the presence of defences. The proposed improvements to defences in this area will reduce the likelihood of flooding over the development's lifetime.

However, a residual risk of flooding will remain. The current day 0.5% AEP (annual exceedance probability) tide level is given as 3.1mAOD, rising to 4.3mAOD by the year 2115. The latter figure takes into account the effects of climate change and sea level rise on tidal flood risk.

Paragraph 100 of the National Planning Policy Framework (NPPF) states that development in areas of flood risk should be made safe without increasing flood risk elsewhere.

The existing and proposed uses of the building are both categorised as 'more vulnerable' within table 2, part 25 of the national Planning Practice Guidance (PPG): Flood Risk and Coastal Change.

Tables 2 and 3, part 25 of the PPG: Flood Risk and Coastal Change make clear that basement units should not be permitted in Flood Zone 3. Therefore the internal arrangement of the proposed HMO must not change so that sleeping accommodation is provided within the basement.

Advice to LPA and developer - Flood resilience

The information submitted with the application, and the condition recommended in this letter, should ensure bedrooms continue to be set at the upper ground floor level (3.7mAOD) and above.

However, based on the 0.5% AEP, including the impacts of climate change, tide level of 4.3mAOD, it is possible that the upper ground floor, and especially the basement communal areas, will be at risk of flooding within the lifetime of the development.

We therefore recommend that a Flood Warning and Evacuation plan is developed for the HMO and where possible flood resilience measures are introduced into the building.

Consultation with your building control department is recommending when determining if flood proofing measures are effective.

Waste Management Service

Confirm proposed refuse storage arrangements are considered acceptable and advise proposed lift would not be used by collection operatives.

REPRESENTATIONS

Objections have been received from seven nearby properties and from Ward Councillor Winnington on the following grounds:

- inadequate parking exacerbating existing issues;
- potential loss of on-street parking;
- cumulative impact with other ongoing developments in close proximity;
- increased noise and disturbance;
- potential for increased crime and anti-social behaviour;
- increase rubbish and adverse visual impact;
- need for on-site management
- proposal out of character with area harmful to established community of area;
- need for hotels in city.

COMMENT

The main issues to be considered in the determination of this application are whether the principle of development is acceptable, whether the proposal would have any effect on the character and appearance of the Conservation Area or the amenities of the occupiers of neighbouring properties. Other issues to consider relate to flooding, the parking/highway implications of the proposal and SPA mitigation.

Principle of development

The proposed change of use would result in the loss of a hotel. Whilst there is a need for hotels and similar facilities to serve the visitor economy, there is no policy presumption against the loss of existing facilities. As such it is not considered that the loss of a hotel could be a reason to resist the proposal.

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO uses.

In identifying the area surrounding the application property, 14 of the 114 residential properties within a 50 metre radius of the site were initially identified as being in use as HMOs. This was based on records held within the City Council's HMO 'database' which is made up of records of properties with planning permission for Class C4 use, sui generis HMO use and mixed C3/C4 use, records of Class C4 HMOs submitted to the council by property owners, HMOs that have been issued a licence by the council and council tax records. Whilst this is the best available data to the Local Planning Authority and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

Following a review of the properties initially identified as HMOs within the 50 metre radius further investigation was carried out in respect to a number of the properties initially identified as potential HMOs. In light of these investigations, the 'count' data has been modified and the current proportion of HMOs in area is considered to be 5% (6/114), rising to 6% (7/114) if permission was granted. On the basis that the granting of planning permission would increase the proportion of HMOs to less than 10%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses. The proposal is therefore, considered to be acceptable in principle.

Impact on Heritage Assets

Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. 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.

Whilst the site is located close to a number of listed buildings, it is considered that the proposal, due to its nature, would not have any effect on the setting of these designated heritage assets.

The application site is located within the East Southsea Conservation Area. This part of the Conservation Area is characterised by three and four-storey terraced buildings that are predominantly in use as flats and houses. Having regard to the activity that could be associated with the lawful use of the building as a hotel/guest house, it is considered that the activity associated with the proposed use would not be so different as to cause harm to the prevailing character and appearance of the Conservation Area.

Impact on Residential Amenity

When considering the impact of a proposal, regard must be had to any activity which could be associated with any existing or lawful use of a site. In this case the lawful use of the site as a 26 bedroom hotel would result in a certain level of activity associated with comings and goings by residents and staff. The proposal would not result in any major alterations to the internal layout of the building or the means of access to it which would limit the potential for any increase or change in external activity associated with the proposed use. The proposal would not change the number of bedrooms within the site and would be unlikely to increase the overall level of occupation of the site. The proposed use of the property as a 25 bedroom HMO is therefore considered to be unlikely to result in a significantly greater level of activity, noise or disturbance that would be likely to have a detrimental effect on the residential amenities of the occupiers of neighbouring properties.

Car Parking and Cycle Storage

The site does not benefit from any off-street parking and is in an area where opportunities for on-street parking are limited and the subject of restrictions (residents parking zone with 3 hours free parking and no return within 4 hours for non-permit holders). The Parking Standards SPD sets out that a sui generis HMO should be served by two off-street spaces. It is considered that the lawful use of the site as a hotel would be likely to result in demand for more than two vehicles. As such it is considered that lack of parking could not be a sustainable reason for refusal.

The proposal includes the provision of secure cycle storage within the semi-basement of the building. Whilst the comments of the highway authority are noted, it is considered that this area is capable of providing suitable facilities in an appropriate manner and can be secured through the imposition of a suitably worded planning condition.

Flooding

The site is located in Flood Zone 3 with this application being accompanied by a Flood Risk Assessment. The FRA has been reviewed by the Environment Agency and East Solent Coastal Partnership who both agree its content and recommendation that no bedroom accommodation be provided at basement level. Subject to this being secured by the imposition of a suitably worded planning condition it is considered that the proposed change of use would not result in any increased risk to life or property and is therefore acceptable in flood risk terms.

SPA Mitigation

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwelling houses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD 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.

Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £704 (4 x £176). The applicant has provided such a level of mitigation through an agreement under S111 of the Local Government Act. The mitigation which has been provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

Other Matters

During the lifetime of the application amendments have been received relating to facilities for the storage of refuse and recyclable materials. The proposed storage would be located in the basement and accessed via platform lift in a manner that is acceptable to the Waste Team. The applicant has acknowledged that the bins will need to be brought to street level on collection day. As the proposed waste storage would utilise 1100 litre bins, a dropped kerb would be required to facilitate their transfer to the collection vehicle. Whilst the frontage of the site is used for on-street parking, an offset of two metres would allow a dropped kerb to be provided in an area of carriage way not used for parking and the subject of double yellow lines.

Conclusion

Having regard to relevant policies, material considerations and representations received, for the reasons set out in the foregoing assessment of the proposal it is recommended that conditional planning permission be granted.

RECOMMENDATION Conditional Permission

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 16.2150.106 Rev. P1; 16.2150.103 Rev. P3; 16.2150.104 Rev. P2; 16.2150.105 Rev. P2.

3. The use hereby permitted shall only be carried out in accordance with the measures set out in the submitted Flood Risk Assessment such that no bedroom or sleeping accommodation shall be provided at any time within the basement area.
4. a) Unless otherwise agreed in writing with the Local Planning Authority, the site shall not be brought into use as a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority.
b) The property shall therefore to be operated in accordance with the provisions of the approved Flood Warning and Evacuation Plan.
5. The use hereby permitted shall not commence until the cycle storage facilities shown on Drawing no. 16.2150.103 Rev. P3 (or any such alternative facilities as may be agreed in writing by the Local Planning Authority) have been provided. The facilities shall thereafter be retained.
6. The use hereby permitted shall not commence until the facilities for the storage and collection of refuse and recyclable materials shown on Drawing no. 16.2150.103 Rev. P3 have been provided in accordance with a detailed scheme (to include levels and finishes within the site) that shall have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. To reduce the risk of flooding to the proposed development and to future occupiers in accordance with policy PCS12 of the Portsmouth Plan.
4. To reduce the risk of flooding to the proposed development and to future occupiers in accordance with policy PCS12 of the Portsmouth Plan.
5. To ensure that provision is made to encourage the use of healthy and more sustainable modes of transport in accordance with policy PCS23 of the Portsmouth Plan.
6. To ensure suitable facilities are provided for the storage and collection of refuse and recyclable facilities in the interests of visual and residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

LAND AT THE REAR OF 244-248 SOUTHAMPTON ROAD PORTSMOUTH PO6 4QD

CONSTRUCTION OF 10 SEMI-DETACHED AND TERRACED TWO AND TWO-AND-A-HALF STOREY DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (ACCESSED FROM NEELANDS GROVE)

Application Submitted By:

M2 Architecture
FAO Mr M Wilkes

On behalf of:

Willow Construction Services Ltd
FAO Mr S Edge

RDD: 5th May 2016

LDD: 12th October 2016

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are: whether the proposal is acceptable in principle; whether the proposal is acceptable in design and amenity terms; whether the proposed access and parking arrangements are acceptable and whether the proposal is acceptable in ecological terms.

The Site

This proposal relates to an area of land of approximately 0.2 hectares located on the northern side of Southampton Road and comprises what used to be part of the rear gardens to Nos,244, 246 and 248 Southampton Road. The northern boundary of the site abuts the Portsmouth-Southampton mainline railway beyond which lies a recent residential development on the site of the former Saxonsore and Westfield Schools. The eastern boundary abuts properties Sullivan Close (a residential development on the site of a former factory site). The western boundary abuts properties in Neelands Grove and Priory Court. Comprising former rear gardens for the most part, the site contains a small number of trees, mainly self-seeded and of low amenity value, with most being located adjacent to the northern boundary of the site with the railway line.

The Proposal

Planning permission is sought for the construction of ten houses served by an estate road which would be accessed from the end of Neelands Grove. The proposed estate road would provide access to: a terrace of four two-storey, three-bedroom dwellings on the south of the site that would back on to the properties fronting Southampton Road; a semi-detached pair of two-storey, two-bedroom dwellings in the centre of the site abutting Sullivan Close and two pairs of two-and-a-half storey, three bedroom semi-detached properties to the north of the site backing onto the railway line. A total of 18 car parking spaces would be provided.

The proposed dwellings would be traditional in their design and appearance with pitched roofs and be finished in brick and tile.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation)

The NPPF, Nationally Described Space Standard and the Parking Standards, Sustainable Design & Construction, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making this means approving development proposals that accord with the development plan without delay. The following paragraphs within the NPPF are relevant to the proposal:

- 17 Core planning principles for decision making
- 35 Development designed for sustainable transport
- 56 Good design is indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Encouraged to regard design review panels and their comments
- 96 New development should minimise energy consumption
- 100 Directing development away from areas at risk of flooding
- 103 Ensuring development does not increase flood risk
- 118 Principles should be applied to conserve and enhance biodiversity
- 197 Presumption in favour of sustainable development
- 204 Planning obligations and conditions used to make development acceptable

The following sections in the Planning Practice Guidance are also relevant:

Design

Flood Risk and Coastal Change

Housing - Optional Technical Standards

Land affected by contamination

Natural Environment

Noise

Planning Obligations

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

Water supply, wastewater and water quality

CONSULTATIONS

Coastal & Drainage

Initial response

I can confirm that the Eastern Solent Coastal Partnership wishes to place a holding objection on the proposed development. Although the site currently only borders Flood Zone 3, by 2115 the southern portion of the site is expected to be in Flood Zone 3. As a residential development, the lifetime of the project is expected to be approximately 100 years and therefore the change in flood risk areas in the future must be considered.

To overcome the objection, the applicant should submit a Flood Risk Assessment (FRA) assessing the flood risk and how this will be mitigated for in the design of the layout and buildings. This should include a survey of the ground levels, elevations of the finished floor levels of the buildings, and any other resistance and resilience measures incorporated into the

buildings' design. Information on how to complete an FRA is available on the following website: <https://www.gov.uk/guidance/flood-risk-assessmentfor-planning-applications>.

For information the present day 0.5% probability (1 in 200 year) extreme tide level for Portsmouth Harbour is 3.2m AODN and the 0.5% probability (1 in 200 year) extreme tide level for this area in the year 2115 is 4.3 m AODN.

Portchester to Paulsgrove Tidal Flood Defence Scheme

The Eastern Solent Coastal Partnership on behalf of Fareham Borough Council and Portsmouth City Council are currently designing the next generation of flood defence from Portchester to Paulsgrove. The project is programmed to select a preferred outline design for a scheme by Autumn 2016. Subject to funding approvals and planning permission, construction works are expected to occur in Summer 2017 and in Summer 2018 with the completion of project by Autumn 2018. Once complete, and combined with proposed private flood defence improvements at Trafalgar Wharf, a minimum standard of protection to 1:200 year standard (0.5% AEP) will be achieved in central Portchester and along the Southampton Road (A27), reducing flood risk to 392

residential properties. This site will directly benefit from the scheme.

Further response following amendments

I can confirm that we are happy with this and can withdraw our holding objection.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicants land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rails adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rails boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rails boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance team's ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rails property or into Network Rails culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rails property. Proper provision must be made to accept and continue drainage discharging from Network Rails property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rails existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 20 metres of Network Rails boundary or at any point which could adversely affect the stability of Network Rails property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicant's expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicants contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rails Asset Protection Engineers approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and

operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rails boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees Pines (*Pinus*), Hawthorne (*Cretaegus*),

Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata Zebrina

Not Permitted: Alder (*Alnus Glutinosa*), Aspen Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rails operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats and Species Regulation 2010 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Portsmouth Harbour Special Protection Area (SPA) which is a European site. The site is also listed as Portsmouth Harbour Ramsar site¹ and also notified at a national level as Portsmouth Harbour Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Portsmouth Harbour SPA and Ramsar Site: No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- * the proposal is not necessary for the management of the European site
- * that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP)

Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

SSSI No objection - no conditions requested

This application is in close proximity to Portsmouth Harbour Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in

respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Ecology

Initial response

I would raise a concern that the application site may have significantly altered since the Ecological Appraisal was conducted. The ecological survey (12th March 2016) appears to have assessed the site prior to clearance, which was carried out prior to the images included in the Design and Access Statement (Bryan Jezeph Consultancy Ltd, April 2016) being taken.

It would therefore appear that the recommendations of the Ecological Appraisal specifically for Phase 2 reptile surveys may no longer be valid. I would also draw the applicant's attention to the following statement in the submitted Ecological Appraisal:

- * Without further surveys to show absence of protected species the proposed works have potential to result in the killing, harm and disturbance to nesting birds and reptiles. This could

result in an offence(s) being committed. Clarification is therefore required for existing site conditions and report recommendations updated as appropriate.

