

PLANNING COMMITTEE

7 DECEMBER 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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117-127 FRATTON ROAD PORTSMOUTH PO1 5AJ

CONSTRUCTION OF TWO BUILDINGS, ONE PART 2/PART 4-STOREY AND THE OTHER 4-STOREY, COMPRISING 30 DWELLINGS (CLASS C3) AND 365 SQM OF GROUND FLOOR COMMERCIAL FLOORSPACE (FOR CLASS A1, A2 OR A3 PURPOSES), TOGETHER WITH LANDSCAPING, CYCLE PARKING AND OTHER ASSOCIATED WORKS (AFTER DEMOLITION OF EXISTING BUILDING)

Application Submitted By:

Iceni Projects
FAO Miss Danielle St Pierre

On behalf of:

Fratton Road Development Ltd
FAO Mr Patel

RDD: 4th July 2016

LDD: 9th November 2016

SUMMARY OF MAIN ISSUES

The principal issue is whether this proposal contributes to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (having regard to its location within Fratton district centre - secondary area), transport and highways implications, design and heritage, affordable housing/mix/standard of accommodation, impact on residential amenity, sustainable design and construction, nature conservation/recreational disturbance and other matters raised in representations.

The site and surroundings

The broadly rectangular shaped site covers 0.18ha, measuring around 20m wide and 80m long. There are ground level changes along the length of the site that is lower to the west. The site is located on the west side of Fratton Road (A20470), which forms part of a main arterial route north-south through the city. An existing substantial building occupies much of this linear site, except for a setback on the street frontage that provides an area of forecourt parking. The site has its primary access onto Fratton Road serving the parking area, south of a signal-controlled junction with Arundel Street. There is a secondary dropped kerb access toward the rear of the site onto Garnier Street where, at this point, the road is one-way only. This 3m wide access is formed by a gap between the side walls of houses at Nos27 and 31 Garnier Street. The access is positioned quite awkwardly on a bend in the road where the presence of parked cars has an impact on visibility and manoeuvrability into/out of the site.

The existing building was originally constructed as a cinema but currently in use as a shop. It has a net tradeable area of 1,000sqm. A front forecourt parking area is hardsurfaced in tarmac, without bay markings, for approx 12 cars according to the applicant's Transport Statement.

Two-storey terraced housing adjoins the site to the north (on Arundel Street) and to the south (on Garnier Street) in very close proximity. On the Fratton Road frontage there are also existing heritage assets immediately to the north and south, at 'Guardsman Court' (formerly The Guardsman PH at No129, Grade II listed) and No115 (on the list of locally important buildings) respectively. No115 Fratton Road is in use as a day nursery. Also nearby, there are existing 4

and 5 storey properties at 'Pink Court' and the 'Wesley Centre' on the opposite (east) side of Fratton Road.

Proposal

After demolition of existing, this proposal seeks the site's redevelopment for 30 dwellings and commercial floorspace of 365sqm for 'town centre' uses as shop, office (principally for visiting members of the public) or café/restaurant in Class A1, A2 or A3.

The redevelopment would be accommodated in two buildings, both up to 4-storeys in scale. The first would be located on the eastern half of the site; it includes a two-storey element fronting Fratton Road, to be positioned closer to the street frontage than the existing building on the site. The ground floor would re-provide commercial floorspace equating to approximately one third of the existing 1,000sqm of net tradeable area occupied by 'United Footwear'. Separated by a communal garden area across a gap of some 17m would be a second building to be sited on its western side. The scale/massing of these 4-storey buildings would be greater than adjoining two-storey properties but would not exceed the height of the existing building on the site.

Relevant planning history

Built as a cinema in 1936, it pre-dates the Planning Acts. The applicant's Design and Access Statement comments it has not shown films since 30 June 1963.

A*20192/AA - "Change of use from bingo and social club to non-food retail store" granted conditional permission in April 1994.

A*20192/AB - "Use of first floor foyer area, and part balcony area as cafeteria (Class A3)" granted conditional permission in November 1994.

A*20192/AC - "Use of ground floor as retail store including the sale of food and drink" granted conditional permission in April 1995.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), PCS23 (Design and Conservation), PCS8 (District centres),

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
- 139 Weight to non-designated heritage assets of archaeological interest (where significant)
- 196 Applications must be determined in accordance with the development plan
- 197 Presumption in favour of development
- 203/204 Use of planning obligations and conditions to make development acceptable

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

Parking Standards and Transport Assessments SPD (July 2014)

Sustainable Design & Construction SPD (January 2013)

Reducing Crime Through Design SPD (March 2006)

Solent Protection Area (April 2014)

Achieving Employment and Skills Plans (July 2013) and

Air Quality and Air Pollution (March 2006).

The application site is located in a defined district centre that forms a part of the hierarchy of designated centres for shopping and other local services within the city. In policy PCS8, proposals for development must comply with both the general and centre-specific criteria, which encourages shopping uses (A1) throughout all of the district centres and residential (C3) on upper floors. In the secondary areas of district centres there are opportunities for town centre uses although residential development will also be supported in principle. For Fratton (map 15), retail will be encouraged along the secondary frontage however other town centre uses and residential would also be acceptable.

CONSULTATIONS

Head of Community Housing

The breakdown of this scheme consists of 30 flats, which bedroom and person sizes would be as follows: 3x 2-bed 4-person flats, 13x 2-bed 3-person flats, 11x 1-bed 2-person flats and 3x 1-person 'studio' flats (these are actually self-contained 1bed 2-person flats that fall below the minimum Nationally Described Space Standards NDSS for a 1-bed flat).

The proposed development would need to be redesigned in regards to a number of highlighted issues such as kitchen layouts (as described below), a kitchen in one of the 2b 4 person flats that is actually smaller than some of the 1 bed and most of the 2b 3per flats, this kitchen needs to be made slightly bigger if possible and 3 studio flats that are actually under sized 1 bed flats which will need redesigning. It is also noted that there are a lot of 2bed 3person units and only 3x 2bed 4 person units in the design mix. This makes the scheme very inflexible regarding

nominations to the flats. In addition existing tenants whose families increase in size will want a larger property and although they can be put back on our waiting list they would be a low priority which can cause management issues. Historically Portsmouth has a lot of 2bed 3 person flats, what is required are the slightly larger 2bed 4 person properties to redress the balance and is one of our housing priorities.

Kitchen Layouts - In both the 2bed 3 person and 2bed 4 person flats the kitchens should be either 'alcove type', 'half height and full height wall' alcove type or 'breakfast bar' type, this is to allow a safety gate to be fitted by tenants with young children. This is a health and safety issue which has been highlighted on numerous occasions and is one of the main issues highlighted by the tenants themselves. Looking at the drawings this adjustment can be easily made.

There is no provision for disabled units, in a location would lend itself to some Accessible units. This is not full wheelchair units but flats for people who have mobility issues (without the need for a wheelchair indoors), hearing and/or sight impairment and as such would not need the extra large space standards required for full wheelchair accessible properties.

All the flats apart from the 3x 'Studio' flats, meet the space requirements under the Nationally Described Space Standards (NDSS). The 3x 'Studio' flats are actually self-contained 1bedroom 2 person flats (as highlighted by the double bed furniture in the submitted drawings) and so fail to meet the minimum requirements under the NDSS.

No car parking is proposed within this development.

With regard to tenure, there should be a mix of affordable rent and Shared Ownership on this development. When the Registered Provider (RP) is known, a better idea of the proposed split can be identified. It is understood that the developer proposes 100% affordable housing (to be secured through a S106 agreement). Housing Enabling is always willing to support any scheme that provides much needed affordable housing.

Contaminated Land Team

Given the scale and sensitive nature of the development, together with recommendations made in the Phase 1 Environmental Risk Assessment report submitted with the application for further assessments including intrusive ground investigation (Phase 1: Environmental Risk Assessment, 117-127 Fratton Road, Portsmouth, Constructive Evaluation, Report Ref: 16.9109, June 2016), imposition of site contamination conditions are requested.

Natural England

This application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England (NE) is aware that Portsmouth City Council has adopted a Supplementary Planning Document (SPD) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is complying with the SPD, NE is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Ecology

The development will result in a net increase in residential dwellings within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and Chichester and Langstone Harbours SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. These SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly small numbers of new housing units on their own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in

combination with other plans and projects. To address this issue, Solent planning authorities have adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. Therefore, if minded to grant permission it is advised that this be secured from the applicant.

Southern Water

Sewer records show the approximate position of a combined sewer in the access of the site, although the exact location should be determined and no development or tree planting should be placed within 3m and no new soakaways within 5m of a public sewer. Initial investigations indicate that SW can provide foul sewerage disposal to service the proposed development. An Informative is requested with contact details for SW regarding formal connection to the public sewerage system. Initial assessment also indicates that SW currently cannot accommodate the needs of this development without additional infrastructure, increasing flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to para 109 of the NPPF.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system (by topographical site and CCTV surveys showing the existing connection points, pipe gradients and calculations etc.).

SW also provides detailed advice on Sustainable Urban Drainage Systems (SUDs). Should the LPA be minded to approve this application then SW request imposition of the following planning conditions:

"Development should not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water."

Waste Management Service

Waste Management raise initial concerns with two separate domestic bin stores serviced from different locations - one from the site frontage on Fratton Rd and the second accessed via Garnier Street - as well as the carry distances from where the refuse collection vehicles (RCV's) can safely park to service the bin stores both are in excess of the 25 metre manual handling regulations for new build. Following the applicant's submission of a Waste Management Strategy, WAM has offered further comments. An update will be provided at the meeting.

Coastal and Drainage

No comments received.

Crime Prevention Design Advisor

The following comments are made with reference to crime prevention. It is noted that controlled gates are proposed to be fitted at both pedestrian accesses, to prevent the site being used as a cut through and to prevent public use of the private communal gardens. These gates are key to reducing the opportunities for crime and anti-social behaviour within the development and careful consideration will have to be given to how they are to be controlled. The secondary access gate (adjacent to no31 Garnier Street) is set back from the public highway; this limits natural surveillance of the gate, so to increase the natural surveillance of this gate it is recommended that this gate be moved much closer to the public highway.

A rear access pathway is shown to the rear of nos260/262 Arundel Street. It is important that access to the site cannot be gained via this pathway. There are a number of apartments which appear to be directly accessible from the amenity spaces. To reduce the opportunities for crime an area of defensible space must be provided along these frontages to keep the public away

from windows. These spaces should be defended using a barrier, perhaps hooped topped railings approximately 30 inches high.

The proposal provides for thirty dwellings but there is no parking provision. It is highly likely that this development will place an additional burden on the existing 'on street' parking provision. You are reminded that vehicles parked on the public highway are many times more likely to be the subject of an incident than those parked within curtilage. Therefore, it is recommended that sufficient parking is provided within the development for each apartment to be allocated one parking space.

To provide for the safety of residents and visitors an appropriate level of lighting should be fitted throughout the development.

Highways Contractor (Colas)

Please can the footway be reinstated to full kerb.

Highways Engineer

Fratton Road forms part of the A2047, a key arterial route running north - south through the city. The application site lies within a district centre as designated in the Portsmouth Plan and is in the area of secondary importance. The road immediately outside the applicant site has double yellow lines and opposite (eastern side) is a bus stop/clearway. The site has a secondary access to the rear exiting onto Garnier Street.

Garnier Street is a residential street with rows of terraced housing; it provides access to the rear of the nearby shopping centre however there is no entry permitted past this point with access to the rest of Garnier Street gained via Arundel Street. There is parking arranged along both sides of the road all of which is contained within a residents parking zone.

The Transport Statement has reviewed the trip rates for both the existing use and also for the proposed use(s). The review concludes that "the overall proposed development, which includes for the provision of 30 residential dwellings, will have a reduced impact on the surrounding highway network in comparison to its current use." Residential development generally has a lesser trip rate than commercial uses (retail in particular) and even with the combined retail and residential uses proposed, the applicant's conclusion that the overall highway impact of the proposed development will not have a material impact on the local highway network is accepted.

All access for vehicles has been removed from the site and instead a lay-by proposed to the front of the site. This would be recessed into the existing footway which would be re-routed into the site. This lay-by would then serve as a loading bay for refuse collections and deliveries. In principle this is a sensible suggestion and will prevent potential obstruction of the nearby signal junction, however, doubts must be raised whether this loading bay will act as little more than a quick stopover for patrons of the proposed retail store and those already existing on Fratton Road. It may be that abuse of this loading bay would render it unusable by the refuse and delivery Lorries it is designed to serve. Any alterations to the highway would also require permission from the Highway Authority by way of a section 278 agreement.

The Transport Statement also addresses the parking requirements of the site with regard to residential expectations contained within Portsmouth's parking SPD. In order to comply with the SPD, for the residential use, a parking provision of 37 spaces is required. The Transport Statement goes some way to justify the reduction the parking standard for this site by interrogating Census data for the ward (Fratton) and comparing the site with both the ward data and then with similar property types. The final provision that the agent proposes (required for the residential element of the development) is 22 spaces although no assessment of the parking demand associated with the retail use has been provided. No parking spaces have been proposed within the development either for the residential or the retail use(s).

A parking survey has been supplied to justify the lack of parking provision on site and suggests that there is sufficient capacity to accommodate these 22 vehicles, which does not reflect the parking demand associated with the retail element of the proposal. The agent has used the Lambeth Parking method, which is acceptable. The agent carried out two overnight surveys of the roads surrounding the site and within 200m radius. More than a dozen different roads were surveyed and resulted in a worst-case scenario of approx. 70% of available spaces being occupied. Overall there were approx. 100 spaces available on each of the nights, which the applicant suggests will accommodate the 22-37 spaces required (based on Census data and PCC parking SPD). Whilst on the face of it this seems acceptable, all of the roads that have been surveyed (with exception of Arundel Street and Coburg Street) are in residents parking zones (RPZs). The proposal site is not within an RPZ and therefore residents of the proposed development would not be eligible for a permit. Therefore in principle only Arundel Street and Coburg Street can be considered as viable parking places; the survey carried out suggested a maximum number of spaces available as 7 across the two roads. This clearly falls some way short of even the 22 spaces the applicant suggests they need and is less than 20% of the spaces required to comply with Portsmouth parking policy. The applicant fails to consider parking associated with the commercial use. Currently the retail use is served by a car park to the front that generally meets the demand. With no parking available on site and very limited options on-street within convenient distance, it is likely that customers will use the proposed layby to the front or the double yellow lines and/or loading bays on Garnier Street. Whilst there are no requirements set out in the SPD for parking at commercial developments, it is for applicants to justify the provision made; some justification is expected to be given for not including parking for a commercial element when currently some exists for a similar use.

Cycle parking has been considered for both the residential and commercial elements of the applications. The provision required is given in the parking SPD and for this development would amount to 40 long stay and 4 short stay spaces. The application proposes 54 secure and covered spaces, which is in excess of the standard and thus acceptable. The parking SPD does not give definitive numbers of spaces required for non-residential uses. Instead it states "the minimum amount of cycle parking acceptable to the council will be the level needed to achieve 2 BREEAM credits for the development". Whilst the three stands would be suitable for the short-stay element, the long-stay (secure & covered) element has not been met. The agent states that the final commercial tenant is not yet known and so cannot determine the number of spaces required. It seems unlikely that the three stands provided will not increase greatly once the tenants are known but these stands should be at least covered and if not secure, be overlooked and have good natural surveillance.

As the application stands, a highways objection is raised on the following grounds:

- Proposal does not meet the required Parking provision as set out in the Parking SPD in an area mostly controlled by residents parking zones, permits for which the proposed site would not be eligible
- No justification has been made for the lack of parking provision for the proposed commercial use when a provision currently exists for the existing consented commercial use.
- Proposal does not meet the parking standard with regard to cycle parking for a non-residential development.

Following receipt of an addendum to the Transport Statement (dated 16th September 2016), the following updated views of the Highways Authority were received:

The agent contends that the unavailability of Parking Permits for residents and the proximity of local services and transport links would be sufficient to deter vehicle ownership and make this a true car-free development. The SPD establishes the area within the city where the council is prepared to relax the residential Parking Standards on the basis of the accessibility of the zone and proximity to services. Whilst this area is similar in nature to that zone, the SPD does not extend to include Fratton Road and consequently non-compliance with the parking standard would be contrary to policy. The provision of a s106 agreement preventing future residents from

obtaining permits would not be worthwhile as the site is not within the permit boundary and as such would not be eligible for a permit in any case.

