

POST OFFICE SLINDON STREET PORTSMOUTH PO1 1AB

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS AND SCALE FOR THE CONSTRUCTION OF A BUILDING UP TO 19-STOUREYS/62M FOR CIRCA 176 NOS. DWELLINGS (CLASS C3); PARKING AND SERVICING WITH ACCESS FROM LOWER CHURCH PATH; PODIUM LEVEL OPEN SPACE AND ASSOCIATED WORKS FOLLOWING DEMOLITION AND REMOVAL OF EXISTING BUILDINGS AND STRUCTURES (AMENDED DESCRIPTION AND DRAWINGS)

LINK TO ONLINE DOCUMENTS:

[20/00407/OUT | OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS AND SCALE FOR THE CONSTRUCTION OF A BUILDING UP TO 19-STOUREYS/62M FOR CIRCA 176 NOS. DWELLINGS \(CLASS C3\); PARKING AND SERVICING WITH ACCESS FROM LOWER CHURCH PATH; PODIUM LEVEL OPEN SPACE AND ASSOCIATED WORKS FOLLOWING DEMOLITION AND REMOVAL OF EXISTING BUILDINGS AND STRUCTURES \(AMENDED DESCRIPTION AND DRAWINGS\) | POST OFFICE SLINDON STREET PORTSMOUTH PO1 1AB](#)

Application Submitted By:

DPP Planning UK Ltd
FAO Mr Tom Wright

On behalf of:

Slindon Street Portsmouth Limited

RDD: 17th January 2022

LDD: 18th April 2022

EOT: 31st December 2022

This application is brought to Planning Committee, as it is a significant scheme of public interest.

1 SUMMARY OF MAIN ISSUES

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

- Principle of Development
- Design - scale
- Impact on amenity
- Access - Highways Impacts
- Sustainable Design & Construction
- Ecology & Impact on the Solent Special Protection Areas