A number of sensible potential biodiversity enhancements are included in the Ecological Appraisal, currently presented as options. Measures to maintain, protect and produce a net gain in biodiversity will be required in accordance with Policy PCS13 of The Portsmouth Plan, the Natural Environment and Rural Communities Act 2006 and National Planning Policy Framework. Any revised and updated ecological information should include more detail on enhancements and a firm commitment to the options selected including the provision of a detailed plan of enhancements which, in coordination with landscaping proposals, demonstrates a coherent approach to targeted biodiversity measures within the site.

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

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and, in this case, to specifically address the consultation response from Natural England that PCC as a competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £176 per new dwelling for the SRMP.
Further response following submission of additional information

Thank you for consulting me on the additional updated information to support the application for the construction of 10 semi-detached and terraced two and two-and-a-half storey dwellings with associated parking and landscaping (accessed from Neelands Grove), comprising an August 2016 addendum to the updated Ecological Survey Report (David Leach Ecology Ltd. June 2016).

The addendum sets out the plans for the translocation of the slow worms found within the partially-cleared development site to two identified receptor sites in close proximity.

The summary, as I understand the proposals the reptile mitigation strategy is based on the following:

- PCC are the land owners and managers of the sites and the land managers have confirmed, both to you and the applicant, that they are supportive of the translocation;
- The sites themselves have previously been in more intensive agricultural use, but are now being managed for biodiversity enhancement with habitat creation suitable for reptiles. The translocation of the reptiles will be supportive of this process and unlikely to exceed the carrying capacity of the receptor site due to the lack of a significant existing reptile population;
- PCC land managers have confirmed to you that they intend to continue the management and preservation of the receptor site, which itself is not considered to be under threat of loss or development.

-The translocation procedure is proposed to be carried out in line with industry good practice.

On this basis, I would support the proposed translocation proposals.

I would suggest that the ecological recommendations provided could be secured by condition - possible wording may be:

- Development shall proceed in accordance with the reptile mitigation strategy detailed within section 5.2.1 of the Ecological Survey Report (David Leach Ecology Ltd. June 2016) and August 2016 Addendum (David Leach Ecology Ltd. August 2016) including translocation methods, habitat creation and the management in perpetuity of the receptor site. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

A number of sensible potential biodiversity enhancements for the development site are included in the Ecological Survey Report. Measures to maintain, protect and produce a net gain in biodiversity will be required in accordance with Policy PCS13 of The Portsmouth Plan, the Natural Environment and Rural Communities Act 2006 and National Planning Policy Framework and I would suggest that the recommendations of the Ecological Survey Report be secured through condition. Possible wording may be:

- Development shall provide biodiversity enhancements as described in Sections 5.3 of the Ecological Survey Report (David Leach Ecology Ltd. June 2016) and enhanced habitats shall be maintained and retained in accordance with any such approved details. Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

Head Of Community Housing

Initial response

We welcome any scheme that is providing any houses especially Affordable Houses.

What we need to comment on straight away however are the property sizes, according to their schedule of units on the site plan it states that plots 1 to 4 are 3bed 2 storey houses at 84m² (872sqft = 81sqmts not 84sqmts). We are assuming that these are 5 person properties (although this is a full application there are no furniture layout details on the property layout plans), and as such they do not meet minimum National Space Standards by quite a large degree.

These properties should be a minimum of 93m².

This is also the case for plots 5 and 6 which are 2bed houses (we assume -looking at the plans - that they are 4person) which are shown on the unit schedule as 64m². Again the properties do not meet minimum National Space Standards and should actually be a minimum of 79m².

Plots 7-10 are 3 bed 3 storey properties and both exceed the minimum space standards.

Under the S106 Planning Agreement there is a provision for Affordable Housing, this would amount to 20% or 2 units of the development, as is mentioned and proposed in the developers 'Supporting Statement (including Matters of Design and Access)' document.

The overall unit mix does meet our housing need and we would be looking at the 20% affordable provision (or 2 units) on a pro-rata basis of the whole development.

This would break down in to the following units: 1x 3bed house and 1x 2bed house.

There does not seem to be any provision for a disabled unit and we would like to look at this with the planners and owners/developers, once we have spoken to our Occupational Therapists to establish if there is a need.

The tenure mix for the affordable housing would be either 2x Low Cost Home Ownership or 2x Affordable Rent. That would be decided once the Registered Provider was on board.

Portsmouth City Council will have full nomination rights to the Affordable rented units with the Help-to-buy agent nominating to the LCHO units.

PARKING - In regards to parking it is stated that there are 2 spaces for each 3 bed property and 1 space for each 2bed property. This seems to be for all properties according to the plans and so we would be expecting the affordable to have the same parking provision.

Further response following amendments

Our comments to the amendments and extra details are as follows:

In all of their designs there is a minimal amount of storage space at ground floor level, not even an airing cupboard on the upper floors. This is not a good design for family accommodation.

Within the Design and Access Statement (paragraph 4.7) it states that under the 'National Space Standards' a 3 bed 5 person 2.5 storey property should be a minimum of 93m², this is incorrect, the minimum standard for a 3 bed 5 person 2.5 storey building would be 99m² or preferably larger. Whether the property is '2.5' or a '3' storey (and the plans show that more that 75% of the upper floor is being used for two bedrooms and a shower room) it is another level to the property, ergo another level creates a 3 storey property.

However, according to the new plan (Drawing 200 rev 'A') and the accommodation schedule in the bottom left hand corner all of the 2.5 storey properties exceed the minimum standard anyway.

One other minor point is that the Design and Access Statement states that there are 16 car parking spaces, but on both plans (the original and the amended) there are 18 spaces - obviously this is better for the residents who will live in those properties.

Waste Management Service

Query whether the site would be accessible by refuse collection vehicle

Highways Engineer

Initial response

This application proposes ten new residential units with access from Neelands Grove. I have reviewed the supporting statement produced by Bryan Jezeph Consultancy Ltd dated April 2016 which deals with matters of design and access and would make the following observations:

Neelands Grove is a residential cul-de-sac serving approximately twenty residential properties and provides access to Portsdown Road. It is subject to a 30mph speed restriction and traffic speeds are constrained by the length and nature of the road. As a consequence the appropriate design standards for this development should be drawn from MfS. As the development provides for more than five residential units the access road should be designed to adoptable standards.

A development of this scale is likely to generate in the order of 7 vehicular traffic movements in the am and pm peak hours. In that light I am satisfied that the development would not have a material impact on the operation of the highway network.

The arrangement proposed does not provide for a sufficient service strip in which utilities can be accommodated or provide for the overhang or turning vehicles on either side of the proposed carriageway which is designed as a shared surface. Whilst I would expect traffic speeds to be restrained within the development due to the short road length and physical alignment, the site plan does not secure adequate visibility around the bend in the alignment. These concerns could be resolved by amending the design to extend Neelands Grove carriageway and footways/ service strip into the site to provide a simple turning area and provide access to plots 7-10 via a private drive.

The residential parking standards require 1.5 spaces per unit for dwellings of the scale proposed with 2 cycle parking spaces required for each unit. Sixteen spaces are planned within the site with a cycle store for 2 cycles provided in the rear gardens of each of the plots. I am satisfied that the proposal complies with the parking standards although the spaces may need minor modification to accommodate the utility service strip.

As this application stands I must recommend refusal as the arrangement proposed does not provide for a sufficient service strip in which utilities can be accommodated or provide for the overhang or turning vehicles.

Further response following submission of amendments

Further to your email of 10th June 2016 I have reviewed the amended site layout and Design and Access Statement and write to confirm my findings.

The revised arrangement of the access road to provide a turning area with appropriate service strips to accommodate utility equipment resolves my previous concerns in respect of the site layout. As a consequence I would not wish to raise an objection to this proposal subject to conditions requiring:

- The submission and approval of a construction management plan prior to the commencement of development.
- The provision to adoptable standards and subsequent retention of the turning area prior to occupation.

NB the applicant will be required to enter a S278 agreement with the highway authority prior to undertaking work within the existing public highway. The turning area is of a potentially adoptable nature and the applicant may wish to explore that option with the highway authority.

Environmental Health

This consultation is with regard to potential impact on the proposed residential use from transportation noise and the potential impact on local air quality resulting from traffic movements generated by the development.

Transportation noise - The railway borders the northern edge of the site and is approximately 17 metres from the northern facades of plots 9 and 10. The railway section links Cosham to Porchester and forms part of the route from Southampton to Portsmouth.

No information has been provided by the applicant concerning noise and vibration from the adjacent railway and, as such, I am unable to comment on the potential impact on the proposed

residential use. Should you be minded to grant consent, I recommend that the following condition be applied:

No development shall take place until a detailed acoustic and vibration report at the development site has been submitted to and approved in writing by the Local Planning Authority. The report shall include a scheme of noise and vibration insulation measures for all residential accommodation. The insulation measures shall be designed to ensure that vibration levels meet the criteria for 'low probability of adverse comment' as defined in BS 6472-1:2008 and that noise levels within habitable rooms do not exceed the following criteria:

Bedrooms and living rooms: LAeq(16hr) 35dB (07:00 - 23:00hrs)

Bedrooms: LAeq(8hr) 30dB (23:00 - 07:00hrs) and LAmax (5 min) does not exceed 45dB(A) more than 12 times between the hours of 23:00 and 07:00.

Upon approval these measures shall be implemented and maintained.

Reason: In order to safeguard the amenity of future occupiers.

Local air quality - The size of the development is such that any increase in road traffic will be slight and the subsequent impact on local air quality insignificant.

Contaminated Land Team

I have reviewed the above application and scale and sensitive nature of the proposed development, conditions are required. The survey is requested as a precaution and so a minimal scope and/or combined report submission along with the geotechnical testing is likely to be acceptable to this office.

Tree Officer

A site visit was undertaken on 09 June 2016. The weather conditions were warm, dry and sunny.

It was not possible to gain access to the site, all observations are made from the perimeter gate.

Observations

It is disappointing to note that the Tree Survey Report JFA0079 dated Mar 2016 is no longer relevant following the clearance of all trees within the curtilage of the site with the following exceptions:

Group G1 1.1 - 1.5 situated on the northern boundary adjacent to the railway track. A group of semi mature sycamores (*Acer pseudoplatanus*). Of low quality and probably self-seeded two appear to be located on the railway embankment. Their value is in the group rather than individual specimens and the screening of the railway line beyond the boundary.

T8 situated in the approximate centre of the site. An apple tree (*Malus* spp.) was probably a garden tree originally. Evidence of old pruning wounds is visible in the crown as is epicormic growth. A self-seeded Elder (*Sambucus nigra*) has subsequently developed beneath the apple and now grows through the crown.

The revised site plan dated 09 Jun 16 identifies indicative planting and landscape features.

The revised Design and Access Statement date June 16 makes brief mention of landscaping but no detail is provided.

Recommendations

The applicant submit a detailed Landscaping Plan for consideration and approval before consent be granted.

Highways Contractor (Colas)

Confirm requirement for S278 Agreement and request informative

REPRESENTATIONS

Objections have been received from 14 neighbouring properties and from Penny Mordaunt MP on the following grounds

- impact on road network, especially Neelands Grove
- traffic impacts not properly considered
- inadequate parking
- loss of light

- overlooking and loss of privacy
- loss of trees
- access should be from Southampton Road or Sullivan Close not Neelands Grove
- disruption, disturbance and damage to neighbouring properties
- impact on social infrastructure
- inadequate neighbour notification
- land should be purchased by Council as used to provide allotments

Supporting comments have been received from the occupiers of 13 neighbouring properties for the following reasons:

- need for new and affordable housing in area
- proposal would complement existing development
- proposal provides adequate parking
- site no longer needed as garden and should be better used to provide family housing
- recent similar developments have caused no problems
- neighbouring properties will be no more overlooked than exists now
- proposed ecological enhancements would be beneficial to wildlife

COMMENT

The main issues to be considered in the determination of this application are: whether the proposal is acceptable in principle; whether the proposal is acceptable in design and amenity terms and whether the proposed access and parking arrangements are acceptable. Other issues to consider relate to ecology, SPA mitigation, sustainable design and construction, space standards, cycle parking and waste storage.

Principle and level of development

Comprising the former rear gardens to three houses fronting Southampton Road, this site is not specifically allocated for development. However, the Portsmouth Plan recognises that in order to meet its housing target, other potential housing sites outside of the strategic sites would need to be identified. These are expected to contribute around 13% of the overall housing need and would be distributed around the city. The site is flanked to the east and west by residential development that has infilled behind properties fronting Southampton Road, with this site being the only undeveloped parcel of land to the north of this part of Southampton Road. The proposed level of development would be at a density of 50 dwellings per hectare which would accord with Policy PCS21 (housing density) of the Portsmouth Plan which requires outside of identified high density areas, the density of new development should be no less than 40 dwellings per hectare. The proposed housing density would be comparable to that of the surrounding area. The existing houses fronting Southampton Road would have the benefit of private rear gardens following the completion of the development. On this basis it is considered that the principle of developing the rear gardens is acceptable. It is therefore considered that, in principle, the proposed development to provide 10 dwellings would be acceptable.

Design & Housing Mix

The application is accompanied by a Supporting Statement which among other things seeks to assess the local context and explain the rationale behind the proposal submitted in this application.

The proposed development would be served by an estate road that would have a 'T-shaped' plan with two spurs, one running north-south and the other east-west. The spurs would terminate in parking courts. The proposed dwellings would be laid out in a manner that would complement that of adjacent developments and has had regard to the siting of neighbouring properties. The siting of the proposal is considered to be a well-conceived response to the constraints of the site that would complement the prevailing urban grain of the locality.

The proposal would comprise a mix of terraced and semi-detached two and three bedroom dwellings. The site would provide eight three bedroom family homes which are considered to represent a positive contribution towards meeting the housing needs of the city. Two of these would be affordable homes in compliance with Policy PCS19.

The proposed dwellings would be of a traditional design and appearance and be a mix of two and two-and-a-half storey in scale. The dwellings would therefore complement the scale and character of existing development in the area. Overall the proposal is considered to represent an appropriate design solution for the site which would complement the locality.

The applicant took on board the early comments in terms of design and space standards, resulting in amendments to the plans and an acceptable scheme.

Amenity

The proposed development has clearly been designed with regard to the constraints of the site and the living conditions of neighbouring occupiers. The existing boundaries of the site are generally 1.8 metre high timber fences that allow views through the site from neighbouring properties. Any redevelopment of the site would result in a change in the outlook from neighbouring properties; however this in itself would not necessarily result in harm.

The terrace of houses to the south of the site would be sited to line up with properties in Sullivan Close (to the east) and Neelands Grove (to the west). As such they would have little impact on the occupiers of those neighbouring properties. The terrace would be sited approximately 30 metres from the rear of properties to the south fronting Southampton Road with rear gardens of between 7 and 8 metres. This arrangement is comparable to that which exists with neighbouring developments and is considered acceptable in terms of outlook and overlooking.

