

# PLANNING COMMITTEE

## 18 AUGUST 2021

10.30 AM GUILDHALL COUNCIL CHAMBER

### REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

#### ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

#### REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - Planning and Economic Growth if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

#### APPLICATION DATES

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

#### HUMAN RIGHTS ACT

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

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

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21/00820/VOC

WARD: VARIOUS WARDS

## **SOUTHSEA SEAFRONT FROM LONG CURTAIN MOAT IN THE WEST TO EASTNEY MARINE BARRACKS IN THE EAST**

**APPLICATION TO VARY CONDITION 2 [APPROVED PLANS] OF PLANNING PERMISSION 19/01097/FUL: FLOOD AND COASTAL EROSION MANAGEMENT SCHEME COMPRISING A COMBINATION OF VERTICAL SEA WALL, RAISING AND REALIGNMENT OF THE PROMENADE, CONSTRUCTION OF STEPPED REVETMENT, ROCK ARMOUR REVETMENTS AND GROYNES, SECONDARY DEFENCE WALLS AND BUNDS, BEACH WIDENING AND MANAGEMENT, AND ALL ASSOCIATED WORKS, HIGHWAY ALTERATIONS, REMOVAL OF TREES AND LANDSCAPING. SCHEME INCLUDES THE REMOVAL AND REPOSITIONING OF 34NO. GRADE II LISTED LAMP COLUMNS, 3NO. GRADE II LISTED SHELTERS AND 6NO. GRADE II LISTED MONUMENTS, WORKS AFFECTING THE GRADE II LISTED SOUTH PARADE PIER, REGRADING AND WORKS TO THE GRADE II LISTED SOUTHSEA COMMON AND WORKS TO THE GRADE I LISTED NAVAL MEMORIAL [THE PROPOSAL CONSTITUTED AN EIA DEVELOPMENT]. THIS APPLICATION, UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990, SEEKS APPROVAL OF AMENDED PLANS RELATING TO SUB-FRONTAGE 4 (SOUTHSEA CASTLE) AND IS ACCOMPANIED BY THE ORIGINAL ENVIRONMENTAL STATEMENT [JULY 2019] WITH AN ADDENDUM [MAY 2021].**

### **LINK TO ONLINE DOCUMENTS:**

**[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QTTD A7MOJEJ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QTTD A7MOJEJ00)**

### **Application Submitted By:**

Portsmouth City Council

### **On behalf of:**

Coastal Partners (on behalf of Portsmouth City Council)

**RDD:** 28th May 2021

**LDD:** 23rd September 2021

- 1 The Southsea coastal scheme represents a major infrastructure project to reduce the risk of coastal flooding and is an application accompanied by an Environmental Statement (ES) and an addendum dated May 2021. There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it. The local planning authority must take into account the information in the ES and associated addendum, the responses to consultation and any other relevant information when determining a planning application.

### **SUMMARY OF MAIN ISSUES**

- 2 In December 2019, planning permission was granted for a project to upgrade the existing coastal defences along 4.5km of frontage at Southsea. In October 2020, works

commenced at Long Curtain moat along the western end of the site. Following funding approval, detailed design has continued. This work has now led to design changes at sub-frontage 4, which in a nutshell is less rock armour and an extra lower promenade.

3 The key issues for these design amendments are whether

- the application represents a comparable (or better) solution given that the principle of the development has already been found acceptable in the location proposed and
- if the updated ES adequately assesses any change to environmental impacts, having regard to relevant international and national nature conservation designations and heritage assets.

### Proposal

4 The amendments sought are around Southsea Castle only and summarised as follows:

- Reduction in scale and massing of the proposed rock revetment directly seaward of Southsea Castle
- Split level promenades to reduce the wider single (upper) promenade, with terraced seating between the two levels
- Slope gradient between the promenade and Bandstand Field now shallower
- Changes to the boundary with the promenade and 'Blue Reef' aquarium to comprise a graded grass slope

Upper image - permitted scheme Dec 2019 / Lower image - proposed amendments





- 5 A split-level promenade forms the key change for this sub-frontage. The primary defence is a seaward concrete wall fronted by a rock revetment, designed to dissipate wave energy. The rock armour of a constant 1- to 3-tonne grade across the frontage is designed to be built over the existing structures where possible, although some localised breakout would be required to maintain a uniform profile. Reinforced concrete walls (at a constant 600mm upstand relative to the promenade) and existing high ground form the secondary defence. The promenade would be raised where required, in an exposed aggregate surface finish. Around the castle itself, the promenade would split to create lower and upper levels, separated by a series of seating terraces. The upper promenade would not include an upstand wall. Four tiers of terrace seating are designed between the upper and lower promenade levels, formed of pre-cast concrete units topped with timber slats.
- 6 A 1:8 sloped earth bank, landscaped with a wildflower seed mix, is proposed at the interface between the new raised promenade and existing bandstand field. The earth bank would continue along the toe of the secondary defence concrete wall between 'Blue Reef' and the promenade, but the slope would steepen to approximately 1:3 due to the narrower footprint adjacent to the aquarium.
- 7 Existing iron railings define the edge to Southsea Castle. The proposal is to remove the existing railings and install identical replacements. Due to the stability of connecting the new railings to the existing historical structure it is proposed the replacements would be positioned landward of the current alignment and entirely within the new promenade structure. A gravel strip would be introduced between the promenade (new railings) and historic moat walls to the castle.
- 8 Piling was included in the originally permitted scheme, however, is now removed due to slope stability modelling undertaken and a review of the existing beach level/profile. Some marine piling is still required for three marker beacons (18m piles, circa 10m below seabed), to **meet** navigational requirements. The slope stability modelling has also enabled refinement of the rock revetment, reducing the volume of rock required. Environmental enhancement to the marine environment would be incorporated into the

design where feasible. Around 90 rock pools would be introduced into the rock revetment, to retain tidal water.

### **Site and surroundings**

- 9 The application site covers 55.75 hectares. The linear shape site extends along a seafront frontage of 4.5km, from Long Curtain Moat (in the west) to Eastney Esplanade (in the east).
- 10 The seafront is characterised by long stretches of pebble beach separated to the west and east by Southsea Castle. A continuous promenade runs along the beach edge. An array of Victorian era street furniture includes (listed) cast-iron lamp columns and shelters. The promenade also hosts seven (listed) memorials/monuments including the RN War Memorial (Grade I). The application site covers three Conservation Area designations and three Scheduled Ancient Monuments.
- 11 Parkland, including Southsea Common (Grade II listed park and garden), extends along most of the seafront providing critical green infrastructure for the city. Military defensive landscapes including King's Bastion, the east and west batteries of Southsea Castle and Lumps Fort also define the local landscape and views of the city from the sea.
- 12 The site contains, or is adjacent to, several ecologically designated sites:
  - Portsmouth harbour: SPA and Ramsar, SSSI
  - Chichester and Langstone Harbours: SPA and Ramsar, SSSI
  - Solent Maritime SAC
  - Solent and Dorset Coast pSPA
  - Eastney Beach SINC (Site of Interest for Nature Conservation)
  - Land north and west of Fort Cumberland SINC
- 13 The seafront has an assortment of existing coastal defence structures. CP describe these as offering an inadequate standard of protection and at the end of their serviceable life; due to the low-lying nature of the land, the condition of existing coastal defences and the predicted effects of climate change, there is considerable and immediate flood risk to the Southsea area.
- 14 Flood inundation modelling shows a present-day major flood event (1 in 200 year) would directly or indirectly affect 8077 residential and other non-residential properties; a potential depth of water around the Great Morass of over 4m highlights a significant risk to life. The fragility of the seafront defence structures has been realised over recent years. There has been a breach in Long Curtain Moat counterscarp wall in February 2014, a critical failure of a 30m length of seawall in front of the Pyramids in December 2015 as well as collapse of a 40m length of seawall and promenade in April 2018.
- 15 The Outline Business Case to the Environment Agency as part of CP's funding application shows that recovering from a major flood event in Southsea could cost up to £950 million.
- 16 The Portsea Island Coastal Strategy Study (PCC, 2012) identifies seven discrete flood cells around Portsea Island. Coastal water flooding within each of these seven flood cells will not interact with, or encroach into, a neighbouring flood cell. The submitted proposal covers 'flood cell 1' and the whole scheme is required to reduce flood risk within this cell.
- 17 The scheme is, however, divided into the following seven sub-frontages in response to the varied character and constraints along its length:
  - Sub-frontage 1 - Long Curtain Moat
  - Sub-frontage 2 - Clarence Pier
  - Sub-frontage 3 - Southsea Common



- Sub-frontage 4 - Southsea Castle
- Sub-frontage 5 - Pyramids & South Parade Pier
- Sub-frontage 6 - Canoe Lake Park
- Sub-frontage 7 - Eastney Esplanade

- 18 The proposed amendments relate to sub-frontage 4 - Southsea Castle - only.
- 19 The new structures are designed to last 100 years. Construction would be phased over 5 - 7 years based upon the condition of the current defences, the standard of protection provided by the current defences and the level of risk immediately behind the defences.
- 20 Generally, the relative defence heights of the permitted scheme were calculated as +5.0m AOD for primary and +5.5m AOD for secondary defences. Due to existing changes in typography along the seafront, the range of land-raising and proposed structures vary between 0.0m-2.5m above existing ground level; these are subject to review as further detailed modelling continues but the permitted scheme was based on a worst case scenario that does not envisage a need for any increased heights.

## **POLICY CONTEXT**

- 21 Construction of a new flood and coastal erosion scheme is supported by both national and local planning policies. The NPPF (2021) highlights the importance of minimising vulnerability, considering the long-term implications of flood risk, and mitigating and adapting to climate change. It supports increasing the future resilience of communities and infrastructure, including ensuring provision is made for space for physical protection measures.
- 22 The Portsmouth Plan acknowledges that current flood defences are not sufficient to protect the city into the future and will need to be enhanced in order to reduce the risk of tidal flooding. It also acknowledges that Portsmouth, as an island city, is vulnerable to the effects of climate change with sea level rise increasing the risk of flooding. The flood and coastal defences for Southsea have formed part of local planning policy and guidance aspirations for many years, supported in both the Local Plan itself and supplementary planning guidance such as the Seafront Masterplan SPD (March 2021). The 'Vision for Portsmouth' in the Local Plan states that flood defences will be improved so that the whole city is protected against tidal flooding and sea level rise. Objective 4 of the Local Plan is 'To make Portsmouth a city in which everyone feels and is safe', by reducing flood risk and improving the defences. The scheme itself, as well as protecting homes and businesses from the risk of flooding and erosion now and in the future, is considered to constitute sustainable development in other ways.
- 23 The proposed amendment still represents part of a key piece of infrastructure required to support the wider economic growth and development of the city, and to protect existing residents and businesses. It supports healthy communities by improving access to the beach and sea, it will retain and protect the existing open spaces along the seafront, as well contributing to protecting and enhancing both the natural and historic environment.
- 24 This application represents a major project to deliver those new coastal defences. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Portsmouth Plan [2012], in particular Policies PCS12 (Flood risk), PCS14 (A healthy city) and PCS16 (Infrastructure and community benefit), and be of significant benefit to the city as a whole.

## **CONSULTATIONS**

- 25 The same consultees were notified of this application as the originally permitted scheme. Many have not considered it necessary to provide any further comments. Any other response(s) received after preparation of this report will be reported at the meeting.

### **Historic England**

- 26 The proposal concerns amendments around Southsea Castle; this is a nationally important, multi-period monument attesting to the strategic importance of this coastline between the 16th-20th centuries. In summary, the design changes are an improvement on the existing plans and will be a significant benefit to the scheduled site. A number of outstanding matters remain but these can be managed by Planning conditions and conditions for Scheduled Monument Consent. No objection on heritage grounds.

### **Environment Agency**

- 27 No objection to the proposed variation; the comments and conditions in our previous response (dated 2 September 2019) still apply.

### **Natural England**

- 28 NE is content with the thorough and robust environmental assessment as provided in the ES Addendum (May 2021). This is to be read in conjunction with the original ES, combined, these form the Environmental Statement to accompany the S73 application, updating the impact assessments where necessary. It is noted that environmental impacts either remain unchanged or see minor improvements from the proposed amendments as per the original ES and NE agrees with the conclusions in the aforementioned document. Brief summary of the minor improvements from the proposed amendments:

- The removal of the majority of the marine piling (except for the installation of three marker beacons to meet navigational safety requirements).
- Reduction in the number of vessel movements required for the import of rock for sub-frontage 4.

NE has no further comments.

### **Ecology**

- 29 This application for Southsea Seafront, which is supported by the original Environmental Statement (July 2019) including chapters for Terrestrial Ecology and Ornithology, and an addendum (May 2021) explains the minor amendments to the scheme and the effects of these in relation to the ecological features assessed. Based on this addendum, there are few changes to the impacts previously concluded, and any minor changes to these impacts are beneficial. Following review, the plans/assessment are agreed and therefore no concerns are raised with the application.

### **Marine Management Organisation (MMO)**

- 30 Comments/guidance are provided on Marine Licensing (below the mean high water mark), Wildlife Licences (for activities that that would affect a UK or European protected marine species) and other permissions.

### **Maritime & Coastguard Agency (MCA)**

- 31 Where works are undertaken below the Mean High Water Level (MHWL), a Marine Licence will likely be required under the Marine and Coastal Access Act (2009) and the MCA will be consulted by the MMO on the works. MCA requirements regarding the impact on shipping and navigation (and search and rescue) would be assessed through an appropriate Navigation Risk Assessment via the marine licencing regime. The MCA therefore have no further comments at this time.

### **Archaeology Advisor**

- 32 Despite the proposed changes, it is understood the scheme continues to be in accordance with the described development. Detailed design has necessitated some minor refinements. Whilst those refinements do alter the archaeological impact they do



so in line with previous assessment and will be mitigated in line with the provision of the existing Heritage Environment Mitigation Strategy (HEMS), which clarifies an 'Archaeological Mitigation Strategy' will be prepared for each phase of works. Indeed some positive benefits and minor improvements also arise from these changes. No archaeological objection is raised.

### **Coastal and Drainage**

33 No comments other than to say the principles are sound.

### **Regulatory Services**

34 Mitigation measures are proposed in relevant parts of the ES including Chapter 16 and Appendix R, to reduce noise levels from the proposed works; no objections raised.

## **REPRESENTATIONS**

35 Publicity for the original application ref 19/01097/FUL was by local press notice, site notices and over 1500 individual notification letters. Notwithstanding the same site boundary, publicity by individual letter to over 1500 was not considered reasonable and proportionate to the currently sought amendments at sub-frontage 4 only. Relevant publicity for this application was by local press notice, site notices and individual notification letters to those interested parties that made representations to the original scheme.

36 No representations have been received.

## **COMMENT**

37 Planning permission has already been granted for a project to upgrade the existing coastal defences at Southsea. The key issues for these design amendments - in short, less rock armour and an extra lower promenade - are whether they represent a comparable (or better) solution given that the principle of the development has already been found acceptable in the location proposed and whether the updated ES adequately assesses any change to environmental impacts having regard to relevant international and national nature conservation designations and heritage assets.

## **Environmental Statement (ES)**

38 The application is accompanied by an updated ES, in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. Potential impacts of the preferred options for each sub-frontage have been considered in Chapters 8 - 22 of the ES, which detail the environmental assessment of the impacts, proposed mitigation and residual effects for the following receptors:

8. Coastal Processes;
9. Water Environment;
10. Marine Ecology;
11. Terrestrial Ecology;
12. Fish and Shellfish;
13. Ornithology;
14. Archaeology and Heritage;
15. Landscape and Visual Impact Assessment [L&VIA];
16. Noise and Vibration;
17. Traffic and Transport;
18. Ground Conditions;

- 19. Health and Air Quality;
- 20. Amenity, Recreation and Socio-economics;
- 21. Navigation and Commercial Fisheries; and
- 22. Cumulative impacts.

- 39 In the assessment of the original scheme ref 19/01097/FUL, it was identified that there will be disturbance and disruption during the construction phase caused by plant machinery, foreshore access, site deliveries and closure / diversions of roads and footpaths etc., and views and access will be impacted temporarily. Whilst there will be short term, localised impacts on the environment, a full recovery is expected.
- 40 Chapter 23 of the ES identifies and summarises the mitigation measures (Tables 23.1 - during construction and 23.2 - during operational phase) to ensure the delivery of an environmentally acceptable solution along the 'flood cell 1' scheme frontage.
- 41 It is previously considered that the likely environmental impacts of the development have been adequately assessed in the original ES (July 2019) and subject to the imposition of appropriate conditions, to secure the mitigation measures, are considered acceptable. An ES addendum (May 2021) explains the minor amendments to the scheme and the effects of these in relation to the ecological features assessed. Based on this addendum, there are few changes to the impacts previously concluded, and any minor changes to these impacts are considered beneficial.

### **Ecologically designated sites**

- 42 There are numerous ecological designations within and in close proximity to the application site, including sites and species of local, national and international importance. Several chapters of the ES describe and assess the ecological impacts in detail, as well as setting out proposed mitigation: Chapter 10 - Marine Ecology; Chapter 11 - Terrestrial Ecology; Chapter 12 - Fish and Shellfish; and, Chapter 13 - Ornithology.
- 43 Coastal Partners comment that all aspects of the scheme have been fully assessed from design, through to construction and long-term operations. Significant mitigation measures are proposed to ensure that biodiversity is protected and enhanced (as detailed within the ES). These measures are specific to the type of ecology and include consideration for a phased construction process, additional surveys, appropriate construction methods and timings, specific protection measures and ongoing monitoring. These measures should be secured through the submission and approval of a Construction Environmental Management Plan (prior to the commencement of each construction phase).
- 44 The ES recognises the importance of all habitats and species, e.g. feeding sites for Brent Geese. The scheme has been designed to minimise the impact on terrestrial and marine ecology including fish, shellfish and birds, with mitigation proposed to avoid significant harm. It has also been designed to protect and enhance biodiversity where possible, seeking to achieve a net gain overall with Section 6.18 of this report detailing the ecological enhancements that are being considered.
- 45 The design also takes opportunities to improve Southsea seafront for wildlife. Information for Habitats Regulations Assessment (HRA) is set out in Appendix F of the ES and submitted to enable the city council as the Competent Authority to determine the implications of the project on the relevant European nature conservation sites and their interest features. Where potentially significant adverse effects were identified, appropriate mitigation measures are proposed to ensure the protection of the European site features. The mitigation measures would prevent significant disturbance of non-breeding birds during the construction works and protect the availability of high tide roosting and feeding habitat. As such, there are not likely to be any significant long-term

adverse population level effects on SPA / Ramsar birds. Furthermore, there is no realistic pathway for effects from the proposed scheme on the Solent Maritime SAC as any impacts on hydrodynamic or sedimentary processes will be very minor, localised, of short duration and they will not extend beyond the Southsea frontage.

- 46 The HRA has been produced by CP, who comment the information for this was a thorough and robust report and assessed a worst case scenario. CP add "The only aspect of the proposed amendments that alter this [HRA] is the reduction in the level of marine piling at SF4; whilst some is still required for the installation of marker beacons, the removal of sheet piles means that underwater noise and above water noise impacts are now significantly reduced."
- 47 The HRA is adopted to fulfil PCC's duty as competent authority.
- 48 Natural England (NE) has a statutory purpose to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. NE has assessed the supporting ES Addendum and agrees that the environmental impacts either remain unchanged or see minor improvements from the proposed amendments (providing all mitigation measures area appropriately secured in any permission given).
- 49 The consultation response from the County Ecologist raises no concerns with the application and that based on the ES addendum, there are few changes to the impacts previously concluded and any minor changes to these impacts are beneficial.
- 50 In conclusion, subject to the proposed mitigation measures secured by planning conditions, the proposed scheme is not likely to have an adverse effect on the integrity of the relevant European sites in view of their Conservation Objectives, either alone or in combination with other plans or projects.

### **Design and Heritage impact**

- 51 The proposal amendments would affect the part of the site around Southsea Castle only. The promenade around Southsea Castle would be designed in exposed aggregate concrete (horizontal) finishes and smooth pale concrete (vertical) finishes to the stepped revetment between the upper and lower promenades.
- 52 The designated archaeological and heritage assets located within, and/or in the vicinity of the sub-frontage 4 is Southsea Castle, which is a Scheduled Ancient Monument and grade II listed in part for the lighthouse feature, 'listed' park and Conservation Area 10 (The Seafront).
- 53 Particular obligations fall upon the council in determining any application which affects a listed building or its setting or within a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 54 When considering the impact, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) at para 199 of the NPPF 2021; and, any harm/loss of a designated heritage asset requires clear and convincing justification, where substantial harm to assets of highest significance (such as scheduled monuments and grade I listed buildings) should be wholly exceptional (at para 200). Where the proposal leads to substantial harm it should be refused unless

demonstrated to achieve substantial public benefits (at para 201); or where leads to less than substantial harm, to be weighed against public benefits (at para 202).

