

PLANNING COMMITTEE

3 SEPTEMBER 2014

5 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the first protocol- The right of the Enjoyment of Property*, *Article 6- Right to a fair hearing* and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

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

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PITCHES ALEXANDRA PARK NORTHERN PARADE PORTSMOUTH**SITING OF STORAGE CONTAINERS, PORTABLE TOILET AND 2 METRE HIGH FENCE AND GATES FOR A TEMPORARY PERIOD OF UP TO 18 MONTHS****Application Submitted By:**

Pickwick Football Club

RDD: 16th June 2014**LDD:** 4th September 2014**SUMMARY OF MAIN ISSUES**

The key issues in this application are whether the principle of the development is acceptable in the location proposed having regard to its designation as protected open space, whether the development would be acceptable in visual terms, whether it would have a significant adverse impact on the residential amenity of adjoining occupiers, whether it would have any adverse impact on the nearby nature conservation interests and whether it would result in an increased risk of flooding at the site.

The site and surroundings

This application relates to part of a large area of open space known as Alexandra Park located between the Mountbatten Centre, Tipner Lake and residential properties fronting Northern Parade and Normandy Road. Specifically the proposal relates to an area of approximately 225sqm positioned against the eastern boundary just to the north-east of the car park on Alex Way. A weld mesh fence and a number of large mature trees mark the eastern boundary of the site which is separated from residential properties and garages by a narrow access road (adopted highway) linking through to Northern Parade. The Mountbatten Centre to the west of the application site comprises a mix of sports and recreational facilities including the main leisure centre and athletics track, swimming pool, gymnastics centre, indoor tennis centre and a mix of indoor and outdoor all-weather sports pitches. The larger area of grassed open space to the north is used as formal and informal sports pitches.

The application site is located within close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI) which forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). The site is also located within the indicative flood plain (Flood Zones 2 & 3).

The proposal

The applicant seeks temporary planning permission for the siting of four steel storage containers and a portable toilet within a compound enclosed by 2m high fence/gates, to provide storage facilities associated with the use of the adjoining grass pitches for a period of up to 18 months.

Planning history

There is no site specific planning history. However, there are a number of applications relating to the adjoining sports and recreational facilities at the Mountbatten Centre.

Conditional Permission was granted in 2007 (07/01003/FUL) for the construction of an extension to west elevation of the existing Mountbatten Centre to provide swimming pools, health and fitness facilities and associated changing facilities, new entrances including cafe and reception,

tactile garden, landscaping, ancillary facilities and associated car parking. This followed an earlier outline permission (ref A*28445/AE) granted in November 2006.

Conditional permission was granted in 2006 (ref.06/00262/FUL) for the construction of a gymnastics centre and electricity sub-station, relocation of existing tennis courts, and extension to the existing car park.

Construction permission was granted in 2013 (ref.13/00069/FUL) for the construction of a building to form indoor tennis centre with viewing area and covered walkway linking to the gymnastics centre.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport) and PCS23 (Design and Conservation).

The Reducing Crime Through Design SPD (March 2006) is also relevant.

CONSULTATIONS

Natural England

The application is in close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA).

Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Portsmouth Harbour has been classified. There is no requirement to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. The SSSI does not therefore, represent a constraint in determining this application.

Tree Officer

The guidelines in BS5837:2010 Trees in relation to design, demolition and construction- Recommendations Art 5.3.1 recommend structures be located outside the Root Protection Area (RPA) of trees in order to prevent soil compaction and root damage. Construction within the RPA should accord to the principle that the tree and soil structure take priority, and the most reliable way to ensure this is to preserve the RPA completely undisturbed. Soil structure should be preserved at a suitable bulk density for root growth and function (of particular importance for soils of a high fines content), existing rootable soil retained and roots themselves protected. Where structures must be positioned within the RPA technical solutions might be available that prevent damage to the tree.

Using Arbortrack tree management software and the site drawing it is apparent that the proposal will be within the RPA of tree Hilsea 00711 (H711). Recorded dimensions for H711 indicate a stem diameter of 750 - 1000mm. The formula in BS5837:2010 Art 4.6 projects a root protection area with a radius of 12m centred on the base of the tree as indicated on the attached plan. Relocation of the development along the perimeter will encroach upon the RPA of other trees. Recommend:

1. Relocation to an alternative position at this site.
2. Relocation to a point 12m clear of the perimeter fence and trees.
3. Use of a no dig technical solution to form a load bearing surface capable of supporting the weight of the shipping containers, such as "Terram" type cellular confinement.

The placement of the containers on railway type sleepers as shown on additional drawing 'Container Support System (received 10.08.2014)', would represent the most appropriate short term solution to protect the adjoining trees.

Sport England

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Paragraph 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England.

Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:

- E1 An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport;
- E2 The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches;
- E3 The Development only affects land incapable of forming part of a playing pitch and the would lead to no loss of ability to use/size of playing pitch
- E4 Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility;
- E5 The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.

It is considered that the proposal is consistent with policy E2. The proposal is providing an ancillary facility, in this case sports equipment storage for Pickwick Youth Football Club. This being the case, Sport England does not wish to raise an objection to this application.

REPRESENTATIONS

Representations have been received from the occupiers of 12 properties in Northern Parade raising objection on the following grounds: (a) loss of open space; (b) loss of view of the park; (c) poor siting on an attractive park perimeter used by dogwalkers, joggers etc and its effect on existing trees; (d) poor location and lighting would attract vandalism and anti-social behaviour to this part of the park; (e) add to parking/congestion problems, encouraging parking to the private rear access and blocking access to garages and side entrances to Northern Parade properties; (f) a more appropriate and less obtrusive permanent solution should be found than creation of short-term problems, suggestions include sites on the edge of the car park or adjacent to the tennis courts or reuse of existing Mountbatten Centre changing facilities; (g) unsightly appearance and scale of storage facility would be an eyesore and out of keeping with the area; (h) site is in the floodplain and becomes waterlogged every winter, so waste collection from the portable toilet will cause damage to the playing fields; (i) will give rise to noise, smell and mess; and, (j) inadequate public consultation.

COMMENT

The determining issues in this application are:

1. Principle of the proposed development;
2. Visual impact;
3. Impact on residential amenity;
4. Impact on the nearby nature conservation interests;
5. Flood risk;
6. Highways/parking implications;
7. Other including matters raised within representations.

Temporary permission is sought for the siting of four steel storage containers and a portable toilet within a new compound enclosed by a 2 metre high galvanised fence and gates. The compound would be used to store sports and maintenance equipment associated with the use of the adjoining grass sports pitches for a temporary period of 18 months.

Principle of the proposed development

The application has been submitted by Pickwick Football Club who seek alternative training and match facilities following the grant of planning permission in July 2014 (ref.14/00568/FUL) at the Roko Centre, Copnor Road, where they were formerly based. This permission was associated with the creation of training facilities associated with Portsmouth Football Club.

The applicant is the biggest community football club within the city with over 350 registered youth players between the ages of 4 and 18, and two adult teams derived from the youth system. Due to the very recent grant of planning permission at their former base, the club have been left with very little time to find suitable alternative facilities or negotiate the use of existing facilities elsewhere in the city/at the Mountbatten Centre. On that basis, the club seeks temporary planning permission for a storage solution associated with the use of the grass sports pitches at Alexandra Park prior to the start of the new football season in September. This would provide short-term facilities for temporary expediency only whilst a permanent solution is formulated and funding sources explored.

Following discussions with the applicant, the proposal has been amended from that as originally submitted reducing the temporary period applied for from 3-years to 18 months. This is in acknowledgement of concerns raised by local residents and in the absence of any firm long term/permanent plans to justify a form of development that would not normally be considered appropriate and to demonstrate what would happen at the end of the temporary period.

The whole of the grassed area at Alexandra Park is allocated as protected open space by policy PCS13 (A greener Portsmouth) of the Portsmouth Plan. This policy states that: 'The City Council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways: Refusing planning permission for proposals which would result in the net loss of existing areas of open space and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm'. The supporting text to this policy states: 'There is a great deal of pressure on Portsmouth's green infrastructure network from increasing population numbers to climate change and the need for new development sites. The city lacks suitable spaces to provide additional green infrastructure assets to absorb this pressure. Therefore the council's priority will be to focus resources on protecting, enhancing and linking together the existing network. There will be a presumption against any development involving the net loss of open space unless there are wider public benefits that outweigh the harm of this loss'.

In addition Section 8 the National Planning Policy Framework (NPPF) highlights the role the planning system can play in facilitating social interaction and creating healthy, inclusive communities. Paragraphs 73 & 74 state: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required....Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of

quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.

In light of the above, it is clear that there is a presumption against the loss of protected open space within the city. However, regard must also be given to the short-term expediency and balanced against the contribution it would make towards continuation of the delivery of sporting activities on the adjoining grass pitches. This would be in accordance with the City Council's Healthy Living strategies and policy PCS14 of the Portsmouth Plan that highlights the role planning can make in encouraging exercise and healthy lifestyle, particularly in a city which has more acute health inequalities and lower life expectancies than surrounding areas.

Sport England have confirmed that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). However, on the basis that the proposal is to provide ancillary facilities to the use of the adjoining site by Pickwick Football Club, no objection is raised to the application.

Therefore, having regard to the short-term expediency specifically sought by the applicant for this development and proposed position of the enclosure at the edge of Alexandra Park in an area that could not form part of a formal playing pitch, it is considered that the supporting contribution the proposal would make towards the delivery of sporting activities to in excess of 350 young people would, on balance, outweigh the presumption against the loss of protected open space.

The removal of the storage facilities and the reinstatement of the site to its former condition at the end of the temporary period can be controlled through the imposition of a suitably worded planning condition.

Visual Impact

As indicated above, the proposed facilities and non-obscure boundary treatments do not represent a form of development that would normally be considered appropriate for the site, particularly on a permanent basis. The proposal is not of the highest design quality and would not contribute positively to the setting of the park. However, the proposal is of a relatively modest scale in comparison with the size of the park and has been positioned against an existing boundary treatment. With the backdrop of a number of large trees and residential properties beyond, the visual impact of the proposal would be minimised as far as practicable when viewed from within the park itself.

The applicant has highlighted the restrictive timeframes in finding alternative, more appropriate, locations within Alexandra Park and the adjoining Mountbatten Centre and has highlighted that the proposed location would be the most convenient for the football club, given its proximity to the car park and other facilities, and would minimise its impact on the existing sports pitches and the nature conservation interests (addressed below).

Therefore, whilst the proposal would not be appropriate on a permanent basis, it is considered that the public benefits as a temporary (short-term) solution highlighted above would, on balance, outweigh any visual harm (over the 18-month temporary period sought).

Impact on residential amenity

The site is located to the rear of properties fronting Northern Parade and separated from rear gardens and garages by an access road (adopted highway).

Concerns have been raised in respect of the siting, use and maintenance of a portable toilet on the site. The applicant has confirmed that this is necessary given that an agreement has not yet

been reached to use existing facilities within the adjoining Mountbatten Centre and to facilitate the age ranges the football club would support.

Impact on the nearby nature conservation interests

The application is located within close proximity to the Portsmouth Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Portsmouth Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA). Alexandra Park is identified as a high tide Brent Goose feeding site within the 'Solent Waders and Brent goose strategy' as supporting habitat local network of Special Protection Areas (SPA). Although the strategy identified the site status as being 'uncertain', more recent surveys by the City Council have confirmed its status as an 'important' feeding site. Given that the proposed containers and enclosure would be in place for a temporary period, and would be sited at the far east of the park close to existing taller structures, it is considered that the proposal is unlikely to impact on the site's effectiveness as SPA supporting habitat. Natural England concurs with this assessment.

Flood risk

The site is located within the indicative flood plain (Flood Zones 2 & 3). However, having regard to the temporary form of the development, it is considered that the proposal would not result in an increased risk of flooding at this or adjoining sites. However, representations have highlighted that this particular area of Alexandra Park has suffered from drainage and localised flooding issues in the past.

It is understood that works have recently been carried out to unblock and repair a damaged section of surface water sewer within the area. City Council's engineers have indicated that this appears to have gone a long way to addressing localised flooding issues around Alex Way that have affected properties fronting Northern Parade, the access road to the rear and the eastern edge of Alexandra Park. Whilst it is accepted that the risk of flooding still exists, having regard to the nature of the proposal, it is considered that this would not justify a reason for refusal in its own respect. It is considered that the siting of the containers on timber sleepers, raising them above ground level, would help minimise the risk of damage to items stored within the containers should a flood event occur.

Highways/parking implications

The use of the sports pitches as described above will inevitably generate additional vehicular movement on the surrounding highway network and increase the demand for parking. However, the physical use of the sports pitches is not under consideration as part of this planning application and any additional demand for parking is likely to be met by the existing facilities at the Mountbatten Centre. It should also be noted that the sport pitches could be used for intensive recreational purposes with or without the proposed storage facilities, albeit on a less effective and convenient arrangement for the football club.

The proposal is effectively for the creation of a storage compound, which in itself, would not generate a significant demand for parking or activity on the highway network. On that basis it is considered that an objection on highways or parking grounds could not be sustained.

Other including matters raised within representations

(a) loss of open space; (b) loss of view of the park; (c) poor siting on an attractive park perimeter used by dogwalkers, joggers etc and its effect on existing trees; (d) poor location and lighting would attract vandalism and anti-social behaviour to this part of the park; (e) add to parking/congestion problems, encouraging parking to the private rear access and blocking access to garages and side entrances to Northern Parade properties; (f) a more appropriate less obtrusive permanent solution should be found than creation of short-term problems, suggestions

include sites on the edge of the car park or adjacent to the tennis courts or reuse of existing Mountbatten Centre changing facilities; (g) unsightly appearance and scale of storage facility would be an eyesore and out of keeping with the area; (h) site is in the floodplain and becomes waterlogged every winter, so waste collection from the portable toilet will cause damage to the playing fields; (i) will give rise to noise, smell and mess; and, (j) inadequate public consultation.

Loss of a view is not a material planning consideration in circumstances such as this proposal.

The containers, fencing and stored items would be positioned beneath the canopies of two large trees located on the boundary of Alexandra Park. The City Council's Arboricultural Officer has confirmed that this could result in compaction of the soil and damage to the tree roots. Following discussions with the applicant, an amended drawing showing the containers sited on timber sleepers has been provided. The Arboricultural Officer has confirmed that this would be the most appropriate short term solution to protect the adjoining trees in this instance.

Residents raise concern that there has been inadequate public consultation. The display of two site notices and individual letters to adjoining occupiers meets publicity requirements.

A local concern of this storage facility attracting vandalism and anti-social behaviour is raised. From the representations, a community safety issue of graffiti and damage to property has been experienced locally. Enclosure of the storage compound by secure fencing/gates and use of robust steel containers to secure its contents would present some deterrence. The adopted 'Reducing Design Through Design' SPD promotes good design/layout as one of the most important ways in which to address community safety issues, makes crimes more difficult to commit, increases the likelihood of detection and improves public perceptions of safety; it emphasises, amongst other things, the importance of natural surveillance. There is a tension and need to balance the degree of prominence to siting of such a compound to minimise its visual impact whilst maximising the benefits of natural surveillance. In recognising that this is not a high quality design solution or suitable permanent location for such development due to the loss of open space, the siting would not be considered ideal and extent of natural surveillance would be limited.

Conclusion

Whilst the proposal is not a form of development that would be considered appropriate on a permanent basis, it is considered that the significant public benefits of providing convenient and secure storage facilities to support the city's largest community football club for temporary expediency only pending a suitable long-term solution would, on balance, sufficiently outweigh the short-term visual harm of the proposal and the presumption against the loss of open space, and any conflict with the aims and objectives of the NPPF and policies PCS12, PCS13, PCS14 and PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Temporary Permission

Conditions

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, 07552031 Rev-7, 08052031 Rev-5, 07052232 Rev-9, 002 Rev-A, Portaloo Details, Steel Storage Container Details and Container Support System (received 10.08.2014).
- 2) The storage containers, fencing, gates and any other associated material/equipment stored within the compound hereby permitted shall be removed and the site restored to its former condition (as an area of grassed open space) on or before 5th March 2016.