The semi-detached dwellings in the centre of the site would be sited to the rear of numbers 26 and 28 Sullivan Close which benefit from rear gardens 9.8 metres in depth. The flank wall of plot 6 would be sited 11.8 metres from the rear of the neighbouring properties and 2 metres from the rear boundary. It is considered that this element of the proposal would have an acceptable relationship to its neighbours in terms of outlook and overlooking.

The two pairs of semi-detached dwellings proposed for the north of the site would broadly align with properties in Sullivan Close and would be to the rear of properties in Priory Court. The flank of plot 10 would be sited 11 metres from the rear wall of Priory Court. Notwithstanding the two-and-a-half storey scale of these properties, it is considered that they too would have an acceptable relationship to their neighbours in terms of outlook and overlooking.

During the lifetime of the development, the proposed dwellings have been amended to meet the minimum bedroom and overall size standards set out in the Nationally Described Space Standard. Each dwelling would benefit from a rear garden of at least 7 metres depth. The proposed gardens would be comparable to those of the adjacent residential developments to the east and west. All habitable rooms would be provided with an appropriate outlook and light. The proposed dwellings would have a similar interrelationship with each other to those in the locality and are considered to have an appropriate relationship with each other. The proposed dwellings to the north of the site would back onto the railway line and would be the subject of a degree of noise and disturbance. This relationship would be same as other properties in the locality whose occupiers are not subject to significant levels of noise or disturbance. It is considered that mitigation measures relating to noise levels within the proposed dwellings could be secured through the imposition of a suitably worded planning condition. As a result it is considered that the proposal would provide an appropriate standard of amenity for future residents.

Access & Parking

The proposed estate road has been amended during the life of the application to provide an improved turning area and a service strip in which utilities could be accommodated. The level of parking proposed (16 spaces) would exceed the requirement of the Parking Standards SPD (15 spaces) by one space which would accord with the SPD requirement for the provision of visitor parking. It is considered that the proposed level of parking is therefore appropriate and acceptable.

The Highway Authority are satisfied that the proposal internal layout and parking arrangements are acceptable. Furthermore it is considered that the proposed additional dwellings would not result in such an increase in traffic movements that would be prejudicial to the safety or convenience of existing highway users of Neelands Grove, Portsdown Avenue or Southampton Road.

It is accepted that Neelands Grove is not an ideal route of construction traffic, however it is not so restricted that planning permission could be withheld on the grounds that access to the site by large vehicles may affect parking in Neelands Grove. A planning condition can be imposed to secure a Construction Management Plan to minimise the impact of construction traffic. Once operational the proposed cul-de-sac will be maintained by the residents through a management company, however it is designed to an adoptable standard should the developer take a view to take this approach.

Ecology

Comprising garden land the site has the potential to offer habitat for reptiles. Whilst the location of the site alongside the railway could contribute to a habitat for bats, no bat activity has been identified across the application site with there being no buildings or structures that could potentially host a roost. Ecological and arboricultural surveys were carried out, however the site was the subject of clearance works prior to the submission of the application. As a result further ecological work has been undertaken and submitted, primarily relating to slow worms that have been found on the site. The application is supported by an Ecological Survey Report and an addendum (prepared by David Leach Ecology Ltd) which has assessed the impact of the development in relation to protected species and habitats.

Ecological surveys of the site have identified the presence of slow worms on the site. The constraints of the site are such that disturbing their habitat could not be avoided. As a result the applicant proposes the translocation of the slow worms found within the partially-cleared development site to two identified receptor sites in close proximity.

In relation to the sites value to slow worms, in accordance with Article 12 of the EU Habitats Directive, when adopting a precautionary approach, if there is likelihood that 'disturbance' may occur which in this case there is, the derogation tests must be undertaken as follows.

Reasons for Overriding Public Interest

The proposal would generate benefits for local communities and the surrounding area. This is principally through the provision of additional family homes and contribute towards meeting the housing needs of the city.

No Satisfactory Alternative

This report concludes that there is no satisfactory alternative for this site, as no long term development use of the site is not a sustainable option, as the site would be lost as a windfall housing site.

Maintaining a Favourable Conservation Status (FCS)

In order to assess whether the FCS test is met with regard to slow worms, the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. The Council's Ecologist has

had regard to the ecological submissions and recommends the imposition of conditions seeking to control the translocation and to further strengthen ecological provisions by securing biodiversity enhancements. It is therefore considered that a Favourable Conservation Status can be maintained through the imposition of conditions.

Conclusion

If members conclude that the benefits of approving the proposal on this site outweigh the potential for harm, subject to the incorporation of conditions in line with recommendation, it is considered that (a) the impact upon ecology is low and (b) this application satisfies the statutory derogation tests.

None of the trees on the site are of a high quality and none have a high amenity value.

Flooding

The site is not located in an area identified at risk of flooding. However over the likely lifetime of the development (100 years) sea level rise may result in it becoming so. However it must also be noted that forthcoming and future sea defence improvements would be likely to protect the site by the time sea level rise would result in the site becoming potentially at risk. These are currently being progressed by the East Solent Coastal Partnership with construction due to start in mid-2017 and completion by late 2018. The submitted information indicates finished floor levels of the proposed dwellings would be such that they would not be at significant risk from flooding. It is therefore considered that the site and future occupiers would not be at significant risk from flooding.

SPA Mitigation

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

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The development proposed is not necessary for the management of the SPA.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(10 \times \pounds 176) = \pounds 1,760$. The applicant has agreed to provide SPA mitigation in accordance with the SPD. Subject to this being secured the development would not have a significant effect on the SPAs.

Other Matters

The submitted drawings indicate the provision of facilities for storage of cycles, however no detail is provided. The site is capable of accommodating suitable facilities which can be secured through the imposition of a suitably worded planning condition. A section 106 agreement will secure the affordable housing and SPA payment.

Whilst it is noted that the representations make reference to the impact of the proposal on health and education infrastructure, it must be recognised that this proposal relates to a development of ten additional dwellings which is of a scale that would not generate unreasonable demands. The proposed properties will have the benefit of private open space, and there are no infrastructure requirements triggered by the scheme.

It is considered that the demands on infrastructure associated with a development of this size would not be significant. The proposed development requires payment into the Community Infrastructure Levy which is the mechanism for cross city planning for infrastructure demands as a result of development.

The neighbouring notification carried out for this application was carried out in accordance with legislative requirements and the Council's usual practice and took the form of both direct notification by letter and the display of site notices.

Conclusion

Having regard to all relevant policies and material considerations the development proposed is acceptable in principle and represent a high quality design solution for the site that would not give rise to significant amenity or environmental impacts.

RECOMMENDATION A: that delegated authority be given to the Assistant Director of Culture and City Development to grant Conditional Planning Permission subject to the prior completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to secure affordable housing and SPA mitigation and subject to the following conditions

RECOMMENDATION B: That delegated authority given to the Assistant Director of Culture and City Development to refuse planning permission if the legal agreement has not been completed within six weeks of the date of the resolution

RECOMMENDATION Subject to Legal Agreement(s)

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 16002-101; 16002-200 Rev.C; 16002-201 Rev.A; 16002-202 Rev.A; 16002-203 Rev.A; and 16002-204 Rev.A.
3. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
 - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
 - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals

for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
 - (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).
5.
 - a) Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.
 - b) The development only be implemented in complete accordance with the approved Construction Management Plan.
6. The development shall (unless otherwise agreed in writing buy the Local Planning Authority) proceed in complete accordance with the reptile mitigation strategy detailed within section 5.2.1 of the Ecological Survey Report (David Leach Ecology Ltd. June 2016) and August 2016 Addendum (David Leach Ecology Ltd. August 2016) including translocation methods, habitat creation and the management in perpetuity of the receptor site.
7.
 - a) None of the dwellings hereby permitted shall be occupied until the biodiversity enhancements as described in Sections 5.3 of the Ecological Survey Report (David Leach Ecology Ltd. June 2016) have been provided.
 - b) The enhanced habitats shall thereafter be maintained and retained.
8.
 - a) Development shall not commence until a schedule of materials and finishes to be used for the external walls and roofs of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be carried out in accordance with the approved details.
9.
 - a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted.
 - b) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.
 - c) Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10.
 - a) Development shall not commence until precise details of a scheme to protect the dwellings hereby permitted from noise and vibration from the adjoining railway has been submitted to and approved in writing by the Local Planning Authority.
 - b) No dwelling it shall be occupied until the mitigation measures approved pursuant to part a) of this condition have been completed.
11.
 - a) None of the dwellings hereby permitted shall be occupied until the parking spaces and vehicular turning area shown on Drawing No. 16002- 200 Rev.C have been provided.

- b) The parking spaces and turning area shall thereafter be retained.
12. None of the dwellings hereby permitted shall be occupied until secure and weatherproof bicycle storage facilities have been provided in accordance with a detailed scheme that shall have been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling shall be occupied until screen walls or fences around that dwelling have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
4. In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
5. To protect the amenity of the adjoining and nearby local residents in accordance with policy PCS23 of the Portsmouth Plan.
6. To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
7. To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
8. In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
9. In the interests of the amenities and character of the area in accordance with policy PCS23 of the Portsmouth Plan.
10. To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
11. To ensure that adequate provision is made for the parking and turning of vehicles in the interests of the safety and convenience of users of the development and the adjacent highway in accordance with policy PCS23 of the Portsmouth Plan.
12. To ensure that adequate provision is made for cyclists in accordance with policies PCS23 of the Portsmouth Plan.
13. In the interests of the visual amenities and privacy of the neighbouring property in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

12 - 40 ISAMBARD BRUNEL ROAD PORTSMOUTH PO1 2DR

CONSTRUCTION OF A PART 8 & 10 STOREY BUILDING TO THE EAST AND PART 9, 10 & 13 STOREY BUILDING TO THE WEST OF 'MARGARET RULE HALL' FOR A HALLS OF RESIDENCE (CLASS C1) FOR STUDENTS CONTAINING 484 STUDY/BEDROOMS AND COMMUNAL FACILITIES, TO INCLUDE 704SQM OF COMMERCIAL FLOORSPACE (FOR USE WITHIN CLASS A1, A2, A3 OR B1) ON PART OF THE GROUND FLOOR, WITH ASSOCIATED LANDSCAPING AND CYCLE PARKING, AFTER THE DEMOLITION OF EXISTING BUILDINGS

Application Submitted By:

RPS/CGMS

FAO Mr Matthew Roe

On behalf of:

UNITE Group Plc C/O Agent

RDD: 1st June 2016

LDD: 7th September 2016

SUMMARY OF MAIN ISSUES

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a halls of residence, design including the appropriateness of a tall building in this location, impact on heritage assets, highways implications, impact on the residential amenity of future and nearby occupiers, standard of accommodation, sustainable design and construction/site contamination/drainage and impact on the Solent Protection Areas.

The site and surroundings

This application relates to an irregular shaped parcel of land (owned by the council) covering an area of 0.27ha. Existing offices, with some ground floor shop units, occupy the site. 'Chaucer House', 'Great Western House' and 'Navigators Resource Centre' comprise three-storey built-form, separated by a single-storey office element ('No32'), which is split to the east and west by an existing halls of residence on six floors (with ground floor entrance under) known as 'Margaret Rule Hall' that straddles Isambard Brunel Road. To the south, the site is bounded by Charles Dickens Street/Alec Rose Lane. To the north and east of the site are listed (Grade II) buildings at Portsmouth & Southsea railway station and St Luke's Church respectively. The application site is not within but affects the setting of 'The Guildhall & Victoria Park' Conservation Area, within which there are other nearby heritage assets including the Guildhall (Grade II) and cenotaph (Grade II*).

The application site encompasses land that forms part of the public highway including the bus lane on Isambard Brunel Road. Extensive public realm improvement works are proposed to secure a sympathetic setting to the redevelopment site and would include removal of the 1970's pedestrian subway, which form barriers across Isambard Brunel Road between 'Navigators Resource Centre' and St Luke's Church.

Proposal

Permission is sought, after demolition of existing buildings, for a part 8 & 10 storey building (east side) and a part 9, 10 & 13 storey building (west side) comprising a student halls of residence (use class C1) containing 484 study/bedrooms and communal facilities.

The 484 study/bedrooms have been split into a mix of 'cluster flats' (a set number of en-suite bedrooms with shared kitchen) and 'studio rooms' (self-contained bedrooms with kitchenettes). The rooms are arranged as follows:

- o 47 studio rooms;
- o 3 x '5 bedroom' cluster flats (15 no.);
- o 21 x '6 bedroom' cluster flat (126 no.);
- o 10 x '7 bedroom' cluster flat (70 no.);
- o 8 x '8 bedroom' cluster flats (64 no.);
- o 8 x '9 bedroom' cluster flats (72 no.), and
- o 9 x '10 bedroom' cluster flats (90 no.).

Communal areas would be provided on the ground and first floors, distributed equally between the east and west buildings. The ground floor lounges are designed for more transitory spaces leading to the access cores, to provide sitting and meeting spaces. The first floor provides common rooms that offer activity space (such as pool or table tennis) and also accommodate a laundry.

The proposal also includes 704sqm of commercial floorspace (for use within Class A1, A2, A3 or B1) on part of the ground floor, positioned on the west and east corner approaches to the site.

In addition, this proposal will provide space/stands for 209 bicycles in an enclosed compound positioned under 'Margaret Rule Hall'. The replacement built-form would be sited tight to the existing building footprint limiting opportunities for visitor cycle parking; however, such facilities would appropriately be located within the proposed public realm improvements.

The applicant is Unite Group plc, a national student accommodation provider.

Supporting documents are included as part of the planning application covering:-

Design & Access Statement;
Planning Statement;
Transport Assessment & Framework Travel Plan;
Sustainability & Energy Statement;
Ecology Constraints Assessment;
Arboricultural Assessment;
Geo-Environmental Desktop (inc. Contamination & Flood Risk);
Wind Microclimate Assessment;
Noise Assessment;
Student Management Plan;
Heritage, Townscape and Urban Analysis;
Daylight and Sunlight Assessment;
Employment and Skills Plan; and,
Construction Management Plan.

Planning history

There are planning records for the original development of Nos12-40 Isambard Brunel Road in 1969/1970 and subsequent alterations/changes of use but none are particularly relevant to this proposed redevelopment of the site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS4 (Portsmouth city centre), PCS11 (Employment land), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation), PCS24 (Tall buildings).

Saved policy

DC21 (Contaminated land) of the Portsmouth City Local Plan

National Planning Policy Framework

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 14). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered (para 113).