Following the initial response, the agent has advised that the commercial space is likely to be occupied by a small convenience type food store (A1 use). The agent argues that the Asda store at the Bridge Centre has a large car park, the Spar and Farm Foods Store also has a car park and is in close proximity to the applicant site. The agent suggests that given the proximity of these larger stores with parking availability the likelihood is that the proposed store is likely to attract passing trips rather than customers looking to undertake a larger shop who will visit the alternative stores instead. Whilst this type of store does generally attract many local trips, pass by trips from vehicles are also common especially on a main arterial route such as Fratton Road and with the current retail use satisfying its own Parking demand it is likely the loss of the parking provision will lead to illegal parking on double yellow lines nearby as often happen with other local businesses already.

The agent has reviewed the design and provided 4 spaces for long-stay cycle parking within the commercial unit. This is compliant with BREEAM guidance for the type and size of commercial property proposed and is acceptable.

Whilst the alternative proposal to provide servicing via footway parking is acceptable in principle, that will require full depth reconstruction of the footway and the activity of the loading area to be controlled through a Traffic Regulation Order such that deliveries are only permitted between 10:00-15:00.

As the application stands a highways objection is maintained to the proposal as it does not meet the adopted policy requirements. If however you are minded to approve the development it is recognised that although outside the city centre area, there is no real distinguishable difference in environment between this area and the area where the SPD allows that a reduction in parking standards can be considered. However, given the absence of alternative on-street parking opportunities, should future residents wish to own a car then there will be no practical opportunity for them to park in close proximity to the dwellings.

In the event that you are minded to approve the application the following planning obligations/conditions should be imposed:

- A section 106 agreement would be required to secure the contribution necessary to produce and advertise the Traffic Regulation Order for the footpath loading bay. The cost for this would be £1200.
- In order to undertake the works to the Highway necessary to facilitate the development, a section 278 agreement would be required with the Highway authority prior to the commencement of works.
- Loading bay is in place and restricted to operate between 10:00-15:00 prior to occupation of the development.
- Provision and retention of agreed cycle parking prior to occupation of the development.

Environmental Health

Road Traffic Noise

Road traffic noise is potentially an issue at this location particularly with rooms fronting onto Fratton Road so appropriate sound insulation measures are likely to be required to ensure noise levels within habitable rooms are within recommended guidelines.

Glazing configurations which will achieve the internal noise level guidelines have been given by the noise consultant for the different types of rooms within the development, (drawings listed as 16/0047/GM 1 - 4. Room type 1 10mm glass/12-24mms air gap/6mm glass, room type 2 6mm glass/12-24mm air gap/6mm glass, room type 3 - standard thermal glazing) however, the report states that these specifications are for guidance only, as there are many options of glazing which can achieve the same sound insulation performances.

Should the applicant install the recommended glazing or glazing with similar performances then this is likely to protect the proposed occupant's amenity space.

Commercial Noise

The application includes ground floor commercial use for Class A1, A2 or A3 purposes. This type of use often includes the use of plant/equipment. As the intended use has not been specified at the application stage and in order to protect amenity, should you be minded to grant permission I recommend that the following conditions be applied:

Prior to the installation of any plant and/or equipment, an assessment of noise from the operation of the plant and/or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant and/or equipment shall be implemented.

Additional for A3 use: equipment shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from the premises. 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.

Noise from deliveries can also impact upon amenity but this is dependent upon the time of arrival of the vehicles, it is therefore recommended that deliveries do not take place between the hours of 23:00 and 07:30hrs.

Air quality

This site falls within an air quality management area (AQMA 6) designated under the Environment Act 1995 due to elevated levels of nitrogen dioxide (NO₂). Potentially the development will involve increasing the exposure of NO₂ in excess of the national objective for extended periods for the properties fronting on to Fratton Road. Therefore according to the Portsmouth City Council Air Quality and Pollution Supplementary planning document, air quality is a high priority material consideration for this proposal as it involves sensitive development within an AQMA.

In order to determine as to whether the upper floors of the building will be subjected to levels of NO₂ in excess of the annual mean national objective, I would suggest that the applicant submits an air quality assessment to identify as to whether appropriate mitigation or offsetting measures will be necessary to protect the amenity of the proposed occupants.

Technical solutions are available for mitigation i.e. whole house mechanical ventilation. This will also help achieve internal noise levels without the necessity of windows being opened. Details of this, along with supplier contact details are given in appendix A of the noise report.

Traffic

The plans do not show any provision for parking, it is assumed that occupants with vehicles will park on the street or use public transport, therefore the proposed change of use is unlikely to generate significant traffic movements.

Archaeology Advisor

The site is one of low archaeological potential. A watching brief conducted during redevelopment at the nearby Guardsman PH in 2008 recorded no archaeological features pre-dating this Grade II Listed Building (that dates from the 17th century); while historic mapping shows that the site has been occupied by a series of buildings over the past 150 years. Considering the impact of these Victorian buildings and the current structure that occupies the site would have made upon sub-surface deposits, means that it is unlikely that any as yet

unrecorded pre-modern archaeological features and/or deposits are located within the site. As a result of this lack of potential, in this instance no archaeological issues are raised.

The development may have an impact upon the setting of The Guardsman, a Grade II Listed Building. However, any advice offered in this matter is deferred to the Council's Conservation Officer.

Design Review Panel

The panel reacted positively to this well presented scheme. They were conscious both of the difficult elongated nature of the site, and of the scale and mass of the former cinema building currently occupying the site.

The proposal was considered well thought through, the massing of the proposed blocks less than the existing building (and therefore acceptable), and its response to the street and adjacent heritage assets contextually appropriate in terms of height/scale and setback. The relationship between the blocks and neighbouring properties was acknowledged as tight (but not sufficient to militate against the scheme), the use of deep 'blinders' as a way to mitigate some overlooking was also thought a good idea, and beneficial.

Despite the generally positive response it was suggested the images, whilst slick and persuasive, belied a scheme that would perhaps be difficult to translate into reality due to issues of viability. The fenestration for the blocks was also criticised as a little 'mean', and concern was expressed that the scheme could appear quite hard and aggressive looking without very careful consideration (and subsequent use of) the highest quality materials, and finishes. The recommendation of the Panel is of support, subject to the above comments.

REPRESENTATIONS

Fourteen representations have been received, including one from Flick Drummond MP and another submitted on behalf of 5 households in Garnier Street, raising objection (a) primarily on the parking implications of the proposed development exacerbating difficulties experienced locally. The objections draw attention to the limited waiting period for non-permit holders within the controlled parking zone are not well enforced and regularly flouted by shoppers, in addition to double yellow line restrictions at the eastern end of Garnier Street (at the junction to Fratton Road) is often contravened by drop off/collection to the day nursery and taxis.

Other grounds of objection include: (b) impact on highway safety - the 20mph restriction in Garnier Street is ignored and used as a rat run including vehicles going the wrong way on the one-way system; (c) loss of privacy; (d) effect on security of neighbouring homes/gardens; (e) increased noise from future occupiers; (f) potential noise and dust during demolition and construction; (g) overlooking and resulting loss of privacy from windows within the new development; (h) impact on property values; and, (i) question the appropriateness of A1/A2/A3 as part of the development.

COMMENT

The principal issue is whether this proposal contributes to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of the development (having regard to its location within Fratton district centre - secondary area), transport and highways implications, design and heritage, affordable housing/mix/standard of accommodation, impact on residential amenity, sustainable design and construction, nature conservation/recreational disturbance and other matters raised in representations.

Principle of development

The linear nature of the site, the dominant bulk of the existing building in very close proximity to immediately adjoining properties and its relationship to neighbouring heritage assets make this a difficult and challenging site for any redevelopment. However, in policy terms, PCS8 encourages shops (A1) throughout all district centres and new dwellings on upper floors. For Fratton (Map 15), policy PCS8 continues "Fratton grew up as a centre serving the surrounding neighbourhoods and provides a mix of shops and services. Today its superstore is the main draw to the centre, although Fratton still contains a range of local independent shops. At least 55% of the primary frontage will be protected for shopping (A1) use. Retail will also be encouraged along the secondary frontage however other town centre uses and residential would also be acceptable."

The principle of commercial floorspace for 'town centre' uses within Class A1, A2 or A3 and residential on the upper floors/to the rear would accord with policy PCS8, subject to other material planning issues and the constraints of the site.

Transport/highways implications

The site is within Fratton district centre, which forms part of the city's hierarchy of designated town centres providing an opportunity for shopping/other services locally, within a location accessible to transport links. There are bus stops a short walk away and train station 0.4 miles from the site that is around 7 minutes' walk away.

There is significant pressure on existing limited on-street parking provision serving residents and visitors to Fratton district centre. Residents parking zone JF covers Garnier Street and Murefield Road, where visitors (non-permit holders) are entitled to two hours free parking. The key concern of neighbouring residents and the local MP in their objections to the proposed development relates to the impact on the parking difficulties already experienced locally. The applicants propose a car-free development and their supporting Transport Statement offers its justification based on the proximity to a range of local shopping/town centre uses and public transport services by bus/train nearby, promoting active sustainable modes of transport by walking and cycling as an alternative to the private car.

Servicing arrangements for the development also present a challenge and have been the subject of amendment, following concerns raised by the Highways Authority. Stopping on the carriageway of Fratton Road is not a desirable option with implications for the signal controlled junction to Arundel Street. As originally submitted, a layby was proposed to be constructed across the site frontage. A revised design now proposes a shared-surface service bay/footway, with dropped kerb access, rather than permanently designated layby. This alternative proposal to provide servicing via footway loading bay would be considered acceptable in principle by the Highways Authority, subject to requiring full depth reconstruction of the footway and the activity of the loading area to be controlled through a Traffic Regulation Order (where deliveries are only permitted between 10:00-15:00).

The views of the Highways Authority are set out in full in the consultations section of this report but initially concluded that the proposal:

- does not meet the required parking provision as set out in the Parking Standards SPD in an area mostly controlled by residents parking zones, permits for which the proposed site would not be eligible;
- makes no justification for the lack of parking provision for the proposed commercial use when a provision currently exists for the existing commercial (A1 - shop) use; and,
- does not meet the cycle parking standard for a non-residential development.

In response, the applicants now include provision for long-stay (staff) in addition to short-stay (customer) cycle parking to serve the non-residential development, which adequately addresses

the latter issue. An addendum to the Transport Statement also seeks to address the other highways concerns, reiterating the suitability of such a sustainable and accessible site for car-free development where prospective residents would not necessarily need to own a car and could be prohibited from obtaining a parking permit as a planning obligation secured by section 106 agreement.

It should be recognised that this proposal seeks flexibility for 'town centre' uses as a shop, office (A2) or café/restaurant and therefore consideration must be given to a potential for different purposes over time. An A1 convenience shop may, however, represent the most likely occupier and a pattern of parking demand for A2 or A3 purposes arguably of lesser significance (perhaps depending on the nature and scale of ancillary takeaway sales to any restaurant use).

The Highways Authority comment that residential development generally has a lesser trip rate than commercial uses (retail in particular) and even with the combined retail/residential uses proposed, the applicant's conclusion is accepted that the overall highway impact of the proposal will not have a material impact on the local highway network. The applicant's suggestion of preventing future residents from obtaining permits by legal agreement would not be relevant since the site is not within the permit boundary of JF zone and consequently would not be eligible for a permit in any case.

The Highways Authority conclude a highways objection is maintained as it does not meet the adopted policy requirements and given the absence of alternative on-street parking opportunities, should future residents wish to own a car then there will be no practical opportunity for them to park in close proximity to the dwellings. However, if minded to approve this proposal, it is recognised that although outside the city centre area, there is no real distinguishable difference in environment between this area and the area where the SPD allows that a reduction in parking standards can be considered. In such case, planning obligations/conditions should be imposed:

- A section 106 agreement would be required to secure the contribution of £1200, necessary to secure the Traffic Regulation Order for the footpath loading bay.
- A section 278 agreement would be required, to undertake the works to the highway necessary to facilitate the development, prior to the commencement of development.
- A loading bay is in place and restricted to operate between 10:00-15:00 prior to occupation of the development.
- Provision and retention of cycle parking, prior to occupation of the development.

The merits of bringing forward a difficult site in a sustainable and accessible location for car-free development where prospective residents would not necessarily need to own a car and whose characteristics are indistinguishable from the city centre where the opportunity for car-free is promoted are, on balance, considered to outweigh the absence of parking provision (subject to the planning obligations/conditions identified above). However, given the unavailability of space on-site to satisfactorily operate a delivery service and lack of short-term parking locally for customer collection, particularly in the evenings when residents compete to park proximate to their homes, any A3 cafe/restaurant use should be prohibited from operating ancillary takeaway sales (for collection and/or delivery services) by planning condition.

Design and heritage

On the Fratton Road frontage there are existing heritage assets immediately to the north and south, at 'Guardsman Court' (formerly The Guardsman PH at No129, Grade II listed) and No115 (on the list of locally important buildings) respectively, which require a sympathetic design response and represent a key constraint. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the Local Planning Authorities (LPAs) to have special regard to the desirability of preserving a Listed Building or its setting. There is a strong presumption in favour of conservation. The NPPF (para 128) "...should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting", requires LPAs to (para 129) "take this assessment into account when considering

the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal" and (para 132) "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation." Policy PCS23 requires, amongst other things, "Development that relates well to the geography and history of Portsmouth, particularly the city's ... listed buildings..."

A Heritage Statement is required to assess the impact and significance of the redevelopment proposals on the setting of the heritage assets adjoining the site. The applicant's assessment in relation to archaeology is undertaken separately. The applicant's Heritage Statement (HS) rightly identifies the two key heritage assets adjoining the application site. It comments the significance of the locally listed building at No115 "...is not just in its age and architectural features, which have a strong vernacular association with the early development of Fratton village, but also in its setting, being a corner site in one of the earliest street blocks along an ancient route known today as Fratton Road" (para 4.10 of the HS). As for 'Guardsman Court', it comments "The building's significance lies partly in its age, being one of the oldest surviving buildings in Portsea Island. The setting of the building, however, does not contribute to any great extent to its significance, being a mismatch of buildings of various styles, ages, heights and scales. The former Troxy Cinema's siting, with the large car park facing Fratton Road, creates a fractured streetscape, hence detracting from the setting of the heritage asset" (para 4.14 of the HS).

The HS assesses the impact as follows: "The proposed scheme is an improvement to the streetscape on Fratton Road, and the setting of the heritage assets located on either side of the Site. The new development is composed of three blocks, replacing the monolith building of former Troxy Cinema. The arrangement of the buildings with low height to the front and taller blocks to the back, responds at the front to the consistent two-storey rooflines in this section of Fratton Road" (para 5.2 of the HS). "Currently there is a void in the streetscape, where the Troxy building forecourt, used for car parking, is located. The proposal aims to mitigate this negative feature, by siting a building closer to the road's edge, removing the utilitarian aspect currently visible. The new building line is however still set back from the pavement line, brought in line with the nearby Grade II listed building's extension immediately to the north of our Site. This allows for the unobstructed views towards the locally listed former Dog and Duck public house and also enhanced views towards the above mentioned Grade II listed former Guardsman building. This set back is the result of a compromise achieved in negotiating the distorted street line of this street block, where all buildings are set at different distance and angles from the road edge. The inconsistency of the existing frontages is remedied in the proposal with alignment to the line of the Grade II listed property, in accordance with the NPPF (paragraph 132), which states that the more important the asset, the greater the weight should be on its conservation" (para 5.3 of the HS).

It concludes that "We are of the strong view that the proposal will have positive impact and therefore merits a planning approval. The proposal's mixed use offer, which will increase residential use in the area and therefore will result in livelier street scene, is considered to be beneficial in terms of regeneration of Fratton" (para 5.8 of the HS) and "The materials and the concept of the proposal are complimentary to the existing built environment, reflecting scale and proportions of the neighbouring heritage assets, but providing a modern solution without resorting to pastiche. The regularity of the façade, and the use of brick as main building material, serves to create a neutral backdrop avoiding conflict with both heritage assets. It is therefore clear that there is no harm to the heritage assets resulting from the proposed development" (para 5.9 of the HS).

