

EX ST MICHAELS LODGE, BOUNDED BY SILVER STREET, STONE STREET & GOLD STREET, SOUTHSEA, PO5 3BN

CONSTRUCTION OF 18 DWELLINGS (12 HOUSES AND 6 FLATS) WITH ASSOCIATED LANDSCAPING AND PARKING, WITH VEHICULAR ACCESS FROM DIAMOND STREET

[20/01493/FUL | Construction of 18 dwellings \(12 houses and 6 flats\) with associated landscaping and parking, with vehicular access from Diamond Street \(description amended\) | Ex St Michaels Lodge Bounded By Silver Street, Stone Street & Gold Street Southsea PO5 3BN \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/20/01493/FUL)

Application Submitted By:

Mr Jonathan Spivey
FAO PWP Architects Ltd

On behalf of:

Yeoman Property Development Ltd

RDD: 15th December 2020

LDD: 16th March 2022

1. SUMMARY OF MAIN ISSUES

- 1.1 The application has been brought to the Planning Committee for determination as it is a Major development, due to the number of objections (32), and because it has been called-in by Councillor Holder. For completeness, the application was also called-in for Planning Committee decision by now ex-Councillor Rob Wood.
- 1.2 The main issues for consideration are:
- The principle of the development;
 - Design and Impact on heritage assets;
 - Impact on residential amenity;
 - Housing Mix & Affordability
 - Flood risk;
 - Highway Impacts;
 - Impact on nature conservation interests;
 - Arboriculture impacts, and
 - Other Issues

2. SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surroundings

- 2.1 The application relates to a roughly rectangular piece of land that is located to the south of Silver Street, to the west of Stone Street and to the north of Gold Street. Vehicular access would be achieved from the west, off Flint Street then Diamond Street. The site comprises open grassland with mature trees with residential development surrounding. The site has in the past had a care home operating from the site, demolished some years ago.
- 2.2 Abutting the site to the north-west is the St Judes Church Nursery and a former warehouse that has been converted to a dwelling. There is a residential block at the Gold Street/Flint Street

junction to the south west. An 'emergency', i.e. temporary, telecommunications mast and equipment is sited in the site's south-east corner.

- 2.3 The surrounding area is largely dominated by residential development which is characterised by three storey red brick blocks of apartments, while the St Judes Nursery building is a single storey but substantial cream-painted structure, and the former warehouse property comprises a three-storey flat roof contemporary structure with painted elevations.
- 2.4 The site is not within or adjacent to a Conservation Area nor are there any Listed Buildings on or adjacent to the site. The boundary of the Castle Road Conservation Area is located to the east off Little Southsea Street with Listed Buildings located off Little Southsea Street and Kings Street. Additional reference is made to heritage issues below. The Terraces Conservation Area lies to the west of the site, separated from it by the buildings fronting Flint Street.
- 2.5 The application site is not, other than being described as vacant land, subject to any specific Local Plan Designations.

Proposal

- 2.6 Planning permission is sought for the erection of 18 dwellings that would comprise 12 houses and 6 flats together with associated landscaping and parking with vehicular access off Diamond Street to the west and individual off street parking spaces off Gold, Stone and Silver Street. Two dwellings have been deleted from the scheme during the course of the application.
- 2.7 The units proposed would comprise the following mix of dwellings:
- 2 x 1 Bedroom Apartments; (Affordable)
 - 4 x 2 Bedroom Apartments; (Affordable)
 - 4 x 3 Bedroom houses (open market), and;
 - 8 x 4 Bedroom houses (open market)
- 2.8 The buildings would be three storeys, faced in render and brickwork. A fourth storey of accommodation would be provided in some of the pitched roofspaces. They would be set back substantially from the site frontages, to retain the existing mature trees and provide landscaped gardens, and some forecourt parking off Silver Street. The vehicular access from Diamond Street would lead to the rear of the site, with a parking courtyard overlooked by the three sides of residential development proposed. The scheme would provide 33 off street parking spaces, most at the rear of the site. Each of the houses would have an integral garage.
- 2.9 The site measures approximately 0.3 hectares, and the development proposal would have a density of 60 dwellings per hectare.
- 2.10 The images below show the Proposed Site/Ground Floor Plan, and the north, east and south elevations/street scenes:



Proposed Stone Street (East) Elevation/Street Scene:



Proposed Gold Street (South) Elevation/Street Scene:



Planning History

The site's most relevant planning history is listed below:

- 08/00644/FUL - Construction of four-storey building to form 87 bedspace nursing home (Class C2) - Approved June 2008
- 08/00644/FUL | Construction of four-storey building to form 87 bedspace nursing home (Class C2) - Approved June 2008
- 10/00939/FUL - Construction of 4 storey building to form 90 bedspace nursing home (class C2) with associated parking and landscaping - Approved December 2010.

3 POLICY CONTEXT

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS10 - Housing Delivery
- PCS12 - Flood Risk
- PCS13 - Greener Portsmouth
- PCS15 - Sustainable Design & Construction
- PCS17 - Transport
- PCS19 - Housing Mix, Size & Affordable Housing
- PCS21 - Housing Density
- PCS23 - Design & Conservation

- 3.2 In addition to the above development plan policies the Solent Recreation Mitigation Strategy (2017) and Interim Nutrient Neutral Mitigation Strategy (June 2022), Housing Standards SPD (January 2013), the Parking Standards & transportation SPD (July 2014) are also material to the determination of the application.

4 CONSULTATIONS

Natural England

- 4.1 No objection subject to the Appropriate Assessment and Condition regarding Special Protection Areas.

Arboriculture Officer

- 4.2 No objection subject to conditions concerning tree protection and landscaping.

Ecology

- 4.3 No objection subject to a condition concerning the mitigation measures set out in the ecology report. It is also appropriate to impose a condition ensuring biodiversity enhancement measures.

Highways Authority

- 4.4 The Highways Authority had confirmed the traffic generation associated with the development would be unlikely to have a material impact on the highway network. Concern was raised regarding the lack of a On Street parking Survey as the parking provision fell below that sought by the Parking. The scheme has been revised since and as such additional reference is made to parking and highway matters in the 'Comments' section below. Owing to the nature of the parking layout and nature of the comments from highways it is appropriate to impose conditions ensuring the garages are retained as such and that the parking courtyard and spaces are laid out prior to first occupation of the units proposed. An informative reminding the applicant to liaise with the Highways Authority prior to any s.278 application is also appropriate.

Environmental Health

- 4.5 No objection.

Contaminated Land Team

- 4.6 No objection subject to conditions regarding contamination surveys and remediation measures.

Portsmouth Water

- 4.7 General reference to mains water supplies and safe working close to water pipes. An Informative is considered appropriate in this regard.

Coastal Partners/Flood Risk

- 4.8 No in-principle objection. The site is at low risk of tidal flooding. Flood resilience measures should however be incorporated to address future climate change flood risk, by condition.

Drainage

- 4.9 No objection subject to a condition ensuring surface water and sustainable drainage (SuDS).

COLAS

- 4.10 Before any works commence, developer needs to contact COLAS for highways work conditions.

Fire & Rescue

- 4.11 General comments regarding, inter alia, building regulations, fire service access, high reach apparatus, fire protection and fire safety systems. An informative would be appropriate in this instance.

Scottish & Southern Electric

- 4.12 General response regarding water and electricity mains cables. An informative is appropriate to highlight the need to contact SSE prior to any works commencing.

Scotia Gas Networks

- 4.13 Map received highlighting the location of gas pipes and other such infrastructure. An informative highlighting such issues to the applicant would be appropriate in this case.

Southern Water

- 4.14 The response confirms Southern Water can provide surface and foul water sewage facilities for the site. For this an application must be made to Southern Water and as such an informative would be appropriate in this regard.

Housing Department

- 4.15 Support the six apartments as affordable provision.