- 55 The new sea defences have the potential to physically and visually impact the above array of heritage assets. Other assets outside of the scheme area that could be visually impacted have also been assessed. Chapter 14 (Heritage and Archaeology) of the ES, Appendix O (Heritage Baseline) and Appendix P (Heritage Impact Assessment [HIA]) considers the significance, impact and where relevant harm to heritage assets.
- 56 Historic England (HE) summarise the proposed design changes as an improvement on the existing plans and will be a significant benefit to the scheduled site. HE comment *"There is a compelling case for this alternative approach... The benefits include removing the risk of overtopping, create a stable gradient and omitting the need for heavy sheet piling, reducing the visual intrusiveness of the previous proposals and protecting the historic tunnels of the castle and promenade surfaces. An additional benefit will be an improvement to the public realm around the monument. There remains a significant amount of excavation and breaking out that will be required, albeit the most impactful now at a greater distance from the monument."* The Local Planning Authority share this view.
- 57 Assessment of the originally permitted scheme made a finding of harm in relation to much of what has been proposed to be inescapable. However, it was necessary to balance the substantial harm with substantial public benefits to outweigh the harm.
- 58 The overall scheme would result in high level heritage benefits by protection from the risk of flooding. The harm to designated heritage assets from the sea defence scheme was held to be considerable but through the imposition of planning conditions on matters of detail (so the harm is minimised as far as possible), such harm is outweighed by substantial public benefits of protecting homes/businesses, the Common/key infrastructure, including Southsea Castle, from the considerable and immediate risk of coastal flooding and erosion.

## **Conclusion**

- 59 The proposed changes by this application would still deliver a key and essential piece of infrastructure for the city for new flood and coastal erosion defences and contribute to the city's wider economic growth and regeneration.
- 60 It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted ES/Addendum, and subject to reimposition of the same conditions to secure the mitigation measures, are considered acceptable and overall would not result in significant harm or have any significant adverse impacts.
- 61 The proposal is considered an improvement in heritage terms and do not change the balance of substantial harm being outweighed by substantial public benefits.
- 62 In light of the above, this application for proposed amendments is considered acceptable.
- 63 The start of this report explains there are specific arrangements for considering planning applications that have been subject to an Environmental Impact Assessment, taking into account the information in the ES, the responses to consultation and any other relevant information when determining a planning application as well as requirements to inform relevant parties (by notifying the Secretary of State and Natural England of the committee's decision and recommended conditions).

**RECOMMENDATION** That the Committee confirm in their decision that they have taken into account the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), all matters in the Officer's report including comments received by statutory consultees and other interested parties and all other material considerations; and then, grant **Conditional Permission**.

**Conditions/reasons for the conditions are:**

**Approved Plans**

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

Location Plan - 0001Rev.P03;  
Elevation - 1 - 0151Rev.P05;  
Elevation - 1&2 - 0152Rev.P05;  
Elevation - 3,4&5 - 0153Rev.P05;  
Elevation - 6&7 - 0154Rev.P05;  
Elevation - 8 - 0155Rev.P05;  
Elevation – 9 – 4920 C01;  
Elevation – 9.5 – 4921 C01;  
Elevation - 10 - 0157Rev.P05;  
Elevation - 11 - 0158Rev.P05;  
Elevation - 13 - 0160Rev.P04;  
Elevation - 14 - 0161Rev.P04;  
Elevation - 15 - 0162Rev.P04;  
Elevation - 16 - 0163Rev.P04;  
Elevation - 17 - 0164Rev.P04;  
Elevation - 18 - 0165Rev.P04;  
Elevation - 19 - 0166Rev.P04;  
Key plan & elevations - 0099Rev. P04;  
Key plan & cross sections - 0100Rev.P04;  
General layout - sheet01 - Long Curtain - 0101Rev.P04;  
General layout - sheet02 - Clarence Pier - 0102Rev.P04;  
General layout - sheet03 - Clarence Esp - 0103Rev.P04;  
General layout - sheet05 – Southsea Castle - 4901Rev.C01;  
General layout - sheet06 – Southsea Castle - 4902Rev.C01;  
General layout - sheet07 – Southsea Castle - 4903Rev.C01;  
General layout - sheet08 - Speakers Corner - 0108Rev.P05;  
General layout - sheet09 - South Parade Pier - 0109Rev.P04;  
General layout - sheet10 - Canoe Lake- 0110Rev.P04;  
General layout - sheet11 - Lumps Fort - 0111Rev.P04;  
General layout - sheet12 - Pitch and Putt - 0112Rev.P04;  
General layout - sheet13 - St Georges Road -0113Rev.P04;  
General layout - sheet02a - Pier Road - 0121Rev.P04;  
Heritage constraints plan - 0400Rev.P03;  
Cross section - A&A1 - 0201Rev.P04;  
Cross section - A2&B - 0202Rev.P04;  
Cross section - B1&C - 0203Rev.P04;  
Cross section - C1 - 0204Rev.P03;  
Cross section - C2 - 0205Rev.P03;  
Cross section - C3&C4 - 0206Rev.P03;  
Cross section - D&D1 - 0207Rev.P04;  
Cross section - E&F - 0208Rev.P04;  
Cross section - F1&G - 0209Rev.P04;  
Cross section – G1&H -4910.C01;  
Cross section – I0.5&I -4911.C01;  
Cross section - I1&J - 0212Rev.P04;  
Cross section - K&K1 - 0213Rev.P04;

Cross section - K2&K3 - 0214Rev.P04;  
Cross section - L&M - 0215Rev.P04;  
Cross section - N&N1 - 0216Rev.P03;  
Cross section - N2&O - 0217Rev.P03;  
Cross section - P&P1 - 0218Rev.P04;  
Cross section - Q - 0219Rev.P04;  
Monuments - Trafalgar & Chesapeake - 0231Rev.P01;  
Monuments - Peel Shannon & Trident - 0232Rev.P01;  
Monuments - Aboukir & Crimean - 0233Rev.P01;  
Interface - Caponier - 1969 - Rev.C01;  
Interface - Spur Redoubt - 1970 - Rev.P02;  
Interface - North LCM - 0454REV.P03;  
Interface - Sally Port - 0455Rev.P02;  
Interface - Pier Road - 0456Rev.P02;  
Interface – Castle West 08A - 0459Rev.P04;  
Interface – Southsea – 08 4950Rev.C01;  
Interface – Southsea – 09 4951Rev.C01;  
Interface – Southsea – 010 4953Rev.C01;  
Interface - South Parade Pier - 0462Rev.P04;  
Interface - Lumps Fort West - 0463Rev.P02;  
Interface - Eastern end - 0464Rev.P03;  
Interface - Naval Memorial - 0465Rev.P05;  
Existing wall details, Naval War Memorial - A1045 610Rev.P1;  
Proposed wall detail showing seating, Naval War Memorial - A1045 620Rev.P1;  
Proposed wall details, Naval War Memorial - A1045 622Rev.P1;  
Proposed site plan seating, Naval War Memorial - A1045 220Rev.P1;  
Buried Services Plans - (Drainage Strategy - ES Appendix I);  
Tree Protection and Removal Plans (ES Appendix L) - Site Wide Layout 257135-0500-P03 and  
Layout sheets 01-13 inclusive & 02A numbered 257135-0501-P03 to 257135-0513-P03 &  
257135-0521-P03; and,  
Tree Protection Fence Detail 257135-0551-P02.

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

### **Phasing**

2) The development hereby permitted shall be carried out in accordance with the proposed phasing at Table 3.2 of Appendix F of the Environmental Statement or any variation as may be submitted to approved in writing by the local planning authority, by phasing plan to show the sequence of development and division by area for each sub-frontage (or part thereof) at the site. Further details for approval pursuant to any conditions imposed on this permission may be submitted for consideration for the development as a whole or individually for each approved phase.

Reason: In the interests of the amenity of local residents, to minimise highways impacts, flood risk and adverse environmental effects but maintain potential flexibility to respond to any changes of circumstances and priority during the phased construction programme presently scheduled between March 2020 and May 2026, to accord with policies PCS12, PCS13, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Potential for soil contamination**

3 i) No works shall take place in each approved phase of the site until a Method Statement detailing a scheme for monitoring and assessing the soil for contamination as relevant to that phase, shall have been submitted to and approved by the local planning authority in writing. The Method Statement should detail where the soils will be stored, tested, and transferred, and the approach used when soils excavated do not meet re-use criteria. The development shall be

carried out fully in accordance with the approved Method Statement, unless any variation shall have been submitted to and approved in writing by the local planning authority.

ii) In the event that any signs of pollution (visual, olfactory or textural), odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, drums or other materials having been used in the construction of the built structure or remains of 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) and if the LPA considers it necessary an environmental consultant assess the site in accordance with BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. Where remediation is deemed necessary a Remediation Scheme must be submitted to and approved by the LPA in writing and then fully implemented in accordance with the approved details.

Reason: To minimise adverse environmental impacts on designated habitats sites and to ensure the site is free from prescribed contaminants, to accord with policies PCS13 and PCS23 of the Portsmouth Plan (2012), saved policy DC21 of the Portsmouth City Local Plan 2001-2011 and the aims and objectives of the NPPF (2021).

#### **Remediation verification**

4) On completion of development (or works in each approved phase), a report shall be submitted to and approved by the local planning authority in writing to evidence either (i) that there were no indications of pollution during works or (ii) verification records from the monitoring agreed by condition 3(i) and summarise any remedial works undertaken in accordance with condition 3(ii); and 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; and
- (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained fully in accordance with the approved report.

Reason: To minimise adverse environmental impacts on designated habitats sites and to ensure the site is free from prescribed contaminants, to accord with policies PCS13 and PCS23 of the Portsmouth Plan (2012), saved policy DC21 of the Portsmouth City Local Plan 2001-2011 and the aims and objectives of the NPPF (2021).

#### **Archaeology**

5) a) No development shall take place at the site (with the exception of works at sub-frontage 1 - Long Curtain Moat) until an Archaeological Mitigation Strategy (AMS) outlining the provision for archaeological investigation and the types of archaeological works to be undertaken, across the site as a whole has been submitted to and approved by the local planning authority in writing. The strategy will also include details of all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority, and nomination of a competent person(s)/organisation to undertake the works set out in the AMS. Generic written Schemes of Investigation for any mitigation will also be included in the AMS.

b) No works shall take place in each phase until a Written Scheme of Investigation (WSI) has been submitted and approved by the Local Planning Authority in accordance with the AMS. The works shall thereafter be carried out in strict accordance with the approved AMS and relevant WSI.

Reason: In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential across the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).



### **Beach Management Strategy**

- 6) a) The development shall be carried out fully in accordance with the Beach Management Strategy at Appendix H of the Environmental Statement, including the implementation of the capital works at sub-frontage 3, 5 and 6 and the proposed design standard and monitoring of the effects of beach management operations; and,
- b) Within 12 months of the completion of the final approved phase of the scheme, a Beach Management Plan shall be submitted to and approved in writing by the local planning authority, which will implement the recommendations of the Beach Management Strategy and provide ongoing guidance for the management of the beach material.

Reason: For maintenance, monitoring and intervention in order to maintain the beach and structures, to ensure it continues to provide an adequate standard of protection along the Southsea frontage, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Rock Revetment Materials - Sub-frontages 1, 3 and 4**

- 7) The proposed variety of rock revetment materials (above Mean High Water Springs) for sub-frontages 1, 3 and 4 shall be carried out in accordance with details of their source selection for texture and surface complexity, typical colour finishes and size variation (including any samples as may be necessary) to be submitted to and approved in writing by the local planning authority before the rock armour is installed.

Reason: To preserve the character and appearance of the listed park/conservation areas and preserve the setting of other designated heritage assets especially Southsea Castle and importantly when viewed from the sea and adjacent beaches, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Piling Methodology**

- 8) Installation of piles will be undertaken using vibro piling techniques as standard. Percussive piling will only be used when necessary to achieve the required design depth. If percussive piling is required, a soft start procedure will be implemented for a minimum of 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Piling Methodology - Sub-frontages 3 and 6**

- 9) In sub-frontages 3 and 6, due to the close proximity to the Core and Secondary SWBGS sites, no percussive piling or works with heavy machinery (ie plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the overwintering period between 1st October and 31st March (inclusive).

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Timing of works - Sub-frontages 3 and 6**

- 10) At no time shall any construction be undertaken concurrently within sub-frontage 3 and sub-frontage 6.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Timing of works - Sub-frontage 1**

11) At sub-frontage 1, no percussive piling shall be undertaken between 15th March and 15th May (inclusive) to avoid the important fish smolt downstream migration period. Between 16th May to 31st May and 1st December to 14th March (inclusive) at sub-frontage 1, percussive piling can only be carried out within the full 12-hour period of 0700-1900 hours. Between 1st June to 30th November (inclusive) at sub-frontage 1, percussive piling can only be carried out within the full 12-hour period of 0700-1900 hours, subject to the following limitations to allow adult fish to enter the harbour on their upstream migration:

- o Piling can occur for the full 12-hour period only where breaks between piling episodes are a minimum of 60 minutes each; with a minimum of one 60-minute break in the 12-hour period.

Reason: To protect nature conservation interests and to minimise any impact during fish migration, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Protection of birds - Sub-frontage 3**

12) No development shall take place at sub-frontage 3 (adjacent to the SWBGS Core site - P35) until safeguarding measures of Ready hoard/Heras fencing, or similar, with debris netting to full height is erected along the landward edge of the construction works area, to an alignment that shall have been submitted to and approved in writing by the local planning authority beforehand; and the temporary hoarding with full height debris netting shall be retained for as long as works continue at sub-frontage 3.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Protection of birds - Sub-frontage 6**

13) No development shall take place at sub-frontage 6 (adjacent to the SWBGS Core site and Secondary support area - P32A & P32B) until safeguarding measures of Ready hoard/Heras fencing, or similar, with debris netting to full height is erected along the landward edge of the construction works area, to an alignment that shall have been submitted to and approved in writing by the local planning authority beforehand; and the temporary hoarding with full height debris netting shall be retained for as long as works continue at sub-frontage 6.

Reason: To protect nature conservation interests and to minimise the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Protection of birds - Sub-frontage 3, 4 and 6**

14) No development shall take place within sub-frontages 3, 4 and 6 until a detailed scheme and implementation plan for a bird refuge area has been submitted to and approved in writing by the local planning authority. For the duration of construction being undertaken at any time within sub-frontages 3 or 4 or 6, in each year when any works are being carried out during the overwintering period between 1st October and 31st March (inclusive), an area shall be secured within SWBGS Core site P35 to provide a bird refuge area with reduced recreational disturbance. A detailed scheme for its design, management and monitoring shall include details of: the bird refuge area central within the site; to contain a low-lying area with potential to hold surface water in winter; be a minimum of 2 ha in a single approximately square block (to reduce edge effects); make provision for dog resistant fencing; details of an ornithological watching brief and trial use of decoys and acoustic lures (to encourage use of the area by Brent Geese). The approved scheme shall be fully implemented and success of the bird refuge area monitored during its use via the approved ornithological watching brief, for as long as works continue within sub-frontages 3, 4 and 6.

Reason: To protect nature conservation interests and to monitor the impact on roosting and foraging birds, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Biodiversity and Mitigation Enhancement Plan**

15) No works shall take place in each approved phase of the site until a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to and approved in writing by the Local Planning Authority, for all biodiversity enhancements and ecological mitigation and monitoring for the relevant part of the site, including mitigation specifically in relation to the vegetated shingle habitat and the Purple Sandpiper (when appropriate). The works shall be thereafter carried out and retained in accordance with the approved BMEP.

Reason: To protect nature conservation interests and to enhance the biodiversity across the site, and to monitor temporary loss/damage to the vegetated shingle from construction works and further impacts from implementing the beach management strategy, in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Tree Protection Plan**

16) No works shall take place at each approved phase of the site until all trees effected by works in that phase, not scheduled for removal are safeguarded during the course of any site works and building operations (in accordance with the relevant British Standard relating to tree protection) by protective fencing along the fence-lines shown on the approved Tree Protection Plans (Site Wide Layout 257135-0500-P03 and Layout sheets 01-13 inclusive & 02A numbered -/0501-P03 to -/0513-P03 & -/0521-P03) or such other alternative fence-line(s) as may be agreed in writing with the Local Planning Authority beforehand, with 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact shown on Tree Protection Fence Detail -/0551-P02. The approved tree protection measures shall be maintained during the course of the works at the relevant approved phase of the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced areas.

Reason: To ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Soft Landscaping Scheme**

17) No development shall take place within each approved phase until there has been submitted to and approved by the Local Planning Authority a scheme of tree and any other relevant soft landscaping works; the scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted in the area of that phase. The approved tree works (and other planting where relevant) shall be carried out in the first planting season following the completion of the development within each approved phase. Any trees or plants which, within a period of 5 years from the date of planting in each approved phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, to protect the biodiversity of the site and preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Earth Bund Design**

18) No works shall take place in each approved phase of the site until details of earth bunds proposed within any relevant sub-frontage have been submitted to and approved in writing by the local planning authority. The details shall provide:

o The proposed grading and mounding of land areas including the levels and footprint to be formed;

- o The relationship of the mounding to existing surrounding landform;
- The works at each site shall be carried out in accordance with the approved details for the earth bunds.

Reason: As only illustrative cross sections have been provided and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Drainage Scheme**

19) No works shall take place at each approved phase until a detailed drainage scheme for the relevant area has been submitted to and approved in writing by the Local Planning Authority of:

- (a) the layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Construction Environmental Management Plan**

20) (a) No development shall take place at each approved phase of the site until a Construction Environmental Management Plan (CEMP) (to include the detailed mitigation measures set out in the submitted Environment Statement) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out the strategy and detailed method statements for work in the relevant area in respect of the following:

- o Management of flood risk during construction, to ensure the existing standard of protection is not reduced;
- o The timing of the works (including piling);
- o Construction methods (including piling) and any specific methodology in the areas of the scheduled ancient monuments;
- o The steps and measures to be implemented during the development in order to avoid, minimise or mitigate environmental impacts upon designated sites and protected species (including potential disturbance, water quality risks and pollution);
- o Pollution protection measures;
- o The storage of construction materials and equipment;
- o The storage and disposal of construction waste;
- o The storage and dispensing of any chemicals/fuels/oils/other hazardous materials;
- o Site office/welfare facilities;
- o The proposed method of working (that shall include details to monitor and prevent adverse impacts to surface water, groundwater and adverse impacts caused by noise, vibration, odours, dust and any airborne contaminants during development);
- o Visual screening for SPA birds;
- o Measures to minimise INNS introduction / spread;
- o Mitigation measures in relation to trees and potential impacts to birds during the nesting period; and,
- o Details of compounds, including location, fencing and reinstatement

(b) The approved CEMP shall be fully implemented and maintained until development of the relevant approved phase is completed, unless any variation is first agreed in writing by the local planning authority.

Reason: To protect the nature conservation interests of the site and minimise any significant effect on the special feature interests of designated habitats sites, and to protect and minimise

any significant impact on the amenity of local residents, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Construction Traffic Management Plan**

21) No development shall take place at each approved phase of the site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority to update, in respect of the relevant phase of works, the Framework Construction Traffic Management Plan at Appendix W of the Environmental Statement and its monitoring throughout the subsequent phases of the project; all works carried out during the relevant approved phase at the site shall be undertaken strictly in accordance with the approved CTMP, unless any variation is otherwise first agreed in writing with the local planning authority.

Reason: To protect amenity by preventing excessive nuisance and minimise adverse effects on the local environment from highway impacts, as far as practicable, during works of construction on the occupiers of adjoining and nearby properties, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **External lighting**

22) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed external lighting (including any proposed decorative/festoon feature lighting) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site addressing an existing uneven distribution along the promenade and enhancing the sense of safety for all users by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Street Furniture and walls**

23) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed street furniture and secondary defence walls (including include refuse bins, signage, seating, bollards, railings and other means of enclosure) in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Flood Gates and Boards**

24) No development shall take place in each approved phase until details (including siting/alignment, type and appearance including materials/finishes) of the proposed flood gates and boards in the area of that relevant phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To reduce the risk of flooding, to preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site, in accordance with policies PCS9, PCS12 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Hard Surfacing Materials**

25) No works shall take place at each approved phase which involves the provision of promenade or other hard surfacing materials until details of the materials to be used in the relevant area have been submitted for the prior written approval of the local planning authority. Thereafter the works shall be fully implemented in accordance with the approved details. The details for approval shall include a detailed scheme of (a) type/texture/colour finishes (including any samples as may be necessary) including natural stone blocks at key public realm and historic areas; and (b) the proposed pattern treatments to add local distinctiveness within the floorspace at key public realm areas.

