

# PLANNING COMMITTEE

## 22 JULY 2015

5 PM EXECUTIVE MEETING ROOM,  
3<sup>RD</sup> 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, 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>

## **INDEX**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	15/00821/FUL	Zurich House Stanhope Road Portsmouth PO1 1DU	PAGE 3
02	15/00286/TPO	5 St Andrews Road and 18 St Ursula Grove Southsea PO5 1EP	PAGE 35
03	15/00544/FUL	1 Plymouth Street Southsea PO5 4HW	PAGE 39
04	15/00595/FUL	Unit 4 The Pompey Centre Fratton Way Southsea	PAGE 44
05	15/00686/FUL	106 &108 Queens Road Fratton Portsmouth PO2 7NE	PAGE 52
06	15/00863/FUL	22 Inglis Road Southsea PO5 1PB	PAGE 59

ZURICH HOUSE, STANHOPE ROAD, PORTSMOUTH, PO1 1DU

**CHANGE OF USE OF EXISTING 'ZURICH HOUSE' BUILDING FROM OFFICES (CLASS B1A) TO 405-BED STUDENT ACCOMMODATION (HALLS OF RESIDENCE CLASS C1); CONSTRUCTION OF A PART 9/11/12 STOREY EXTENSION TO THE EXISTING BUILDING (KNOWN AS ZURICH HOUSE) TO FORM 595-BED STUDENT ACCOMMODATION (HALLS OF RESIDENCE CLASS C1) WITH 186SQM OF RETAIL FLOORSPACE (CLASS A1) ON THE GROUND FLOOR; THE PROVISION OF SURFACE AND BASEMENT LEVEL CAR PARKING AND THE CREATION OF A LANDSCAPED PEDESTRIAN LINK FROM STANHOPE ROAD TO VICTORIA PARK & OTHER ASSOCIATED LANDSCAPING**

**Application Submitted By:**

Jillings Hutton Planning

**On behalf of:**

Knightsbridge Student Housing Ltd

**RDD:** 22nd May 2015

**LDD:** 28th August 2015

**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 terms including whether a tall building is acceptable in this location, whether the proposal is acceptable in heritage terms including whether the loss of three trees and alterations within Victoria Park are acceptable, whether it would be acceptable in highways terms, whether the proposed use would have any significant adverse impact on the residential amenity of future occupiers, and whether the proposal would have a significant impact on Portsmouth and Langstone Harbour's Special Protection Areas.

**THE SITE AND RELEVANT PLANNING HISTORY**

'Zurich House' is a 14-storey curved building that is a visually prominent landmark on the city centre skyline. It is currently vacant and in a poor state of repair but was formerly used as offices.

The building is positioned centrally within a larger site (covering approximately 0.82ha) that also includes surface car parking. The site tapers at each end with Edinburgh Road at its northernmost point and Commercial Road / Station Street to the east (facing Portsmouth & Southsea railway station). However, this application only relates to the conversion of and proposed extension to Zurich House with a site area of 0.61ha.

The site has two key frontages, the 'urban' street frontage onto Stanhope Road and the more 'relaxing' frontage to the historic park (Victoria Park) on the other side. The site also immediately adjoins and thereby affects the setting of (but is not located within) the Guildhall and Victoria Park Conservation Area (No. 18) and the registered Victoria Park. It is also located opposite and within the wider setting of the listed buildings of the former Drill Hall (Stanhope Road), Portsmouth War Memorial (Cenotaph), Guildhall, Roman Catholic Cathedral (Bishop Crispin Way) and Portsmouth & Southsea Railway Station (Commercial Road / Station Street).

The relevant planning history is set out below:

- In 2011, planning permission (ref: 10/00935/FUL) was granted for the change of use of 'Zurich House' from offices (Class B1a) to 210-bedroom hotel and 93-suite aparthotel (both

in Use Class C1) with extension to rear including undercroft area up to 475sqm; construction of 11-storey building to form 243-bedroom hotel (Class C1) up to 9509sqm of gross internal floorspace and construction of part 6 / 7 / 8-storey building to form offices (for Class B1a use) up to 7773sqm, 2 units for restaurant / cafe (Class A3) up to 833sqm with 55 residential flats, above new basement accessed from Stanhope Road for parking / plant; and associated landscaping.

- In 2010, planning permission (ref: 08/02253/FUL) was granted for the change of use of 'Zurich House' from offices (Class B1a) to 207-bedroom hotel and 47-suite aparthotel (both in Class C1) with extension to rear undercroft area up to 359sqm; construction of 11-storey building to form 243-bedroom hotel (Class C1) up to 9509sqm of gross internal floorspace and construction of part 6 / 7 / 8-storey building to form offices (for Class B1a use) up to 7773sqm, 2 units for restaurant / cafe (Class A3) up to 833sqm with 55 residential flats, above new basement accessed from Stanhope Road for parking / plant; and associated landscaping.

## **THE PROPOSAL**

Permission is sought for the change of use of the existing 'Zurich House' to provide a 405-bedroom student halls of residence (Class C1) and the construction of a part 9 / part 11 / part 12 storey extension to Zurich House to form a 595-bedroom student halls of residence (Class C1) with 186sqm of retail floorspace (Class A1) on the ground floor.

The scheme will provide a total of 1000 student study / bedrooms. The rooms have been split into a mixture 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:

- 291 studio rooms;
- 25 x '4 bedroom' cluster flats;
- 51 x '5 bedroom' cluster flat, and
- 59 x '6 bedroom' cluster flats.

It is proposed that the development will provide twenty-nine (29) car parking spaces and space / stands for 150 bicycles within the building for the students / staff and six 'Sheffield' style cycle stands located outside the proposed retail unit.

In addition, it is proposed that a new pedestrian access is created into Victoria Park (from Stanhope Road going across the site) this work includes new boundary treatments and new / amended footpaths within the Park.

## **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), PCS11 (Employment land), PCS12 (Flood risk), PCS13 (A greener Portsmouth), PCS14 (A healthy city), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS23 (Design and conservation), PCS24 (Tall buildings). The following supplemental planning documents are also relevant: the Tall Buildings Supplementary Planning Document (June 2012), the City Centre Masterplan Supplementary Planning Document (January 2013), the Achieving Employment and Skills Plans Supplementary Planning Document

(July 2013), the Solent Special Protection Areas Supplementary Planning Document (April 2014), the Parking Standards and Transport Assessments Supplementary Planning Document (July 2014), and the Student Halls of Residence Supplementary Planning Document (October 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 (pages 42 - 48) identifies the site as a 'significant gateway site' and states that there is an 'important opportunity to develop the site for a mix of city centre uses within a striking built form' and that 'it will be critical for the development proposals to establish a positive interface with Victoria Park' (via the formation of an additional pedestrian access point into the Park). 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.

Another material consideration is the Student Halls of Residence Supplementary Planning Document (October 2014), which includes a definition of halls of residence, preferred locations for such developments and management and design standards such accommodation should meet. Again these issues are addressed in the comments section of this report.

## **CONSULTATIONS**

### **The Portsmouth Society**

No comments received at time of writing report.

### **Natural England**

Natural England has no objection, subject to the implementation of the Supplementary Planning Document (SPD) or planning policy adopted by Portsmouth City Council to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

### **Garden History Society**

No comments received at time of writing report.

### **Southern Electric**

The proposed development does not directly impact upon cabling or equipment owned by SSE, the company has no objection to the proposed development.

### **Southern Water**

Initial investigation indicates there is currently inadequate capacity in the local network to provide foul and 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. Additional off-site sewers or improvements to existing will be required, alternatively the

developer can discharge foul and surface water flows no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

Southern Water request that should this application receive approval the following informative is attached to the permission: 'The applicant / developer should enter into a formal agreement with Southern Water to provide the necessary sewer infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)'.

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).

In addition, the proposed drainage strategy shows run off from permeable areas connected to the public sewerage system. Surface water run-off from permeable areas and ground infiltration is not acceptable to Southern Water.

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'.

### **Hampshire Fire & Rescue Service**

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

- Access for firefighting - Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.
- Access for Fire Service - Access to the proposed site should be in accordance with Hampshire Act 1983, Section 12.

The following elements are advisory only and do not form part of any current legal requirements:

- 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.
- Sprinklers - Would strongly recommend the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package.
- Premise occupiers have a duty to prevent and mitigate damage to the water environment from a 'fire water run off' and other spillages. Further guidance can be found in the Environment Agency publications.

- Timber Framed Buildings - these types of buildings are particularly vulnerable to severe fire damage and fire spread during construction phase. The UK Timber Frame Association publications provide further guidance.

### **Hampshire Gardens Trust**

No comments received at time of writing report.

### **Ecology**

**Statutory sites** - Agree with the approach highlighted by Natural England (the proposed development will impact to the Solent Special Protection Areas and required mitigations) and raise no objection.

**On-site ecological interests** - The site itself has limited ecological interest due to its highly developed nature, with extensive urban buildings and hardstanding. However, the submitted Preliminary Ecological Appraisal (PEA) (The Ecology Consultancy, May 2015) has identified that it has good potential to support breeding birds in some parts of it, which it is agreed.

In particular, the roof of the building was assessed as being of interest for species such as peregrine falcon, known to be present in the immediate surroundings. These birds can thrive in urban environments where tall buildings can mimic habitats present in cliffs and similar natural features.

As the building is not being demolished, there will be no loss in this habitat feature. However, it is recommended that vegetation around the site is removed outside the nesting season (as highlighted in the submitted PEA).

**Enhancements** - A range of welcome habitat enhancements would result from this development. In particular, the biodiverse roof proposed is supported as it would provide a valuable resource for a range of ecological features including invertebrates and urban birds.

### **Head of Community Housing**

There is no requirement for affordable housing, therefore we have no comments.

### **Landscape Group**

The landscape design for the scheme has been put together well, with good attention to detail and should provide an attractive scheme. The green roof is welcomed, although it will be pretty exposed so the planting may take a battering from strong winds but the management reviews will hopefully maintain it as a successful green space.

Whilst the central courtyard space is a nice idea, it will always be rather an overshadowed location and not a warm place to sit, so may function best as a green space to look out onto, and indeed a light well into the heart of the development.

The revised landscaping proposals (for the paths into the Park and works around the Plan Tree and amendments to the planting schedule) read better, whilst it is quite a bold statement to focus on the Plane Tree it is a better considered approach than the original proposals.

Do not agree with the new development coming so close to the park boundary as it causes the trees on the park boundary to be compromised. The trees in the park are important to its character, and serve to partially screen the Zurich House building from park users, the three oaks in particular contribute to the overall landscape character, creating an archway over the

footpath on this side of the park. However, please to see the revised proposal that now retains the Lime Tree (T10).

It is evident that the park will become a desire line for students going to and from the University. This brings more footfall into the park, and potentially more users in the evenings. Currently the park is locked at night, there is likely to be future conflict if the park is locked when students are trying to come home. People naturally take the shortest route as a desire line, and the park will most likely be used as a cut through at night time if it is locked. One solution would be to open the park for longer in the evenings, or to leave it open all hours. However, it is recognised that this would require a cultural shift in attitude to how the park is currently used and monitored / managed.

### **Waste Management Service**

We are happy with the new plans as they match the information they sent us before re-applying. Biffa have also looked at the tracking and were happy with them. As long as they stick to the plans submitted there should not be a problem.

### **Crime Prevention Design Advisor**

Defensible space is an important crime prevention principle, therefore, it is important that casual access to the car park and the rear of the building is prevented. To that end appropriate barriers should be put in place.

The proposal creates a building with multiple residents to provide for their safety and security, it is recommended:

- External doors are certificated to LPS1175 SR2 standard - including those access doors within the basement car park;
- An electronic access control system is installed;
- Front doors to studio rooms should be certificated to PAS24:2012 standard;
- Cluster flat entry doors should be certificated to PAS24:2012 standard and fitted with electronic access system;
- Individual bedrooms within the cluster should be fitted with robust solid core doors fitted with a lock to BS8621;
- Ground floor windows should be certificated to PAS24:2012 standard;
- All ground floor glazing should incorporate a pane of laminated glass to BSEN 356:2000 class P1A, and
- Closed Circuit Television cameras should be deployed within the reception area, common areas, passageways and stairwells.

The basement car park will provide a number of opportunities for crime to reduce these opportunities, it is recommended:

- Gates or shutters should be installed at the entrance to prevent casual access - the gates should be fitted with an electronic access system;
- A high level of lighting should be installed within the car park, and
- Closed Circuit Television cameras should be deployed within the car park.

### **Design Review Panel**

The panel was comfortable with the proposed new cladding for the Zurich building. However, they did express concern at a range of other issues related to the design of the scheme:



- considered the junction between the existing building and the proposed extension was contrived, implying transparency where in reality this was unlikely to exist;
- concerned by the external form of the extension, and the plan of the new courtyard, suggesting the undulations in its form are random and without obvious justification;
- the design of the extension does not complement sufficiently the strong surface and form of the existing building, or its purity and minimalism, and
- also acknowledged the significance of the existing building to the setting of the adjacent listed park, suggesting the proposal would negatively affect the relationship between the two elements, bringing development closer to the park, and disrupting the purity of form of the existing building.

Overall the panel was unfortunately disappointed with the application and the recommendation is that the scheme is not considered capable of support.

### **Highways Engineer**

Whilst the planning application only relates to the redevelopment of Zurich House and land immediately adjacent to provide 1000 bedroom student accommodation; the transport assessment (TA) considers a broader scope of development and also assesses the likely impact of a 150 bedroom hotel on the former car park to the south of Zurich House. The transport assessment does not consider the scope for further development to the north of Zurich House as is envisaged in the city centre masterplan.

Overall, whilst there are a number of weaknesses in the transport assessment; the approach to assessing the likely transport impact associated with the proposed development is sufficient to inform determination of the application. The transport assessment does not take account of the traffic which could reasonably be generated by the existing consented B1 use on the site. This would generate significantly more vehicular movements in the peak periods than both the proposed student accommodation and potential adjoining hotel. In that light it would not be sustainable to refuse the proposal on the basis of the capacity of the traffic signal controlled junction at Unicorn Gate despite the trip generations being likely to have a material impact at this junction (>2%) during the peak periods.

The following specific observations have been made:

### **Existing Conditions**

Analysis of the performance of the existing network establishes that both mini roundabouts operate well within capacity although the Unicorn Gate signalised junction is found to have significant queues at Alfred Road, Market Way and Unicorn Road South with the Unicorn South approach operating in excess of capacity in both peak periods.

### **Parking**

The TA explains the rationale for the proposed on site provision of twenty-nine (29) spaces, access to which will be controlled via a barrier set back to allow accessing vehicles to queue off Stanhope Road.

It is suggested that student changeover can be accommodated through management of fifteen (15) spaces with two (2) spaces reserve for the Student Housing Company management and the remainder being accessible spaces made available to blue badge holding students.

The figure of fifteen spaces being the minimum required for student changeover assumes that 90% of students will check in over a three day period between 1000 and 1700 on each day within fifteen minute time slots. This is not found to be credible and it is likely that delayed arrivals or those taking more than fifteen minutes will compound over each day leading to queues of vehicles waiting to access the site obstructing the free flow of traffic. Any consent

should require the development and submission of a more detailed changeover management plan perhaps over an extended period with contingency arrangement in the event that change over does not operate as smoothly as is anticipated. The student management plan implies that in such circumstances vehicles will be redirected to local car parks although these are not specified and the review of capacity of city centre car parks is clear that '.... due to existing and future demand levels this cannot be considered sufficient to accommodate all potential trips....'

### **Cycle Parking**

The proposed on site cycle parking provision does not reflect the council's standard of one space per bedroom (the proposal for 150 spaces would reflect 15% of the total number of rooms) rather relies on a survey of student modes of travel which identified 74% of students selecting the joint category of walk / cycle and applying the 2011 census data for the Charles Dickens Ward to determine the proportion of those who would be likely to cycle. The Charles Dickens Ward has a different development mix to the proposed development and largely reflects different social-economic traits to those anticipated by the occupiers of the proposed development. As a consequence, the applicant was advised to provide a more robust assessment of the likely cycle use to justify any reduction in the council's cycle parking standard for student accommodation.

Findings from a monitoring survey of Newcastle University have been submitted (received on 8<sup>th</sup> July) to justify the subdivision of the 74% combined walking / cycling modal split established in the University of Portsmouth's travel survey in the proportions 59% walking and 15% cycling. However, the 2013 Newcastle University student survey data only drew from a 4.6% sample size which is short of the 10% statistical significance threshold outlined in the DfT best practice guidance; therefore the analysis can only provide an indication of existing travel patterns for students at the university.