5 REPRESENTATIONS

- 5.1 A total of 32 letters have been received objecting to the development. One of the letters is a petition made up of 71 signatures and addresses. There may be some double counting between the petition and letters of objection. The issues raised can be summarised as follows:

- Loss of light and privacy due to the siting and height of the flats/houses proposed;
- Despite the changes the development bears little resemblance to the surrounding buildings;
- The loss of green space and trees will have a negative impact on the environment and wildlife;
- There is already insufficient parking and the proposal, with insufficient parking will further impact this situation further;
- The surrounding streets are narrow and it is often difficult for cars to pass and the access off Diamond Street the scheme is unsafe;
- The development will further impact air pollution and noise levels that will affect resident's mental health;
- Additional cars driving round looking for parking spaces will affect the physical health of the elderly, vulnerable and children;
- The development may exacerbate anti-social behaviour in the area;
- Local infrastructure, in particular local schools and dentists would be unable to cope with the additional residents;
- The scheme will end up being 'buy to let' properties as the area is not a family area thereby adding to noise levels in the area;
- The nursery states that Diamond Street is used as an important fire escape and the staff and children would be unable to gather in this area if it were to become a highway;

6 COMMENT

- 6.1 The main issues for consideration are:

- The principle of the development;
- Design and Impact on heritage assets;
- Impact on residential amenity;
- Housing Mix & Affordability
- Flood risk;
- Highway Impacts;
- Impact on nature conservation interests;
- Arboriculture impacts, and
- Other Issues

The principle of the development

- 6.2 The site comprises brownfield land that has been vacant since the care home was demolished which is surrounded on all sides by residential development. The site previously developed land.
- 6.3 Policy PCS10 of the Local Plan states that the City Council will plan for an additional 7,117 - 8,387 homes between 2010 - 2027 that will be provided in designated areas and through conversions and redevelopment of previously developed land. Furthermore, paragraphs 5.31 and 5.34 of the Local Plan highlight the need to make the most effective use of land which is consistent with the objectives of Section 11 of the NPPF that highlights the importance of using land effectively to provide the homes and other identified needs that communities need. On this basis the proposal is entirely acceptable in principle
- 6.4 Another aspect for the determination of this application is the fact that Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting market and affordable housing needs. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development surrounded on all sides by residential development with very good access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

Design

- 6.5 Section 12 of the National Planning Policy Framework (NPPF) places an emphasis on achieving high quality sustainable development. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Paragraph 130 sets out that developments should ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 6.6 In addition, Policy PCS23 of the Portsmouth Core Strategy (2012) states, inter alia, that new development must be well designed and, in particular, respect the character of the city. A range of guiding principles include the need for excellent architecture, public and private spaces, the need to relate well to the city's heritage and to be of an appropriate scale, density, layout, appearance and materials in relation to the particular context.
- 6.7 The site is located within a plot of land which is surrounded by residential development that is comprised of three storey red brick structures which are of a consistent design and appearance that contributes, in part, to the underlying character of the area with the former warehouse

converted property adding a contemporary juxtaposition to the predominant traditional red brick character of the surrounding area.