The applicant's Heritage Statement is considered to provide a fair assessment of impact and significance. The two-storey element of the building (on the east side of the site) would provide for a height of built-form on the Fratton Road frontage that is designed to be compatible with the eaves and ridge heights of the two adjacent heritage assets. The new building line to Fratton Road and its projecting first floor quite intentionally seek to enhance the relationship and key

views to these neighbouring heritage assets. The siting and alignment is designed to address the stagger between both of the neighbouring properties. The building setback at ground floor level of 6m from the carriageway still allows for alignment with the statutorily listed Guardsman Court (to the north) at first floor level by a 1.5m projection. The shopfront setback and 3.5m gap from the southern site boundary ensures views to neighbouring buildings are unaffected by the redevelopment at street level; this aspect of the proposal is considered to preserve their setting on the Fratton Road frontage, to accord with policy PCS23 and the aims and objectives of the NPPF.

The front elevation would comprise a multi-stock brickwork façade with 6 no. powder-coated aluminium full-height windows integrating the same deep projecting "blinkers" (design features to mitigate privacy impact) elsewhere on the development. At ground floor level, a large glazed shopfront with double entrance doors would create a lightweight plinth and an active frontage, providing a shopfront display across the majority of the development frontage. The simple order, rhythm and articulation would improve the streetscape contribution of the site to the district centre to accord with policy PCS23.

Towards the centre of the site, a four-storey building would be connected to the front two-storey element by a single-storey link building designed with a green (sedum) roof. The building would similarly comprise multi-stock brickwork to match, with perforated and extruded brickwork details and exposed concrete bands to the north and south facades, to add visual interest to flank elevations where it would be inappropriate to introduce windows on privacy grounds.

To the west of the site, a further four-storey building is proposed. However, the topography of the site would result in the building having a lower height than the four-storey building on the east side of the site.

The views of the independent Design Review Panel are set out in the consultations section of this report. In short, the Panel supported this well-conceived proposal with the massing of the proposed blocks less than the existing building and its response to the street and adjacent heritage assets contextually appropriate in terms of height/scale and setback. Acknowledging the relationship between the blocks and neighbouring properties was tight, measures to mitigate some overlooking were held to be beneficial. The slick and persuasive images belied a scheme potentially difficult to translate into reality due to issues of viability. Fenestration was criticised as a little 'mean'. The buildings could appear quite hard and aggressive looking without the highest quality materials/finishes selection.

The views of the Panel are shared by your officers. The design rationale for a development of the proposed height no greater than existing and scale/massing of blocks less than existing is considered to justify its suitability to the site. In visual terms, the contemporary appearance relies upon simple order, rhythm and articulation where interest is added vertically by projecting brickwork "blinkers" and horizontally by the slender concrete frame of the buildings. A very careful selection of materials/finishes for such a restricted palette of facing brickwork/concrete banding is considered essential to integrate well with the character and appearance of the surrounding area including adjoining heritage assets. On this basis, the design of the proposed developed is considered to be acceptable, to accord with policy PCS23.

Affordable housing/mix/standard of accommodation

Policy PCS19 of the Portsmouth Plan seeks to achieve a target of 40% family housing (3+ bedroom dwellings) where appropriate to meet the needs of families and larger households in new development and housing size to accord with the nationally described space standards. On developments of 15+ dwellings, provision of 30% affordable housing is required, which equates to 9 of the 30 dwellings for this scheme.

The housing mix is mainly one- and two-bedroom dwellings, comprising of:
13 x 1-bedroom (2-person);

11 x 2-bedroom (3-person) & 3 x 2-bedroom (4-person); and, 3 x single-aspect studios (1-person).

There are 3 dwellings designed as maisonettes, with private garden spaces. All the residential accommodation would have access to a 'sunken' communal amenity space as an integral part of the scheme. There is no provision for larger family accommodation (3+ bedrooms).

The applicant's Planning Statement (at para 6.8) proposes all 30 dwellings for affordable rented housing, in excess of the above minimum requirements of Policy PSC19. Furthermore, (at para 6.32) "the proposed residential accommodation has been designed to reflect local demand for affordable housing within a town centre location and in close proximity to local transport facilities, wherein the demand for family housing is less prudent and the need for higher density accommodation is key. The mix of housing proposed reflects the characteristics of the site, whilst the proposed density (167 dph), reflects the Council's aspirations for high density on the site, in accordance with Policy PCS21." All dwellings have been designed to ensure that they meet the minimum space standards as set out in the Technical Housing Standards - Nationally Described Space Standards.

Amenity impact

The height of the proposed redevelopment would be no greater than the existing building. The siting the replacement buildings in two blocks with a communal garden centrally positioned within the site would break up and reduce the overall massing of built-form, thereby allowing daylight and sunlight to penetrate through to some neighbouring curtilages. The applicant's supporting Daylight and Sunlight Assessment (prepared by Hodkinson Consultancy) provides an analysis of the development on neighbouring properties. It concludes that the daylight availability would be improved by the proposed development in comparison with the existing building and would have no adverse impact on the daylighting levels to surrounding properties. Minor setback of this redevelopment from the southern boundary would also represent a small improvement on its impact to existing adjoining properties to the south. However, redevelopment would create shading to neighbouring properties in the north-east corner of the site although these neighbouring dwellings are already affected by the presence of existing advertising hoardings along the common boundary.

The existing building was constructed as a cinema without necessity for windows thereby having no privacy impact on adjoining occupiers despite its very close proximity. For residential redevelopment designed to provide decent new homes inevitably imposes a requirement for an arrangement of windows with a satisfactory outlook and light as well as natural ventilation. The development is designed to preclude windows on the north and south elevations but orientate them on the east and west elevations only, to minimise overlooking to neighbouring properties in Garnier Street and Arundel Street, as far as practicable. In addition, the proposed windows are modelled to include vertical projecting brick fins described as "blinkers" of 44cm depth, to limit direct views away from neighbouring properties and channelling more oblique angle views into the site. However, at the western end of the site new windows would directly overlook neighbouring properties across a short separation distance of between 7.5m to 10m, resulting in a degree of un-neighbourliness.

To help mitigate overlooking and improve visual amenity along parts of the western, northern and southern site boundaries the applicants propose tree planting to provide a green edge to screen the site. Careful species selection would be necessary to minimise any adverse impact of trees within the application site overhanging and overwhelming small courtyard gardens of neighbouring properties into the future. In addition, first floor windows (all to bedrooms) on the western elevation of the west block are designed to provide obscure glazed to a level of 1.5m above finished floor level. Whilst this may limit the degree of overlooking to the rear gardens of the properties to the west by occupants moving around any of the first floor bedrooms it would, however, not be effective when standing at the windows or from any of the floors above.

The inter-relationship between the proposed first floor (single-aspect) flats on the Fratton Road frontage and the 4-storey element of the building behind would be fairly cramped and restricted. Across a separation distance of around only 7m there would be some impact on the privacy. East-facing windows of the centre block would look directly into the rear (west) windows and curtilage of nos.4/5 Guardsman Court (Fratton Road). Notwithstanding the proposed brick pier 'blinkers', obliquely east and west facing habitable-room windows would inevitably overlook adjoining rear elevations/gardens and give rise to some resulting loss of privacy to occupiers of existing neighbouring dwellings. Additional detail of screen fencing along the site boundary at first floor level for this part of the site has been submitted. It would act to minimise any mutual overlooking from the nearest first floor level flats but would not prevent it from the upper two floors. The screen fencing would also create a feeling of being hemmed in to adjoining occupiers; however, such enclosure would not be different from existing advertising hoardings.

Residential redevelopment would still result in some degree of overlooking and resulting loss of privacy although the creation of a 17m wide gap within the site centrally would also improve the outlook of some neighbouring properties who presently view a 13m high building across a distance of some 7.5-8m or so. The northern and southern flank walls of the proposed development are proposed to be relieved by a combination of perforated and extruded brickwork treatments. Improvement in the outlook of occupiers of neighbouring properties must inevitably be weighed against some degree of overlooking; given the difficulty of developing a challenging 'backland' site such as this and its design to minimise its impact as far as practicable is considered sufficiently balanced and not so significantly harmful to be acceptable without conflict with policy PCS23.

The views of the Council's Environmental Health team identify the need for planning conditions for noise insulation measures, assessment of the impact of any potential plant/equipment necessary for the proposed commercial floorspace, a restriction on delivery times and further air quality assessment for this proposal as it involves sensitive development within an AQMA, in order to determine as to whether the upper floors of the building will be subjected to levels of NO₂ in excess of the annual mean national objective. In response to the air quality issue raised, the applicants state "We can confirm that the new homes fronting Fratton Road will be complete with forced ventilation via a brick vent. Whilst this detail is not included on the drawings, we would be happy to accept an appropriately worded planning condition..." In principle, the use of a forced ventilation system taking a clean air source from the 'rear' of the flats (3 no.) along the site frontage secured by condition appears acceptable. Environmental Health comment that a brick vent will not be sufficient but that mitigation measures should be incorporated in the design of the development to prevent exposure to poor air quality especially for the units fronting onto Fratton Road. In the absence of an air quality assessment a condition is recommended as follows:

"Prior to the commencement of construction the developer shall submit a scheme to the local authority for a mechanical ventilation system to serve the residential dwellings with facades facing onto Fratton Road. The scheme should provide sufficient evidence to demonstrate that extract and purge ventilation rates can be achieved, and ensure that all associated air intakes and exhaust points are situated within areas where national air quality objectives are not exceeded. Upon approval the proposed scheme shall be implemented prior to the occupation of the building and thereafter maintained."

The applicant's noise report prepared by Cole Jarman - Appendix A A5 - gives a good example of mechanical ventilation and also lists a number of suppliers.

Nature conservation/recreational disturbance

Introduction of green roofing and communal garden space with tree planting, to screen the site from its neighbours and enhance its biodiversity, would improve the city's green infrastructure assets in a part of the city that has some of the most limited access to parks and open spaces, to accord with policy PCS13.

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 affect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as $30 \times £176 = £5,280$, secured through a s106 legal agreement.

Sustainable design and construction

The Government released a ministerial statement regarding sustainable design and construction which lowered the SPD: Sustainable Design and Construction requirement.

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

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

These standards will remain in place until the zero carbon homes policy is brought into force in 2016, after which the same standard of energy efficiency will continue to be required, though this will purely be through the Building Regulations rather than through compliance with planning conditions. Until that time, and in the absence of any detail, suitable pre-commencement and pre-occupation conditions would be imposed to resolve this issue.

Other issues raised in representations

The perceived impact on security to some neighbouring homes and gardens requires a balanced view. The presence of a 13m high building onto a common boundary would in places change to new boundary treatments but the presence of new occupiers would also bring greater natural surveillance. Such change is not considered to result in a significant impact on security or degree of harm to warrant withholding permission. A new communal garden and pedestrian comings and goings within the site would bring a new dynamic to this 'backland' site compared with patterns of use or movement associated with a shop typically operating during daytime store opening hours only. To mitigate the noise impact as far as practicable, the commercial element of this residential-led mixed use scheme should not operate at times when existing and future occupiers are normally sleeping (with no deliveries and to remain closed to/vacated of customers between 11pm and 7.30am). Located within a secondary area of the district centre,

the flexible range of uses sought for A1/A2/A3 are considered appropriate 'town centre' uses but for reasons identified elsewhere in this report ancillary takeaways sales (by delivery or collection) should be precluded from any cafe/restaurant use within Class A3. Having regard to the constraints of the proximity to heritage assets and to existing and future occupiers, accommodating appropriate extraction equipment to vent at a suitably high level (in a visually attractive manner) may prove an awkward and challenging design conundrum.

Loss of property values is not a material planning consideration.

Planning obligations

If minded to approve planning permission, relevant Heads of Terms in relation to any s106 legal agreement that would be generated by the proposed development would include:-

- 1 The preparation and implementation of an Employment and Skills Plan before development commences;
- 2 Affordable housing provision (a minimum of 30%, which equates to 9 dwellings);
- 3 The payment of SPA mitigation, upon commencement of development;
- 4 To secure the contribution of £1200 for a Traffic Regulation Order for a shared footway/loading bay* (to be restricted to operate between 10:00-15:00) payable upon commencement of development; and
- 5 The payment of a Project Management Fees upon implementation of planning permission.

[*The Highways Authority will need to instruct on a Section 278 Agreement required to undertake the works to the highway for a shared footway/loading bay necessary for servicing the development, notably full depth reconstruction of the footway, dropped kerb widening and any relocation of street furniture including a post-mounted traffic sign, prior to the commencement of development].

Conclusions

'Town centre' uses within Class A1, A2 or A3 and residential on the upper floors/to the rear are acceptable in policy terms to the district centre (secondary area). The merits of redeveloping a difficult site in a sustainable and accessible location for car-free development where future residents would not necessarily need to own a car and whose characteristics mirror the city centre where the opportunity for car-free is promoted are, on balance, considered to outweigh the absence of parking provision. 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 adjoining heritage assets. The proposal makes provision for affordable housing, would add to the vitality of the district centre and support the wider regeneration of the city. The impact on neighbouring occupiers would change; a degree of overlooking and resulting loss of privacy would inevitably arise to some properties despite the east-west only orientation of windows and other measures that include 44cm deep 'blinkers' designed to minimise the impact. However the proposal is, on balance, considered to be an acceptable solution for this challenging elongated site.

RECOMMENDATION I:

Delegated authority be granted to the Assistant Director of Culture & City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the planning obligations with principal terms as outlined in the report and such additional items as the Assistant Director of Culture & City Development 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 legal agreement has not been completed within three months of the date of the resolution.

RECOMMENDATION Subject to securing Planning Obligations**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 - 170_PLN_001A;
Block Plan - 170_PLN_002A;
Block Plan - 170_PLN_100C;
Site Plan - 170_PLN_101D;
Ground floor - 170_PLN_200C;
First floor - 170_PLN_201E;
Second floor - 170_PLN_202C;
Third floor - 170_PLN_203C;
Roof plan - 170_PLN_204C;
Contextual elevation - 170_PLN_300B;
Contextual elevation - 170_PLN_301F;
Elevations AA & CC - 170_PLN_302D;
Elevations BB & DD - 170_PLN_303F;
Elevations EE & FF - 170_PLN_304C;
Elevations GG - 170_PLN_305D; and,
Sections - 170_PLN_400B.

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) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved:

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

- a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

6) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping works including the proposed green (sedum) roof which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, the layout, contouring and surfacing of all amenity space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development whichever is the sooner, in accordance with a phased programme agreed with the Local Planning Authority in writing prior to commencement of planting. 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. The sedum roof shall thereafter be retained.

7) No development (except demolition) 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 scheme and for any hardsurfacing treatments to the site 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.

8) Before construction commences above foundation level detailed constructional design of key architectural features such as recessed windows within projecting "blinkers" (to be not less than 44cm in depth), projecting concrete framing, perforated and projecting brickwork, entrances and doors, at a 1:20 scale (or such other appropriate scale as may be agreed beforehand) shall have been submitted to and approved by the Local Planning Authority in writing; and the development shall be carried out in accordance with the approved detailed designs.

9) Prior to first occupation of any dwelling boundary walls up to 2m in height in brickwork (in materials to be have agreed in writing with the local planning authority beforehand) shall have been constructed in the positions shown on the approved site layout plan (170_PLN_101D) to enclose the site boundaries and communal/private amenity areas; and these walls shall thereafter be retained.

10) (a) Before any dwelling hereby permitted is first occupied the proposed facilities to be provided for the storage of refuse and recyclable materials shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter shall thereafter be retained for the storage of refuse/recyclables at all times.

(b) Before the ground floor commercial floorspace is first brought into use for Class A1 (shop) or A2 (offices principally to visiting members of the public) or A3 (café/restaurant) purposes the facilities to be provided for the storage of refuse and recyclable materials shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter shall thereafter be retained for the storage of refuse/recyclables at all times.

11) (a) Before any dwelling hereby permitted is first occupied the proposed secure/weatherproof facilities to be provided for the storage of bicycles shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter shall thereafter be retained for the storage of bicycles at all times.

(b) Before the ground floor commercial floorspace is first brought into use for Class A1 (shop) or A2 (offices principally to visiting members of the public) or A3 (café/restaurant) purposes the proposed secure/weatherproof facilities to be provided for the storage of bicycles shall be constructed and made available, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter shall thereafter be retained for the storage of bicycles at all times.