The reported student survey results indicate a significant increase in the walking and cycling modes during the first two years of the travel plan with corresponding reductions in the use of private motorised transport. This seems to have been consolidated in the subsequent five years with comparatively little variation in the proportion of bus use over the period. The most recent (2013) student survey modal split findings total 104.4% (which taken alongside the sample survey size casts some doubt on the reliability of the findings) with 51.9% walk; 12.2% cycle; 30.7% bus 9.6% private vehicle/other. However, on the basis that the proposal will not facilitate student parking on site if the assumption is made that the 9.6% private vehicle / other trips potentially longer trips are redistributed between the bus and cycle modes in the same proportions then the modal split of students found to be cycling does approach 15%.

Whilst there are a number of questions regarding the validity of the data and analysis of the Newcastle University Student Travel Survey, this does indicate a significantly reduced demand for cycle use at a similar predominantly urban university site in a city centre compared with the council's cycle parking standard for student accommodation. To that degree this additional information supports the case for a reduction in the council's cycle parking standard for student accommodation.

### **Servicing and Access**

Servicing is proposed via a proposed service bay on Stanhope Road which given the proposed use is most likely to comprise online food shopping deliveries. This provision will be adequate for the likely service demand and size of service vehicles. To ensure that this service bay is available for service vehicles the applicant should be required to sponsor a traffic regulation order to ensure that this bay is only available for loading.

Access to the parking areas will utilise the existing access from Stanhope Road. Plans indicating a revised access arrangement with separate lanes for access and egress have been submitted (received on 6<sup>th</sup> July). These include details of vehicle tracking which demonstrate

that a waste collection type service vehicle can pass a car at the access. This resolves the previous concerns.

### **Trip Distribution**

Trip distribution is considered by mode for both the hotel and student accommodation uses. Whilst the methodology for this appears sound there is an anomaly between the figures reported in the appendices and those in the main text of the document. The main document identifies 205 walking trips in the am peak period whereas appendix E establishes that there are likely to be 218 walking trips. Similarly the main document identifies 47 cycling trips whereas appendix E identifies 50 cycling trips. These discrepancies are not of sufficient scale to undermine the value of the assessment findings.

In addition, on the 8<sup>th</sup> July the applicant provided the full details of all of the TRICS sites used to inform trip generation from the hotel site considered in the TA. This information satisfactory demonstrates that the potential for non-representative surveys from individual sites to unreasonably influence the average trip has been resolved and gives reasonably reliable prediction of trip rates.

The likely demand for use of public transport in the peak period has been assessed and compared with the capacity of the scheduled services operating on the relevant routes. The conclusion has been drawn that there is sufficient capacity on each of the routes although no surveys of existing occupancy have been undertaken to establish whether or not the service capacity is available to accommodate the increased number of passengers. In the absence of robust data to justify that assumption it is necessary to make a balanced judgement. In the circumstances, it is not sustainable to refuse the application on the basis of an unproven assessment of public transport capacity.

### **Network Impact**

The analysis of network impact has largely been undertaken in accordance with the approach agreed in response to the scoping report. The traffic models have been validated by comparison of the predicted queue lengths with the observed queue lengths in the base case and found to be robust.

The traffic modelling finds that the mini roundabouts at Stanhope Road / Station Road / Commercial Road; and Stanhope Road / Edinburgh Road / Unicorn Road will continue to operate within the design capacity in the peak periods in the two assessment periods of 2016 and 2012.

The signalised junction at Unicorn Gate currently operates in excess of capacity. There are significant queues at Alfred Road, Market Way and Unicorn Road South with the Unicorn South approach operating in excess of capacity in both peak periods. The transport assessment identifies scope to further optimise the phasing and staging of the signals to increase the green time given to Unicorn Road whilst reducing it on other links thereby ensuring that all of those operated within capacity in the 2016 base case. On balance it is the view of the Local Highway Authority that a reduction in green time on the other links is not in the interest of the efficiency of the broader network and optimisations of the signals in this way should not be pursued. The effect of the proposed development will be to erode capacity on Unicorn Road by approximately 2%.

Whilst this is a material impact and would justify a reason for refusal given the existing capacity of the network, the TA does not take account of the traffic which could reasonably be generated by the existing consented B1 use on the site. This would generate significantly more vehicular movements in the peak periods than both the proposed student accommodation and potential adjoining hotel. In that light it would not be sustainable to refuse the proposal on the basis of the capacity of the traffic signal controlled junction at Unicorn Gate despite the trip generations being likely to have a material impact at this junction (>2%) during the peak periods.

## **Accident Analysis**

The accident analysis undertaken in the TA finds a cluster of vehicle incidents at the Stanhope Road / Station Road / Commercial Road mini roundabout. No incidents involving pedestrians have been identified and as a consequence no improvements to the pedestrian crossing provision are planned as a part of the development.

## **Travel Plan / Student Management Plans**

A travel plan and student management plan have been developed for the student accommodation which reflects on the accessibility of the site and determines a management mechanism for change over. Given the relatively frequent change in occupation of the accommodation with students who may be new to the city and the myriad of both university destinations and travel options, it would be sensible to make enhanced way finding provision in this locale. To that end any consent should require the provision of a way finding totem close to the pedestrian access to the site. Whilst targets are established within the travel plan the interventions which would be brought forward in the event that these were not achieved should be strengthened to include more effective remedies and contingency plans established in the event that the change-over does not transpire as is anticipated. These should be secured through S106 agreement prior to the issue of planning consent.

## **Construction Management Plan**

It would be appropriate to control the movement of construction traffic through a routing agreement as part of any S106 agreement to minimise disruption and the risk of conflict within the city centre.

## **Environmental Health**

Having reviewed the acoustic report submitted with the application we are satisfied with the content and recommendations; however the following conditions are recommended:

- Sound insulation measures shall be incorporated into the structure of the building as per the specification recommended within the Acoustic Report submitted by Adnitt Acoustics 1575/EAR/R2 dated 25<sup>th</sup> May 2015. Prior to the commencement of construction the applicant shall confirm which of the recommended sound insulation specifications are to be employed.
- Prior to the installation of any plant or machinery an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Appropriate measures shall be implemented to mitigate any identified observed adverse effect levels due to the operation of the plant.

## **Contaminated Land Team**

Given the scale of the development and the relatively sensitive nature of the proposed end-use, it is recommended that the full contaminated land conditions are imposed on any planning permission granted.

## **Tree Officer**

The proposal for this site development appears to be driving the requirement to remove trees not vice versa as recommended by BS5837 - 'Trees in relation to design demolition and construction' 2012, instead of identifying trees as a potential constraint which should inform the layout / development opportunities.

Some of the concerns have been addressed with the arboricultural consultant, specifically the loss of T10 the *Tilia x europea*. The response suggests that the retention of T10 is not an issue and is accepted by the applicant. This tree is in a fair condition with a long remaining potential lifespan (40+ yrs) and it has an open grown form so should not be impacted the same way by

the removal of adjacent trees than if the crown were co-dominant. Given the resilience of Lime and its physiological condition and age, it will respond well to pruning. A distance of a minimum of 4m should be achievable if the eastern (only) extent of the canopy is removed - this is generally a very acceptable clearance to built structures. If the pruning is taken back to good branch or stem union points the regrowth should be no more dense than natural growth would be so ongoing pruning will almost certainly be required, but not to an excessive degree. Internodal cuts should be avoided in any event - this may mean not strictly adhering the boundary line but selecting the best points for target pruning cuts to be placed - this may be either side of the nominal boundary.

The remaining 3 Holm Oaks, trees T11, T12, T13 (proposed to be removed) although of significant amenity value as a group are as individuals of generally poor quality, featuring areas of decay and compression forks, additionally having developed as a co dominant crown the removal of one or two of the group would render the remaining specimens imbalanced and subject to wind forces not previously experienced.

The representation of the root structure of T29 *Platanus x hispanica* (the focus of the new access into the Park) is naïve, large structural roots are visible in the turf to the north west of T29, suggesting the root runs may relatively shallow not only close to the buttresses. Radar root survey data is still lacking, this will be essential to support any proposed work and before a correctly informed decision can be made in respect of surfacing and construction of additional pedestrian routes around this tree.

#### Recommendations

1. The removal of T11, 12, 13 (Holm Oaks) be supported in favour of the development. Replacement planting in mitigation for the loss to be undertaken in Victoria Park. Species, size and location to be agreed with the Park Contract Manager, although T13 is to be replaced with a *Tilia sp* to mirror T10.
2. T10 (Lime) is to be retained and afforded the protection required by BS5837 - 'Trees in Relation to design demolition and construction' 2012 throughout the redevelopment.
3. Root survey data must be captured in order to inform the decision process with regard to the development of proposed new pedestrian access routes and proximity to T29.
4. All proposed tree planting is to follow the guidelines published in Trees in Hard Landscapes - A Guide for Delivery published by The Trees and Design Action Group (TDAG) 2014 and BS8454:2014 Trees: from nursery to independence in the landscape - Recommendations.

#### **Coastal and Drainage Team**

Previous queries have been addressed. No objection to the proposals.

#### **REPRESENTATIONS**

None received.

#### **COMMENT**

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

- whether the principle of student accommodation is 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 (including the loss of trees, new boundary treatment and amended footpaths within Victoria Park);
- 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
- whether the proposal would have any significant impacts on Portsmouth and Langstone Harbour's Special Protection Areas (SPAs).

## Principle

This section addresses the issue of the acceptability of the uses proposed (use class C1 - student accommodation and use class A1 - retail unit) and the creation of a new pedestrian access into Victoria Park, 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 'Station Square and Station Street'. The policy encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. The policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes.

Zurich House and the land to the north (but not the land to the south opposite Portsmouth & Southsea Railway Station), also falls within the boundary of Policy PCS11 (employment land), which seeks to encourage economic growth by protecting sites for 'employment uses' (use class B1, B2 and B8) and also specifically identifies the Station Square and Station Street area as the location within the city centre where new office development will be expected to be delivered.

As previously stated, the site is also identified in the City Centre masterplan, supplementary planning document (referred to as Sites 3 and 4) which supplements Policies PCS4 and PCS11 of the Portsmouth Plan. The masterplan sets out guidance for acceptable 'city centre' uses for the site, including ground floor retail, with offices, hotels and / or residential uses above and the creation of a new pedestrian access into Victoria Park.

The site is in close proximity to the University of Portsmouth's main campus (the site is approximately 450m 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 (albeit in a specialist form of housing) and provide much needed facilities for those students choosing to study within the city, contributing to the wider economic regeneration of the city centre.

This proposal is also consistent with the Student Halls of Residence Supplementary Planning Document, as this document identifies a need for student halls of residence in the city and the preferred location for such accommodation is close to the University's existing facilities and other educational establishments. The University of Portsmouth currently has just under 3,000 student bed spaces and they wish to provide a space in a 'halls of residence' for all first year students, as well as having a growing demand from 2<sup>nd</sup>, 3<sup>rd</sup> and mature students for this type of accommodation. In 2014, the University of Portsmouth could only offer 75% of their first years' a place in a 'halls of residence'. Once the Unite scheme on Greetham Street is completed (currently under construction) and together with the additional 93 student bed spaces that have already been provided on other sites in the city, there will be space for 90% of the first years'.

This assessment does not assume any increase in the student intake (i.e. the number of new students attending the University of Portsmouth) and does not cater for the growing demand for 2<sup>nd</sup> and 3<sup>rd</sup> year students. Currently there are planning permissions (or resolution to grant planning permission subject to a legal agreement) for 1,904 additional student bed spaces but are yet to be implemented. It is considered that there is still a need for new student accommodation within the city which this proposal would help to meet and, as already highlighted, it is considered that this site would be a sustainable location for this type of accommodation.

It is also noted that the proposed bedroom (studios and clusters) exceed the minimum space standards set out in the SPD.

Whilst the proposal for student accommodation is contrary to Policy PCS11 of the Portsmouth Plan, as no 'employment uses' are being retained or reprovided, the applicant has provided reports (a condition report of the existing Zurich House building and an office market report) which sets out arguments as to why retaining Zurich House for office accommodation and / or reproviding the amount of office floorspace to be lost by the conversion of the building (approximately 12,225sqm of Class B1 floorspace) is not economically viable for a developer to undertake. In addition, the applicant has expressed a willingness to work with the city council to explore opportunities for employment uses on other parts of the site albeit this is not the subject of any planning application nor can it be a consideration in the determination of this application. However, it is considered that although it is disappointing that no employment uses are being provided as part of this proposed development, the evidence within the submitted reports is acceptable. On balance, it is considered that there are other material considerations, such as the need for student accommodation in sustainable locations and bringing a derelict building / site (which currently has a negative impact on the immediate townscape and the wider city centre) back into use, which outweigh the policy requirements of Policy PCS11.

In light of the above, it is considered that the principle of developing the site for student accommodation and a retail unit, and the creation of new pedestrian access into Victoria Park would be acceptable when considered against the NPPF (in particular paragraph 14 and chapters 1 and 4) and other local planning policies.

### **Design / Tall Building**

When considering the issues of design and tall buildings the proposal can be split into two elements, the conversion (and recladding) of Zurich House (an existing 14-storey building) and the proposed part 9, part 11 and part 12 storey extension.

The design / architectural consideration for the conversion of Zurich House element relates to the proposal to replace the cladding on the building. Zurich House is not a designated heritage asset, neither has it been identified as an undesignated heritage asset. Despite this it is reasonable to assert that the building is not without a degree of significance. Designed by Gollins Melvin Ward a leading architectural firm based in London responsible for bringing the 'Miesian' steel and glass architecture of continental Europe and the USA to the UK. Zurich House pioneered this style of architecture in Portsmouth. It is considered to be the most striking and imposing example in the city of this type of architecture. The design of the building is governed by the philosophical ideas related to purity and uncluttered simplicity. It is also considered that the building has a strong aesthetic / design value. Its form departs from the strict 'slab and plinth' form seen in pioneering American examples following instead the curve of Stanhope Road. In other key respects, massing, proportion, use of materials and pared back detailing it adheres strongly to the design rules of the corporate modernist style. Whilst pioneering and significant in the context of Portsmouth, the design cannot be regarded as innovative in a national context. Despite its current poor condition, the design quality and execution of the building do make it an important building in the townscape of the city.

The existing cladding was designed for an open plan office and would not necessarily be ideal for conversion to student accommodation (or other uses) due to the framing spaces and

absence of 'openable' windows. In addition, the applicant has provided a report demonstrating given the age and condition of the existing cladding it could not be replaced 'like for like'. Therefore, the applicant has put forward proposals for a new framing and cladding system which has been inspired by the original design. The proposed cladding will comprise of reflective and dark coloured rain screen panels, fixed pane frameless glass (tinted) to blend with the dark cladding and perforated / louvre panels with a hidden window (which will open inwards).

It is recognised that the applicant has taken on board comments from council officers and the Design Review Panel in exploring options for the recladding of Zurich House. It is considered that the proposals are now acceptable and will make a positive contribution to the overall design of the scheme, and wider townscape, as it will in part retain the form and silhouette of the current building.

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 extension element is part 9, part 11, and part 12 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.

The application includes accurate visual representations (AVRs) which illustrate the impact of the proposal within its immediate and wider context.

The new extension is roughly a 'U' shaped building which wraps around the south and east elevations of Zurich House. The overall approach to the design has been to create a building which *'complements Zurich House and reinstates the old car park areas as new city blocks'* (quote from submitted Design and Access Statement). The scheme will also create an internal courtyard which can be accessed by all the proposed student accommodation.

On the Stanhope Road elevation the extension will have recessed curtain walling at the junction with Zurich House (up to 11 storeys). The building will then step up to 12 storeys on the remainder of the Stanhope Road frontage and as the building wraps around onto the new pedestrian street (the new access to Victoria Park). On the new pedestrian street frontage the top floor is slightly recessed. On the frontage with Victoria Park, the building steps down from 12 storeys on the corner (with the new pedestrian access) to 9 and 11 storeys. From the south east corner the building line also steps back along the south west elevation, away from the boundary to Victoria Park.

The cladding to the external elevations of the new extension will be coloured to compliment Zurich House but not to replicate it and the top floor (and in some cases the top two floors) will be curtain walling. The internal elevations (facing onto the internal courtyard) will be coloured with white render.

The main concerns about the design relate to the 'extension', as highlighted in the comments from the Design Review Panel, and in particular concerns about the 'junction' between the two elements (the existing building and new extension) and the elevation that faces onto Victoria Park.

The applicant has sought to address concerns raised by the use of curtain walling and recessing the building line on the boundary with Victoria Park. These design elements have been used so that the extension can be read as a separate building, when viewed from Stanhope Road. It is considered that the design of the proposed junction with Zurich House is 'too heavy' and will inevitably erode the 'purity' of the design of Zurich House as the existing building currently 'stands alone' with space around it (as referred to previously in this report). However, the overall design of the Stanhope Road elevation (in terms of scale, massing and use of materials) is considered acceptable given the context of the site within a built-up city centre.