- 6.8 The three storey blocks of apartments have a consistent set back distance from the highways with a visual gap between each of the blocks that, together with the established landscaping that contributes to the areas attractive character
- 6.9 The proposal, as originally submitted comprised 20 residential units. Following concerns of Officer's regarding the quantum and siting of development the applicant reduced the number of units to 18. The 18 units, as proposed, would set in a 'U' shaped layout fronting Silver Street, Stone Street and Gold Street.
- 6.10 Regarding the proposed layout; the U shaped layout ensures that the scheme will reflect the form and layout of the surrounding blocks and each of the units would have a set back distance of between 5 and 10 metres further ensuring the units siting reflects the surrounding blocks or apartments. Furthermore, the proposed set back distances will allow for the trees to be retained and sufficient space for additional landscaping.
- 6.11 The applicant has, in reducing the number of units on site allowed for more of a gap between the units proposed, particularly the two corner plots to the north and south off Stone Street. In addition, these two corner plots contain windows to the front and side and a decorative circular element which ensures a degree of visual interest and that the properties 'turn the corner' and address the street scene of both Silver Street and Stone Street and Gold Street.
- 6.12 Such a layout and set back distance ensures this element of the scheme represents a high quality design that accords with the objectives Policy PCS23. Regarding the scale and mass of the proposed units; the block of apartments adjacent to the former warehouse would be a three storey structure and would have a flat roof with a raised central element. The taller element would be approximately 0.5m below the height of the former warehouse while the units that front Gold Street would be approximately 0.5m taller than the apartment block to the west. Such limited differences in the height of the proposed units compared to the surrounding apartment blocks would have a negligible impact on the character and appearance of the area.
- 6.13 With regard to the design and appearance of the units proposed; the six apartments, as noted above would be a three storey flat roof structure that would be of a contemporary design. The elevations would be treated with a render that would be of a similar colour as the former warehouse adjacent while the apartments would have with similar fenestration as the former warehouse immediately to the west. The contemporary appearance of the proposed apartments with a similar materials palate and fenestration would ensure the proposed block of flats would respect the design and appearance of the warehouse thereby representing a sustainable quality design to this part of the site.
- 6.14 The houses across the rest of the site have also been revised. The initial set of plans proposed a more contemporary approach to the design of the dwellings with simple detailing that was considered to be a rather uninteresting approach. To the east the terrace was to be of a contemporary appearance with a flat roof and recessed upper floor, protruding bays and a contrasting materials palate. The revised design proposes a more traditional approach with added detailing to the elevation and fenestration that is more reflective of the design and appearance of the surrounding apartment blocks.
- 6.15 Both sets of dwellings have been revised both in terms of scale and design. The Upper third floor of the east facing dwellings has been revised to rooms in the roof space with velux windows and a more traditional approach to the design is now proposed with more detailing which provides additional visual interest in the appearance of the proposed dwellings.
- 6.16 The two units on the north-east and south-east corners have circular corner elements which provide a contemporary twist to the look of the two properties while ensuring these two corner plots address both street scenes. The circular elements, while not characteristic of the surrounding area provide interest and detail to the proposal.

- 6.17 Policy PCS23 ensures new developments take account of their context and, and with the variety in the scale and architectural design of the in the surrounding area, it is considered that the revised proposed layout, design and reduced quantum of development would ensure the scheme respects the scale, materials, design and overall character and appearance of the surrounding area.
- 6.18 Subject to the conditions set out below regarding materials, tree protection and landscaping it is considered that the revised changes to the scheme will ensure the development represents a high quality sustainable form of development that accords with the objectives of Policy PCS23 of the 2012 Local Plan and the NPPF.

Impact on residential amenity

- 6.19 Policy PCS23 also requires, inter alia, that new development protects the amenities of existing residents while requiring a good standard of amenity for future occupants.

Existing Residents

- 6.20 Each of the objections received have referred to the potential for the potential for loss of light and overlooking due to the number and height of the proposal that has arisen in part due to the balconies and apartments that overlook the site and therefore the proposed housing, the objections say would overlook the surrounding apartments.
- 6.21 The residential units proposed would abut the former warehouse to the west and the block of 14 - 20 Gold Street and have a front - to - front relationship with the apartment blocks that front Silver Street, Stone Street and Gold Street.

The Former Warehouse

- 6.22 The proposed block of six flats would abut the flank elevation of this property and would be set back from the front elevation. The warehouse property does not have any private open space to the rear and the only outdoor space is a front-facing second floor terrace nor are there any side or rear facing windows. There would, therefore, be no loss of light to the warehouse's windows. Regarding overlooking, the nearest front facing second floor window to the apartments would serve a bedroom that would look out towards the second-floor terrace. However, such overlooking would be at such an oblique angle that there would be unlikely to be any material loss of privacy to the occupants of the warehouse.