12) No development (except demolition) shall take place at the site until there has been submitted to and approved in writing by the local planning authority:-

(a) A baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality;

and following the substantial completion of the building shell:-

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

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

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

13) 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.

14) No development (except demolition) shall take place at the site until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the highways works necessary for the construction of a shared footway/loading bay onto the Fratton Road frontage. The highway works to Fratton Road shall be carried 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.

15) 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 unit 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).

- 16) Prior to the commencement of any other cooking operation than those described in condition 15 (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.
- 17) The commercial ground floor unit (for proposed A1 or A2 or A3 use) hereby permitted shall be closed to and vacated of customers between the hours of 11pm and 7.30am (the following day).
- 18) No deliveries to the commercial ground floor unit hereby permitted shall take place outside of the hours of 7.30am to 7pm (daily).
- 19) No hot food take-away sales (either by collection or home delivery service) shall be undertaken from the ground floor commercial premises associated with any use within Class A3 (as a cafe/restaurant or other sale of food or drink for consumption on the premises).
- 20) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for mechanical ventilation system to serve the residential dwellings with facades facing onto Fratton Road. The scheme should provide sufficient evidence to demonstrate that extract and purge ventilation rates can be achieved, and ensure that all associated air intakes and exhaust points are situated within areas where national air quality objectives are not exceeded. Upon approval the proposed scheme shall be implemented prior to the occupation of the building and thereafter retained.
- 21) Before first occupation of the development the proposed screen fencing not less than 1.8m high (above finished level of the adjacent sedum roof) and perforated brick screen both at first floor level toward the north-east corner of the site shall be constructed in the positions and appearance shown on drawings 170_PLN_201E & 170_PLN_302D respectively; and these screening measures shall thereafter be retained.
- 22) 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 proposed lift overruns) without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.
- 23) No development shall take place until a scheme for insulating habitable rooms against road traffic noise shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented before the first occupation of the dwellings and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in living and bedrooms:
Daytime: LAeq(16hr) (07:00 to 23:00) 35 dB,
Night-time: LAeq(8hr) (23:00 to 07:00 bedrooms only) 30 dB and LAm_{ax} 45dB.
- 24) No development shall take place until details of a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

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 ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 6) To improve the appearance of the site, enhance its biodiversity and improve green infrastructure assets in a part of the city that has some of the most limited access to parks and open spaces, to accord with policy PCS13 of the Portsmouth Plan 2001-2011 and the aims and objectives of the NPPF.
- 7) To secure high quality external finishes appropriate to the site prominently located onto a major arterial route through the city (A2030) in the interests of visual amenity and to preserve the setting of neighbouring heritage assets on the Fratton Road frontage, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 8) To ensure the highest quality of development appropriate to the site prominently located onto a major arterial route through the city (A2030) in the interests of visual amenity and to preserve the setting of neighbouring heritage assets on the Fratton Road frontage, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 9) To ensure robust and attractive boundary treatments to enclose active areas of the communal garden and access/circulation through the site in the interests of visual amenity and security and to preserve the setting of the adjoining heritage assets in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the aims and objectives of the NPPF.
- 10) To ensure provision of waste/recyclables storage in an acceptable manner in the interests of amenity, in accordance with policy PCS23 of the Portsmouth Plan.
- 11) To meet the transport needs of future occupants of the dwellings and ensure adequate cycle parking provision is made for customers/staff using the commercial premises and to promote and encourage more sustainable transport modes within this car-free development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 12) 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.
- 13) 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.
- 14) 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.

- 15) 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.
- 16) 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.
- 17) To protect the amenities of the occupiers of the adjoining and nearby residential properties from noise and general disturbance into late night/early morning hours (when people are normally asleep), in accordance with policy PCS23 of the Portsmouth Plan.
- 18) To protect adjoining and nearby residential occupiers from noise and disturbance (by delivery vehicles on the shared footway/loading bay) outside of daytime hours, but especially late at night and into early morning hours, to accord with policy PCS23 of the Portsmouth Plan.
- 19) To protect the amenities of occupiers of adjoining and nearby properties from localised concentrations of noise and general disturbance, in the interests of highway safety (due to restrictions of waiting, resident parking zone JF and one-way system on Garnier Street) and to preserve the setting of neighbouring heritage assets having regard to very limited space within the curtilage of the site for the parking of delivery vehicles of any type in a visually attractive manner, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 20) To ensure an acceptable living environment by preventing nitrogen dioxide exceedances within the dwellings in the interests of residential amenity, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 21) To minimise as far as practicable the impact on privacy of occupiers of neighbouring properties at 'Guardsman Court', to accord with policy PCS23 of the Portsmouth Plan.
- 22) To ensure the skyline and 'clean lines' of these buildings remain free of visual clutter, to minimise unneighbourly impact on adjoining occupiers and to ensure TV/radio signals are not adversely affected by subsequent additions to the building, to accord with policies PCS23 and PCS24 of the Portsmouth Plan.
- 23) To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 24) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 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.

18 ORDNANCE ROW PORTSMOUTH PO1 3DN**RETROSPECTIVE APPLICATION FOR THE INSTALLATION OF 2 AIR CONDITIONING EXTRACTION UNITS TO FLAT ROOF AND INSTALLATION OF MARLEY CEDRAL BOARDING TO REPLACE RENDER****Application Submitted By:**

Mick Morris AADipl Architect
FAO Mick Morris

On behalf of:

Green Mango Natural Hair Saloon
FAO Chris Aguado

RDD: 5th September 2016

LDD: 18th November 2016

SUMMARY OF MAIN ISSUES

This application relates to a three-storey end of terrace building located on Ordnance Row close to its intersection with Victory Road and The Hard.

This proposal seeks retrospective planning permission for the retention of two air-conditioning extraction units located on single storey annexe to the rear of the site. Further to this, the applicant has proposed to replace existing uPVC cladding and white render with Marley Cedral Boarding.

The existing AC units are centrally located on the flat roof of the existing single storey hairdressers annex and measure approx. 0.9m in height, 0.9m in width and 0.3m in depth. These units are white in colour and are of an industrial appearance.

The proposed Marley Cedral boarding would replace a mix of uPVC boarding and white render and would be applied to west, south and east elevations of this single storey annexe and would be white in colour.

There is no planning history considered to be relevant for the determination of this application.

POLICY CONTEXT

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

CONSULTATIONS**Environmental Health**

Having visited the site I can confirm that there should be no issues with operational noise levels from the plant consequently I have no objections or recommendations.

REPRESENTATIONS

Two representations have been received from neighbouring occupiers objecting to the application on the grounds of (a) the air conditioning units would represent an unacceptable level of noise during the hours of operation and (b) retaining the development would result in a harmful visual impact out of context with the surrounding area. Subsequently the application was raised to the Member Information Service on 04.11.2016, following this consultation the application was called in to Planning Committee by Cllr Stephen Morgan on the 08.11.2016.

COMMENT

The determining issues in this application relate to whether the completed/proposed works relate suitably to the recipient property and surrounding context in terms of its design. Furthermore consideration must be given to the impact on amenities these works have had on the neighbouring occupiers of Victory Road and Ordnance Row.

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.

In regards to the visual impact of the existing development, the limitations of the rear yard are as such that the air-con units could not be located in any other position. Currently the units are sited on the roof of a single storey annexe in the rear yard of the application site. These units would only be moderately visible for the residents of No. 17 Ordnance Row and are considered to be of a suitable design quality and appearance for this type of development. These units would not be visible from the public realm.

Further to this, the proposed white Marley Cedral Board cladding would be considered to be an appropriate design solution to the dated appearance of the existing elevation treatments.

In regards to the amenities of neighbouring occupiers, whilst there would be some audible noise produced by these units during the opening hours of the Salon it serves, the operational noise is not considered to be so great to warrant a refusal. This is supported by comments from Environmental Health; "Having visited the site I can confirm that there should be no issues with operational noise levels from the plant consequently I have no objections or recommendations."

In addition to this, a planning condition would be applied should the recommendation be upheld that enforces the use of these AC units strictly within the designated opening hours of the salon.

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: GM 04 AC, GM 05 AC, GM 03 AC.
- 3) The Air Conditioning extraction units hereby permitted shall only be in operation between the hours of 09:30 and 18:00 Monday to Friday, 09:00 and 18:30 Saturdays and 10:00-11:00 Sundays and Bank Holidays.

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 aural amenity 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.

NB This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

03

16/01537/FUL

WARD:CHARLES DICKENS

91 - 95 COMMERCIAL ROAD PORTSMOUTH PO1 1BQ

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF BUILDING FOR MIXED USE DEVELOPMENT COMPRISING RETAIL (CLASS A1) USE (LEVELS 0 AND 1) AND STUDENT HALLS OF RESIDENCE (WITHIN CLASS C1) (256 STUDY BEDROOMS IN A COMBINATION OF CLUSTER FLATS AND STUDIOS - LEVELS 1-18) WITH ASSOCIATED BASEMENT STORAGE (CYCLE PARKING/BIN STORAGE/PLANT ROOM)

Application Submitted By:

Rocke Associates Ltd
FAO Dr Thomas Rocke

On behalf of:

Crosslane Student Developments UK Ltd And Pineapple Corpo...

RDD: 14th September 2016

LDD: 23rd December 2016

SUMMARY OF MAIN ISSUES

This application has been brought to committee as the Council is in receipt of a deputation request from a local resident.

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: a) whether the principle of a student halls of residence in this location is acceptable; b) whether the proposed development is acceptable in design terms including whether a tall building is acceptable in this location; c) whether the proposal has an acceptable impact on heritage assets; d) whether it complies with the requirements for sustainable design and construction, e) whether it would be acceptable in highways terms; f) whether it would provide an acceptable standard of accommodation for future occupiers; and, g) whether there would be an adverse impact on the Solent Special Protection Areas.

Procedural Matters

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 came into force on 6th April 2015. Under the 2015 amendments, the regulations raise and amend the thresholds at which certain types of development project will need to be screened in order to determine whether an EIA is required under the EU Directive 2011/92/EU (the Directive). Following the 2015 Regulations amendment, the applicable threshold needs to be screened if: (i) the development includes more than 1 hectare of urban development which is not dwelling house development; (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares. The proposal would be classified as a Schedule 2- Infrastructure Project, 10(b) - urban development project.

The proposal was screened on 27.09.2016 and it was determined that the proposal is not an EIA development.

The Site

The site comprises an existing three-storey end-of-terrace 1950/60s post war infill building located at the southern end of Commercial Road with the junction of Stanhope Road. The site has an area of 0.514ha and abuts the back edge of the footway on its west, south and east elevations (on Willis Road, Stanhope Road and Commercial Road respectively). The building is currently occupied by a Co-Operative bank and a Music shop at ground floor level with two floors of office space above.

The site lies between the civic (Guildhall Square) area and the Commercial Road principal retail area with the east elevation being accessible from Commercial Road. The area has a variety of shops and other appropriate uses for a town centre (for example banks, post office and developments with some residential accommodation on first floor level and upwards).

To the south of the site is the civic centre of Portsmouth with the University of Portsmouth buildings. Within close proximity to the site and thereby affecting the setting of (but it is not located within) is the 'Guildhall and Victoria Park' Conservation Area (No.18) that is located some 60 metres to the south. It is also located within the wider setting of the Grade II Listed buildings: Connaught Drill Hall (Stanhope Road), Former Halifax Building Society (105 Commercial Road), Midland Bank (116-118 Commercial Road), Trafalgar House (16 Edinburgh Road), Portsmouth and Southsea Railway Station (Commercial Road), The Guildhall (Guildhall Square) and the Cathedral Church of St John the Evangelist (Edinburgh Road) and the Grade II* listed Portsmouth War Memorial/Cenotaph. There are a number of locally listed buildings on Edinburgh Road including Nos. 13, 14, 18 and 20.

Other nearby buildings and uses around the site include Catherine House that is a 405 bed student halls of residence (former Zurich House under conversion and new-build construction) (ref. 15/00821/FUL) and Number One 8 Surrey Street that is a recently approved student halls of residence with 576 study bedrooms (ref. 16/00142/FUL).

The Proposal

Planning permission is sought for the demolition of existing building and construction of building for mixed use development comprising retail (class a1) use (levels 0 and 1) and student halls of residence (within class c1) (256 study bedrooms in a combination of cluster flats and studios - levels 1-18) with associated basement storage (cycle parking/bin storage/plant room). The proposed development comprises a Gross Internal Area of 8,667.5m².

The proposed building would comprise a part-16 / part-19 storey building to an Above Ordnance Datum (AOD) (above sea level) height of 62.34 metres (68.4 metres to architectural fins).

The rooms would be split into two bed clusters, four bed clusters and studios at levels 16-19 with private amenity space with three accessible studios on level one. There would either be a communal kitchen or space, as required, on levels 2 - 15. Each room would be en-suite and the rooms are arranged as follows:

- 138 studio rooms;
- 28 x 4 bed cluster flats; and,
- 1 x 6 bed cluster flat.

The following table sets out the proposed schedule of accommodation by floor level.

Level	Studio	4 Bed Cluster	6 Bed Cluster	Total Beds
1	0	0	1	6
2	7	2	0	15
3	8	2	0	16
4	8	2	0	16
5	8	2	0	16
6	8	2	0	16
7	8	2	0	16
8	8	2	0	16
9	8	2	0	16
10	8	2	0	16
11	8	2	0	16
12	8	2	0	16
13	8	2	0	16
14	8	2	0	16
15	8	2	0	16
16	9	0	0	9
17	9	0	0	9
18	9	0	0	9
Totals	136		28	256

It is proposed that the development would be car free with no on-site provision for vehicular parking (the constraints of the site are such that none can be provided) but there would be provision for secure storage for 40 bicycles for visitors, staff and students that would be located in the basement.

The proposed basement would be accessed via lift from ground floor level. The basement would occupy the full footprint of the site and a significant proportion of this area would be for the plant equipment serving the building including the combined heat and power plant. The basement would provide storage for up to 40 bicycles and the waste collection point with purpose design openings to enable collection at street level. The laundry facilities would also be located in the basement.

Relevant Planning History

The relevant planning history is set out below:

1. In 2016, an Environmental Impact Assessment screening opinion was submitted to the LPA and it was determined that an Environmental Statement is not required (ref. 16/00008/EIASC).
2. In February 2011 planning permission was granted for a revised scheme for the construction of two additional storeys (above existing roof level) to form 6 maisonettes (resubmission of 09/01487/FUL) (ref. 10/00653/FUL) that was granted conditional permission.
3. Construction of two additional storeys (above existing roof level) and conversion of existing second floor to form 9 dwellings comprising 3 flats and 6 maisonettes; external alterations of west elevation to window/door openings and recladding of building (onto Willis Road); conversion of part of ground floor to form refuse and cycle storage facilities (ref. 09/01487/FUL) that was refused in January 2010.

POLICY CONTEXT

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

In addition, the application should also be assessed against the development management policies and other relevant paragraphs in the NPPF and, in particular, Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment). Further assessment of the relevant NPPF guidance will be made in the comments section of this report.

Regard must also be given to the impact of the proposal on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the Local Planning Authority (LPA) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS10 (Housing delivery), PCS12 (Flood risk), PCS13 (A greener Portsmouth), PCS14 (A healthy city), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and conservation), PCS24 (Tall buildings). Saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan would also be a material consideration. These policies are briefly summarised below:

Policy PCS4 (Portsmouth City Centre) seeks to create a 'more prominent and welcoming' city centre with clearer localities performing a variety of city centre functions. The city centre is considered to be the ideal place for extraordinary designs for ordinary buildings, such as offices and housing. Given the high level of accessibility by public transport, the city centre is considered to be ideally suited to provide a substantial number of new homes during the plan period, and is expected to contribute 1,600 new homes. The Commercial Road area, in which the application site is situated, is to retain its principal function as a shopping destination (by retaining at least 75% of the frontage in use as shops), whilst the adjacent Station Square and Station Street area is to become the business hub of Portsmouth, along with hotels to exploit its high accessibility adjacent to the railway station and some residential development. More detailed policies and proposals for each area are provided through the City Centre Masterplan and other SPDs.

Policy PCS13 (a greener Portsmouth) seeks to protect, enhance and develop the green infrastructure network.