In addition, it is considered that the design of the overall scheme is consistent with the city centre masterplan, which acknowledges that this part of the city centre can accommodate buildings on a larger 'city' scale (both in terms of height and form) with robust elevations. The curved corners to the new extension and use of a 'colonnade' at ground floor (the ground floor is recessed) are considered to be a positive contribution as this helps to create 'active edges' and will enhance the public realm by enlivening the streets (both Stanhope Road and the new access to the Park). It is also recognised that the form of the new extension is seeking to re-establish the historic urban form of this part of the city centre (prior to the creation of Zurich House).

However, the footprint of the new extension will result in a building closer to Victoria Park. The applicant has sought to address concerns raised by staggering the building line, stepping down the storey heights and recessing the top floors to help reduce the impact of the scale and mass of the proposed building. It is considered that this aspect of the scheme is creating an elevation to the Park which is more 'urban' in character and appearance and will be overbearing due to its mass and close proximity to the boundary with the Park. Therefore, it will have an impact on the setting of the registered Park, this issue is addressed further in the report.

As highlighted previously, the applicant is proposing a new access 'street' (for pedestrians only) from Stanhope Road through the site to Victoria Park. It is considered that the design of the new 'street' and the proposed landscaping will enhance the public realm and make a positive contribution to the city centre townscape.

The application also refers to proposed railings / gates to facilitate closure of Victoria Park and prevent pedestrian access from the site in the evening and overnight. However, the council is considering the future management of its parks, including the possibility that the city's parks could remain open at all times. It is considered that the proposals put forward by the applicant are suitable as a 'fall back' position (i.e. should the council chose not to open its parks at all times) but it is considered necessary and reasonable to secure the final details of this boundary treatment and to ensure the 'street' from the boundary to the Park to Stanhope Road is safeguarded for pedestrian use through a suitably worded planning condition and the legal agreement.

There are other alterations proposed for the footpaths and the removal of three (3) trees within the Park, which again are addressed further in this report.

The application has also been accompanied by a daylight and sunlight study and wind microclimate assessment. The 'Daylight and Sunlight Study' (which assesses the impact of the new build extension) concludes *'that the majority of the accommodation will achieve, comfortably exceed or be very close to the relevant BRE guidelines. Whilst there will be areas where the BRE guidelines will not be achieved but those instances are almost exclusively limited to the room opening either into the courtyard area of the proposed development or the anticipated future development site to the east'*. Therefore, it is considered that whilst there would be some impact on the new student rooms the impact is sufficiently limited (in terms of the limited number of rooms affected and impact to those rooms) not to be significantly detrimental to the future occupiers of the building.

The 'Pedestrian Level Wind Microclimate Assessment - Desk Study' concludes *'the ground level wind microclimate is generally compatible with the intended pedestrian use of the site, mainly classified as suitable for leisure walking or standing use during the windiest season. However, localised wind conditions classified as business walking use (at the corners of the proposed development on the southern elevation) and leisure walking use at the multiple entrances are expected to require mitigation....with the suggested mitigation measures in-suit the site would be expected to be suitable for comfortable pedestrian use'*. The mitigation measures proposed include projected fins from the façade of the building (to reduce down draughts), landscaping / planting on the elevation with the new pedestrian access and along the boundary with Victoria

Park which will help direct pedestrians away from the immediate building façade, ground entrances have been stepped back from the upper floors to create a sheltered undercroft and other localised landscaping is proposed. 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 new pedestrian access elevation and wider site. It is considered that the final details of (and retention of) all the hard and soft landscaping can be secured through suitably worded conditions.

In conclusion, it is considered that the proposed design of the development will have an impact on Victoria Park, in terms of introducing a more 'urban' form closer to the Park and will be overbearing, and the new extension does erode the positive effect that the design of the existing Zurich House has on the wider townscape (in terms of its simple, elegant form). However, on balance, it is considered that overall the scheme demonstrates a design of quality contemporary architecture, will make a positive contribution to and enhance the current townscape on the Stanhope Road (including the provision of the new access into the Park), 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 the design concerns. Therefore, it is considered that the scheme would be acceptable when considered against the NPPF and other local planning policies.

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 (including alterations to footpaths and loss of trees within Victoria Park)**

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 the proposed development is not located within a conservation area, or directly adjacent to any listed building. However, the proposal does include the creation of a new access into Victoria Park (a Grade II registered Park) which

involves new boundary treatments and amendments to existing footpaths within the Park to tie into the new access and the removal of three (3) trees from within the Park. In addition, there are a number of designated heritage assets located relatively close to the site namely, The Guildhall and Victoria Park Conservation Area (No. 18), the Grade II listed Connaught Drill Hall, the Grade II listed Portsmouth War Memorial, the Grade II listed Guildhall, the Grade II listed Cathedral Church of St John the Evangelist, and the Grade II listed Portsmouth & Southsea Railway Station.

In determining this application regard has been had to the advice from the council's own Conservation Officer and Arboricultural Officer and their comments have been incorporated into the following paragraphs.

#### The submitted Heritage Impact Assessment

The submitted Heritage Impact Assessment states *'the greatest impact will be to the setting of the park and the memorials and monuments it contains, but the new extension has been designed to be subservient to Zurich House, which has already compromised the setting. The presence of the new extension will therefore have little added impact'*.

Given the statutory and policy importance assigned to the understanding of significance and harm to heritage assets, it is considered that the cursory nature of the assessment and the lack of comprehensive, careful and reasoned analysis of the impact of the proposal is disappointing. Despite this, it is considered that there is sufficient information contained in the whole application to adequately assess the impact of the proposal on the designated heritage assets.

#### Victoria Park - Grade II registered Park

Victoria Park was planned and laid out in 1878 by Alexander Mackenzie who, as landscape architect to the Metropolitan Board of Works, was nationally one of the key garden designers of the mid-late Victorian period. The design of the Park was influenced by picturesque principles which can be seen in the meandering layout of its paths, and the strong diagonal axis which bisects it. Its significance is derived from multiple heritage values including illustrative value, associational value, due to its link with Mackenzie, and aesthetic / conscious design value through the picturesque quality of its layout. The Park also has communal / social value, as a space which residents and visitors share, appreciate and enjoy for the quality of its environment.

The current Zurich House forms a key element in the setting / backdrop to the Park. The building has a strong and 'pure' form which is particularly striking from the Park. The current building is also set back sufficiently to prevent it from having an overbearing or disruptive presence on the edge of the Park.

The proposal will fundamentally alter the nature of this relationship, as already highlighted in the design section, the proposal will bring a building closer to the back edge of the Park. This proximity (between 1.5 - 4m along the length of the relevant façade), in combination with the length of built form (approximately 50m) and its height and mass would result in a relationship that contrasts very strongly with the more open and 'softer' setting of trees and other planting which define and characterise the Park's perimeter. Imposing buildings of considerable scale do form a strong component of the Park's setting, their impact is however reduced by their distance from the perimeter (in part a result of the presence of roads and a railway embankment along three of the Park's four frontages).

The set back of the present Zurich House respects this context, and does not 'crowd' or overwhelm the Park's perimeter. It is considered that the proposed design of the new extension is not sufficiently respectful to the prevailing context of the Park. It ignores and sets aside the important contribution which the siting and distance of buildings from the Park's perimeter make to the openness of its setting.

Therefore, it is considered that due to the disruption to the harmony of the Park's setting, and the sense of overbearing height and bulk on a significant length of its eastern boundary, the proposal would cause substantial harm to this heritage asset.

Regard has been given to the planning permission which has been 'implemented' for the University of Portsmouth's 33-storey student halls of residence and six storey faculty building (referred to as the 'Blade') at the south west corner of the Park (the site of the former Victoria Swimming Baths). This scheme is very significant in terms of its impact on the setting of the Park. The presence of the tower within the scheme, its height, location, form and finish are relevant to the consideration of the current proposal. Of particular significance is the location and height of the faculty element that would occupy the north east corner of the development site, and would lie directly adjacent to the Park boundary at a height of six storeys. As such it is clear that the principle of a development of this height and in close proximity to the boundary of the Park has been established.

However, this application was determined in a period pre-dating the NPPF (and other relevant case law) which introduced and reinforced a greater emphasis on the weight that must be given to 'harm' to heritage assets in the judgement of the decision maker. It is considered that these subsequent changes to planning policy and the way in which decisions must be made does have a bearing on the degree to which the 'Blade' permission can be used as a positive factor in the acceptability of this application.

In coming to a judgement regarding the combined or cumulative impact of both schemes together, it has been necessary to retrospectively apply the principles of the NPPF consistent with a hypothetical scenario in which the 'Blade' scheme has been completed. In doing so, it is considered that it would harm the setting of the Park, and the level of harm would be very significant (but less than substantial). Despite the substantive differences in height and scale between the two schemes when considered together their harmful impact on the setting of the Park would be substantial. Therefore, it is considered that the conclusion that this scheme would cause substantial harm to the setting of the Park remains valid.

As already highlighted, the proposed development will also result in the loss of three Holm Oak trees within Victoria Park due to their close proximity to the boundary of the site (both in terms of overhanging branches and root spread). The application is accompanied by an 'Arboricultural Impact Assessment' which sets out the scheme will result in the loss of these trees (referred to as T11, 12 and 13 within the application) and the potential loss of one Lime Tree (referred to as T10) and recommends mitigation via the planting of replacements. It is considered that the proposals for the development appear to have been driving the requirement to remove the trees instead of identifying the trees as a potential constraint which should inform the layout / development opportunities. However, it is accepted that whilst the three Holm Oaks have significant amenity value as a group, as individual trees they are of generally poor quality, featuring areas of decay and compression forks, additionally having developed as a co-dominant crown the removal of one or two of the group would render the remaining specimen(s) imbalanced.

In addition, it should be noted that under common law, the applicant is able to cut back the trees to the boundary of the Park. It is considered that this cause of action would have detrimental impact on the Holm Oaks (in terms of impacting on their amenity value and lifespan) due to the amount of overhang that is occurring onto the Zurich site. Therefore, it is considered, on balance, that a reason for refusal based on the loss of the three Holm Oaks could not be sustained and that the removal of the three (3) trees to be replaced with one tree in a similar location and two other trees within the Park is acceptable mitigation and that it is reasonable and necessary to secure this mitigation through a legal agreement.

However, it is considered that the Lime Tree is in a fair condition with a long remaining potential lifespan (40+ yrs), and that given the resilience of this species (including its physiological condition and age), it is believed that it would respond well to pruning. It is considered that a

minimum distance of four metres should be achievable if the eastern (only) extent of the canopy is removed and that this is an acceptable clearance to the proposed new building. Therefore, it is considered that the removal of the Lime Tree is unnecessary and is not supported.

The applicant is also proposing alterations and additions to the existing footpaths within the Park to tie into the new access and makes the retained mature London Plane (referred to in the application as T29) a focal point for the new entrance. It is considered that this element of the proposal contributes to the wider public benefits of the scheme and that it is necessary and reasonable to secure the final details of these works, together with the recommended works and protection to the Lime Tree (and the protection of the other retained trees and shrubs), through a suitably worded planning condition and the legal agreement.

It is important to emphasize, that it is considered that it is the proposed design of the new extension (in terms of its proximity to the Park boundary and its scale and mass) which would cause significant harm to the setting of Victoria Park and not the proposed boundary treatments / means of enclosure and amendments to the footpaths which are considered to be a positive contribution of the overall scheme.

### Guildhall and Victoria Park Conservation Area (No. 18)

This conservation area lies within the centre of the city. It encompasses the civic heart of Portsmouth - focussed around the imposing Guildhall, its surrounding square, the area to the north of the square including Victoria Park, and University of Portsmouth campus further to the west.

The conservation area has both historical and aesthetic value, as the city's civic / administrative core. This is articulated in the impressive scale, materials and detailing of much of the architecture and townscape in the area.

The application site does not lie within the conservation area, therefore the impact of the proposal on the significance of this heritage asset would not be direct, rather on its setting.

The disposition, scale and height of buildings within and around the boundary of the conservation area constrain the number of locations in which the proposal would impact on views out of and into this asset (its setting). They dictate that the site can only be viewed from discreet elements of the conservation area. Whilst some of these sites are large (such as Victoria Park), they are connected with one another but also remain discreet and visually separate parts of the conservation area. Their locations offer different perspectives on the site and of course have differing settings and contexts.

A view from ground level is not afforded which permits the impact of the proposal to be appreciated within the context of the conservation area as a whole. Its impact can only therefore be assessed from these discreet and different parts of the conservation area or from limited viewing points outside.

The most visually sensitive and therefore important of these (due to proximity) is that from within Victoria Park east towards the development site. Other views of the site from within the conservation area are afforded from: The War Memorial north, and The Roman Catholic Cathedral south west. From outside the conservation area, views west back towards the area from Stanhope Road and Station Street would also be affected.

In terms of the view from Stanhope Road / Station Street towards the conservation area (Victoria Park), it would be altered by the changes to the façade of Zurich House but more significantly by the introduction of the new extension into the view.

From this location the view obtained in the summer is of the trees and shrubbery which screen and define the edge of the Park (in neither winter nor summer is an uninterrupted vista of the Park obtained). At all times, the current interpretation and understanding of the extent, and

significance of the Park (as a conservation area) from this perspective is impacted and eroded in the foreground by the presence of a car park, and screened by a chain link fence and the line of trees / shrubs (with or without foliage).

The ability to appreciate a view of the edge of the Park from this part of the city is positive, however it is the case that historically this site was occupied by buildings (such as the former Post Office and a theatre) and that the site was cleared as a result of fire and war damage. As such it is not unreasonable to expect that this site would be redeveloped and that any new development would seek to restore the historic street and building pattern.

The proposed extension would significantly reduce (but not totally eliminate) the ability to see the edge of the Park from Stanhope Road / Station Street. In terms of impact on the significance of this heritage asset, it is reasonable to suggest that this view towards the conservation area from the outside is not as significant as others that have been identified. Given the site's city centre location and historical context, it is considered that the 'preservation' of this view cannot reasonably be regarded as a significant constraint. Therefore, the impact of the proposal in terms of harm to the setting of the conservation area as a whole is considered to be moderate.

#### Connaught Drill Hall - Grade II listed

The 'Tudor' style former Territorial Army Drill Hall (1901), (now part converted to nightclub), was designed by noted and prolific local architect A.H. Bone. The footprint of the hall is large, whilst its height is significantly lower than that of surrounding buildings it has a substantial presence within the townscape of the area. The building has aesthetic and historic value.

The setting of the Hall would be impacted in views from either end of Stanhope Road where the re-clad Zurich House and in particular its extension would become a peripheral 'framing' element within views of the Hall. The length, height and scale of the extension would make its impact substantial, advancing the length of built form opposite the Hall by approximately thirty metres (30m).

Given the city centre location and historic presence of buildings on the site, it is reasonable to suggest that 'preservation' of the current setting of the Hall is neither feasible nor desirable. It is a building with robust presence in the street scene and historically a more utilitarian / functional purpose than the other heritage assets in the city centre. The proposal would help to return the historic street blocks / pattern to the area.

Therefore, despite the differences in height and scale between the Hall and the proposed extension, the factors considered above in combination with the distance between the two would result in the development causing no harm to the significance of this heritage asset.

#### Portsmouth War Memorial - Grade II listed

The War Memorial (or Cenotaph), unveiled in 1922 commemorates the city's First World War dead. Its Portland Stone finish complements the nearby Guildhall, and it is a carefully considered and detailed example of a memorial from this period, and as a site of collective and individual remembrance the memorial has a powerful commemorative value.

The design of the memorial, when enjoyed from within the space it creates, generates a sense of intimacy. Beyond its immediate confines its setting is impacted by a number of other features. The Guildhall and railway line predate the memorial and are original historic features of its setting. The former positively complements in material and in its scale and design. The presence of the latter is more negative. By its proximity it periodically impacts on the ability to peacefully enjoy the space due to the noise of passing trains. The memorial has also been negatively affected by the later addition of the former 'Drift in the City' bar into its setting, foreclosing the once open eastern aspect which it had facing Isambard Brunel Road.

The proposal would impact further on the setting of the memorial by introducing into its backdrop a feature which would 'puncture' the top of the Portland stone screen surrounding the cenotaph. This change represents a further intrusion (beyond those already described) into the setting of the cenotaph. The development would become an imposing visual element in approach views to the memorial from its principal access point facing Guildhall Square. In contrast with the more restrained impact of the current Zurich House which is a substantial vertical feature within the memorial's north eastern backdrop, albeit that it is screened by the presence of a large Plane tree, (to be retained) the proposal would deliver a bulkier horizontal 'wall' of development of significant width at an oblique angle into the structure's setting. In slightly more distant views from deeper within Guildhall Square, this 'wall' of development would span the gap between the Guildhall and Civic Offices terminating views from the square.

It is recognised that historically, prior to the construction of the Zurich House, other development existed within its setting and more 'recent' developments have also impacted negatively on its setting. However, the proposed extension would bring development of a greater scale and mass, and of a contrasting design, significantly closer to the memorial. This changed relationship will cause some harm to the setting of the memorial albeit it is considered that due to the distance between this heritage asset and the development site this harm is regarded as minimal.