Silver Street Apartments

- 6.24 With regard to the occupants of the Silver Street apartments, the proposed apartment block and the detached corner plot would have a front-to-front approximate separation distance of between 19 and 21 metres. Such distances would be entirely appropriate for such a relationship and would not therefore result in a material loss of privacy to the occupants of the apartment blocks.
- 6.25 Regarding the potential for loss of light; it is considered that owing to the apartment blocks being sited to the north of the proposed development and the separation distances that the Silver Street apartments would be unlikely to be impacted in terms of loss of sunlight, apart from perhaps in deepest winter. I consider there would no effect on daylight.

Stone Street Apartments

- 6.26 To the east of the application site are two blocks of apartments that front Stone Street; these would have a front-to-front relationship with the residential units proposed which would front Stone Street. The proposed properties would have a separation distance of approximately of between 19 to 22 metres. Such a distance together with the nature of a front-to-front relationship would ensure that there would be no materially harmful loss of privacy to the occupants of the existing Stone Street apartments.

6.27 Regarding the potential for a loss of sunlight, the separation distance to the Stone Street apartments would ensure that there would be no material impact on the sunlight received by the apartments, apart from perhaps late afternoon in winter. I consider there would no effect on daylight As such the scheme would be unlikely to materially impact the amenities of the Stone Street apartments.

Gold Street Apartments

6.28 To the south of the site is an apartment block that fronts Gold Street, off set from this further south is another apartment block that fronts Copper Street. The Gold Street apartments would be a minimum of 17 metres from the proposed residential units. Such separation distances together with a front-to-front relationship would ensure there is no material loss of privacy to the occupants of the Gold Street apartments. Furthermore, with the proposed dwellings being sited to the north of the Gold Street apartments there would be no loss of light to the existing occupants.

6.29 Regarding the occupants of the apartment block that front Copper Street, these would be sited approximately 30 metres to the south with mature landscaping in between. As such, the proposal would have no impact on the occupants of the Copper Street apartments.

14 - 20 Gold Street

6.30 Immediately to the west of the proposed dwellings to the south off Gold Street is a three storey block of apartments which is accessed off Flint Street. This is a T shaped block which is sited adjacent to the flank elevation of a proposed semi-detached pair of properties.

6.31 The protrusion of the proposed house beyond the rear of the existing Gold Street building is at ground floor only and the east facing windows in the Gold Street building would only overlook the ground floor element which would be approximately 8 metres to the east. Such a separation distance with the single storey nature would be unlikely to impact upon the light received by the east facing windows. Some morning sunlight to the Gold Street building's gardens would be blocked in the mornings, but this is an effect to be expected in the urban area. The scale and position of the development proposal accords with local character.

6.32 With regard to the potential for overlooking into the Gold Street building's windows, the first floor amenity terrace to the rear of the proposed house adjacent would have the potential to overlook into these windows and gardens. It is however considered that subject to a condition ensuring details of a 1.8m obscure screen are submitted and implemented as agreed would ensure there is no harmful loss of privacy to the existing occupants.

6.33 On the basis of the foregoing, the proposed development would, by virtue of the layout and separation distances, be unlikely to materially impact upon the occupants of existing residents that are adjacent to the application site, or to impact upon them in an acceptable manner given the site's context, and therefore the scheme is compliant with Policy PCS23 of the Local Plan in this regard.

Future Occupants

6.34 With regard to the amenities of future occupants, it is necessary to consider the proposed size of the units proposed and whether these would accord with the Government's Internal Space Standards, and whether the proposed layout would give rise to any materially harmful impacts such as overlooking within the development itself.

6.35 The Government's Nationally Described Space Standards were published in 2015 and the applicant has detailed on the submitted plans the size proposed for each of the 1 and 2 bedroom apartments together with the 3 and 4 bedroom houses proposed. Each of the apartment and housing units proposed would exceed the Space Standards. In terms of the internal space provided each of the occupants would have a good standard of amenity that either meets or exceeds the minimum space standards.