Policy PCS15 (Sustainable design and construction) requires all development to contribute to addressing climate change. Unless otherwise agreed, all non-domestic development with a net increase in floorspace of 500 sqm is expected to achieve an 'Excellent' standard.

Policy PCS17 (Transport) seeks to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network. This includes encouraging development in areas around public transport hubs, and locating development where there is the potential to improve accessibility for all through walking, cycling and public transport. Land at Portsmouth and Southsea station is safeguarded for a new interchange facility, to be delivered as part of the Station Square development. The policy also seeks to promote walking and cycling and improved integration with other modes. Parking standards are set out in a SPD.

PCS21 (Housing density) encourages high density housing development in areas with very good public transport links which are close to local centres and have been identified for intensification. The city centre is identified as such a location.

Policy PCS23 (Design and conservation) requires all development to be well designed and, in particular, respect the character of the city. The policy identifies a range of requirements to be

sought in new development, including excellent architectural quality in new buildings clearly defined public and private spaces, and creation of new views and juxtapositions that add to the variety and texture of a setting.

Policy PCS24 (Tall Buildings) identifies preferred locations in Portsmouth for tall buildings. The application site is within a preferred location as defined on the Proposal Map (City Centre/Dockyard/Ferryport). Within the preferred areas, proposals are required to follow the assessment criteria set out in the Council's Tall Buildings SPD.

Supplementary Planning Documents

There are a number of Supplemental Planning Documents (SPDs) applicable to the proposal, including Tall Buildings SPD (June 2012), the City Centre Masterplan SPD (January 2013), the Achieving Employment and Skills Plans SPD (July 2013), the Solent Special Protection Areas SPD (April 2014), the Parking Standards and Transport Assessments SPD (July 2014), and the Student Halls of Residence SPD (October 2014).

These documents provide guidance applicable when considering development like the proposal. Relevant provisions of these SPDs are drawn upon when undertaking the following assessment for the proposal.

CONSULTATIONS

Southern Water

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the foul and surface sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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

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

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

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Archaeology Advisor

Further to your email and our recent telephone conversation, although we were not formally consulted on this application I did note it in my review of the weekly lists and I did at that time review the Heritage Statement submitted with the application. With regard to the Heritage Statement's review of the below ground archaeological impact I was happy that this is a reasonable assessment and I would endorse it to you. In particular I would refer you to paragraph 6.3 which assess the archaeological potential, the impact of past development of the site and the impact of the present proposal and concludes that "it is unlikely that any surviving below-ground remains would be of sufficient heritage significance to comprise 'heritage assets" . I would concur, any archaeological potential is at best limited and beyond that it has been highly compromised if not entirely removed by past development of the site and it is my advice that the burden of an archaeological condition would not be merited in this case.

Ecology

The application will result in a net increase in residential dwellings within 5.6km of Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (SPAs). As such, I would support the Natural England (NE) comments regarding the necessary SRMP contributions.

I would raise no concerns potential impacts to bats or other on-site ecological interests, as the existing building is of simple, modern construction with no roof void or other likely roost features.

Private Sector Housing

No Comments received.

The Portsmouth Society

No Comments received.

Hampshire Fire & Rescue Service

A copy of your application has been considered by one of our Inspectors and the following comments are made:

Building Regulations: Access for Firefighting

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

Hampshire Act 1983 Section 12 - Access for Fire Service

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

Fire and Rescue Services Act 2004

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

Access for High Reach Appliances

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

Water Supplies

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

Sprinklers

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

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

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

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

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 the following Environment Agency publications:

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

Timber Framed Buildings

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

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

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

Design Review Panel

Meeting Date 04.03.2016

The panel acknowledged the importance of this site, and were impressed with aspects of the design for this very big building. Their discussion and comments focussed initially on the southern aspect of the proposal. When viewed from this perspective it was felt the design was both quite interesting and well balanced. A sincere and strong solution had been developed, and a reasonable job made of giving the structure a slender elegant appearance.

The panel were conscious however that it was essential to also look at the larger picture for this scheme. They were concerned that the limited footprint of the site has forced a 'one way' looking slab solution, which turns its back on Commercial Road. The plot sits in isolation from existing and possible new tall buildings in the area, all of which would be free standing. This site is locked into a well-built landscape whose height and scale contrasts radically with the proposal. The panel thought the treatment for the 'rear' elevation (extremely prominent in views south down Commercial Road) unsuccessful. They were also concerned that the impact of the proposal on the adjacent grade II listed drill hall did not appear to have been given any consideration.

Despite the quality of aspects of both the building and the presentation the panel were nevertheless unconvinced that the site is appropriate for a building of this height and scale. They were clear that, the design is still essentially a block extruded out across the whole footprint of the site, and they did not regard it as successful enough to deal with the constraints of the site.

Recommendation: The scheme is not considered capable of support in its current form.

Crime Prevention Design Advisor

No Comments received.

Waste Management Service

Having looked at the planning application, the current plan is not acceptable from a waste management perspective and we would recommend that it is refused in its current form.

Based on a weekly collection and 300 bed spaces, the requirement would be for 30,000 litres for storage of waste, which equates to 28 x 1100ltrs continental bins (usually split 80% for refuse i.e. 22 bins and 20% for recycling i.e. 6 bins).

From experience of dealing with student accommodation, students produce significantly more waste than most residents and do not recycle as much, hence the disparity in refuse to recycling"

The reasons for our objection are for the following reasons:

- Portsmouth City Council always recommends a 50/50 split of refuse and recycling. As this is a managed student halls of residence there should be no reason for the 80/20 split that the applicant has suggested as they should be actively encouraging recycling to be taking place.
- There appears to be no bin area for the commercial unit. Although there are a number of business who leave their bins out in the rear service road, that is purely because they have nowhere to store the waste because of the way the buildings were constructed. As this is a new build they will need to ensure that both the waste from the commercial properties and the halls of residence are held within the building.
- The current plans show the bins for the halls to be held in the basement. This is not acceptable as they will need to be placed out for collection and if all of the bins are placed out they will block the service road. They would need to be moved out and swapped round when separate collections are being made for refuse and recycling, and potentially, glass. This would need to be done at street level, as would the commercial collections.
- The contractor would need safe access and egress to the bins. The plans show a slope inside the building in both directions, also the bins would need to be brought through 2 sets of doors to get to the lift, through another two sets of internal doors navigate a slope and through another door out onto the service road. This will have to be done for each individual bin. They indicate 28 x 1100 bins.
- The 28 bins are not actually shown in the plan, so it is not possible to see if they would actually fit or how they intend to have them positioned.
- The distance of travelling for the bin collectors is within 25 metres, but given the different obstacles that are in the way it is not a safe route of passage.
- The main passage way that the bins are to be used out of the building is the student entrance. Therefore increasing the risk of injury to students and/or other members of the public or staff. Also risks taking longer to get bins out of the building with people using the same passage way.
- The plan states it would be an 80/20 refuse to recycling split. It should be 50/50. The company should be actively encouraging the students to recycle.
- There is no mention of bump boards or protection being placed inside the bin store or the route from the bin store to the final location of the bins for collection. Without protection being put in place the walls and doors of the building will be repeatedly hit and damaged.
- There is little to no information on how the waste will be managed, especially at the beginning and end of term where there will be excess waste and bulky items that will need to be removed.

In summary, these plans show little to no understanding of waste management or manual handling. It is extremely poorly designed and needs to be radically rethought. The basic requirements would be.

- Both the halls of residence and commercial bins stores to be internal to the building.
- The bin stores have to be kept separate as they are different businesses, therefore having different needs.

- Bins stores need to be flush with service road outside so the bins can be taken straight out.
- Bins stores need to have lighting, ventilation and bump boards around the internal walls and doors to prevent damage when bins come into contact with them. As well as a tap and drainage so the bins can be cleaned out when required.
- Bin stores need to be big enough to hold the bins, but also large enough to move the bins around safely, but at the same time, not too big to encourage bulk waste to be dumped in the bin store.

Other matters that need to be taken into consideration that have not been fully addressed by the plans and documents attached. As demonstrated below.

"Pedestrian accessibility is already well established. This is facilitated by crossing facilities on Stanhope Road, Station Street and the junction of Commercial Road/Edinburgh Road."

6.58 Having regard to the above considerations, there is simply no requirement for occupiers of the proposed scheme to use cars on a daily basis, or for accessing more distant locations for trips away during term time. The only requirement for car use during their occupancy is at the start and end of terms, and in particular the beginning and end of academic years, when transporting a large number of personal effects by public transport may not be practical. However, on such rare occasions when there will be any vehicular traffic generation by the proposed development, it will not coincide with periods of peak use of the adjacent highway network, may well be over the course of a weekend, and, as outlined in the Management Statement accompanying the application, arrangements will be put in place to ensure the minimum of congestion and disruption on the network.

6.59 Apart from the occasional circumstances outlined above, the proposed development will not have any material impact whatsoever on traffic conditions on the local highway network. It will, essentially, be a car-free development. Because of its locational proximity in relation to key facilities, the predominant mode of travel on a day to day basis is predicted to be on foot. Even cycling is likely to account for a low proportion of trips since the ease of walking is likely to supersede the time taken to lock/unlock/park a bicycle."

All in all, the current plans for the Waste management of the block is very poorly thought through and little information has been given of how it will be managed, therefore, in its current state I would recommend the application be rejected.

Coastal and Drainage

No comments to make regarding this proposal as there is very little change to the building footprint and therefore limited potential for drainage improvements.

Mineral and Waste Consultation

The adopted Hampshire Minerals and Waste Plan (2013) include a number of policies relating to minerals and waste safeguarding. The GIS systems and the Minerals Consultation Area (MCA) overlay were changed in 2016, and this proposal is not located within the MCA, and does not affect any other policy area.

The Minerals and Waste Planning Authority (MWPA) therefore raises no objection to this proposal.

Natural England

This application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Portsmouth City 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 is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application (to be secured through legal agreement).

Head of Community Housing

No comments received.

Highways Engineer

Whilst the site has no parking provision, being located in the city centre it is entirely appropriate for a retail use. I am satisfied that it is positioned in a very accessible location with good links to both the rail and bus interchange at the hard and within a reasonable walking distance of the university facilities such that it could reasonably operate as a car free development. I would make the following specific observations:

Stanhope House Management Statement:

This statement sets out the obligations which will be required of tenants and outlines the intended approach to help manage the move in / move out period when significant numbers of vehicle movements may be anticipated over a relatively short period of time.

Whilst it is explained in section 3 that the Assured Shorthold Tenancy Agreements will, amongst a range of issues, cover vehicle restrictions; limitations on tenants having use of a car whilst resident are not included in the tenant's obligations at section 7.

Section 9 explains the move in process and indicates that tenants will be given a check in timeslot. It is suggested that temporary road closures will be sought to facilitate student arrivals at the busiest periods. Willis Road is a one way street and provides the service access to a number of properties. The closure of this road will not be authorised to facilitate student arrivals rather the number of allocated arrival slots in any individual hour should be limited to a maximum of 5 to avoid a demand for loading which exceeds the space available, as has been required for the student accommodation at Greetham Street. This will give ample opportunity for tenants to move in over the week preceding the commencement of the academic year and reflects the finding in section 4.2.4 of the Transport Assessment that the move in event is likely to be staggered and the impact will be infrequent and low. Such an arrangement should be established in a travel plan together with a monitoring arrangement in which the scheduled student arrival slots are made available to the planning authority in advance of student arrivals each academic year.

Contrary to the management statement the Transport Assessment contends that students will be likely to use city centre public car parks when arriving at the beginning of the academic year, paragraphs 4.2.4. and 4.2.5 refer. It explains that students will make use of the Stanhope Road car park but does not recognise that this car park will be closed as a part of the Zurich House development so will not be available as is suggested. Whilst I think it unlikely that more distant town centre car parks will be utilised for this activity, given the luggage which will be brought by students, the transport assessment fails to acknowledge that some 3000 other students will similarly be seeking to take up their city centre accommodation over a similar time period and provides no evidence to suggest that the city centre car parks will actually have capacity to accommodate such additional demand.

In these specific circumstances tenant arrivals should be managed in slots limited to a maximum of 5 per hour reflecting the capacity to accommodate these on Willis Road at the site frontage allowing for early arrivals and late departures as has been required for the student accommodation at Greetham Street.

The management statement makes no reference to the use of the accommodation outside of term times and this should similarly be controlled through a planning obligation.

Cycle Storage:

The statement submitted in respect of cycle storage explains that take up of cycle storage at similar facilities operated by Prime Student Living' was only 105 cycles across 1400 tenants equivalent to 7.5% although no specific evidence is submitted in support of that contention. The consideration of the issue in the Transport Assessment draws from the TEMPRO mode share for Portsmouth (00MR1) and seeks to reallocate the 61% of trips found to be made by car to more sustainable travel modes. This area does not reflect the likely travel mode by students and reallocation of the high proportion of vehicle trips seems very arbitrary and is not supported with any evidence base.

The relevant SPD requires the provision of 1 secure cycle space per bedroom whereas only 40 are proposed representing 16% provision. This is significantly less than that accepted at other similar recent applications for student accommodation in the city centre which have generally made provision in the range of 25% - 33% for cycle parking.

No details of the specific cycle storage arrangements have been provided which should reflect the requirement in the SPD.

Travel Plan:

The Transport Statement includes a framework travel plan which replicates the travel mode assumptions made in the Transport Assessment. It similarly refers to the use of Stanhope Road car park to facilitate parking during their move in / move out periods without recognising that car parks due to be closed as part of the permitted Zurich House development currently under construction.

The travel plan does not detail and specific arrivals management arrangement to ensure that this is effectively managed without causing disruption on the highway network.

Recommendation:

- As this application stands I must recommend refusal as:
- The proposal does not make provision for cycle parking in accordance with the SPD or establish a sufficiently robust case to justify reduction to the limited numbers proposed to be provided on site;
- The management arrangements proposed to accommodate arrivals at the beginning of the academic year rely on the use of a car park scheduled to be closed as a part of the already consented development at Zurich House;
- The management arrangements proposed to accommodate the arrivals at the beginning of the academic term are not sufficiently robust to ensure that disruption on the highway network will be limited to an acceptable degree;
- No details or control of the use of the facility outside of term time are proposed

- If you were minded to recommend approval of the application I would suggest the following conditions / planning obligations:
- The development shall not be occupied until such time that a travel plan has been submitted to and approved by the LPA to secure the implementation of controls on scheduling of arrivals at the beginning of the academic terms to a maximum of 5 per hour and detailing a monitoring mechanism to ensure that these are effective. NB a contribution of £5500 will be required to allowing monitoring of the travel plan during the first 5 years of the development;
- The development shall not be occupied until 40 secure cycle parking spaces have been provided on site in accordance with the SPD; and,
- The development shall not be used for other than student accommodation

Environmental Health

There are no outright objections to the proposed development however there are some constraints due to the potential noise impacts from road traffic and also the operations of the adjacent night club.

Student accommodation represents a more transitory and temporary occupation consequently we consider it less sensitive than the permanent occupation of residential dwellings; however it will still require protection to ensure internal noise levels are within recommended guidelines.

The assessment and design of mitigation measures for traffic noise should be relatively straightforward; however impacts associated with the operation of the entertainment venue could be more challenging due to the breakout of low frequency bass beats and the rowdy behaviour of patrons entering and leaving the premises.

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

Prior to the commencement of construction works a scheme for insulating habitable rooms against road traffic noise and the operation of the neighbouring entertainment venue shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved and will include ventilation and or space cooling provisions to ensure opening windows can remain closed:

Road traffic sources:

Living rooms and bedrooms: LAeq(16hr) (7:00 to 23:00) 35 dB, Bedrooms: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

Entertainment source:

Bedrooms: Noise rating curve NR20 (based on values of Leq(5mins)) and LAmax 45dB

Contaminated Land Team

I have reviewed the above application and the conditions below, or similar, are requested.

The applicant has submitted a desk study and this is generally accepted but the full conditions are requested as this is not the final copy (see below).

- Geotechnical and Geoenvironmental desk study report for Stanhope House, Portsmouth. March 2016. Terraforma. 13615 V1. [Saved as: 2016 03 Stanhope House DS Terraforma 871886 V1]

The available reports via planning portal have been considered, although we do have further iterations of these reports - the reports on the PCC planning applications are reports that submitted for council for review and are not necessarily final versions or represent the archive contents.