#### Guildhall - Grade II listed

The Guildhall (designed by William Hill of Leeds) is an iconic symbol of the city and is the most striking and importance civic building in the city.

Due to the distance between this heritage asset and the application site, the proposal will not have an impact on the immediate setting of the Guildhall. The proposal would curtail views south from Stanhope Road across the site to the towards the Guildhall's tower. However, the siting of the new extension would not impact directly on the unimpeded view of the tower which can be obtained from the junction of Stanhope Road and Commercial Road South. Therefore, it is considered that the proposal would not harm the setting of the Guildhall from this location.

The impact of the proposal on the setting of the Guildhall from within Guildhall Square has already been highlighted in the section related to the War Memorial. Therefore, it is considered the level of harm to setting of the Guildhall from this location would be regarded as minimal.

#### Cathedral Church of St John the Evangelist - Grade II listed

The Cathedral (1877-96) for the Roman Catholic Diocese of Portsmouth is in the 'French' gothic style with curved apse. The building has aesthetic value through its rich and impressive architectural detailing and historic value as the first catholic cathedral in the city.

Although, separated by Bishop Crispin Way, Victoria Park extents the entire flank of the cathedral and is the key element in its southern setting.

The Cathedral is screened from the park (and from open views of Zurich House and the development site) by the park's railings, hedge, shrubbery and the intermittent tree cover along the length of its boundary.

The existing Zurich House is a noticeable vertical feature within the southern setting of the cathedral. Its location and distance however make a middle (rather than a foreground) element, and one which is visually peripheral rather central to the view immediately south from the cathedral (particularly from its main pedestrian entrance at the end of Bishop Crispin Way).

Zurich House does (depending on exact location) 'puncture' the canopy of the existing trees adjacent to the development site, and the canopy of those along Bishop Crispin Way. As has been noted it is not however central to views south from the Cathedral.

The re-cladding of the Zurich House, and its proposed extension would impact on the views south from the Cathedral, altering both the finish and form of the building and the extension would increase the scale of the building.

Given that the view from the Cathedral is of Victoria Park, it is considered that impact of the proposed development on this view can, for the reasons outlined above, be considered low, and therefore not harmful to the significance of this heritage asset.

#### Portsmouth & Southsea Railway Station - Grade II listed

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 affords views of the site which would enable significant proportions of both Zurich House and the new extension to be appreciated (albeit across the current car park area which is identified for future development). In heritage terms, it is considered that the view from the Station cannot be regarded as of especially high value and in combination with the distance of the development from this asset, it is considered that the proposal would not harm the setting of this heritage asset.

Having regard to the above issues and to the statutory obligations in respect of listed buildings and conservation areas, the judgement required is whether the substantial harm caused to the Grade II registered Victoria Park and the less than substantial harm caused to the Guildhall and Victoria Park Conservation Area (No. 18), the Grade II listed Portsmouth War Memorial and the Grade II listed Guildhall that would arise from this proposal could be outweighed by the substantial and wider public benefits of the proposal.

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, bring a key city centre site back into use (including reusing a neglected building which in its current state is an eyesore), create a new pedestrian access to Victoria Park, 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 harm to the designated heritage assets identified above would be outweighed by substantial and 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). 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 71.22%, 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 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 it is encouraging that the applicant has selected such a system.

It is also encouraging to see the proposed 'biodiverse roof' across part of the roofspace and a 'green wall' on part of the elevation onto the new pedestrian access into Victoria Park (as well as other landscaping proposals on the boundary with Victoria Park and the internal courtyard). The development is proposing a large amount of hard landscaping and so the proposals 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.

### **Highways issues**

As highlighted in the comments from the Local Highway Authority, whilst this planning application is only seeking consent for 1,000 bedroom student accommodation, the submitted Transport Assessment (TA) considers a larger amount of development in that it also assesses the likely impact of a 150 bedroom hotel on the former car park to the south of Zurich House, (although the TA does not consider the scope for further development to the north of Zurich House).

Overall, it is considered that whilst there are a number of weaknesses in the TA, the approach to assessing the likely transport impacts associated with the proposed development is sufficient to determine the application. Although the TA identifies that the likely trip generations from the proposed student accommodation and potential future hotel development are likely to have a material impact on the 'Unicorn Gate' junction (the junction of Unicorn Road, Market Way and Alfred Road) during the peak periods, the TA does not take account of the traffic which could reasonably be generated by an office use (use class B1) if the building was brought back into its current lawful use (without the need of a planning application). This use would generate significantly more vehicular movements in the peak periods than both the proposed student accommodation and potential hotel.

In that light, it is considered that a refusal of planning permission on the grounds that the proposed development would have a material impact on the capacity of the 'Unicorn Gate' junction could not be sustained.

The development proposes that the student accommodation will operate as a 'no car' development, although twenty-nine (29) on-site car parking spaces are proposed for operational use (including during 'change over' days), visitors and any students who have a 'blue badge'. The applicant states that students will be advised that there are no parking facilities on or near the site and will be provided information about local public transport.

Fourteen (14) car parking spaces will be located within a basement below Zurich House and fifteen (15) spaces will be located at the rear of Zurich House. Access to the parking will utilise the existing vehicle access from Stanhope Road (north of Zurich House) and will be controlled via a barrier set back to allow accessing vehicles to queue off Stanhope Road. It is considered that in order to ensure there is no conflict with or hazard to existing users of the surrounding highway network, it is necessary and reasonable to secure the details of this proposed barrier (including how it will be operated) through a suitably wording planning condition.

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, the proposed twenty-nine parking spaces are considered acceptable. In addition, it is considered that the proposal would not give rise to a significant increase in demand for parking that would be likely to adversely affect highway safety and could substantiate a reason for refusal.

The TA suggests that student 'change over' can be accommodated through the management of fifteen spaces and two spaces reserve for the Student Housing Company management with the

remainder being accessible spaces made available to blue badge holding students. The TA also assumes that 90% of students will check in over a three day period within fifteen minute time slots (between 1000 and 1700 on each day) and this can be managed with the fifteen parking spaces being made available. As highlighted by the comments from the Local Highway Authority, this is not found to be credible and it is likely that delayed arrivals or those taking more than fifteen minutes will lead to queues of vehicles waiting to access the site obstructing the free flow of traffic. However, it is considered that a suitable solution can be found, such as having an extended period of time for change-overs with contingency arrangements. Therefore, to ensure the safety and convenience of users of the local highway network during the 'change over' period it is considered that a detailed 'management plan' is necessary and reasonably required to mitigate the impact of the proposal and therefore should be secured through the legal agreement.

The application also proposes 150 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 six 'Sheffield' stands to be located outside the retail unit. The number of long stay cycle parking spaces represents 15% of the total number of bedrooms, this is below the expected standard of one space per bedroom as set out in the adopted Parking Standards and Transport Assessment Supplementary Planning Document (July 2014). The TA relies on a survey of student modes of travel which identified 74% of students selecting the joint category of walk / cycle and applying the 2011 census data for the Charles Dickens Ward to determine the proportion of those who would be likely to cycle. As highlighted in the comments from the Local Highway Authority, it is considered that the reference to data drawn from that ward to inform the transport assessment is not sound and a more robust assessment to justify a reduction in the council's cycle parking standard for student accommodation was required.

The applicant has sought to address this issue by providing further evidence (Newcastle University Student Travel Survey, submitted on 8<sup>th</sup> July), and as highlighted in the comments from the Local Highway Authority, whilst there are a number of questions regarding the validity of the data and analysis of the travel survey, it does indicate a significantly reduced demand for cycle use at a similar predominantly urban university site in a city centre when compared with the council's expected cycle parking standard for student accommodation. Therefore, it is considered that this information supports the case for a reduction in the council's cycle parking standard for student accommodation.

In addition, if the applicant were to provide the expected standard as set out in the SPD it would require a major redesign. 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 evidence provided by the applicant to justify the reduction, 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. In addition, it is considered that the submitted Travel Plan (and its monitoring and action plan) and installation of a wayfinding totem (to match the existing already installed across the city) are required to mitigate the impact of the development and that it would be necessary and reasonable to secure the details through the legal agreement.

The proposal includes the provision of a service layby on Stanhope Road (adjacent to the new pedestrian access to Victoria Park). It is considered that this provision will be adequate for the likely service demand and size of service vehicles (for deliveries to both the new student accommodation and retail unit). However, to mitigate the impact of the development it is considered necessary for a legal agreement to secure this provision (the physical works required to create the layby and a traffic regulation order to ensure the layby is used for servicing purposes only) and that this provision would be directly related to the development and be reasonably related in scale to the development.

As highlighted in the comments from the Local Highway Authority, the applicant has submitted a 'Construction Management Plan', which includes information relating to the routing and management of construction traffic. Given that this site is located within the heart of the city centre and is accessed from one of the major routes through the city, it is considered to mitigate the impact of the development during the construction phase it is necessary and reasonably relate to the development to secure a detailed construction traffic routing and management plan within the legal agreement.

Following detailed discussions between the applicant and the council's waste collection inspector, an acceptable solution for refuse and recycling facilities has been found. Accordingly, it is considered that a condition securing the provision and retention of the proposals put forward is necessary and reasonably required to mitigate the impact of the development.

In conclusion, it is considered the scheme would accord with Chapter 4 of the NPPF and policies PCS17 and PCS23 of the Portsmouth Plan.

### **Impact on amenity**

The potential impacts on future occupiers include noise and disturbance from the existing railway line and highway network and the existing nightclub opposite the site (within the Drill Hall on Stanhope Road).

The application has been accompanied by two environmental acoustic reports (produced by Adnitt Acoustics), which have tested a range of material specifications (such as glazing and cavity walling) to ensure suitable internal noise levels are achieved. As highlighted in the comments from the Head of Environmental Health, the recommended specifications suggested are considered reasonable and appropriate to protect the amenity of future occupiers and therefore should be secured via a suitably worded condition.

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 this issue by submitting a copy of their management plan (The Student Housing Company - Student Management Plan, Zurich House Site Development, May 2015) which includes a 'code of conduct' for the occupiers as part of their tenancy agreements. 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 it is considered it would not significantly affect the living conditions of the occupiers of nearby properties (such as those living in southern part of Commercial Road).

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

### **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 16<sup>th</sup> April 2014) confirms that increases in population within 5.6km of the Solent SPAs through development would lead to a significant effect on those SPAs. This proposal for student

accommodation is approximately 2.0km from the Solent SPAs (this measurement is to Portsmouth Harbour SPA, the closet 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 £17,400.00 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 (pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980). 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 £17,400.00;
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 academic year);

7. The preparation and implementation of a Construction Traffic Routing and Management Plan;
8. The implementation and monitoring (including remedial action plan) of the submitted Travel Plan;
9. CCTV / security issues - financial contribution for the installation of CCTV;
10. Financial contribution for three (3) replacement trees within Victoria Park, for the works to remove the three (3) trees within the Park (referred to as T11 - 13) and pruning works the Lime tree (referred to as T10);
11. Agreement to undertake works within Victoria Park to tie the new access to the Park with existing footpaths within the Park (with details of the works to be agreed including root surveys) including the details of the boundary treatment;
12. Financial contribution for the future maintenance of the boundary treatment between the new access and Victoria Park (as the Council's Parks Service will be taking on the future liability for this section of the boundary);
13. The provision and implementation of Street Management Plan to ensure that the new access is not blocked / people are prevented from using it when the Park is open and there is maintenance / cleanliness regime for access;
14. Financial contribution for a Traffic Regulation Order to ensure the proposed service layby on Stanhope Road is only available for loading / unloading only, and
15. The payment of a Project Management fee.

The following off-site highway improvements work (secured via a Section 278 legal agreement) will include:

1. Provision and installation of service layby on Stanhope Road;
2. Provision and installation of Wayfinding totem, and
3. Provision and installation of new hard landscaping materials within the footway on Stanhope Road to tie with the proposals for the new access route through to Victoria Park.

## Conclusion

It is considered that whilst there are elements of the design which fall short of the objectives of the Portsmouth Plan, City Centre masterplan and Tall Buildings SPD, the scheme overall will make a positive contribution to the city centre townscape and, on balance, whilst the scheme does cause harm to nearby heritage assets this can be outweighed by the wider public benefits the scheme will provide. It is also considered that the scheme would not have a significant impact on the local and wider highway network.

In addition, the scheme will provide uses which are appropriate to its city centre location, add to the vitality and vibrancy of the city centre, support the wider regeneration of the city and would not have a detrimental impact on the amenity of future occupiers. Therefore, the proposal together with the package of mitigation measures (as already highlighted in the report) is considered acceptable.

**RECOMMENDATION I** - That delegated authority be granted to the City Development Manager to grant **Conditional Permission** subject to first securing the completion of a legal agreement (pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980) with principal terms as outlined in the report and such additional / amended items as the City Development Manager considers reasonable and necessary having regard to material considerations at the time the legal agreement is issued;

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

**RECOMMENDATION III** - That delegated authority be granted to the City Development Manager to refuse planning permission if the legal agreement, pursuant to Section 106 of the Town and Country Planning Act 1990, has not been completed within six weeks of the date of the resolution pursuant to Recommendation I.

**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: U176-P01; U176-P02C; U176-P03\_C; U176-P04; U176-P05; U176-P06\_B; U176-P07; U176-P08; U176-P09; U176-P10; U176-P11; U176-P12; U176-P13; U176-P14; U176-P15; U176-P16; U176-P17\_A; U176-P18\_A; U176-P19\_A; U176-P20\_A; U176-P21; U176-P22; U176-P23; U176-P24; U176-P25; 04N; 06; 04L (AA); 1340-AT03; 1340-AT04; U176-P26.
- 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+A1:2013; 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+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority, and
  - (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, and (ii) 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 have been carried out in accordance with the details as agreed under (a) above, 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, doors, windows and roofs of any of the buildings and the external refuse store, 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 details as agreed under (a) above, 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 sound insulation measures for the development have been submitted to and approved in writing by the Local Planning Authority, and
- (b) The development shall only be carried out in accordance with the details as agreed under (a) above and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.
- 8) (a) No development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until details of all hard surface treatments and street furniture proposed across the site, including the types / textures and colour finishes (and samples as may be necessary), shall have been submitted to and approved in writing by the Local Planning Authority, and
- (b) The development shall only be carried out in accordance with the details agreed under (a) above, unless otherwise agreed in writing by the Local Planning Authority.
- 9) (a) The development hereby permitted, shall be carried out in accordance with the submitted planting plans (reference - 'Landscape Plan' drawing no: 04N and 'Biodiverse Roof' drawing no: 06 produced by David Clarke Landscape Architect), unless otherwise agreed in writing by the Local Planning Authority.
- (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, and
- (c) The approved landscaping / planting shall thereafter be retained for those purposes at all times, unless otherwise agreed in writing by the Local Planning Authority.
- 10) (a) The development hereby permitted shall be carried out in accordance with the submitted 'Arboricultural Method Statement' (which formed part of the Arboricultural Implication Assessment, ref: KTML09614 AIA v4 amended May 2015, produced by Kiss Tree Management Limited) for safeguarding all trees and shrubs within the site and all trees and shrubs within Victoria Park on boundary with the site (in particular the trees referred to as T10, T14, T17, T24, T25, T26 and T32 on plan KTML 09614 - Tree Location Plan) not scheduled for removal during the course of the site works and building operations, unless otherwise agreed in writing by the Local Planning Authority, and
- (b) Such methods of protection shall be maintained during the course of the works, unless otherwise agreed in writing by the Local Planning Authority.
- 11) (a) Prior to the installation of any plant or machinery an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard

BS4142:2014 and a report setting out appropriate measures to be undertaken to mitigate any identified observed adverse effect levels due to the operation of the plant / machinery, shall be submitted to and approved in writing by the Local Planning Authority, and

(b) The development shall only be carried out in accordance with the details as agreed under (a) above and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

- 12) Prior to the installation of the combined heat and power plant, details of the proposed system shall be submitted to and approved in writing by the Local Planning Authority. If necessary, mitigation measures shall be incorporated to ensure emissions of nitrogen dioxide do not cause an increase in concentrations which would exceed the National Air Quality Objective level at any location.
- 13) (a) Notwithstanding Condition 11, noise from the operation of machinery within the combined heat and power plant room shall not exceed noise rating curve NR20 (with no detectable tones), as measured within any adjacent habitable room, 1.5 metres from the separating wall, and  
(b) Prior to the first occupation of any of the development hereby permitted, tests shall be conducted to ensure compliance with the noise criteria in condition 13(a) and a report demonstrating compliance shall be submitted to and approved in writing by the Local Planning Authority.
- 14) 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 one credit 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, accompanied by written confirmation of the installation of works associated with the energy strategy, unless otherwise agreed in writing by the Local Planning Authority.
- 15) The development hereby permitted shall be carried out in accordance with the submitted scheme of architectural lighting (referred to in the 'Electrical Services Installations - External Façade Lighting Proposals, Revision February 20015 - 3223/B, produced by Caldwell), and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
- 16) (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 out in accordance with the details as agreed under (a) above and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.
- 17) (a) Notwithstanding the details within Condition 16, before any part of the development is first brought into use the details of the proposed vehicle access barrier (including, alignment, height, appearance and means of operation) shall have been submitted to and approved in writing by the Local Planning Authority, and  
(b) The development shall only be carried out in accordance with the details approved under (a) above and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.