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

- 17 Core planning principles for decision making
- 19 Significant weight on the need to support economic growth through the planning system
- 32 Transport Statements and Assessments
- 34 Locate developments generating significant movement where need to travel minimised
- 35 Development designed for sustainable travel
- 56 Great importance to design and good design indivisible from good planning
- 57 Requires high quality and inclusive design in the built environment
- 61 Decisions should address connections between people and places
- 62 Local design review arrangements provide support to ensure high design standards
- 64 Refuse poor design that fails to improve the character and quality of an area
- 96 New development should minimise energy consumption
- 118 Principle should be applied to conserve and enhance biodiversity
- 119 Presumption in favour of sustainable development (para14) does not apply where AA required under Birds or Habitat Directives
- 120 Responsibility for a safe development where a site is affected by contamination
- 121 Site to be suitable for its new use taking account of ground conditions
- 123 Impacts of noise and air quality should be mitigated and managed
- 128 Applicants should describe the significance and potential impact on any heritage assets
- 129 Lpa's should assess significance of any heritage asset, including its setting
- 132 Great weight should be given to conservation of heritage assets
- 133 Refuse consent for substantial harm to heritage assets unless substantial public benefits outweigh that harm
- 134 Less than substantial harm to heritage assets should be weighed against public benefits
- 135 Significance of non-designated heritage assets should be taken into account
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 204 Use of planning obligations and conditions to make development acceptable

'Chaucer House' is highlighted as protected employment land (policy PCS11) on the Proposals Map where the loss of B1 uses in those areas will be resisted.

The adopted City Centre Masterplan SPD is relevant to the proposal and regeneration of this part of the City, with specific reference to 'Site 13: Chaucer House' and 'Site 15: Navigators Resource Centre' (from para's 4.196 and 4.223 on p.66-71). The vision of the SPD is "to create

a vibrant and successful city centre that is the beating heart of our great waterfront city... include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings...".

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

A Student Halls of Residence SPD (adopted October 2014) includes a definition of halls of residence, preferred locations for such developments and management and design standards such accommodation should meet.

Other Supplementary Planning Documents (SPD) also provides relevant policy guidance:
Parking Standards and Transport Assessments SPD (July 2014)
Sustainable Design & Construction SPD (January 2013) and
Reducing Crime Through Design SPD (March 2006)
Solent Protection Area (April 2014)
Achieving Employment and Skills Plans (July 2013).

CONSULTATIONS

Highways Engineer

The D&A Statement explains at para 5.6 that the new development will be merged with the existing building with the existing Margret Rule Hall entrance providing the front door for over 800 students. This accesses directly to Isambard Brunel Road beneath the existing building and will generate a significant student footfall at peak periods. Para 6.8 explains the city council's intention to make significant alterations to the road layout in the immediate vicinity of the area and that the development scheme design takes advantage of the fact that the bus lane fronting the site will be removed and the pavement widened. Whilst this is an aspiration of the council such a scheme does not feature in the capital programme and the delivery of such should be secured through planning obligation on any consent issued for this development to ensure that it is in place prior to occupation of the development. This should include the repositioning of the bus stops, creation of a dedicated cycle facility in place of the removed bus lane integrated into the proposed public realm improvements and remodelling of the junction with Greetham Street to change the priority.

It is also explained that the existing underpass will be removed with the pavement extended to the centreline of the existing road and all traffic except buses and cycles stopped from travelling further than Dugald Drummond Street.

It is suggested that the detailed design principles for this public realm improvement will be agreed during the planning conditions stage. However this is inconsistent with the Planning Statement which explains at para 2.8 that '*As part of this planning application public realm works are proposed and detailed within the Design and Access Statement produced by Cooley architects and illustrated on Drawing '842-DG-0001 Ground Floor Plan 1:200 A1 Rev D'.*' Whilst this plan does not provide design details of the proposed public realm improvements I am satisfied that there is sufficient land within the existing public highway to accommodate such an improvement. The details of that together with a stage 1 safety audit should be submitted to and approved by the LPA together with completion of the relevant TRO process to limit traffic movements beyond Dugald Drummond Street prior to the commencement of development on the site. This is necessary to reduce the traffic flow sufficiently on Isambard Brunel Road to allow the removal of the underpass and replacement with a surface level crossing. This should include for the remodelling of the junction with Greetham Street to provide a priority for bus movements along Isambard Brunel Road. A temporary TRO will also be required to close the

bus land and footway on the northern site frontage prior to occupation of those during the construction phase.

Paragraph 6.14 summarised the content of the travel plan and the detail will be addressed later in this response.

Paragraph 6.15 explains the intention to provide cycle parking facilities (209 spaces indicated on the plan) in semi vertical racks for 25% of the combined bed spaces of Margret Rule Hall and Chaucer House which is consistent with the standard provided at the Greetham Street scheme but less than the cycle parking provision of 30% achieved at the Surrey Street scheme and significantly less than the SPD stand requirement of 1 space per bed space. No specific provision is made for visitor cycle parking which is required at a ratio of 10% of the long stay cycle parking provision in the SPD. The D&A statement refer to the planning consultant's report to justify the 25% provision. The Planning Statement at para 1.2 refers to the provision of 191 cycle parking spaces which is inconsistent with the D&A Statement. At para 6.82 it is explained that the Transport Assessment provides robust justification for the proposed 25% cycle parking standard. The Transport Statement refers to the provision of 122 spaces cycle parking spaces beneath the southern overhang of Margaret Rule which includes the additional 69 spaces as part of Margaret Rule Halls. This seems consistent with the Planning Statement but is inconsistent with the D&A statement. The Transport Statement provides a justification for a reduction in the parking standards to 25% which is considered later in this response.

The cycle parking spaces are proposed to be accommodated in an enclosed compound on the western half of the car park under the cover of Margret Rule Hall with access controlled by use of fobs. This is consistent with the SPD which requires that *'For cycle parking in shared buildings (anything other than individual family homes) to be considered 'secure' bikes should be protected by a lockable door or a security door (e.g. swipe card), which restricts access to cycle parking to authorised persons only, and be stored in such a way that bikes can be secured individually.'*

Commercial units of 400sqm and 300sqm are proposed on the ground floor at the western and eastern ends of the site respectively. The intended use of these units is not specified although being located in the city centre the SPD explains that the council will expect parking provision here to be significantly lower than in other areas of the city. It explains that *'the council has set out guidance on how to determine appropriate parking requirements for non-residential development. This is because the council considers that parking needs vary significantly for each individual site and land use, and developers should establish the parking requirement and demonstrate why the proposed parking solution is the right one for that particular development. Whilst the council will expect parking for non-residential development in the city centre to be significantly lower than might be acceptable in other locations (reflecting the high accessibility of this area by public transport and in line with the city's parking strategy), excessive or insufficient levels of parking for the particular circumstances of the development will not be acceptable. The council will expect any planning application to include robust evidence (based on the guidance below) especially where apparently very high or very low levels of parking are being proposed. The level of evidence provided should be proportionate to the type of land uses and scale of development being proposed.'* The D&A statement does not reference where the assessment of the parking demand for the commercial floor space can be found in the documentation supporting the application and I have been unable to find any such assessment therein. Paragraph 7.2 does refer to the availability of on street parking to the rear of the units and the availability of 'ample secure parking within a short walk of the site' although this is not identified or quantified. No surveys have been submitted to demonstrate either spare parking capacity on street or in the 'secure parking' referred to. This is inconsistent with paragraph 6.83 of the Planning Statement which explains that *'To aid servicing deliveries the existing car parking bays on Charles Dickens Street will be removed and replaced with loading bays.'* The loss of these on street parking spaces in an area where the demand for parking significantly exceeds the space available could not be countenanced unless re-provided elsewhere locally. The existing loading bay at the western end of the site on the north side of Charles Dickens Street is sufficient to meet the servicing requirement of the commercial unit at that end of the site. The remaining car

parking spaces at this frontage should be retained and can be suspended to help facilitate students taking up or leaving the accommodation as is the case with the other local similar facilities. Occupation of the bays can be controlled by TRO at the beginning of the day to facilitate refuse collection if that proves necessary.

Transport Statement:

The Transport Statement considers the relevant national and local planning policy and having reviewed the city centre master plan reports the policy position that:

- *'Access points and entrances: The main access should be provided from Isambard Brunel Road with secondary access from Charles Dickens Street; and*
- *Parking and servicing: Parking for the site will primarily be accommodated within the Isambard Brunel Road multi-storey car park accessed from Alec Rose Lane. Servicing access should be from Charles Dickens Street.'*

Having reviewed the SPD relating to Parking Standards and Transport Assessments the Transport Statement reports at para 2.3.9 that:

'The parking standards are set out in Portsmouth City Council's Parking Standards and Transport Assessment document, which was adopted as policy in July 2014. The current document states car parking standards for University Halls are dependent on their other usage throughout year and not the number of beds. The document also states for cycle parking in student accommodation is set to one cycle space per bedroom, but that this standard can be relaxed subject to evidence being provided to substantiate proposals'

This misrepresents the SPD which requires that the number of expected parking spaces be *'determined by a Transport Assessment (to include consideration of use of the building outside of term time)'*. In section 3 the Transport Assessment considers the accessibility of the site location by sustainable travel modes and reports the proximity of local facilities and walking, cycling bus and train facilities factually although draws no conclusion about the accessibility of the site. However the site is located with the city centre area defined as having a high level of accessibility in the SPD and it is accepted that the general levels of accessibility are appropriate for this development type.

Section 3 also summaries an analysis of personal injury collisions which have occurred in the vicinity of the site but again draws not conclusion about the safety of the local road network.

In section 4.3 the Transport Statement considers car and cycle parking. No assessment is made of the likely car parking demand for either the student accommodation or any other use of the building nor the commercial development, contrary to the requirement of the SPD, nor is any survey provided demonstrating capacity to accommodate this within the Isambard Brunel multi-story car park. In the absence of such an assessment it is assumed that there is no intended use of the building outside of term times. This should be secured through a planning obligation or unilateral undertaking in the absence of such assessment.

A case is made for a reduction in the cycle parking standard to 25% finding that to be broadly consistent with the student accommodation developments at Greetham Street, Zurich House and Surrey Street. It also reports the number of cycle spaces provided at other student halls operated by Unite and the occupation of those found by survey. This concludes that the peak demand for cycle parking at any of the sites was 14.81% with the lowest being 0%. The average demand found would suggest a demand for only 4 cycle parking spaces arising from the proposed scheme with a maximum demand of 19 spaces.

Whilst there is some inconsistency between the Transport Statement and D&A Statement in relation to the number of cycle parking spaces to be provided, even taking the lowest of these (191 spaces) this suggests a cycle parking provision in excess of 39% for the new development which in part addresses the existing cycle parking shortfall of the existing student accommodation such that the provision for both elements is in the order of 25%. Given the evidence provided, this is an acceptable cycle parking provision for the intended development.

Section 4.4 explains the intended public realm improvements in Isambard Brunel Road which are shown on drawing number 842-LY-0s02_C and are planned to be delivered through S278 works. I am comfortable with this delivery mechanism in principle but have not been able to find this plan within the package of submitted documents nor a stage 1 safety audit to confirm the safety of the proposed improvements. The existence of a detailed design for the public realm improvements is inconsistent with the D&A statement suggestion that these will be resolved through planning condition. The details of any such works together with a stage 1 safety audit should be submitted to and approved by the LPA together with completion of the relevant TRO process to limit traffic movements beyond Dugald Drummond Street prior to the commencement of development on the site. This should include for the remodelling of the junction with Greetham Street to provide a priority for bus movements along Isambard Brunel Road.

Paragraph 4.4.2 explains the phasing of the proposed public realm improvements and the intention to facilitate those through an initial temporary and subsequent permanent traffic regulation order. It is explained that *'During the construction phase of the development the existing bus lane and bus stops on the southern side of Isambard Brunel Road will need to be closed in order to provide the construction compound and access to the site. This will be supported by a Temporary TRO closing the bus lane for the proposed construction period.'* Whilst I am comfortable with this approach in principle it is inconsistent with that envisaged in the construction phase plan (CMP) and traffic management plan (TMP) which additionally envisage the closure of Charles Dickens Street to accommodate site office units and creation of a new access from Alec Rose Lane to the car park for a 24 month period. This does not seem necessary to facilitate the construction of the development nor secure public safety, rather is a simple expedient to accommodate site offices. The detail of the CMP and TMP will be addressed later in this response. It will also be necessary to secure and implement a TRO preventing the use of Isambard Brunel Road by general traffic between Station Street and Greetham Road prior to the closure of the underpass which is consistent with the planned public realm improvements here.

Servicing and refuse management is considered in section 4.5 of the Transport Statement which envisages the removal of the parking spaces on Charles Dickens Street to provide loading bays and references a swept path analysis drawing which do not appear to be included in the package of documents. The loss of these parking spaces without replacement is not acceptable in this area where the demand for parking already exceeds the space available and an alternative servicing strategy needs to be submitted to and approved by the LPA prior to the commencement of development. As previously explained the existing loading bay at the western end of the site on the north side of Charles Dickens Street is sufficient to meet the servicing requirement of the commercial unit at that end of the site. The remaining car parking spaces at this frontage should be retained and can be suspended to help facilitate students taking up or leaving the accommodation as is the case with the other local similar facilities. Occupation of the bays can be controlled by TRO at the beginning of the day to facilitate refuse collection if that proves necessary.

The Student Arrival and Departure management arrangements explained in section 4.6 are not sufficiently detailed to give confidence that this exceptional demand can be managed in this area and relies on the use of loading bays on Charles Dickens Street which cannot reasonably be established without relocation of the parking facilities. It does not consider where car will be parked before unloading slots or once students have unloaded for the remaining period before their parents leave. Nor does it consider how this increase in demand for local parking will be accommodated in tandem with the demands from the other local student halls experiencing similar demands at the same times. Paragraph 4.6.7 refers to a Student Management Plan which sets out the procedures for dealing with student arrivals and departures although neither does this give sufficient detail of the management arrangements to give confidence that the parking and access demands at arrival and departure times can be safely and practically accommodated with in the locale.

Section 5 of the Transport Statement considers the likely daily trip generations likely to arise as a result of the commercial element of the development. This suggests 26 and 35 two way

vehicular movements in the am and pm peak periods respectively in relating to the proposed commercial element of the development. Whilst these would not have a material impact on the performance of the local highway network it does imply a demand to access these facilities by vehicle and the findings are not supported with a survey to establish whether or not there is capacity either on street or in local off street car parks to accommodate this demand. The summary of this section does not seem to reconcile with the findings reported in table 5-3 and should be revisited.