The desk study should be updated to include further possible sources of information (see below) and the conceptual model then checked to ensure the sampling locations, depths, and range of analyses will sufficient to assess the site to required standards. The report does not make reference to the Petroleum licence database that shows historical storage tank in the location of Zurich house, or the wholesale woollen merchants to the south of Zurich house. Whilst there is no licensed modern land infill within 1km, we hold records of the infilled Portsmouth & Arundel Canal which lies 125 m away from the site. This is filled with municipal waste. When conducting the walkover, the lettering on the parapet wall to the adjacent building should be checked in case it indicates a former use. Given the demolition of the existing building (asbestos survey required) and the Luftwaffe removing the previous building without consideration of any pollution that may cause, the site testing should include asbestos in the suite. Whilst the BGS indicative

urban concentrations are interesting it is more accurate if the adjacent site investigations are used to suggest likely ground chemical conditions, unless the trades on those sites are a source of those naturally occurring chemicals.

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

a) A desk study documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; the asbestos demolition survey

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas; the laboratory analysis should include heavy metals, speciated PAHs and fractionated hydrocarbons as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS); the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A 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. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

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

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

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

NOTES

1. Whilst no definition of Competent Person has been agreed for this work, the following has been suggested:

- A minimum of 10 years experience of working in a contaminated land related discipline, including a proven track record of the implementation of soil remediation on sites with hydrocarbon contamination.

- Qualified to at least BSc level in earth or environmental science (or similar) with either an MSc or chartered membership of an appropriate institute.
- CV of CP to be provided in advance for approval together with examples of relevant project experience.

REPRESENTATIONS

One representation has been received objecting to the proposal on the grounds of: a) development would create an isolated university quarter; b) conversion of existing low-level buildings rather than tall buildings is more appropriate; c) tall buildings need to be used to house people other than students in the city centre; d) building of this height will look incongruous against existing; f) increased wind/turbulence from tall buildings.

Other matters raised relate to public consultation and the appearance of the train station.

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:

- Whether the principle of a student halls of residence in this location is acceptable;
- Whether a tall building is acceptable in this location;
- Whether the proposed development is acceptable in design terms;
- Whether the proposal has an acceptable impact on heritage assets;
- Whether it complies with the requirements for sustainable design and construction,
- Whether it would be acceptable in highways terms,
- Whether it would provide an acceptable standard of accommodation for future occupiers,
- Whether there would be a significant adverse impact on residential amenity; and,
- Whether there would be an adverse impact on the Solent Special Protection Areas.

Principle of the Development

This section addresses the issue of the acceptability of the uses proposed (use class C1 - student halls of residence and use class A1 - retail unit).

The application site falls within the boundary of the defined city centre, Policy PCS4 of the Portsmouth Plan, and more specifically it falls within the locality of the 'Station Square and Station Street'. The 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. The policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes.

The site is also identified as within an opportunity area for Tall Buildings defined by the SPD (March 2009) as one of nine distinct 'areas of opportunity' where development of tall buildings (including alteration/extension of existing) may be appropriate having regard to: proximity and ease of 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.

Whilst not located within one of the development sites identified within the City Centre Masterplan SPD or the Student Halls of Residence SPD, the proposed development is considered to be compatible with its city centre location. The masterplan does however offer guidance for acceptable 'city centre' uses for the site, including ground floor retail, with offices, hotels and / or residential uses above and the creation of a new pedestrian access into Victoria

Park. The City Centre Masterplan SPD expands upon PCS4 and states: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. This area will be transformed into a quality place where people choose to live, work, study, visit and invest.' The SPD also provides policy guidance for the regeneration for this part of the city centre (located adjacent to site 3 and 6).

Whilst the application site is not a defined site in the City Centre Masterplan SPD, it falls within the opportunity area for Station Square West that is identified at para 4.54 as being a 'significant gateway site. There is an important opportunity to develop the site for a mix of city centre uses within a striking built form that positively contributes to the skyline of Portsmouth and addresses Station Square and Commercial Road, Stanhope Road and Victoria Park.' It is considered that any proposal should also seek to mirror the aspirations for 'Site 6: Commercial Road Frontage' by positively address Station Square and Commercial Road by setting a high development standard.

The Student Halls of Residence SPD (October 2014) identifies the need to provide a good standard of student halls in the city with a preferred location in close proximity to existing University facilities and other educational establishments (the site is approximately 450m from University House). This would enable future students to have easy access to the university (by foot or bicycle) in addition to other retail and leisure uses and employment opportunities found in the city centre, without the need for a car. The SPD identifies a number of opportunity sites within the city centre although it is noted that the application site is not include within the list. The site is within a short walk to a high frequency bus interchange with substantial routes being offered via Commercial Road and Edinburgh Road to most areas within the City. The site is also within a short walk of Portsmouth and Southsea train station, with its links to London terminals, Gatwick Airport and other services throughout the south and further afield. Therefore, the site is considered to be in a highly 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 will be providing uses that are regarded as appropriate and compatible with its city centre location. It is further considered that the provision of purpose built student halls of residence will contribute to the delivery of new homes within the city centre (albeit in a specialist form of housing) and provide much needed facilities for those students choosing to study within the city, contributing to the wider economic regeneration of the city centre.

This proposal is also consistent with the Student Halls of Residence Supplementary Planning Document, as this document identifies a need for student halls of residence in the city and the preferred location for such halls of residence is close to the University's existing facilities and other educational establishments. The University of Portsmouth currently has just under 4,000 student bed spaces (3852) and they wish to provide a space in a 'halls of residence' for all first year students, as well as having a growing demand from 2nd, 3rd and mature students for this type of accommodation. In 2015/16, the University of Portsmouth could only offer 90% of their first years' a place in a 'halls of residence', translating to only 30% of the full-time student population being accommodated in halls (full-time student number 19,100). It is however acknowledged that significant numbers of student bedrooms have recently been provided (Greetham Street - 836 study bedrooms, Earlsdon Street - 35, Guildhall Walk - 25, The Registry - 41), are under construction (Zurich House - 999, Europa House - 262, Middle Street - 124, The Trafalgar - 83, Lake Road 30) or are at the planning stage (Isambard Brunel Road - 484, Surrey Street - 576, Stanhope House - 256, Middle Street - 66) within large student hall developments in and around the city centre. But, the University of Portsmouth has reported consistent growth in student numbers with some 4000 more full-time students registered on courses in 2016 than in 2008. This assessment does not assume any increase in the student intake (i.e. the number of new students attending the University of Portsmouth) and does not cater for the growing demand for 2nd and 3rd year students. It is considered that there is still a need for new student

accommodation within the city which this proposal would help to meet and, as already highlighted; it is considered that this site would be a sustainable location for this type of halls of residence.

The proposal also includes a ground floor retail shop that would provide Class A1 shopping facilities. The proposed size of the retail unit would be some 375m² and in accordance with the NPPF and supplementary guidance, it is considered that the limited size of the retail unit in an established retail area would be consistent with policy PCS4; that seeks, amongst other things, to ensure a high proportion of the retail frontage is within Class A1. A retail impact assessment consisting of the sequential test and/or the impact test is not required due to the proposed floor area.

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 temporary term-time use 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 temporary term-time accommodation 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 student halls of residence and a retail unit, would be acceptable when considered against the NPPF (in particular paragraph 14 and chapters 1 and 4) and other local planning policies.

Tall Buildings

Policies PCS23 and PCS24 echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: "The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality."

The Tall Buildings SPD identifies a series of nine distinct 'areas of opportunity' which are intended to identify those locations within the city where the siting of tall buildings may be appropriate. It is noted that the application site is located within the City Centre/Dockyard/Ferryport 'area of opportunity'. The site itself has not specifically been identified in the City Centre Masterplan.

This section states: Located within the western part of the city, and centred around the docks, ferry port and city centre this area of the city forms the commercial, retail and transport core of Portsmouth and already contains the highest concentration of tall buildings in the city - a cluster of tall buildings already exists within the centre. Proposals for tall buildings in the City Centre/Dockyard/Ferryport area of opportunity should: Where appropriate have due regard to the domestic scale of adjacent buildings, particularly on the eastern boundary of the city centre and within the dockyard area; Where appropriate give particularly careful consideration to their potential impact on views towards and/or the setting of The Guildhall and other sensitive sites located to the east of the Dockyard area; Have regard to the setting of listed buildings that lie within and in close proximity to the area of opportunity, and have regard to the character of the conservation areas within and surrounding the area of opportunity.

The townscape contribution of the existing building is limited to the presence of a three-storey structure that book ends a substantial block of development that frames the western aspect of views south down Commercial Road towards the Civic Offices. The age of development within the block is mixed, but the majority of buildings (including the application site) are products of the comprehensive post war reconstruction of the city centre, and have a strong 1950s aesthetic. The building is sited at back edge of pavement and follows the dominant building line along Commercial Road. The City Centre Masterplan acknowledges this site as a gateway to the city and a 'key arrival point' for train and bus passengers.

In order to comply with the requirements of the Tall Buildings SPD, the applicant has submitted a Tall Building Statement including a number of accurate visual representations of the proposed building from a number of agreed locations around the city.

The proposed building would be comprised of a part-16 / part-19 storey building to an AOD height of 62.340 metres (68.400 metres to fins) and given the location of the building with an 'area of opportunity', there are also a number of other tall buildings within the vicinity. These buildings include the part 7/part 17/part 25 storey Unite Students halls Greetham Street (78.77m), the former Zurich House (now Catherine House) for the construction of a part 9/part 11/part 12 storey building (60m) and Number One 8 Surrey Street for the construction of a 23 storey student halls of residence (67.9m).

Given the sites location within an established 'area of opportunity' for tall buildings it is considered that the principle of a tall building on this site is in line with policy requirements and design considerations would be acceptable, subject to no significant adverse impacts.

Design

With the site being identified as an important nodal point; at the intersection of Commercial Road, Stanhope Road and Station Street; the architects progressed through an options analysis to arrive at the preferred option which is before Council for consideration.

The applicants undertook a genuinely iterative design process and responded to the emerging issues from their analysis and the comments from the Design Review Panel and other parties consulted along the way. The applicant undertook a pre-application process with City Development which commenced in October 2014, ensuring all issues were captured to secure a positive design outcome for the site.

The massing of the proposal was arrived at by considering:

- The Proportion - slenderness and height:width ratios;
- Setbacks at high level - to create interest and variation to the city's skyline;
- Setbacks at street level - to create variation to the street scene and public realm;
- Fenestration - how windows are grouped and organised to help with the perceived massing scale of the proposals.

These elements helped to shape the development envelope for the site, establishing desirable height, setbacks, and elevation treatments. The final design outcome is a single building that has 19 storeys and basement, incorporates setbacks in the design at higher levels, addresses the public realm and brings a roofscape feature with fins creating landmark wayfinding for the city.

Being a tall building the applicant was encouraged to positively contribute to the skyline of the city, and rather than being a flat roof, the architect has designed a series of five fins to help frame the roof and further accentuate the slender proportions of the mass below.

The fins echo the colour of the window hoods on the elevations helping to tie the scheme together and create a landmark in the city. There are two approaches to the fenestration for the

building. The lower southern elevation uses single punched window openings to give the impression of being a podium anchoring the building in its place. The windows at a higher level are grouped which creates an optical impression reducing the perceived height of the building.

The feature hoods and side louvre panels on the windows create further interest in the elevations and impression of the building. When combining the fenestration treatment with the setback at height in the building, the proposal achieves a balance between the need to solidly anchor the building at this nodal point, and read as a slender positive contribution to the skyline of the city.

The resilience of the design is achieved through the use of large format panelised 'rainscreen' type system in three main colours being light, mid and dark grey. The colour in the facades is achieved through the window hoods and series of roof fins which continue down the southern and in part the eastern façade to ground level. The grey elements help to reinforce the proportions and resolve the massing of the building.

The proposed elevations create an optical illusion through the use of setbacks at height to reduce the massing. The use of solid to void ratio changes throughout each elevation, with the principle being that larger windows spanning more floors reduces the mass of the building as it increases in height. This achieves the appearance of a podium at lower levels, with level 5 to ground moderating the glazing to solid and anchoring the building to the site.

The proposed building uses 100% of the site footprint through to level 16 (+53.750), at which point there is a building setback from the southern elevation taking the building to its finished floor level 19 (+62.340), with the ultimate height being achieved (+68.400) through the use of a design frame roof feature.

The northern elevation connects to existing development along Commercial Road, with levels 5 to 19 prominently projecting to the finished floor level. The view from Commercial Road towards Guildhall Square will be impacted on through the introduction of a tall building on this site. The elevation incorporates windows which bring natural light to the lift area, which could be blocked out in the future with the introduction of a tall building on the neighbouring site.

The northern elevation brings interest with the building coloured fins and window recesses to not present as a blank elevation when viewed from Commercial Road. The design of the northern elevation is considered to be acceptable.

The application includes a number of shadow diagrams which identify the shadow effects of the proposed building. The city centre location seeks to encourage tall buildings and while these create shadow impacts, the surrounding sites are not detrimentally affected by shadows, loss of light so as to prevent or limit their re-development.

So as to ensure that the development quality endures over time and the city skyline continues to benefit from the positive design outcome it is recommended that if planning permission is to be granted a condition should be imposed removing 'permitted development' rights for 'telecommunication equipment' (works permitted by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995).

Micro-climate Matters

The proposal is accompanied by a micro-climate report which assesses the proposed building in relation to the potential for down draft impacts particularly for pedestrians. The modelling that was undertaken identified that openings on the corners of the building would be where the greatest impact would be experienced. By relocating these more centrally in the eastern elevation potential impacts can be mitigated.

The proposed designs have had regard for this assessment and the proposed doors have been relocated so as to avoid the potential of this impact. In addition to the opening, the proposal includes planters along the southern boundary of the site adjacent to the southern elevation to mitigate the potential downdraft impacts. On this basis the proposal is acceptable in terms of potential down draft impacts.

Accessible and Secure by Design

The main reception and management suite for the Student Halls is proposed to be located on the first floor and is a secure point of entry whereby visitors to the site would need to use an intercom system to gain entry. The main student entrance is located on the north east corner of the building addressing Commercial Road. The second entrance is on the opposite side of the building addressing Willis Road. Resident students will have to meet their guests at the main entry to let them in as the design does not allow for any remote door release.

So as to comply with Part M of the Building Regulations accessible studios are being provided on Level 2 of the building and are fully equipped with accessible bathrooms as required. The booking process ascertains the nature of any individual's disability and their specific requirements with individual personal emergency evacuation plans to be prepared and in place.

Standard rooms comprise single study bedrooms with en-suite shower room and a shared kitchen/lounge arranged as a cluster flat. Doors and circulation areas comply with the requirements of Part M of the Building Regulations so that any wheelchair bound visitors can access the areas. Communal areas are located on every floor from level 1 upwards and provide accessible laundries, post boxes, corridors, principal door openings, stairs and lifts.

The proposal has achieved an inclusive design outcome addressing accessibility and security in the design.

Impact on Heritage Assets

In addition to Chapter 12 of the NPPF, when determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In the submitted heritage statement (prepared by Cotswold Archaeology) a number of designated and non-designated heritage assets have been identified (at para 4.7) comprising:

Connaught Drill Hall, Grade II Listed Building;

- Halifax Building Society, Grade II Listed Building;
- Midland Bank, Grade II Listed Building;
- Trafalgar House, Grade II Listed Building;
- Portsmouth and Southsea Railway Station, Grade II Listed Building;
- The Guildhall, Grade II Listed Building;
- Portsmouth War Memorial, Grade II Listed Building;
- Cathedral Church of St John the Evangelist, Grade II Listed Building; and,
o13, 14, 18 and 20 Edinburgh Road, Locally Listed Buildings.

The number of identified assets in the heritage statement is considered to be appropriate.

The LPAs Conservation Officer has conducted a full assessment of the affected assets and it is considered that the findings which concluded that whilst there would be harm to the setting of the assets (listed above), it is considered that this harm would be less than substantial. The

concluding remarks in the heritage statement are considered, in part, to be balanced and state (para 6.8): The current design proposals have been strongly influenced by the character of the site environs, both the old and new, without stifling architectural expression. This is consistent with Paragraph 58 of the Framework which notes that developments should 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'.