- 3) The storage containers hereby permitted shall be colour treated in dark green (or such other colour as may be submitted to and approved in writing with the Local Planning Authority); and the storage containers shall thereafter be retained in such condition.
- 4) The storage containers hereby permitted shall only be installed on the 'Container Support System' shown on the approved additional drawing received 10.08.2014 (or such other system designed to prevent soil compaction and root damage within the Root Protection Area of trees as may be submitted to and approved in writing with the Local Planning Authority); and the approved 'Container Support System' shall be retained for as long as these containers are retained for storage at the site.
- 5) The site compound shall be used for the storage of sports and maintenance equipment associated with the use of the adjoining sports pitches only.

The reasons for the conditions are:

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) To meet the applicant's short-term requirements for storage facilities associated with the football club and the uses of the adjoining pitches and to enable the Local Planning Authority to give further consideration to the siting of the temporary facilities that would not ordinarily be appropriate in visual terms on a permanent basis in accordance with policy PCS23 of the Portsmouth Plan.
- 3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure that the adjoining trees are adequately protected from damage to their health and stability in accordance with policy PCS13 of the Portsmouth.
- 5) In order that the Local Planning Authority may exercise further control of potential uses having regard to the specific judgement that has made in respect of balancing the wider public benefits of the proposal with the presumption against the loss of protected open space and in the interests of residential amenity having regard to the sites location in close proximity to residential properties in accordance with the aims and objectives of the National Planning Policy Framework and policies PCS13 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

02 14/00854/FUL

WARD:CENTRAL SOUTHSEA

149 ALBERT ROAD SOUTHSEA

CHANGE OF USE FROM CLASS D2 (ASSEMBLY AND LEISURE USE) TO CLASS A4 (DRINKING ESTABLISHMENT) ON GROUND FLOOR WITH SUI-GENERIS LAP DANCING VENUE ON FIRST FLOOR

Application Submitted By:

Les Weymes Planning Consultancy Ltd

On behalf of:

OJ's Discounts Ltd

RDD: 10th July 2014
LDD: 16th September 2014

SUMMARY OF MAIN ISSUES

The main issues are whether the proposed bar at ground floor level would adversely affect the character and role of Albert Road as a District Centre, and whether its use would adversely affect residential amenity; and whether the use of the first floor as a lap dancing club would affect the established character of this part of Albert Road and whether the living conditions of local residents would be affected with particular regard to noise and disturbance.

The site and surroundings

This application relates to a two-storey building situated on the north side of Albert Road, between its junctions with Lawrence Road to the west and Harold Road to the east, and was formerly occupied by the Southsea Conservative Club. The premises have a rear pedestrian access from Harold Road. Immediately to the west of the site lie the Wedgewood Rooms, a Class D2 leisure and assembly use, and to the east a retail shop with four flats/maisonettes above and to the rear. To the north of the site beyond a rear yard lie the rear gardens to houses fronting Harold Road.

Albert Road, between Victoria Road South and St Ronans Avenue, is characterised by a variety of specialist, independent shops and a variety of bars and restaurants. As a result, it is a popular destination for residents and visitors to the city during the day and into the evening. To the north and south of Albert Road side roads are fronted by terraced houses, and demand on those side roads for parking is significant from both residents and visitors. The tidal flood plain which covers part of central Southsea extends northwards to include this part of Albert Road.

The proposal

The applicant seeks permission to use the ground floor of the premises as a bar, within Class A4 of the Use Classes Order, with access from the eastern end of the road frontage, and the use of the first floor as a lap dancing club, accessed from the western end of the frontage albeit with an inter-connecting door between the proposed Bar and a lobby serving the staircase leading up to the first floor.

In his supporting letter the applicant's planning consultant has indicated that this proposal arises from the applicant's desire to transfer his existing business 'Elegance' from the premises at Granada Road, and would be prepared to accept a revocation of the existing use of 'Elegance'.

Planning history

The premises, comprising Nos. 149 and 149a, were previously used by the Southsea Conservative Club since before 1975. Notwithstanding that the applicant's planning consultant describes the previous use of the premises as falling within Use Class D2, having regard to the nature of its previous use, in that it operated as a social club with bar, function halls and meeting rooms, this would be regarded as a sui generis use. Given the nature of the proposed uses of the premises, these would amount to a material change of use requiring planning permission.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS8 (District centres), PCS12 (Flood Risk), PCS17 (Transport), PCS23 (Design and Conservation).

The Supplementary Planning Documents on 'Car Parking Standards' and 'Food and Drink Uses in Albert Road' would also be material to the consideration of the proposal.

CONSULTATIONS

Environmental Health

The Design and Access Statement suggests a closing time of 04:00hrs for the proposed change of use. The applicant's agent has identified that noise in the street from clientele leaving 149 Albert Road is unlikely due to customers leaving in small numbers, however, they have not made any reference to how the regulated entertainment noise will be contained and I have concerns that the additional opening hours may impact upon the local residents in the area, in particular on the week day nights.

With regards to the sui generis use for the lap dancing on the first floor, I have searched the complaints records for both Elegance in Granada Road and Wiggle in Surrey Street and can confirm that no noise complaints have been received by Environmental Health for the provision of regulated entertainment or from customers leaving.

In summary, as the predominate noise source from this proposed change of use is likely to be caused by the provision of entertainment, this can be regulated under the Environmental Protection Act 1990 and the Licensing Act 2003 should planning permission be granted.

Highways Engineer

The change of use is unlikely to impact on the highway network, as Albert Road has a variety of leisure and entertainment venues and high pedestrian footfall. However, the increase in staff may experience difficulty in parking. Albert Road to the front of the property is fully restricted with double yellow lines, leading up to its 4-arm signalised junction of Lawrence Road / Waverley Road. Parking in the nearest side road (Harold Road) is restricted to Permit Holders Only between 5pm-7pm, and opposite in Beatrice Road a 24-hour Residents' Parking Scheme is in operation. Raise no objection.

Licensing

The licensing code for Sexual Entertainment Venues ("SEVS") was an adoptive provision contained within the Policing & Crime Act 2009 and introduced a new category of sex establishment. Previously only sex shops and sex cinemas were generally licensed under the 1982 Miscellaneous Provisions act.

The council adopted the licensing code for SEVS and now requires premises providing live performances of relevant entertainment, which although not strictly defined but could include lap/pole/table dancing, strip shows, peep shows and live sex shows, or the display of nudity to an audience that is designed to sexually stimulate any person to be licensed accordingly.

Premises providing SEV entertainment are almost certainly likely to be licensed for the sale and/or supply of alcohol under the Licensing Act 2003. These are, however, two separate regimes with the Licensing Act focusing on the promotion of the statutory licensing objectives and the licensing of SEV's taking into consideration such matters as character of the area, numeric need, locality etc.

The council has adopted a policy that recognises a presumption to renew, transfer or vary existing SEV premises but indicates that it is unlikely to support any new application in the city although they must consider each application on merit.

So far as 149 Albert Road is concerned, the former Club Premises Certificate for Southsea Conservative Club was surrendered in April 2014. The certificate entitled club alcohol sales until midnight (Monday - Thursday) and until 0100 on Friday and Saturdays. Live and recorded music were also permitted as recognised club activities.

Finally, SEV licences are not transferrable from one premises to another.

Crime Prevention Design Advisor

No comments received.

REPRESENTATIONS

At the time of preparing this report 31 representations, including one from Councillor Hugh Mason, objecting to the applicant's proposals and one email in support of the proposal have been received.

The grounds of objection are summarised as follows;

- a) the proportion of A3-A5 frontage exceeds the 23% level set in PCS8;
- b) the overall size of the premises exceeds the 500sqm size limit for consideration of A3-A5 set by the supplementary planning document notwithstanding that the use of the upper floor as a lap dancing club is a sui generis use;
- c) the lap dancing club would be located adjacent to the Wedgewood Rooms which attracts large numbers of young people, many of which may be minors, and is therefore wholly inappropriate. However discreet it will be widely known to be a sexual entertainment venue;
- d) the proposal would exacerbate the already overcrowded parking in the vicinity of Albert Road causing annoyance to local residents;
- e) proximity to religious buildings, schools and community centre;
- f) an SEV licence cannot be transferred under current licensing policy;
- g) women will not walk near the club at night for fear of their safety;
- h) the applicant's existing Granada Road site looks 'seedy';
- i) the lap dancing club would contradict the council's regeneration attempts for "the Great Waterfront City";
- j) the granting of an SEV licence would evidence that the council does not adhere to the Gender Equality Duty which came into force in 2007;
- k) no need for a lap dancing club;
- l) as Albert Road represents the cultural and artistic side of Portsmouth a lap dancing club would be out-of-character;
- m) late night noise and disturbance from activities within the premises and from people leaving;
- n) increase in anti-social behaviour and fear of crime;
- o) residents at the rear would not want to be subjected to views into the premises;
- p) the promotion of young women as existing to serve to entertain and feed the fantasies of males seems at odds with the need to encourage young women to achieve in education in a city with low educational attainment levels;
- q) it would be contrary to Licensing policy;
- r) the future use of the Granada Road premises has no bearing on this application;
- s) it would draw in clients from a wide area exacerbating car parking problems in the area.

The email of support points to the benefits of locating the lap dancing club in a vibrant commercial area where it can be easily monitored.

COMMENT

Given that the applicant is specifically applying for the use of, firstly, the ground floor as a bar and secondly the use of the first floor as lap dancing club, the determining issues in this case are whether the proposed use of the ground floor as a bar would adversely affect the character and role of Albert Road as a District Centre, having regard to the provisions of policy PCS8 on the proportion of Class A3-A5 uses, and whether it would adversely affect residential amenity. In relation to the proposed use of the first floor the main issues are whether it would affect the established character of this part of Albert Road and whether the living conditions of local residents would be affected with particular regard to noise and disturbance. Other issues include flood risk and parking.

Use of the ground floor

These premises fall within the Albert Road & Elm Grove district centre. More specifically it is within the Albert Road primary area and any proposal for a use falling within Use Classes A3 to A5 needs to be considered in the context of two policy objectives. Firstly, to ensure that it would

not result in an over-concentration of non-shopping uses in the centre as a whole or in the vicinity of the proposed development, and secondly, to ensure there is no unacceptable adverse impact on residential amenity taking into account the cumulative impact of other similar uses nearby. In seeking to achieve a balance between the roles of the district centre for day-to-day shopping, specialist shopping and the night-time economy policy PCS8 seeks to limit the proportion of non-Class A1 uses to 50% of each section of primary frontage whilst no more than 23% of the total frontage would comprise uses within Use Classes A3 to A5 at any time.

As of July 2014, 49.42% of the primary frontage is in Class A1, slightly under the desired minimum of 50%. The proportion of Class A3 - A5 uses in the centre as a whole amounts to 23.3% slightly in excess of the desired maximum of 23%. Whilst the proposal would not alter the proportion of Class A1 uses it would increase the proportion of Class A3 - A5 uses further beyond the desired 23% threshold to 23.75%.

Policy PCS8 does appear to be achieving the aim of safeguarding the present level of retail outlets while retaining a balance between the number of A3/A4/A5 businesses and the wider range of activities within the centre as a whole. Although the increase from 23.3% to 23.75% is not in itself significant, this is something that could be said cumulatively of numerous such small changes, and even if slight in itself the change of use of this site would be clearly in the wrong direction as regards Policy PCS8 and contrary to its aims. Furthermore, it would result in the establishment of a further ground floor Class A4 use within a frontage that already has the Edge of the Wedge, the Bold Forrester and The Leopold public houses. Together with the Wedgewood Rooms it is considered that the proposed Class A4 use would give rise to a concentration of similar uses in the vicinity of the application site which policy PCS8 seeks to avoid.

It is likely that excessive alcohol consumption contributes to anti-social behaviour said to be prevalent in this locality. The policy cap on the number of A3/A4/A5 outlets does, however, have a role in checking the overall level of late night activity in the locality, within which sadly anti-social behaviour can occur. This in turn can serve to undermine the centre's attractiveness as a place to shop or visit and also risks causing, or at any rate reinforcing, harm to the living conditions of local residents through external noise and disturbance in ways contrary to Policies PCS8 and PCS23. This is material since the appellant seeks to open until 0100hrs daily. The Wedgewood Rooms are licensed for use until 0300hrs Monday to Saturday and until 0030hrs Sunday while the Bold Forrester is licensed until 0140hrs Fridays and Saturdays, 0040hrs on Thursday and Sunday, and 2340hrs Monday to Wednesday. The Leopold PH is licensed to operate until 0030hrs Sunday to Thursday and until 0130hrs Friday and Saturday.

Although the application site is located within an area where local residents could expect some late night noise and disturbance it is considered that the proposed use of the ground floor as a bar would exacerbate this situation to the detriment of the living conditions of existing and future residents. As such the proposal would be contrary to the provisions of policy PCS23 which seeks to protect residential amenity.

Use of the first floor

As outlined above, this section of Albert Road is fronted by uses that offer alcohol and entertainment through the evening and into the early hours of the morning. Although the previous use of the premises as a private members club had a licence to operate until 0100hrs Friday and Saturday and midnight Sunday to Thursday, the proposed use would be markedly different. The proposed use of the first floor would be open to the public, with similar external impacts to that of a bar or nightclub, where patrons would arrive and depart individually or in groups, and would operate until 0400hrs daily.

It is considered that together with the adjoining Wedgewood Rooms the proposed use of the first floor as an entertainment venue would be perceived to result in a concentration of similar uses operating into the early hours of the morning. This would begin to alter the character of this

section of Albert Road to one where it is less attractive to residential uses. This proposal could be a catalyst for change where the characteristic mix of commercial and residential uses is eroded by the loss of residential accommodation. In these circumstances the proposed use of the first floor as an entertainment venue would begin to alter the character of this section of Albert Road to one dominated by late night entertainment uses with associated problems of anti-social behaviour.

Taking into account the hours of operation of the adjoining Wedgewood Rooms the proposed use of the first floor as an entertainment venue would result in additional activity during the early hours of the morning. Furthermore, that activity would extend further into the early hours than the adjoining Wedgewood Rooms. Policy PCS23 seeks to protect the amenity and provision of a good standard of living environment for neighbouring and local occupiers. The precise nature of the entertainment to be provided aside, the consideration of which falls within the Council's duty as Licensing Authority, it is considered that the use of the first floor of these premises as an entertainment venue until 0400hrs daily would be likely to increase noise and disturbance at a time of the morning when existing residents could reasonably expect less. It is therefore considered that this element of the applicant's proposals would be contrary to policy PCS23.

Other issues

The applicant's planning consultant suggests that as this proposal would involve the relocation of the business from 'Elegance' the applicant would accept a 'revocation' of the existing use.

A revocation under section 97 the Planning Act 1990 would only apply to a planning permission to develop or use land before it is implemented. In this case 'Elegance' [previously Harry Limes] has an established use for the purposes of a bar/club. It would not therefore be practicable for the applicant to offer up a revocation of the existing use of the existing Granada Road premises. Whilst the applicant could provide a Unilateral Undertaking to cease the use of the Granada Road premises in favour of an alternative use or development that had the benefit of planning permission, that would not be sufficient to outweigh the harm identified above.

As affirmed in the recent appeal decision for the use of 1 Surrey Street as a lap dancing club, issues raised by third parties in relation to gender equality, child safeguarding or morals are not material to the consideration of the applicant's proposals on its individual planning merits. Furthermore, the Licensing Officer has confirmed that an SEV licence is not transferable.

Although located within the indicative tidal floodplain this site is close to its northern limit and, furthermore, with the intended flood prevention measures to the coast residual risk of flooding would be minimal. The proposals would not, therefore, give rise to an objection under policy PCS12.

Having regard to the previous use of the premises it is considered that the level of traffic generation associated with the proposed use is unlikely to be significantly greater or different in nature. In these circumstances an objection on highway grounds would not be considered sustainable.

RECOMMENDATION Refuse

The reasons for the recommendation are:

1) Having regard to the current proportion of the retail frontage in Class A3, A4 and A5 uses within Albert Road it is considered that the proposed drinking establishment (Class A4) would result in an inappropriate and over-intensive increase in the concentration of 'food and drink' uses detrimental to the balance of uses in Albert Road and be cumulatively harmful to the amenities of nearby residents. The proposal would therefore be contrary to the aims and objectives of the Food and Drink Uses on Albert Road SPD and policy PCS8 of The Portsmouth Plan

2) Having regard to the proximity of uses in this locality which operate until the early hours of the morning it is considered that the proposed use of the first floor, in conjunction with the proposed use of the ground floor of the premises, would result in an undesirable concentration of such uses giving rise to increased activity at unsocial hours to the detriment of the living conditions of the adjoining and nearby residents. The proposals would, therefore, be contrary to policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, the details of the application did not accord with pre-application advice and the application has been refused for the reasons outlined above.