Framework Travel Plan:

The framework travel plan largely repeats the first 4 sections of the Transport Statement and sets out the travel options available to students and the proximity of services. It does not identify specific targets against which to measure the success of the plan incentives to encourage sustainable travel or specific interventions which will be taken in the event that the targets are not achieved. Nor does it consider the specific issues associated with student initial arrivals and departures. Given the intention that this is a car free development and the claimed experience of Unite in operating similar student halls elsewhere it seems reasonable that this level of detail could be established prior to the commencement of development rather than being informed from student surveys following occupation. A more developed travel plan with explicit targets should be development and submitted to / approved by the LPA prior to the occupation of the development together with a fee of £5500 to facilitate monitoring of the travel plan by the local authority for a 3 year period.

Construction Phase Plan / Traffic Management Plan:

The construction phase plan and traffic management plan are largely a generic documents dealing with the approach to managing the work and must be read together. Neither of these defines a programme of works or detail scheduling which will need to be submitted to and approved by the LPA prior to the commencement of development allows for necessary TROs for the relevant construction elements.

The construction phase plan defines roles and responsibilities of individuals whereas the traffic management plan considers specific site constraints and impacts from a traffic perspective at paragraph 2.2. This explains that Charles Dickens Street will be temporarily closed for the period of the project (24 months) to 'permit a suitable placement location for site welfare and provide protection to the public' it proposes to maintain access to Margret Rule Hall with a protected walkway. The closure of this road could not be justified simply to accommodate such facilities or similar site office accommodation and public protection could be secured by providing a scaffolded protective cover to the full width of the road. In the event that such a closure was necessary to facilitate particular aspects of the build, the period of the closure should be restricted to the minimum necessary to secure safety during the build of that element. Any closure in excess of 18 months would need to be referred to the DfT for approval.

Minor modifications to the access to the council are park are envisaged to be necessary in the event of a road closure which are to be agreed with the council / Colas. In such circumstances the Civic Offices underground car park will need to operate both the north and south entrance/exit to ensure that there are no conflicts with vehicles turning in and out of the narrow entrance. Whilst the south entrance can be reopened a security booth will need to be constructed, a security guard employed and changes to the lining in the underground car park made. These costs will be required to be met by the developer. To close the road, a Section 14:1 order of the Road Traffic Regulation Act needs to be drawn up, this is subject to public consultation and could not be supported by Highways PFI/Network Management or Colas if the developer does not agree with the changes required in the car park. Depending on the period temporary road closures of Charles Dickens Street to facilitate specific build elements may require similarly modifications to the operational arrangements of the civic offices underground car park and these should be secured prior to any such road closures.

Whilst the bus lane on Isambard Brunel Road is to be closed and used as a construction access road before the public realm improvements are instigated the traffic management plan

envisaged that PCC/Colas will arrange for a temporary bus stop location to be formed. This facility will be required to be provided by the developer prior to the commencement of construction of the project.

Whilst the text of the plan is silent about other constraints or requirement for mitigation the site logistics planning drawings show the hoarding line for the building extending to the limit of the footway between Isambard Brunel Road and Charles Dickens Street. In order to provide pedestrian access it will be required that the wall at the base of the pedestrian ramp adjacent to the Civic Office car Park is removed and the footway levelled to create a new path to maintain this route for pedestrians.

The creation of an alternative access to the car park from Alex Rose Lane is also proposed. This would be required to be implemented through a S106 agreement although may not be required if the Charles Dickens Street is only required to be closed for short periods.

The works will involve Infilling of the subway which is a structure currently maintained under the Highways PFI Contract, it is inspected and lit. There is a process to remove this from the Highways Maintenance Contract and a Highways Act Section 116 Stopping Up Order will be required to effect this change.

The construction of the new building is likely to interfere with the signal for the Portsmouth City Council CCTV network, the developer will need to liaise with the CCTV team to arrange for the CCTV network to be tested and aerials relocated if necessary.

As this application stands it must be recommended for refusal as:

- The removal of the parking spaces on Charles Dickens Street to provide loading bays without replacement in an area where the demand for parking exceeds the space available is not acceptable;
- No assessment is made of the likely car parking demand for either the student accommodation or any other use of the building nor the commercial development as is required in the SPD nor is any survey provided demonstrating capacity to accommodate this within the Isambard Brunel multi-story car park;
- The closure of Charles Dickens Street to accommodate site office units and creation of a new access from Alec Rose Lane to the car park for a 24 month period is not necessary to facilitate the construction of the development nor secure public safety;
- The servicing strategy being reliant on the removal of the parking bays form Charles Dickens Street and replacement with loading bays is unacceptable and needs to be revisited;
- The Student Arrival and Departure management arrangements are not sufficiently detailed to give confidence that this exceptional demand can be managed in this area
- The framework travel plan is not sufficiently developed, it does not identify specific targets against which to measure the success of the plan, incentives to encourage sustainable travel or specific interventions which will be taken in the event that the targets are not achieved.
- The construction management plan does not make sufficient case to justify the proposed construction approach and specifically the closure of both Charles Dickens Street and the pedestrian link between Charles Dickens Street and Isambard Brunel Road for the 24 month build period.

If minded to recommend approval of the application the following conditions/planning obligations are requested:

- The development shall not be commenced until such time that necessary traffic regulation orders relevant to the specific elements of the intended construction have been granted for example:
 - Closure of the bus lane and public footway on the north side of the site prior to creating the compound

- Prevention of general traffic flow on Isambard Brunel Road between Station Street and Greetham Street prior to closure of the subway
- The details of the public realm improvements and associated stage 1 safety audit should be submitted to and approved by the LPA together with completion of the relevant TRO process prior to the commencement of development on the site. This should include for the remodelling of the junction with Greetham Street to provide a priority for bus movements along Isambard Brunel Road.
- Amended construction management and traffic management plans are submitted to and approved by the LPA prior to the commencement of development which do not rely on the closure of either Charles Dickens Street and the pedestrian link between Charles Dickens Street and Isambard Brunel Road for the 24 month build period.
- More detailed student management / travel plans (specifically with regard to arrival and departure arrangements and explicit targets/ incentives and interventions) are submitted to and approved by the LPA prior to the occupation of development. A fee of £5500 should be secured to facilitate monitoring of the travel plan by the local authority for a 3 year period.
- An alternative service management plan which is not reliant on the replacement of the car parking spaces with Loading bays on Charles Dickens Street is submitted to and approved by the LPA prior to the commencement of development
- Proposals for the modification of the access arrangement to the council car park to include the construction of a security booth and employment of additional security staff are submitted to and approved by the council prior to the commencement of development and implemented prior to any closure of Charles Dickens Road
- Proposals to remove the wall at the base of the pedestrian ramp adjacent to the Civic Office car Park and the footway levelled to create a new path to maintain this route for pedestrians are submitted to and approved by the LPA prior to commencement of construction and that these works are implemented prior to the erection of the hoarding closing this link.
- That the subway is formally stopped up and the alternative surface level pedestrian facilities provided prior to that being taken out of use and backfilled
- That an alternative network is provided to ensure continuity of the councils CCTV function during the period of the work prior to the commencement of the development.

Environmental Health

This consultation is with regard to the potential impact on the amenity of future users as a result of road/rail traffic noise and the surrounding land uses as well as the potential impact from the proposed ground floor commercial uses and the proposed CHP.

Noise

An acoustic assessment (Report 7263/AAR Rev.1 dated 28/4/16) has been presented as part of the application. The report details an environmental noise survey of the currently existing acoustic situation. Mitigation measures have been included for the residential use. The noise survey is considered to have been appropriately undertaken and the proposed mitigation to adequately protect the amenity of the future users.

The report also covers potential noise from the proposed commercial units. The potential for noise is most-likely to result from any A3 use and it is suggested that the internal fit out, which is typically undertaken by the tenant, will need to be tailored in terms of additional sound insulation as necessary and additional control can be maintained through the tenancy lease clauses. Should a more robust approach be required, a noise condition can be recommended.

Section 6 of the Student Management Plan details times for deliveries and collections is considered to limit the impact on the amenity of the future proposed and other neighbouring residential uses.

Within Section 3.0 proposed target levels are detailed for all operating plant that will be associated with this development. This target criteria is accepted provided it extends to all plant

and equipment associated with the proposed commercial uses at ground floor level. At this point in time it is not possible to assess this as no plant/equipment supporting documentation has been received. Should you be minded to grant permission, the following condition should be applied:

Prior to the installation of any fixed plant and/or equipment, a scheme for protecting residential premises from noise generated by the plant and/or equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the combined noise level from all such plant (expressed as an LAeq,5minute) will be 5dBA below the measured background noise levels (expressed as an LA90 over one hour) representative of the quietest period of a typical week. The assessments shall be made at 1 metre from the façade of the nearest residential premises. The equipment shall then be installed in accordance with the approved details and shall be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.

Odour

Should an A3 use be introduced in the commercial units, it is likely that some form of kitchen extraction system will be required and the following condition is recommended to protect the amenity of neighbouring and the future residents of the development:

Prior to the commencement of the A3 use, equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation, details of the proposed equipment shall be submitted to the local planning authority for approval. Approved equipment shall then be installed and maintained in accordance with the manufacturer's recommendations.

Air Quality

The proposals include a Combined Heat and Power system (CHP) with a peak output of 486 kW. Having consulted with the Air Quality officer and the document 'Land-Use Planning & Development Control: Planning for Air Quality', there is concern that the size of the CHP may have a significant impact on local air. As such, an Air Quality Assessment is required.

Crime Prevention Design Advisor

The following comments are made with reference to crime prevention.

To provide for the safety and security of residents and visitors it is recommended:

- a) External access doors should be third party certificated to PAS24:2012 standard.
- b) An electronic access control system is installed that provides for the access of authorised persons only.
- c) To prevent unrestricted movement about the accommodation, doors giving access to bedroom corridors should be fitted with electronic access control.
- d) Consideration should be given to the installation of a Closed Circuit Television (CCTV) system within the building, with cameras deployed to provide images of the access doors, reception, and common areas

The proposal shows a large cycle store. It is recommended that this is subdivided into a number of small cycle stores.

City Centre Consultation

No comments received.

Portsmouth Water

No comments received.

Southern Water

Records show the approximate position of a public combined sewer within the site (although its exact position must be determined on site by the applicant). Detailed comments specify the proximity of any proposed new tree planting or soakaways from the public sewer. Southern

Water request condition(s) on any permission for: (a) measures to be undertaken to protect drainage apparatus; and, (b) details of the proposed means of foul and surface water sewerage disposal to be submitted to and agreed in writing by the local planning authority, in consultation with Southern Water.

Initial investigations indicate that Southern Water can provide foul sewage disposal. The public sewer is a combined system, receiving both foul and surface water flows, and no surface water flows greater than currently received can be accommodated in this system. An Informative is requested regarding connection to the public sewerage system. The applicant should also be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner/operator.

Hampshire Fire & Rescue Service

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

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

Access for High Reach Appliances - high reach appliances currently operated by the HFRS exceed the maximum requirements; when considering high rise buildings these variations should be considered as additions and incorporated, as follows. Structures such as bridges, which a high rise appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies - additional water supplies for firefighting may be necessary and the developer is encouraged to discuss its proposal with the Community Response Support, Hampshire Fire & Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk)

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

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

The use of AWSS can add significant benefit to the structural protection of buildings from damage by fire. HFRS 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 on the wider community.

Firefighting and the Environment - Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Fire Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a controlled burn' may take place. This of course could lead to the total loss of the building and its contents. Premises occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages. Further guidance on preventing pollution can be found in (specified) Environment Agency publications.

Timber Framed Buildings - these types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase. Further guidance is available from the UK Timber Frame Association's publication '16 Steps to Fire Safety on Timber Frame Construction Sites'.

Radiocommunications Agency

No comments received.

The Portsmouth Society

No comments received.

Southern Electric

No comments received.

Contaminated Land Team

The following report submitted as part of the application has been reviewed:

o Chaucer House, Portsmouth - Preliminary Geo-Environmental and Geotechnical Risk Assessment, WSP PB, Report Ref: 70018063-001, May 2016.

In the main the report provides a sound initial risk assessment of the site from a review of readily available desk based resources, and as such the Contaminated Land Team (CLT) is in general agreement with the recommendations given in the report. Specific queries are identified that should be passed to the developer/consultant for consideration/clarification prior to any intrusive investigative works being carried out on site and based on the recommendations provided within the report (in section 7.3), it is recommended that site investigation/remediation conditions be imposed on any planning permission.

Highways Contractor (Colas)

No comment at this time but Colas has been in contact with the developers.

Coastal & Drainage

No mention at all of how the site is proposed to be drained. The LLFA requests this in order to be able to comment, especially considering the size of the development.

Waste Management Service

The Waste Management Team raises a few concerns:-

1. Access to bin shed - currently this is an on road pay and display car parking area.
2. No dropped kerbs.
3. Nowhere to store the bins on the road whilst servicing, as the bin shed is too small to manoeuvre bins within it they will have to be brought out and emptied and then returned.
4. The bin shed is too small, designed to hold 14 bins at present; there is no storage for the existing 'Margaret Rule Hall' (348 study/bedrooms) as the bin sheds there have been removed from the plan. This would give a total of 832 study/bedrooms sharing the new bin storage area, requiring a minimum of 25 x 1100 bins split 13 x 1100 refuse collected 3 times weekly, 11 x 1100 recycling collected twice weekly and 1 x 1100 b/bank collected twice weekly.

For this development to have a single collection per week it would require a bin storage area capable of holding 61 x 1100 bins.

Design Review Panel

A presentation was made by the applicant/agent at pre-application stage. The Panel considered both the presentation and the rationale provided for the appearance of the building to be good. With limited exception, they were also broadly satisfied that the range of materials, and the way they would break up the building are appropriate. Despite this there were a significant number of aspects to the scheme that could be improved upon: the initial images of the undercroft entrance were open and inviting. This element was felt to have subsequently regressed. The panel were disappointed by this and suggested this aspect of the scheme should be revisited. Discussion around the entrance led on to wider deliberation regarding the public realm around the site. Concern was expressed that the site boundary had been extended simply to eliminate the bus lane. The resulting pavement in front of the building would be extremely wide. Very limited consideration had been given to the issue of landscaping. This aspect of the scheme requires more attention. Greater effort should be made to integrate landscaping / planting with the building, making it part of its setting.

The panel conceded that white 'trespa' panels to the rear may initially provide a crisp finish, they were however concerned at how this would be maintained. A colour that responds more to the surrounding context would be better. Indeed, the use of white panelling on the building as a whole was considered arbitrary and they were unconvinced that it would be appropriate anywhere on the building.