A different view is taken by the LPA in relation to comments in the heritage state at para 6.8 that state: 'Following consideration of the effects of the proposals, comprising change from the current building to that proposed in the application, it is concluded that the proposals would cause no harm to the significance of designated heritage assets.' It is considered that the development would result in harm to the setting of the listed buildings, albeit less than substantial, but there are significant public benefits (as required by para 134 of the NPPF) that will be identified throughout this report.

Archaeology

The site is not known to be in an area that has any archaeological significance and it is considered that as the site was not developed until the 19th Century and falls outside of the historic core of Portsmouth, that the potential for any archaeological findings are low. The site was also bombed during the war, later demolished and re-built and as such the findings of the Heritage Statement at para 6.3 are considered to be fair and balanced and state: 'it is unlikely that any surviving below-ground remains would be of sufficient heritage significance to comprise 'heritage assets'. A watching brief or other archaeological condition is not therefore considered to be required.

Sustainable Design and Construction (BREEAM)

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 estimator, submitted with the application, confirms that the student accommodation and retail elements are currently targeting a score of 'Very Good' with target scores of 58.65% and 55.4% respectively. As such, this is not fully in line with the requirements of Policy PCS15 and the SPD.

For the student halls, the pre-assessment for the energy strategy shows the development would achieve three of 12 available credits. The applicant states: 'The M&E strategy has been assessed for Building Regulation Part L compliance and provides improvement over the notional target. In summary, there are significant risk factors associated with targeting the aforementioned credits, which are easy to commit to at Design Stage but commonly prove much harder to achieve at post construction Stage. In addition, the targeting of these credits could adversely affect the overall viability of the project by adding additional costs without any guarantee of achieving an Excellent rating. We therefore consider that the assessment is realistic in its aspirations and outlines what can reasonably and viably be achieved in the circumstances of this case.'

After going through the pre-assessment estimator, there are a number of reports and submission the applicant could submit to the council to achieve additional credits, but these would not make the building more sustainable. As has been acknowledged the overall 'Very Good' level is a realistic target for the development. A high density development such as student accommodation, with its associated high heat load, lends itself to a 'Combined Heat and Power Plant' (CHP) and again it is encouraging that the applicant has selected such a system.

The development is targeting zero credits in TRA 03 (cyclist facilities) for the provision of cycle storage. Whilst two credits are usually required, the other credit is for cyclist facilities (lockers, showers, drying space etc.). In the multi-residential framework, due to the residential nature of the development and the presence of bedrooms and bathrooms, this additional credit is not available and so one credit is the most which can be achieved in this issue. The scheme would also provide an acceptable level of cycling storage provisions.

It is considered that the energy strategy taken for this scheme is entirely appropriate to a development of this type and scale in this location and will achieve an improvement in regulated emissions from the scheme compared to what is required under Part L of the Building Regulations, which is welcomed.

If planning permission is granted, it is considered appropriate to secure the Very Good standard by condition.

Proposed Retail Use

The existing building benefits from a ground floor commercial unit that is operated by the Co-Operative Bank.

The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan - the sequential test and the impact test. Paragraph 26 of the NPPF states that a threshold for assessing applications for retail, leisure and office development in out of centres would require a Retail Impact Assessment (RIA) if the development is at a proportionate locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). In this case, the proposed retail floor area would be some 375 sq. m and as such it is considered that the inclusion of a ground floor commercial unit within Class A1 would not trigger the requirement for the sequential test, impact test or an RIA.

The proposed access to this commercial unit within Class A1 (Shop) would be via entrance doors near to the corner of Commercial Road and Stanhope Road. Deliveries would be from Willis Road, a one-way road located to the west of the site that is used to service a number of existing commercial properties. Transport matters are addressed in the accompanying Highways section of this report.

The proposed retail use, due to its scale, location and design is considered to be acceptable. So as to ensure the use is secured for this purpose alone, a condition limiting its use to A1 is proposed, thereby ensuring any change of use requires planning and any impacts can be appropriately assessed.

Highways

The application site is located within the city centre as defined within the Parking Standards and Transport Assessments Supplementary Planning Document (July 2014) which benefits from high levels of accessibility to retail, leisure, employment and healthcare facilities and is well related to public transport interchanges (para 3.16). As such the site is considered to be within an accessible and sustainable location from a transport perspective.

The application is supported by a Transport Statement and Travel Plan (TP) (prepared by WYG Group). As submitted, the application was considered by the City Council's Highways Engineer and it has been highlighted that whilst section 3 of the tenancy agreements will, amongst other issues, cover vehicle restrictions; limitations on tenants having use of a car whilst resident are not included in the tenants obligations. The views of the Highways Authority are set out in the consultations section of this report.

The development would include the provision of 40 cycle spaces (16% of the SPD standard) falling significantly below the accepted level in similar schemes whereby 25% - 33% for cycle storage has been provided. The applicant has stated that in other student halls they manage that only 105 cycle spaces have been brought into use across 1400 potential tenants (equivalent to 7.5%); although no evidence has been submitted to support this. It is acknowledged that the constraints of the site are such and there is a need to accommodate all ancillary equipment in the basement to avoid unnecessary build-up at street level, that it's satisfactory location in an area highly accessible to travel, leisure, retail and the university would represent an acceptable comprise in this city centre location. However, the Highways Authority would still recommend refusal on the following four grounds:

1. The proposal does not make provision for cycle parking in accordance with the SPD or established a sufficiently robust case to justify reduction to the limited numbers propose to be provided on site.
2. The management arrangements proposed to accommodate arrivals at the beginning of the academic year rely on the use of a car park scheduled to be closed as a part of the already consented development at Zurich House.
3. The management arrangements proposed to accommodate the arrivals at the beginning of the academic term are not sufficiently robust to ensure that disruption on the highway network will be limited to an acceptable degree.
4. No details or control of the use of the facility outside of term time are proposed.

The proposed hall of residence represents a car-free scheme. 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. As part of the management statement for the development and given its car-free nature, the submitted framework identifies key objectives to improve the travel choices for alternative modes of travel with increased use of public transport whilst reducing demand for car use. Whilst part of the management plan details with the temporary closure of Willis Road to accommodate additional arrivals, given the nature of this road in servicing a number of commercial properties the Highways Authority have stated its closure would not be accepted. The plan states that students would have the opportunity to move into the development during the course of September and it is expected that arrivals would not occur over a single weekend.

Even still, the Highways Authority have identified that there is space on Willis Road for the arrival of 5 vehicles at any one time over a one hour time slot to avoid the demand for loading. Limiting the number of vehicles to 5 per hour over the course of a 12 hour day would facilitate the arrival of 60 students. Based on this, in less than 5 days all 256 students could be in occupation and in section 4.2.4 of the Transport Assessment it is stated that a staggered move in event would be likely to generate a low and infrequent impact. This would be secured through the s106 agreement together with a monitoring arrangement in which the student arrival slots are made available to the LPA in advance of students' arrivals each year.

The impact of students leaving the halls is likely to be notably different than those arriving with staggered departures from the end of term time to the end of July depending on the tenancy length.

With regard to the assessment of available car parking spaces, the Transport Assessment contends that following drop-off, parents/guardians are likely to use city centre public car parks with particular reference to the Stanhope Street car park. This car park has now closed as part of the Zurich House re-development and the Transport Assessment does not take into consideration the impact of significant numbers of other students moving in/out of halls of residences and other types of accommodation close the commencement of term time. The

Highways Authority highlight that there may not be capacity in these car parks to deal with the additional demand.

Para 4.9 of the SPD states that in cases where it is not feasible to make this level of parking provision available on site it would be reasonable to take account of available parking capacity on street or in well related public car parks established through parking surveys undertaken coincident with the peak parking accumulations anticipated. This is consistent with paragraph 32 of the NPPF that states: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The move in/out arrangements has been carefully considered with regard to further information from the applicant and the response of the Highways Authority. This is a very compact city centre site without off-street parking to serve the development. The most significant highway impact would be at the beginning and end of the academic year. On Willis Road there is a maximum capacity for up to 5 spaces for move in/out over a one hour period. The availability of parking spaces beyond the hour allotted period would be diminished by the arrival of another 5 students. If city centre car parks or other pay-and-display parking spaces prove to be unavailable on the move-in/out weekends then they would rely on other similar alternative such as park-and-ride. The contribution that such a sustainable location for specialist purpose-built accommodation for students would make is considered to outweigh any inconvenience and disruption to the local highway network in the city centre and increased demand for parking on the weekends at the beginning/end of term time. The proximity of the site to the University campus, to retail/leisure and public transport, mitigate the impact of the proposal therefore should be supported through planning obligations (secured by legal agreement).

Waste

Further comments from the Council's Waste Inspectors raise concern relating to the removal of bins from the site to road level and the likely impact of students entering from the Willis Road entrance. The applicant has responded and has submitted a tracking diagram and supporting information that clearly identifies that bins can be removed from the building. It is highlighted that the proposed Biffa bins would be collected by a private contractor and part of the tenancy agreements students would have an obligation to use these dedicated waste areas and appropriately managed by staff. Whilst it has not been acknowledged, waste is already collected from the retail and office units on site and a number of other commercial properties that rely on Willis Road.

As waste bins would be removed from the basement level on collection days only and returned to their storage area by the contractors, it is considered that an objection on waste grounds would not form a sustainable reason for refusal. An informative could be added advising the applicant waste collection will not be managed by the City Council but by private arrangement.

There is a dropped kerb located in close proximity to the site and a condition to secure the installation of a dropped kerb through a section 278 agreement is not considered to be necessary.

Contaminated Land

Information available suggests that historically a petroleum storage tank was located in close proximity to the site, in addition to the infilled Portsmouth and Arundel Canal that was filled with municipal waste. The building was demolished in one of the many bombing raids that occurred during the period of WWII and former uses indicate that asbestos may be on the site. As such, it is considered that full contaminated land conditions would be required given the sensitive nature of the end user.

Public Utilities and Site Constraints during construction

A number of other considerations such as connection to the drainage network, fire safety and removal of waste water would be covered by separate legislation (Building Control/Regulations). The proposed development is incorporating sprinklers in the proposal to manage issues of fire safety and evacuating the property and life. These considerations are reasons for which the local planning authority would sustain a refusal.

Standard of accommodation

It is important to ensure that any halls of residence provided in the city offer a good standard of accommodation and provide a good quality living environment with space to study. The Halls of Residence SPD states: 'Where possible development should be encouraged to provide a mix of cluster flats including some studio flats. Appropriate room sizes will vary depending on the type of accommodation but as a guide the council would expect single rooms to be 7m² and single en suite rooms to be 10-15m². In addition in cluster flats where there are 6-10 students sharing a kitchen/diner of 19.5m² minimum should be provided.'

The studios, cluster flats and accessible rooms are considered to provide an acceptable standard of accommodation, and are for single occupancy only, and on average, exceed the minimum space standards required.

Impact on Residential Amenity

There are two elements for assessment on the impact on amenity, the first on existing neighbouring occupiers (notably those in Avalon House, Surrey Street) and the second on future occupiers of the scheme. The potential impacts on neighbouring properties include overlooking and any resulting loss of privacy, loss of light/outlook and general noise and disturbance issues. The potential impacts on future occupiers include noise and disturbance from the existing highway network, railway station and Liquid Nightclub late night entertainment venue in Surrey Street (The Surrey Arms).

The application includes a number of shadow diagrams which identify the shadow effects of the proposed building. The city centre location seeks to encourage tall buildings and while these create shadow impacts, it is considered that the proposed building and its limited footprint would not have a detrimental impact on residential amenity with regard to shadows or loss of light.

On the issue of potential noise and disturbance created by the large number of students occupying the new development, the applicant has sought to address such concern by submitting a copy of the tenants' obligations and Management Statement including the involvement of staff managing students. As already highlighted in the previous section, the principle of a halls of residence in this location is considered acceptable and whilst it is recognised that this scheme would provide term-time accommodation for a large number of students it is considered it would not significantly affect the living conditions of the occupiers of neighbouring properties. However, it is considered that the 'management plan' is necessary and reasonably required to mitigate the impact of the proposal and therefore should be secured via a planning obligation through the legal agreement.

The views of Environmental Health are set out in the consultations section of this report. Although no objection is raised to the principle of the proposed development, its location may be exposed to elevated noise levels from road traffic and breakout of noise from the entertainment venue adjacent to the site. Mitigation measures of a noise insulation scheme to habitable room prior to installation are considered reasonable and necessary to be secured by planning condition.

If permission is granted, there would inevitably be short-term disturbance during the construction phase of the development for neighbouring users for both residential and commercial properties. This disturbance is likely to be limited and would be unlikely to continue into late evening.

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.

Increased Recreational use of the Solent Special Protection Areas

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

The Solent Special Protection Areas Supplementary Planning Document (adopted 16th April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for student accommodation is approximately 2.1km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closest 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 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 in 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 effect which this scheme would otherwise cause, could be overcome.

Based on the methodology in the SPD, an appropriate scale of mitigation has been calculated and could be collected through the provision of the s.106. 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 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.

Community Engagement

In accordance with paragraph 188 of the NPPF, the developer has undertaken a genuine pre-application process which included presentation to the Design Review Panel. The pre-application commenced in October 2014 and involved five stages which led to the application before the Council. The developer also undertook a community engagement session in Cascades Shopping Centre following the submission of the application, so as to raise the profile and interest in the application.

The public consultation held in the Cascades Shopping Arcade on 21.10.2016 by Crosslane Student Developments and comments from the event can be summarised as: a) it will remove students from residential properties; b) prime location and very good accommodation; c) good design and architecture; d) building is too tall and not colourful enough; e) no more students and too many in one place; f) there should be accommodation for homeless; and, g) building is too tall and angular.

One representation has been received on the application, with one deputation request which has led to this application being determined by Planning Committee. The issues raised in the objection have been considered and the full assessment of those issues is included in this report.

Community Benefits

Prime Student Living is the company which will be appointed to manage the student accommodation, bringing permanent employment to the site in the form of management, maintenance and cleaning resources. Further employment will be secured in the ground floor retail element of the proposal.

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 the s.106 Agreement.

When students sign a tenancy agreement with Crosslane Student Developments UK Limited they enter into an agreement which seeks to manage against anti-social behaviour and ensure a positive living environment for students. The economic impact of students in the Portsmouth economy is a positive contributor and develops such as the proposal have community benefits beyond the site alone.

Planning Obligations

If minded to approve planning permission, relevant Heads of Terms in relation to any s.106 legal agreement that would be generated by the proposed development would include:

1. Travel Plan obligations for the student drop off and pick up;
2. Student Halls monitoring to manage against full residential use;
3. Employment and Skills Plan; and
4. Habitat Mitigation contributions.

The development will result in a significant level of the community infrastructure levy payment.

The proposed planning obligations and conditions are considered to meet the tests as set out in paragraph 204 and 206 of the NPPF, being necessary, directly relating to the development and fair and reasonable in scale and kind. The proposed conditions are enforceable, precise and reasonable in all other aspects.

Conclusions

Town centre use within Class A1 (shop) with Class C1 (hall of residence) above are acceptable in policy terms in the City Centre. The proposal is considered to demonstrate high quality design that would make a positive contribution to the townscape and preserve the setting of nearby heritage assets. The impact on neighbouring properties would change; a degree of shadowing, light and outlook that would inevitably arise to some properties. However, the proposal is, on balance, considered to be an acceptable solution for this challenging end-of-terrace site.

RECOMMENDATION I:

Delegated authority be granted to the Assistant Director of Culture and City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town and Country Planning Act 1990 to secure the planning obligations with principal terms as outlined in the report and such additional items as the Assistant Director of Culture and City Development 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 City Development Manager to add/amend conditions where necessary.

RECOMMENDATION III:

That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement has not been completed within three months 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:

Proposed Basement & Level 0 - 1 - P004
Proposed Levels 2 -5 - P005
Proposed Levels 6 - 9 - P006
Proposed Levels 10 - 13 P007
Proposed Levels 14 - 17 - P008
Proposed Levels 18 & Roof - P009
Proposed Elevation - South - P015
Proposed Elevation - East - P016
Proposed Elevation - West - P017
Proposed Elevation - North - P014
Proposed Section AA - P019
Proposed Section BB - P020

Proposed Section CC - P021
Proposed Contextual Elevation - North - P010
Proposed Contextual Elevation - South - P011
Proposed Contextual Elevation - East - P012
Proposed Contextual Elevation - West - P013

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

a) A desk study documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; the asbestos demolition survey

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas; the laboratory analysis should include heavy metals, speciated PAHs and fractionated hydrocarbons as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS); the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A 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. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

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

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ are free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored

5) Prior to commencement of construction works pursuant to this permission shall commence until a scheme for insulating habitable rooms against road traffic noise shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in living and bedrooms:

Daytime: LAeq(16hr) (07:00 to 23:00) 35 dB,

Night-time: LAeq(8hr) (23:00 to 07:00 bedrooms only) 30 dB and L_{Amax} 45dB.