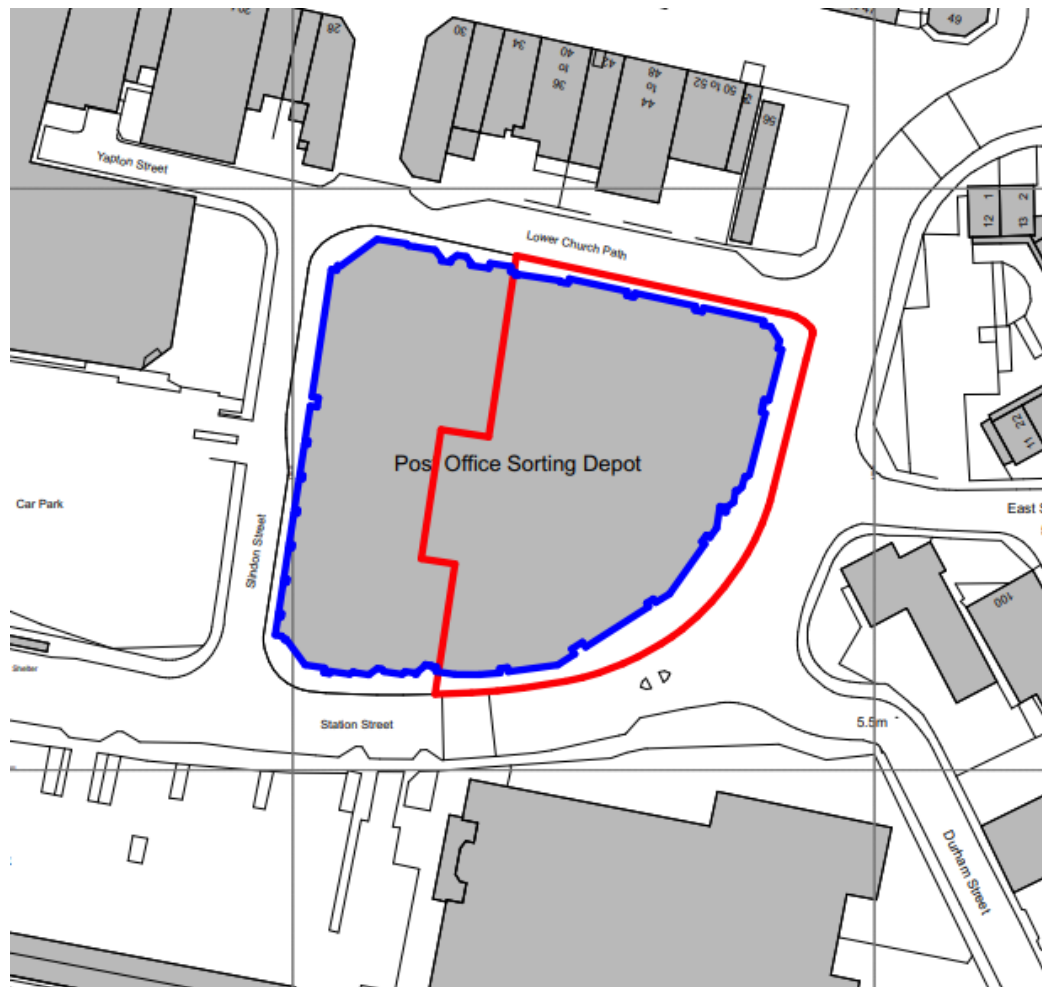
1.2 Site and Surroundings

1.3 This application site relates to the eastern side of the former Mail Sorting Office, which is situated on the main circulatory road within the city centre. The site consists of a vacant two storey (double height) depot (which consists of a loading platform, parking and plant area).

1.4 Adjoining the site to the west is the 5 stories Post Office building which is constructed of red facing brick with pre-cast banding. This part of the site forms a second application for the Change of use of part of building to form hotel (Class C1); External alterations to include: construction of two additional storeys, replacement of all facades, formation of

roof terraces and demolition of eastern part of the building (amended description and drawings) which is under consideration (20/00152/FUL).

- 1.5 The Post Office building is constructed of red facing brick with pre-cast banding. The site along with the building has a triangular form, with Slindon Street to west, Lower Church Path to the north and Station Road, wrapping round from the south to the east. The site is located within the Charles Dickens Ward, within the immediate vicinity of the city's main commercial and shopping area. The ward is highly accessible, with two train stations, a transport interchange, several ferry terminals and the convergence of many of the city's bus routes along Commercial Road.
- 1.6 The site is located on the periphery of Portsmouth's historic core in an Area of High Archaeological Potential (AHAP).



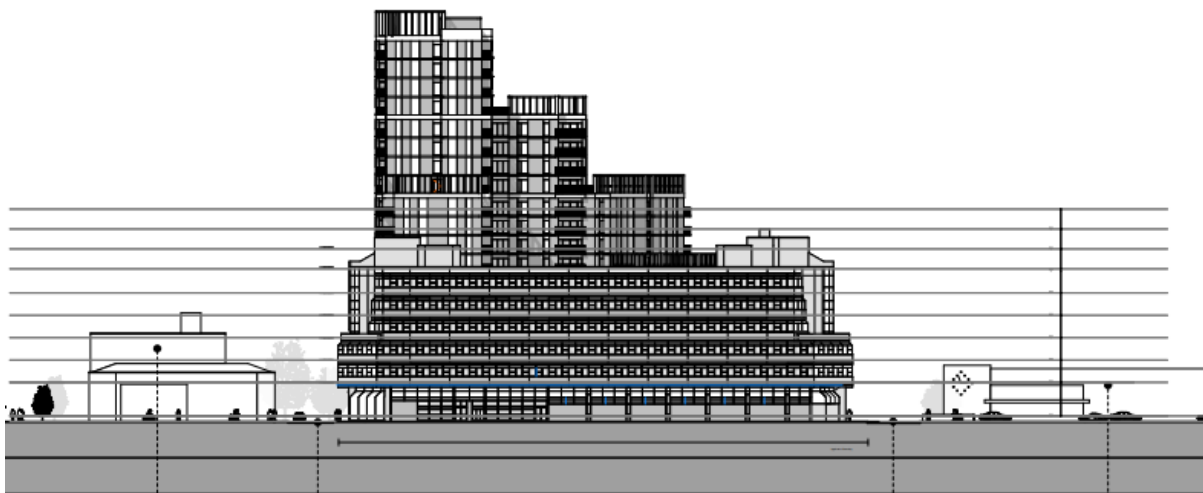
- 1.7 A number of tall buildings have recently been constructed/extended within the site's immediate vicinity, these include:
 - Stanhope House (19-stories) situated on the corner of Stanhope Road and Commercial Road;
 - Crown Plaza (23-stories) located between Station Street and Surrey Street;
 - Catherine House (15-stories) on Stanhope Road and Greatham Street (25-stories, Unite Student block).
- 1.8 Further tall buildings are also being brought forward, immediately adjoining the site to the north-west, 12-18 Arundel Street, was granted in December 2020 for the construction of a 28, part 21 and part 7 storey building.