The building would be large and very tall, particularly along Charles Dickens Street. It would also radically alter the setting of the Civic Offices. The panel expressed concern regarding the back of the building. The attention to detail given to the front was absent here, in addition the eastern end of the building was not considered especially successful. It does not take the corner well and it was considered that both these aspects of the scheme require further work. In addition the panel considered that greater modulation and depth to the façade is required. It was also suggested that the proposal would benefit from a re-examination of how the top of the building is terminated. It may benefit from greater articulation. The recommendation of the Panel is that the proposal is considered capable of support, subject to the range of comments above.

REPRESENTATIONS

Two representations have been received raising objection. The first is from Portsmouth Cycle Forum the grounds of: (a) create a safe, segregated cycle path along Isambard Brunel Road; (b) upgrade A3 crossings to increase capacity; (c) signpost walking and cycling routes to University; (d) contraflow cycling in Charles Dickens Street; (e) provide 'Sheffield' cycle stands at each entrance to halls and retail units; and, (f) promote active travel to residents.

The second objection has been received from the University of Portsmouth (UoP) on the grounds of: (a) para 5.29 of the core strategy states the city council will continue to work with UoP to promote appropriate development of purpose built student accommodation, however, pre-application meetings have taken place without consultation with UoP until the submission stage and there is a real risk of oversupply of high end accommodation once 'Zurich House' is completed in 2017 whereas demand is for the more affordable end of the rental market borne out by student preferences in current applications for 2016 entry; (b) impact on future occupiers of Greetham Street and Margaret Rule Hall during construction/demolition given the proximity and extent of works, contrary to policy PCS23 that seeks to protect amenity and provide a good standard of living environment of neighbouring and local occupiers; and, (c) assurances are needed about the safety of students by relocating all access to Margaret Rule Hall to the rear of the building (during demolition/construction period).

A letter of support has been received from the applicant (Unite) responding to the concerns raised by UoP, attached at Appendix 1.

One other representation has been received commenting as follows: (a) an excellent scheme in an area of much needed redevelopment; (b) totally in favour of more student halls in the city as it frees up student housing for permanent residents; and (c) the standard of architecture on this scheme is excellent and will be a great addition to the city skyline alongside the new student tower block.

COMMENT

The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a halls of residence, design including the appropriateness of a tall building in this location, impact on heritage assets, highways implications, impact on the residential amenity of future and nearby occupiers, standard of accommodation, sustainable design and construction/site contamination/drainage and impact on the Solent Protection Areas.

Principle of Halls of Residence/ground floor commercial uses

The application site falls within the boundary of the defined city centre (Policy PCS4 of the Portsmouth Plan) and more specifically falls within the locality of the 'Guildhall Area'. This policy 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 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.

The adopted City Centre Masterplan SPD (January 2013) provides policy guidance for regeneration of this part of the City and recognises an opportunity to redevelop more intensively than at present introducing a more distinctive and higher quality built form.

Site 13: Chaucer House (p.66-68)	Site 15: Navigators Resource Centre (p.70-71)
<p>4.196 Site description. The site, fronting onto Isambard Brunel Road, is a prominent and accessible city location that adjoins the Civic Offices and is close to Portsmouth & Southsea Railway Station.</p> <p>4.197 Chaucer House currently rises to 3 storeys with a ground floor occupied by a mix of small retail units and upper floors comprising offices. The main entrance points for the office accommodation and retail units is from Isambard Brunel Road, with secondary access and servicing from Charles Dickens Street.</p> <p>4.198 Although Chaucer House is fully occupied at present it does not make a strong contribution to the overall character of the Guildhall area and is somewhat dwarfed by the height of the adjoining Margaret Rule Hall and the Dickens Wing of the Civic Offices. There is an opportunity to potentially redevelop the site more intensively than at present introducing a more distinctive and higher quality built form.</p> <p>4.199 Development aspirations. The site should be redeveloped principally occupying the same footprint to the existing Chaucer House but with the potential for a taller building on the site to maximise the available accommodation.</p> <p>4.200 The form and character of the development should complement proposals for Site 11: Enterprise House/Midland House and Site 12: 2-10 Isambard Brunel Road to establish a coherent identity to the area.</p> <p>4.201 The proposed building would also provide a mix of ground floor uses fronting and overlooking Isambard Brunel Road and surrounding streets and pedestrian routes.</p> <p>4.202 Mix of uses. The site could accommodate a mix of city centre uses. Office accommodation (B1 use) would support and enhance the role of the Guildhall area and adjacent Station Square & Station Street area. Student housing (C1 use) would also be an acceptable use complementing existing accommodation in the area.</p>	<p>4.223 Site description. The Navigators Resource Centre is located at 36-40 Isambard Brunel Road at the junction with Alec Rose Lane. The 3 storey building is used as office accommodation. The brick built building adjoins Margaret Rule Hall and is typical of the period it was constructed. It now has a dated appearance and although it occupies a relatively prominent location does not address the street in a positive way, there being a limited number of windows and entrances.</p> <p>4.224 This is another site which forms part of a number of development opportunities focused around Isambard Brunel Road. There is potential to establish a much stronger and attractive cityscape from what is presently a rather fragmented part of the Guildhall area and city centre.</p> <p>4.225 Development aspirations. The corner site could be redeveloped with a much more robust development form that addresses the adjoining streets and contributes towards strengthening the overall character of the Guildhall area.</p> <p>4.226 There is an opportunity to reclaim road space currently occupied by the entrance to an underpass beneath Isambard Brunel Road. The underpass is now largely redundant because strategic vehicle movements are no longer routed through Isambard Brunel Road. Should it be infilled this would increase the developable area of the site and provide a greater frontage presence addressing Isambard Brunel Road and Alec Rose Lane.</p> <p>4.227 Mix of uses. A mix of uses could be accommodated on the site including offices (use class B1), student accommodation (use class C1), or education or community uses (use class D1).</p>

The City Centre Masterplan indicates a potential range of uses that could include a Halls of Residence and ground floor commercial uses. Development aspirations identify an opportunity for streetscape improvements by a taller building on essentially the same footprint as Chaucer

House and establishing a much stronger and more attractive contribution than Navigators Resource Centre. The SPD (at para's 4.206 and 4.230) considers development of Sites 13 & 15 could be up to 6 storeys and up to 8 storeys in height respectively. The Tall Buildings SPD (March 2009) includes the city centre site as one of nine distinct 'areas of opportunity' where development of tall buildings 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.

At the nearby site at Greatham Street/Dugald Drummond Street (on the opposite side of Isambard Brunel Road), the principle of a Halls of Residence for 836 student study/bedrooms in the city centre has previously been accepted and now substantially complete. The City Centre Masterplan seeks to encourage a mixture of compatible uses across the SPD area that has the benefit of informally 'policing' the area during the evenings and periods where shops and other businesses are closed.

The site is in close proximity to the University of Portsmouth's main campus (the site is around 300m from University House) and other educational establishments that would enable future student residents to have easy access (by foot or bicycle) to the teaching facilities, in addition to the other retail and leisure uses and employment opportunities found in the city centre, without the need for a car. Therefore, the site is considered a sustainable location for such a proposal. It is considered that this application is consistent with the proposals set out in the City Centre masterplan and Policy PCS4 of the Portsmouth Plan and would provide a use appropriate and compatible with its city centre location. It would also be consistent with the Student Halls of Residence SPD that identifies a need for student halls of residence in the city and the preferred location for such accommodation is close to the University's existing facilities and other educational establishments. The provision of purpose-built specialist accommodation for students would contribute to the delivery of new homes and to the wider economic regeneration of the city centre.

Although a Halls of Residence is considered an appropriate use at the site there are, however, minimum floorspace standards and other policy requirements for new dwellings that need to be put aside for purpose-built specialist accommodation of this nature, which includes affordable housing, space standards, parking and open space provision. In order to waive these requirements the council needs to be satisfied that the proposed halls of residence that conforms with the norms set out in the Codes for accommodation provided either by Universities or in accordance with appendix 1 of the SPD and will be restricted to use solely or principally for students on a recognised full-time course of study. To achieve the appropriate restrictions, applicants are expected to enter into a section 106 planning obligation restricting the Halls of Residence for occupation solely or principally by students on a recognised full-time course of study and to ensure the property does not become permanent (general needs) dwellings.

In light of the above, it is considered that the principle of developing the site for purpose-built specialist residential accommodation as a Halls of Residence would be acceptable when considered against the NPPF (in particular paragraph 14 and chapters 1 and 4) and other local planning policies, subject to planning obligations.

Tall buildings/design

The siting of the proposed development is essentially unchanged from the footprint of existing. The significance of the sheer quantity of underground services (also serving other nearby buildings) and its close proximity to existing buildings has become apparent as a major constraint to the site layout and resulted in the design strategy reverting back to the original building lines. This has practical implications for the building entrance foyer, proposed to be integrated with the current entrance underneath 'Margaret Rule Hall' and was to have been pushed forward to improve its presence. The existing position of the undercroft entrance provides some benefit of natural shelter but "...its closed and cramped nature makes for a fairly unpleasant experience, and gives nothing back to the urban realm" (section 5.6 of the architects

design statement). The design response for the proposed entrance seeks to create a predominantly glazed enclosure of the double height space exposing the soffit of the existing building and aluminium panels (in yellow) positioned on the original building line. It would represent a visual improvement to the existing undercroft entrance but would not achieve any significant improvement to its presence. There is an opportunity for architectural lighting to enhance the presence of the entrance during the hours of darkness though.

The applicants own and operate 'Margaret Rule Hall' (a 1970s office block converted to a Halls of Residence in 2000), which bisects the site and straddles Isambard Brunel Road; they are the developers of the Greetham Street site nearing completion for a Halls of Residence designed in part 7, 9, 17 & 25 storeys.

At 8 & 10 storeys (east side) and 9, 10 & 13 storeys (west side), the proposal would be appreciably greater than the storey heights specified in the City Centre Masterplan (at para's 4.206 and 4.230) for Sites 13 & 15 at up to 6 storeys and up to 8 storeys respectively. The situation is not dissimilar to the Halls of Residence under construction in Greetham Street for part 7, 9, 17 & 25 storeys in comparison with the SPD (para 4.219) that identified up to 6 storeys in height would be acceptable. The SPD (para 3.47) recognises that exceptionally taller landmark buildings in excess of the storey heights specified by opportunity sites elsewhere in the SPD may be acceptable subject to public realm that is well overlooked, potential overshadowing and adverse street-level microclimate, architectural and design excellence in making a positive contribution to the skyline of the city, contribution to economic prosperity, parking/servicing and relationship to listed buildings in the area.

In terms of scale/massing, the west side of the development would step from 9 storeys up to 13 and back down to 9 where it meets 'Margaret Rule Hall' (six floors above an high undercroft). The 2.7m floor-to-floor height allows more storeys to be developed (in comparison with a typical office floor-to-floor height). This built-form is considered to sit comfortably in its context, with its base, main body and upper projection relating to the arrangement of the adjacent Civic Offices with its roof-level service overruns and juxtaposition to the projecting service core of 'Margaret Rule Hall'.

The east side of the development would be predominantly 10 storeys stepping down to 8 storeys at each end. This scale/massing is considered to relate respectfully to 'Margaret Rule Hall' and the lower (7 & 9 storey) blocks of the new Greetham Street scheme viewed south-west from its junction with Dugald Drummond Street, along with the 6 storey Foyer scheme (No19 Greetham Street), and would present a consistent scale to these new surroundings.

In appearance terms, the applicants describe their design solution as creating a more sober but well-proportioned counter to the bold intervention of the Greetham Street tower. The materials selection has been intentionally understated but high quality, to provide a brick grid framing dark plane of panels within deep reveals, emphasised in detail by bronze linings. The challenge of this building type, with a very repetitive treatment of small window apertures potentially of overly domestic appearance, is to create a sympathetic rhythm and breakdown of the façade that adds enough interest.

The materials (external) palette to be used includes:

- (1) Facing brickwork - tbc;
- (2) Black/beige/bronze building panels - Alucobond;
- (3) Powder-coated aluminium to windows/doors/screens/louvre features;
- (4) Powder-coated aluminium feature to entrance lobby, in yellow;
- (5) Black render (to sub-station); and,
- (6) Roof coverings - unspecified but includes 5 areas of green (sedum mat) roof.

The townscape contribution of the existing buildings is limited. Chaucer House does not make a strong contribution to the overall character of the Guildhall area and is somewhat dwarfed by the height of the adjoining Margaret Rule Hall and the Dickens Wing of the Civic Offices. The

Navigators Resource Centre (originally a public house) now has a rather dated appearance and its relatively prominent location does not address the street in a positive way.

The comments of the Design Review Panel are set out in the consultation section of the report. The rationale for the appearance of the building was good and the range of materials broadly satisfactory although a significant number of aspects to the scheme could be improved: the undercroft entrance is disappointing; very limited consideration of landscaping after removal of the bus lane, resulting in an extremely wide pavement in front of the building that requires more attention to integrate landscaping/planting with the building to make it part of its setting; and, concern about the back of the building (where the attention to detail given to the front was absent) and the eastern end of the building was not considered especially successful. It was also suggested that the proposal would benefit from a re-examination of how the top of the building is terminated and may benefit from greater articulation.

The undercroft entrance is considered disappointing compared with earlier design iterations but for the reasons already outlined represents an improvement over the current entrance to 'Margaret Rule Hall' serving the existing and proposed buildings on its east and west sides. The rear of the building facing Charles Dickens Street, as originally submitted, was disappointing and considered to fall significantly short of the design excellence expected of a city centre building. It has been the subject of amendment and now forms a more consistent appearance with the principal elevations onto Isambard Brunel Road. The eastern end of the building on the corner with Alec Rose Lane and its return elevation into Charles Dickens Street is considered good enough, articulated by similar features elsewhere on the building, including bronze louvres and corner window arrangements (serving kitchens on all floors above ground level).

The improvements to the public realm, after removal of the bus lane on Isambard Brunel Road, are essential to providing the landscaped setting for the proposed development and space where the ground floor commercial units may attract outdoor seating/dining for café/restaurant uses. The indicative landscape scheme highlights a range of design issues to be resolved, for replacement bus stops, lighting, dedicated cycle route and new tree planting within hard surface treatments to deliver an attractive, safe and high quality urban space. There are also existing trees that require safeguarding during the construction period. These matters would be necessary and reasonable to secure by planning conditions.

An architectural lighting system would be secured to ensure a quality design solution for the site over 24 hours rather than daytime only, to accord with the Tall Buildings SPD and improve the presence, as far as practicable, of the undercroft entrance.

If planning permission is granted, it is considered that to reduce the impact of additional visual clutter and to protect against any further impact on the city skyline it is necessary and reasonable to impose a condition removing 'permitted development' rights for 'telecommunication equipment' (works permitted by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

These tall buildings are considered capable of being assimilated into this central and highly accessible location, to harmonise with the skyline in this area of other tall buildings and create more positive cityscape features than existing. The proposed Halls of Residence with commercial ground floor units are considered to demonstrate a sustainable design of high quality contemporary architecture and a sympathetic relationship with the railway station and St Luke's Church.