- 18) (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.
- 19) (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.
- 20) 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 registered Park and 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 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.
- 9) 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.
- 10) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the setting of the neighbouring registered Park and conservation area, in accordance with policy PCS23 of the Portsmouth Plan.
- 11) To protect the amenity of future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.

- 12) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan, and to ensure emissions from the combined heat and power plant to do not increase nitrogen dioxide levels within nearby Air Quality Management Areas or elsewhere in accordance with the aims and objectives of the National Planning Policy Framework, PCS23 of the Portsmouth Plan and the Air Quality and Pollution SPD.
- 13) To ensure that acceptable noise levels within the building are not exceeded in order to protect the amenity of future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.
- 14) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 15) 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 a listed Park and adjacent conservation area, to accord with policies PCS4, PCS23 and PCS24 of the Portsmouth Plan.
- 16) 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, 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.
- 17) To secure a satisfactory access and to minimise the potential for conflict with or hazard to existing users of the surrounding highway network in accordance with policy PCS23 of the Portsmouth Plan.
- 18) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 19) To ensure that adequate provision is made for the storage of refuse and recyclable materials generated by the uses hereby permitted in accordance with policy PCS23 of the Portsmouth Plan.
- 20) 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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**5 ST ANDREWS ROAD AND 18 ST URSULA GROVE SOUTHSEA PO5 1EP****WITHIN TREE PRESERVATION ORDER 210 - FELLING OF SWEET CHESTNUT (T1), AND REMOVAL OF ALL BASAL AND EPICORMIC GROWTH TO THE MAIN STEM AND DEADWOOD TO SWEET CHESTNUT (T2)****Application Submitted By:**

Mr John Harmer

**On behalf of:**

Mr John Harmer

**RDD:** 25th February 2015

**LDD:** 28th July 2015

**SUMMARY OF MAIN ISSUES**

The determining issue is whether the proposed works are appropriate in terms of the continued well-being of the trees and their contribution to the visual amenity of the area.

**The Site**

The application relates to two Sweet Chestnut trees within St Ursula Grove. Both are the subject of Tree Preservation Order No.210. T1 is directly to the north of 5 St Andrews Road and T2 is in a position further to the west, outside of 18 St Ursula Grove.

**Proposal**

The initial plan supporting the application incorrectly numbered the trees in question - a revised plan has been received which now marries with the Tree Preservation Order Plan. The description of works was consequently amended to accurately reflect the proposal and at the same time the postal address of the site was amended to include reference to 18 St Ursula Grove - these changes have been publicised by a revised site notice giving interested parties a further 14 days to submit comments (expiring 21 July 2015).

The application seeks consent to undertake works to trees the subject of Tree Preservation Order No.210 in the form of felling T1 (the Sweet Chestnut tree to the north of 5 St Andrews Road) and the removal of all basal, epicormic growth and deadwood to T2 (the Sweet Chestnut tree to the north of 18 St Ursula Grove).

**Planning History**

The relevant planning history includes:

T1 Sweet Chestnut A\*14933/AA - Reduce 2m, thin 20% & lift to 3 & 5m - 20/6/00  
Unauthorised works - 21/10/03  
A\*14933/AB - Crown reduce & thin 20% & lift to 3-5m - 28/10/05  
Damaged 16 Nov 2011

T2 Sweet Chestnut A\*14933/AA - Reduce 2m, thin 20% & lift to 3 & 5m - 20/6/00  
A\*14933/AB - Crown reduce & thin 20% & lift to 3-5m - 28/10/05

Damaged 16 Nov 2011

18 Ursula Grove:

A\*37204/AB - Construction of terrace of 3 no. three storey townhouses and one detached single storey garage after demolition of existing two/single storey buildings - Conditional permission 4/5/01 - unimplemented and lapsed.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation),

In addition to the above policies, the aims and objectives of the National Planning Policy Framework are relevant.

## **CONSULTATIONS**

### **Leisure/Arb Officer**

TPO 210 T1 is the specimen identified for felling. T2 requires removal of epicormic growth and deadwood.

### Observations

I visited the site on 22 June 2015, the weather conditions were overcast with heavy showers and a north westerly breeze.

T1 displays symptoms of steady decline, there exists a significant amount of die back throughout the crown. Approx. half of the crown has failed to flush since the Arboricultural Report was written in September 2014. The remainder of the crown is sparse.

T2 appears to be a far healthier specimen than T1, the crown appears dense and vigorous.

### Recommendations

Following site visit the recommendations made in the Arboricultural Reports are accepted. The application be granted.

### Conditions

Replacement planting as mitigation for the loss of amenity value of T1 is to be undertaken.

### Recommended species:

Castanea sativa

Tilia cordata "Greenspire"

Ginkgo biloba "Sentry"

## **REPRESENTATIONS**

31 objections have been received from 26 addresses; Cllrs Wood and Stockdale have registered their ward councillor's objection to the proposal. Cllrs L Hunt and Wood have requested the application be determined by the Planning Committee.

The objections are on the following grounds:

(a) Object to felling - the trees are the subject of a Tree Preservation Order; have not been the subject of regular planned maintenance; loss of visual amenity - the trees have a major positive visual impact on St Ursula Grove and add greenery and leafy character to the area; loss of natural habitat for birds and insects and are an indication of changing seasons; they are part of the heritage of the area; trees are a natural filter of pollution; the trees could be pruned instead to give at least 10 more years of pleasure to those residing in road; loss of privacy to tenants of application site and surrounding neighbours; felling would not be in line with the Councils green agenda - too many trees are being felled across the city;

(b) Object to the unnecessary removal of basal and epicormic growth that would cause potential damage such that it would directly or indirectly result in the need to fell

(c) The loss of trees within an over populated, over polluted city would be detrimental to biodiversity and contribute to rising city temperatures; very few Sweet Chestnuts in Portsmouth.

(d) the removal of the tree may make the granting of a building application more likely; conditional consent A\_37204/AB required under Condition 6 that 3 trees were to be protected - one of these TPO trees was subsequently felled in rear garden without consent.

(e) Removal of a habitat for *coccinella magnifica*, a seven spotted endangered ladybird seen living in the trees.

## COMMENT

The determining issue is whether the proposed works are appropriate in terms of the continued well-being of the trees and their contribution to the visual amenity of the area.

The Councils Arboricultural Officer has viewed the trees the subject of this application on site.

The proposed works to fell the Sweet Chestnut tree T1 (to the north of 5 St Andrews Road) are considered justified given that this tree displays symptoms of steady decline with a significant amount of die back throughout the crown. Approximately half of the crown has failed to flush since the applicants Arboricultural Report was written in September 2014. The remainder of the crown is sparse. Pollarding to prolong life is not considered an appropriate form of management in this particular situation given the current level of failure throughout the tree which would probably promote stress and an earlier demise.

A replacement tree is considered appropriate mitigation for the loss of the amenity value that tree T1 used to contribute to the area. The Arboricultural Officer recommends the following species would be appropriate in this area: *Castanea sativa* (Sweet Chestnut), *Tilia cordata* 'Greenspire' (small leaved lime) or *Ginkgo biloba* 'Sentry' (conifer). However, given the limited opportunity to plant a replacement tree with a wide canopy within this site, a Ginkgo or Tilia are considered the most appropriate given that they are cultivars of an upright habit and both tolerant of pollution. Tilia is also tolerant of heavy pruning. Planting should be carried out within the next planting season following removal.

The Sweet Chestnut tree T2 (to the north of 18 St Ursula Grove) appears to be a healthy specimen with a dense and vigorous crown. The proposed works comprise the removal of all basal and epicormic growth to the main stem and deadwood. These works are considered justified and appropriate for its continued well being. Removal of deadwood does not require consent.

One of the objectors has raised the issue of an endangered ladybird, *coccinella magnifica*, having been seen living in the trees in question. Advice from the Hampshire County Council

Ecologist, is that whilst the coccinella magnifica ladybird is fairly rare it is not legally protected. It is highly associated with wood ants, hibernating underground in wood ant nests and he would consider it highly unlikely to be located in a dense city location such as Portsmouth. There is a very common seven spotted ladybird that is very hard to distinguish between the rarer variety and suspects this is the ladybird in question.

Another objector has referred to planning permission A\*37204/AB for the construction of terrace of 3 no. three storey townhouses at 18 St Ursula Grove which was granted in 2001. The accompanying site layout plan highlighted 3 TPO trees on the site - T1 and T2 the subject of this application and another one to the south-west of the site. This latter tree was incorrectly identified within this plan as the subject of a TPO however records reveal that this was not in fact the case. Notwithstanding this, condition 6 of the consent sought to protect all three trees during construction. However, this permission was unimplemented and has lapsed. Given that the tree was neither the subject of a TPO nor within a Conservation Area no consent from the Council was required to fell it.

As such the proposed works are capable of support subject to the recommended conditions.

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) The Sweet Chestnut (T.1) shall be felled to ground level and the stump removed.
- 3) A replacement tree (the size to be Select Standard as specified in British Standard 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs), shall be planted within the site within the first planting season (November-March) following removal of the tree hereby permitted to be felled. The species and exact siting of the replacement tree shall first be agreed in writing by the Local Planning Authority.
- 4) Notwithstanding the particulars of your application no works whatsoever shall be carried out to the Sweet Chestnut tree (T.2) other than to remove all basal and epicormic growth from the main stem.
- 5) All work shall be carried out in accordance with BS 3998: 2010. (Tree work recommendations).

### **The reasons for the conditions are:**

- 1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
- 2) The reason for Conditions 2-5 is to ensure the amenity afforded by the trees is continued into the future in accordance with policy PCS13 of the Portsmouth Plan.

### **1) 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.

**03**

**15/00544/FUL**

**WARD:CHARLES DICKENS**

**1 PLYMOUTH STREET SOUTHSEA PO5 4HW**

**CONVERSION AND EXTENSION OF FORMER PUBLIC HOUSE (CLASS A4) TO SIXTEEN BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)**

**Application Submitted By:**

Derek Treagus Associates  
FAO Derek Treagus

**On behalf of:**

Mr P Ojla

**RDD:** 10th April 2015

**LDD:** 22nd July 2015

**SUMMARY OF MAIN ISSUES**

This application has been brought to Committee at the request of Ward Councillor Godier.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

**The Site**

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

**Proposal**

This application seeks planning permission for the conversion and extension of the former public house (a Class A4 use) to sixteen bedroom House in Multiple Occupation (a sui generis use). The proposed extension would be part first floor, part two-storey and part single storey in scale and be added to the south of the existing building fronting Plymouth Street.

**Planning History**

None of the planning history of the site is considered relevant to the determination of this application.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:  
PCS13 (A Greener Portsmouth), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the above policies the National Planning Policy Framework and Houses in Multiple Occupation, Parking Standards and Solent Special Protection Areas SPDs are also relevant to the determination of this application.

## **CONSULTATIONS**

### **Contaminated Land Team**

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

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS1 0175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

### **Highways Engineer**

There is no unrestricted on-street parking near to the site. The first 30 metres of Plymouth Street is public highway fully restricted with double yellow lines (the remainder is land owned by Portsmouth City Council and restricted to permit holders only). Hyde Park Road has double yellow lines adjacent to No.1 Plymouth Street, residents' parking bays and 2-hour limited wait operational Monday-Friday 9am-5pm. A maximum of 2 permits for the Hyde Park zone is allowed for the residents at no.1 Plymouth street.

The site is located within a highly accessible area (being easy reach of bus and rail stations) close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a public house it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

The submitted drawings indicate provision being made for the parking of cycles and the storage of refuse and recyclable materials however no details are provided. The site is capable of accommodating the provision of cycles which can be secured by the imposition of suitably worded planning conditions. Similar condition can be imposed to secure the provision of suitable facilities for refuse and recyclable materials.

Please note the applicant should provide 16 cycle spaces for the proposal. The Parking Standards SPD recommends 4 spaces per dwelling for a 4+ bed HMO, providing 1 cycle storage space for each individual. This HMO is much larger HMO at 16 bedrooms, some of which would be capable of accommodating two people. Effectively at 16 beds, this HMO is the equivalent of 4 x 4+ bed HMOs and so there is justification to require 16 cycle spaces, particularly given that the number of individuals living in the building could be far higher than 16. This would then be the equivalent of requiring 4 spaces for a smaller 4+ bed HMO as it is providing 1 cycle space per individual and would more accurately reflect the size of the accommodation proposed.

Informative:



Drop Kerb Informative: Please inform the applicant that a separate application must be submitted to Colas at Walton Road (Fred Willett - 023 92 310951) for vehicle crossing should the planning permission be granted.

Recommendation: Raise no objection subject to:

1) The development shall not be brought into use until secure and weatherproof and well surveilled bicycle storage facilities have been provided in accordance with a detailed scheme (to include location, size appearance and security) to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

2) The development shall not be brought into use until refuse and recyclable storage facilities have been provided in accordance with a detailed scheme is submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained.

3) The bin shed will need to be able to hold 2 x 1100 refuse and 1 x 1100 recycling.

The bin store doors shall open outwards and have a minimum opening width of 1.4m, level access, and a path with shallow gradient of no more than 1:12, to access the rear of the refuse vehicle via a dropped kerb access. The store shall have illumination when doors are open, be provided with adequate ventilation, and a tap and wash down gulley provided. Walls, stanchions, conduits and pipework shall be suitably protected against damage by moving bins. The refuse collectors will access the store by coded keypad entry system, to be agreed.

4) No doors shall open over the highway

5) A dropped kerb will be provided adjacent to the access for the bin store.

### **Private Sector Housing**

Informally advise property could be licensed for occupation by around 20 persons.

### **Environmental Health**

The proposal location is a mix of residential use with a school, Charter Academy, located to the north of Plymouth Street. The proposed use is, according to the Design Statement, an HMO for student use. It is unlikely that the proposed use will be more disruptive to the local area than the previous use (a public house). Should issues arise, these can be dealt with through the statutory nuisance provisions of the Environmental Protection Act 1990.

With regards to local air quality, the development is 'car-free' as only cycle storage (as opposed to car parking) has been proposed. It is unlikely that there will be a negative impact as a result of the proposed use and indeed may actually result in a marginal improvement as a result of reduced car journeys.

As mentioned above, the neighbouring uses are residential with a school to the north of Plymouth Street. Whilst it is unlikely that there will be zero impact from the school, we have no complaints from the other residential uses and it is unlikely that the impact will be above what would normally be expected as a result of living adjacent to a school.

### **REPRESENTATIONS**

Objections have been received from 6 local residents on the following grounds:

- a) lack of parking
- b) impact on amenities of local residents using adjacent communal garden
- c) impact of building works
- d) uncertainty about who future occupiers would be
- e) inadequate public consultation

A petition has been submitted opposing the proposal signed by the occupiers of 31 flats within Ladywood House

### **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living

conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and cycle parking.

### Principle of HMO Use

Policy PCS20 of the Portsmouth Plan states that applications for changes of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. The Houses in Multiple Occupation SPD provides further detail on how this policy will be implemented and how the City Council will apply this policy to all planning applications for HMO use.

Following a review of residential properties within the 50 metres radius in accordance with the methodology set out in the HMO SPD, it has been established that there does not appear to be any existing HMOs. The Houses in Multiple Occupation SPD states that a proposed HMO use 'will create an imbalance where granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold'. As this proposal would not result in the threshold being exceeded ( $1/158 = 0.3\%$ ) through the granting of permission, it is considered that the proposed use of the site as a HMO would not give rise to an imbalance of such uses.

Whilst there may be no existing HMOs in the locality of the site, this would not be a reason to withhold permission. Policy PCS20 and the SPD seek to create mixed and balanced communities that comprise differing types of residential uses (e.g. single dwellings, family houses and HMOs).

### Design

The proposed extension would be part first floor, part two-storey and part single storey in scale and be added to the south of the existing building fronting Plymouth Street. Architecturally the extension would replicate the form and appearance of the existing building and be of an appropriate scale. The proposed extension is therefore considered acceptable in design terms.

### Impact on Residential Amenity

Regard must be had to the lawful planning use of the site as a public house (a Class A4 use) which would inevitable result in a level of late night activity associated with patrons entering and leaving the building. Whilst the proposed use as a HMO would have a level of activity associated with it, it is considered that the proposed use would result in a demonstrably greater level of activity, noise or disturbance that could be associated with the use of the site as a pub.