Reason: To preserve the character and appearance of the listed park and conservation areas and the setting of other designated heritage assets across the whole of the site and deliver attractive textural interest to the public realm by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Feature Walls**

26) Prior to the installation of the Feature Walls as shown in the approved drawings details of the final surface treatment including details of the pattern, text or picture treatment including type/texture/colour finishes, and any samples as may be necessary, for the wall's surface shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried in strict with the approved details.

Reason: To ensure the feature walls are delivered with differing finishes to soften their appearance and add local distinctiveness to enhance the character and appearance of the listed park and conservation areas, to preserve the setting of other designated heritage assets across the whole of the site and deliver attractive textural interest by sub-frontage, in accordance with policies PCS9, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Roads and Footpaths**

27) No development shall take place on each approved phase at the site until the following details, relevant to the area within that phase, have been submitted to and approved in writing by the Local Planning Authority:-

- (i) a specification of the type of construction for the roads and footpaths, including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels, together with details of materials, sightlines and kerbs, street lighting and the method of disposing surface water;
- (ii) a programme for constructing the roads and footpaths; and,
- (iii) details and specifications for the proposed works to car parks, including final finished levels and layout of spaces.

Reason: To ensure that the roads/footpaths are constructed to an appropriate standard in the interests of highway safety, to create a safe and attractive environment and to preserve the character and appearance/setting of the array of designated heritage assets across the site, to accord with policies PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Method of Construction - Long Curtain Moat**

28) No works shall take place at Long Curtain Moat (in sub-frontage 1) until detailed construction/method statements have been submitted to and approved in writing by the local planning authority; and the development shall be carried out fully in accordance with the approved construction/method statements, unless any variation shall have been submitted to and approved in writing by the local planning authority.

Reason: To achieve the highest quality appearance and finish (after demonstrating the only feasible engineering solution) of a new vertical wall clad in natural stone blocks replicating the

character of the existing historic wall, for the substantial harm of development effecting a nationally important scheduled monument to be outweighed by the substantial public benefit of protecting homes and other properties from a considerable and immediate flood risk to the Southsea area, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

#### **Cladding Materials - Long Curtain Moat**

29) No works shall take place at Long Curtain Moat (in sub-frontage 1) until details of: (a) the source(s), type and size variation of natural stone block materials proposed to be used in the cladding, including a sample panel, on the section west and including the Spur Redoubt; (b) and natural stone berm on the section west and including the Spur Redoubt; and, (c) all other materials for the section east of Spur Redoubt, have been submitted to and approved in writing by the local planning authority; and the development shall be carried out fully in accordance with the approved natural stone and other materials.

Reason: To achieve the highest quality appearance to minimise harm to nationally important scheduled monuments and in the interests of protecting and/or conserving evidence of the City's early heritage and development by protecting any archaeological potential in accordance with policy PCS23 of the Portsmouth Plan (2021) and the aims and objectives of the NPPF (2019).

#### **Re-instatement of Listed Shelters**

30) (a) No works associated with the removal of the three Grade II Listed shelters shall take place until a Method Statement detailing the process of recording, labelling, dismantling, repair/refurbishment (including details of materials), storage and re-instatement based on the methodology set out within the 'Heritage Impact Assessment (dated 5/7/19 - Issue 6) has been submitted to and approved in writing by the Local Planning Authority; and  
(b) The three shelters shall then be recorded, labelled, dismantled, repaired/refurbished, stored and re-instated in full accordance with the Method Statement approved pursuant to part (a) of this condition.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the revised NPPF (2021).

#### **Re-instatement of Listed Lampposts**

31) No works associated with the removal of the Grade II Listed historic lamp columns shall take place at the site until a method statement for the removal, storage, repair and re-instatement of the historic (Grade II listed) lampposts shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic lampposts shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

#### **Re-instatement of Listed Monuments**

32) No works associated with the removal of the listed monuments/plinths shall take place at the site until a method statement for the removal, storage, repair and re-instatement of the historic (Grade II listed) monuments shall have been submitted to and approved in writing by the local planning authority; and the removal and relocation of the historic monuments shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade II listed) structures in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).



### **Works of Royal Navy War Memorial**

33) a) No alterations to the Grade I listed R N War Memorial shall take place at the site until manufacturer's details and samples of all materials associated with the proposed works have been submitted to and approved in writing by the Local Planning Authority, to include natural stone finishes to match existing ashlar blocks of Portland Stone (as specified on Proposed wall detail showing seating A1045 623\_RevP1 & GA Elevations Sheet08 no.257135\_0158-P05). The works shall thereafter be implemented fully in accordance with the approved details/samples.

b) No works shall take place at the R N War Memorial until a detailed method statement for the proposed alterations of the historic (Grade I listed) Memorial shall have been submitted to and approved in writing by the local planning authority; and the alterations shall be only be carried out in accordance with the approved method statement.

Reason: To preserve the special architectural or historic interest of the (Grade I listed) Memorial in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Works at Southsea Castle**

34) No works shall take place within the designated boundary of Southsea Castle until construction/method statements/specifications detailing all works, monitoring, methods and materials, including for the removal/repair/reinstatement of the existing railings, have been submitted to and approved in writing by the Local Planning Authority. The development shall fully accord with the approved details.

Reason: To preserve the character and appearance of the listed park/conservation areas and preserve the setting of other designated heritage assets especially Southsea Castle and importantly when viewed from the sea and adjacent beaches, in accordance with policies PCS9 and PCS23 of the Portsmouth Plan (2012) and the aims and the objectives of the NPPF (2021).

### **Scale of secondary defences**

35) Notwithstanding that shown on the approved drawings (as described in condition 2) the height of the secondary defence walls and bunds shall be submitted to and approved in writing by the Local Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the height shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Scale of rock revetments**

36) Notwithstanding that shown on the approved drawings (as described in condition 2) the design and footprint of the rock revetment (below and above MHWS) in sub-frontages 1, 3, 4, 5 and 6 shall be submitted to and approved in writing by the Local Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the height and footprint shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Scale of primary defences**

37) Notwithstanding that shown on the approved drawings (as described in condition 2) the final finished levels of the new promenade submitted to and approved in writing by the Local

Planning Authority prior to works being undertaken in the relevant phase. For the avoidance of doubt the levels shall be no greater than that shown on the approved plans.

Reason: To maintain reasonable flexibility in the design following detailed engineering design, modelling and any potential changes in predicted sea level rises, and in the interests of visual amenity, to preserve the character and appearance of the 'listed' park/conservation areas and the setting of other heritage assets, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

**Public Art and Interpretation boards**

38) Within 12 months of the completion of each approved phase details of the proposed measures for public art including interpretation of heritage assets and the timetable for the design/delivery of the measures by approved phase shall be submitted to and approved in writing by the local planning authority; and the approved public art and interpretation measures shall be carried out in full accordance with those approved details and thereafter retained (unless otherwise agreed in writing by the local planning authority).

Reason: To ensure proposed public heritage benefits make a positive contribution to outweighing the substantial harm of development effecting a nationally important scheduled monument and less than substantial harm to other heritage assets, to enhance or better reveal their significance, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

NB This permission is granted in accordance with the provisions of Section 73A 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.

1.1

**PLOT E LAKESIDE BUSINESS PARK WESTERN ROAD PORTSMOUTH P06 3PQ**

**CONSTRUCTION OF A TWO-STOREY BUILDING AND ANCILLARY SINGLE STOREY BUILDINGS FOR CAR DEALERSHIP USE COMPRISING SHOWROOM, WORKSHOPS, VALET FACILITIES AND MOT TESTING, WITH PROVISION OF CAR PARKING, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED).**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=PX07ZIMOYT00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=pX07ZIMOYT00)

**Application Submitted By:**

DWD LLP  
FAO Mr Jon Bowen

**On behalf of:**

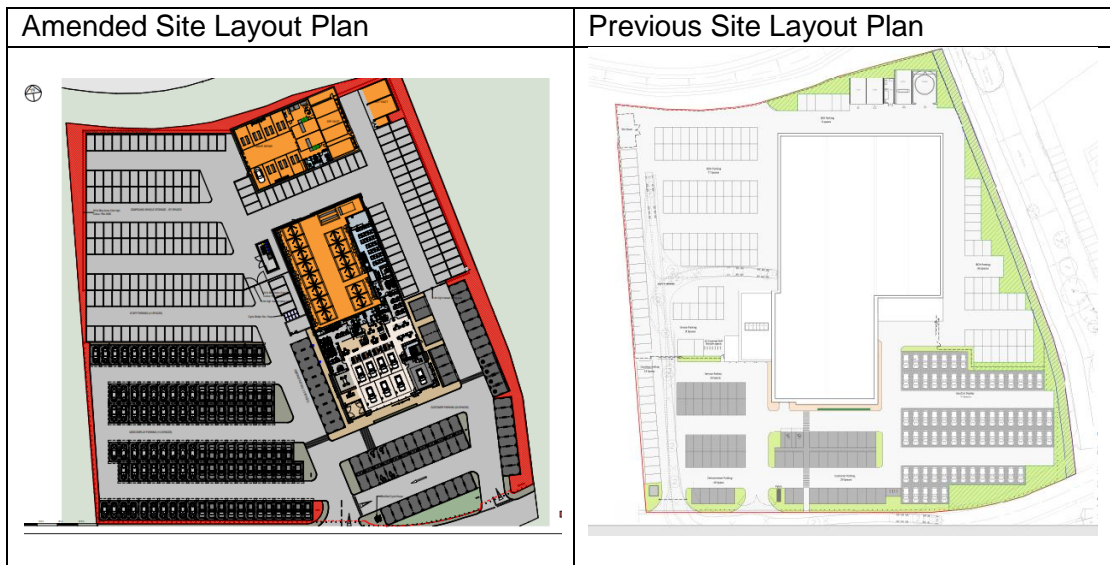
Guy Salmon Limited

**RDD:** 29th August 2019

**LDD:** 29th November 2019

**1.0 SUMMARY OF MAIN ISSUES - UPDATE**

- 1.1 Planning permission was originally granted for a car showroom on the application site in June 2019 (application ref. 17/01171/FUL). This permission was subject to a 3 year implementation timeframe and is due to expire in June 2022.
- 1.2 The current application for a revised car showroom scheme, previously received a resolution to grant planning permission at the Planning Committee on 8<sup>th</sup> January 2020, subject to completion of a legal agreement to secure off-site ecology mitigation and an employment and skills plan. However, due to the acquisition of much of the Lakeside Business Park by Portsmouth City Council, it has not been possible to complete the legal agreement for ecology mitigation as originally envisaged, which has led to a delay in determination. An alternative agreement between PCC and the applicant to secure the off-site ecology mitigation is now being progressed.
- 1.3 While the legal matters were being progressed, the applicant also requested to submit amendments to the scheme, comprising the following:
  - Reorientation of main building on the plot and the provision of separate ancillary buildings;
  - Reduction in overall development footprint from 4,172m<sup>2</sup> to 2,874m<sup>2</sup>;
  - Change in parking layout with reduction in staff and customer parking spaces and increase in sales display and repair/storage spaces.
  - Reposition of entrance / egress points on southern side of the site.



- 1.4 The main determining issues for the scheme remain the same, as follows:
- Principle of the development including whether it is acceptable in accordance with relevant employment policies;
  - Design and appearance;
  - Sustainable design and construction;
  - Highway impact and parking;
  - Ecology / nature conservation;
  - Flood risk and drainage;
  - Land contamination.

1.5 Site and Surroundings

1.6 The application site covers 1.62ha of land located within Lakeside Business Park, to the south of the main entrance and to the west of the Village Hotel. The Lakeside Business Park comprises a large complex of predominantly office buildings with extensive parking, set among large areas of open grassland and lakes.

1.7 The Lakeside Business Park is allocated as an office campus under Policy PCS5 of the Portsmouth Plan, to provide up to 69,000m<sup>2</sup> of B1a office floorspace. In 2010, outline planning permission was granted for an extensive development of the site to provide 69,030sqm of B1a floorspace along with various other uses including a hotel (now Village Hotel), private hospital and associated shops, restaurants and cafés (refer to planning history). The application site forms part of the area of land that was proposed for office development under this permission. However, to date, none of the new office floorspace has been provided.

1.8 The application site itself currently comprises an area of open grassland, part of which is designated as a Site of Importance for Nature Conservation (SINC) and is partially within an indicative high tide roost under the Solent Waders and Brent Goose Strategy (Secondary support area). The site also lies within Flood Zone 2 and around the boundaries of the wider Lakeside site there are many trees that are protected by Tree Preservation Orders. To the south of the site, the elevated motorway embankment separates Lakeside from Ports Creek, which is part of the Portsmouth Harbour designated Ramsar Site, Special Protection Area and Site of Special Scientific Interest).

The nearest heritage asset to the site is a Grade II listed office building located to the east of Lakeside at No.1 Northern Road (Lynx House).

#### 1.9 Proposal

1.10 The amended scheme would comprise three separate buildings: two-storey main building with sales area, showroom, workshops and offices; smart repair building; and valet / wash building. The main building would measure 64m (L) x 30m (W) x 8m (max height). The smart repair building would be located to the north of this and would measure 35m (L) x 21m (W) x 5.5m (max height). The wash building would measure 8.5m (W) x 13.5m (max length) x 4.2m (max height) and would be located in the north-east corner of the site.

1.11 A landscape buffer zone around the boundary of the site would be provided of the same size as agreed in the original planning permission.

1.12 The amended parking provision is summarised as follows:

Type	No. spaces amended layout	No. spaces previous layout	Total
Staff and customer parking	103	150	- 47
Display, storage, maintenance	269	147	+ 122
<b>Total</b>	<b>372</b>	<b>297</b>	<b>+ 75</b>

#### 1.13 Planning History

1.14 17/01171/FUL - Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping - conditional permission 14 June 2019

1.15 18/00945/NMA - application for non-material amendment to planning permission 08/02342/OUT to relocate the private hospital to the south east of the site and offices to the north east of the site - approved 27 June 2018

1.16 16/02108/REM - reserved matters in respect of appearance, landscaping and scale associated with the Spur Road extension of Lakeshore Drive, pursuant to outline permission 08/02342/OUT - approved 27 March 2017

1.17 15/01492/FUL - construction of six storey hotel, car parking and associated landscaping - condition permission 15 December 2015. This has since been constructed, now the Village Hotel.

1.18 11/00354/REM - reserved matters pursuant to permission ref. 08/02342/OUT, for part of road access and landscaping adjacent to new access within Phase A - approved 25 August 2011

1.19 08/02342/OUT - outline application for 69,030sqm of B1(a) offices and 21,140sqm of other development to include shops, restaurants/cafes, 150-bed hotel and 40-suite aparthotel, private hospital and car dealership, with access roads/footways, landscaping and associated plant (access and layout) - conditional outline permission 15 October 2010.

## **2.0 POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

- o PCS5 (Lakeside Business Park)
- o PCS11 (Employment Land)
- o PCS13 (A Greener Portsmouth)
- o PCS12 (Flood Risk)
- o PCS15 (Sustainable Design and Construction)
- o PCS16 (Infrastructure and Community Benefit)
- o PCS17 (Transport)
- o PCS23 (Design and Conservation).

2.2 Site-specific Policy PCS5 states 'Lakeside Business Park is allocated as an office campus providing 69,000sqm of B1(a) office floorspace'. The sub-text explains that the site benefits from planning permission for 69,030sqm gross floorspace for offices and other ancillary facilities.

### 2.3 Portsmouth City Local Plan (2001-2011)

- o Saved Policy DC21 (Contaminated Land)

### 2.4 Other Guidance

- o National Planning Policy Framework (NPPF) (2019)
- o National Planning Practice Guidance (2014)
- o The Car Parking and Transport Assessments Supplementary Planning Document (2014)
- o Achieving Employment and Skills Plans Supplementary Planning Document (2013)

## **3.0 CONSULTATIONS**

### 3.1 Highways England

3.2 No change to comments following amended plans. No objection raised.

3.3 Advise that all lighting inside the development that is visible from the M27 is to use concealed light fittings and any external lighting is to be constructed and maintained to face vertically down at all times.

### 3.4 Southern Water

3.5 A formal application for connection to the public foul sewer will need to be made to Southern Water. Advice provided to the applicant regarding SuDS drainage systems. Recommend condition for detailed drainage strategy to be agreed.

### 3.6 Environment Agency

3.7 No further comments on amended plans. No objection subject to conditions relating to contamination and piling.

3.8 The proposed development is located over Tidal Flat Deposits overlying Chalk Principal Aquifer. Principal Aquifers are designated for providing significant quantities of water for people. Groundwater is therefore particularly sensitive in this location.

- 3.9 The site is located on an historic landfill associated with the reclamation of land in Portsmouth Harbour. Development at the site, including piling foundations, poses risks to groundwater from mobilising contaminants and creating new pathways for pollutants.
- 3.10 Environmental Health
- 3.11 No objection. No noise concerns and amended lighting strategy is acceptable.
- 3.12 Contaminated Land Team
- 3.13 No further comments following consultation on amended plans. Conditions required as previously advised, to ensure that any potential contamination impacts are addressed.
- 3.14 Highways Engineer
- 3.15 No comments received on amended plans. Previous comments as follows:
- 3.16 This site forms a part of the land included in outline consent 08/02342/OUT for Lakeside Business Park which identified a significant package of off-site highway improvement and required a proportional contribution for the developments included in that consent to facilitate implementation of those improvements.
- 3.17 Planning application 17/01171/FUL sought consent for a similar scale car dealership on this site. In response to that application the LHA did not seek to raise a highway objection to the proposal subject to securing a proportional contribution to the off site highway improvements. No such contribution was secured although despite that the application was consented contrary to the advice of the LHA. Given that consent, a case for payment of a contribution towards wider off-site highway improvements could not be sustained despite the cumulative and material off-site highway impact that would result. The LHA does not agree with the statement in the Transport Statement that says the proposal would not have a significant impact on the highway network in isolation.
- 3.18 The red edge of the application site does not include the length of access road on the southern boundary necessary to connect it to the existing highway. This access road was consented under 16/02108/REM and would need to be implemented prior to the construction of this proposal.
- 3.19 The SPG 'Parking Standards & Transport Assessments' does not define parking standards for non-residential uses rather requires applicants to submit evidence based on the guidance provided to justify the quantum of parking provision proposed and to demonstrate how users of the site will be encouraged to travel by sustainable modes of transport. A parking accumulation assessment has been provided in table 6.2 of the TA which establishes a maximum parking accumulation for staff and customers/visitors to the site of 46 spaces.
- 3.20 Table 5.1 of the TA indicates that 150 parking spaces will be provided for staff and customer parking with 121 of those being provided for staff. This is a significant over provision and is inconsistent with the intention to 'encourage the facilitation of sustainable transport behaviours by site users' (para 4.19 of the TA refers).
- 3.21 Recommend refusal due to the overprovision of parking contrary to the aim of reducing reliance on car use and encouraging sustainable means of transport.
- 3.22 Southern Electric
- 3.23 No comments received.



### 3.24 Coastal and Drainage

3.25 The drainage strategy appears well considered. Clarification on some points relating to levels and sewer sections requested.

### 3.26 Eastern Solent Coastal Partnership

3.27 No further comments received on amended scheme. Previous comments as follows:

3.28 No objection in principle. A Flood Risk and Drainage Technical Note and a Flood Risk Assessment has been submitted, which sufficiently outline how flood risk at the site will be mitigated. The applicant has proposed that the submitted floor levels for this development will be set 700mm above existing ground levels, well above the 1:200 year present day and extreme tidal flood levels. Advised that the applicants sign up to the Governments Flood Warning Service and prepare a Flood Warning and Evacuation Plan.

### 3.29 Natural England

3.30 No further comments on amendments subject to securing ecology mitigation as previously agreed through the extant planning permission.

### 3.31 Fareham Borough Council

3.32 No comments received.

### 3.33 Havant Borough Council

3.34 No objection

### 3.35 Ecology

3.36 The submitted details confirm no additional ecological impacts arising from the amendments. Previous comments as follows:

3.37 The application is supported by an Ecology Technical Note (Seasons Ecology, August 2019). The site has extant planning permission for a slightly different layout.

3.38 The site is within a Site of Importance for Nature Conservation (SINC), partially within an indicative high tide roosts under the Solent Waders and Brent Goose Strategy and has the potential to support a range of protected species as identified by the ecological survey work undertaken.

3.39 The granting of approval on the extant permission was supported by the County Ecologists as a result of an extensive process of discussion between the applicant, Natural England and Hampshire County Council. The discussions resulted in the evolution and production of acceptable mitigation strategies for both international statutory and non-statutory designated nature conservation sites. A review of the slightly altered proposals and the information provided in the Technical Note have confirmed that there will be no additional ecological impacts arising from the alterations. As a result it should be possible to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan. Suggest a condition to secure the measures outlined in the SINC mitigation strategy.