03 14/00875/FUL

WARD: EASTNEY & CRANESWATER

47 EASTERN PARADE SOUTHSEA

EXTERNAL ALTERATIONS TO INCLUDE NEW WINDOWS, ROOFLIGHTS AND DOORS TO FACILITATE CONVERSION TO FORM FIVE FLATS, REMOVAL OF EXTERNAL FIRE ESCAPE STAIRCASE, RE-CONSTRUCTION OF SUN-ROOM TO FRONT ELEVATION, CONSTRUCTION OF SUNKEN PATIO TO FRONT AND PROVISION OF ON-SITE CAR PARKING FACILITIES AFTER INFILLING SWIMMING POOL (RESUBMISSION OF 14/00456/FUL)

Application Submitted By:
Knight Architectural Design

On behalf of:
Mr S Reed & L Tearle

RDD: 15th July 2014
LDD: 10th September 2014

SUMMARY OF MAIN ISSUES

The main issues are whether, in overcoming the previous reasons for refusal, the proposals would preserve or enhance the character and appearance of the conservation area; whether the proposed alterations would relate appropriately to the recipient building; whether the proposal would make adequate provision for the transport needs of the occupiers of the development; and whether the proposals would adversely affect the living conditions of the adjoining residents.

The site and surroundings

This application relates to a substantial detached property located on the north side of Eastern Parade a short distance west of its junction with St Georges Road and within the Eastney and Craneswater Conservation Area. The property, although originally built as a single house with servants quarters has, over a period of time, been subdivided. The lower ground floor comprises a flat, the upper and ground floors a maisonette and the second floor level a third flat. In the north-east corner of the plot lies a detached outbuilding comprising a workshop/store at lower ground level and a double garage at upper ground level with a room in the roof. To the front of the property is an unused swimming pool which is screened from the adjoining pavement by a panelled wall and hedge.

Buildings in Eastern Parade are predominantly two-storey and detached. They are mostly red brick with red clay tiled roofs and a variety of distinctive features such as turrets, gables, bays and chimneys. Most roofs are pitched and there is a varied roofline. Brick boundary walls are a feature of most properties and help unify the street frontage. There are a few Edwardian properties but most are inter-war. East of its junction with Brading Avenue the properties fronting Eastern Parade are comparatively large with only the group at its eastern end representing more modest dwellings. Whilst some of the larger houses have been subdivided, the general character is one of single family houses.

The proposal

The applicant proposes to undertake refurbishment and alterations to the property. Internally, the proposals would result in the provision of two 2-bedroom flats at lower ground floor level accessed from the west side of the building; a 2/3-bedroom flat at upper ground floor level accessed from the east side of the building; a 3-bedroom flat at first floor level accessed from an existing staircase to the west side of the building; and a 1-bedroom flat at second floor level accessed via a stairwell from the east side of the building. Externally, an existing metal fire escape to the rear of the west side of the building is to be removed, additional windows would be inserted at upper ground and first floor levels each serving a bathroom. A new door would be provided at lower ground floor level. To the front of the building the existing timber framed sun room to the south elevation would be replaced on a like-for-like basis, while at lower ground floor level a pair of windows would be altered to create two sets of French doors and the lightwell enlarged to create a sunken patio. At the rear two lower ground floor level windows would be altered to create two sets of French doors, and roof lights would be inserted to the north facing roof slope and two rooflights would be inserted into the south side of the pitched roof.

Relevant planning history

A previous application for the conversion of the building to form five units of accommodation, which included extensive alterations to the roof, was refused permission. The grounds for refusal were that;

- a) the roof alterations would amount to incongruous features out-of-keeping with the architectural style of the recipient building and, given the degree to which they are visible from the public realm, would fail to preserve or enhance the character and appearance of the Eastney and Craneswater Conservation Area; and,
- b) without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

Records indicate that in the mid 1960's the property was subdivided. In 1975 an application for the use of the building as a rest home stated the existing use at that time as three flats. Although granted permission the rest home use was never implemented. It is considered that on the balance of probabilities the lawful use of the building would be as three units of residential accommodation.

POLICY CONTEXT

In addition to the National Planning Policy Framework the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), and PCS23 (Design and Conservation).

The Supplementary Planning Documents in relation to Car Parking Standards, Housing Standards, and the Solent Disturbance Mitigation Project would also be material to the consideration of this proposal.

CONSULTATIONS

Highways Engineer

The site fronts onto Eastern Parade, which has unrestricted on-street parking. The housing is located on the north side of Eastern Parade only, the majority of which has off-street parking provision. Eastern Parade is congested in Summer months with visitors parking for the seafront, cricket pitch, miniature golf and various other leisure facilities, taking advantage of the free parking availability.

Whilst the level and arrangement of on-site car parking would be acceptable, the lack of cycle storage facilities would not promote alternative modes of transport. However, the site would be capable of accommodating cycle storage and this should be secured by way of a planning condition.

Given that the property has an existing vehicular access and has previously been used as three flats, the increased use of the access would not be considered to adversely affect highway safety.

A condition will be required for the provision of refuse storage facilities.

REPRESENTATIONS

At the time of preparing this report two representations had been received from the occupiers of the adjoining and nearby properties to the west objecting to the proposal on the following grounds;

- a) As a conservation area the 'new' work will need to be in keeping with the house. The house is a landmark and of architectural significance, which needs to be recognised in the choice of materials and design,
- b) The infill of the pool for a car park is not in keeping with other neighbouring houses - all other houses have a garden at the front,
- c) There appears to be ample space to the side of the house for parking - cars at the front of the property could also be noisy cause pollution and cause loss of privacy,
- d) This has been a single house for many years and no other neighbouring houses are flats. Is this in keeping with the area? All houses along Eastern Parade from Brading Avenue to St Georges Road are single family homes,
- e) If any front windows/balconies move forward they will cause privacy issues - overlooking the front of other houses. There are covenants restricting the build line distance from the front wall (50 feet). This needs to be observed,
- f) new door to west elevation would be opposite kitchen windows giving rise to a loss of privacy,
- g) screening must be installed adjacent to western boundary to minimise debris and risk of damage.

Councillor Luke Stubbs has requested that the application is determined by the Planning Committee should the City Development Manager be minded to recommend approval.

COMMENT

Particular obligations fall upon the Local Planning Authority in determining any application which might affect a Conservation Area. At section 72 of the Listed Buildings and Conservation Areas Act 1990 it requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. The determining issues are therefore whether, in overcoming the reasons for refusal, the proposals would preserve or enhance the character and appearance of the conservation area; whether the proposed alterations would relate appropriately to the recipient building; whether the proposal

would make adequate provision for the transport needs of the occupiers of the development; and whether the proposals would adversely affect the living conditions of the adjoining residents. Other issues include housing standards and impacts on the nearby Special Protection Areas by recreational disturbance.

Conservation and design

The substantive reason for refusal in relation to the previous proposal concerned the adverse visual impact arising from the provision of a balcony and recessed dormer to the front roof slope, above the reconstructed full height sun rooms, and the construction of a roof infill with balcony to the east side of the building. These elements do not form part of this revised submission.

The south elevation comprises distinct architectural features in the form a gabled bay and timber framed sun-room structure at upper ground and first floor levels supported by timber posts. The intention of the developer to re-instate this structure on a like-for-like basis is noted. It is considered that the re-instatement of the timber framed sun rooms would preserve the appearance of the conservation area. The alterations to pairs of windows at lower ground floor level to the south and north elevations to create French doors would be considered to relate appropriately to the existing building. The modifications to the light well to the front elevation, which would project into part of the dis-used swimming pool, would be comparatively modest and would be considered acceptable in design terms.

A steel external staircase is located to the rear of the west elevation. The staircase is in a poor condition structurally and would no longer be required as part of the proposed conversion scheme. Its removal would be considered to improve the appearance of the building. Doorways at upper ground and first floor levels would be modified to provide windows with headers to match the existing. A further window at ground floor level would be modified to create a door to serve one of the lower ground floor flats. The final elements of the external alterations include a window to a recessed wall at the rear lower ground floor level and roof lights to the north and south roof slopes of the rear section of the building. Those alterations are considered to preserve the character and appearance of the conservation area.

It is therefore considered that, in terms of the statutory duty, this revised scheme would preserve the character and appearance of the conservation area, and in so doing would overcome the substantive reason for refusal.

Transport needs

The proposals involve the infilling of the dis-used swimming pool and resurfacing the area to the front of the building to provide five car parking spaces. With two additional spaces in front of the hardstanding to the double garage, the level of on-site car parking would accord with the standard for five flats outlined in the SPD on allocated car parking. However, by including one of the existing spaces in the double garage, the proposed development would numerically meet the required standard which includes visitor parking. Although the proposals make no specific provision for cycle storage, the site would be capable of accommodating such facilities within the second of the otherwise unused garage spaces. It is considered that should the proposals gain a favourable recommendation the provision and retention of cycle and parking facilities could be secured by planning conditions.

Impact on amenity

The living conditions of the occupiers of the adjoining properties could be affected by activity associated with the proposed use of the building and from overlooking. Whilst the adjoining occupiers raise concerns in relation to the use of the car parking facilities at the front of the property it must be acknowledged that there is a reasonable degree of screening and that the front of these properties are adjacent to a busy road. It is therefore considered that noise and

disturbance associated with activity from the proposed car parking facilities would not prove so injurious to amenity to warrant refusal. There is already an external staircase to the west side of the building, although not solely used for access to the building in recent years. In these circumstances the use of the staircase would not be considered to significantly affect the living conditions of the adjoining residents. Although the proposed windows at upper floor levels serve bathrooms it would be appropriate to require them to be obscure glazed by planning condition. The additional door at lower ground floor would not be considered to significantly affect the degree to which activity would affect the living conditions of the adjoining occupiers. Given the relationship to windows to No.45 Eastern Parade it is considered that the alterations to the west elevation are therefore acceptable.

Housing mix and standards

Comprising a substantial building that has a lawful use for its occupation as three units of accommodation, it is considered that the proposed subdivision would be acceptable in principle. Notwithstanding the previous internal arrangement of the building each of the proposed flats would exceed the minimum floorspace standards under policy PCS19. This scheme would also accord with the objectives of that policy in relation to the provision of accommodation with three bedrooms or more. It is therefore considered that the proposed conversion scheme would provide an acceptable standard of living accommodation for its future occupiers.

Recreational disturbance

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs), as is described in more detail in sections 2.8-2.9 of the Solent Special Protection Areas Supplementary Planning Document. The development is not necessary for the management of the SPA. The applicant is proposing to make a direct payment under the provisions of section 111 of the Local Government Act 1972 to address the issue of recreational disturbance. Based on a lawful use of the property as three units of living accommodation the level of mitigation would be calculated as two x £172. Subject to the receipt of the payment of £344 together with the necessary pro forma the scheme would be considered unlikely to lead to a significant effect on the SPAs. An objection under policy PCS13 would not arise in these circumstances.

Conclusion

Given the weight that must be applied to the statutory test it is considered that this revised scheme would preserve the character and appearance of the conservation area. With other matters not previously being considered to give rise to significant harm in terms of residential amenity or the level of car parking, and with satisfactory mitigation of potential impacts on the Solent Special Protection Areas the application would be capable of support.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: KAD 04 A PP E; KAD 05 A PP C.

- 3) Prior to occupation of the building the windows to be inserted in the west elevation at upper ground and first floor levels shall be obscure glazed and non-openable to a height of 1.7m above finished internal floor level, in accordance with details to be submitted to and approved by the Local Planning Authority in writing, and thereafter retained.
- 4) (a) Prior to occupation of the building details of the means to store domestic refuse shall be submitted to and approved by the Local Planning Authority in writing; and
(b) Prior to occupation of the building the facilities to be provided for the storage of domestic refuse shall be completed in accordance with the details approved under 4(a) and thereafter retained.
- 5) (a) Prior to occupation of the building details of the means to store cycles shall be submitted to and approved by the Local Planning Authority in writing; and
(b) Prior to occupation of the building the facilities to be provided for the storage of cycles shall be completed in accordance with the details approved under 5(a) and thereafter retained.
- 6) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
- 7) Prior to first occupation of the development the facilities for the parking of vehicles shall be completed in accordance with the approved details, and shall thereafter be retained.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of protecting the amenity of the adjoining occupiers in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of providing refuse storage facilities in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interests of providing secure cycle storage facilities in accordance with policy PCS23 of the Portsmouth Plan.
- 6) To ensure the satisfactory appearance of the development in accordance with policy PCS23 of the Portsmouth Plan.
- 7) To ensure adequate parking facilities are provided for the occupiers of the development and minimise on-street parking in accordance with policy PCS17 of the Portsmouth Plan and the Supplementary Planning Document on Parking Standards.

PRO-ACTIVITY STATEMENT

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

54TH PORTSMOUTH SCOUT HQ PAIGNTON AVENUE PORTSMOUTH**APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION A*12983/AA TO INCREASE THE MAXIMUM NUMBER OF PRE-SCHOOL AGED CHILDREN ACCOMMODATED ON SITE FROM 24 TO 36**

Application Submitted By:
54th Portsmouth Scout Group

RDD: 6th June 2014

LDD: 2nd September 2014

SUMMARY OF MAIN ISSUES

The main issues are whether the increase in activity associated with the use of the premises by up to 36 pre-school aged children would affect the living conditions of adjoining and nearby residents and whether the proposal would have any significant highway implications.

The site and surroundings

These premises are located to the rear of houses fronting Paignton Avenue to the west and Teignmouth Avenue to the north and comprise a single-storey building accessed via a part tarmac/part hard surfaced drive off Paignton Avenue as it turns into Eastbourne Road. The surfaced drive also provides vehicular access to garages to the rear of the Paignton Avenue properties. On-street parking restrictions apply to Eastbourne Road, the top section of Chesterfield Road and the southern end of Paignton Avenue.

A private pedestrian access-way between Nos.12 and 14 Paignton Avenue serves the rear of the houses but is gated to prevent public access from Paignton Avenue. The vehicular access at the southern end of Paignton Avenue also serves the public open space and a play area between the rear of Teignmouth Avenue houses to the north and a tarmac surfaced access road to the rear of houses fronting Cobden Avenue to the south.

The proposal

The applicant proposes to vary the restrictive condition which currently limits the number of pre-school aged children to 24 to address local demand for childcare places identified in the Childcare Sufficiency Assessment. With adequate floor area and facilities within the premises the applicant seeks to increase the number of children that can be accommodated at any one time to 36.

Planning history

The use of the Scout Hut as a pre-school for up to 24 children was granted planning permission in January 2000. The reason for limiting the number of pre-school aged children to 24 was given as "in order to control the use having regard to the amenities of the adjoining and nearby premises". Further conditions were imposed restricting the use of the premises to a pre-school and for purposes as a scout headquarters. In 2009 permission was granted for the enclosure of an area of open space to the rear of the building to provide a dedicated play facility for the pre-school.

POLICY CONTEXT

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

The Supplementary Planning Documents on 'Car Parking Standards' would also be material to the consideration of the proposal.

CONSULTATIONS

Highways Engineer

On-street parking restrictions apply to Eastbourne Road, the top section of Chesterfield Road and the southern end of Paignton Avenue. Currently, many parents stop in Paignton Avenue to drop off children at the scout hut, despite there being an access road and parking/turning space immediately adjacent to the hut. Stopping on the double yellow lines is hazardous on the blind bend where Paignton Avenue meets Eastbourne Road at a 90' angle. On-street parking in this area is congested in the evenings.

The southern end of Paignton Avenue has no-waiting restrictions which extend into Eastbourne Road to ensure indiscriminate parking does not prejudice the free-flow of traffic on a blind corner or the safety of pedestrians. With the prohibition of parking in the immediate vicinity of the dropped kerb which serves the vehicular access-way, any potential increase in the use of the access would not be considered to adversely affect highway safety. It is also considered that if unable to park adjacent to the building, parents would be able to park along Paignton Avenue and walk safely to and from the site. In these circumstances an objection on highway safety grounds would not arise.