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

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

### Car Parking and Cycle Storage

The site does not benefit from off-street parking. On street parking in the area is available, albeit that it is time limited or restricted to holders of a residents permit. The occupiers of the proposed

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

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

#### SPA Mitigation

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Solent 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 has agreed to provide mitigation based on the methodology in section 3 of the SPD with the scale of mitigation being calculated as £522. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

#### Other matters raised in representations

The publicity undertaken for this application was done in accordance with the statutory requirement and the Council's normal procedure. Each planning application must be considered on its own individual merits and the granting of permission for a particular proposal for a particular site would not mean that similar proposals would be considered acceptable.

**RECOMMENDATION A: That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £522 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.**

**RECOMMENDATION B: That delegated authority be granted to the City Development Manager to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.**

#### Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 15/405/01
- 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.
- 4) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until secure and weatherproof cycle storage facilities have been

provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.

5) The HMO use hereby permitted shall not commence (unless otherwise agreed in writing by the Local Planning Authority) until facilities for the storage of refuse and recyclable materials have been provided in accordance with a detailed scheme that shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall therefore be retained.

**The reasons for the conditions are:**

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

1) 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.

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## 04

15/00595/FUL

WARD:MILTON

**UNIT 4 THE POMPEY CENTRE FRATTON WAY SOUTHSEA**

**SUB-DIVISION OF UNIT 4 (B&Q) INTO NOT MORE THAN FOUR RETAIL UNITS, OF A MINIMUM SIZE OF 2,000 SQM NET, OF WHICH NOT MORE THAN 2,100 SQM NET SHALL BE USED FOR THE SALE OF FOOD AND CONVENIENCE GOODS, AND NOT MORE THAN 4,200 SQM NET SHALL BE USED FOR THE SALE OF HOUSEHOLD GOOD IN ADDITION TO THE GOODS SPECIFIED IN CONDITION NO.17 OF PLANNING PERMISSION REF A\*37086/AA DATED 7TH MARCH 2001**

**Application Submitted By:**

CgMs Consulting  
FAO Miss Catherine Stephens

**On behalf of:**

Sellar Properties (Portsmouth - Phase 1)

**RDD:** 20th April 2015

## SUMMARY OF MAIN ISSUES

The main issues are,

1. whether the subdivision of the building would be acceptable in principle;
2. whether, given the slightly extended range of goods to be sold, the non-food units would have any significant adverse impact on the vitality and viability of the City Centre and the other five District Centres;
3. whether there would be a sequentially preferable location for both the proposed non-food and food units; and
4. whether there would be any adverse impact in highway terms.

### The Site

This application relates to a substantial bulky goods/non-food retail unit, currently occupied by B&Q, with an associated surface car park situated to the west of Fratton Way and north of the Network Rail Traincare Depot. To the west of the site lie sidings serving Fratton Railway Station while to the north Dickinson Road serves the servicing area to the rear of the building together with two leisure uses and a trade centre. To the east side of Fratton Way and north of the 'Safestore' premises a new retail store, to be occupied by Tesco, is currently under construction.

### Planning history

The development of this site formed part of the first phase of a multi-phased redevelopment, pursuant to an outline planning permission granted in March 2001, of an area of land previously used as a railway goods yard and lorry depot. Other phases have included a hotel, flats, a doctors surgery, storage accommodation take away/cafes and other commercial uses.

Of the conditions imposed on the outline permission, two relate specifically to the use of the application site. Condition 17 limits the range of goods that can be sold while condition 18 prohibits the subdivision of the building to form smaller units without the prior written consent of the local planning authority. The reason for that condition was 'to ensure that the use [of the building] does not conflict with the shopping development policies of the City Council.'

An application for the sub-division of the building to form two non-food retail units, in which B&Q would have retained occupation of the larger of the two, was granted permission on 31 December 2010. That permission has since lapsed.

### Proposal

The applicant has indicated that the current occupier [B&Q] wishes to contract its operational floorspace within the building and, accordingly, this application has been submitted seeking permission for the subdivision of the building into three retail units each of around 2,000sqm. B&Q would remain in occupation of the southern half of the building and garden centre. The applicant seeks to accommodate a food retailer within the most northerly of the proposed units, and non-food retailers for the other two. Whilst the applicant acknowledges that the existing use of the building is subject to a restrictive condition on the range of goods that can be sold, and would expect a similar restriction for the two additional non-food units the applicant nevertheless seeks to widen the range of non-food goods that can be sold to include 'household goods'. Other than the proposed food unit the remaining floorspace would continue to operate under the current restriction.

Subsequent alterations to the external appearance of the building would be the subject of a separate application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), and PCS18 (Local shops and services).

The National Planning Policy Framework sets out the approach to ensuring the vitality of town centres. In considering proposals that relate to out-of-centre locations the NPPF requires an assessment to identify whether there are sequentially preferable sites within existing centres or edge of centre, and when considering edge of centre and out of centre proposals preference should be given to accessible sites that are well connected to the town centre. Furthermore, where the level of floorspace exceeds a threshold of 2,500sqm an impact assessment which addresses the impact of the proposal on existing, committed and planned public and private investment in a centre or centres within the catchment area, and impact on vitality and viability of the existing centres, including local consumer choice within the period of five years from when the application is submitted.

The Supplementary Planning Document in relation to car parking standards, and National Planning Policy Guidance in relation to retail sequential and impact tests would also be material to the consideration of the proposals.

## **CONSULTATIONS**

### **Highways Engineer**

The existing B & Q store at the Pompey Centre was developed on the site of the former Fratton Goods Yard, pursuant to planning permission ref A\* 37086/AA dated 7th March 2001. It provides approximately 12,300 sqm in a single building, with a garden centre to the south, and trade centre at the northern end. Parking for about 600 cars is provided to the east of the store, and along Dickson Road to the north, and servicing is available at two locations to the west of the store.

B&Q now wish to downsize the store to about 6,200sqm retaining the southern portion of the store and the garden centre. The remaining area to be subdivided into three large retail units A, B & C (each approximately 2000 sqm in area). Units A & B to be for non-food goods and unit C to be occupied by a discount food operator.

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 applicant is relying on the availability of existing on-site parking to satisfy likely demand from the proposed three new units. The existing development would have been provided parking at a ratio of 1:20 for non-food retail in accordance with the standards that applied at the time. The proposed food retail unit would, in the context of those standards, give rise to a slightly higher demand equating to a ratio of 1:14. This would lead to a notional increased requirement of some 43 spaces for the proposed food unit. However, it is considered that the existing car park could reasonably accommodate the likely demand without giving rise to overspill into the adjoining car parking areas or highway. In the context of the level of traffic associated with the Pompey Centre as a whole it is considered that any likely increase in traffic movements would not have an adverse impact on the local highway network.

The service yard at the rear is considered to be of sufficient size to accommodate separate service doors to the new units.

With sub-division of the building to form additional retail units, separate provision should be made for staff cycle storage either at the rear or within the proposed units

Recommendation: Raise no objection subject to:

Prior to first occupation of the units hereby permitted cycle storage facilities shall be provided in accordance with details to be agreed and thereafter retained.

## **REPRESENTATIONS**

One letter of support has been received from B&Q, the current occupiers of the building, stating that having reviewed each of their stores the Fratton Way premises are one of a number built around 2000 which are now larger than their trading performance justifies and would need to downsize to circa 7,000sqm retaining the garden centre and releasing about 6000sqm to other retail uses. Employment levels are not expected to alter materially as it is based on turnover which is expected to remain at the same level on the reduced store footprint.

Councillor Gerald Vernon-Jackson objects to the proposed food store on grounds that it is understood that there is a legal objection to a food outlet on this site.

## **COMMENT**

The main issues are, firstly, whether the subdivision of the building would be acceptable in principle; whether, the non-food units would have any significant adverse impact on the vitality and viability of the City Centre and the other five District Centres and whether there would be a sequentially preferable location for both the proposed non-food and food units. Other issues would include whether the provision of a food retail unit would in itself need to be the subject of range of goods restriction, and whether any potential increase in traffic generation arising from the provision of the food retail unit can be accommodated within the site and local highway network.

### **Principle of sub-division**

This proposal stems from a restrictive condition which, given the normal ability to subdivide a planning unit such as a shop to provide smaller units without the need for planning permission, was imposed for the purposes of ensuring that the creation of smaller units would not conflict with the city council's shopping development policies at that time. Without such a condition there was concern that should the building be subdivided to form a number of smaller units, those smaller units could directly compete with Fratton District Shopping Centre and to an extent the City Centre and thereby have an adverse impact on the viability and vitality of those centres.

Planning permission ref. 10/01013/FUL allowed for the subdivision of the building to create a second bulky goods non-food retail unit comprising approximately 40% of the original floorspace. It is clear that the current occupier is unlikely to be able to continue trading from the building as a whole although does wish to continue trading from a reduced floorspace. The servicing arrangements at the rear of the building would be sufficient to accommodate the creation of the proposed three smaller units. It is therefore considered that providing that the proposals satisfy the sequential and impact tests, and would have no adverse impact on the local highway network or existing level of car parking, the subdivision of the building would be acceptable in principle. The floor area that will remain occupied by B&Q would be the subject of the re-imposition of the original restrictive condition.

### **Non-food units**

The proposed scheme would entail the provision of two units, each circa 2000sqm in floor area [approx. 1500sqm net retail], situated between that part of the building to remain in occupation by B&Q and the proposed food retail unit, for the sale of a range of comparison goods albeit extended to include household goods. The applicant is seeking to attract occupiers who are established in out-of-centre locations across the country. As such the applicant is seeking a planning condition similar to that imposed on the original outline permission but varied to include

'household' goods. This would enable the proposed non-food units to be occupied by operators such as 'Dunelm', 'The Range' or 'Household Bargains'.

Whilst paragraph 26 of the NPPF is aimed at the creation of new floorspace, it is considered that by virtue of widening the range of goods to be sold within a pair of non-food units with a combined floorspace in excess of 2,500sqm the underlying principles would nevertheless apply. The applicant has therefore provided information that would enable the Council to consider whether the proposed non-food units would, in terms of drawing trade away from the existing designated centres, significantly affect their vitality and viability, and whether there would be a sequentially preferable location for the proposed units.

The turnover associated with the proposed non-food units has been derived from the known trading figures for the most likely occupier [Dunelm] and has been calculated to be circa £6.21m. Using the Council's 2014 Annual Monitoring Report and draft Retail Study 2015 the comparison goods turnover of the primary and affected designated centres are as follows;

City Centre - £300m,

Southsea Town Centre - £66.9m

Fratton - £17.73m

North End - £7.32m

In accordance with National Planning Policy Guidance the turnover figures were reviewed for likely changes by 2017 allowing for existing commitments including the nearby Tesco store currently under construction. The anticipated turnover figures are as follows;

City Centre - £293.6m,

Southsea Town Centre - £65.3m

Fratton and North End would be unchanged at £17.73m and £7.32m respectively

Of the likely £6.21m turnover from the additional two non-food units for comparison goods around half would be expected to be drawn from the City Centre. Proportionately this would amount to around 1.1% of the overall turnover for the City Centre. The anticipated extent of trade diversion from Southsea Town Centre would, on the basis of the turnover figures above, amount to circa 1.4% while other centres, Fratton and North End, would amount to 1.22% and 0.5% respectively. Such low levels of trade diversion would not be considered to significantly affect the continued vitality and viability of the designated shopping centres.

Cosham District Centre is sufficiently far away and with too many intervening shopping opportunities to require detailed consideration. The Albert Road/Elm Grove district centre has a market share of 0.3%, compared to 0.6% for Fratton, and as such the potential impact arising from the widened range of comparison goods would be less than 1%.

Whilst there is satisfactory evidence that the proposed non-food units would have little impact on the designated centres, it is still necessary for the applicant to demonstrate through a sequential assessment that consideration has been given to the contribution more central sites are able to make individually to accommodate the proposal. This would include availability of vacant premises and suitably sized sites that can be developed and completed within a three-year timescale. The applicant has used a wide range of data sources including various commercial agents and property websites.

Although three potential in-centre locations have been identified, one in Cascades is hampered by its primarily first floor arrangement. It is understood from the landlord that consideration is being given to reconfiguration and the unit would not be available for some time. The second relates to the Co-Operative foodstore in North End, in which the current occupier may contract into a smaller area releasing part of the building at the rear for a gym operator. The third site comprises the former 'United Footwear' premises in Fratton Road. These are edge of centre but are the subject of negotiations for disposal to a residential developer. A further edge-of-centre



location would exist in the former Kwik Save premises in Stubbington Avenue. It is, however, understood that this site is not being marketed.

It is therefore considered that the applicant has satisfactorily demonstrated that there are no sequentially preferable sites that could accommodate the proposed non-food units.

#### Food unit

In falling under the threshold specified in the National Planning Policy Framework for an impact assessment the principal issue is whether there are any sequentially preferable sites capable of accommodating this element of the proposals. This exercise duplicates the sequential test for the proposed non-food units and its conclusion. For the reasons outlined above it is considered that, similarly, there are no sequentially preferable sites that are available and could accommodate the proposed food discounter that the applicant is endeavouring to attract.

#### Use restrictions

The use of the existing building is the subject of a restrictive condition which the applicant would wish to see widened to include household goods for the proposed non-food units. The impact assessment, in relation to the incorporation of 'household goods' has demonstrated that the use of those particular units would not have a significant impact on the vitality and viability of the existing designated centres. It is therefore considered that a suitably worded planning condition restricting the use of the non-food units would be necessary and appropriate.

With the fall-back position of re-imposing the existing restrictive condition on the third retail unit an impact assessment would not be required solely for its use by a food discounter. However, an unfettered Class A1 use would give the applicant the opportunity to secure a tenant that specialises in other retail goods, such as sports equipment, clothing and footwear or toys, categories that do not fall within the current range of goods that can be sold from the site. No evidence has been provided to demonstrate the potential impacts of an unfettered Class A1 use taken together with the wider range of goods for the two proposed non-food units on the existing centres. Whilst it is evident from the retail impact studies undertaken for the recent new Tesco development that the use of one of the three new retail units for convenience shopping is unlikely to have a significant impact on the existing centres, no information has been provided in relation to the impact of a much wider range of comparison goods that could be sold from the proposed food unit.

Applying an extrapolation of the impact of the wider range of comparison goods from two to three units it is evident that a potential turnover of £9.3m would yield a level of trade diversion of 1.5% for the City Centre, 2.2% for Southsea, 1.75% for Fratton and 0.6% for North End. These levels would not have a significant effect on the existing centres. There is therefore a robust justification to impose a specific condition for the proposed food unit that would enable that unit to be used for the same range of goods as the proposed non-food units but specifically includes food.

#### Highway issues

It is unusual for the existing car park in front of the building to be used to capacity. This is likely to be indicative of the degree to which the store currently under-trades. 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 within the Supplementary Planning Document guidance on how to determine appropriate parking requirements for non-residential development.

The applicant points to the proximity of public transport, cycle routes and the current level of car parking provided to serve the existing building as being sufficient to meet expected demand.

The widening of the range of goods restriction to include 'household goods' would be unlikely to affect the overall level of car parking demand for the proposed non-food units. In using a similar approach to that applied to the new retail store under construction on the opposite side of Fratton Way the proposed food unit may result in a modest increase in parking demand over and above that expected for a non-food retail unit. Whilst the Highway's Engineer indicates that the potential shortfall could be around 43 spaces on the basis of standards that are no longer applicable, it is considered that any potential increase in parking demand would not be such that permission should be withheld for the proposed food retail unit. In overall terms it is considered that the subdivision of the building to provide a total of three non-food bulky units and one food retail unit would not adversely affect the local highway network in terms of traffic generation, particularly with the potential for linked trips.

The existing service yard is considered capable of accommodating the proposed new units. The comments of the Highway Engineer are noted in relation to the provision of cycle storage facilities. It is considered this matter can be dealt with by way of a suitably worded planning condition.

### Conclusion

The applicant has submitted such information to demonstrate that the proposed non-food retail units, with an extended range of goods, would not have an adverse impact on the vitality and viability of the existing centres, and that there are no sequentially preferable locations for those units and the food retail unit. In highway terms it is considered that the proposed subdivision of the building could be accommodated without detriment to the local highway network from the notional increase in demand arising from the food retail use.

## **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: 10.096.SK020 Rev B; 10.096.SK061 Rev B.
- 3) Unless otherwise agreed in writing by the Local Planning Authority Units A and B shall not exceed a total floor area of 4,104sqm, and Unit C shall not exceed a floor area of 2,014sqm.
- 4) Units A and B as shown on drg.no. 10.096.SK061 Rev B shall only be used for the sale of primarily non-food bulky retail items within the following range of goods: DIY and or garden goods; furniture, furnishings and textiles; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; electrical goods including computers; pet supplies; and household goods.
- 5) Unit C as shown on drg.no. 10.096.SK061 Rev B shall only be used for the sale of food and convenience goods and/or primarily non-food bulky retail items within the following range of goods: DIY and or garden goods; furniture, furnishings and textiles; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; electrical goods including computers; pet supplies; and household goods.
- 6) The area shown on the drg.no. 10.096.SK061 Rev B to be occupied by B&Q shall only be used for the sale of primarily non-food bulky retail items within the following range of goods: DIY and or garden goods; furniture, furnishings and textiles; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; electrical goods including computers; and pet supplies.