## 4.0 REPRESENTATIONS

4.1 PCC publicity dates (amended plans):

- Neighbour letters sent: 26 May 2021; expiry 21 June 2021
- Site notices displayed: 2 June 2021; expiry 23 June 2021
- Press Notice: published 4 May 2021; expiry 25 May 2021

4.2 None received.

## 5.0 COMMENT

### 5.1 Principle of the proposal

5.2 The principle of providing a car showroom on the site (subject to ecological mitigation), has been secured through the previous permission in June 2019 and the matter to consider is whether there has been any material change in the policy position or other factors that would warrant a different determination at this point in time.

5.3 The application site forms part of an area of land that was originally indicated to provide B1(a) offices under planning permission ref. 08/02342/OUT, in accordance with Policy PCS5 of the Portsmouth Plan. The proposal therefore represents a departure from adopted policy. However, in determining the previous application for a car showroom at the site (ref. 17/01171/FUL), it was demonstrated that the office development previously permitted under the 2010 outline planning permission could be provided elsewhere on the wider Lakeside site. It was therefore determined that allowing the car showroom would not prejudice the delivery of office development on the site as a whole. There has since been no material change in the policy position that would warrant a different determination. The principle of the proposed car showroom is therefore considered to remain acceptable, subject to all other relevant policy considerations.

5.4 The previous planning permission was subject to a legal agreement to secure an Employment and Skills Plan to contribute towards developing local workforce skills in accordance with the Council's Adopted Employment and Skills Plan Supplementary Planning Document (2013). The applicant has agreed to enter into a Deed of Variation to the legal agreement to continue to secure this requirement.

### 5.5 Design and Appearance and Impact on Heritage Assets

5.6 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out in the NPPF, stating that all new development must be well designed and in particular, respect the character of the city.

5.7 The applicants have explained within the Design and Access Statement that the reason for the latest amendments to the site and building layouts is focus customer facing activities on the southern side of the site, maximising the view from the approach from the new access road. The new separation of buildings and revised internal layouts are to improve the efficiency and 'flow' of the internal accommodation. The buildings would follow a similar design approach to that previously proposed, comprising a combination of grey and silver steel clad walls with glazing to the car display areas and entrances. Precise details of the materials would be requested by condition to ensure that a high quality finish is achieved. Having regard to the context of the site, with other similar clad buildings in the vicinity (e.g. Village Hotel and nearby Porsche Car Dealership), the design is considered acceptable in accordance with Policy PCS23 of the Portsmouth Plan.

5.8 The nearest heritage asset to the site is the Grade II listed Lynx House office building, which lies approximately 300m away to the east. Due to the presence of intervening buildings and trees, there would be no inter-visibility between the proposed car showroom and this nearby listed building, or to any other heritage assets. The development is therefore not considered to impact upon heritage assets.

- 5.9 The site has archaeological potential and therefore a condition requiring an archaeological watching brief is proposed as per the previous permission to ensure that any artefacts are correctly identified and recorded.
- 5.10 Sustainable Design and Construction
- 5.11 Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change by achieving at least BREEAM 'Excellent' and by using low or zero carbon technologies to reduce carbon emissions by 10%.
- 5.12 The application is accompanied by a BREEAM pre-assessment, which concludes that the building can achieve a BREEAM rating of 'Good'. Whilst this is below the level required by Policy PCS15, it is in line with the rating agreed through the previous planning permission following negotiations with the applicant and can be secured by condition.
- 5.13 Highway Impact and Parking
- 5.14 The Lakeside Business Park is accessed from the A27 Western Road and there is currently an internal access road that runs alongside the northern boundary of the application site. The proposed car showroom would be accessed via an extension to the internal access road, the details of which were approved under reserved matters permission ref. 16/02108/REM. The amended layout has moved the access / egress points further to the east on the southern side of the site, and has been designed to ensure safe manoeuvring of vehicles on site to prevent reversing onto the access road.
- 5.15 The Local Highway Authority (LHA) has raised concerns about the potential impact of the development on the local highway network, noting that they do not agree with the conclusions of the submitted Transport Statement. In the view of the LHA, there is the potential for the development to have an effect on the highway network in combination with the wider development permitted through the outline permission in 2010, and therefore a proportionate financial contribution towards off-site highway improvements should be sought. This matter was considered as part of the previous application process for the car showroom and it was determined that there was no justification to seek off-site contributions in relation to the proposed standalone development. There has been no change in circumstance that would warrant reaching a different decision on this matter.
- 5.16 The amended parking layout would increase the number of parking bays on the site from 297 to 372 (increase of 75 spaces). These additional spaces would be used for display vehicles and storage, and the number of staff and customer spaces would be reduced (from 150 to 103). It is noted that the previous layout included a significant over-provision of staff parking (150 spaces against a predicted need of 46). The number of staff/customer spaces now proposed would continue to represent an overprovision but not to such a significant degree. Given that the additional spaces would be for storage/display, which would not generate a significant level of daily vehicle movements to and from the site, the change in parking layout is not considered to result in an increased impact on the local highway network.
- 5.17 Ecology / Nature Conservation
- 5.18 Policy PCS13 of the Portsmouth Plan seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible.

- 5.19 The site lies within a Site of Importance for Nature Conservation (SINC) and partially within an indicative high tide roost area for wading birds, and has the potential to support a range of other protected species. During the application process for the extant planning permission, the ecological impact of the development was given extensive consideration in liaison with Natural England and the County Ecologists. The previous application was supported by a variety of Ecological Surveys and Reports, including an Ecology Appraisal, Botanical Assessment and SINC Mitigation Strategy. It was concluded that the development would result in the loss of 38% of the East of Lakeside SINC (approx. 1.5ha) along with the partial loss of the indicative high tide roost area. In order to mitigate the ecological impact, a range of mitigation measures were agreed and secured through Legal Agreement as follows:
- o Retention, protection and enhancement of a 1.93ha mitigation area within Lakeside Business Park, through appropriate grassland management, removal of scrub and seeding with pale flax for at least 80 years following completion of the development;
  - o Payment of a financial contribution of £73,000 towards enhancing, managing and monitoring the wider Solent Wader and Brent Goose ecological network as compensation for the loss of the functional area of the indicative high tide roost area. This payment has since been made.
- 5.20 The County Ecologist has reviewed the amended scheme and submitted information, which confirms that the revised layout would not result in any increased ecological impacts. The mitigation land within Lakeside Business Park is now within the ownership of Portsmouth City Council and an agreement is being reached between PCC and the applicant to ensure that the land is maintained and managed as agreed. Subject to this, the ecological impact of the development would be satisfactorily mitigated in accordance with Policy PCS13 of the Portsmouth Plan.
- 5.21 Flood Risk and Drainage
- 5.22 The site lies within Flood Zone 2 and is therefore considered to be at risk of experiencing a 1 in 1000 year (0.1% annual probability) extreme tidal flood event. No objection has been raised by either the Eastern Solent Coastal Partnership or the Environment Agency subject to finished floor levels being set above predicted tidal flood levels (at least +300mm above ground level), and subject to restrictions on piling methods. Both of these requirements would be secured by condition. With regard to drainage, a Drainage Strategy was submitted with the application, but requires some further detail to be clarified. A condition is therefore imposed requiring full details of the strategy to be approved prior to commencement of the development. Subject to conditions, it is not considered that the development would result in an increased risk of flooding.
- 5.23 Land Contamination
- 5.24 The site lies close to potentially contaminative historical uses and conditions have therefore been recommended to ensure that any potential risk from contamination is fully assessed and mitigated where required. Subject to conditions, it is considered that any potential risks to future users of the site would be satisfactorily minimised.
- 5.25 Conclusion
- 5.26 The amended layout and design of the development is considered to be acceptable in relation to the site and surroundings and subject to securing relevant mitigation, the development is considered acceptable in terms of ecological impact. Subject to conditions, the scheme is also considered acceptable in relation to parking provision, flood risk, contamination and sustainable construction. The development therefore accords with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework.

**RECOMMENDATION I:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant **Conditional Permission** subject to **completion of an agreement / legal mechanism to secure the following:**

- a) Mitigation area of 1.93ha to be retained, protected and in accordance with SINC Mitigation Strategy;
- b) Preparation and implementation of an Employment and Skills Plan

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**RECOMMENDATION III:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse permission if the Legal Agreement has not been completed within three months of the date of the resolution.

## **Conditions**

### **Time limit**

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

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

### **Approved plans**

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Existing Site Plan 3523/106 B; Proposed Site Plan 101 P5; Site External Lighting Layout 8611-02-ME01 P1; Proposed Elevations 301 P2; Proposed Ground Floor Plan 203 P1; Proposed First Floor Plan 204 P1; Proposed Roof Plan 205 P1; Site Wide Elevations 208 P1; Smart Repair Planning 206 P4; Wash Building 207 P2; Drainage Schematic 9001 P1; Visual from motorway TD6003\_SK 400; Visual view on approach TD6003\_SK 401 and Visual view on approach TD6003\_SK 401\_P2.

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

### **Potential for contamination**

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

- a) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model). and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- c) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as

necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy DC21 of the Portsmouth City Local Plan (2006).

#### **Contamination verification**

4) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 3c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy DC21 of the Portsmouth City Local Plan (2006).

#### **Piling restriction**

5) Piling or any other foundation designs using penetrative foundation methods shall not be carried out unless otherwise agreed in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater; and the development shall be carried out in accordance with the approved piling details.

Reason: The scheme is located over Tidal Flat Deposits overlying Chalk Principal Aquifer (designated for providing significant quantities of water for people) and where groundwater is particularly sensitive, to accord with policies PCS14 & PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

#### **Materials details**

6) No construction works above the foundation / slab level shall take place until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed building shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

Reason: In the interests of the visual amenities of the area and the attractive parkland setting of the Lakeside site, in accordance with policy PCS23 of the Portsmouth Plan (2012).

#### **Parking provision**

7) Prior to the first occupation of the car dealership the proposed car parking shown on the approved Site Plan drawing ref. Proposed Site Plan 101 P5 and including provision of 'disabled' bays shall be surfaced, marked out and made available for use; and those parking facilities shall thereafter be retained at all times for the parking of vehicles to serve the proposed development (excluding ancillary vehicle display and storage associated with car sales).

Reason: In the interests of highway safety and to ensure adequate on-site parking provision in accordance with policies PCS17 & PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

### **Lighting details**

8) No development above foundation / slab level shall take place at the site until details of the height, appearance and luminaires to external lighting columns in the positions shown on approved drawing Site External Lighting Layout 8611-02-ME01 P1, shall have been submitted to and approved in writing by the local planning authority; the external lighting shall be carried out in accordance with the approved details and retained in such condition, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure any external lighting visible from the M27 is constructed/maintained to face vertically down in the interests of highway safety, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan (2012).

### **Construction management**

9) No development shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the local planning authority; all works carried out during the period of construction at the site shall be undertaken strictly in accordance with the approved Construction Environmental Management Plan, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent nuisance and minimise adverse effects on the local environment from highway impacts onto a major arterial route through the city (A27), as far as practicable, during works of demolition/construction, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### **Drainage strategy**

10) No development shall take place at the site until a drainage scheme based on the Drainage Schematic 9001 P1, shall have been submitted to and approved in writing by the Local Planning Authority, to include:

- (a) the detailed layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

Reason: To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

### **Flood mitigation measures**

11) The development shall only be carried out in accordance with the approved Flood Risk Technical Note (produced by RLRE Consulting Engineers, August 2019) and the following mitigation measure:

- o Finished floor levels are set 300mm above existing ground level;

The mitigation measure shall be fully implemented before the development is first brought into use.

Reason: To reduce the risk and impact of flooding to the proposed development within tidal Flood Zone 2, in accordance with policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

## **BREEAM**

12) Within 4 months of the car dealership being first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum score of 50 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan (2012).

## **Cycle storage provision**

13) Prior to the first use of the car dealership facilities secure/weatherproof bicycle storage facilities for staff (long-term) and visitors (short-term) shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

Reason: To promote and encourage alternative transport modes to the private car by ensuring that adequate provision is made for cyclists, in accordance with policies PCS14 and PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

## **Landscaping details**

14) No development shall take place above foundation / slab level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the building.

Reason: To secure a well-planned and quality setting to the development, in the interests of the amenities and parkland character of the Lakeside campus, in accordance with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.

## **Archaeology investigation**

15) (i) No development shall take place at the site until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that shall have been submitted to and approved in writing by the local planning authority in order to monitor and record archaeological remains exposed during the relevant stages of groundworks where those groundworks exceed the depth of made ground.

(ii) Following completion of all archaeological fieldwork at the site a report shall be produced by the developer (in accordance with a programme/timescale to be approved as part of the approved WSI) setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential for the remains to survive within the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF.



## PRO-ACTIVITY STATEMENT

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

12 - 28 ARUNDEL STREET PORTSMOUTH PO1 1NL

CONSTRUCTION OF PART 7/PART 21/PART 28-STOREY BUILDING (C.87 METRES) TO FORM A PURPOSE BUILT STUDENT HALLS OF RESIDENCE (CLASS C1) INCLUDING GROUND FLOOR COMMERCIAL UNIT(S) (CLASS E); ASSOCIATED FACILITIES AND PUBLIC REALM WORKS FOLLOWING DEMOLITION OF EXISTING BUILDINGS

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QL12M2MOMRZ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QL12M2MOMRZ00)

**Application Submitted By:**

Pearce Planning Ltd  
FAO Mr Alan Pearce

**On behalf of:**

Mr Miles  
Fusion Portsmouth Devco Limited & Cooper Estates Development Ltd.

**RDD:** 8th December 2020

**LDD:** 10th March 2021

## 1. SUMMARY OF MAIN ISSUES

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

- Principle of Development and Building Adaptability;
- Design - scale appearance and townscape;
- Impact on amenity;
- Highways Impacts;
- Sustainable Design & Construction;
- Ecology & Impact on the Solent Special Protection Areas.

### 1.2 Site and surroundings

1.3 This planning application relates to a broadly rectangular plot (approximately 50m x 30m) situated to the southern side of a pedestrianised section of Arundel Street and bounded by Slindon Street to the east and Yapton Street to the south.

1.4 The site currently comprises a series of two-storey buildings with commercial uses at ground floor level and ancillary accommodation above. These uses face into the precinct and are serviced from Yapton Street. The application red line extends beyond the footprint of these buildings to include the entirety of Yapton Street and the pedestrianised section of Slindon Street where public realm improvements are proposed.



- 1.5 Arundel Street provides a linear commercial route leading from the main shopping area of Commercial Road towards Fratton to the east. The precinct is lined with a number of semi-mature trees and bespoke street furniture designed by a local artist that provides a more verdant and interesting public realm. Arundel Street is flanked by a varied mix of buildings ranging between 2 and 5-storeys typically comprising commercial uses at ground floor level with ancillary uses above, although there have been a number of recent conversion schemes introducing further residential uses at upper floor levels.
- 1.6 A large 3-storey department store, currently vacant but previously occupied by Debenhams, extends immediately to the west of the site wrapping around the southern side of Yapton Street. A surface level car park and perimeter footways provide key pedestrian connections between Portsmouth & Southsea Railway Station and Civic/University uses to the south and Arundel Street. A former Royal Mail sorting office of between 3 and 6-storeys occupies a large block immediately to the south-east.
- 1.7 The application site is located within the 'Commercial Road shopping area' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. The wider area is comprised almost entirely of post war redevelopment and with the exception of a limited number of designated heritage assets along the route of Commercial Road, and a number of fine 1950's Portland Stone facades, the area lacks any significant architectural quality or consistency.
- 1.8 A number of tall buildings have recently been constructed/extended within the area including: Stanhope House (19-storey) on the corner of Stanhope Road and Commercial Road; Crown Plaza (23-storey) located between Station Street and Surrey Street; Catherine House (15-storey) on Stanhope Road and Greetham Street (25-storey, Unite Student block). Further tall buildings are also proposed at the former Royal Mail sorting office site immediately to the south-east (20-storey), on land south of Catherine House opposite Portsmouth & Southsea Railway Station (19-storey) and at 56 Arundel Street (22-storey) to the east.
- 1.9 The proposal
- 1.10 Planning permission is sought for the construction of a part 7, part 21 and part 28-storey building, with a maximum height of approximately 87m, following the demolition of the existing buildings at the site. The development would principally form a purpose built student halls of residence (Class C1) with 591 individual study bedrooms, but would also include a series of commercial units (Class E) located at ground floor level fronting Arundel Street.
- 1.11 The application sets out that the design has developed from the concept of creating three separate buildings fronting three separate streets, Arundel Street, Slindon Street and Yapton Street. This would include a taller more slender tower element at 28-storeys

positioned to the north-east corner of the site, a wider mid-rise element at 21-storeys positioned to the south, and the lowest element at 7-storeys fronting Arundel Street which would incorporate a roof terrace. Each element would be constructed with brick faced façades with variations in colour and tone to highlight and separate each element, but with similarities in design approach to knit each together as a single development.

- 1.12 The main entrance would be positioned to the eastern elevation fronting Slindon Street, recessed below a fully glazed double height space and between four large brick columns giving the impression of a short colonnade. The Arundel Street frontage is also designed to give the impression of a double height space with the ground and first floors incorporated within a single framing detail, and between brick columns which continue the vertical emphasis up through the upper floors. The building steps in from the south-east corner to provide a wider pedestrian connection between the precinct and Slindon Street and enlivened by the inclusion of a fully glazed double height space indicated to be a basketball court internally. The active ground floor continues along Yapton Street with the inclusion of fitness studios, a social laundry and a secondary entrance. The remaining frontage of Yapton Street would accommodate the more functional aspects of servicing and deliveries.
- 1.13 At upper floors tall window bays and large window openings are a common aspect of each elevation with the Arundel Street facade also incorporating recessed chamfered window bays as an acknowledgement to the fine architectural detailing of the 1950s Portland Stone facades on Commercial Road (Primark & H&M buildings).
- 1.14 Internally, the ground floor would accommodate reception, student amenity and supporting spaces for bicycles, refuse storage and plant. Commercial units and shopfronts would maintain the function of Arundel Street, suitable for a range of town centre uses and with access for servicing and deliveries from Yapton Street. The first floor of the building (annotated as mezzanine on the submitted drawings) would provide a mix of student amenity and study bedrooms, with the remaining floors of the building dedicated to student accommodation.
  - The student accommodation would comprise a mix of:
  - Studios (104-beds) - fully self-contained study bedrooms;
  - Social Studios (170-beds) - a cluster of fully self-contained study bedrooms with access to additional private communal living space;
  - En-suites (237-beds) - a cluster of 4 or 5 en-suite study bedrooms with a shared kitchen/living space similar to a typical house in multiple occupation.
  - Twodios (80-beds) - Two en-suite study bedrooms with a shared kitchen;



### 1.15 Planning history

1.16 Whilst there is an extensive planning history at the site, none is directly relevant to this proposal.

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

1.18 20/00152/FUL - Change of use of part of building to form hotel (Class C1); construction of two additional storeys and ground floor extension following demolition of former sorting office; external alterations including replacement of all facades.

1.19 20/00407/OUT - Outline planning application with all matters reserved except access and scale for construction of 2 no. buildings (first up to 13-storeys/43m and second up to 20-storey/64m for circa 210 nos. C3 dwellings) and associated works, following demolition and removal of existing buildings and structures.

## **2 POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012):

- PCS4 (Portsmouth City Centre);
- PCS13 (A Greener Portsmouth);
- PCS14 (A Healthy City);
- PCS15 (Sustainable Design and Construction);
- PCS16 (Infrastructure and Community Benefit);
- PCS17 (Transport);
- PCS23 (Design and Conservation);
- PCS24 (tall buildings).

### 2.2 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

### 2.3 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.

### 2.4 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

### 2.5 Other guidance:

- National Planning Policy Framework (2021);
- National Planning Practice Guidance;
- National Design Guide (2019);
- The City Centre Masterplan (2013);
- Student Halls of Residence (2014);
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- Tall Buildings SPD (2012);
- Sustainable Design & Construction SPD (January 2013);
- Reducing Crime Through Design SPD (March 2006);
- Achieving Employment and Skills Plans (July 2013);
- The Solent Recreation Mitigation Strategy (2017);
- The Interim Nutrient Neutral Mitigation Strategy (2019).

## **3 CONSULTATIONS**

### 3.1 The Portsmouth Society

### 3.2 No comments received.

### 3.3 Archaeology Advisor

### 3.4 The application is supported by an archaeological desk based assessment which acknowledges a general archaeological potential for this area relating to pre-modern archaeology, but also proposes that such archaeology will have been severely compromised by subsequent development at the site. It also indicates that the development site lies outside the historic core of the medieval and post medieval town

### 3.5 This is agreed although the site does, in part, overlie the location of the Arundel canal basin and potentially canal side structures. Whilst the archaeology of any superficial structures may have been compromised by subsequent development in the 19th and 20th

centuries, the canal and basins are likely to have been deeply sunk and likely to survive as filled in and buried archaeological features which may be encountered during development of this site.