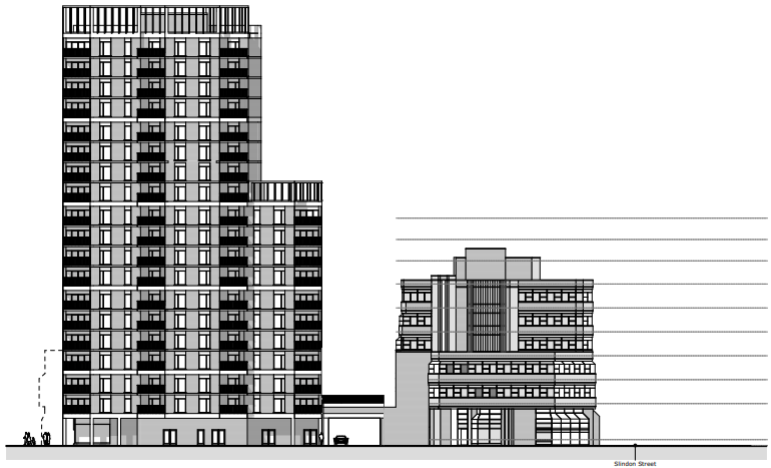


2 Development Proposal

- 2.1 The development proposal itself relates to the eastern side of the post office building and seeks Planning Permission in Outline form for the approval of access and scale for the construction of a building up to 19-storeys/62m for circa 176 residential apartment dwellings (Class C3). Parking and servicing access is to be from the Lower Church Path (north). A podium level open space and associated works following demolition and removal of existing buildings and structures. Matters relating to **Appearance**, **Landscaping** and **Layout** are to be considered under a subsequent Reserved Matters application.
- 2.2 The proposed development is for the provision of up to 176 apartments. The exact quantum and mix of units are to be considered and determined at any subsequent Reserved Matters stage. The application has however provided an indicative mix of residential units in order to demonstrate how a building of the proposed scale could be appropriately accommodated in a building of the proposed scale.
- 2.3 The indicative accommodation mix is as follows:
- Studio – 4 (2%)
 - 1B2P – 68 (39%)
 - 2B3P – 42 (24%)
 - 2B4P – 41 (23%)
 - 3B4P – 14 (8%)
 - M4(3)1B – 2 (1%)
 - M4(3)2B – 5 (3%)
- 2.4 The applicants supporting statement advises that 6% of the proposed units are identified as being wheelchair accessible. The indicative accommodation mix is guide figure, with

the exact quantum and mix to be confirmed and agreed at the Reserved Matters stage when details of the building's layout are fixed.





01 Proposed North Elevation (Lower Church Path)



04 Proposed West Elevation

3 Relevant Planning History

- 3.1 20/00152/FUL - Change of use of part of building to form hotel (Class C1); External alterations to include: construction of two additional storeys, replacement of all facades, formation of roof terraces and demolition of eastern part of the building (amended description and drawings) - Pending consideration
- 3.2 18/00004/PACOU - Application for prior approval relating to the change of use of first, second, third, fourth and fifth floors from offices (Class B1) to form 74 self-contained flats (Class C3) and external alterations to include replacement windows and associated cycle store - Refused

4 POLICY CONTEXT

- 4.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are

- PCS4 (Portsmouth City Centre)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS19 (Housing Mix, Size and Affordable Homes)
- PCS23 (Design and Conservation)
- PCS24 (tall buildings)

- 4.2 Portsmouth City Local Plan (2001 - 2011) - Retained policy January 2012:

- 4.3 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.

- 4.4 Other guidance:

- The Parking Standards SPD
- National Planning Practice Guidance
- National Design Guide (2019);
- The Housing standards SPD and the Technical Housing Standards - nationally described space standards
- The City Centre Masterplan (2013)
- 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 (December 2017)

- 4.5 Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

- 4.6 National Planning Policy Framework

Still at the heart of the revised NPPF (July 2021) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).