7) Prior to the commencement of the use of Units A, B and C as shown on drg.no.

10.096.SK061 Rev B;

(a) provision shall be made for staff and visitor cycle storage in accordance with a detailed scheme, incorporating staff changing facilities, to be submitted to and approved by the Local Planning Authority in writing, and

(b) those facilities shall thereafter be provided and retained.

8) The building, comprising Units A, B and C and the remaining floorspace, shall not be subdivided to form smaller units without the prior written consent of the Local Planning Authority.

9) The car parking facilities shown on drg.no. 10.096.SK061 Rev B shall be retained at all times.

10) Units A, B and C shall not be occupied until the occupier has submitted to and had approved in writing by the Local Planning Authority a Travel Plan aimed at promoting the use of sustainable forms of transport by employees.

**The reasons for the conditions are:**

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

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

3) To ensure that the combined use of Units A, B and C would not adversely affect the vitality and viability of the existing shopping centres in accordance with the objectives of the National Planning Policy Framework.

4) To ensure that the use of Units A and B would not adversely affect the vitality and viability of the existing shopping centres in accordance with the objectives of the National Planning Policy Framework.

5) To ensure that the use of Unit C would not adversely affect the vitality and viability of the existing shopping centres in accordance with the objectives of the National Planning Policy Framework.

6) To ensure that the use of the remaining floorspace would not adversely affect the vitality and viability of the existing shopping centres in accordance with the objectives of the National Planning Policy Framework.

7) To ensure that adequate provision is made for cyclists in accordance with Policy PCS23 of the Portsmouth Plan.

8) To protect the vitality and viability of the local designated centres in accordance with the objectives of the National Planning policy Framework.

9) To ensure adequate car parking provision is retained to serve the development in accordance with policy PCS17 of the Portsmouth Plan.

10) To ensure that steps are taken to introduce measures to reduce reliance on the private car in accordance with policy PCS17 of the Portsmouth Plan.

## 1) 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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# 05

15/00686/FUL

WARD:FRATTON

106 &108 QUEENS ROAD FRATTON PORTSMOUTH PO2 7NE

**CONSTRUCTION OF PART 2/3-STOREY BUILDING TO FORM 7 FLATS INCLUDING ROOFLIGHTS, REAR DORMER WINDOW AND ROOF ALTERATIONS TO ADJOINING HOUSE AT NO 108 QUEENS ROAD WITH ASSOCIATED CYCLE/REFUSE STORES (AFTER DEMOLITION OF EXISTING BUILDING) RE-SUBMISSION A\*38988/AA**

**Application Submitted By:**

RBA Architects Limited  
FAO Mr Robert Benn

**On behalf of:**

PMC Construction And Development Services Ltd  
FAO Mr Stephen Cripps

**RDD:** 5th May 2015

**LDD:** 10th July 2015

## SUMMARY OF MAIN ISSUES

This application has been brought to Committee at the request of Ward Councillor Ashmore.

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in design terms, whether it would have an impact on the living conditions of the occupiers of neighbouring residential properties and whether a zero parking development would be acceptable in this location. Other issues to consider are whether the proposal complies with policy requires in respect of sustainable design and construction, space standards, cycle storage and SPA mitigation.

### The Site

The 'L' shaped application site is located on the south east corner of the junction of Queens Road and Langley Road. The site comprises number 108 Queens Road (a two-storey dwelling) and number 106 where a building in two parts cover virtually 100% of the site. A single storey gable end storage building adjoins No. 84 Langley Road that extends behind the rear gardens to Nos 108-112 (even) Queens Road. This is linked to a structure with a pitched roof that is single storey in appearance but in fact provides office accommodation on a 'raised' ground level and storage at a semi-basement level. The frontage of no 106 onto Queens Road measures some 8.5 metres and return frontage to Langley Road up to 30 metres wide. The site is adjoined by two-storey end-terrace housing on both road frontages.

## The Proposal

This application seeks planning permission for the redevelopment of number 106 (following the demolition of existing building) by the construction of a part two-, part three-storey building to form 7 flats including rooflights, rear dormer window and roof alterations to adjoining house at no 108 Queens Road with associated cycle/refuse stores.

## Planning History

Until 1960 the premises were former bottling stores by Eldridge Pope & Co (where beer was received in bulk and bottled for distribution to the local area). Planning permission was granted in July 1961 for a change of use to offices and storage. In the early 2000's a number of applications for the residential redevelopment of the site were submitted, most of which were refused.

Planning permission was granted on appeal in August 2005 for the construction of part 2/3-storey building at No. 106 to form 7 flats including rooflights & rear dormer window and roof alterations to adjoining house at No. 108 Queens Road with associated cycle/refuse stores (after demolition of existing building). This permission was not implemented and expired in 2010.

## POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS11 (Employment Land), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), 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

### Contaminated Land Team

I have reviewed the above application together with information held by the Contaminated Land Team. Given the history of potentially contaminative trades that have previously been present on this site, including a former brick field, brewery and roofing contractors, together with the sensitive nature of the proposed development, conditions are required.

### Highways Engineer

The site is located on the south-east corner of the junction between Queen's Road and Langley Road, Copnor, approximately 500m east of Kingston Road, North End. Queens Road forms a link between two classified roads, Copnor Road (A288) to the east and Kingston Road (A2047) to the west. Queens Road and Langley Road are not classified roads and have unrestricted on street parking to both sides of the street. New Parking Standards and Transport Assessment SPD indicates the site is in a location highly accessible to bus services, within easy walking distance of a road identified as part of a high frequency bus corridor.

### Car Parking:

The present buildings provide 100% coverage of the site and the form of development does not lend itself to the provision of on-site parking and it is expected that any car parking associated with the site will take place on-street. Queens Road is one of the most congested residential roads in Portsmouth, in terms of demand for on-street parking far outweighing the availability. The housing stock is terraced, and each frontage is little more than 4 metres wide, resulting in less than 1 parking space per property.

The inspectors view on parking demand for the proposal states "this is an urban location where people have the opportunity to travel by modes other than the private car. Government policy seeks to encourage developments within accessible urban locations to reduce the amount of available car parking. Furthermore, account must be taken of the existing commercial use,

which has its own implications in terms of parking on the street. I have no evidence that the 7 one and two bedroom flats would result in a material increase in demand for kerbside spaces or lead to an unacceptable level of parking stress such as to warrant rejection of the scheme". The present use of the buildings generates a weekday daytime parking demand in addition to overnight parking to few vans associated with the business. On redevelopment the parking associated with the commercial use of the building will cease, resulting in four to six on-street parking spaces becoming available overnight and at weekends, times when the demand for parking by residents in the area (including this proposed development) can be expected to be at a maximum. The removal of the dropped vehicle crossing on redevelopment will result in an increase in two parking spaces available in Langley Road.

#### Cycle Parking:

The Parking Standards and Transport Assessments SPD sets out the requirements for long stay (residents) secure cycle parking as 1 space for a single bedroom unit and 2 spaces for a 2 bedroom unit. The proposal shows cycle stores for each new flat within the rear communal garden and two Sheffield racks providing casual/visitor cycle parking for four cycles along Queens Road frontage. The cycle stores should be secure and undercover.

#### Refuse:

Two refuse stores are provided for the proposal. All servicing, including the collection of waste and recycling will take place from Queen's Road and Langley Road. The refuse stores to hold 2 x 1100cc (1 refuse, 1 recycling) is recommended for the proposal.

#### No objection subject to:

- Notwithstanding the approved plans details of secure/weather proof cycle storage need to be provided and agreed prior to the first occupation.
- Redundant dropped kerb access around the site perimeter should be re-instated as full height kerbing with the exception of the need to leave one dropped kerb adjacent to the bin store to permit easy access for refuse collectors.

#### **Environmental Health**

No objections, comments or recommendations.

## **REPRESENTATIONS**

Objections have been received from the occupiers of 13 neighbouring properties and Ward Councillor Ashmore on the following grounds:

- a) already a heavily populated area;
- b) exacerbation of existing parking issues;
- c) proposed building not in keeping with area and not aesthetically pleasing;
- d) overlooking and loss of privacy;
- e) loss of light;
- f) inaccurate information submitted with application in regard to parking demand of existing operator
- g) impact of demolition/building works;
- h) exacerbation of existing noise and anti-social behaviour issues associated HMOs;
- i) potential impact on sewerage infrastructure.

## **COMMENT**

The main issues to be considered in the determination of this application are whether the proposal is acceptable in principle, whether it is acceptable in design terms, whether it would have an impact on the living conditions of the occupiers of neighbouring residential properties and whether a zero parking development would be acceptable in this location. Other issues to consider are whether the proposal complies with policy requires in respect of sustainable design and construction, space standards, cycle storage and SPA mitigation.

Principle

The application site is located within in a residential area with which the existing commercial use of the building is at odds. Having regard to the location of the site it is considered that both the loss of the existing employment use of the site and its redevelopment for residential purposes are acceptable in principle. This view would accord with that of the Planning Inspector who granted planning permission for a similar development in 2005.

## Design

Almost the entire site is covered by built development, although the front elevation is set back behind a small paved forecourt. The proposed redevelopment would similarly set the new building back in line with the other houses in this part of Queens Road. An alteration to the roof of No 108 is proposed in order for the roofline of the new building to satisfactorily link to its existing neighbour. The ridge and eaves line of the proposed building at this point would be slightly higher; however there would be a stepping down in height along the return frontage to Langley Road. There are a number of examples of higher buildings in the area, all of which are juxtaposed with the more modest two storey terraces. On the opposite side of Langley Road to the site is a substantial two and a half storey building which sites comfortably alongside more modest two storey properties. It is considered appropriate to include a larger and higher building on this corner site with the design, with its slightly lower corner gable and overhanging eaves representing a positive addition to the streetscene and provide visual interest to the townscape.

Along the Langley Road frontage the building would be divided into sections to provide visual breaks along the length of the facade which would reduce the horizontal emphasis of the building. Whilst these divisions would be wider than the narrow terraced houses adjacent, the eaves line and roof heights would be broadly similar and the front elevations would be in alignment. It is considered that in design terms the relationship between new and established development would be acceptable. The proposed building would, like the existing, occupy the whole of the frontage in a manner that would reflect the tight knit pattern of existing development and provide a link between the terraced housing in each road. It is considered that the scale of proposed development is acceptable as is its external appearance. Having regard to the scale and appearance of the existing buildings which fail to complement their townscape context, it is considered the proposal would not harm the character and appearance of the area but would enhance it.

## Amenity

The rear wall of the existing building abuts the side boundary of no. 108 Queens Road with the workshop abutting its rear boundary and those of several adjoining properties. The proposed new wall along the side of no. 108 would have a similar eaves height to the existing building albeit with a steeper and higher roof. As this would be sloping back into the site and away from no. 108 it is considered that the proposal would not result in any significant increased loss of light or sense of enclosure. The removal of the existing buildings and the creation of open amenity space to the rear of numbers 110 and 112 Queens Road would improve the southerly outlook from the gardens and rear elevations of these properties. Having regard to the cill heights of the windows in the new rear facing roofslope and the siting of windows in the new rear elevation facing onto the communal garden, it is considered there would be no undue loss of privacy to existing occupiers. As such it is considered that the proposal would not result in significant harm to the living conditions of nearby.

## Parking

Queens Road and Langley Road have unrestricted on street parking to both sides of the street with Queens Road being one of the most congested residential roads in the city in terms of the demand for on-street parking far outweighing the availability. The housing stock is generally terraced with each frontage being little more than four metres wide, resulting in less than 1 parking space per property being available.

The existing commercial use of the site does not include the provision of off-street parking and will inevitably add to the demand for on-street parking. The present use of the buildings appears to generate most demand for parking during the working day with a lesser demand for overnight parking. The proposed redevelopment would result in the removal of any demand for on-street associated with the commercial use of the building, leading to up to six on-street parking spaces becoming available overnight and at weekends. Furthermore the proposal would allow the removal of the existing dropped vehicle crossing resulting in two further on-street parking spaces becoming available in Langley Road.

In allowing the previous appeal the Inspector noted that the site "is an urban location where people have the opportunity to travel by modes other than the private car" and that "account must be taken of the existing commercial use, which has its own implications in terms of parking on the street". The Inspector concluded that he had "no evidence that the 7 one and two bedroom flats would result in a material increase in demand for kerbside spaces or lead to an unacceptable level of parking stress such as to warrant rejection of the scheme".

Whilst it is clear that the locality of the site suffers from an extreme demand for parking, having regard to the level of demand for parking which could be associated with the lawful use of the site, it is considered that any additional demand for on-street would not result in demonstrable harm to either the safety or convenience of users of the surrounding highway network or the residential amenities of the occupiers of neighbouring properties.

#### Other Matters

The proposal includes the provision of facilities for the storage of cycles and for the storage of refuse and recyclable materials. The proposed facilities are considered acceptable and can be secured through the imposition of suitable worded planning conditions.

The proposed flats would each meet the minimum space standards set out in Policy PCS19 with all habitable rooms benefiting from an appropriate degree of light and outlook. Accordingly it is considered that the proposal would provide an acceptable standard of accommodation for future occupiers.

The application does not make any reference to sustainable design and construction, however it is considered that the aims and objectives of Policy PCS15 can be secured through the imposition of suitable worded planning conditions.

The proposal would lead to a net increase in population, which would be likely to lead to a significant effect on the Solent 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 has agreed to provide mitigation based on the methodology in section 3 of the SPD with the scale of mitigation being calculated as £1,218. The level of mitigation which will be provided is considered sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

**RECOMMENDATION A: That delegated authority be granted to the City Development Manager to grant Conditional Permission subject to first securing a planning obligation or an agreement for payment of a financial contribution of £1,218 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.**

**RECOMMENDATION B: That delegated authority be granted to the City Development Manager to refuse planning permission if the agreement referred to in Recommendation A have not been secured within two weeks of the date of the resolution pursuant to Recommendation A.**



## 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: 1507 2.101 Rev.D2; 1507 2.201 Rev.D2; and 0204 2.202 Rev.D2.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,
  - c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
  - (a) as built drawings of the implemented scheme;
  - (b) photographs of the remediation works in progress;
  - (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3(c).
- 5) Development shall not commence until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving that the development will:
  - a) achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
  - b) achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.
- 6) None of the flats hereby permitted shall be occupied (unless otherwise agreed in writing by the Local Planning Authority) until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving that the development has:
  - a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the

form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

7) No development shall commence on site until a schedule of materials and finishes to be used for the external walls and roofs of the building hereby permitted has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

8) No part of the development hereby permitted shall be occupied until all boundaries of the site have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials / finishes of any boundary treatment or means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority.

9) The flats hereby permitted shall not be occupied (unless otherwise agreed in writing by the Local Planning Authority) until the redundant dropped kerb to Langley Road has been removed and the kerb and pavement been reinstated.

10) The flats hereby permitted shall not be occupied (unless otherwise agreed in writing by the Local Planning Authority) until the secure and waterproof cycle storage facilities shown on the drawings hereby approved have been provided. The storage facilities shall thereafter be retained.

11) Prior to the first occupation of the flats hereby permitted, facilities for the storage of refuse and recyclable materials shall be provided in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority. The storage facilities 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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To ensure that the development as built will minimise its need for resources and to comply with the aims and objectives of policy PCS15 of the Portsmouth Plan.

6) To ensure that the development as built will minimise its need for resources and to comply with the aims and objectives of policy PCS15 of the Portsmouth Plan.

7) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.

8) To protect the amenities of the occupiers of neighbouring properties and to reduce opportunities for crime in accordance with policy PCS23 of the Portsmouth Plan and the Reducing Crime Through Design SPD.

9) To maximise the potential for on-street parking in the interests of the safety and convenience of local residents, future occupiers and users of the local highway network.

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

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

#### 1) 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.

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## 06

15/00863/FUL

WARD:ST JUDE

22 INGLIS ROAD SOUTHSEA PO5 1PB

### CONSTRUCTION OF 2 SEMI-DETACHED DWELLING HOUSES AFTER DEMOLITION OF EXISTING BUILDING (AMENDED SCHEME)

#### Application Submitted By:

The Town Planning Experts  
FAO Mr Keith Oliver

#### On behalf of:

Charles Marks Ltd

RDD: 1st June 2015

LDD: 28th July 2015

#### SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the proposed redevelopment remains acceptable in principle; whether the proposal would preserve or enhance the character and appearance of the Conservation Area, whether it would relate appropriately to neighbouring properties and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

#### The Site

The application site relates to the curtilage of number 22 Inglis Road which contains a now vacant Gospel Hall. The site is located on the northern side of Inglis Road almost opposite its junction with Oxford Road. The site lies within the Campbell Road Conservation Area.