3.6 It is recommended that an archaeological condition is attached to any planning permission to secure an appropriate level of archaeological monitoring during the relevant stages of development to ensure that potential archaeological evidence associated with the canal and basins is recognised and recorded.

### 3.7 Private Sector Housing

3.8 The following observations are made:

- The 'twodio' kitchen must be a suitable size for two occupants to use at the same time.
- In the studio flats, the beds should be closer to the bedroom doors than the kitchen. The occupants shouldn't be required to pass past the kitchen space to escape in the event of a fire.
- All habitable rooms must be a minimum of 1.5m in width.
- Each bathroom should be a minimum of 2.74m<sup>2</sup>.
- Each bathroom should have a provision for ventilation. Either natural or mechanical.
- Each window in a habitable room which has a sill below 1100mm should be restricted to stop it opening more than 100mm.

### 3.9 Health Development Manager

3.10 A Health Impact Assessment has been submitted. This covers a range of general health matters (noise, air quality, sustainable design and build) the contents of which are agreed. It is also noted that the Design and Access Statement covers other matters that would contribute to the health and wellbeing of future residents. No conditions are required.

### 3.11 Mineral And Waste Consultation

3.12 No objection raised.

### 3.13 Disability Access Advisers

3.14 No comments received.

### 3.15 Civil Aviation Authority

3.16 No comments received.

### 3.17 Southern Gas Network

3.18 No objection raised. Advice is provided on mechanical excavations taking place above of with 0.5 metres of a low/medium pressure system or above and within 3.0m of an intermediate pressure system.

### 3.19 Southern Electric

3.20 No objection raised. Mapping details of infrastructure within the area is provided.

### 3.21 Southern Water

3.22 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. A formal application for a connection to the public foul sewer will be required. The Submitted surface water drainage information shows no flows

greater than existing levels is been connected to the system proving the betterment of the surface water system which is acceptable.

3.23 Portsmouth Water

3.24 No objection raised. Mapping details of infrastructure within the area and safe digging practices is provided.

3.25 Eastern Solent Coastal Partnership

3.26 No comments received.

3.27 Hampshire Fire & Rescue Service

3.28 No objection raised to the proposal. It is highlighted that the development will need to comply with the Building Regulations and offers a series of recommendations relating to access for high-reach fire-fighting appliances, fire suppression systems, water supplies, fire protection, testing of fire safety systems.

3.29 Ecology

3.30 The application is supported by a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment reports which identified part of the application building/s as having high bat suitability.

3.31 Following the submission of additional dusk emergence and dawn re-entry bat surveys it is considered bats are unlikely to be present within the buildings and no further concerns are raised in this respect.

3.32 Approaches to mitigate the potential impact of the development on designated sites within the Solent area in terms on recreational disturbance and increased nutrients into the water environment are supported. A planning condition seeking a scheme of biodiversity enhancements as set out within the applicant's Preliminary Ecological Appraisal is suggested.

3.33 Leisure/Arb Officer

3.34 The content of the submitted Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement is accepted and agreed in respect of demolition and construction.

3.35 Whilst the use of the roof space is commendable, it is suggested that other opportunities such as green walls and additional street trees be explored.

3.36 Landscape Group

3.37 The following points are raised:

- The zoned roof terraces and choice of furniture will create attractive spaces and compensate for the lack of private external space at ground level;
- The limited ground level proposal should be formed using high quality materials with a view to integrate the proposed works into and enhance the surrounding public realm. Public realm improvements to Yapton Street and Slindon Street are required;
- The colonnades on the Northwest corner do not seem to offer a quality outdoor space, it looks a rather narrow area with dominating columns and not allowing movement through easily;
- The location of parking should be reconsidered;



- The use of hard wearing materials and integration with existing public realm works is required;
- Liaison with Colas regarding public realm works will be required.
- Concerns regarding the height and wind speeds at ground level.

### 3.38 Waste Management Service

3.39 It is highlighted that Portsmouth City Council and its contractors would not be carrying out any collections from this development, and the applicant would be required to source and fund its own waste collection service. Notwithstanding, it is suggested that based on the applicant's suggestion of 5 collections a week, a minimum of 11 x 1100litre bins would be required. It is also highlighted that an internal access should be provided for students and that the bin store is finished flush with external floor levels.

### 3.40 Crime Prevention Design Advisor

3.41 A series of observations and recommendations are made:

- Concerns in respect of the 'twodio' accommodation. The wall between the two rooms is not to the same standard as with the other types of accommodations and the internal doors have no natural surveillance. This significantly increases the opportunities for crime. It is not possible to effectively mitigate the risks posed by this room type and if these cannot be removed from the scheme the Designing out Crime Officer would maintain an objection to the planning application;
- Internal access should be made through the building linking the reception area and the two service cores;
- On the residential floors (one to five) access between the two access cores should be prevented;
- Access for residents and authorised persons must be via an electronic access control system;
- A Closed Circuit Television (CCTV) system is required, with cameras deployed to provide images of the external doors, doors to the residential floors, staircores, common areas and passages, the reception desk, the post room and the cycle store.
- The reception area should be fully enclosed to prevent unauthorised access and a sanctuary room should be provided;
- Mailboxes need to be of a robust construction, fitted with a key operated lock and anti-fishing device. They should be located in an open area with good natural surveillance and within the coverage of the CCTV cameras.

### 3.42 Highways Engineer

3.43 No highways objection to the proposal. The following observations are made:

- The proposed retail floorspace will replace existing and will not as a consequence be likely to result in a material increase in traffic generation or parking accumulation;
- The site is located in an accessible location where student halls of residence can practically operate as car free developments on a day to day basis;
- Cycle storage is shown for 176 cycles equating to 30% below the SPD requirement of 1 storage space per bed space. The Transport Statement reports that cycle storage provision at similar facilities constructed by the applicant range between 13.6% to 35.7%, although does indicate whether or not the demand for cycle parking at the other facilities is over or under subscribed. Similar facilities within the city centre have provided a reduced number of cycle parking spaces in a similar ratio to that proposed on this site. Whilst this is contrary to the policy established in the SPD this shortfall does not raise a fundamental highway safety concern;
- To create the shared surface, the route from Slindon Street to Lower Church Path should be defined as the priority route with a footway created across Yapton Street. A different surface treatment should be applied to Yapton Street in comparison with Slindon Street /

Lower Church Path to help distinguish that this area will operate as a shared surface. The LHA is comfortable that the detailed design of these elements can reasonably be secured by condition.

- Section 7.3 of the Transport Statement considers the strategy to manage student arrivals and departures. The strategy proposed is not adequate. Rather should make provision for drop-off parking facility for a minimum of one hour for each resident in specifically identified bays as has been required at the other similar student halls of residence within the city centre. Where sufficient bays cannot be provided on-site these will need to be hired / reserved in the adjacent car park. A specific student arrival / departure management strategy will be required which should include sample correspondence to be sent to students in advance of arrival identifying their allocated arrival period and a schedule of that should be provided to the LPA annually a minimum of a week in advance of the first arrival each academic year.
- Indicative drawings showing how the building could be repurposed in the future are provided. Alternative uses will have a different demand for parking and potential impact on the surrounding highway network. Whilst this is likely to be considered as part of any future planning application for the change of use, consideration should be given to the removal of permitted development rights to ensure that highway impacts can be fully considered.
- All doors should not open over the highway;

#### 3.44 Environmental Health

- 3.45 No objection in principle. However, a number of planning conditions are suggested to:
- Address potential noise, smell, fume and air quality impacts associated with the operation of plant and equipment at the site;
  - Protect the amenity of future occupiers in terms of traffic noise and potential overheating of study rooms when windows are closed; and
  - Protect occupiers of rooms directly above the basketball court and ground floor commercial uses from air and structure borne noise and vibrations.

#### 3.46 Contaminated Land Team

- 3.47 Two preliminary risk assessment reports have been submitted with this application for the attention of the Contaminated Land Team (CLT). The reports identify a number of potential pollutant linkages, and recommend further site investigation to be undertaken alongside geotechnical testing.

- 3.48 As the CLT agrees in the main with the recommendations provided in the reports, conditions are recommended to address the identification and safe removal of asbestos whilst allowing the existing buildings to be demolished to allow a full site investigation, updated risk assessment, and a remedial method statement as required.

#### 3.49 City Centre Consultation

- 3.50 No comments received.

#### 3.51 Coastal And Drainage

- 3.52 The Drainage Strategy appears sound and the incorporation of blue/green roofs are welcomed.

#### 3.53 Environment Agency

- 3.54 No comments received.

### 3.55 Natural England

3.56 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

3.57 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

3.58 Solent Recreation Mitigation Strategy – no objection subject to mitigation:  
Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Portsmouth City Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

3.59 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

3.60 Nutrient Neutrality- no objection subject to mitigation:  
With regard to deterioration of the water environment, Natural England is aware that your authority has adopted an Interim Nutrient Neutral Mitigation Strategy for new dwellings for 2019-2023/24. It is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy through the purchase of mitigation 'credits'.

3.61 Provided that the applicant is complying with the requirements of the Interim Strategy for 191.6kg/TN/yr and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

3.62 Bird Strike- no objection:  
Based on the findings of the ecology report as part of planning application 19/01919/CS3 (Ecosupport, June 2020) in relation to potential impacts on flight paths and bird strikes on the SPA bird species, Natural England agree with the conclusions of the appropriate assessment. It is therefore unlikely that the species will be significantly affected by the development.

### 3.63 Office for Nuclear Regulation

3.64 This application falls outside of any GB nuclear consultation zone, therefore the ONR has no comment to make.

### 3.65 Building Control

3.66 Awaiting response regarding fire safety matters. Comments will be reported in supplementary papers.

## 4 REPRESENTATIONS

4.1 At the time of writing three letters of representation had been received from residents of Chandos Rise located just to the north of the application site. These objections can be summarised as follows:

- Further student accommodation is not required;
- More affordable housing is required in the city;
- The area suffers from poor air quality and further development would exacerbate this issue;
- More investment in clean infrastructure is required such as tramways;
- Existing vacant buildings should be converted to student accommodation;
- Loss of a view towards the Solent.

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

4.3 Neighbour letters sent: 15 December 2020;

4.4 Site Notice displayed: 12 December 2020

4.5 Press Notice Published: 15 December 2020

## 5.0 COMMENT

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

- Principle of Development and Building Adaptability;
- Design - scale appearance and townscape;
- Impact amenity;
- Highways Impacts;
- Sustainable Design & Construction;
- Ecology & Impact on the Solent Special Protection Areas.

5.02 Principle of Development and Building Adaptability

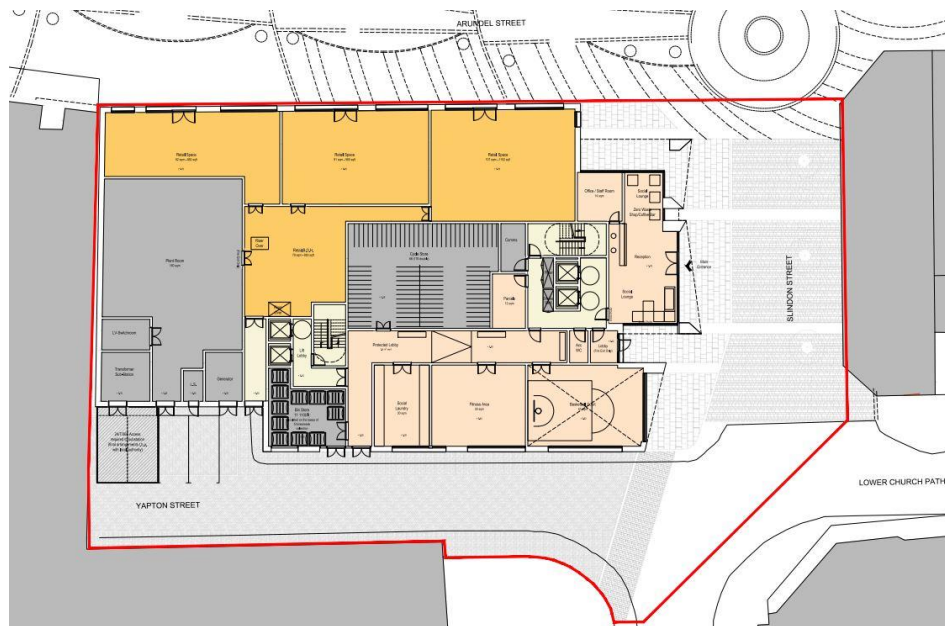
5.03 The application site is located principally within the 'Station Square & Station Street' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. In addition, the policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes, which could include specific forms of residential accommodation such as student halls of residences.

5.04 The City Centre Masterplan SPD (January 2013) expands upon this policy and sets a vision 'to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit.

5.05 Commercial uses:

5.06 At ground floor level, the application has been amended from that originally submitted to incorporate commercial units along the entire Arundel Street frontage. Whilst indicating three separate units, the precise use of this accommodation is unknown at this stage and could potentially be occupied by a single user or a series of smaller occupiers. Although, the depth of these units are limited (between 5m-9m), they would benefit from additional

shared back of house accommodation with access from Yapton Street, and would be suitable for a range of appropriate commercial uses within Class E. This would ensure an active frontage to Arundel Street providing visual interest and contributing towards the commercial vitality of this part of the city centre. A planning condition is proposed removing permitted development rights to ensure these commercial units remain within Class E use.



#### 5.07 Student Halls of Residence:

5.08 The Students Halls of Residence SPD identifies the need to provide a good standard of student halls in the city with preferred locations in close proximity to existing University facilities and other educational establishments. The SPD highlights that: *'the demand for halls of residence is mainly from students at the University of Portsmouth. There are also students at language schools such as the International College Portsmouth (ICP) and LSI Portsmouth (Language Specialists International), who may require accommodation in the city. The university would ideally like to offer a room in halls to all first year students and currently this is not possible with only enough space to accommodate 75% of first years. In addition to this, mature students, postgraduates and second and third year students also now request places in halls. The type of accommodation required will vary depending on the student, for example most older students would require a studio flat whereas first years require cluster flats where there is the opportunity for social interaction. Therefore at the current time there is a need for additional halls of residence in the city. The council will monitor the situation to ensure enough spaces are provided to meet the need and that an oversupply is avoided. The advantage of increasing available accommodation in halls of residence is that much needed family homes in the city will be freed up and that could reduce the situation where large parts of roads are deserted over the holiday period'*.

5.09 It is acknowledged that a significant number of student bedrooms have been provided since the SPD was published (2015-2020 - 3,984 bed spaces) and that there is now capacity to accommodate all first year students within halls. However, it is also noted that the closure of University halls at Langstone (Langstone Flats, QEQM Hall & Trust Hall) has resulted in the loss of 584 bed spaces over the same period.

5.10 There is also some uncertainty regarding the impact of the Covid-19 pandemic on the number of individuals on full time courses of education and how new practices such as remote studying will affect the need for student accommodation. However, leading up to the start of the pandemic there was a gradual increase in the number of full time students

at the University of Portsmouth from 15,800 in 2004/05 to 20,995 in 2018/19. Whilst discussions with the University are on-going, a precise indication of projected student numbers has not been provided.

- 5.11 The application is supported by a Demand Assessment which suggests that whilst there has been a significant increase in purpose built student halls in the city, 68% of students (circa 14,000) still reside outside of the purpose built sector, with the majority accommodated within the private rented sector in Houses in Multiple Occupation (HMO). It also highlights that even under cautious growth scenarios, as a result of the Covid-19 pandemic and Brexit, the gap between the available student housing supply and the student population is set to be maintained and will continue to place pressure on the private rented sector. The report also considers recent applications (Kingsway House and The Registry) for the change of use from student halls to other forms of residential accommodation highlighting the quality of accommodation, location and age as factors limiting their appeal rather than an indication of oversupply.
- 5.12 Whilst there are some minor discrepancies between the applicant's and the LPA's figures, which may be as a result of accommodation classification, it is clear that there is currently insufficient capacity within the city to accommodate all students within purpose built student halls, although it must be acknowledged that not all students will wish to reside within halls. The proposed development of 591 purpose built study bedrooms with a mix of accommodation type would therefore, make a contribution towards meeting an outstanding identified need contributing to the wider economic regeneration of the city and potentially reduce pressure for HMO accommodation elsewhere in the city as identified within the SPD.
- 5.13 Having regard to the sustainable location of the site in close proximity to existing University facilities and other educational establishments, and in the absence of any robust evidence or policy position to demonstrate a potential oversupply of student accommodation, it is considered that the use of the site for a purpose built student halls of residence is acceptable in principle.
- 5.14 However, whilst the principle is considered to be acceptable, there will be certain standards and other policy requirements for new dwellings that would need to be put aside for specialist accommodation of this nature. This would include requirements in respect of residential space standards, the provision of affordable housing and parking. In order to waive these requirements the Council needs to be satisfied that the proposed halls of residence conforms with the norms set out in the Codes for accommodation provided either by Universities or in accordance with appendix 1 of the SPD, and will be restricted to use solely or principally for students on a recognised full-time course of study.
- 5.15 To achieve the appropriate restrictions, the applicant will be required to enter into a Section 106 agreement which would include planning obligations restricting the halls of residence for occupation principally by students on a recognised full-time course of study and to ensure the property does not become permanent (general needs) dwellings without the prior approval of the LPA. A planning condition restricting the change of use of the building under permitted development rights is also proposed to ensure that any future change of use would be the subject of a full planning application and the scrutiny of the LPA. This would ensure that matters of affordable housing, space standards, open space provision can be reconsidered alongside matters such as parking, cycle provision and refuse storage etc. the demand for which would vary significantly from this specialist form of accommodation.
- 5.16 Adaptability:
- 5.17 Notwithstanding the view that there is sufficient demand for further purpose built student accommodation in the city, it is essential that a building of this scale could be adapted to

alternative forms of residential accommodation to reflect any future changes in need and demand. The removal of permitted development rights referenced above is not a suggestion that the building is incapable of being repurposed, merely that the LPA would want to fully consider alternative uses to ensure compliance with relevant planning policies, and that alternative uses would continue to provide acceptable standards of living accommodation for future occupiers without adverse impacts on the surrounding area. Recommended condition (31) would ensure, under Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the LPA would also have the ability to secure, through specific planning application, necessary planning obligations in respect of affordable housing in the future should a change of use to residential dwellings (C3) be sought.

- 5.18 The applicant acknowledges the need for the building to be adaptable and has provided indicative drawings to demonstrate how the layout of the building could be modified to provide Class C3 residential accommodation. In addition, it is highlighted that the building would be much easier to adapt for alternative residential uses, than an office building for example, as window proportions, ceiling heights, plumbing and ventilation are already set up for a form of residential use.
- 5.19 Whilst the indicative drawings provided by the applicant are of limited detail, they are sufficient to demonstrate one potential alternative layout for the building and the LPA is satisfied that other residential layouts are feasible. It is also considered that alternative forms of specialist accommodation such as co-living units, akin to HMOs, could easily be accommodated within the building. Such a use could make a contribution to an identified housing need within the city for those unable to enter the housing market.
- 5.20 In the event that an alternative use for the building is required, it is considered that the building could be readily adapted without significant external alterations to provide alternative forms of residential accommodation that would continue to contribute to the wider aims and objectives of the city centre policies and guidance.
- 5.21 Design - scale appearance and townscape
- 5.22 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 5.23 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.24 Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: 'The buildings in the city centre will be the architecture that defines the city and should be of exceptional

quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'

- 5.25 The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'.
- 5.26 The applicant has worked pro-actively with the LPA both through the course of the pre-application discussions and the life of the planning application undertaking significant design changes and testing to address specific issues raised by the LPA and its consultees to ensure that the development would meet the requirements of the policies set out above.
- 5.27 As recommended by the NPPF (Paragraph 133), the proposal was presented to the Design South East Review Panel during the course of pre-application discussions (13/11/2020). Although the building's external facades presented to the Panel were not fully developed and differ from those now under consideration, the overall design concept, scale, massing, siting and layout are largely unchanged. The Panel were generally supportive of the proposal commending the clear presentation of the iterative testing of options for the composition of the blocks and the rationale for the form and massing. The following key comments were made:
- The division of the building into three identifiable blocks to break up its form is positive and the way that the building faces three different directions is a strong response to the context of this corner site. The strength of the strategy is its simplicity, which should be reinforced through the architectural expression.
  - Proportionally, the scheme is well considered. The appropriateness of the height will ultimately depend on the consideration of the other towers emerging in the vicinity.
  - The Yapton Street block could be lowered to create more of a shoulder with less bulk and more distinctiveness between the blocks.
  - The crown of the buildings needs attention to avoid bulkiness.
  - It would be beneficial to bring more activity to Yapton Street. There is scope for a smaller retail space on the corner of Yapton and Slindon Streets to draw people through and to enliven the corner and avoid Yapton Street becoming purely a service street.
  - The public commercial use on Arundel Street should prioritise public use, as opposed to becoming an amenity space for residents only, as this would reduce the building's role in contributing to the vitality of the street and wider area.
  - The quality of the student living accommodation requires attention, particularly avoiding single aspect, north facing units and providing dual aspect communal spaces on the corners of each floor.
  - The lack of outdoor amenity space in the vicinity is concerning. This may be addressed though a wider masterplan and the provision of roof terraces could offer students their own high quality, private outdoor amenity spaces.
  - The architecture should respond to the local context to create a development that is distinctive to Portsmouth in terms of materials and detailing. Simplicity in the elevational treatment will be important to reinforce the simplicity of the design concept.
- 5.28 Informed by these comments, the design and layout of the development has evolved positively, retaining and reinforcing the initial design concept of three separate buildings fronting three separate streets, but also enhancing the external facades to relate to the more positive design aspects of the city centre, whilst also addressing concerns in respect



of its termination, internal layout and connection to the surrounding streets and public realm.