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

5 Representations:

5.1 Following the display of site notices and public notification including letters to 157 neighbouring properties, 5 letters of representation were received, the comments raised were as follows:

- The development does not include any social/affordable housing provisions
- Only 3 parking spaces are to be provided
- Several tower blocks have been built in the last couple of years

5.2 Cllr Cal Corkery, provided representation, objecting to the proposal based on the grounds that it fails to comply with planning policy PCS19 housing mix, size and the provision of affordable homes as detailed in the Local Plan.

5.3 Site Notice Displayed 25th June 2020.

5.4 Press Notice Published 28th January 2022.

5 CONSULTATIONS

6.1 **Regulatory Services** - No objection raised, suggested a condition be imposed requiring details of noise emissions from any fixed plant material.

6.2 **Coastal And Drainage** - No objection raised

6.3 **Archaeology Advisor** - No objection raised, happy to confirm that in both cases, application 20/0152 and 20/00407, I would not raise any archaeological issues arising out of the revisions.

6.4 **Hampshire Fire & Rescue Service** - No objection raised

6.5 **Ecology** - No objection raised subject to conditions

6.6 **Contaminated Land Team** - No objection raised subject to condition, 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.

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.

6.7 **Natural England** - No objection raised subject to appropriate mitigation being secured.

6.8 **Environmental Health** - No objection raised subject to condition ensuring construction noise is controlled in the interest of neighbour amenity

6.9 **Crime Prevention Design Advisor** - No objection raised, advisory comments provided,

6.11 **Highways Engineer** - No objection raised,

6.12 **Drainage** - No objection raised

6.13 **Arboricultural Officer** - No objection raised. The content of Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement is accepted and agreed in respect of demolition and construction. 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.

- 6.14 **Landscape Group**- Provided advice and guidance.
- 6.15 **Crime Prevention Design Advisor** - Provided advice and guidance easures to be incorporated into the development proposal.
- 6.16 **Colas Highways** - No objection raised
- 7 Planning Assessment
- 7.1 The main issues for consideration in the determination of the application are as follows:
- Principle of Development;
 - Design - Scale
 - Access
 - Impact amenity
 - Ecology & Impact on the Solent Special Protection Areas
- 7.2 Principle of Development
- 7.3 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 apartments.
- 7.4 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. The unadopted City Centre Development Strategy recently produced to review the Masterplan SPD similarly focusses economic activity and growth in this part of the City Centre
- 7.5 Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by para 61 of the revised NPPF which states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people [etc]...)".
- 7.6 Having regard to the sustainable town centre location of the site in close proximity to the railway station, it is considered that the proposed provision for residential accommodation would be acceptable in principle. The retention of the existing Post Office facility is also noted, which provides a benefit to the local community.
- 7.7 As this application is in Outline form, the main issues for consideration is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of apartments in this location. The other considerations are the appropriateness of the proposals means of access which includes accessibility for routes to and within the site and how they link up with the rad network and pathways, and secondly the scale of the development which relates to the size of the development inclusive of the proposals height width and length. All other matters (**Appearance, Landscaping** and **Layout**) will be considered at any subsequent Reserved Matters stage.

7.8 Scale

- 7.9 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."
- 7.10 The NPPF in paragraphs 124 and 127 state that development should "add to the overall quality of the area" and "respond to local character and history and reflect the identity of local surroundings". The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 7.11 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.
- 7.12 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.'
- 7.13 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'.
- 7.14 The development proposal is to provide a scheme of up to 19 stories in height which would comprise of circa 176 apartments. The indicative plans as illustrated on the submitted elevations show the apartments to be provided in a 'stepped' format, ranging in 5 different heights. The building would be at its highest within the north eastern corner of the site. The building would have a maximum width of 36m. The Council's Officer's, in negotiating the scheme, requested a high level of detailed information in order to be satisfied that the site could in fact be achievable on the site. The applicant has worked pro-actively with the LPA both through the course of the application discussions and the life of the planning application providing the necessary information and modifications.
- 7.15 The resultant information submitted by way of the detailed height and massing drawings, clearly demonstrate that the site can in fact accommodate a development of the

described height, scale and form, which would satisfactorily integrate within the site's immediate and wider context. As detailed as the submitted plans are, the finer details of the appearance of the final scheme would be considered under a Reserved Matters stage. The indicative drawings, however, have given Officer's confidence in what could be achieved on the site.