Impact on heritage assets

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building

or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The NPPF (paragraph 132) also states that when considering the impact of a proposed development on the significance of a designated heritage asset (listed buildings and conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and (paragraph 133) where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss; or (paragraph 134) where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The application site is not located within a conservation area but within the setting of 'The Guildhall and Victoria Park' Conservation Area (No18) and the setting of other heritage assets located relatively close to the site namely, the Grade II registered Victoria Park, the Grade II* listed New Theatre Royal and the Grade II Guildhall. The nearest statutorily listed buildings are St Luke's Church and Portsmouth & Southsea Railway Station (both Grade II). Given the pre-existence of screening buildings, the proposed halls of residence would be sufficiently distant from many of the heritage assets so as not to be dominant or overbearing. Further consideration has been given the potential impact on the setting of 'The Guildhall and Victoria Park' Conservation Area (No18) due to its close proximity to the application site and the conservation area's unique character as the historic civic / administrative core of the city, and the impressive range and high quality of the distinctive architecture and townscape within it. However, given the scale/massing of existing neighbouring and intervening buildings it is concluded that the proposal would not be harmful to the setting of the conservation area.

The nearest listed building to the application site is St Luke's Church, which was designed by local architect Thomas Hellyer of Ryde and is considered a good example of an attractive and unaltered mid Victorian city parish church rendered in a Norman style - a more unusual design approach for churches in this period.

The applicant's heritage assessment has considered the effect of the proposed scheme on St Luke's Church. It concludes "The impact of the scheme upon the listed church would be negligible, as its setting has a low sensitivity to change and plays a minor role in the overall significance of the listed building. The proposed highway and urban realm improvements, notably the removal of the 1970s pedestrian subway, would better reveal the flint wall of the churchyard in views from Isambard Brunel Road, and restore legibility to the relationship between the wall and the church." The significance of this listed building is considered to be understated; however, due to the presence of the Foyer building and the proximity of the Greetham Street halls of residence, the impact of the proposed redevelopment of the 'Navigators Resource Centre' on the listed church is considered negligible.

The other listed building closest to the application site is Portsmouth and Southsea Railway Station, which is a mid / late period Victorian station. It is considered that the building is relatively modest for a city of Portsmouth's size. Its attractive design is influenced by the French chateau style, the mansard roof forming a particularly strong and distinguishing feature of the elevation. The station is one of the principal entry points to the city and is important to the area in creating initial impressions of the city for visitors. Given the presence of the adjacent Premier Inn and Enterprise House, the proposed redevelopment of 'Chaucer House' is not considered to result in harm to the setting of the railway station. As such, this proposal is considered to be acceptable in heritage terms in accordance with Chapter 12 of the NPPF.

Impact on amenity

The views of Environmental Health (EH) are set out in the consultations section of this report. EH has considered an Acoustic Assessment (Report 7263/AAR Rev.1 dated 28/4/16) submitted as part of the application and considers the noise survey to have been appropriately undertaken and the proposed mitigation to adequately protect the amenity of the future users. The report also covers potential noise from ground floor commercial units. The potential for noise is most likely to result from any A3 use. EH suggest that the internal fit out, which is typically undertaken by the tenant, will need to be tailored in terms of additional sound insulation as necessary and additional control can be maintained through the tenancy lease clauses. The Student Management Plan (Section 6) detailing times for deliveries and collections is considered to limit the impact on the amenity of the future proposed and other neighbouring residential uses. Proposed target levels (Section 3.0) are detailed for all operating plant that will be associated with this development, which is accepted by EH provided it extends to all plant and equipment associated with the proposed commercial uses at ground floor level (although in the absence of details it is not possible to assess this presently). A planning condition requiring a scheme of noise protection from any plant and/or equipment should be imposed.

Should an A3 use be introduced in the commercial units, some form of kitchen extraction system will likely be required and again a planning condition for approval of details is recommended to protect the amenity of neighbouring and the future residents of the development.

The proposals include a Combined Heat & Power system (CHP) with a peak output of 486 kW. EH has concern that the size of the CHP may have a significant impact on local air and further details, in an Air Quality Assessment, is required. An update will be provided at the Planning Committee on this issue.

The application has also been accompanied by a Daylight and Sunlight Study and Wind Environmental Assessment. The Daylight and Sunlight Study identifies there are no residential properties within the vicinity of the site but for the purposes of their report neighbouring student accommodation, homeless housing and hotel properties have been considered. The Study concludes that there are a number of rooms/windows adjacent to the site predominantly on 'Margaret Rule Hall' which exceed the daylight recommendations set out in the BRE guide but given that tenants to a halls of residence differ on a yearly basis for term-time accommodation as a temporary form of residential accommodation should not be considered to the same extent as residential dwellings. Therefore, it is considered that whilst there would be some impact on neighbouring property the impact is sufficiently limited not to be significantly detrimental to the occupiers.

The results of the Wind Assessment "...indicate that the local wind environment once the development is complete would have a negligible change from the baseline condition ... the results for individual directions show relatively minor differences on the predicted wind speeds, becoming slightly windier in some areas, whilst others show improved conditions depending on the direction." The Study concludes "... the results if the assessment indicate that the overall impact of the proposed development on the local wind environment is likely to be negligible to minor." The assessment has been carried out without trees and landscaping features in the model which is a representation of the worst case scenario; it is envisaged that the introduction of these will be beneficial and that the local wind environment will be further improved. Therefore, it is considered that the proposed development will not have any significant adverse impacts on the pedestrian environment around the building (in terms of the wind microclimate). In addition, the public realm improvements provide potential for additional tree planting, the details of which would be secured through a suitably worded condition.

In conclusion, it is considered that the proposal is unlikely to have any significant impact on the future occupiers of the scheme or the residential amenities of the occupiers of neighbouring properties and not so 'unneighbourly' to substantiate a reason for refusal.

Standard of accommodation

The proposal would provide 484 study/bedrooms accommodated in 106 units, from individual studio rooms to cluster flats between 5 to 10 students with shared cooking facilities and living space. On the size of accommodation, the applicants confirm that the development meet the standards in the Student Halls of Residence SPD (October 2014).

Ancillary communal facilities would cover 665sqm comprise of lounge and social space/entrance foyer and laundry located on the ground and first floors.

With regard to on-site management, the applicant's Student Management Plan confirms a 24 hour presence on site as well as community liaison/contact arrangements and reporting of any complaints to their Customer Service Manager.

Highways implications

The site lies within a highly accessible city centre location, adjacent to the railway station and near Commercial Road (south) that bus operators estimate (para 3.16 of the City Centre Masterplan) around 5 million bus passengers per annum use the bus stops currently located there, served by 1200 buses per day.

The application is supported by a Transport Statement and Framework Travel Plan (prepared by WSP). The development does not propose any car parking for students at the halls of residence. The travel plan (page 8) states that "the proposed development is not considered to create significant transport implications as the site design and location will facilitate and encourage sustainable travel patterns through no car parking being provided for students." The Student Management Plan also confirms that the development is car-free and that car parking will not be available for students.

The views of the Highways Authority are set out in the consultations section of this report.

The provision of secure/weatherproof cycle storage does not meet the Parking Standards SPD but the reduction to 25% of the standard considered to be robustly justified by the applicants Transport Statement. There is no car parking provision for the commercial ground floor units. In the City Centre Masterplan, the SPD expects parking provision to be significantly lower than in other areas of the city. The Design & Access Statement refers to availability of on-street parking at the rear of the units but it inconsistent with other supporting information that explains existing car parking bays on Charles Dickens Street will be removed and replaced with loading bays to aid servicing deliveries. The Highways Authority consider the loss of the car parking spaces without replacement to be unacceptable but suggest alternative arrangements for servicing and suspension of parking during the move in/move out periods at the beginning and end of the academic year.

The Highways Authority does not consider the student arrival and departure management arrangements to be sufficiently detailed to demonstrate they can be safely and practically accommodated at the site. The applicants contend that a similar level of information was submitted to support their application at Greetham Street. However, the details for the Greetham Street scheme were originally considered insufficiently detailed and further information were required as part of the legal agreements. Further detail could again be secured as part of the legal agreement for this site.

Other supporting documents propose the temporary closure of Charles Dickens Street for the period of the project (24 months). The Highways Authority considers the closure of the road could not be justified simply for site office/welfare accommodation but if necessary to facilitate particular aspects of the build, the period of any closure restricted to the minimum necessary for safety purposes. The supporting documents have subsequently been amended to reflect this.

Most of the concerns raised by the Highways Authority have been addressed or considered capable of resolution. No assessment has been provided by the applicant of the likely car parking demand or capacity to accommodate this within available parking facilities. The proposed halls of residence represent a car-free scheme and the proposed commercial units replace others that have operated from Chaucer House for many years but are now vacant. The most significant highway impact would arise at the beginning and end of the academic year when students move in and out of the development but given the nature of Charles Dickens Street as a one-way system, any disruption and inconvenience during move-in/move out would be sufficiently isolated and unlikely to be significant.

Having regard to the proximity of the site to the University campus and to public transport, it is considered that the impact of the proposal is capable of being mitigated and therefore should be supported through planning obligations and conditions (secured by legal agreement). The comments of the Highways Authority identify 9 bullet points *if minded to grant permission*. The requirement for Traffic Regulation Orders is accepted but dependant on third party approval processes outside of the planning process so an Informative would be more appropriate than a planning condition. Public realm improvements would be required before first occupation of the development and the approval of the detailed landscape design (including remodelling of the existing highway, dependant on Phase 2) is proposed to be secured by planning condition (hard/soft landscaping - condition 5). The construction management and traffic management plans have been updated. The requirement for an updated Student Management Plan (with sufficient detail on arrival and departure arrangements) would be appropriate to secure by legal agreement. The Travel Plan and monitoring fee are proposed to be secured by legal agreement. Modification of the access arrangement to the PCC car park and pedestrian access route are matters more appropriate for the construction management and traffic management plans. Removal of the subway crossing to Isambard Brunel Road is proposed to be undertaken as part of Phase 1 of the public realm improvements and alternative surface level pedestrian facilities included in the construction management and traffic management plans. Finally, approval of details for network continuity of the CCTV function during the period of work would be secured by planning condition.

Portsmouth Cycle Forum has raised objection to the proposal as set out in the Representations section of this report. The proposed public realm improvements provide an opportunity for remodelling this part of the city centre for all users including cyclists and a detailed hard/soft landscape scheme would be required by planning condition.

Recreational disturbance

To the east and west of Portsea Island are Langstone and Portsmouth Harbours, which are internationally designated as Special Protection Areas (referred to as the Solent SPAs) due to the amount of protected species (such as waders and Brent Geese) that they support. Evidence shows that new development can reduce the quality of the habitat in the Solent SPAs through recreational disturbance from the resident population. In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), it is essential that development does not have a significant effect and therefore mitigation measures must be secured before planning permission can lawfully be granted.

The Solent Special Protection Areas Supplementary Planning Document (adopted in April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for purpose-built student accommodation is approximately 2.0km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closet point of Portsmouth coast to the development) and will result in a net increase in population, and therefore a significant effect on the Solent SPAs.

As set out in the Solent Special Protection Areas Supplementary Planning Document, 'due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of

disturbance created, and thus the increase in bird mortality, will be less than Class C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose-built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing'.

The proposed halls of residence would result to a net increase in population, which in all likelihood would lead to a significant effect, (as described in the Conservation of Habitats and Species Regulations 2010) on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas (SPAs). This has been acknowledged by the applicant who has indicated that they will enter into a planning obligation to provide the necessary mitigation. The Solent Special Protection Areas SPD sets out how the significant affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as $(484/5 \times £174/2) = £8439$ where the SPD states 'the average number of study bedrooms in a unit of purpose built student accommodation in the city is five. As such, for the purposes of providing SPA mitigation, five study bedrooms will be considered a unit of residential accommodation'. In order to mitigate the recreational disturbance impacts of the proposed development the applicant will be required to make a financial contribution of £8439 to make the development acceptable in planning terms.

It is considered that, subject to the inclusion of this mitigation package within a legal agreement, there would not be a significant effect on the Solent SPAs and the requirement for a legal agreement to secure this mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Other matters including contamination/sustainable design & construction/drainage

The submitted Preliminary Geo-Environmental and Geotechnical Risk Assessment has been reviewed by the Contaminated Land Team that concludes the report provides a sound initial risk assessment of the site and is in general agreement with the recommendations given in the report; relevant conditions are requested for contamination/remediation.

All development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD, adopted in 2013). Both the policy and SPD require this type of non-domestic development to achieve a BREEAM level 'Excellent', as well as further minimum standards in terms of cyclist facilities and low or zero carbon (LZC) energy technologies. A BREEAM pre-assessment (prepared by Watermans) confirms that the halls of residence element of the development is currently targeting a score of 73.09%, including all of the mandatory credits for an 'Excellent' rating. As such, this is fully in line with the requirements of Policy PCS15 and the SPD.

The BREEAM report also identifies that the ground floor commercial units of 704sqm would achieve a rating of 'Very Good'. Whilst this component falls short of meeting the requirements of policy PCS15, it represents the highest rating that can be achieved for a building shell (before fit out when a tenant is secured).

The energy strategy taken for this scheme is entirely appropriate to a development of this type achieved through a high performance building fabric and energy efficient engineering systems together with domestic hot water production from a combined heat and power plant (CHP) predicting a 26.4% improvement in regulated emissions from the scheme compared to what is required under Building Regulations, which is welcomed. It is also encouraging to see the proposed 'green roofs' across 5 areas of the roof space the provision of which will help to decrease the surface water runoff rate and volume and will also add to the biodiversity value of the site. If planning permission is granted, it is considered that to secure the relevant standard to accord with policy PCS15 and related SPD appropriate planning conditions are considered necessary and reasonable.

Achieving Employment and Skills Plans SPD requires that new development in the city contribute towards providing training and employment opportunities for local residents but will only be requested from major developments, at the construction stage. In accordance with this SPD, a request for an employment and skills plan has been raised with the developer and would be secured through a Section 106 Agreement.

Whilst constructional matters are subject to control under the Buildings Regulations, the applicants confirm that a sprinkler system will be used for the proposed building.

Conclusion

The uses of the site predominantly for a Halls of Residence but including a modest ground floor commercial element are appropriate to the city centre location. The proposal is considered to demonstrate a sustainable design of high quality contemporary architecture, to make a positive townscape contribution and preserve the setting of nearby heritage assets. The proposal can be assimilated onto the site without significant harm to neighbouring occupiers, would provide much needed specialist residential accommodation (for students), add to the vitality of the city centre and support the wider regeneration of the city and public realm improvements. Therefore, subject to planning obligations and conditions to make the proposal acceptable the proposed Halls of Residence is considered to represent sustainable development in accord with the Portsmouth Plan and the aims and objectives of the NPPF.