5.29 The resultant building, or apparent group of buildings, is considered to be of high quality architectural standard enhanced by a robust and durable palette of materials. Large window openings, expressed columns and deep window reveals contribute to the sense of quality and robustness providing interesting and distinctive architectural features which also break some large facades and visually reduce the bulk of the building/s by providing a greater vertical emphasis.

5.30 At street level the building responds positively with the public realm creating active frontages that extend along the entire Arundel and Slindon Street frontages and continuing along much of the Yapton Street frontage, replacing existing blank facades and service areas. A colonnade feature to the Slindon Street frontage provides a dramatic and interesting entrance to the student halls and tall shop window 'bays' enhance the Arundel Street frontage contributing positively to the wider street scene and existing public realm. A set back from the existing building footprint provides opportunities for improved pedestrian connections along Slindon Street and the inclusion of a double height sports court with mezzanine floor beyond animates the south-east corner of the building.





- 5.31 In terms of the overall scale and height, the development is ambitious for this relatively small plot and at 28-storeys would represent the second tallest residential building within the city behind No.1 Gunwharf Quays. The site is however, located within an 'area of opportunity' (No.2 - 'City Centre/Dockyard/Ferryport'), as defined by the Tall Buildings SPD, where the development of tall buildings may be appropriate having regard to the sustainable location and presence of existing tall buildings. The document highlights that the area already contains the highest concentration of tall buildings in the city and that future proposals for tall buildings should consider the scale of adjacent buildings and the impact on the setting of the Guildhall and other heritage assets.
- 5.32 It is considered that the approach of dividing the building into three separate elements to address each context will minimise the overall scale and mass of the building with appropriate steps in height to provide a sense of drama and distinctiveness. Although there will be a significant height difference, the overall design is considered to be of a sufficiently high quality to allow the building to sit comfortably within its existing context, but could also integrate within a larger development parcel comprising the former Royal Mail Sorting Office and the Debenhams building where opportunities for greater density and height exist.
- 5.33 As a result of its height, the development would be visible from a number of locations and would be seen within the same context as a number of heritage assets located within Commercial Road and Edinburgh Road. Whilst this will change their wider setting, having regard to the degree of separation, the presence of intervening buildings and structures including other tall buildings, and the specific design quality of the proposal, it is considered that the development would have a neutral impact on the setting of these assets and would not interrupt any key views of these features.
- 5.34 Overall, the proposed development is considered to be of high quality architectural standard in line with aims set out in the updated NPPF. It would contribute to the evolving skyline within the city centre, would optimise the use of a city centre brownfield site and would respond positively at street level with opportunities for greater activity and integration with adjoining sites as part of a wider regeneration project.
- 5.35 In reaching this conclusion significant weight has been placed on the specific design concept, the architectural detailing and high quality materials and finishes indicated within the application drawings and supporting information. Deviation from these particulars could compromise the overall design concept resulting in a materially different proposal for which a separate judgement of acceptability would need to be made.

#### 5.36 Microclimate:

5.37 The application is supported by a Wind Microclimate Assessment to analyse the likely wind microclimate around the proposed development and impact on pedestrian safety and comfort. The Assessment concludes that whilst there would be changes to wind patterns within the area, safety criteria was not exceeded in pedestrian areas around the building and the majority of public spaces remain within appropriate comfort criteria levels for the intended pedestrian uses of walking, standing and occasional sitting.

5.38 The report did identify a small area of uncomfortable wind speeds from very limited wind directions towards the south-east corner of the building at the junction of Slindon Street, Yapton Street and Lower Church Path although these would be located within the carriageway limiting impact on pedestrian thoroughfares. Glass screens are proposed to the perimeter of the roof terrace to ensure adequate comfort levels for users of the building. It is considered that these can be incorporated without impacting the appearance of the building with the final details approved through condition.

5.39 The report is considered to provide a robust assessment of the proposed building's impact on both users of the surrounding public realm and future occupiers.

#### 5.40 Public Realm:

5.41 Through the course of pre-application discussions, the applicant has also engaged with the City Council's Landscape Team to understand how the building would sit within its surrounding context. This explored what public realm improvements could be made to create an appropriate setting for such a large building, improve integration between public and private spaces, improve connections to and from the Arundel Street precinct and integrate with existing and future developments.

5.42 Whilst potential improvements were identified within Arundel Street, it was considered that the existing bespoke landscaping scheme was already of a good quality with a number of interesting features and semi-mature trees that made a positive contribution to the area. It was therefore, considered more appropriate to focus improvements to the pedestrianised section of Slindon Street where the entrance to the student Halls would be located, and Yapton Street. The indicative plans show the potential to de-clutter Slindon Street and incorporate soft landscaping, with the creation of a level shared surface to Yapton Street giving priority to pedestrians and cyclist. Further work will be required to understand the location of utilities which may affect the final design and layout of these spaces.

5.43 The City Council's Landscape Team has indicated that given the sensitivities around the existing landscaping, it would be appropriate for the City Council to undertake the public realm works within Slindon Street but funded by the applicant. Potential schemes have been costed and a financial contribution of £50,000 has been agreed with the applicant which would be secured by legal agreement. The LHA have raised no concerns over the creation of a shared surface to Yapton Street, although the precise design, layout and materials would need to be agreed. A planning condition seeking precise details of both soft and hard landscaping schemes is proposed.

5.44 It is considered that the public realm improvements detailed above would provide an appropriate setting for the development, improve pedestrian and cycle connections and assist integration with existing and future developments within the area.

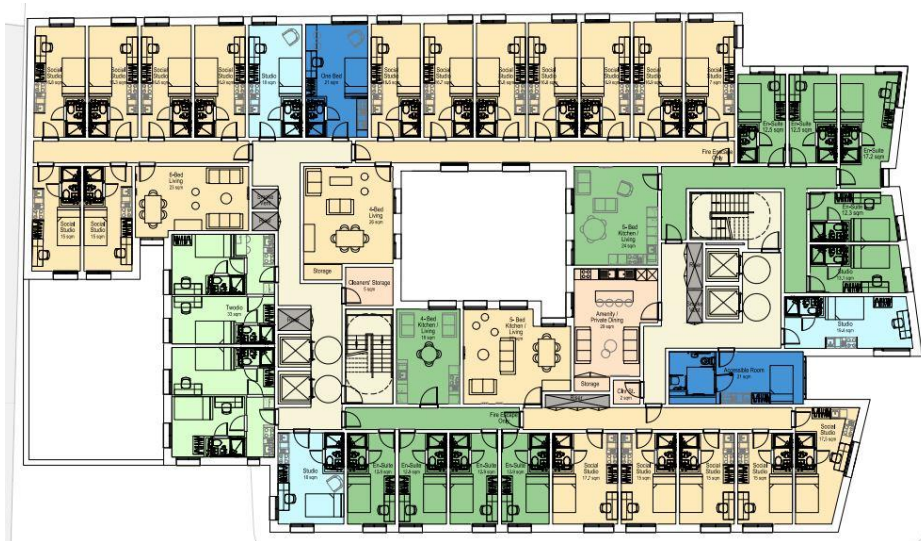
#### 5.45 Fire Safety:

5.46 For applications submitted before 1<sup>st</sup> August 2021, there is no requirement for the application to be supported by a Fire Statement. However, the applicant has confirmed that the building has been designed with fire safety in mind which will develop and evolve



through the detailed construction design stage. Hampshire Fire & Rescue Service has been consulted as part of the application and raise no objection to the development in principle. It is highlighted that the development would need to comply with the Building Regulations and offers a series of recommendations relating to access for high-reach fire-fighting appliances, fire suppression systems, water supplies, fire protection, and testing of fire safety systems.

- 5.47 The Council's Building Control service has been consulted and comments will be reported to the Committee with supplementary papers.
- 5.48 An informative drawing the applicant's attention to this advice is suggested.
- 5.49 Impact on amenity
- 5.50 Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 5.51 In terms of internal living conditions, much of the accommodation would be formed by clusters of self-contained study bedrooms with additional shared amenity spaces, and en-suite study bedrooms with shared kitchen/living space similar to a typical house in multiple occupation. The size of these units vary depending on location and the number of bedrooms sharing communal facilities. The remaining units would be fully self-contained study bedrooms or laid out as twodios comprising two en-suite study bedrooms with a shared kitchen. 5 accessible self-contained studios are also proposed with access directly from the lift core.
- 5.52 Parts of the ground and first floor (shown as mezzanine on the plans) would provide additional communal amenity spaces including sports and fitness facilities, a 'social' laundry, study/library, social and games lounges and private dining/events space offering opportunities for students to interact outside of their studios and clusters. A roof terrace overlooking Arundel Street would also provide an external amenity space.
- 5.53 The internal layout has been amended from that originally submitted to ensure that all study bedrooms benefit from light and outlook from an external façade of the building and only communal living spaces face into a central lightwell. Plant and equipment has also been relocated from a first floor flat roof to improve outlook and remove potential noise conflicts with bedroom windows. Example floor plans below: 1st Floor, Typical 2<sup>st</sup>-6<sup>th</sup> Floor and Typical 7<sup>th</sup>-20<sup>th</sup> Floor.



5.54 Overall it is considered that the development would provide an acceptable standard of living environment for future occupiers, with study bedrooms meeting the space standards

suggested with the SPD and comparable to other similar developments within the vicinity. The majority of rooms would benefit from large windows offering a good standard of natural light and outlook, particularly those at upper floor levels. Whilst the enlargement of windows has been a positive design change and will improve levels of light and outlook for occupiers, a planning condition is proposed seeking a detailed Acoustic Design Statement and Ventilation Strategy to ensure comfortable living conditions with habitable rooms and to prevent overheating (particularly within south facing rooms) when windows are closed. Planning conditions are also proposed to ensure adequate insulation against noise and vibration associated with plant and equipment and the use of the ground commercial units and basketball court.

- 5.55 The City Council's Crime Prevention Design Advisor has raised concerns in respect of the twodio accommodation and the absence of natural surveillance between internal doors. Whilst these concerns are noted, it is not considered that the risks posed by this type of accommodation, which has been permitted elsewhere in the city, would be sufficient to sustain a reason for refusal. There will be an obligation on the management of the building to ensure that this form of accommodation is managed appropriately. Other concerns raised in respect of access through the building, CCTV coverage, and sanctuary space for reception staff have been addressed through amended layout drawings or are dealt with through planning conditions (Site/Development Management Plan).
- 5.56 In terms of the amenity of neighbouring residents, potential impacts could arise from the physical scale of the building and the increased activity associated with its use. The site is located within a largely commercial area, although there are a number of dwellings located at upper floor levels, principally to the east within a converted office building that has been extended at roof level, and above some commercial units to the northern side of Arundel Street. A 9-storey residential block (Chandos Rise) is located approximately 80m to the north of the site beyond a large two-storey commercial building (Job Centre, Wilko, Pure Gym). There are no residential uses located immediately to the west, south or south-east.
- 5.57 As a result of the building's physical scale, there would inevitably be a greater degree of shadowing throughout the day. However, having regard to the orientation of the site in relation to existing residential uses and the degree of separation provided by the precinct and the large commercial building to the north, it is not considered that the development would result in a significant loss of light or outlook to the residents of adjoining properties. Representations received from occupiers of dwellings within Chandos Rise highlight that the proposal would result in the loss of a view towards the Solent. Whilst these concerns are acknowledged and the development would certainly change the outlook from these dwellings, the loss of a view is not a material consideration and a good degree of outlook and views towards the south would be maintained.
- 5.58 There would be a greater degree of shadowing across parts of the precinct on Arundel Street throughout the day. However, it is noted that as a result of its width much of this route is overshadowed by existing development and the proposal would not be significantly harmful to the quality or usability of this space.
- 5.59 Activity associated with the use of the commercial units is unlikely to be significantly different to that of the existing. However, the large increase in the number of residents would increase associated activity and comings and goings to the site, potentially late at night. Whilst this would increase opportunities for noise and disturbance, this is to be expected within a city centre location and the increased activity provided by future residents would have the potential benefit of providing natural surveillance to the area where there is known to be issues with crime and the fear of crime.
- 5.60 Planning conditions requiring details of security lighting and a Site/Development Management Plan including CCTV coverage are suggested to ensure the safety of residents and users of the area, but also to ensure that the site an adjoining public realm is

managed to reduce potential impacts associated with the development and its users. Conditions are also proposed relating to the operating hours of the commercial uses and the roof terrace.

- 5.61 Overall it is not considered that the proposal would result in any significant adverse impacts on the amenity of adjoining occupiers, and the wider benefits of redevelopment and the introduction of residents to the area as part of a wider redevelopment opportunity would outweigh any minor impacts.
- 5.62 The application is also supported by a Health Impact Assessment (HIA) which seeks to identify and assess the potential health effects of the development and provide recommendations that maximise health gains and remove or mitigate potential adverse impacts on health. The report concludes that the proposal would have a neutral or positive health effect in relation to all of the key health themes and has been designed to provide a high quality, attractive and healthy environment for future users. The HIA has been considered by the City Council's Health Development Manager who highlights that the Assessment is unusual in that it is considering development proposals for a very specific type of community who are relatively transient. In the absence of any local guidance on how HIAs should consider this specific type of development, it is considered that the HIA methodology is sound, the general conclusions are sensible, and no objection is raised to the proposal.
- 5.63 It is however, highlighted that greater consideration should be given to improving the public realm, encouraging healthy eating given the number of fast food outlets within the area, improving access for student residents with disability or limited mobility and street safety, particularly at night in an area of high crime. The Assessment also sets out a series of recommended mitigation and enhancement actions in relation to air quality, noise, neighbouring amenity, accessibility and access to open space. These recommendations overlap over issues set out in this report and will be required either by planning condition or legal agreement (e.g. CCTV, lighting, public realm works/contributions, CEMP, external amenity space etc.)
- 5.64 Highways Impacts
- 5.65 The application site is located within a highly accessible City Centre location a short walk from a wide range of shops, services, recreational facilities, University facilities and transport connections including Portsmouth and Southsea railway station.
- 5.66 The application and the supporting Transport Statement (TS) has been considered by the Local Highways Authority who raise no highways objection to the proposal in principle. It is highlighted that given the specialist use of the building as a student halls of residence, the development can practically operate as a car free development on a day to day basis. The exception to this would be on drop-off and pick-up days at the start and end of each academic term where there would be a significant increase in vehicle movements associated with the development, particularly when considered in combination with other student hall developments within the surrounding area.
- 5.67 The TS sets out a strategy to manage student arrivals and departures. Whilst this is not considered to be fully adequate, the LHA indicate that there would be a technical solution to manage these periods and suggest that the finer details can be reserved to a suitably worded planning condition. By considering this matter at a later date, there would be added benefits of greater understanding of how the adjoining development sites are progressing.
- 5.68 The ground floor layout of the proposed building has evolved through the course of the planning application to accommodate commercial units onto Arundel Street with access to Yapton Street for servicing, to provide a greater active frontage and improve connections

through the building. Whilst these changes are regarded as positive steps, this has limited the space available for the storage of refuse and recyclable materials and bicycles.

- 5.69 The bicycle storage is now proposed centrally within the building with access via wider corridors from Yapton Street. This would improve security but limit numbers to 176 spaces (30% of bed spaces), significantly below the required parking provision set out in the Parking Standards SPD. Notwithstanding this, the TS indicates that other student halls operated by the applicant do so with a similar and lower ratio of spaces, and it is acknowledged that other student halls in the city centre operate with similar provisions. The application indicates that bicycle hire facilities will be incorporated and opportunities exist for the inclusion of electric charging points for bicycles and scooters.
- 5.70 Having regard to the similar levels of parking provision provided at other sites in the city centre, other developments operated by the applicant, the wider benefits of the improved ground floor layout including the level of active frontages, and the City Centre location it is considered that the proposed level of bicycle storage provision is acceptable for this particular type of accommodation. A planning condition is proposed requiring full details of the bicycle parking provision including opportunities for hire schemes and electric charging points.
- 5.71 Refuse storage facilities have also been reduced to a minimum as highlighted by the City Council's Waste Management Team. Whilst this offers limited flexibility, it is noted that collection would be carried out by a private contractor rather than Portsmouth City Council, and therefore, more frequent collections can be provided. This is considered to be acceptable in principle, although a planning condition is proposed requiring, amongst other matters, a full waste management plan including the number of bins/collections, access arrangements, collection days and times etc.
- 5.72 Sustainable Design & Construction
- 5.73 All new 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' SPD. Both the policy and SPD require that non-residential developments which involve the construction of more than 500sq.m. of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards.
- 5.74 The applicant has submitted an Energy Statement which outlines the development's proposed energy efficiency and renewable energy strategies. It highlights that passive design measures including, improvements to thermal performance and achieving air permeability in excess of the requirements of Building Regulations, and performance glazing, will be incorporated to reduce the energy demand of the building. Energy efficient plant would also be used to ensure that the energy used for the operation of the building is consumed in the most efficient manner possible. Roof mounted photovoltaic panels, an air source heat pump and a gas-fired Combined Heat and Power (CHP) unit will also be incorporated.
- 5.75 The report concludes that the development can achieve a Building Research Establishment's Environmental Assessment Method (BREEAM) rating of 'Excellent' as required by Policy PCS15, although further work is required as the development progresses to demonstrate exactly how this can be achieved. Based on the submitted Energy Statement, it is considered that the development can minimise its need for resources in the interests of mitigating the effects of climate change. A planning condition is proposed seeking confirmation that the development has achieved a minimum level of BREEAM 'Excellent'.
- 5.76 The City Council's Environmental Health Team has highlighted the potential air quality impacts associated with the incorporation of CHP unit within the development, although



acknowledges that the finer details of this equipment may not be known at this stage. As there will be a technical solution to deliver a CHP unit at this site, with mitigation as necessary, without significant air quality impacts, it is considered that the finer details of the unit can be dealt with through a suitably worded planning condition.

5.77 Southern Water has indicated that they have capacity for foul sewage disposal to service the proposed development although a formal application for a connection to the public foul sewer will be required. Given the existing 100% site coverage with impermeable materials, it is also confirmed that surface water drainage would not increase beyond existing levels and the incorporation of blue/green roofs as suggested within the submitted Drainage Strategy is welcomed and would result in a reduction in flows.

5.78 The Drainage Strategy has also been considered by the Lead Local Flood Authority, and subject to a planning condition requiring the development be carried out in accordance with the Drainage Strategy, no further planning conditions in respect of drainage are requested.

#### 5.79 Ecology & Impact on the Solent Special Protection Areas

5.80 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

5.82 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.

5.83 Based on the methodology set out within the Strategy, an appropriate scale of mitigation would be calculated as £55,930 ( $591/5 \times £940/2$ ). The adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that with mitigation secured, by way of a legal agreement, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.

5.84 Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on

housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.