- 7.16 The proposed buildings final design as well as the quality of materials in order to ensure that the proposal satisfactorily integrates with the character of the sites wider context and townscape would be controlled at Reserved Matters stage. Officers are confident that the development of the site could 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.
- 7.17 As such, it is considered that the scale form and height of the building could be satisfactorily achieved at the site and within the wider streetscape context. The proposal would be in accordance with the aims and objectives of policies PCS4 and PCS23 and PCS24 of the Portsmouth Plan.
- 7.18 Access
- 7.19 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.
- 7.20 In terms of parking, the Portsmouth City Council parking standards are set out in the 'Parking Standards and Transport Assessments' Supplementary Planning Document (SPC), and are as follows: - 1-bed - 1 parking space plus 1 cycle space; - 2 or 3-bed - 1.5 parking spaces plus 2 cycle spaces. The plans propose a car free development, which would be below the policy requirement. A relaxation in the parking standards is normally only considered appropriate for highly accessible locations and the onus is on the applicant to justify any reduction.
- 7.21 The development is located in a highly sustainable location in the centre of Portsmouth. With this in mind a lower quantum of parking is proposed than the standard policy position which is deemed appropriate by the Council's LPA in central locations. The proposed development provides 18 car parking spaces, this includes 3 disabled spaces and 6 will have EV charging facilities (30%). In accordance with the Portsmouth Plan's Core Policy PCS17 and the Parking Standards and Transport Assessments Supplementary Planning Documents 2014, the application is supported by a Travel Plan and Transport Assessment.
- 7.22 Vehicular access will be taken from Lower Church Path, to the north whilst two new pedestrian access points are to be achieved via Station Street South and East. The creation of the new vehicular access will require the removal of one southern kerb line parking space to ensure safe exit from the site. The accompanying assessments have confirmed that, in transport/highway terms, the proposal to provide a total of 176 residential units would not result in a severe impact upon the operation or safety of the local highway network.
- 7.23 The central parking/servicing area is to be accessed from the north of the site on Lower Church Path. This would provide access to the proposed residents parking area and the 18 parking spaces. Station Street has a no loading or stopping restrictions preventing servicing from this route legally. This is preferable for deliveries given the entrance locations.
- 7.24 In considering the access arrangements to and fro the site, The Councils Highways Advisor was consulted on the development proposal and formed part of ongoing discussions during the life of the application. As a result of these discussions, the

Applicant was able to address some initial concerns and provide adequate remedies and solutions, in order to provide a more cohesive development.

- 7.25 With regards to the site's proposed parking arrangements, the Council's Highways Consultant raised no fundamental highway safety concerns. The developments limited parking provision was raised in relation to the adopted parking standards. However, owing to the highly sustainable city centre location of the site within 300m of a railway station and bus interchange, the provision of a good standard of bicycle storage facilities which the indicative ground floor plans demonstrates can be achieved and good pedestrian and cycle routes to a wide range of shops, service, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle.
- 7.26 Portsmouth City Council have made the decision to introduce a Clean Air Zone for the City, and this has recently come into force. This application Site on Slindon Street falls within the clean air zone where Portsmouth is actively trying to reduce vehicle traffic.
- 7.27 The indicative plans also show an amenity deck and central public space, which was incorporated into the development proposal as a result of discussions between the Council and Applicant. The final details and the management of the spaces, as well as any potential link between this scheme and the adjoining hotel development would be finalised under any subsequent Reserved Matters application and secured by any necessary legal agreements and or conditions.
- 7.28 Impact on residential amenity and standard of accommodation
- 7.29 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.
- 7.30 Overall it is considered that the development could provide an acceptable standard of living environment for all future occupiers of the development proposal. The rooms within the apartments could all provide a good standard of accommodation, with access to a good standard of amenity space.
- 7.31 The development proposal has been accompanied by indicative floor plans, however the final arrangements of the buildings layout would be considered under any subsequent Reserved Matters application. The application has also been accompanied by a Sunlight/ Daylight study, the findings of which have not identified any relevant open spaces situated north of the development site that could be adversely impacted by the proposed scheme in sunlight to amenity terms. Overall, the findings stated that given the urban context of the site, the Daylight & Sunlight results are reasonable.
- 7.32 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.
- 7.33 Sustainable Design & Construction
- 7.34 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.