Planning obligations - required provisions

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

1. A provision to secure the accommodation for University of Portsmouth students (or those on an equivalent full-time course) during their period of study and not use the halls of residence for any other purpose than as residential accommodation for a student during his / her period of study;
2. To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to Assistant Director of Culture & City Development upon request;
3. At all times other than University of Portsmouth Academic Terms not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;
4. Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution upon commencement of development;
5. The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people);
6. The preparation and implementation of student management / travel plans (specifically with regard to arrival and departure arrangements and explicit targets/ incentives and interventions) for approval prior to first occupation of development. A fee of £5500 should be secured to facilitate monitoring of the travel plan for a 3 year period; and,
7. The payment of a Project Management Fee.

Planning Obligations - Legal mechanisms in this case

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

The s106 agreement would normally be negotiated prior to the determination of the planning application and entered into once the Local Planning Authority had resolved to grant planning permission but before the formal grant of the permission. To enter into a s106 agreement the applicant has to have a legal interest in the land (such as a freehold interest). However, in this case the applicant does not currently have a legal interest in the land, because the transaction by which the council will transfer a leasehold interest to the applicant will be completed only when the applicant has secured a planning permission. In these particular circumstances, a binding s106 agreement could only be entered into after (rather than before) the grant of planning permission for the development (if the committee determines to grant permission).

The special characteristic of s106 agreements, to bind current and future owners, is only effective where current owners are bound by the obligations by completing the agreement. The council cannot enter such an agreement with itself that would have effect to bind subsequent owners. In consequence, the applicant is unable to enter into a legally binding s106 agreement before the leasehold transfer is completed.

Having regard to the need to secure the relevant provisions (see items 1-7 above), there must be a sufficient mechanism in place before planning permission for the development may be granted. It is therefore proposed that the applicant enters into a contractual agreement pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972. Section 111 permits the council to do what is calculated to facilitate, or is conducive or incidental to the discharge of the council's functions, including the development control function. Section 1 of the Localism Act gives the council power to do anything which individuals may generally do, and is not limited by the existence of other powers which might overlap.

The terms of the agreement should include the planning obligations (set out above) and the additional requirement to enter into a s106 agreement (as soon as the applicant has acquired a legal interest in the land). The s111 agreement will afford significant assurance that a s106 agreement will be completed, and that the provisions required will be secured through both the agreements. Once the contractual agreement is signed the planning permission could be formally granted, thereby enabling the applicant to complete the lease agreement with the council (as landowner) which in turn would give them the legal interest in the land to then be able to complete the s106 agreement.

This approach would ensure that the required terms of the planning obligations were contractually binding between the Local Planning Authority and applicant prior to a permission being issued, to be followed by the execution of the s106 agreement by the applicant (and its funders if any) when the leasehold interest has been transferred. It is considered that this approach would safeguard the Local Planning Authority's position as they would be able to enforce the terms of the agreement directly, even if the s106 agreement was not completed.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Culture & City Development to grant **Conditional Permission** subject to the prior completion of a contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) with principal terms as outlined in the report and such additional items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the permission is issued;

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Culture & City Development to add / amend conditions where necessary;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Culture & City Development to refuse planning permission if the contractual agreement (pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972) has not been completed within one month of the date of the resolution, and

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

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

Site location plan -	842-DG-OS01_D;
Existing Block plan -	842-EX-OR01_D;
Proposed Block plan -	842-DG-OR01_D;
Ground floor plan -	842-DG-0001_E;
First floor plan -	842-DG-0101_E;
Second-Seventh floor plan -	842-DG-0201_E;
Eighth floor plan -	842-DG-0801_E;
Ninth floor plan -	842-DG-0901_E;
Tenth-twelfth floor plan -	842-DG-1001_D;
Roof plan - First floor plan -	842-DG-1301_D;
West block elevations -	842-ES-0X01_F;
East block elevations -	842-ES-0X02_E;
Sections -	842-ES-0X03_E;
Entrance foyer -	842-ES-0X04_D;
Façade details -	842-ES-0X05_H;
Contextual elevations -	842-ES-0X06_D;
Contextual views -	842-ES-0X08_D;
Cycle storage compound -	842-ES-0X10_D;
Rendered rear elevations -	842-ES-0X11_D;
Landscape plan (for illustrative purposes) -	842-LY-0S02_F;
Existing trees -	70018063-TCP01; and,
Drainage layout -	1955-C-100_P01.
3. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

- a. A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
 - b. A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
 - c. A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
4. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
- (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5. Before the development hereby permitted is first brought into use the proposed public realm improvements shall have been undertaken in accordance with details of the hard and soft landscape proposals that shall have been submitted to and approved in writing by the Local Planning Authority beforehand. These details shall include:
- Proposed finished levels
 - Any means of enclosure and bollards
 - Vehicle, cycle and pedestrian access and circulation areas with loading/unloading arrangements
 - Hard surfacing materials
 - Street furniture or minor structures (such as seating, lamp standards, passenger shelters, cycle parking stands, refuse bins and similar structures or works)
 - Proposed and existing functional services above and below ground (drainage, power, communications, pipelines indicating lines, manholes, supports)
 - Retained landscape features
 - Planting plans
 - Written specifications of species, planting sizes and proposed numbers/densities of trees and other planting where relevant
 - Any phasing of works and planting

The development shall only be carried out in accordance with the approved hard and soft landscape scheme.

6. All planting in the approved landscape scheme shall be carried out in the first planting season following the occupation of the halls of residence or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. No development/demolition shall commence on site until a scheme for the safeguarding the existing trees (marked T1-T7 inclusive on drawing no70018063-TCP01) during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with 2.4m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.
8. No development shall take place at the site until a detailed schedule (including any samples, as may be necessary) of the proposed materials and finishes to be used for the external walls and roof of the proposed halls of residence shall have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
9. The facilities to be provided for the storage of bicycles shall be constructed and made available for use before the halls of residence is first brought into occupation, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for those purposes at all times.
10. The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and available for use before the halls of residence is first brought into occupation, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for those purposes at all times.
11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
 - (a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and following the substantial completion of the building shell:-
 - (b) A report to assess the impact that the proposed development may have upon television and radio equipment signals in the locality; and, unless otherwise agreed in writing by the Local Planning Authority:-
 - (c) A detailed scheme for a scheme for the mitigation of any significant adverse effects upon TV/radio reception created by the building.Such measures as may be approved shall be implemented within 2 months of the approval of details, or within any other period of time approved in writing by the Local Planning Authority, and thereafter retained.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or other enactment modifying or revoking that Order, no structure or plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order (with the exception of the any other externally mounted equipment/platforms/cradles necessary in relation to condition 13) without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.
13. Before the halls of residence is first brought into use details of (i) a programme for the cleaning and maintenance of the external cladding of building and (ii) the siting/appearance of any externally mounted equipment/platforms/cradles required for the cleaning and maintenance of the external cladding of the building shall have been submitted to and approved in writing by the Local Planning Authority. Such agreed programme of work and/or provision of externally mounted equipment shall subsequently be carried out and thereafter retained.

14. No construction shall take place until details shall have been submitted to and approved in writing by the Local Planning Authority of the proposed:
 - (a) means of foul and surface water sewerage disposal; and,
 - (b) measures to be undertaken to protect existing public sewer infrastructure.The Halls of Residence shall be brought into use until the drainage works have been carried out in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).
15. Before any part of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum level of 'Excellent' in the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.
16. Details of the external architectural lighting effects (during the hours of darkness), including details of the siting and appearance of any luminaires, shall be submitted to and approved in writing by the Local Planning Authority; the architectural lighting shall be carried out as an integral part of the development and shall thereafter be retained.
17. Prior to the installation of any fixed plant and/or equipment, a scheme for protecting residential premises from noise generated by the plant and/or equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the combined noise level from all such plant (expressed as an LAeq,5minute) will be 5dBA below the measured background noise levels (expressed as an LA90 over one hour) representative of the quietest period of a typical week. The assessments shall be made at 1 metre from the façade of the nearest residential premises. The equipment shall then be installed in accordance with the approved details and shall thereafter be retained in that condition unless otherwise agreed in writing with the Local Planning Authority.
18. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the line, level and layout of highways works and its means of construction and surface water drainage for Isambard Brunel Road. The highway works to Isambard Brunel Road shall be laid out and constructed in accordance with the approved details and the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development.
19. No cooking processes other than the preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device shall be undertaken within the ground floor commercial units if brought into use for purposes within Class A3 as a café/restaurant (unless a suitable kitchen extract ventilation system shall have been installed and operated to suppress cooking fumes and odours).
20. Prior to the commencement of any other cooking operation than those described in condition 19 (as limited to preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device) equipment shall have been installed to a kitchen extraction system to suppress and disperse odour and fumes emitted from cooking operations arising from an A3 café/restaurant use. Prior to installation of the kitchen extraction system, details of the proposed equipment shall be submitted to and approved in writing by the local planning authority; and such approved equipment shall thereafter be operated for as long as the Class A3 continues.

21. No development shall take place until alternative network provision for the continuity of the Closed Circuit Television functions shall have been carried out in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the development is implemented in accordance with the permission granted.
3. In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
4. In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
5. To secure a high quality setting to these tall buildings on a prominent and important site, also within the setting of St Luke's Church and the railway station, in the interests of visual amenity in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the NPPF.
6. To secure a high quality setting to these tall buildings on a prominent and important site, also within the setting of St Luke's Church and the railway station, in the interests of visual amenity in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the NPPF.
7. To ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan and the aims and objectives of the NPPF.
8. To secure high quality external finishes to these tall buildings on a prominent and important site, also within the setting of St Luke's Church and the railway station, in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the NPPF.
9. To ensure that adequate provision is made for cyclists using the premises and to promote and encourage more sustainable transport modes, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
10. To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
11. To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, to accord with Policy PCS23 of the Portsmouth Plan.
12. To ensure the skyline and 'clean lines' of these prominent tall buildings remain free of visual clutter and to ensure television and other transmissions are not adversely affected by subsequent additions to the building, to accord with policies PCS23 and PCS24 of the Portsmouth Plan.
13. To maintain a high quality external appearance to these tall buildings on a prominent and important site, also within the setting of St Luke's Church and the railway station, in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan SPD and the aims and objectives of the NPPF.

14. To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
15. To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
16. In order to secure the highest design quality for these tall buildings over 24 hours (rather than daytime only) on a prominent and important site, also within the setting of St Luke's Church and the railway station, in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan, the City Centre Masterplan & Tall Buildings SPDs and the aims and objectives of the NPPF.
17. To ensure that acceptable noise levels within nearby dwellings and the halls of residence are not exceeded in the interests of residential amenity, in accordance with policy PCS23 of the Portsmouth Plan.
18. In the interests of maintaining a safe and efficient highway network, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
19. To protect the amenities of adjoining and nearby residential occupiers, in accordance with policy PCS23 of the Portsmouth Plan, in the absence of a suitable extract ventilation to deal with the dispersal of cooking fumes and odours.
20. To protect the amenities of adjoining and nearby residential occupiers from nuisance from excessive cooking odours and fumes, in accordance with policy PCS23 of the Portsmouth Plan.
21. To maintain continuity of CCTV network in the interests of safety, to accord with policies PCS16, PCS17 & PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

Assistant Director of Culture & City Development
8th August 2016

Appendix 1



UNITE Group plc

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05 August 2016

Dear Alan

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Thank you for forwarding the recent letter from the University of Portsmouth (UoP) in respect of our application reference 16/00885/FUL 12-40 ISAMBARD BRUNEL ROAD, PORTSMOUTH. We have had the opportunity to review the comments from Fiona Bell and wish to provide the following statement.

On March 16th as part of the pre-application process, our proposals were presented to the Developers Consultation Forum. UoP were invited to the presentation, but did not attend. We have also made efforts to contact UoP and arrange a meeting, having initially sent details of the application to Fiona on the 3rd March and updated on the 27th April as the design developed through the pre-application process.

Following validation of the application, we held a meeting on 28th June with Fiona Bell to present the details of the application. A further meeting was held on 18th July where we presented the development programme and logics plan proposed during construction in order to minimise the impact to Margaret Rule and Greetham Street and explain the principles we would adopt in order to maintain a safe and secure environment at all times.



Our University partnership team maintain regular contact with UoP as part of our ongoing relationship and commitment to students in Portsmouth. We have recently entered into a long term nominations agreement with the University to provide accommodation across all of our properties in Portsmouth. In contrast however to the recent permissions at Zurich House and Surrey Street, we provide a range of cluster sizes and studio accommodation which enables us to cater for the different price brackets that students require and offer more affordable accommodation. Having entered into the nominations agreement, we have been in a unique position to discuss the needs of Portsmouth students with UoP and have been able to apply these principles to the Chaucer House application. Chaucer House follows the same specification and arrangement as Greetham Street, where the University have taken all beds under the nomination agreement, therefore recognising demand for this type of product.

We are confident that our properties are attractive to all students, inclusive of second, third and post graduate years and as a direct result of our demand based research, believe there is a clear need to provide accommodation for these students in addition to the yearly undergrad intake.

The provision of student accommodation on the Chaucer House and Former Navigators Resource sites is strongly supported by the City Centre Masterplan SPD and has the opportunity to reinforce the student presence within the area and support the regeneration initiatives.

Margaret Rule and Greetham Street are both managed and owned by Unite and it is in our best interest to ensure a duty of care to our current and future residents. Owning Margaret Rule puts us in a unique position to be able to provide a greater long term experience for the students living in Margaret Rule as part of the improvements to the public realm, combined entrance and common room facilities shared with Chaucer House.

Managing Margaret Rule through the nominations agreement with UoP provides an advantage of direct contact with the University and will enable us to deal with any concerns that arise during the redevelopment in an efficient manner. However, we take the welfare of our students extremely seriously and will considerately manage conditions to mitigate any impact of the Chaucer House redevelopment during construction.

As the largest operator of student accommodation within the UK, we are experienced in developing sites next to existing student accommodation buildings, Orchard Heights in Bristol being one such example. During the construction of Greetham Street, we carefully monitored the experience of students in Margaret Rule and have not received a single complaint from students.

We believe that the development will not have be an impact on Greetham Street, principally because the Chaucer House site is located at a sufficient distance away from the building entrance.

In regards to Margaret Rule, we have arranged a follow up meeting with UoP to discuss further our proposed access strategy and agree the most appropriate way forward. We are confident that an agreeable solution can be agreed and their concerns addressed.

Regards

Archie Fishlock

For and on behalf of The UNITE Group Plc