Recommendation: Raise no objection.

Early Years & Childcare

No comments received.

OFSTED - Office for Standards In Education

No comments received

Environmental Health

Further to the above application I can confirm we have no complaints regarding noise from the existing operation. I note the application is to increase the number of places available from 24 to 36. An approximate increase in traffic movements of 12 cars twice a day when children are dropped off and collected, will be of short duration so should not significantly increase overall noise levels in the locality.

Increasing the number of children in the outdoor play area may potentially increase noise levels during break times but this is impossible to quantify as it depends on individual behaviour and management. However, my advice would be this is unlikely to be a significant issue.

Consequently I have no objections to the proposed variation.

REPRESENTATIONS

At the time of preparing this report six representations have been received from the occupiers of properties fronting Paignton Avenue objecting to the proposal.

The grounds of objection relate to;

- a) increase in traffic,
- b) obstruction of un-maintained access to rear garages,
- c) illegal parking on double yellows,
- d) inconsiderate use of the rear vehicular access,
- e) parents picking up children conflicts with safety of pedestrians, including children, using the accessway,

- f) residents have been subject to abuse when parents have been asked to move their vehicles, and
- g) the rear access is not appropriate for the amount of traffic it now takes.

COMMENT

The principal issues relate to impact on amenity and highway safety. Other issues include parking and flood risk.

Amenity

The Scout hut comprises a single-storey building approximately 30m in length by 12m in depth situated approximately 10.8m away from the rear boundary of Nos.14-22 Paignton Avenue. All of those properties have garages facing onto the Scout hut. To the rear of the Scout hut is an enclosed play facility.

The proposal to accommodate up to 36 pre-school aged children would not be considered to adversely affect the living conditions of nearby residents in terms of noise and disturbance from activity within the building or from the play area to the rear. It is, nonetheless, likely that given the apparent desire of parents to drop off and pick up children as close as possible to the building, a 50% increase in the number of children that can be accommodated at any one time could result in additional traffic movements, particularly during peak hours, within the area to the rear. Although the area at the rear includes a narrow strip, approximately 1.9m wide, which is privately maintained sufficient space remains to manoeuvre vehicles accessing the site. Notwithstanding the seemingly ad hoc arrangement between the building and the rear of the Paignton Avenue properties any potential increase in vehicular activity arising from the proposal, would not be considered to significantly affect the living conditions of the adjoining residents.

Highway safety

The southern end of Paignton Avenue has no-waiting restrictions which extend into Eastbourne Road to ensure indiscriminate parking does not prejudice the free-flow of traffic on a blind corner or the safety of pedestrians. With the prohibition of parking in the immediate vicinity of the dropped kerb which serves the vehicular access-way serving the building, any potential increase in the use of the access would not be considered to adversely affect highway safety. It is also considered that parents would be able to park along Paignton Avenue, away from the parking restrictions, and given its comparatively quiet nature walk safely to and from the site. In these circumstances an objection on highway safety grounds, as indicated by the Highway Engineer, would not arise.

Parking

The council has not set standards for acceptable levels of parking in non-residential development anywhere in the city (with the exception of the city centre). Instead, the council has set out guidance on how to determine appropriate parking requirements for non-residential development. This is because the council considers that parking needs vary significantly for each individual site and land use, and developers should establish the parking requirement and demonstrate why the proposed parking solution is the right one for that particular development.

The use of the site as a pre-school generates two forms of parking requirements; one that relates to long-term need of staff, and, the other, short-term needs of parents dropping off and picking up children. It is considered that having regard to the available area between the building and Paignton Avenue properties, and length of Paignton Avenue without parking restrictions, there would be sufficient capacity to accommodate the additional demand associated with proposed increase in child numbers.

Flood risk

This site is located towards the western end of the indicative flood plain that extends eastwards to Langstone Harbour. The access to the site and Paignton Avenue falls outside of the floodplain. Having regard to the existing use of the site as a pre-school it is considered that the proposed increase in the number of children to be accommodated at any one time would not in itself increase flood risk or place an increased burden on emergency services in the event of a tidal inundation. It is therefore considered that an objection under policy PCS12 would not arise.

RECOMMENDATION Conditional Permission

Conditions

- 1) The pre-school use hereby approved shall not accommodate more than 36 pre-school age children at any one time, and shall only operate between the hours of 0900hrs and 1530hrs Mondays to Fridays.
- 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the General Permitted Development Order 1995 or any other enactment modifying or revoking those Orders, the premises shall not use for any other purpose in Class D1 of the Schedule to the aforementioned Use Classes Order.
- 3) This permission shall be additional to planning permission ref.DA12983D for the use of the premises as a scout headquarters.

The reasons for the conditions are:

- 1) In order to control the use having regard to the amenities of the adjoining and nearby residents in accordance with policy PCS23 of the Portsmouth Plan.
- 2) In order that the Local Planning Authority may exercise further control in the interests of the amenities of the adjoining properties and character of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 3) In order to facilitate the use of the premises for both pre-school and scouting purposes in accordance with policy PCS14 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

05 14/00711/HOU

WARD:DRAYTON & FARLINGTON

14 DENE HOLLOW PORTSMOUTH

CONSTRUCTION OF DORMER WINDOWS TO NORTH AND SOUTH ROOFSLOPES (RE-SUBMISSION OF 14/00462/HOU)

Application Submitted By:

Chris Flint Associates Ltd

On behalf of:

Mrs R Murphy

RDD: 17th June 2014

LDD: 13th August 2014

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed alterations would be acceptable in design terms and whether they would be acceptable in terms of their impact on the residential amenities of any adjoining occupiers.

The Site and surroundings

This application relates to 14 Dene Hollow, a single storey bungalow located to the west of Dene Hollow.

Proposal

Permission is sought for the construction of dormer windows to the north and south roofslopes.

The first proposed dormer would project outwards from the northern roofslope by approximately 3m. It would measure approximately 5m in width and would have a flat roof measuring approximately 1.7m in height.

The second proposed dormer would project outwards from the southern roofslope by approximately 3m. It would measure approximately 5m in width and would have a flat roof measuring approximately 1.7m in height.

Both proposed dormers would be tile hung to match the existing roof. They would contain UPVC windows to match the existing windows at this property.

Relevant planning history

In July 2014, an application (ref.14/00462/HOU) for the construction of a dormer window to the front roofslope was withdrawn. This application was withdrawn as it had been described incorrectly. What had been described as a front roof slope actually formed a side roofslope of the property.

In 2000, an application (ref.H*25972/AA) for the construction of a single storey side extension to the eastern elevation and the construction of dormers to the front and rear roofslopes was refused.

POLICY CONTEXT

In addition to the NPPF, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

CONSULTATIONS

None

REPRESENTATIONS

12 letters of representation objecting to this application have been received from local residents. These are based on the grounds that: a) This application does not represent a significant change from the previously withdrawn application; b) There is a covenant on the property restricting roof works to the properties in Dene Hollow; c) The occupier of no.9 Dene Hollow was required to take down a dormer which was previously constructed; d) If allowed, the proposed works would set a precedent in the area; e) The proposed works would change the character of this quiet retirement area; f) The proposed works would exacerbate existing parking problems in the area; g) No site notice was displayed; and h) Construction vehicles would give rise to additional disturbance in the area; and g) The proposed dormers would result in additional overlooking of neighbouring properties.

COMMENT

The main considerations in the determination of this application are:-

1. Planning history and permitted development.
2. Design.
3. Impact on residential amenity.
4. Other matters raised in representations.

Planning history and permitted development

In 2000, an application (ref.H*25972/AA) for the construction of a single storey side extension to the eastern elevation and for the construction of dormers to the front and rear roofslopes was refused. These dormers were similar to those that are proposed in this application. At the time of this application, householders benefitted from different permitted development rights to those that are in place today. Subsequently, if only the dormer windows were to be constructed at this time, this could have been done as permitted development without the requirement for a planning application.

Today, under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the dormer windows that are currently being applied for could be constructed in the side roofslopes as permitted development provided that:

- a) Any windows within these dormers are obscure glazed; and
- b) Any windows within these dormers are non-opening unless parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Design

This application relates to a single storey, detached bungalow located to the west of Dene Hollow. This cul-de-sac is characterised by two rows of relatively modest detached bungalows, one to the north and one to the south of the road. No.14 is a standalone property located at the bottom of this residential cul-de-sac, between these two rows of properties. The proposed dormer windows would be aligned centrally within the northern and southern roofslopes. These roofslopes form the side roofslopes of the property. The proposed dormer windows would be constructed using materials to match those of the recipient dwellinghouse, would be up to 5m in width and would be considered to be a suitable scale for this location. Due to the orientation of this property, the side roofslopes do not directly face Dene Hollow. As such, the proposed dormer windows would have only a minimal impact on the wider streetscene. Having regard to these issues, this proposal is considered to be acceptable in design terms in accordance with policy PCS23 of the Portsmouth Plan.

Impact on amenity

In terms of residential amenity, the main issue for consideration is the impact of the proposed dormer windows on the neighbouring properties of no.12 and no.21 Dene Hollow. The proposed dormer window within the northern roofslope would face out onto the rear garden of the application property. The northern elevation of this property is set back from the front elevation of no.12 Dene Hollow by approximately 1.9m. It is set back from the rear garden of this neighbouring property by approximately 10m. Having regard to the siting of the proposed dormer, the absence of any first floor windows within the side elevation of no.12 Dene Hollow and the separation distance that would remain between this property and any ground floor windows within the side elevation of this neighbouring property, the proposed dormer within the northern roofslope is considered to be acceptable in terms of residential amenity.

The proposed dormer window within the southern roofslope would face out onto the driveway of this property. This property is set back from the row of properties to the south of Dene Hollow. The southern elevation does not therefore, directly face the neighbouring property at no.21 Dene Hollow. Having regard to this, the retention of an acceptable separation distance (approximately 12.9m) and the lack of any windows within the front roofslope of no.21, the proposed southern dormer window is considered to be acceptable in terms of residential amenity.

Other matters raised in representations

A number of representations have stated that there is a covenant on the property restricting alterations to the roofs of the properties in Dene Hollow. In planning terms, this is not a valid reason to refuse the proposed works. The applicant is however, advised to investigate this further.

Representations also raised concern about the impact of construction traffic. New development can give rise to some disruption and inconvenience but this is not considered to represent a justification for refusal in planning terms.

One representation raised concern that a site notice was not posted to advertise this application. In accordance with statutory requirements, neighbour notification letters were sent to the relevant properties within this area.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: CFA FUL 01.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

The reasons for the conditions are:

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

3) In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

06 14/00837/FUL

WARD:FRATTON

22 - 30 FRATTON ROAD PORTSMOUTH

CONSTRUCTION OF ADDITIONAL STOREY TO FORM 3 FLATS; EXTERNAL ALTERATIONS TO GROUND FLOOR TO FORM CYCLE/REFUSE STORES (RE-SUBMISSION OF 13/01460/FUL)

Application Submitted By:

Les Weymes Planning Consultancy Ltd

On behalf of:

Zepworth Ltd

RDD: 7th July 2014

LDD: 2nd September 2014

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is appropriate in design terms, whether it relates appropriately to neighbouring properties, whether it would provide an appropriate standard of amenity of future occupiers and whether it would comply with policy requirements relating to parking, sustainable design and construction, cycle storage and SPA mitigation. Careful regard must be had to the three reasons for the refusal of the previous application and whether the harm identified has been properly addressed and overcome.

The Site & its surroundings

The application site relates to the curtilage of number 22-30 Fratton Road which comprises a carpet shop to the ground floor (which has frontages to both Fratton Road to the front and Claremont Road at the rear) with two flats at first floor level above the shop fronting Fratton Road. The flats are accessed via an internal staircase from a door in Kingsdown Place and across a flat roof in the centre of the building. The site is located within the primary area of Fratton District Centre.

The proposal

This application seeks planning permission for the construction of an additional storey over the front of the building (facing Fratton Road) to provide three flats. The submitted drawings indicate that the proposed flats would be two 2-bed and one 1-bed and be accessed via Kingsdown Place via the same internal staircase leading to a new enclosed walkway at first floor level which would also serve the existing flats.

Relevant planning history

The most relevant elements of the planning history of the site are as follows:

A*15701/AB - permission in April 2000 for conversion of first floor to two flats alterations to south, west and east elevations;

A*15701/AC - refusal in July 2001 for conversion of existing warehouse to form 6 maisonettes with associated parking spaces with access from Claremont Road;

11/00520/PLAREG - refusal in July 2011 for conversion of first floor mezzanine office to 1 flat;

11/00801/PLAREG - refusal in September 2011 for conversion of first floor mezzanine office to form one flat and formation of refuse and cycle stores to ground floor (resubmission of 11/00520/PLAREG);

11/00197/ENF- Enforcement Notice issued in December 2011 in respect of the unauthorised use of first floor office accommodation above the existing carpet shop as a single dwelling. An appeal (on ground a) was dismissed in July 2012.

13/01460/FUL - refusal in January 2014 for the construction of additional storey to form 3 flats. This application was refused for three reasons relating to the poor design of the extension, the unacceptable standard of accommodation being provided and a failure to make adequate provision for the storage of cycles and refuse.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS8 (District centres), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation).

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

CONSULTATIONS

Environmental Health

Recommends imposition of conditions relating to artificial ventilation (to prevent exposure to nitrogen dioxide) and insulation of rooms (from external noise) fronting Fratton Road

Highways Engineer

No response received

Contaminated Land Team

No response received

REPRESENTATIONS

Objections have been received from 12 local residents and from Ward Councillor Scott on the following grounds: a) loss of light and overshadowing; b) overlooking and loss of privacy; c) loss of visual amenity; d) inadequate parking, turning and servicing arrangements; e) increased traffic leading to decreased highway safety; f) increased noise and disturbance; g) unsuitable layout and density of building; and h) unsuitable road and pedestrian access

COMMENT

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is appropriate in design terms, whether it relates appropriately to neighbouring properties, whether it would provide an appropriate standard of amenity of future occupiers and whether it would comply with policy requirements relating to parking, sustainable design and construction, cycle storage and SPA mitigation. Careful regard must be had to the three reasons for the refusal of the previous application and whether the harm identified has been properly addressed and overcome.

Principle

The application site is located in the primary area of Fratton District Centre where policy PCS8 encourages residential uses to upper floors. The principle of extending the building to provide additional residential accommodation is therefore considered acceptable.

Design

The existing building presents a brick upper elevation to Fratton Road that is punctured by relatively large openings with a largely rhythmical pattern and has a flat roof over. The refused application was for an additional storey set back slightly from the existing parapet wall and finished in 'cedral weatherboarding,' with the front elevation being fenestrated with windows of different sizes, the siting of which did not align with that of the first floor.

The section of Fratton Road around the application site is characterised by predominantly two-storey buildings, with some three storey which are finished in brickwork or render. This revised application is for an additional story accommodated within a mansard style roof which would sit behind a raised parapet that would incorporate a projecting pediment feature similar to those found elsewhere on Fratton Road. The front elevation of the proposed additional storey would include projecting dormer windows of a size and pattern that match the first floor below. This amended design is considered to be a significant improvement of that previously refused such that it represents an appropriate design solution. Accordingly it is considered that the design reason for the refusal of the previous application has been both addressed and overcome.

Amenity

The properties to either side of the site would not be directly affected by the proposed extension, due to the layout and relationship of the neighbouring buildings and the proposal. There is a small terrace of dwellings to the south of the rear of the carpet shop fronting Claremont Road whose rear elevations would be faced by the extension at a modest angle. The main element of the proposed extension would be approximately 17.5 metres from the rear boundary of the property and be set behind an existing first floor projection and would be partially screened by the existing building to the rear of the site which is two-storey in scale. Having regard to the relationship between the proposal and the neighbouring terraced houses, it is considered that the proposal would not result in a significant loss of amenity from loss of light, loss of privacy or an increased sense of enclosure. Issues such as loss of view and loss of property value would not be material to the determination of this application.

Quality of accommodation

The previous application was refused on the grounds that the inappropriate access (across a flat roof), lack of external amenity space and the substandard size of Flat 3 cumulatively resulted in a proposal which failed to provide a good standard of accommodation for future occupiers. This application relates to a lesser scale of development (one of the flats having been reduced in size), incorporates an area of communal amenity space and includes a covered access.