- 7.35 The application has been accompanied by an Energy Statement which outlines the development's proposed energy efficiency and renewable energy strategies. It highlights that energy demand reductions are to be realised throughout the scheme via the specification of an optimised building fabric and the inclusion of energy efficient building services systems.
- 7.36 The drainage Strategy has also been considered by the Lead Local Flood Authority, and is in agreement that there are limited options to drain the site, and that surface water sewer is the most reasonable outlet. The also LLFA welcomes the proposal to limit site run-off to 50% of Brownfield rate and has advised that if there is currently and discharged roofwater direct to the highway, in line with Highways Act 1980 the post-development site cannot. All run-off is to be collected and dealt with on Site.
- 7.37 Affordable Housing
- 7.38 Policy PCS19 at paragraph 5.21 & 5.22, *it states that "The council will always seek the maximum reasonable amount of affordable housing in new developments, so as to meet the identified need in the city. However, if there are specific circumstances associated with the development which would render the development economically unviable the council will negotiate over the amount and type of affordable housing. In such situations, developers will be expected to freely disclose the scheme's financial details to the council so that they can be closely scrutinised and validated. The council will conduct a robust and rigorous analysis of the financial viability of the proposed scheme and will only negotiate on this basis when it is satisfied that the full amount of affordable housing cannot be provided. In such situations, developers will be expected to provide as much as would be possible without rendering the development unviable. If it is necessary for the council to obtain independent advice on the financial viability of a scheme then applicants will be expected to meet the costs of this independent assessment. It is considered that the provisions of this policy will ensure that new development in Portsmouth creates sustainable communities providing a variety of decent sized housing.*
- 7.39 The Portsmouth Plan requires the provision of an element of affordable housing. For a scheme of more than 15 dwellings, the requirement is for 30% on-site provision, which should comprise 70% social rented and 30% intermediate affordable housing.
- 7.40 Within the Applicants presentation of their viability position, the applicant supplied the Council with a Viability Assessment (AVA) together with the following attached to it as appendices:
- Schedule of pricing
 - Printed summaries of viability appraisals for a policy compliant scheme and a 100% market housing scheme, carried out using Argus Developer software (note: DSP has not been provided with the functioning version Argus appraisal files)
 - A copy of the previously submitted viability report from April 2020
- 7.41 In considering the Viability Appraisal, the Council instructed Dixon Searle Partnership, to carry out a review of the appraisal. DSP's review found that the submitted development appraisal had been run in a way which takes account of the benchmark land value (BLV) of the site and assesses the level of additional residual potentially available in excess of that after allowing for a fixed developer's profit. Therefore, an approach has been taken that sets out to consider, in the applicant's view, the maximum supportable financial contribution for affordable housing.
- 7.42 The proposal as presented (with nil affordable housing) produces a negative residual land value of -£2,380,187 after allowing for a developer's profit of 20% of GDV (£7,885,072) which when compared to the assumed BLV of £1,716,000 indicates a deficit of -£4,096,187. With the 'actual profit', taking into account the stated deficit, therefore equates to £3,788,885, or 9.8% of GDV, therefore by generally accepted measures the scheme is not proceedable.

- 7.43 In conclusion DSP are in agreement with the presented viability position; based on the information currently available in their view the viability is marginal, as before any affordable housing has been included. For these reasons, it has concluded that the nil approach to affordable housing provisions in this instance is also accepted in this regard.
- 7.44 Environmental Considerations
- 7.45 Natural England were consulted on the development proposal and have advised that they consider that without appropriate mitigation the application would have an adverse effect on the integrity of the 'Solent Designated Sites' and underpinning designated Sites of Special Scientific Interest (SSSIs). In order to mitigate these adverse effects and make the development acceptable, the following should be secured:
- Details of the proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
 - Financial contribution to the Solent Recreational Mitigation Partnership
 - In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) Portsmouth City Council as Competent Authority should conduct a Habitats Regulations Assessment, proceeding to Appropriate Assessment where necessary.
- 7.46 On this basis, and subject to appropriate measures being secured and managed in perpetuity, Natural England advises that the subsequent Appropriate Assessment can likely conclude that there will be no adverse effect on the integrity of the European Sites, in relation to this aspect of the proposal.
- 7.47 In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.
- 7.48 In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make. To assist you in your Habitats Regulations Assessment, Natural England have advised that they raise no objection to the proposal subject to mitigation.
- 7.49 Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).
- 7.50 CIL
- 7.51 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 7.52 Whilst a CIL Liability Notice will be issued on the full application if granted, a CIL Liability Notice will not be issued on approval of any outline application. The CIL liability in