- 6.36 Regarding outdoor space, the scheme proposes both individual balconies for the six apartments with an area of communal space. The balconies would measure approximately 2m x 1m. The balconies would therefore provide sufficient room for occupants to have a table and chairs while the communal space would provide an area of outdoor communal space. The balconies provided together with the 34 sq.m communal space would ensure that there is an appropriate level of outdoor space, both private and communal, for the six apartments proposed.
- 6.37 In addition, each of the houses proposed would be provided with a first floor terrace area that would measure at least 20 sq.m which would provide a good standard of outdoor space that would reflect the larger properties that they would serve. In terms of outdoor space, the scheme would provide for good levels of outdoor space for both the apartments and houses proposed thereby adhering to the objectives of Policy PCS23 of the Local Plan and paragraph 130(f) of the NPPF. Furthermore, the site is only 350m away from Southsea Common.

Housing Mix & Affordability

- 6.38 Policy PCS19 of the Local Plan ensures, inter alia, that provision should meet the needs of families and larger households and therefore developments should comprise of 40% housing suitable for families, which is considered to be three bedrooms or larger.
- 6.39 In providing 66% of the units as larger housing suitable for families, the scheme is entirely appropriate and compliant with the overarching objectives of Policy PCS19.
- 6.40 Policy PCS19 also covers affordable housing and states that where there is a net increase of 15 or more dwellings, 30% of those should be provided as affordable houses. This has been superseded by the NPPF, with the threshold starting at ten dwellings and upwards. The starting point is that of that 30%, these should be provided on site. The scheme proposes 18 new units which would equate to a need for 5.4 affordable dwellings, which is rounded up to six units. The applicant has stated that the six apartments proposed are to be affordable properties.
- 6.41 Further, they have been liaising with a local registered housing provider who has agreed to take the six properties. Whilst there is a need for affordable housing for families the housing provided has stated that, in this case, the entire block of six apartments is a suitable provision. The six apartments all exceed to minimum space standards and will also have their own private and communal space and as such the units themselves would be of an appropriate standard to be taken on by the registered provider.
- 6.42 Then recommendation is to approve planning permission subject to the completion of a Section 106 Agreement to secure the provision of the six properties as affordable in perpetuity. Subject to this s.106 the scheme is compliant with the objectives of PCS19 and the NPPF with regard to affordable housing.

Flood Risk

- 6.43 The site is within Flood Zone 1, areas at least risk of flooding.
- 6.44 The drainage engineer has requested a condition ensuring a drainage strategy and ground investigation is provided by way of a condition. Guidance is provided including PCS12 of the Local Plan, the need to highlight the surface water sewer, the need for infiltration rates and for providing porous paving. Subject to the imposition of the drainage condition the scheme would be compliant with the objectives of Policy PCS12.

Highway Impacts

- 6.45 Policy PCS17 ensures, inter alia, that the City Council and partners will reduce the need to travel and provide sustainable modes and promote walking and cycling.
- 6.46 The Highways Authority reviewed the initial submission and have confirmed that the traffic generation from the proposal is unlikely to have a material impact on the operation of the broader

highway network nor is any objection raised to the proposed accesses. Their response refers to a coach house limiting the access to the site from Diamond Street, in the revisions to the scheme this has been removed and as such there would now be no restriction to the proposed access from Diamond Street.

- 6.47 The Highways Authority noted a degree of concern regarding the proposed parking provision and the potential for exacerbated on-street parking issues that may arise. These comments were based on the initial submission for 20 units. The scheme has however been reduced to 18 units which has resulted in a change to the parking requirement while the applicant has also revised the parking layout to within the rear courtyard.
- 6.48 The Highways Comments refer to the Parking SPD which for a scheme of this size (18 units) and mix would give rise to a total parking need for 30 parking spaces. In revising the layout of the rear parking courtyard together with the garages and off street parking spaces proposed, the scheme has 33 parking spaces.