Each of the proposed flats now exceeds the minimum standards associated with Policy PCS19 with each flat benefiting from an appropriate outlook. An area of communal amenity space is also proposed to be provided at first floor level above the carpet shop in the form of a roof terrace. The proposed and existing flats would be accessed via the existing internal staircase and then via a covered passage providing a weatherproof and improved access to each flat. Each of these changes is considered to represent an improvement to the proposal such that the harm identified in the refusal of the previous application have been both addressed and overcome.

Parking

The application is site located within a District Centre and within 200 metres of Fratton Railway Station. Having regard to the highly accessible nature of the site and notwithstanding the objections received on parking grounds, it is considered that a car free development is acceptable in this location and would accord with the aims and objectives of the Parking Standards SPD.

Cycle Storage and Refuse/Recyclables Storage

The planning permission for the conversion of the existing first floor to two flats (A*15701/AB) included a condition which required refuse storage to be provided. No such facilities have been provided and refuse appears to be stored on the flat roof above the carpet shop and be placed in Kingsdown Place on collection day.

The submitted drawings show an area of the existing carpet shop (at ground floor level) adjacent to Kingsdown Place being separated off to be used to provide both cycle storage for the proposed flats and refuse/recyclable storage facilities. The proposed facilities are considered to be adequate and to meet the requirements of the future occupiers of the proposed flats. The applicant has therefore addressed and overcome the third reason for the refusal of the previous application.

Other Matters

The application includes no detailed information about how the proposal meets the requirements of policy PCS15 in respect of Sustainable Design and Construction. It is considered that conditions could be imposed to ensure that the development is built to the required standard.

The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in section 61 of the Habitats Regulations, on the Portsmouth Harbour and the Chichester and Langstone Harbours Special Protection Areas (the SPAs). This has been acknowledged by the applicant, however no confirmation has been received in respect of how mitigation will be secured. The Solent Special Protection Areas SPD sets out how the significant effect which this scheme would otherwise cause, could be overcome. Based on the methodology in the SPD, an appropriate scale of mitigation could be calculated as (3 x £172) = £516. It is considered that, subject to securing appropriate mitigation in accordance with the SPD, there would not be a significant effect on the SPAs.

RECOMMENDATION: that delegated authority be given to the City Development Manager to grant Conditional Planning Permission subject to the securing of an appropriate contribution towards mitigation measures in connection with the Solent Special Protection Areas SPD

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 8336-01; 8336-02 Rev.C; and 8336-03 Rev.A .
- 3) No construction of the new build element of the development shall commence until written documentary evidence has been submitted to the local planning authority proving that this element of the development will achieve a minimum of level 4 of the Code for Sustainable Homes, including nine credits from issue Ene 1, one credit in issue Hea 3 and two credits from issue Ene 8, which evidence shall be in the form of a Code for Sustainable Homes design stage

assessment, prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

4) Before any part of the new build element of the development is occupied, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that this element of the development has achieved a minimum of level 4 of the Code for Sustainable Homes, including 9 credits from issue Ene 1, one credit from issue Hea 3 and two credits from issue Ene 8, which will be in the form of a post-construction assessment which has been prepared by a licensed Code for Sustainable Homes assessor and the certificate which has been issued by a Code Service Provider, unless otherwise agreed in writing by the local planning authority.

5) No development shall commence on site until details of the types and colours of all external materials to be used have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

6) The flats hereby permitted shall not be occupied until the cycle storage facilities shown on Drawing No. 8336-02 Rev.C (or any other equivalent facilities that may be agreed in writing by the Local Planning Authority) have been provided. The facilities shall thereafter be retained for the continued use by the occupants of the flats for that purpose at all times.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

2) To ensure the development is implemented in accordance with the permission granted.

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

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

5) To ensure the development is finished in appropriate materials in the interests of the visual amenities of the streetscene in accordance with Policy PCS23 of the Portsmouth Plan.

6) To ensure that adequate provision is made for cyclists using the premises in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

07 14/00771/FUL

WARD:CHARLES DICKENS

LAND AT DUGALD DRUMMOND STREET/GREETHAM STREET PORTSMOUTH

CONSTRUCTION OF A BUILDING PART 7 / PART 9 / PART 17 / PART 25 STOREYS COMPRISING A HALLS OF RESIDENCE (CLASS C1) FOR STUDENTS CONTAINING 836 STUDY / BEDROOMS AND THE CONSTRUCTION OF 1,249 SQM OF FLOORSPACE FOR USE AS STORAGE UNITS (CLASS B8) ON PART OF GROUND FLOOR AND ASSOCIATED LANDSCAPING, AFTER THE DEMOLITION OF EXISTING BUILDINGS.

Application Submitted By:
CgMs Consulting

On behalf of:
Unite Group Plc

RDD: 25th June 2014

LDD: 1st October 2014

SUMMARY OF MAIN ISSUES

The key issues in this application are whether the principle of the development is acceptable in the location proposed, whether the proposal is acceptable in design and heritage terms including whether a tall building is acceptable in this location, whether it would be acceptable in highways terms, whether the proposed use would have any significant adverse impact on the residential amenity of future and nearby occupiers, whether the proposal would have a significant impact on Portsmouth and Langstone Harbour's Special Protection Areas, and whether the terms of the proposed contractual agreement are adequate to secure planning obligations through the legal mechanism of an agreement under Section 111 Local Government Act 1972.

THE SITE AND RELEVANT PLANNING HISTORY

This application relates to two parcels of land (owned by the council) to the east and west of Dugald Drummond Street. The first is the site of Drummond House located on the western side of Dugald Drummond Street on the junction with Greetham Street. Drummond House is a three storey building (with associated parking) which was formerly occupied by the council staff club and Portsmouth Citizens Advice Bureau. The second is the area of land between Greetham Street and the railway line, immediately east of Dugald Drummond Street and is currently used by Royal Mail for parking their delivery vehicles.

The only relevant planning history relates to the land between Greetham Street and the railway line (east of Dugald Drummond Street), this is set out below:

- In 2011, planning permission (ref: 11/00928/FUL) was granted for Royal Mail to install 1.15 metre high fencing on top of the existing 0.95 metre high boundary wall and 2.1 metre high gates to car park entrance.
- In 2007, planning permission (ref: 07/01362/FUL) was granted to change the use of the land to a mixed use of car park and the construction of 20 market traders lock-up units, w/c and refuse storage. The proposal was for the construction of new market trader lock-up units and associated facilities to replace the facilities at Frederick Street that were due to be demolished as part of the City Centre North / Northern Quarter redevelopment scheme and reconfiguration of the remaining 33 public car parking spaces. This permission was not implemented and has now expired.

THE PROPOSAL

Permission is sought for:

- a part 7 / part 9 / part 17 / part 25 storey building comprising a student halls of residence (use class C1) containing 836 study / bedrooms. The proposed building would bridge across Dugald Drummond Street (which would remain open to all traffic) with a clearance of approximately 5m above the carriageway.

The 836 study / bedrooms have been split into a mix of 'cluster flats' (a set number of en-suite bedrooms with shared kitchen) and 'studio rooms' (self-contained bedrooms with kitchenettes). The rooms are arranged as follows:

- 75 studio rooms;
- 6 x '5 bedroom' cluster flats;
- 1 x '6 bedroom' cluster flat;
- 13 x '8 bedroom' cluster flats;
- 29 x '9 bedroom' cluster flats, and
- 36 x '10 bedroom' cluster flats.

In addition, there is a separate study room and laundry on the ground floor of the Greetham Street frontage, 6 common rooms organised around the main stair well within the building and one common room located on the 19th floor.

- fourteen (14) storage units (use class B8) and nineteen (19) van / car parking spaces and associated office, toilet and refuse facilities. The storage units, parking and associated facilities will be located on the ground floor of the land between Greetham Street and the railway line (immediately east of Dugald Drummond Street), with the proposed student accommodation also on part of the ground floor and above.

It is intended that the storage units will be occupied by the city centre market traders, whose current stores in Frederick Street need to be relocated to enable the city centre to be redeveloped.

In addition, this proposal will provide space / stands for 227 bicycles. This includes 197 spaces within the building for the students / staff and 15 'Sheffield' style cycle stands for visitors (located outside the proposed main entrance of the building).

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

POLICY CONTEXT

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

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

The relevant policies within the Portsmouth Plan would include: PCS4 (Portsmouth city centre), PCS10 (Housing delivery), PCS12 (Flood risk), PCS13 (A greener Portsmouth), PCS15 (Sustainable Design and Construction), PCS17 (Transport), PCS23 (Design and Conservation), PCS24 (Tall Buildings), the Achieving Employment and Skills Plans Supplementary Planning Document (July 2013), and Parking Standards and Transport Assessments Supplementary Planning Document (July 2014).

The City Centre masterplan (Supplementary Planning Document - adopted in January 2013) is a material planning consideration when determining planning applications on this site. The City Centre masterplan (on page 68) identifies the sites as a 'key opportunity' for new development and specifically states 'alongside the market traders stores, the sites could accommodate a mix of uses including...student housing (use class C1)'. The masterplan also provides guidance on general design principles on a range of issues, such as access points, key building elevations, active edges, storey heights, planting, materials, lighting and street furniture, which applicant's should consider when detailed designs are being drawn up. The purpose of the design principles is to ensure that new development and public realm improvements are of the highest quality. Further assessment of this guidance will be made in the comments section of this report.

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

Whilst the council has produced a Student Halls of Residence Supplementary Planning Document - consultation draft, which includes a definition of halls of residence, preferred locations for such developments and management and design standards such accommodation should meet, this document is still in its consultation form and is yet to be formally adopted so can be afforded little weight in the determination of this planning application.

CONSULTATIONS

Design Review Panel

Proposal supported subject to the following comments:

Acknowledged that aspects of the colour vocabulary had been toned down and improved on parts of the building, albeit that they considered the variation in palette still to be 'overdone'.

Expressed uncertainty regarding the detailing of the facade treatments and how they meet one another, noting that section drawings show different materials in the same plane. It was suggested that the application would benefit from quality drawings at an appropriate scale that clarified the interface between these different elements.

The panel also expressed concern at the 'unreal context' of the building and the unfortunate absence of drawings which allow for understanding and interpretation at close quarters. Concerns were also articulated at the absence of active frontage on elements of the Greetham Street elevation, and at the context and relationship of proposal to Margaret Rule House.

English Heritage

Have considered the impact the proposal would have on the character and appearance of the Guildhall and Victoria Park Conservation Area, the potential impact on Victoria Park (a registered Park and Garden) and the New Theatre Royal (a Grade II* listed building).

The proposed development would be sited within a highly urbanised context which is characterised by a diverse range of buildings both in terms of age, design and height (although the proposed tower would be significantly higher than any existing building in the vicinity). This building would be sufficiently distance from the heritage assets that have been assessed so as to not appear over-bearing. Therefore this proposal would not be harmful to the heritage assets which have been assessed.

Please note that the potential impact on the other Grade II listed buildings (of which there are several in close proximity to the site) have not been assessed. Bearing in mind the requirements of the NPPF, it is important that the impact on the special interests of these buildings is assessed by your own Conservation Officer.

Environment Agency

No Objection.

Southern Gas Networks

At the time of writing this report, no comments had been received.

Southern Electric

At the time of writing this report, no comments had been received.

Network Rail

The proposed development is located adjacent to Network Rail's operational railway infrastructure. Due to its size and location the proposed development has the potential to impact

on Network Rail's land and infrastructure. To ensure the safety of the operational railway Network Rail strongly recommends that the developer contacts its Asset Protection Wessex team prior to any works commencing on site and signs up to an Asset Protection Agreement (BAPA) with us. This will enable Network Rail engineers to review the developments design and construction details.

The proposed building located adjacent to Network Rail's boundary and the railway should not include any balconies that face the railway. In addition, windows in this proposed building which face the railway should include restricted openings. This is to ensure the safety of the operational railway.

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

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

Construction

Any scaffold, cranes or other mechanical plant must be constructed and operated in a 'fail safe' manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Piling

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

Drainage

Storm / surface water and effluent must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage.

Noise and Vibration

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

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and / or train drivers vision on approaching trains. The location

and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Party Wall Act

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

Southern Water

Sewer records show the approximate position of a public surface water sewer crossing the site. The exact position must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, as long as this would result in no unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense. The applicant is advised to contact Southern Water to discuss.

In addition, Southern Water request that that if consent is granted a condition is attached to the permission stating 'the developer must advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect / divert the public sewers, prior to the commencement of the development'.

Initial investigations indicate Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant. Should this application be approved, an informative should be attached to the permission telling the applicant that a formal application to Southern Water is required.

Initial investigation also indicates there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows into the public system and may be subject to greater risk of flooding. We advise the applicant investigates alternative means for surface water drainage (such as discharge to a watercourse, requisition of a public surface water sewer).

Whilst the application makes reference to SUDs (Sustainable Urban Drainage Systems), such facilities are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities. Where a SUDs scheme is to be implemented the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDs
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development (this should include arrangements for adoption by any public authority and any other arrangements to secure the operation of the scheme throughout its lifetime).

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

Portsmouth Water

At the time of writing this report, no comments had been received.

Hampshire Fire & Rescue Service

Inspectors have considered the information provided and offer the following comments:

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

Access for High Reach Appliances - Where the operation of high reach vehicles is envisaged a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies - Additional water supplies for firefighting may be necessary. Please contact the Community Response Support in Eastleigh to discuss the details.

Contaminated Land Team

Whilst the application is accompanied with the following environmental report 'Greetham Street, Portsmouth, Geotechnical and Geoenvironmental Interpretative Report, Card Geotechnics Limited, Report Ref CGE/06708, June 2014', there are a number of queries / comments which need to be addressed. Therefore, it is recommended that the full contaminated land conditions are imposed on any planning permission granted.

Head of Environmental Health

This consultation concerns the proposed B8 use, residential use adjacent to busy road / railway and the potential impact on air quality as a result of additionally generated traffic.

Noise

The proposed B8 use is part of the relocation of the Portsmouth market traders from Frederick Street. It is proposed that the ground floor use of site to the east of Dugald Drummond Street and adjacent to the railway track be the site of the relocated market traders. Market traders are traditionally early risers, particularly those in fruit and vegetables, which may on the face of it appear to be a conflict with the proposed residential use in the upper floors.

An acoustic report has been presented in support of the application. This report covers a survey of the current noise climate, predictions of noise from the market traders and proposals of glazing specifications to mitigate against the noise from the B8 use and the adjacent road / railway.

Section 4.2 (f) of the acoustic report covers a noise survey conducted at several sites for market activities. The noise limiting factor is identified as Lmax peak events in the region of 75 dB - 85 dB(A). Taking 85 dB(A) as the worst case scenario of a noise that may occur during the hours of sleep, it is essential that the proposed glazing be able to mitigate sufficiently.

The 'mezzanine' floor of accommodation directly above the B8 use has been designed such that the weakest element of the building structure (i.e. glazing) is not exposed - in other words, there are no windows to the study bedrooms at this level on the east site of the site facing north and overlooking the B8 use. As such, the study bedrooms at greatest risk from noise intrusion from the proposed B8 use are on the first floor and upwards. In considering distance attenuation, noise from the peak events will have attenuated in the region of 14 dB(A) by the time the sound has reached the second floor. The proposed double glazing has a sound reduction specification of 35 dB(A) which will attenuate the peak noises to well within the World Health Organisation's recommended limit for peak noise events during the hours 23:00-07:00.

Some of the market traders are to have stores located under the study bedrooms on the mezzanine level (stores 11-14). Careful management of the market trader's stores will eliminate any conflicts by ensuring that those traders mostly likely to require access in the early hours are located stores that are not directly below the study bedrooms. This is probably outside of the control of the planning process but potentially may fall within the statutory nuisance provisions of the Environmental Protection Act 1990.

It is stated in section 4.2(e) that it is *understood* that full mechanical ventilation will be provided throughout the development for bedrooms, with rapid ventilation provided by openable windows. We recommend that mechanical vent be conditional should you be minded to grant consent. We

also recommend avoiding the use of trickle vents in the Zone 1 and 2 (Section 4.4) study-bedrooms.

The proposed glazing specifications, having been tailored to meet the potential noise from the market traders, will also be adequate to deal with noise from the road and railway use.