- 5.85 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.86 The applicant has provided a Nitrogen Nutrient Assessment which identifies that the proposed development would result in a net change in the total nitrogen load into the Solent water environment with an increase of 191.6kg/TN/yr. Based on Natural England's methodology this is considered to be accurate. The applicant's Assessment briefly explores a range of potential mitigation options as set out within the INNMS, although concludes that a number of these solutions are not practical or viable for this particular development. The Assessment concludes that to achieve Nitrate Neutrality at the site it will be necessary to off-set the impacts of the development, and has identified a Nutrient Reduction Programme provided by the Hampshire and Isle of Wight Wildlife Trust (HIWWT) as a source of providing nitrate 'Credits'. The City Council is familiar with the Nutrient Reduction Programme and is at an advanced stage of discussion and agreement with the HIWWT.
- 5.87 The LPA is satisfied that there is sufficient certainty that nitrate mitigation can be provided through third party mitigation strategies including that identified by the applicant (through HIWWT) and that these will achieve their aims of off-setting the impacts of the proposed development in terms of increased nitrogen load into the Solent water environment. With this certainty, the authority's assessment is that the application complies with the Council's published mitigation strategies and subject to securing this mitigation, by way of a planning condition, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above through deterioration of the water environment.
- 5.88 Natural England has considered the LPA's Appropriate Assessment as the as competent authority completed in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended), and raise no objection to the proposal subject to mitigation being secured.
- 5.89 The potential impacts of bird strike was considered as part of planning application 19/01919/CS3 for a similar height building proposed approximately 70m to the east. This provided a comprehensive literature review and justification, showing that there is a negligible risk of SPA bird collision with the proposed tall building. The contents and findings of the report was considered and agreed with the City Council's Ecologist who concluded that the proposal should cause no significant effect on the SPA or its qualifying features as a result of its height and impact on flight paths. Given the previous findings and relative proximity of the application site, no concerns have been raised by the City Council's Ecologist in respect of potential bird strike in this location.
- 5.90 Further to an initial Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment report, the applicant has provided a report of dusk emergence and dawn re-entry bat surveys for the existing buildings at the site. The City Council's ecologist has considered the content of these reports and has confirmed that the presence of roosting bats at the site is unlikely.
- 5.91 In order to enhance biodiversity at the site a planning condition is proposed seeking a scheme of biodiversity enhancements, which could be incorporated within the flat roofs, the building's facades and the roof terraces.

#### 5.92 Comments made in third party representations

5.93 Three letters of representation have been received from residents of Chandos Rise located to the north. Matters in respect of need, affordable housing, amenity, and loss of a view are addressed elsewhere in this report.

5.94 The representations also highlight the need for more investment in infrastructure and that existing vacant buildings should be converted to student accommodation. In terms of infrastructure, in addition to improvements to the public realm around the site, the development would also be liable to pay the Community Infrastructure Levy (CIL) which can be used to help fund a wide range of infrastructure projects within the city, including that needed as a result of the development itself. This can include projects such as transport schemes, flood defences and green spaces. A portion of the CIL collected will also be allocated to be spent on infrastructure within the Ward in which the development is located.

5.95 The LPA is supportive of the reuse of buildings to provide sustainable alternative uses including to student halls of residences and there are such examples across the city (Wingfield House, Venture Tower, Fountain Hall & Europa House). However, the application in front of the LPA is for a new purpose built student halls of residence and must be considered on its merits against relevant planning policy and guidance.

#### 5.96 Conclusion

5.97 Having regard to all of the material planning matters, it is considered that the proposed development of a purpose built student halls of residence providing 591 study bedrooms would be appropriate in this location. The redevelopment would optimise the use of the site, introducing a range of uses that would generate greater activity contributing towards the vitality and vibrancy of the city centre and supporting economic growth within the area. The provision of student accommodation would also contribute towards the city's identified housing need potentially reducing pressure on the private rented sector (HMOs) within the city.

5.98 The overall scale of the proposed development is ambitious for a relatively small plot. However, the resultant building is considered to be of an excellent architectural quality incorporating a number of interesting design elements that would make a positive and distinctive contribution to the evolving skyline, and set a benchmark for future regeneration with city centre. The development would also relate positively at street level improving pedestrian connection and interaction with enlivened facades and enhanced public realm.

5.99 Subject to a series of planning conditions which are set out below, it is considered that the proposal would not result in any significant adverse impacts on the amenity of existing adjoining occupiers and would provide a good standard of living environment for future occupiers. Recommended planning obligations/conditions would secure necessary mitigation in respect of recreational disturbance and nitrogen and phosphorus input to the water environment in the Solent.

5.100 In light of the detailed assessment above, it is considered that the proposal would comply with the aims and objectives of the Portsmouth Plan Policies and supporting Supplementary Planning Documents, and would meet the definition of sustainable development as set out within the National Planning Policy Framework.

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- Use of each study bedroom as temporary residential accommodation for an individual Student during their period of study and limited to the Academic Study Period (not exceeding 51 weeks in total in any given year); and as temporary residential accommodation for any person outside of the periods of study of the University of Portsmouth for a maximum of 2 months;
- Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance) by securing the payment of a financial contribution prior to first occupation;
- A financial contribution towards public realm improvement works on the pedestrianised section of Slindon Street;
- A financial contribution towards the set-up and auditing of a Traffic Management Plan and Employment & Skills Plan;
- The payment of associated fees upon implementation of planning permission.

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

## Conditions

### Time Limit

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

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

### Approved Plans

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

- 19710-0200 P-00 (Site Location Plan);
- 19710-0201 P-00 (Demolition Site Plan);
- 19710-0300 P-01 (Proposed Site Plan);
- 19710-0310 P-02 (Proposed Ground Floor Plan);
- 19710-0311 P-02 (Proposed Mezzanine Plan);
- 19710-0316 P-02 (Proposed First to Fifth Floor Plan);
- 19710-0317 P-03 (Proposed Sixth to Nineteenth Floor Plan (excl 13th));
- 19710-0324 P-02 (Proposed Thirteenth Floor Plan);
- 19710-0334 P-00 (Proposed Twentieth to Twenty-Third Floor Plan);
- 19710-0337 P-01 (Proposed Twenty-Fourth to Twenty-Sixth Floor Plan);
- 19710-0337 P-02 (Proposed Roof Floor Plan);
- 19710-0338 P-02 (Proposed Ground Floor Plan);
- 19710-0340 P-03 (Proposed Arundel Street & Slindon Street Elevations);
- 19710-0341 P-03 (Proposed Yapton Street & West Elevations);
- 19710-0350 P-03 (Proposed Section A-A & B-B);
- 19710-0351 P-03 (Proposed Section C-C & D-D);
- 19710-0352 P-03 (Proposed Section E-E);
- 19710-0360 P-01 (Proposed Bay Study - Arundel Street);
- 19710-0361 P-01 (Proposed Bay Study - Slindon Street);
- 19710-0362 P-01 (Proposed Bay Study - Yapton Street);
- 19710-0370 P-00 (Proposed Interior Layout);

- 19710-0381 P-00 (Roof Terrace Balustrade Detail).

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

### **Land Contamination - Asbestos**

3) Unless otherwise agreed in writing with the Local Planning Authority, no works of demolition shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

a) An asbestos pre-screening opinion confirming if asbestos could be present (this must include awareness of, but goes beyond any entries in the asbestos register that all commercial buildings prior to 2000 will have in place); and unless asbestos is confirmed to not be present, an intrusive asbestos refurbishment and demolition survey (conducted in accordance with HSG264) including a mitigation scheme to control risks during and after development by a suitably qualified person.

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

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

### **Land Contamination - Investigation/Remediation**

4) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until there has been submitted to and approved in writing by the Local Planning Authority (LPA):

a) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, and unless otherwise agreed in writing by the LPA;

b) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality - Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

#### **Land Contamination - Verification**

5) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by the Local Planning Authority a stand-alone verification report by the nominated Environmental Consultant/Remedial Contractor(s) as detailed in the stand alone remedial method statement agreed pursuant to condition 4)(b). The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under Conditions 4)(b).

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

#### **Construction/Demolition Environmental Management Plan**

6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission (including demolition) shall commence until a Construction Environmental Management Plan (CEMP), to cover both demolition and construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: development site compound and hoarding; method of demolition; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas; storage of materials; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work; and

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

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

#### **Tree Protection**

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

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

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

### **Archaeological monitoring**

- 8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until the applicant has secured a programme of archaeological mitigation of impact, in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority. The WSI should secure an appropriate level of archaeological monitoring during the relevant stages of development to ensure that archaeological evidence associated with the canal and basins are recognised and recorded; and
- (b) The development shall thereafter continue in full accordance with the WSI approved pursuant to part (a) of this condition.

Reason: To ensure an appropriate level of archaeological monitoring and recording having regard to the potential for features of archaeological interests to have survived within this location in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Employment & Skills Plan**

- 9) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) until an Employment & Skills Plan has been submitted to and approved in writing with the Local Planning Authority. The Plan shall incorporate a package of measures aimed at improving the training, skills and employability of the workforce to be employed for the construction and occupation of the development, and mechanisms to review and report back on progress achieved to the Local Planning Authority; and
- (b) The development shall then be carried out in accordance with the Employment & Skills Plan approved pursuant to part (a) of this Condition.

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

### **Materials**

- 10) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until:
- i) a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and
- ii) a sample panel (minimum 2 metres square) for each of the proposed masonry types to demonstrate: colour; texture; bedding and bonding pattern; mortar colour and finish has been installed at the application site and approved in writing by the Local Planning Authority; and
- (b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a)i) of this Condition; and the sample panels approved pursuant to part (a)ii) of this Condition retained on site for verification purposes until completion of the construction works.

Reason: To secure a high quality finish to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and use of robust materials in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the City Centre Masterplan SPD (2013), the Tall Buildings SPD and the aims and objectives of the National Planning Policy Framework (2021).

### **Architectural Detailing**

11) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until precise constructional drawings of key architectural features at a 1:20 and 1:5 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:

- Window bay (for each type) fabrication details including: window frame profile/dimensions; method of opening; spandrel panels; perforated panels; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings;
- Glazing and surroundings to ground and mezzanine levels including: frame profile/dimensions; doors and glazing types; infill panels; colour treatment.
- Roof terrace features including: railings; glazing; handrails; planters;
- Banding and junction details;
- Soffit treatments;
- Lighting;
- The siting and appearance of any externally mounted equipment/platforms/cradles required for the cleaning and maintenance of the external surfaces of the building; and

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

Reason: To secure a high quality appearance to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and detailing in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the City Centre Masterplan SPD (2013), the Tall Buildings SPD and the aims and objectives of the National Planning Policy Framework (2021).

### **Architectural & Security Lighting**

12) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition, and construction of the building's foundations shall take place until details of all external lighting schemes (architectural and security) including the number, siting, appearance and specification of any luminaires and details of an on-going maintenance and management strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted schemes, which should form an integral part of the building's design, shall take into account: the prominent location of the site within the city centre; height; pedestrian and highway safety; and residential amenity; and

(b) The lighting schemes approved pursuant to part (a) of this Condition shall be fully implemented as an integral part of the development, completed prior to first occupation of the building and thereafter permanently retained and operated in accordance with the approved maintenance and management strategy unless otherwise agreed in writing with the Local Planning Authority.

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

### **TV/Radio Reception**

13) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and

(b) With three calendar months of substantial completion of the building shell, a report to assess the impact the development hereby permitted may have upon television and radio equipment signals in the locality shall be submitted to the Local Planning Authority for approval; and



(c) Within three calendar months of approval of part (b) of this Condition, a detailed scheme to mitigate any significant adverse effects upon TV/radio reception created by the presence of the development upon the occupiers of nearby properties shall be submitted to and approved in writing by the Local Planning Authority; and

(d) Any mitigation measures required by part (c) of this Condition shall be implemented within three calendar months of approval, or within such other period of time as approved in writing by the Local Planning Authority, and thereafter permanently retained.

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

#### **Noise Insulation and Ventilation**

14) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until an Acoustic Design Statement and Ventilation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Statement shall be drafted as per guidance within ProPG Planning and Noise - New Residential Development Guide 2017, the Acoustics Ventilation and Overheating Residential Design Guide 2020 and informed by a Thermal Comfort Analysis for the building which will detail the periods of time temperatures within habitable rooms are likely to exceed 21 degrees Celsius.

(b) The development shall thereafter be carried out and permanently operated in full accordance with the Acoustic Design Statement and Ventilation Strategy approved pursuant to part (a) of this Condition.

Reason: To ensure comfortable living conditions with habitable rooms in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

#### **Acoustic Protection - Basketball Court**

15) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until a scheme of acoustic works for the proposed basketball court has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall ensure:

- i. The reverberation time (T<sub>mf</sub>) within the court does not exceed 1.5 seconds;
- ii. The floor is isolated from the structure to prevent transmission of impact noise to any residential units; and
- iii. The predicted noise level within adjacent study bedrooms due to activities within the basketball court will not exceed LA<sub>eq</sub>(5min) 35dB and LA<sub>max</sub> 45dB; and

b. The development shall be carried out in full accordance with the scheme of acoustic works approved pursuant to part (a) of this condition and thereafter permanently retained.

Reason: To ensure that acceptable levels of noise and vibration within habitable rooms are not exceeded in the interests of residential amenity having regard to their proximity to the basketball court in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

#### **Sound Insulation - Commercial Uses**

16) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the floor separating the ground floor commercial uses and study bedrooms immediately above shall be submitted to and approved in writing by the Local Planning Authority. These measures shall ensure that the separating floor can achieve a minimum standard of D<sub>ntw</sub>+C<sub>tr</sub> 55dB; and

(b) The development shall be carried out in full accordance with the scheme of sound insulation measures approved pursuant to part (a) of this condition and thereafter permanently retained.

Reason: To ensure that acceptable levels of noise and vibration within habitable rooms are not exceeded in the interests of residential amenity having regard to their proximity to a potential range of commercial uses at ground floor level in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

#### **SPA Mitigation - Nitrates**

17) No development works other than those of demolition and construction of the building's foundations shall take place until a scheme for the mitigation of the effects of the development on the Solent Waters Special Protection Area arising from discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality that provision shall be provided in accordance with the approved scheme before the first study bedroom is occupied/brought into use.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of on a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

#### **Biodiversity Enhancements**

18) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority; and  
(b) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall be carried out as an integral part of the construction process and verified through photographic evidence submitted to the Local Planning Authority within 6 months of first occupation; and  
(c) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall thereafter be permanently retained.

Reason: To enhance biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan (2012), the aims and objectives of the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

#### **Public Realm - Yapton Street**

19) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations shall take place until a scheme of public realm improvements to Yapton Street has been submitted to and approved in writing with the Local Planning Authority (in conjunction with the Highway Authority). The scheme shall include, but not be limited to: the design, layout and construction detail of the shared surface; all hard surface treatments and street furniture including the types, textures and colour finishes; levels; kerb alignments/heights; surface water drainage; road markings and signage; and  
(b) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use until all public realm improvements have been carried out in full accordance with the details agreed pursuant to part (a) of this Condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980.

Reason: To secure an appropriate high quality setting to the development on Yapton Street and ensure priority for pedestrians and cyclists over service vehicles where potential for conflict

existing in the interests of visual amenity and public safety in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012), the Tall Buildings SPD (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Drainage**

20) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out and operated in full accordance with the Flood & Drainage Design Statement hereby approved (Produced by SHEAR design - December 2020 - ref.19129.02.01.D100).

Reason: In order to ensure minimise flows into the public sewerage network and minimise risks of flooding at adjoining sites and properties in accordance with policy PCS12 of the Portsmouth Plan (2012).

### **Fixed Plant & Equipment Details**

21) (a) Notwithstanding the submitted details, prior to the installation of any fixed plant, mechanical equipment or associated noise attenuation measures, precise details to include: an assessment of noise from the operation of the plant and equipment undertaken using the procedures within British Standard BS4142:2014 and an associated maintenance programme, shall be submitted to the Local Planning Authority for approval in writing. Appropriate measures shall be implemented to ensure that the cumulative noise level from the operation of any proposed plant or equipment will not exceed the following noise levels 1m from the façade of any habitable room; LAeq(1hr) 42dB (07:00 - 23:00hrs) and LAeq(15min) 38dB (23:00 - 07:00hrs); and

(b) Any fixed plant, mechanical equipment or associated noise attenuation measures approved pursuant to part (a) of this Condition shall be installed and thereafter permanently retained and operated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that acceptable levels of noise and vibration within habitable rooms are not exceeded in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **CHP Details**

22) (a) Notwithstanding the submitted information, prior to the installation of the proposed combined heat and power system (CHP), the following information shall be submitted to the Local Planning Authority to enable screening assessment of potential air quality impacts: i. CHP technology type (internal combustion engine / gas turbine); ii. Fuel (natural gas / biogas); iii. Size of the CHP in kW<sub>e</sub>; iv. Fuel consumption rate; v. Proposed height of stack above ground vi. Diameter of stack; and

(b). Should the screening tool indicate a significant impact, a detailed air quality assessment detailing any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority; and

(c) The development shall then be carried out in full accordance with the details approved pursuant to parts (a) and (b) of this condition and any necessary mitigation measures thereafter permanently retained.

Reason: To considered the potential air quality implications of the proposed CHP system and the need for mitigation in the interests of public health and residential amenity in accordance with Policies PCS15 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Landscaping**

- 23) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping schemes for: the areas of public realm around the building at ground floor level; the roof terrace at 1<sup>st</sup> floor level (SW corner); lightwell terrace at 1<sup>st</sup> floor level and the roof terrace at 7<sup>th</sup> floor level, has been submitted to and approved in writing by the Local Planning Authority; and
- (b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall be completed prior to first occupation of the building hereby permitted; and
- (c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting to the development and ensure adequate external amenity space for future users of the building in the interest of visual and resident amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### **External Amenity Space**

- 24) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until the external amenity space within the roof terrace at 7<sup>th</sup> floor level has been provided in accordance with the associated landscaping schemes, enclosed by glazed balustrading (windscreen system) as shown within the approved drawings, and made available for the use for by the occupiers of the development hereby permitted;
- (b) The external amenity space shall thereafter be permanently retained as detailed within part (a) of this Condition and available for use by the occupiers of the student halls of residence hereby permitted, subject to part (c) of this Condition;
- (c) The external amenity space detailed in part (a) of this Condition shall remain closed to and vacated by all users between the hours of 22:00 and 09:00 hours the following day.

Reason: To ensure adequate external amenity space is provided for future occupiers of the development, and the safety and comfort of users having regard to the findings of the Wind Microclimate Assessment (Ref.ST18389 003 V1 dated 19/7/21) in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings SPD.

### **Sustainable Design & Construction**

- 25) Unless otherwise agreed in writing with the Local Planning Authority, before the building hereby permitted is first brought into use, written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved a minimum level of 'Excellent' 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.

Reason: To ensure that the development as built will minimise its need for resources in the interests of mitigating the effects of climate change in accordance with Policy PCS15 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Cleaning & Maintenance**

- 26) (a) Unless otherwise agreed in writing with the Local Planning Authority, before the building hereby permitted is first brought into use a scheme for the external cleaning and maintenance of the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) Measures for the cleaning and maintenance of the external surfaces of the building;

- (ii) The siting and appearance of any externally mounted equipment/platforms/cradles required for the cleaning and maintenance of the external surfaces of the building;
- (iii) Details of a cleaning and maintenance programme; and
- (b) The development shall be carried out in full accordance with the scheme approved pursuant to part (a) of this Condition and thereafter maintained in accordance with the approved cleaning and maintenance programme.

Reason: To maintain a high quality external appearance to a tall and prominent building in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### **Bicycle Storage**

- 27) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric changing points, security measures to protect cycles and users; and
- (b) The bicycle storage facilities approved pursuant to part (a) of this Condition shall thereafter be permanently retained for the storage of bicycles at all times.

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

### **Refuse Storage**

- 28) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until facilities for the storage of refuse and recyclable materials (for both the student halls and ground floor commercial uses) have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority; and
- (b) The facilities approved pursuant to parts (a) of this Condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

### **Traffic Management Plan**

- 29) (a) Notwithstanding the submitted details, prior to first occupation of the student halls of residence, a plan for managing the traffic associated with moving students in/out at the start and end of term times shall be submitted to and approved by the Local Planning Authority; and
- (b) Thereafter the approved plan shall be implemented in accordance with the approved details at the start and end of each term.

Reason: To minimise impact on the surrounding highway network and to encourage the use of more sustainable modes of transport in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### **Site/Development Management Plan**

- 30) (a) Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation/use of any part of the development hereby permitted a Site/Development Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The Site/Development Management Plan shall include, but not limited to: student wellbeing; servicing and delivery arrangements to both the student halls and commercial uses including timings; waste management strategy; security including CCTV coverage; external maintenance (facades and public realm); fire safety; procedures for

managing noise and anti-social behaviour; details of a dedicated contact for neighbours and dispute management procedures; moving in/out procedures; and

(b) The development shall thereafter be permanently operated in full accordance with the Site/Development Management Plan approved pursuant to part (a) of this condition.

Reason: In the interests of residential amenity and public safety and to minimise impacts on future occupiers, neighbouring residents and the highway network in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2021).

### **Use of Study Studios**

31) (a) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, the 591 study studios within the Student Halls of Residence (Class C1) hereby permitted, shall be used for temporary residential accommodation for a student during his or her period of study, and for no other purpose including any other purpose within Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason; Having regard to the specific planning judgement that has been made in respect of the proposed Class C1 use (Student Halls of Residence), and the specific policy requirements that have been put aside in respect of residential space standards, parking, on-site open space provision, affordable housing and reduced mitigation in respect of the Solent Special Protection Areas in accordance with policies PCS13, PCS17, PCS19 and PCS23 of the Portsmouth Plan (2012).