Housing Mix	Parking Requirement	Parking Requirement
2 x 1 Bedroom	1 Space per Unit	2 Spaces
4 x 2 Bedroom	1.5 Spaces per Unit	6 Spaces
4 x 3 Bedroom	1.5 Spaces per Unit	6 Spaces
8 x 4 Bedroom	2 Spaces per Unit	16 Spaces

- 6.49 The scheme would deliver more than the necessary number of parking spaces required by the Parking SPD and therefore would be compliant with the objectives of Policy PCS17 of the Local Plan. It is necessary however to impose a condition ensuring the proposed garages are used and retained as such to prevent future on street parking issues that have the potential to impact upon the surrounding highway network.
- 6.50 In addition to the off street parking spaces provided the development also proposes space for bicycle parking with the apartments have a secured cycle store and each of the garages complying with the SPD in terms of internal space for additional bicycle parking. With there being appropriate levels of both car and cycle parking the scheme is considered to be compliant with the objectives of Policy PCS17. Furthermore, when the scheme is considered against paragraph 111 of the NPPF there are no highway related reasons to withhold planning permission.
- 6.51 With the parking provision being made up of the proposed garages and with the Highways Authority stating that on-street parking demand frequently exceeds capacity it is considered appropriate to impose a condition ensuring the proposed garages are provided and retained as such and that the parking courtyard and off-street frontage parking is laid out prior to first occupation. The response from the nursery refers to their fire escape existing onto Diamond Street. Their door leads directly onto the footpath that would be to the side of the proposed access. However, with the need for adult supervision of children and the limited number if cars using Diamond Street there would be no material risk to the children that may need to exit in case of an emergency in the nursery.

Impact on nature conservation interests

- 6.52 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.
- 6.53 There are two potential impacts resulting from the accommodation proposed as part of this development. The first being potential recreational disturbance around the shorelines of the harbours, and the second being from increased levels of nitrogen and phosphorus entering the Solent water environment.

- 6.54 Officers have submitted an Appropriate Assessment, dated 24th June 2022, to Natural England who have subsequently confirmed that they raise no objection to the proposal subject to the necessary mitigation being secured. The mitigation contribution for the recreation disturbance is £13,057 whilst a total of £43,775 is required to ensure nitrate neutrality based on 17.51kg TN/yr.
- 6.55 The recommendation is for the Committee to recommend the granting of permission subject to the completion of the Section 106 legal Agreement to secure the mitigation payment for both the recreational bird disturbance and nitrate neutrality.
- 6.56 In terms of the biodiversity value of the site itself, the City Council's Ecology Officer had requested additional and revised surveys and ecology assessment relating to the potential for reptiles to be present on site. The Ecology officer has reviewed the updated report and has confirmed they raise no objection subject to a condition ensuring the mitigation measures set out in the report are implemented as set out in the report.
- 6.57 In addition, and pursuant to Policy PCS13 it is considered appropriate to impose a further condition to ensure biodiversity enhancement measures and a detailed management plan are Provided.

Arboriculture Issues

- 6.58 A number of the trees that are located around the boundaries of the site are protected by Tree Preservation Orders. The Arboriculture Officer has reviewed the plans and the submitted Arboriculture Assessment and has raised no objection to the scheme subject to a number of issues and conditions.
- 6.59 The main issue is that the existing trees and additional landscaping are retained in perpetuity to ensure such landscaping is not removed to provide additional parking in the future.
- 6.60 With the level of parking proposed exceeding the parking required by the SPD it is considered appropriate and reasonable to ensure the retained and additional landscaping is retained in perpetuity due to the importance of and contribution trees and landscaping make to the area and that the level of parking is appropriate.
- 6.61 In addition to the need for existing and additional landscaping, in itself to be secured by a condition, it is considered necessary to impose a tree protection condition ensuring additional tree protection details are submitted. The submitted plan, Alderwood Consulting Limited Plan No. AC001 shows protective measures around Tree T2 Hornbeam in the rear. There are no details submitted to the trees to the front. Such a condition is necessary due to the importance of the TPO trees to the amenity of the area. Subject to these conditions the proposal would accord with the objectives of Policy PCS13 of the Local Plan.