relation to the outline will only be considered once the final reserved matters have been approved in line with the CIL Regulations.

8 Conclusion and Planning Balance

- 8.1 Having regard to all of the material planning matters, it is considered that the proposed development for Outline permission for up to 19 stories to provide circa 176 residential flats could be achieved in this location. The redevelopment would optimise this brownfield 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.
- 8.2 The overall scale and access arrangements of the proposed development is considered to make effective use of this site. The indicative elevations, floor plans and elevations, also provide a greater understanding of how a high quality development of high architectural merit could be would make a positive and distinctive contribution the character of the site, which is in much need of enhancement. The Reserved Matters stage of the application process would give the Council greater control of the finished form of the development, where other improvements and benefits could be sought and achieved.
- 8.3 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.
- 8.4 **RECOMMENDATION:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission within 9 months in order to allow for the completion of legal agreements to secure the following:
- Provision to secure mitigation in respect of the net increase in Nitrate load (TBCKg/TN/yr) resulting from the proposed development in line with the City Council's Interim Nutrient Neutral Mitigation Strategy. Mitigation to be calculated by the number of new apartments (currently circa 176 beds)
 - Provision to secure a contribution towards setup/monitoring of Travel Management Plan £5,500. The Travel Plan itself to be secured by Planning Condition;
 - Provision to secure the agreement and implementation of an Employment & Skills Plan;
 - Project Management/Auditing Fee £620 (Employment and Skills Plan). To be controlled by condition.

Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Details of appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development should be carried as approved.

Reason: In order to secure a satisfactory development in accordance with policy PCS23 of the Portsmouth Plan (2012).

Approved Plans

3. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings:

17.032 NWB_100 P3
17.032 NWB_101 P2
17.032 NWB_102 P2
17.032 NWB_200 A1 1:200 P1
17.032 NWB_201 A1 1:200 P1
17.032 NWB_210 A1 1:200 P1
17.032 NWB_220 A1 1:200 P2
17.032 NWB_221 A1 P3
17.032 NWB_222 A1 P2
17.032 NWB_223 A1 P2
17.032 NWB_224 A1 P2
17.032 NWB_225 P2
17.032 NWB_226 P2
17.032 NWB_227 A1 P2
17.032 NWB_240 Proposed North Elevation A1 1:200 P2
17.032 NWB_241 Proposed East Elevation
17.032 NWB_242 Proposed South Elevation
17.032 NWB_243 Proposed West Elevation
17.032 NWB_250 Proposed Station Street looking North & West A1 1:500
17.032 NWB_260 Proposed Bay Study (Indicative Only)
17.032 NWB_270 Proposed Section A-A (Indicative Only)

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

4. Prior to above ground construction works, details of the external materials and finishes within the development proposal hereby approved shall be provided in writing and approved by the LPA.

Reason: In the interests of the visual amenity of the area and objectives of the National Planning Policy Framework (2021) and Policy PCS23 of the Portsmouth Plan (2012).

5. Prior to commencement, a detailed scheme of mitigation planting and biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.

Reason: To enhance biodiversity in accordance with the NPPF, the Natural Environment and Rural Communities Act 2006 and the Environment Act 2021 and with PCS13 of the Portsmouth Plan.

6. Notwithstanding the submitted details, no development works other than those of demolition shall take place until precise details of the proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, and in accordance with Policy PCS15 of the Portsmouth Plan.

INFORMATIVES

1. Before any works take place at this location including any Demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk or fred.willett@colas.co.uk this is for Highway coordination purposes.
2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
3. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is advisable to undertake demolition and conversion of potential bird nesting habitat (such as flat-roofed buildings) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

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.