Impact on Air Quality

Through the 'use' phase of the building there will be limited generation of traffic movements. There are no parking spaces provided other than for the market traders. The market traders' trips will not actually be newly generated trips as they would have, in any case, been going to the Frederick Street stores. Conversely, there is significant provision of cycle storage included in the proposals. As such we are satisfied that there will not be a significant impact on air quality.

Highways Engineer

In reference to the submitted Transport Assessment (TA), Travel Plan, addendum to the TA submitted 14th August and subsequent emails from 19th August.

Parking and Trip Generation

No car parking is provided for the student accommodation. The student welfare is to be shared with Margaret Rule House to the west of the Site. Margaret Rule House will allow parking for student welfare officers in an emergency. There are double yellow lines along the extent of the site on Dugald Drummond Street. On-street parking is available on Greetham Street to the south of the Site which is a Pay and Display arrangement, with restrictions applying between 0800 and 1800, seven days a week. Students will be advised in advance of accepting a place within the student accommodation of the car free nature of the development which is also secured within the tenancy agreements.

The site is highly accessible for public transport links with the nearest bus stops to the site being located on Isambard Brunel Road. These bus stops serve bus routes 1, 2, 7, 15, 19, and Hovercraft and link the site to destinations including Gunwharf Quays, Southsea, Waterlooville, North End, Leigh Park and the City Centre.

Portsmouth and Southsea rail station is located within a five minute walk of the Site, less than 150 metres to the west. The development Site therefore is suitably located to encourage journeys to be undertaken on foot to the City Centre and University buildings, and by public transport services.

In addition to the student accommodation, a total of 14 market traders lock-up stores are to be provided on the eastern site to replace similar existing facilities located in the market areas on Frederick Street and Clarence Street. On-site parking space for up to 19 vehicles will be provided at ground floor level, comprising 14 van spaces plus a further 5 car spaces.

Considering the site is within an area of high accessibility to public transport (being easy reach of bus and rail stations) it is considered that an objection on car parking standards could not be sustained.

The methodology used to forecast the existing and proposed multi-modal trips generated (referred to as trip generation) by the development is acceptable.

Cycle Parking

The proposal provides a total of 197 covered Josta style cycle parking spaces for students in a secure cycle store to the west of the site, relating to 1 space per 4.2 student bed places and 30 cycle parking spaces for visitors. We still remain unconvinced on the argument put forward to justify the reduced levels of cycle parking. The applicant still refers to levels of cycling in London, now at 3.9%, and refers generally to levels of cycle usage in the south east being lower at an average of 2.9%. The national census, which the applicant has used for their source of the

above information states that the level of cycle usage in Portsmouth is 7.4%. this confirms that the levels of cycle usage are significantly higher than the applicants chosen area of comparison.

Secondly, the applicant advises that the level of cycle parking provided at 2 other student accommodation blocks within the city of Portsmouth, run by UNITE only provide cycle parking provision at a ratio of 1 space per 4 students. Whilst this is the level of provision, it gives no indication of the take up of this offer. It may well be that there is insufficient space for demand, we have no way of knowing. We are aware that around the University Campus, the areas used for short term cycle parking are very heavily utilised, suggesting that there are high levels of students using cycles.

Portsmouth University last conducted a travel survey of modes of travel to University on a daily basis by students, the results combined cycling and walking at 74%, 10% train, 8% bus, and 8% by car.

The assumptions made by the applicant are not accepted regarding level of usage of cycles. Their Table 3.1 refers to University destinations, and their commentary discusses the access to the city centre. Students may well wish to visit more remote areas, and use their cycles for recreational purposes. Cycling is becoming a very popular pastime and sport apart from a convenient and economical means of transport.

Walking and cycling routes for residents of scheme

It is difficult to understand the applicant's argument of routes which students are likely to take, both on foot and cycle, to access the University and the city. The applicants plan, reference Figure 3.3 clearly identifies students will use areas of the network highlighted by the site specific highway improvements requested. The shortest route pedestrians will take to access the University campus is identified on figure 3.3, as heading south from the building, crossing Isambard Brunel Road immediately in front of the application site, turning right into Alex Rose Lane to reach the closest point of the campus. This too is the shortest legal route cyclists can take, and cycling is not permitted across Guildhall Square.

The improvements requested to mitigate against a highlighted accident cluster at the junctions of Isambard Brunel Road and Alex Rose Lane and Greatham Street are justifiable. Students do need to travel in a southerly direction as they leave the halls.

Adding in excess of 800 students from this development to this route, which currently directs pedestrians via an underpass, will result in a huge increase in the number of pedestrians trying to cross at grade, where currently there are no pedestrian facilities. The underpass is of particular concern at night when students may fear using the underpass, and risk crossing at grade. This is a foreseeable situation which demands attention.

The footway widening works on Isambard Brunel Road footpath/cycleway are needed to provide an adequate width of route for the increase in cycle traffic particularly, passing the front of Charter Academy, again a route identified by the applicant on Figure 3.3. This will provide a good connection to the further off road cycle network from the Winston Churchill roundabout. This is the shortest and most convenient link to the University building F.

The shortest route to the station, and city centre beyond, is along Dugald Drummond Street, again identified on figure 3.3 by the applicant, as a route recognised to be used by students from the development. The Travel Plan associated with this development, in its first and second objectives, looks to encourage sustainable modes of travel, and travelling by public transport when arriving at their new accommodation. This will result in students arriving by train using Dugald Drummond Street for the first time they arrive in the city.

Description of mitigation works required.

Improvements to junctions of Isambard Brunel Road with Alec Rose and Greetham Street

Improvements to safety on Alec Rose/Isambard Brunel Roundabout where cyclists have been injured due to drivers not seeing them. The junction of Greetham Street with Isambard Brunel Road should be the subject of similar measures. The improvements are required to ensure improved highway safety measures (see below) in the area and that the accidents don't increase as a result of this development.

Isambard Brunel Road j/w Alec Rose:

Improvements will include increased deflection and additional pedestrian crossing provision. A raised table throughout the area from junction to junction should be incorporated. Increase shared footway/cycle path width and infill bus layby on Isambard Brunel Road outside Charter Academy and put bus stop on carriageway. This removes the existing pinch point on the shared cycleway footpath making it safer for all users. Includes to reposition bus shelter/ flag post and lamp columns. Infill subway both sides of road and improve at grade pedestrian crossing facility at roundabout and improve cycle safety. Item 6.3.2. of the TA states many local facilities can be reached within a short cycle ride and 6.2.3 for pedestrians. Figure 3.3 illustrates pedestrian and cycle desire lines. The requested measures are on all the routes identified by the applicant in the Transport Assessment. This will tie pedestrian and cycle routes together to provide good linked routes to many areas of the city.

Isambard Brunel Road j/w Greetham Street

Remove existing mini-roundabout and replace with simple priority junction layout with at grade pedestrian crossings. Junction to be raised on table as per above. Tactile paving and pedestrian crossings to be incorporated into all arms to enable safe crossing points on all desire lines.

If you are minded to grant planning permission, we would also recommend the following conditions:

- Prior to first occupation cycle storage facilities should be provided and maintained.
- Prior to first occupation facilities for the storage of refuse and recyclable materials shall be provided and maintained.
- Prior to first occupation dropped kerb adjustment requirements to be done to PCC standards under licence.
- No doors to open outwards over public highway
- Construction detail of the bridge over the carriageway shall be agreed prior to commencement of construction.
- Reinstate the redundant dropped crossings on both sides of Dugald Drummond Street where currently there is access to car parks, and reinstate as footway standard construction, and possibly shared surface layby to the north side for refuse collection from the traders refuse store.
- A Student Intake Management plan to understand how students will be controlled on arrival and departure days when there is no available parking for drop off. It is essential therefore to understand how this process is managed to avoid congestion in the adjacent roads. We need to know how students receive instruction for arrival, where parents are advised to park, and subsequently move on to after their allotted dwell time close to the halls.
- A Refuse Management plan is required to know how students will be required to separate waste for recycling, how the waste is transferred to the communal bins, and how the bin store is managed, and how collection day is managed. Also, end of term generates large amounts of refuse which results in bin stores being inundated with refuse, and it is necessary to know how this is managed to prevent the problem from arising.

- The Construction Management plan will identify routes for construction vehicles to approach the site, identify where deliveries can occur, and at what times. It will also identify how contractor parking is managed, and transporting operatives to site.

In the event that the applicant is not in agreement with the above we recommend refusal on the following grounds:

1. The cycle parking provision for students and their visitors is of inadequate quantity and does not comply with PCC cycle parking standards policy.
2. The application fails to provide students with adequate safe and convenient walking and cycling routes to near facilities, both for the able bodied and the less ambulant or sight impaired.

Crime Prevention Design Adviser

At the time of writing this report, no comments had been received.

The Portsmouth Society

At the time of writing this report, no comments had been received.

University of Portsmouth

At the time of writing this report, no comments had been received.

REPRESENTATIONS

At the time of writing this report one letter of comment from a local resident had been received. Whilst the letter of comment highlights they are not opposed to the application entirely they do have concerns, which have been summarised below:

- detrimental impact on the amenity of local residents in terms of noise and disturbance from the students, and question how will this noise and disturbance be controlled;
- questions how the potential litter and rubbish generated from the development will be controlled;
- unusual to have such a large student development so close to private residential housing;
- inadequate capacity in local sewer network to accommodate this development;
- questions why the Zurich building cannot be used for this purpose;
- potential impact on those who rely on the private sector student rentals, and
- potential loss of property values to those nearby the site.

COMMENT

The main issues to be considered in the determination of this application are:

- whether the principle of student accommodation and storage units are acceptable in this location;
- whether the design of the scheme is acceptable including whether a tall building is acceptable in this location;
- whether the proposal would have any significant impacts on the heritage assets within the vicinity;
- whether the proposal is acceptable in highway terms (including parking);
- whether the proposal would have any significant adverse impacts on the residential amenity on future occupiers and nearby occupiers / residents;
- whether the proposal would have any significant impacts on Portsmouth and Langstone Harbour's Special Protection Areas (SPAs), and
- whether the terms of the proposed contractual agreement are adequate to secure planning obligations through the legal mechanism of an agreement under Section 111 Local Government Act 1972.

For the most part these issues cover the issues raised in the letter of comment. Those that are not included relate to the potential competition to other local landlords renting properties to students and loss of property values. Members will be aware that the issues of competition to other local businesses / landlords and loss of property values are not material considerations when determining planning applications.

Principle

This section addresses the issue of the acceptability of the uses proposed (use class C1 - student accommodation and use class B8 - storage units) the issues of design, tall buildings and heritage are addressed further on in this report.

The application site falls within the boundary of the defined city centre (Policy PCS4 of the Portsmouth Plan) and more specifically falls within the locality of the 'Guildhall Area'. This policy encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. In addition, the policy states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes.

As previously stated, the principle of developing the site for student accommodation and storage units has been established in the City Centre masterplan, supplementary planning document (adopted in January 2013) which supplements Policy PCS4 of the Portsmouth Plan.

As highlighted in the Portsmouth Plan and City Centre masterplan, the site is in close proximity to the University of Portsmouth's main campus (the site is approximately 400m from University House) and other educational establishments which will enable future student residents to have easy access (by foot or bicycle) to the teaching facilities, in addition to the other retail and leisure uses and employment opportunities found in the city centre, without the need for a car. Therefore, the site is considered a sustainable location for such a proposal.

It is considered that this application is consistent with the proposals set out in the City Centre masterplan and Policy PCS4 of the Portsmouth Plan and will be providing uses that are regarded as appropriate and compatible with its city centre location. It is further considered that the provision of purpose built student accommodation will contribute to the delivery of new homes within the city centre and provide much needed facilities for those students choosing to study within the city, contributing to the wider economic regeneration of the city centre and the provision of the storage units will also ensure employment uses are retained within the area.

Whilst it can only be afforded little weight in the determination of this application (as it is not adopted), this proposal is also consistent with the Student Halls of Residence Supplementary Planning Document - consultation draft, as this document identifies a need for student halls of residence in the city and the preferred location for such accommodation is close to the University's existing facilities and other educational establishments.

In light of the above, it is considered that the principle of developing the site for purpose built student accommodation and storage units would be acceptable when considered against the NPPF (in particular paragraph 14 and chapters 1 and 4) and other local planning policies.

Tall Building / Design

The main focus of the comments below relates to the student accommodation element as the position of the storage units is largely internal to the scheme and cannot generally be seen from the street or wider city context. The storage units will be simple and functional structures (proposed materials are brick / blockwork and steel secure roller shutters) that are single storey in height. The entrance to the units will be via a security gate. Therefore, it is considered that

the overall design of the storage units in terms of siting, height, scale and proposed materials are satisfactory and appropriate for this location and the proposed end users.

As previously stated Policy PCS24 of the Portsmouth Plan and the Tall Buildings SPD identifies the city centre as an area of opportunity for new tall buildings (a tall building is defined as any building above 5 storeys and / or 20m in height), this proposal would fall into the definition of a tall building as the majority of the scheme is part 7 storeys, part 9 storeys, part 17 storeys with the tallest element being 25 storeys. As already identified this site falls within the boundary of the defined city centre, therefore, the principle of a tall building is acceptable. In order to facilitate and encourage the design of tall buildings of the highest quality the SPD also identifies criteria which any tall building should address. An assessment of the design of the scheme is addressed below.

The application includes accurate visual representations (AVRs) which illustrate the impact of the proposal within its immediate and wider context. The AVRs highlight that this proposal is for a substantial building that will undoubtedly have a significant visual impact on its immediate surroundings and city skyline.

The building is roughly L-shaped, with the north-south element next to Margaret Rule Hall. This part of the building is 7-storeys immediately adjacent to Margaret Rule Hall stepping up to 25-storeys at its northern boundary with Dugald Drummond Street (close to the railway line).

The east-west element runs along Isambard Brunel Road / Greetham Street (bridging over Dugald Drummond Street) and is part 17-storeys, part 8-storeys, part 9 storeys with elements stepping down to 2 and 1 storeys.

The design of this building, in terms of its form, has followed the desired function to provide a large number of 'modular' student rooms (clusters and studios). Ultimately the form of the building has influenced the quality of the overall design.

The pattern and arrangement of the building as sought to create the appearance of 'blocks' some of which are setback and lower in height close to neighbouring buildings (such as Margaret Rule Hall) and as the development goes further east along Greetham Street to try to moderate the overall mass of the building and respect the more residential nature of the Greetham Street area. The tallest element is positioned in the north-east corner of the site, closer to existing tall buildings (namely Margaret Rule Hall and Enterprise House) and furthest away from nearby buildings that are of a more domestic scale. It is considered that the principle of this approach is acceptable and whilst the footprint of the building is substantial, it is not totally inconsistent with the prevailing character and building pattern (urban grain) of the area which includes Margaret Rule Hall (a 1970s office block converted to a student halls of residence in 2000) and nearby by social housing such as Wilmcote House, Handsworth House and Ladywood House.

However, as highlighted particularly from the north elevation (the elevation viewed from Station Street / Commercial Road area) where the building can be seen as a whole, the building is monolithic and over dominant within the townscape.

The architect has also chosen to use colour (in the proposed 'Trespa' cladding materials) on the different facades to breakdown the overall mass and scale of the building and provide visual interest. The approach on the lower section on the 'main elevation' (the elevation fronting onto Greetham Street) was to introduce a bold colour into the streetscene. The architect has referenced Portsdown Hill and the New Forest in the choice to use green panels which will sit above the 2-storeys of brickwork. The use of the stepped glazing panels on this elevation (to service the internal common rooms) has also been designed to be *'cascading down to the entrance foyer could even be read as a stream running through the forest'* (quote from the submitted Design and Access Statement).

In addition, the yellow 'cube' (the top 6 floors of the 25-storey tower element) has been designed to act as a 'marker'. As quoted in the Design and Access statement the use of different tones of yellow has been chosen ' *to break up the body and reduce the stark presence of the solid block of colour whilst still offering the warmth and lightness, as well as the primary significance of the colour. We play with the idea of reflections on water by dropping some of the colour down the tower, to also help break up its mass*'.