Other Issues

- 6.62 To the east of the apartment blocks that front Stone Street is the boundary of the Castle Road Conservation Area which protrudes south by Copper Street. It is considered that due to the distances and intervening development the proposed development would not impact upon the Conservation Area or its setting. It is the same conclusion for the same reasons for the Terraces Conservation Area to the west.
- 6.63 In addition to the above conditions it is considered necessary to impose a condition ensuring a Construction Site Management Plan is submitted due to the constraints imposed by the demand for on-street parking and residential nature of the area.

Conclusion

- 6.64 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would represent a positive addition to the area, would not unduly impact upon the amenities of neighbouring properties, would afford future occupants with a good standard of living, and would represent an efficient use of a brownfield site in providing for both

market and affordable houses and subject to the conditions set out below the development would secure the necessary landscaping and ecological benefits. The development would yield new housing for the city, including affordable units, and it is located at a very sustainable location. Having considered that there would be no significant/unacceptable adverse impacts on residential amenity, character and design, the surrounding highway network and nature conservation interests, the development would contribute to the achievement of sustainable development as required by the NPPF.

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

- i. To secure the provision of the six apartments as affordable housing.
- ii. Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.
- iii. Nitrate neutrality mitigation for the Special protection Areas

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 to secure the affordable housing, and the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

RECOMMENDATION Conditional Permission

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.

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:

1200 Rev. K
1210 Rev. H
1220 Rev. H
1510 Rev. B
1420 Rev. F
1410 Rev. F
1400 Rev. F
1430 Rev. C
1600 Rev. C
1610 Rev. C
1620 Rev. B
1630 Rev. C

1800 Rev. A
1810 Rev. A

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

Land Contamination

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

a) A 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 with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

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 (Phase 2' report).

c) A 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 (Phase 3 report). 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.

Construction Environmental Management Plan

4) (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).

Employment & Skills Plan

5) 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 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

6) (a) Notwithstanding the submitted details, no development works other than those of ground works, 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 the development 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).

SPA Mitigation - Nitrates

7) The building hereby permitted shall not be occupied until a scheme for the mitigation of the effects of the development on the Solent Waters Special Protection Areas 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 Mitigation Measures & Enhancements

8) The mitigation, recommendations and enhancement measures set out in Section 6.0 of the Silver Street, Portsmouth Preliminary Ecological Appraisal report (Ecosupport Ltd., dated 1st March 2021) will be adhered to. Prior to commencement of development, the development shall subsequently proceed in accordance with any such approved details, with the enhancement features being permanently retained. Photographs and a report of the implemented measures shall be submitted by an ecologist for approval to the Local Planning Authority prior to occupation.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

Detailed Biodiversity enhancements

9) (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 an augmented and 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 ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF.

Drainage

10) Prior to the commencement of development a Surface Water Drainage Strategy & Surface Water Flood Risk Mitigation Report shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall then be implemented as approved and retained in perpetuity. The Surface Water Drainage Strategy shall include full infiltration test results and associated SuDS details to be used on site.

Reason: In the interests of surface water drainage management and flood risk mitigation in accordance with Policy PCS12 of the Portsmouth Local Plan (2012).

Landscaping

11) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme 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).

Bicycle Storage

12) (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

13) (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, recyclable materials and food waste 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).

Terrace Obscure Glass Screens

14) Prior to first occupation of the relevant properties, details of privacy screens as having obscure glass (Pilkington Level 3 or higher) on the outdoor amenity terraces shall be submitted for the written approval of the Local Planning Authority. The screens shall be installed prior to the first occupation and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Garage Retention

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garages shown on the approved plans shall be kept available for the parking of cars and shall not be converted to any use without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate parking and in the interests of highway convenience in accordance with Policy PCS17 of the Portsmouth Plan (2012)

Parking Provision

16) The parking area shown on the approved plans shall be laid out and retained as such prior to the first occupation of the development hereby permitted.

Reason: To ensure adequate parking and in the interests of highway convenience in accordance with Policy PCS17 of the Portsmouth Plan (2012)

Tree Protection

17) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure that trees, shrubs and other natural features 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 Policy DC2 of the Portsmouth City Local Plan 2001-2011.