6) Prior to the installation of external construction materials, 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.

7) Prior to commencement of construction, details shall be 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.

8) No development (except demolition) shall take place until details of the proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority; and the drainage shall be carried out in accordance with scheme and permanently retained in accordance with the approved scheme.

9) 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.

10) 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.

11) 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.

12) 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 'Very Good', with a minimum of 55.4% for the retail element and 58.65% for the student halls of residence in the Building Research Establishment's Environmental Assessment Method (BREEAM), 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.

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) 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 16) without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

15) The ground floor shop unit hereby permitted shall be closed to and vacated of customers between the hours of 11pm and 7am the following day.

16) Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented and maintained until the development is complete.

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 ensure that acceptable noise levels within the halls of residence are not exceeded in the interests of residential amenity, in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To secure high quality external finishes to the landmark building in this prominent and important site, also within the setting of the listed railway station opposite, in the interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.
- 7) 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.
- 8) In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with policy PCS12 of the Portsmouth Plan.
- 9) In order to secure the highest design quality for this landmark building over 24 hours (rather than daytime only) in a very visually prominent position and within the setting of the listed railway station opposite, to accord with policies PCS23 and PCS24 of the Portsmouth Plan.
- 10) To ensure that adequate provision is made for cyclists using the premises and to promote modes of transport other than the private car, in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 11) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 12) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 13) To maintain a high quality external appearance to the landmark building in this prominent and important site, also within the setting of the listed railway station opposite, in the

interests of visual amenity in accordance with policies PCS23 and PCS24 of the Portsmouth Plan.

- 14) To ensure the skyline and 'clean lines' of this prominent landmark building 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.
- 15) To protect nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.
- 16) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS17 of the Portsmouth Plan.

15 DRAYTON LANE PORTSMOUTH PO6 1HG**CONSTRUCTION OF SINGLE STOREY FRONT AND REAR EXTENSIONS WITH ROOF TERRACE ABOVE, ALTERATIONS TO FIRST FLOOR AND ELEVATIONAL TREATMENT (RESUBMISSION OF 16/00348/HOU)****Application Submitted By:**

HGP Architects
FAO Mr Andrej Keltos

On behalf of:

Mr Stephen Cripps

RDD: 28th September 2016

LDD: 24th November 2016

SUMMARY OF MAIN ISSUES

This application relates to a part 2/ part single storey detached dwelling located on Drayton Lane close to its intersection with Solent Road.

This application was called in to be represented at Planning Committee by Cllr. Simon Boshier.

The proposal is for the construction of single storey front and rear extensions with a roof terrace and alterations to the first floor and elevation treatments. These extensions would enable the applicant to effectively re-model the existing house to form a contemporary structure.

The existing house measures approx. 7.5m in height, 10.1m in width and 17m in depth. It has a high pitched roof arrangement both at first and second floor levels and is finished with a mixture of white render and Marley Cedral Board. The proposed replacement structure would measure approx. 7m in height, 10.1m in width and 20m in depth. The new alterations would be finished in a mixture of dark grey brick and white render at ground floor level with a slate grey cladding proposed for the upper elevational treatments.

A number of new windows have been proposed to the front (east) and rear (west) elevations whilst a new balcony terrace has also been proposed to the eastern elevation. The side elevations would be treated with a mixture of obscure glass and look-alike panels broken up with slate grey louvers to help and improve the massing of these return elevations. On the newly created flat roof, a number of photo-voltaic solar panels and skylights have been proposed.

In regards to relevant planning history, planning application reference; 08/1253/FUL was granted permission in July 2008 for the construction of a number of alterations which have formed the existing building as seen today. Further to this, planning application reference: 16/00348/HOU was withdrawn upon guidance from Portsmouth City Council in March 2016 due to the potential impact the proposed development would have on the neighbouring occupiers and in particular, No. 13 Drayton Lane.

POLICY CONTEXT

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

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing this report, three representations have been received from neighbouring occupiers objecting to the development on the grounds of (a) inconsistent design out of keeping with the surrounding context; (b) the proposed alterations would affect the privacy of neighbouring occupiers and (c) the environmental impact of a large scale re-development.

As a result of these representations, this application was called in to be represented at Planning Committee by Cllr. Simon Boshier.

COMMENT

The determining issues in this application are whether the design and appearance of the proposed development is acceptable in relation to the recipient building. Furthermore consideration will be given to what impact the works will have upon the amenities of the adjoining occupiers on Drayton Lane.

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

In terms of design, the proposed alterations to the existing house are considered to be of a suitable design quality for the construction a contemporary type development. The materials chosen are of a high standard and the use of obscure glazing and look-alike panels on the return elevations are considered to break up the massing of the otherwise uniform/industrial like appearance of these elevations. The siting and positioning of the new windows to the front (east) and rear (west) elevations are considered to be situated in a position that relates suitably with the fenestration at ground floor level. The use of white render and grey bricks at ground floor level will help to tie in with existing structures and landscaping treatments already existing on the site whilst the new glazing panels proposed for the first floor balcony and the ground floor terrace would be considered to fit in with the overall contemporary nature of the scheme. The proposed parapet flat roof would help to reduce any views of the proposed photo-voltaic solar panels located on the roof.

In regard to objection comments relating to the design of the proposed scheme, Drayton Lane has a diverse range of architecture and styles with little or no uniformity when it comes to examining the existing street scene. The detached nature of the application site paired with a reasonable degree of screening will enable the proposed scheme to help fit in with the diverse range of properties already existing in close proximity to the application site.

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Having regard to the amenities of neighbouring occupiers, since the withdrawal of planning application reference: 16/00348/HOU in March 2016, the architect on behalf of the applicant has engaged with several pre-application discussions with the Planning Officer to make the scheme more supportable. The applicant was advised to withdraw the application in March due to the adverse impact the proposed scheme would have on the occupiers of No.13 Drayton Lane in particular. The scheme has since been heavily altered to and scaled back from the common shared boundary in accordance with design suggestions. The proposed scheme as seen in this application is not considered to create a significant sense of enclosure for adjoining occupiers and further to this, the orientation of the site and the scale of the proposed alterations are not considered to result in a loss of natural light for these occupiers.

In relation to the objection comments relating to overlooking concerns for the occupiers of No. 18 Drayton Lane, the overall height of the existing building would be reduced helping to alleviate these concerns and further to this the outlook from the proposed windows on the front (east) elevation are considered to be similar to the outlook that already exists from the dormer windows located on this elevation.

In light of the diversity in architecture in the local area and the willingness of the client to amend the scheme to address concerns raised by neighbouring occupiers, the proposed development is now considered to be acceptable.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 15.115.15, 15.115.11, 15.115 DAS REV B, 15.115.18, 15.115.12, 15.115.13, 15.115.17, 15.115.16, 15.115.14.
- 3) Notwithstanding the submitted information, no development shall commence on site until a detailed schedule of additional materials and finishes (including samples where requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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 visual amenity and to preserve the special architectural or historic interest of the listed building 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.

05

16/01601/FUL

WARD:CHARLES DICKENS

1 PLYMOUTH STREET SOUTHSEA PO5 4HW

CONVERSION OF FORMER PUBLIC HOUSE (CLASS A4) TO AN ELEVEN BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Application Submitted By:

Pike Planning
FAO Mr John Pike

On behalf of:

Mr Jaspal Ojla

RDD: 29th September 2016

LDD: 28th November 2016

SUMMARY OF MAIN ISSUES

This application has been brought to the planning committee due to a blanket request by members for all sui generis application to be determined at committee and at the request of one local resident.

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. Whether the proposal overcomes the committee reasons for refusal would also be a material consideration.

The Site

The application site, located on the south-east corner of the junction of Plymouth Street with Hyde Park Road comprises the curtilage of the now vacant Cabman's Rest Public House. The site lies adjacent to Charter Academy, to Ladywood House (a 24 storey block of 135 Flats) and a communal garden associated with Ladywood House.

The Proposal

The applicant seeks permission for the conversion of former public house (Class A4) to an eleven bedroom house in multiple occupation (sui generis).

Relevant Planning History

The relevant planning history for this site relates to conversion and extension of former public house (class A4) to sixteen bedroom house in multiple occupation (sui generis) that was recommended for conditional permission (subject to legal agreements) but overturned by the planning committee in August 2015 (ref. 15/00544/FUL) for the following two reasons:

1. In the opinion of the Local Planning Authority, the proposed use of the building as extended would amount to an overintensive development of the site and provide a poor quality of accommodation for future occupiers. The proposal is therefore

contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.

2. In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

The applicant did not appeal the decision of the planning committee rather they revised their application, reducing the habitable rooms from sixteen (16) and eleven (11).

*It must be noted that the actual number of rooms for the refused scheme 15/00544/FUL was 15, not 16.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), 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: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Solent Special Protection Areas Supplementary Planning Document (SPD) and the Parking Standards SPD would also be a material consideration.

CONSULTATIONS

Environmental Health

This consultation is with regard to the potential impact on local air quality and the potential impact on the proposed use from road traffic noise.

The proposal location is a mix of residential use with a school, Charter Academy, located to the north of Plymouth Street.

With regards to local air quality, it is unlikely that there will be a negative impact as a result of the scale of the proposed use and indeed may actually result in a marginal improvement as a result of reduced car journeys based on the previous use at this location.

The busiest closest road, Winston Churchill Avenue, is over 70 metres from the development site and noise will not significantly affect the future residents of the development. Plymouth Street is by contrast very quiet and will also not cause a significant impact on the amenity of the proposed use.

Contaminated Land Team

As the site has been used by coal dealers, public house and also mineral water manufacturers; there is scope for fuel storage to have been present although our records do not confirm this. Given the sensitive end-use but limited garden use after conversion, a watching brief is requested to contact this office if any indications of pollution or industrial artefacts are present.

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning

Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Private Sector Housing

None.

Highways Engineer

Plymouth Road is predominantly a residential street with various apartment blocks surrounding the applicant site. Opposite the applicant site is a secondary age school and access to the grounds. There is parking provision on the road which has both a limited wait and residents permit restriction. The road is subject to a 20mph limit.

No traffic assessment has been submitted with the application however considering the existing use as a public house, the proposed HMO would have significantly less traffic movements associated with it and as such would be an improvement in Highway terms.

Portsmouth's residential parking standards do not give expected levels of provision for commercial premises. The expected parking provision for the proposed development is 2spaces which is less than would be required for the current use. Despite the property not having off-street parking, the change of use would reduce the demand for parking associated with the development and as such the lack of on-site parking provision is acceptable.

Similarly, the cycle parking provision required (4spaces) would be similar to that required by the existing use. The applicant however has proposed secure storage for 12 bicycles therefore adhering to Portsmouth's Parking SPD guidance for student accommodation of one space per room.

As the application stands I would not wish to raise a Highway objection.

REPRESENTATIONS

Four representations have been received objecting on the grounds of: a) The proposed number of rooms; b) ambiguity on tenants who would occupy property; c) development out of character with the area; d) cramped living conditions; e) rise in anti-social behaviour and disturbances to existing residents; and, f) increased pressure on parking and congestion.

A petition of 65 names has also been received objecting to the proposal.

Other matters raised relate to the Portsmouth City Council and NHS buying the property which is a spurious comment.

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 SPA mitigation, car and cycle parking. Whether the proposal overcomes the committee reasons for refusal would also be a material consideration.

Principle of HMO Use

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, none of the 158 properties within a 50 metre radius were initially identified as being in use as HMOs. This information is 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. No other properties have been brought to the attention of the LPA to investigate.

The Houses in Multiple Occupation SPD states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. The 'count' data as a percentage calculated would be 0.63% ($1/158 \times 100$), 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 acceptable in principle.

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 use.

Standard of Accommodation

The previous reason for refusal stated:

'In the opinion of the Local Planning Authority, the proposed use of the building as extended would amount to an over intensive development of the site and provide a poor quality of accommodation for future occupiers. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.'

The previous application sought permission for a 15 bed house in multiple occupation that was refused for the reason above. The revised scheme omits the proposed two storey extension and reduces the number of bedrooms from 15 to 11. The previous scheme included bedrooms for 10 persons in the existing public house and the proposed floor plans indicate that the existing first floor kitchen would be replaced with a bedroom making the total number of rooms in the public house to 11. It is considered that the reduction would significantly reduce the potential number of occupiers and would not represent an over-intensive use of the site that could provide an acceptable standard of accommodation for future occupiers. The reduction in the proposed number of bedrooms is considered to overcome the previous reason for refusal.

Impact on Residential Amenity

Regard must be had to the lawful planning use of the site as a public house (a Class A4 use) which would inevitable result in a level of late night activity associated with patrons entering and leaving the building. Whilst the proposed use as a HMO would have a level of activity associated with it, it is considered that the proposed use would not result in a demonstrably greater level of activity, noise or disturbance that could be associated with the use of the site as a pub.

Concerns have also been raised in respect of who may occupy the property, whilst the application makes reference to occupation by students; this is not an application for a student halls of residence. The social or economic status of prospective occupiers cannot be given weight in the determination of this planning application.

The proposed extension would result in the creation of two habitable room windows (bedrooms 19 and 20) at first floor level which would overlook the communal garden of Ladywood House. Having regard to the existing openness of the communal garden it is considered that any increased actual or perceived overlooking would not be so great as to justify the refusal of this application. Other windows in the extension would face the flats on the opposite side of Plymouth Street; however, it is considered that they would not have any significant impact on the occupiers of neighbouring properties.

Car Parking and Cycle Storage

The site does not benefit from off-street parking. On street parking in the area is available, albeit that it is time limited or restricted to holders of a residents permit. The occupiers of the proposed HMO would be limited to a maximum of three residential parking permits. The Car Parking SPD sets out that a sui generis HMO (with more than 6 bedrooms) should be served by 2 off-street spaces. The lawful use of the site (including landlords' accommodation) would be likely to attract a demand for parking which could not be accommodated on the site. Regard should also be had to the sites proximity to the City Centre, the services and amenities located therein and also its accessibility to public transport. Having regard to the foregoing it is considered that a refusal on parking grounds could not be sustained successfully in the event of an appeal.

The submission includes the provision of facilities for the storage of cycles, however little detail is provided. It is considered that the site is capable of accommodating appropriate facilities and that a planning condition can be imposed to secure the provision and retention of them. Similarly a condition can be imposed to secure the provision of suitable facilities for the storage of refuse and recyclable materials.

Waste

The council's waste inspectors have indicated that the proposed refuse storage arrangements are not suitable as their removal would require navigating a step and the storage area appears too small. The inspectors have suggested that either need 2 x 360 refuse and 1 x 360 recycling bin or 2 x 660 (1 refuse and 1 recycling) should be provided. Whilst these details have not been provided, it is considered that these arrangements could be secured by a suitably worded planning condition and would not form a sustainable reason for refusal.

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 dwellinghouses 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.

The Interim Solent Recreation Mitigation Strategy states that the developer contribution figure will be updated on 1 April each year in line with the Retail Price Index (RPI). The increase in RPI over the twelve months to 31 January 2016 was 1.3%, which means that the £174 per dwelling figure should increase to £176.26, which becomes £176 when rounded to the nearest whole pound. Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £352 (2 x £176).

RECOMMENDATION A:

That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £352 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B:

That delegated authority be granted to the City Development Manager 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

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 Proposed Elevations and Floor Plans (drawing number: 16/540/01).
- 3) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until secure and weatherproof cycle storage facilities have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.
- 4) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until facilities for the storage of refuse and recyclable materials have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that provision is made for cyclists to promote the use of sustainable modes of transport in accordance with Policies PCS14 and PCS23 of the Portsmouth Plan.
- 4) To ensure that appropriate facilities are provided for the storage of refuse and recyclable materials in the interests of the amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan and the Houses in Multiple Occupation SPD.

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.

Assistant Director of Culture and City Development
28/11/2016