Comments from the Design Review Panel acknowledged that aspects of the colour had been toned down and improved on parts of the building (when compared to earlier designs for the scheme), albeit that they considered the variation in palette still to be 'overdone'. Whilst the choice of cladding panels ('Trespa') would not be out of character for the area and the introduction of colour is welcomed as an interesting design feature, it is considered that the approach in this scheme does not achieve the desired effect of mitigating the overall impact of such an imposing building.

The application has focused on the 'main entrance' to the student accommodation, this element is well thought-out providing an 'open' glazed entrance (with colonnades) set back from the corner (with appropriate hard and soft landscaping) which is welcoming and inviting. Another welcomed feature is the use of the stepped common rooms / glazing panels on the Greetham Street frontage, which is an interesting design component that will enliven this key elevation.

Unfortunately, the application as submitted does not share the same approach to the remaining Greetham Street elevation or the previously mentioned north elevation. The Greetham Street elevation, as submitted, was dominated by brickwork that would have felt overpowering to pedestrians passing by and on the wider streetscene. Subsequent amendments to the application have introduced a 'green wall' to part of this elevation to soften its appearance and impact. It is considered that this amendment provides an improvement to the streetscene and wider environment, and therefore is acceptable.

The proposed building will bridge across Dugald Drummond Street (with a clearance height of approximately 5m). The principle of this is acceptable and will comply with elements of the City Centre masterplan as the building will help to frame the public realm in this location and provide a strong termination to the vista along Isambard Brunel Road particularly when viewed from Winston Churchill Avenue. However, one of the key design issues with the approach to bridge over the road is the pedestrian environment created under the building as this will become a key route for people walking to and from Portsmouth & Southsea Railway Station. As shown on the drawings this route will also be dominated by substantial structural columns. The submitted design and access statement and plans show the architect has sought to improve the pedestrian environment and reduce the impact of these columns with architectural lighting (down lighters are proposed to the columns) and where possible windows have been introduced to provide some passive surveillance of the area. These elements are considered as an acceptable design solution to reduce the overall impact of the building on this key pedestrian route and it is considered appropriate and necessary to condition the detail of these elements (together with an architectural lighting scheme for the whole building).

The application has also been accompanied by a Daylight and Sunlight Study and Wind Environmental Assessment. The Daylight and Sunlight Study (which assessed the impact of the development on its immediate neighbour, Margaret Rule Hall) concludes '*neighbouring rooms / windows adjacent to the development site will comply with BRE guidelines for daylight with a small number of rooms / windows exceeding the limits....All rooms except two meet the Average Daylight Factor (ADF) standard and those two are still close to the recommended levels with reduction being 0.03% and 0.14% respectively*'. Therefore, it is considered that whilst there would be some impact on the neighbouring property the impact is sufficiently limited not to be significantly detrimental to the occupiers of that building.

The Wind Environmental Assessment concludes '*the wind assessment indicated that there are no areas exceeding the recommended criteria for safety, sitting, standing and entrances,*

pedestrian leisure walk and business walk within the proximity of the site.....Results identified areas where wind speeds are likely to accelerate as a result of the proposed development, especially in areas under the proposed colonnade. This is due to winds channelled down from high level through the building massing accelerating through narrower spaces such as the colonnade. However, whilst wind acceleration is likely in these areas the wind environment remains suitable for all pedestrian activities as wind speeds do not exceed the criteria in terms of wind frequency and wind speeds...The assessment has been carried out without trees and landscaping features in the model which is a representation of the worst case scenario. It is envisaged that the introduction of these will be beneficial and that the local wind environment will be further improved'. Therefore, it is considered that the proposed development will not have any significant adverse impacts on the pedestrian environment around the building (in terms of the wind microclimate). In addition, the application does indicate additional tree and shrub planting as part of the landscape improvements to the entrance of the building and wider streetscape. It is considered that the final details of all the hard and soft landscaping can be secured through a suitably worded condition.

In conclusion, the design of the proposed building is disappointing, as highlighted by the monolithic appearance when viewed from Station Street / Commercial Road area, and cannot be said to achieve the objectives of Policy PCS23 (Design and conservation) of the Portsmouth Plan as it is not a development of excellent architectural quality. In addition, the scheme does not adhere to the aims of the City Centre masterplan and Tall Buildings SPD, which also seek buildings which are 'delightful' and of 'high architectural quality'. However, on balance, it is considered that since the proposed uses will make a positive contribution to the vitality and viability of the city centre, and will provide much needed housing in the city centre (albeit it is a specialist form of housing), and since the proposal is in a sustainable location (in terms of access to educational facilities and other retail and leisure uses and employment opportunities found in the city centre, without the need for a car) and contributes to the wider regeneration of the city, it may be regarded as having sufficient merit to satisfactorily outweigh any concerns over the design.

If planning permission is granted, it is considered that to reduce the impact of additional visual clutter and to protect against any further impact on the city skyline it is necessary and reasonable to impose a condition removing 'permitted development' rights for 'telecommunication equipment' (works permitted by Part 24 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995)).

Impact on heritage assets

Particular obligations fall upon the council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

In terms of this application, it should be noted that it is not located within a conservation area, or directly adjacent to any listed building. However there are a modest number of designated heritage assets located relatively close to the site namely, The Guildhall and Victoria Park Conservation Area (No. 18), the Grade II registered Victoria Park, the Grade II* listed New Theatre Royal, the Grade II listed St Luke's Church and the Grade II listed Portsmouth & Southsea Railway Station.

In determining this application regard has been had to the advice from English Heritage (as set out in the consultation responses section of this report) and the council's own Conservation Officer and their comments have been incorporated into the following paragraphs.

English Heritage have confirmed that the proposed building would be sufficiently distant from the heritage assets of The Guildhall and Victoria Park Conservation Area (No. 18), the Grade II registered Victoria Park, the Grade II* listed New Theatre Royal so as not to be overbearing. Ultimately it was concluded that the proposal would not be harmful.

Further consideration has been given the potential impact on the setting of the Guildhall and Victoria Park Conservation Area (No. 18) due to its close proximity to the application site and the conservation area's unique character as the historic civic / administrative core of the city, and the impressive range and high quality of the distinctive architecture and townscape within it. Pedestrian views (as opposed to glimpses) into and across the area (from outside of the area) are available from the south west. It is clear from the height and scale of the proposal that it could appear as a distinct and prominent feature of the skyline from those areas - Burnaby Road and Park Road for example, where a view of the tower of the Guildhall can be obtained. However, it is considered that the distance of the site is great enough for the building to form a prominent but not an overbearing feature.

Views towards (but not necessarily of) the conservation area are also available from the north and east of the proposal site. Much of the conservation area is already screened from these perspectives by the presence of existing large buildings (such as the Civic Offices and Margaret Rule Hall), screened in a manner which impedes views of the area (other than the tower of the Guildhall) already. It is considered that the proposal would by virtue of the distance of the site from its principle view receptors, and the pre-existence of screening buildings would not be harmful to the setting of the conservation area.

The disposition and height / bulk of the buildings which sit between the application site and the conservation area ensure that they are screened from one another at ground level. The principle impact of the proposal would result from the intrusion of the 25-storey tower and possibly the other taller elements of the structure into the view north east out of the conservation area from Guildhall Square. The height and proximity of the building suggest that this impact has the potential to be significant. It is also considered that the colour, finish and pattern on the building could increase this impact further. The Civic Offices were conceived as a foil to the Guildhall and deliberately created a careful and well-proportioned and intimate setting around it. The nature of this relationship and sense of intimacy are enhanced by the absence of other buildings penetrating the roofline of the Civic Offices. It is considered that this proposal would disrupt this relationship, introducing a feature which, as a result of its scale, proximity and finish would cause harm to the existing setting of the area. However, it is considered that this impact would not be substantial but modest.

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

The heritage assessment submitted by the applicant asserts that 'the church no longer has any meaningful spatial or architectural relationship with its surroundings' (pg 20). This opinion is not shared by officers, although it is accepted that the immediate setting of the church, in particular

its northern aspect, has been significantly impacted by the intrusion of the contemporary Foyer Building. It is considered that whilst the northern setting of the church (the original view of the church from Greetham Street) may already be obscured by the Foyer building that relationship does not necessarily favour or warrant the further intrusion of a building with the height and bulk / massing of the proposal into its setting (that is the view from the church north). This proposal is significantly greater than the Foyer. In addition to its height and bulk, as has already been noted the pattern and colour finish on the building would also contrast very strongly with its surroundings.

For the reasons identified above, it is considered that due to the proximity of the scheme to the church this would result in harm to its setting albeit that this harm could not be reasonably determined as substantial but modest to intermediate given the presence of the Foyer building.

The other listed building close to the application site is Portsmouth and Southsea Railway Station, which is a mid / late period Victorian station. It is considered that the building is relatively modest for a city of Portsmouth's size. Its attractive design is influenced by the French chateau style, the mansard roof forming a particularly strong and distinguishing feature of the elevation.

The station is one of the principle entry points to the city and is important as it is an area that creates initial impressions of the city for visitors. The space in-front of the station (particularly on the opposite side of Isambard Kingdom Brunel Road) is a busy area. It affords full views of the principle and most significant elevation of the building and its wider context. It is considered that this proposal would certainly interpose itself into this view in a way that would have a major impact on the setting of the station, introducing a large and incongruous feature out of scale with the station and the townscape. Therefore, it is considered that the proposal will cause harm to the setting of the station albeit that harm could not reasonably be described as substantial, but would be regarded as intermediate to major.

Having regard to the above issues and to the statutory obligations in respect of listed buildings and conservation areas, the judgement that is required is whether the less than substantial harm to the Guildhall and Victoria Park Conservation Area (No. 18), the Grade II listed St Luke's Church and the Grade II listed Portsmouth & Southsea Railway Station that would arise from this proposal, could be outweighed by wider public benefits. It is important to emphasise that it is considered that the potential harm caused by the development is less than substantial and it is therefore, capable of being outweighed by the other public benefits that would arise from the scheme. As highlighted in the design section above, it is considered that this scheme will provide uses that will make a positive contribution to the vitality and viability of the city centre, provide much needed housing in the city centre (albeit it is a specialist form of housing), be located within a sustainable location and will contribute to the wider regeneration of the city. Having regard to these issues it is considered that on balance, the less than substantial harm to the designated heritage assets identified above would be outweighed by the wider public benefits that would arise from the scheme. As such, this proposal is considered to be acceptable in heritage terms in accordance with Chapter 12 of the NPPF.

Sustainable design and construction

All development in the city must comply with the relevant sustainable design and construction standards as set out in policy PCS15 and the 'Sustainable design and construction' Supplementary Planning Document (SPD, adopted in 2013). Both the policy and SPD require this type of non-domestic development to achieve a BREEAM level 'Excellent', as well as further minimum standards in terms of cyclist facilities and low or zero carbon (LZC) energy technologies. A BREEAM pre-assessment estimator, submitted with the application, confirms that the student accommodation element of the development is currently targeting a score of 70.58%, including all of the mandatory credits for an 'Excellent' rating. As such, this is fully in line with the requirements of Policy PCS15 and the SPD.

The pre-assessment shows that the required two credits, which show that 10% of emissions are being mitigated through LZC energy technologies, are being targeted through issue ENE 04. The development is targeting one credit in TRA 03 (cyclist facilities) for the provision of cycle storage. Whilst two credits are usually required, the other credit is for cyclist facilities (lockers, showers, drying space etc). In the multi-residential framework, due to the residential nature of the development and the presence of bedrooms and bathrooms, this additional credit is not available and so one credit is the most which can be achieved in this issue.

The pre-assessment estimator confirms that the student accommodation element of the development is currently targeting a score of 70.58%, including all of the mandatory credits for an 'Excellent' rating. As such, this is fully in line with the requirements of Policy PCS15 and the SPD.

It is also encouraging to see the 'energy hierarchy' approach to the design taken by the applicant. The scheme is maximising solar gain as far as possible on an urban site and using passive measures including high performance cladding, lift energy regeneration and a 90% efficient mechanical ventilation with heat recovery (MVHR) to minimise energy need as far as possible. The applicant has also looked at the most appropriate way of using low or zero carbon (LZC) energy to further reduce the emissions from the scheme. A high density development such as student accommodation, with its associated high heat load, lends itself to a 'Combined Heat and Power Plant' (CHP) and again it is encouraging that the applicant has selected such a system.

It is considered that the energy strategy taken for this scheme is entirely appropriate to a development of this type and scale in this location and will achieve a 55% improvement in regulated emissions from the scheme compared to what is required under Part L of the Building Regulations, which is welcomed.

It is also encouraging to see the proposed 'green roofs' across most of the roofspace. The development is proposing a large amount of hard landscaping and so the provision of the green roofs will help to decrease the surface water runoff rate and volume and will also significant add to the biodiversity value of the site. If planning permission is granted, it is considered that to secure the relevant standard to accord with policy PCS15 and related SPD appropriate planning conditions are considered necessary and reasonable.

Impact on amenity

There are two elements to assess when looking at the impact on amenity, the impact on future occupiers of the scheme and impact on neighbouring existing occupiers. The potential impacts on future occupiers include noise and disturbance from the existing railway line and highway network and users of the storage units on the ground floor (the intention is for these units to be occupied by the city centre market traders). The potential impacts on neighbouring properties include overlooking, loss of privacy, loss of light and general noise and disturbance issues. The issue of loss of light has been addressed in the previous section.

The application has been accompanied with an 'External Building Fabric Assessment' produced by RBA Acoustics, which has recommended a range of glazing requirements (in addition to the installation of mechanical ventilation) to ensure suitable internal noise levels are achieved. As highlighted in the comments from the Head of Environmental Health, the recommended glazing specification and mechanical ventilation suggested is considered reasonable and appropriate to protect the amenity of future occupiers and therefore should be secured via a suitably worded condition.

Given the site's location its immediate neighbours are Margaret Rule Hall (west of the site) and the Portsmouth Foyer (immediately opposite the site). Other nearby residential properties are located along Greatham Street, which at its closest are approximately 53m east of the site. Therefore, the potential for overlooking and loss of privacy are to the site's immediate neighbours of Margaret Rule Hall and the Portsmouth Foyer.

As already highlighted, the siting and massing of the building has been designed to reduce its potential impact on its immediate neighbours and this approach is considered acceptable. In addition, it is considered that the orientation of the proposed student rooms / bedrooms has an appropriate relationship with the orientation and internal layout of the neighbouring buildings (for example Portsmouth Foyer has kitchens facing the site). Whilst there would be some impact on the neighbouring properties, it is considered that, in combination with the intended users of the building (students occupying the building during term times) and the users of the nearby existing buildings (Margaret Rule Hall is currently used as a student halls of residence), the proposal would not result in any significant overlooking or loss of privacy to Margaret Rule Hall and the Portsmouth Foyer.

On the issue of potential noise and disturbance created by the large number of students occupying the new development, the applicant has sought to address the concerns raised by the letter of comment by submitting a copy of their management plan (Unite Management Plan, Greetham Street, Portsmouth) which includes a 'code of conduct' for the occupiers and a 'community liaison plan' (including procedures on dealing with complaints). As already highlighted in the previous section, the principle of student accommodation in this location is considered acceptable and whilst it is recognised that this scheme will house a large number of students (adjacent to an existing halls of residence) it is considered it would not significantly affect the living conditions of the occupiers of neighbouring properties. However, it is considered that the 'management plan' is necessary and reasonably required to mitigate the impact of the proposal and therefore should be secured via a planning obligation through the legal agreement.

Whilst the concerns raised by Network Rail (as set out in their comments), regarding issues such as construction, piling and the Party Wall Act are noted. These are issues of private law between two commercial parties that are beyond the scope of the council's powers to impose conditions in regard to such matters.

In conclusion, it is considered that the proposal is unlikely to have any significant impact on the residential amenities of the occupiers of neighbouring properties or be so 'unneighbourly' to substantiate a reason for refusal.

Highways issues

The development (supported by a Transport Assessment) does not propose any car parking for the student accommodation and the applicant states that students would be prohibited from bringing cars into the city as a condition of their tenancy. The proposed nineteen (19) spaces would be for the sole use of the occupiers of the storage units (the intended users of the stores are the city centre market traders). The applicant has satisfactorily demonstrated that the proposed development would have no impact on the capacity of the local road network when compared to the previous / current uses of the sites.