### **Use of Ground Floor Commercial Space**

32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, the ground floor commercial units annotated as 'Retail Space' and 'Retail B.O.H' on the approved drawings (including associated access to Yapton Street) shall be used for purposes falling within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever without the express permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To offer flexibility for a range of commercial, business and service uses appropriate for this city centre location, but also to allow the Local Planning Authority to consider the implications of alternative uses that would not contribute to the vitality or viability of the city centre in accordance with Policies PCS4 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Operating Hours - Ground Floor Commercial Space**

33) The ground floor commercial units annotated as 'Retail Space' and 'Retail B.O.H' on the approved drawings shall remain closed and vacated by customers, staff and members of the public between the hours of 23:30hrs and 07:30hrs the following day.

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

### **Extraction for Ground Floor Commercial Space**

34) (a) No cooking processes other than the preparation of hot beverages, toasting of bread, or the heating of food in a microwave oven or domestic cooking device shall be undertaken within the commercial units at ground floor level, annotated as 'Retail Space' and 'Retail B.O.H' on the approved drawings, unless a suitable commercial kitchen extract ventilation system/s for the

suppression and dispersion of odour and fumes, has first been installed in accordance with details that have first been approved in writing by the Local Planning Authority; and  
(b) The commercial kitchen extract ventilation system/s approved pursuant to part (a) of this Condition shall thereafter be permanently retained and operated in accordance with the approved details.

Reason: In order to protect residents and users of the surrounding area from nuisance caused by excessive cooking odours and fumes in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Use of roof areas**

35) With the exception of the 'External Terrace' at mezzanine level adjoining the 'Wellness/Yoga Space' and the 'Roof terrace' at 7<sup>th</sup> floor level as shown on the approved drawings, other areas of roof space shall not be accessed other than for the purposes of maintenance and repair.

Reason: In the interests of the amenities of the occupiers of adjoining accommodation in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### **External Equipment**

36) Unless otherwise agreed in writing with the Local Planning Authority, other than those shown on the approved drawings and approved through condition, no externally mounted equipment for heating, cooling or ventilation purposes, nor satellite antennae, flues, ducts, grilles, vents, soil stacks, pipes, cabinets or similar shall be installed on any elevation of the building hereby permitted.

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

### **Roof Top Equipment**

37) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, other than that shown on approved drawings, no structure, plant or apparatus shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order without the prior express permission of the Local Planning Authority, obtained through the submission of a planning application.

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

### **Clear Glazing**

38) All ground floor windows shall remain visually permeable at all times and shall not be obscured by advertisements or security shutters.

Reason: To ensure the street elevations remain animated and the public spaces are overlooked, in the interests of appearance and securing a high quality development within the area and in accordance with PCS23 of the Portsmouth Plan (2012), the City Centre Masterplan and National Planning Policy Framework (2021).

## **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.





28 TREGARON AVENUE

**CONSTRUCTION OF TWO STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY**

**LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QEYOSVMOJXK00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qeyosvmojxk00)

**Application Submitted By:**

SDA Planning Ltd

**On behalf of:**

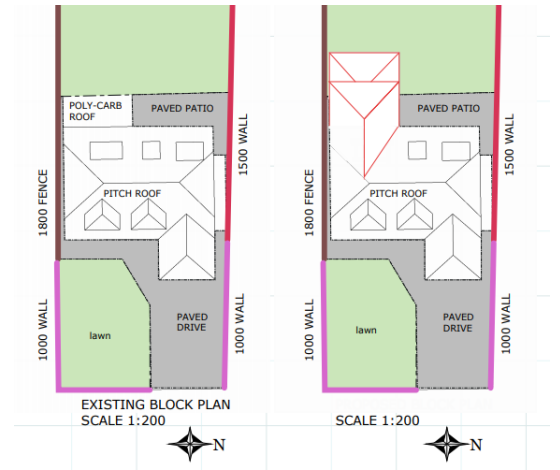
Mr and Mrs Harris

**RDD:** 13<sup>th</sup> August 2020

**LDD:** 8<sup>th</sup> October 2020

## **1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought to the Planning Committee following a deputation request by a local resident.
- 1.2 The main considerations within this application:
  - Design.
  - Impact upon residential amenity.
- 1.3 Site and Surroundings
- 1.4 This application relates to a two-storey, dormer detached property on the west side of Tregaron Avenue. It lies immediately north of Mansvid Avenue and shares a common boundary with four dwellings on Mansvid Avenue where their rear elevations and gardens face the side of the application site. No. 31 Mansvid Avenue faces directly at the side of the application house, and the extension would overlap the ends of the gardens to nos. 29 and 31.
- 1.5 The area is mixed residential in character with mainly two-storey semi-detached and detached dwellings.



## 1.6 Proposal

- 1.7 The development involves construction of a pitched roof two storey rear extension following demolition of an existing conservatory. Following negotiation with the case officer, the depth of the first floor has been reduced by a metre, to reduce the effect on neighbours to the south. Rendering has also been removed, to reduce the brightness of the proposal. The elevations shown below are what the neighbours to the south would see. The first floor element would extend by c. 4.7m at eaves level beyond the existing. The side facing towards Mansvid Avenue has two high level side-facing windows at first floor level.





### 1.8 Relevant Planning History

1.9 The dwelling was constructed in 1954 and there has been no relevant planning history subsequently.

## 2.0 POLICY CONTEXT

2.1 The relevant policies within the Portsmouth Plan (2012) would include:

2.2 PCS23 (Design and Conservation)

In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

## 3.0 CONSULTATIONS

Southern Gas - no objections  
 Portsmouth Water - no objections  
 S&S Electricity - no objections

## 4.0 REPRESENTATIONS

4.1 Five objections: four from Mansvid Avenue neighbours to the south, one from No 12 Tregaron Avenue, summarised as follows:

- 1) Out of keeping with host property and area by reason of very large scale. Chalet bungalow will become a two-storey house. Scale, overbearing impact on rear gardens and outlooks, sense of enclosure. Application house is on land slightly elevated (approx. 0.4m) in relation to 29 and 31 Mansvid Ave;
- 2) Close to neighbours' rear boundary, and land tapers so extension might end up on the actual boundary;
- 3) Using render rather than current natural brickwork will exacerbate bulk;
- 4) Loss of daylight and sunlight;
- 5) Loss of privacy to rear gardens.
- 6) Invite a site visit.

- 4.2 Officer comment - the objections were received prior to the receipt of amended plans. These amendments were requested by the Case Officer, to reduce the depth of the extension by 1m, and to finish it in matching brick, not the render as originally shown.
- 4.3 Subsequently, residents at two properties have seen the amended plans and reaffirmed their objections.

## **5.0 COMMENT**

### **5.1 Design**

- 5.2 The proposal involves a two-storey rear extension with a small set-down from the main ridge. Although the existing property has its first floor accommodation in the roof with dormer windows, the house is of a reasonably substantial size and I do not consider the proposed addition would be out-of-scale for the host property nor for the character of the area.
- 5.3 The size of the plot including width and depth of the rear garden are comparable with other properties on the estate and it is considered that site coverage as a result would not be excessive.
- 5.4 Objections had originally raised concerns about the use of render on the flank elevation. This was removed through negotiation and matching brickwork is now being used.
- 5.5 The proposal is therefore considered not to be harmful to the character and appearance of the area and accords with the aims of Policy PCS23.

### **5.6 Impact upon residential amenity**

- 5.7 Objections to the scheme have been made because it would entail a not insignificant increase in the size of the original dwelling.
- 5.8 The separation distance between the application house and the rear elevations of the properties to the south would not be altered by the extension, at c. 12-13m. Officers considered the depth of the extension as originally proposed to be a little too much with respect to neighbours' outlook to the south, and the Applicant agreed to its reduction by 1m. The bright render proposed was also considered inappropriate not only for the dwelling's character, but also as being overly bright for the neighbours' outlook, compared to the existing red brick. That has therefore been replaced with matching brick. While the amended extension is not small, and it would have an impact on the neighbours to the south, is it not considered excessive in scale or effect - there is reasonable separation, wide garden plots, and it is positioned to their north.
- 5.9 High level windows are proposed in the flank (south) elevation but by their nature these will not result in material overlooking. The new, west-facing first floor window would repeat the existing situation of oblique first-floor views possible to neighbours' properties to the south.
- 5.10 The development is well-away from the property to the north side, 26 Tregaron Avenue, so would not have an undue effect in my opinion on their amenities - outlook, light, daylight.
- 5.11 The proposal is therefore considered not to be harmful to the amenities of neighbours and accords with the aims of Policy PCS23.

### **5.12 Other points**

- 5.13 With respect to the requested site visit, these were not carried out during the Covid period but the Case Officer was able to reach a well-informed recommendation based on aerial views and photographs provided by the Applicant and objectors.
- 5.14 The application was placed on the Members Information Service in April anticipating a decision delegated to Officers should there have been no Councillor call-in, but it was subsequently realised that the application needed to be determined by the Planning Committee due to the Deputation request.
- 5.15 Conclusion
- 5.16 The proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF and it is recommended that planning permission be granted.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 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: Plans, elevations; location and block (revised 16/04/2021)  
Reason: To ensure the development is implemented in accordance with the permission granted.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.  
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

# 05

21/00383/ADV

WARD:HILSEA

THE NEWS CENTRE LONDON ROAD HILSEA PORTSMOUTH PO2 9DG

DISPLAY OF HIGH LEVEL FASCIA INTERNALLY ILLUMINATED SIGN

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QPVB OBMOHFY00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QPVB OBMOHFY00)

**Application Submitted By:**

Prestige Signs  
FAO Mr Kevin Folkard

**On behalf of:**

Sean Purcell  
Associated Print Holdings Limited

**RDD:** 12th March 2021

**LDD:** 21st June 2021

## **SUMMARY OF MAIN ISSUES**

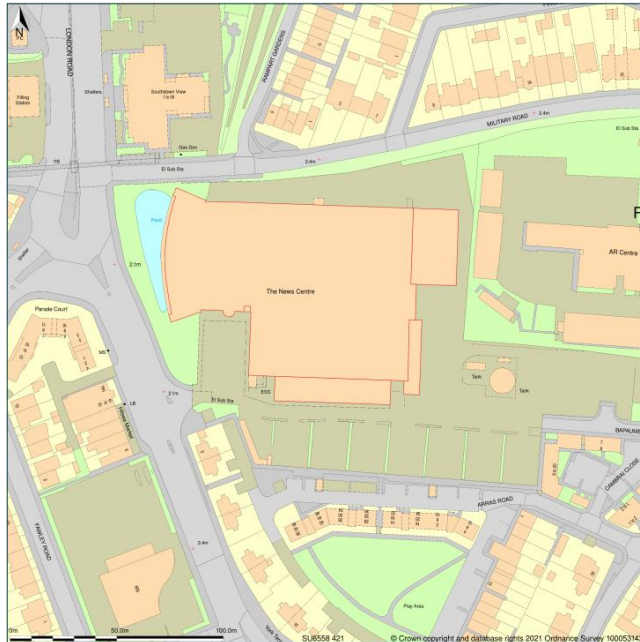
This application is brought to the Planning Committee following a deputation request by a local resident.

The main considerations within this application:

- Visual and Aural Amenity.
- Impact upon public amenity and safety.

### Site and Surroundings

This application relates to the News Centre which occupies a comparatively large site located on the eastern side of London Road. The principal building comprises of press halls and offices which front London Road. The surrounding area comprises residential properties to the north, west and south of the application site, however, London Road to the east of the application site hosts a mix of commercial and residential uses. The site falls within the tidal floodplain (Flood Zone 3).



## Proposal

Advertisement consent is sought for the installation of an internally illuminated sign to the western elevation of the building which would consist of the company name and logo. The sign would measure 2.25 metres in height, 9 metres in width and 0.2 metres in height. The base of the sign would be situated approximately 10 metres from the ground. The sign would be internally illuminated to a maximum level of 450cd/m<sup>2</sup>.



## Relevant Planning History

07/01320/ADV - Display of externally illuminated flood lit panel signs to north and west elevation. Split Decision August 2007. Consent was granted for the illuminated sign to the west elevation but was refused for the illuminated sign to the north elevation. However, the consent has not been implemented.



## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan (2012) would include:

PCS17 (Transport)

PCS23 (Design and Conservation)

In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

Under the section 'Achieving well-designed places', paragraph 136 of the National Planning Policy Framework (July 2021) refers to advertisements, noting that the quality and character of places can suffer when advertisements are poorly sited and designed.

## **CONSULTATIONS**

Highways Engineer - No comments received.

## **REPRESENTATIONS**

Site notice displayed: 7/5/21, expiry 15/6/21

Neighbour letters sent: 27/04/21, expiry 15/6/21

One letter of objection has been received from a neighbouring resident raising the following concerns;

- a) Proposal signage would be oriented to the rear of neighbouring properties and would cause a statutory nuisance;
- b) Proposal would cause light pollution and disturbance at night;
- c) The illuminated sign would have a negative impact on birds and local wildlife.

## **COMMENT**

### Visual and Aural Amenity

Advertisement consent was granted (reference: 07/01320/ADV) for externally lit signage on the building and whilst the consent has not been implemented, the principle of lighting on this building has previously been accepted. The sign would be set back approximately 37 metres from the highway and therefore it is not considered it would form a dominant feature within the street scene. Furthermore, the proposed signage is considered to be appropriate in the context of the building and the wider area which hosts a mix of commercial and residential properties.

The statically illuminated sign is unlikely to produce audible noise and therefore aural amenity is unaffected by the proposals.

### Impact upon Public Amenity and Safety

The sign would be located externally to the frontage of the site. The closest residential property to the proposed signage would be 3 York Terrace which at its closest point would be located approximately 27 metres from the proposed sign. Concerns have been raised by the occupier of this property regarding disturbance to the rear elevation of their property and garden as a result of the proposed illuminated sign.

Due to the height of the News Centre and the limited screening between the application site and the residential properties along York Terrace, the proposed sign would be visible from the rear elevation of these properties, in particular No.3 York Terrace. While the sign would have a modest level of luminance, the sign would be more prominent at night. Therefore, to avoid any



disturbance to the occupiers of these properties at night, it is suggested a condition is imposed which would restrict the hours of luminance from 7:00hrs until 20:00hrs. The applicant has confirmed they are agreeable to this condition.

It is considered neighbouring properties to the west of the site would be sufficiently distanced so as not to be affected by the proposed sign.

In terms of any impact on highways safety, having regard to the Local Highways Authority Technical Note on Illuminated Signs, the recommended level of luminance for a sign with an area greater than 10sqm in a residential area is 400cd/m<sup>2</sup>. The proposed level of luminance is 450cd/m<sup>2</sup> and therefore exceeds the recommended level of luminance. However, the sign would be set back 37 metres from the public highway and therefore would not be easily visible by highway traffic. Nonetheless, to ensure the sign complies with the recommended level of luminance, it is recommended a condition is imposed restricting the level of luminance to 400cd/m<sup>2</sup>.

### Other Matters

Concerns have been raised in the representations regarding the impact the proposal would have on local wildlife, particularly birds. However, the application site is located close to a main road leading into Portsmouth which is lit by street lights. Having regard to the built up character of the area surrounding the application site, it is not considered the proposal would have a harmful impact on local wildlife.

### Conclusion

In the opinion of the Local Planning Authority, and subject to the recommended conditions, the display of the internally illuminated sign is considered appropriate in design terms and in relation to the surrounding area and therefore not harmful to visual or aural amenity. Furthermore the display of the sign would not affect public safety. The proposal is therefore in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (July 2021).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

All advertisements are subject to the five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, together with any additional conditions (where applicable):-

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic signal, railway signal or aid to navigation by water or air, or so

as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Additional conditions:

6) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings: Application form; Location Plan (dated 12.03.21); Location Plan with proposed sign (dated 12.03.21); Drawing No. 1.0; Drawing No. 1.0b; Section through standard Signcomp flex face system

7) Notwithstanding the submitted drawings, the luminance of the sign shall not exceed 400 candelas per square metre.

8) The signage hereby approved shall only be illuminated during the hours of 07:00 to 20:00 on any given day.

**The reasons for the conditions are:**

6) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

7) In the interests of highway safety in accordance with policy PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

8) In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

LANDSCAPED AREA TO EAST OF D-DAY MUSEUM, CLARENCE ESPLANADE  
SOUTHSEA PO5 3NT

INSTALLATION OF SCULPTURE ON CONCRETE PLINTH

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QT1N8GMOJ1200](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QT1N8GMOJ1200)

**Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**On behalf of:**

Ms Claire Looney  
Portsmouth City Council - Culture, Leisure and Regulatory Services

**RDD:** 13th May 2021

**LDD:** 9th July 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 The principal issues raised by this application include Heritage and public amenity.

1.2 The Application is brought to the Planning Committee for decision as it is made by the City Council and is on City Council land.

1.3 Site and surroundings

1.4 The application site is located to the east of the D-Day Museum, south of Clarence Esplanade and Avenue de Caen, and to the west of the public path leading from Clarence Esplanade to the Southsea Castle, as shown on the OS location plan below.



- 1.5 The site is located within a Conservation Area number 10: The Seafront and within Southsea Common which is an area included in Historic England's Register of Parks & Gardens of Special Interest as a Grade II entry. Southsea Castle, located to the south is a scheduled Ancient Monument and the lighthouse on the north face of the Castle is a listed building Grade II. There are also numerous listed structures further afield along Clarence Esplanade.
- 1.6 The proposal
- 1.7 The application seeks a retrospective planning permission for a free-standing sculpture positioned on a concrete plinth. The height of the entire sculpture, including plinth, measures approx. 4.4m. The sculpture is made of mild steel finished with hot zinc spray and matt black powder coat. Paint details are on the side the multiple cut-aways, which are the full depth of the steel at some 6-8mm deep. This gives a perforated effect to the top of the structure, when seen head-on. Due to the positioning of the colours, they are only revealed when the sculpture is viewed at an angle. Photographs below show the sculpture from different viewing points. The structure was installed during the course of the application.





Asset Management Service - no comments received.

#### 4.0 REPRESENTATIONS

Publicity undertaken:

- Site notice (24.05.2021 - 09.07.2021)
- Press Notice (28.05.2021 - 09.07.2021)

One letter of objection has been received raising the following concerns:

- very unattractive sculpture
- installed before planning permission granted.

#### 5.0 COMMENT

##### 5.1 Principle of development

5.2 The proposed development is located in a public open space where public art may be considered acceptable in principle, subject to compliance with relevant planning policies, in particular those ensuring good design and protecting heritage assets.

##### 5.3 Impact on the character and appearance of the area, including Conservation Area and associated heritage assets

5.4 As shown on photographs above and below, when seen from short-distance and longer-distance views, the sculpture blends in well with its context, due to its sympathetic scale, materials as well as the existing structures and planting surrounding it. Therefore, the proposal is considered to be visually appropriate to the character and appearance of the surrounding area.

5.5 The application site is located within the Seafront Conservation Area (no. 10), and therefore the proposal is subject to assessment against Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. Whilst there is no statutory protection for the setting of conservation areas, paragraph 199 of the NPPF 2021 requires that consideration be given to any harm to or loss of significance of a designated heritage asset. In a similar vein, Policy PCS23 of the Portsmouth Plan requires all new development to be well designed and in particular, respect the character of the city.

5.6 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also applies. It requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.7 In this case, the proposal is of a small scale and its visual impacts are limited to the immediate area. The proposal aims to enhance the understanding of the D-Day Landings as well as provide an opportunity to express the surviving veterans' desire for reconciliation. The proposal is not considered to interfere with the aims and objectives expressed in *The Seafront, Southsea Conservation Area no 10 Guidelines for conservation* which seeks to preserve or enhance the character and appearance of this Conservation Area.

5.8 The sculpture has been designed to limit its visual presence within the setting of the nearby listed buildings and Scheduled Ancient Monument, in particular, the Southsea



Castle and the lighthouse. The separation distance between the sculpture and the Castle and the lighthouse further reduces potential impact on their value (especially aesthetic, historical and communal value) and consequently prevents any harm to their significance, in my opinion.



- 5.9 Finally, for the reasons set out above, the proposal has limited and acceptable impact on the Southsea Common as a Park & Gardens of Special Interest.
- 5.10 Design is subjective, but in my opinion the sculpture makes an attractive and interesting addition to the locality. It very much accords with the character of the city and seafront with all the historic associations with the military and corresponding remembrance and learning, and it adds to the cultural offer for residents and visitors alike.
- 5.11 With respect to the objection, my comments above set out officer opinion on the appropriateness of the structure. If granted planning permission, the now-retrospective nature of the situation will be addressed.
- 5.12 Conclusion
- 5.13 As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied. The proposal causes no conflict with the NPPF nor the Local Plan.

**RECOMMENDATION                      Approve**