As an experienced student accommodation provider, the applicant does recognise that temporary disruption to the road network could occur during the start and end of every academic year (referred to as 'check in' and 'check out'). The submitted management plan (Unite Management Plan, Greetham Street, Portsmouth) and transport assessment seek to demonstrate how the applicant will mitigate any such impacts. The reports state that 'check in' will be permitted over a number of days and that prior to arrival all tenants will be provided with a map setting out how they can access the site, an arrival time slot, parking arrangements whilst unloading vehicles and the location of relevant public car parks. In addition, staff will be available during 'check in' to direct tenants to ensure that local traffic flows are not interrupted. The reports also state that the 'check out' period has less demand as students stagger their departures due to varying timetables and disclosure of examination results. The applicant has stated that it will advise the Local Highways Authority of the arrival and departures dates for each academic year and provide a contact name and number should contact be required.

Having regard to the nature of the proposed uses and the site's proximity to public transport, the city centre and the University of Portsmouth main campus, a car free development for the student accommodation and the proposed nineteen (19) parking spaces for the fourteen (14) storage units are considered acceptable. In addition, it is considered that the proposal would not give rise to a significant increase in traffic or demand for parking that would be likely to adversely affect highway safety and the Local Highways Authority raises no objection. However, to ensure the safety and convenience of users of the local highway network during the 'check in' and 'check out' period it is considered that the 'management plan' is necessary and reasonably required to mitigate the impact of the proposal and therefore should be secured via a planning obligation through the legal agreement.

The application also proposes 197 long-term stay cycle parking spaces (to be used by students / staff, which would be in a secure location accessed by a key fob system) and 30 short-term stay cycle parking spaces (15 'Sheffield' stands to be used by visitors). The number of long stay cycle parking spaces represents one space per 4.2 student bedrooms, this is below the expected standard of one space per bedroom as set out in the recently adopted Parking Standards and Transport Assessment Supplementary Planning Document (July 2014). The applicant has provided evidence (in the form of an addendum to the submitted Transport Assessment and subsequent e-mails) to show the level of cycle occupancy across thirteen (13) of their existing student halls of residence within London and level of cycle parking provided at two other sites in Portsmouth. The submitted evidence shows that across those sites in London 0.5 cycle parking spaces are provided for every bedroom but on the day the survey was undertaken (occupation was monitored at 10am and 6pm on Thursday 29th November 2012) there was average occupation rate of 3.27%. This would seem to indicate that cycle parking provision is significantly greater than actual demand. The evidence from the sites in Portsmouth show a cycle parking provision at a ratio of 1 space per 4 students (although there is no evidence to show the take up of this offer).

Whilst the Local Highways Authority has stated that the evidence submitted is not robust enough to justify accepting a lower cycle parking standard than is required in the SPD and has set out a reason for refusal (as set out in the comments section of this report), if the expected standard (one space per bedroom) were to be provided a significant proportion of the site would have to be redesigned to accommodate such a large number of cycles. It is considered that such a redesign would be to the detriment of the design of the overall scheme in terms of providing 'active' frontages and an appropriate streetscene. Therefore, on balance, it is considered that the number of cycle parking spaces being provided is acceptable given the site's close proximity to public transport (the Railway Station and all major bus routes) and within easy walking distance to educational facilities and the wider city centre. However, to ensure that the cycle parking is provided (and retained) it is considered necessary and reasonable to impose a condition requiring those spaces be provided before the building is first occupied and thereafter retained.

As stated above, the applicant is proposing a 'car-free' development for the halls of residence element of this scheme and their submitted transport assessment (and travel plan) relies heavily on the fact that the site is located within easy access to public transport and within a reasonable walking / cycling distance to educational facilities and the city centre. However, as highlighted in the comments from the Local Highways Authority there are safety issues with the pedestrian crossing points and cycle routes close to the entrance of the site. Therefore, to ensure the scheme creates a safe and secure layout and minimises the potential conflict between traffic and cyclists or pedestrians a package of off-site highways improvements have been identified. The Local Highways Authority has stated that this package of measures could mitigate the impacts of the development sufficient to overcome the reason for refusal set out in their comments. The package of measures proposed includes:

- Improvements to junctions of Isambard Brunel Road with Alec Rose and Greetham Street

Improvements to the cycle safety on Alec Rose / Isambard Brunel Roundabout where cyclists have been injured due to drivers not seeing them. The junction of Greetham Street with Isambard Brunel Road should be the subject of similar measures;

- Isambard Brunel Road / Alec Rose:
Improvements will include increased deflection and additional pedestrian crossing provision. A raised table throughout the area from junction to junction should be incorporated. Increase shared footway / cycle path width and infill bus layby on Isambard Brunel Road outside Charter Academy and put bus stop on carriageway (includes reposition bus shelter / flag post and lamp columns). Infill subway both sides of road and improve at grade pedestrian crossing facility at roundabout and improve cycle safety, and
- Isambard Brunel Road / Greetham Street
Remove existing mini-roundabout and replace with simple priority junction layout with at grade pedestrian crossings. Junction to be raised on table as per above. Tactile paving and pedestrian crossings to be incorporated into all arms to enable safe crossing points on all desire lines.

In response, the applicant does not consider the above package of measures is justified to mitigate the potential impacts of the development. In addition to the works already proposed within the application (removing the footway pinch point and change in levels on Isambard Brunel Road, caused by the existing site boundary), they are willing to provide tactile paving and dropped kerbs at crossing points on key desire lines towards the University buildings and city centre at the locations suggested, i.e. Isambard Brunel Road (including central island), junction of Isambard Brunel Road and Greetham Street, junction of Isambard Brunel Road and Alec Rose Lane and Greetham Street junction with Dugald Drummond Street.

It is considered that the proposed mitigation measures put forward by the applicant are proportionate for the scale and location of the proposed development and will provide safe and suitable access for pedestrians and cyclists to overcome the harm identified in the potential reason for refusal. In conclusion, it is considered that by providing the mitigation measures the scheme would accord with Chapter 4 of the NPPF and policies PCS17 and PCS23 of the Portsmouth Plan.

The Local Highways Authority has also raised concerns regarding refuse collection arrangements and the impact of construction traffic having regard to the constrained nature of the site which could have a significant impact on the safety and convenience of users of the local highway network. Accordingly it is considered that conditions securing a 'Refuse Management Plan' and a 'Construction Management Plan' are necessary and reasonably required to mitigate the impact of the proposal.

Nature Conservation

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

The Solent Special Protection Areas Supplementary Planning Document (adopted 16th April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for purpose built student accommodation is approximately 2.0km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closest point of Portsmouth coast to the development) and will result in a net increase in population, and therefore a significant effect on the Solent SPAs.

As set out in the Solent Special Protection Areas Supplementary Planning Document, '*due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than Class C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing*'.

In addition, it states '*the average number of study bedrooms in a unit of purpose built student accommodation in the city is five. As such, for the purposes of providing SPA mitigation, five study bedrooms will be considered a unit of residential accommodation*'. In order to mitigate the recreational disturbance impacts of the proposed development the applicant will be required to make a financial contribution of £14,379.20 to make the development acceptable in planning terms.

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

Planning Obligations - Required provisions

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

1. A provision to secure the accommodation for University of Portsmouth students (or those on an equivalent full-time course) during their period of study and not use the halls of residence for any other purpose than as residential accommodation for a student during his / her period of study;
2. To keep and maintain the Register of Students as an accurate record of the student residents in the halls of residence and provide copy to City Development Manager upon request;
3. At all times other than University of Portsmouth Academic Terms not to use the halls of residence for any purpose other than as temporary residential accommodation for periods not exceeding two months in the case of any individual resident occupying the halls of residence;
4. Mitigating the impact of the proposed development on Solent Special Protection Areas by securing the payment of a financial contribution of £14,379.20;
5. The preparation and implementation of an Employment and Skills Plan (to assist in the development of resident workforce skills and provide a route to employment for local people);
6. The preparation and implementation of the site Management Plan (to manage the arrivals and departures of students during the start and end of each year and secure the 'community liaison plan');
7. The following off-site highway improvements work
 - a. Provision of dropped kerbs on Dugald Drummond Street (to service the refuse facilities for the halls of residence and vehicle entrance to the storage units);

- b. Reinstatement of footway on Dugald Drummond Street, and
 - c. Provision of tactile paving and dropped kerbs at crossing points on Isambard Brunel Road (including central island), junction of Isambard Brunel Road and Greetham Street, junction of Isambard Brunel Road and Alec Rose Lane and Greetham Street junction with Dugald Drummond Street.
8. During the construction phase(s), the temporary closure / diversion of Dugald Drummond Street secured via a financial contribution of £1,500 for the Traffic Regulation Order (TRO), and
 9. The payment of a Project Management Fee of £7,000.

Planning Obligations - Legal mechanisms in this case

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

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

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

Having regard to the need to secure the relevant provisions (see items 1 to 9 above), there must be a sufficient mechanism in place before planning permission for the development may be granted. It is therefore proposed that the applicant enters into a contractual agreement pursuant to Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972. Section 111 permits the council to do what is calculated to facilitate, or is conducive or incidental to the discharge of the council's functions, including the development control function. Section 1 of the Localism Act gives the council power to do anything which individuals may generally do, and is not limited by the existence of other powers which might overlap.

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

council (as landowner) which in turn would give them the legal interest in the land to then be able to complete the s106 agreement.

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

Conclusion

It is considered that whilst the overall design of the building falls short of the objectives of the Portsmouth Plan, City Centre masterplan and Tall Buildings SPD, it does not cause harm to any heritage assets and the scheme will provide much needed student accommodation, add to the vitality of the city centre, support the wider regeneration of the city and would not have a detrimental impact on the amenity of local residents. Therefore, on balance, the proposal is considered acceptable.

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

RECOMMENDATION II - That delegated authority be granted to the City Development Manager to add / amend conditions where necessary;

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

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

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 720-100 Rev X; 720-101 Rev M; 720-102 Rev J; 720-103 Rev J; 720-104 Rev J; 720-105 Rev J; 720-106 Rev J; 720-107 Rev J; 720-108 Rev H; 720-109 Rev H; 720-110 Rev H; 720-111 Rev J; 720-200 Rev L; 720-201 Rev J; 720-202 Rev K; 720-203 Rev J; 720-260 Rev C; 720-261 Rev C; 720-262 Rev A; 720-300 Rev G; 720-301 Rev F; 720-210; 720-263; 720-264 Rev A.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research

Report Nos. 2 and 3 and BS10175:2011; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants / or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

4) The development hereby permitted shall not be occupied / brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).

5) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until details of (i) the proposed means of foul and surface water sewerage disposal, (ii) the measures to be undertaken to protect any existing public sewers infrastructure, and (iii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall not be brought into use until the drainage works referred to in (a) above have been carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed schedule of full details (including samples as may be necessary) of the proposed external facing materials and finishes to be used on the walls (including colour panels), doors, windows and roofs of any of the buildings, shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall only be carried in accordance with the approved external materials unless otherwise agreed in writing by the Local Planning Authority.

7) (a) No development shall take place, unless otherwise agreed in writing with the Local Planning Authority, until details of the proposed glazing specifications for each habitable room has been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall be carried out in accordance with the approved details and thereafter retained.

8) (a) No development shall take place, unless otherwise agreed in writing with the Local Planning Authority, until details of the proposed mechanical ventilation (including trickle vents and openings) for the halls of residence has been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall be carried out in accordance with the approved details and thereafter retained.

9) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until details of all hardsurface treatments proposed across the site, including the types / textures and colour finishes, shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed landscaping scheme for the external areas, which shall specify species, planting sizes, spacing and density / numbers of trees / shrubs to be planted; the phasing and timing of planting; and provision for its future maintenance, has been submitted to and approved by the Local Planning Authority in writing, and

(b) The works approved shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

11) (a) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading / offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority, and

(b) The approved plan shall be implemented and maintained until the development is complete unless otherwise agreed in writing by the Local Planning Authority.

12) (a) No development of the green roofs (as set out on drawing no 720-111 Rev J) or the green wall (as set out on drawing no 700-220 Rev L) shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a detailed planting specification for the green roofs and the green wall has been submitted to and approved by the Local Planning Authority in writing, and

(b) The approved planting specification shall be carried out prior to first occupation of the development hereby granted consent, and

(c) The green roofs and green wall shall thereafter be retained for those purposes at all times.

13) Before any part of the development is occupied, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum of level 'Excellent' of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and one credit in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the Local Planning Authority.

14) (a) Before any part of the development is first brought into use a scheme of architectural lighting to enhance the appearance of the building during the hours of darkness shall be carried out as an integral part of the development in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and shall specify the size, appearance and position of any luminaires or LED feature, and

(b) The architectural lighting scheme shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

15) (a) Before any part of the development is first brought into use details of the type, alignment, height, appearance, materials / finishes of any proposed boundary treatment or other gate / fence / railing / barrier / bollard or similar means of enclosure shall have been submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall only be carried in accordance with the approved boundary treatment / similar means of enclosure and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

16) (a) The halls of residence hereby permitted shall not be occupied until a 'Refuse Management Plan', setting out how occupiers will be required to separate waste for recycling, how refuse and recyclable materials will be transferred to the communal bins, how the refuse storage areas will be managed, and how large amounts of refuse and recyclable materials generated at the end of term will be managed, has been submitted to and approved in writing with the Local Planning Authority, and

(b) The approved 'Refuse Management Plan' shall thereafter be implemented and maintained unless otherwise agreed in writing with the Local Planning Authority.

17) The development hereby permitted shall not be brought into use until the following approved measures shall have been completed;

(a) The access to storage units and refuse area to the halls of residence, including the footway crossing, shall be constructed (as shown on drawing no: 720-100 Rev X), and

(b) The existing access to the site shall be stopped up and the footway crossing reinstated.

18) The halls of residence hereby permitted shall not be brought into use until the following approved measures shall have been completed;

(a) Provision of tactile paving and dropped kerbs at crossing points on Isambard Brunel Road (including central island), junction of Isambard Brunel Road and Greetham Street, junction of Isambard Brunel Road and Alec Rose Lane and Greetham Street junction with Dugald Drummond Street.

19) (a) The facilities to be provided for the storage of bicycles for occupiers and visitors shall be constructed and completed before any of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and

(b) The storage of bicycles shall thereafter be retained for those purposes at all times.

20) (a) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before any part of the development is first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and

(b) The facilities shall thereafter be retained for those purposes at all times.

21) 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) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 24 and 25 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

2) To ensure the development is implemented in accordance with the permission granted.

- 3) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 6) To secure high quality external finishes to a building and to preserve the setting of the neighbouring listed buildings and adjacent conservation area, in the interests of visual amenity in accordance with policies PCS4, PCS23 and PCS24 of the Portsmouth Plan.
- 7) To protect the amenity of future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.
- 8) To protect the amenity of future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To secure a high quality setting for the development in the interests of the visual amenity of the area, in accordance with policy PCS23 of the Portsmouth Plan and the principles of good design in the NPPF.
- 10) To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 11) To minimise the potential for conflict with or hazard to existing users of the surrounding highway network.
- 12) To manage surface water runoff, to improve biodiversity and to contribute to a high quality built environment in accordance with policies PCS12, PCS13, PCS15 and PCS23 of the Portsmouth Plan.
- 13) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 14) In order to secure the highest design quality for a building over 24 hours (rather than daytime only) in a very visually prominent position and within the setting of the listed buildings and adjacent conservation area, to accord with policies PCS4, PCS23 and PCS24 of the Portsmouth Plan.
- 15) To secure a high quality appearance to the development in a visually prominent location, to protect the privacy (where relevant) of users of the scheme, and protect the security of the neighbouring railway line, in the interests of the amenity of the area and to balance safety/security needs with townscape improvement, in accordance with policy PCS23 of the Portsmouth Plan, Reducing Crime Through Design SPD and the principles of good design in the NPPF.
- 16) To ensure that refuse and recyclable materials generated by the use hereby permitted will be managed in an appropriate manner in accordance with policy PCS23 of the Portsmouth Plan.
- 17) In order to provide satisfactory access in accordance with policy PCS23 of the Portsmouth Plan.

18) To secure the package of off-site highway improvements works required to mitigate the highway impacts of the development, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

19) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

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

21) To ensure this prominent building and its roof space remains free of visual clutter and to reduce the impact to nearby heritage assets by any subsequent alteration / addition, to accord with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

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City Development Manager
22nd August 2014