#### Planning History

There have been three recent planning applications for similar proposals, two of which were refused, one of which was then the subject of an appeal and the last of which was permitted.

The first of the applications (14/00136/FUL) was refused by the Planning Committee in April 2014 for the following substantive reason:

In the opinion of the Local Planning Authority the proposed dwellings would, by reason of their bland and inappropriate appearance, fail to preserve or enhance the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan.

The second application (14/00480/FUL) was refused by the Planning Committee in June 2014 for the following reason:

In the opinion of the Local Planning Authority, the proposed dwellings would, by reason of their size and siting, have an overbearing relationship with neighbouring properties to the detriment of the residential amenities of the occupiers and, by reason of their unimaginative appearance as a pastiche, fail to represent an appropriate replacement for the existing building which makes a positive contribution to the character and appearance of the Campbell Road Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the Guidelines for Conservation relating to the Campbell Road Conservation Area.

This application was the subject of an appeal where the Inspector considered the main issues to be the effect of the proposed development on the living conditions of Nos 40, 42 and 44 Campbell Road in respect of outlook and privacy and whether the proposed development would preserve or enhance the character or appearance of 'Campbell Road' Conservation Area.

The Inspector observed that the rear elevations of Nos 42 & 44 extend further south than some adjoining properties and there are large single windows on the first floor; at No 44, the window serves a main bedroom and viewed from it, the smaller scale/height of the existing building in relation to its surroundings is very apparent. The Inspector took the view that although set back within their plots, the height/bulk of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and be particularly noticeable to the occupiers of Nos 42 & 44, from the first floor rear bedrooms and to some extent from their gardens. In respect of privacy, the Inspector held there is often mutual overlooking in residential areas and noted some disagreement over the separation distances between the north elevation of the proposed dwellings and the rear elevation of Nos 42 & 44. However, the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of Nos 42 & 44 and given that they are not overlooked by existing properties in such a direct manner, the appeal scheme would lead to a strong perception of a loss of privacy disturbing to the occupiers of Nos 42 & 44. In relation to No 40, separated only by a 1-metre wall, clear views from the garden of the proposed dwelling (west side) of the appeal site into the adjoining garden would be possible. However, appropriate boundary treatment could be required by a suitably worded condition, had the proposal been acceptable in other respects. The Inspector concluded that the proposed development would cause harm to the living conditions of the occupiers of Nos 42 & 44 in respect of outlook and privacy, in conflict with Policy PCS23 and the provisions of the NPPF, which require development to provide a good standard of amenity for all existing and future occupants of land and buildings.

The Inspector commented that the front elevations of the proposed dwellings would be greater in height/scale than the existing building and the garage to the west but, nevertheless, would be similar to other dwellings in the street. The proposal would therefore not be significantly at odds with the general pattern of development on Inglis Road and incorporate features from nearby properties (including No 20, next door) in respect of double height bays, the design of the doors

and other detailing. The materials would match those of the surrounding residential properties and would retain the strong building line within the street. The Inspector took the view that the proposal would be sympathetic to the character and appearance of its surroundings. It would also respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded it would preserve the character and appearance of 'Campbell Road' Conservation Area.

The appeal was dismissed on the grounds of amenity impact only.

The third application (15/00039/FUL) for the demolition of the existing building and the construction of a pair of two-storey, semi-detached dwellings, was granted conditional permission by the Planning Committee in April 2015.

### The Proposal

This application seeks planning permission for the demolition of the existing building and the redevelopment of the site by the construction of a pair of two-and-a-half storey, semi-detached dwellings with accommodation in the roofspace served by rooflights to the front and rear elevations. The proposed dwellings would be of a traditional design and appearance and be sited to align with the adjoining dwelling to the east.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

The NPPF (in particular paragraphs 126 to 141) and the Parking Standards, Sustainable Design & Construction, Housing Standards and Solent Special Protection Areas SPDs are all relevant to the proposed development.

The following extracts from the Guidelines for Conservation relating to the Campbell Road Conservation Area are also of relevance to this application.

The Conservation Area guidelines describe the northern side of Inglis road as consisting of "a two-storey brick terrace and gable facing semi-detached houses" of which "a few have pointed arched doorways, which are echoed in the gospel hall in the centre of the block". The Guidelines note that "there are no architecturally significant buildings and few trees, a stark contrast to parallel Campbell Road". The guidelines recognise that "there has been a significant loss of buildings due to redevelopment" with, in particular Outram Road and Victoria Road North having suffered from unsympathetic redevelopment. The guidelines suggest that the "loss of further buildings in the north-west part of this Conservation Area in particular would seriously erode its character and would be undesirable" on the basis that it "is advantageous to learn from past mistakes and ensure future redevelopment enhances the character of the Conservation Area". The guidelines in respect of redevelopments state that the redevelopment of older properties will be opposed "unless it can be demonstrated that the redevelopment would positively enhance the character or appearance of the Conservation Area" and "if the property to be altered is deemed inappropriate or detracting from the conservation area, then redevelopment may be possible".

## **CONSULTATIONS**

### **Environmental Health**

No response received in regard to this application. Comments on previous application are as follows:

Notes no complaints have been received from operation of adjacent commercial garage. Raises no objection to proposal in terms of impact of neighbouring commercial use to proposed dwellings

**Historic England**

Offer no comment

**Contaminated Land Team**

Recommends imposition of conditions

**Highways Engineer**

No response received in regard to this application. Comments on previous application are as follows:

The site is located in an area of medium accessibility to public transport and lies within easy reach of high frequency bus corridor and Fratton rail station. The site lies 300m to the north of designated Albert Road Local Centre with a wide range of services and amenities. No off-street parking is provided, however there is unrestricted on-street parking outside the site.

Parking congestion in this area is severe, due to the terraced housing (many converted to HMOs, student accommodation etc) and little or no off-road parking. Inglis Road borders the new "MC Zone" residents' parking scheme and is the nearest unrestricted road. Inglis Road forms part of an area referred to as "North Kings", which is due to be surveyed in relation to residents' parking in April 2014. [N.B. The MC residents parking zone has been suspended and is not in operation.]

Regard must be given to the former demand for parking associated with the use of the current building as a chapel where the vehicle generation would be significantly greater than that from two dwelling houses. The site is located close to local services and amenities and having regard to its location, and demand for parking associated with the use of the current building as a chapel it is considered that a car free development would accord with the aims and objectives of the Residential Parking Standards SPD.

No objection subject to provision of cycle storage facilities

**REPRESENTATIONS**

Objections have been received from five local residents on the following grounds:

- a) loss of privacy and overlooking;
- b) loss of light;
- c) exacerbation of existing parking issues;
- d) loss of last church building in Conservation Area;
- e) proposal does not comply with conditions imposed on previous permission;
- f) future occupiers likely to remove obscure glazing;
- g) existing boundary treatments inadequate; and
- h) proposal is to maximise developers profit.

**COMMENT**

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

whether the proposed demolition of the existing building and the residential redevelopment of the site remain acceptable in principle;

whether this amended proposal would preserve or enhance the character and appearance of the Conservation Area;

whether this amended proposal would relate appropriately to neighbouring properties; and whether it would have any impact on the safety or convenience of users of the surrounding highway network.

Other issues to consider are whether the proposal complies with policy requirements in respect of sustainable construction, space standards and SPA mitigation.

## Principle of Development

The existing building on the site appears to date from the inter-war period and is currently vacant, having become surplus to requirements by the Trustees of The Gospel Hall and been sold to the applicant. The building itself is of a pleasant appearance but is considered to be architecturally undistinguished (as recognised in the Conservation Area Guidelines) and of little historic significance. In considering the recent appeal the Inspector noted that the existing building is over 100 years old, however they also noted that the hall does not appear to have any historical significance. The Conservation Area guidelines make provision for the redevelopment of sites in certain circumstances. Having regard to the form and age of the existing building it is considered that its loss would not give rise to any substantial harm to the character and appearance of the Conservation Area and that its replacement with an appropriate form of redevelopment would have the potential to enhance the site and the Conservation Area. Planning permission was granted in April 2015 for the demolition of the existing building which is capable of implementation. As such the principle of the loss of the existing building has been agreed and in the absence of any change in circumstances is considered to remain acceptable.

The site is located in a predominantly residential area characterised by two-storey terraced and semi-detached dwellings with the existing hall and neighbouring garage being very much at odds with the character and urban grain of the locality. Planning permission was granted in April 2015 for the construction of two dwellings on the site thus establishing the principle of building two houses on the site as being acceptable. In the absence of any change in circumstances the principle of building two houses must remain acceptable.

## Design and Impact on Conservation Area

In determining this application special attention must be paid to the desirability of preserving or enhancing the Campbell Road Conservation Area in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

As discussed in the foregoing section, the loss of the existing building has previously been considered, and remains, acceptable in the context of its impact on the character and appearance of the Conservation Area.

The proposed dwellings would be of a traditional design and appearance with the style and architectural detailing taking its inspiration from the terrace of dwellings to the east of the site. Their detailing would comprise two-storey projecting bay windows and stone detailing to the bays and windows to the front elevation. In both design and heritage terms the proposal is considered to complement and harmonise with the prevailing urban grain and the contextual streetscene. Accordingly it is considered that the proposal would enhance the character and appearance of the Conservation Area. In their determination of the recent appeal the Inspector considered that the proposal would be sympathetic to the character and appearance of its surroundings and would respect the residential character of the area, which is part of the Conservation Area's distinctiveness and significance as a heritage asset. The Inspector concluded that the proposed development would preserve the character and appearance of the Campbell Road Conservation Area and would not conflict with Policy PCS23 of the Portsmouth Plan in respect of seeking new development, which is well designed and respects the character of the city and protects and enhances the city's historic townscape. Furthermore the Inspector opined that the proposal would not be contrary to the overarching aims of the Conservation Area Guidelines or to the provisions of the NPPF where it relates to the need for high quality design and to conserving and enhancing the historic environment.

## Impact on Amenity

The existing building covers almost the entire site with effectively just a walkway running around it at the sides and at the rear. The main element of the building is approaching two-storey in scale but has a shallow pitched roof such that it is lower in height than the houses on the street. The rear of the building comprises single storey extensions. The site is separated from No's 40, 42 and 44 Campbell Road by a brick wall along the east, west and southern boundaries. This varies in height and is much lower on the boundary with No 40. No's 42 and 44 have very short rear gardens with only a small amount of additional space to the sides. The existing building because of its size and siting results in a strong sense of enclosure to the rear garden of number 44 Campbell Road.

The rear elevations of No's 42 and 44 extend further south than some adjoining properties with large single windows at first floor level which in the case of No. 44 serves as a main bedroom. In dismissing the recent appeal the Inspector considered that the height and bulk of the main rear elevation and rear projections of the proposed dwellings would appear significantly more overbearing and prominent than the existing building and would be particularly noticeable to the occupiers of No's 42 and 44, when within the first floor rear bedrooms and to some extent from their gardens. The Inspector also considered that as the rear bedroom windows of the proposed dwellings would face directly towards the large rear bedroom windows of No's 42 and 44 and given that these properties are not overlooked by existing properties in such a direct manner, there would be a strong perception of a loss of privacy that would be disturbing to the occupiers of No's 42 and 44.

The permitted scheme responded to the issues raised by the Inspector in their dismissal of the appeal on amenity grounds, by deleting the first floor element of the rear projection to provide a separation distance of approximately 22.6 metres between the first floor windows of the proposed dwellings and the rear windows of No's 42 and 44 Campbell Road. Furthermore two of the windows in the rear elevation would have served a stairwell and were conditioned to be both obscure glazed and fixed shut. In addition to increasing the separation distance to properties at the rear, the permitted scheme had a much reduced bulk to the rear projection. Having regard to the harm identified by the Inspector, it was considered that the removal of the first floor of the rear projection reduced the impact of the proposal such that it would not appear as an overbearing feature which would give rise to significant harm to the living conditions of No's 42 and 44 Campbell Road. Furthermore the increased separation distance and the incorporation of fixed and obscure glazed windows was considered to reduce the degree of actual and perceived level of overlooking to a degree which would not cause harm.

There are a number of differences between this scheme and that previously permitted. The main changes are: a reduction in the overall depth of the proposed dwellings; an increase in the width of the single storey rear projection; the removal of any first floor rear projection and the installation of rooflights to the front and rear roofslopes. With the exception of the roof lights to the front elevation, the differences would all be most apparent to the rear of the development.

The first floor of the permitted rear elevation included two windows per dwelling, one of which would serve a bedroom, the other a stairwell and which is conditioned to be both fixed and obscure glazed. The proposed rear elevation of each dwelling would include two windows, one serving a bedroom, the other serving a bathroom (and which by convention would be obscure glazed). The rear facing roofslope would include two rooflights positioned 1.7 metres above finished floor level to preclude overlooking of neighbouring properties. Having regard to the extant permission, the positioning of proposed windows and rooflights and the rooms they would serve, it is considered that, subject to the imposition of appropriate conditions relating to obscure glazing and the relative height of rooflights, the proposal would not result in any significant increase in overlooking that would justify the refusal of this application.

The boundary between the site and No 40 Campbell Road is a one metre high wall. To prevent overlooking from the garden of the proposed dwelling on the west side of the appeal site into the garden of No 40 it would be considered appropriate to impose a suitably worded planning



condition requiring details of the boundary treatment to be submitted, approved and implemented.

The proposed dwellings would be sited adjacent to a small commercial garage, however colleagues in Public Protection advise they have no records of any complaints being received about the operation of this use. Having regard to the relatively modest size of the adjacent commercial property it is considered that the proposal would not be likely to have any significant effect on the amenities of future occupiers.

### Parking

The application site benefits from an unrestricted lawful use for purposes within Class D1. This use class includes places of worship, education facilities and day nurseries. These uses would inherently have a level of traffic generation and demand for parking associated with them which must be recognised as a material consideration because for the developer the "fall-back" position is that the site might be used for one of the D1 uses without requiring specific permission to do so. The site does not benefit from off-street parking and whilst there may be scope for some to be provided the formation of vehicular crossovers would result in the loss of existing on-street parking. Furthermore the provision of off-street parking either on drives or in garages would be untypical of the Conservation Area and arguably would detract from its character and appearance.

The previous permission for two two-bedroom houses was permitted without facilities for the off-street parking of cars. This application seeks permission for two three-bedroom houses. The Car Parking Standards sets the parking provision required for both two and three bedroom houses as being 1.5 spaces per dwelling. As such the current proposal would not be expected to make any additional provision for parking. Having regard to the level of demand for parking which could be associated with the lawful use of the site (for purposes within Class D1), the level of parking likely to be associated with the occupation of two two-bed and two three-bed houses and the likely heritage impacts of providing off-street parking, it is considered that a car free development remains acceptable in this instance.

### Other matters

The proposed dwellings would exceed the minimum space standards associated with policy PCS19 and are laid out in a manner that provides an appropriate form of accommodation for occupiers. The submitted drawings indicate the provision for facilities for the storage of cycle storage in the gardens of the dwellings. It is considered that such provision is acceptable and could be secured through the imposition of a suitably worded planning condition.

The application includes no information about how the proposal meets the requirements of policy PCS15 in respect of Sustainable Design and Construction. It is considered that conditions could also 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). 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 level of mitigation was provided in respect of the previous permission for two dwellings. As this proposal would not increase the number of new dwellings no further mitigation would be required as it would not lead to a significant effect on the SPAs that has not already been mitigated.

## **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: 001 Rev.P; 002 Rev.G; and 003 Rev.H.

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

a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the LPA,

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

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

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

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

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

5) Development shall not commence until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving that the development will:

a) achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

6) Neither of the dwellings hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority proving that the development has:

a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

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

7) No development shall commence until details, including samples where appropriate, of the types and finish of all external materials (to include walls, roofs, windows, doors, rainwater goods and other architectural detailing and front boundary wall and railings) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

8) a) The windows labelled as being fixed and obscured glazed on Drawing No. 001 Rev.P shall be non-openable and obscure glazed to at least Level 4 of the Pilkington scale (or any other alternative that may be agreed in writing with the Local Planning Authority) and shall be permanently be retained in that condition;

b) The rear facing bathroom windows hereby permitted shall be obscure glazed to at least Level 4 of the Pilkington scale (or any other alternative that may be agreed in writing with the Local Planning Authority) and shall be permanently be retained in that condition;

c) The rear facing rooflights hereby permitted shall (as labelled on Drawing No. 001 Rev.P) be positioned a minimum of 1.7 metres above finished floor level and shall be permanently be retained in that condition.

9) Neither of the dwellings hereby permitted shall be occupied until the new wall and railings shown on the approved drawings to the front of the site adjacent to Inglis Road has been constructed, completed and thereafter retained.

10) a) Development shall not commence until details (including height, appearance and materials) of the boundary treatment between the application site and number 40 Campbell Road have been submitted to an approved in writing.

b) The western dwelling hereby approved shall not be occupied until the boundary treatment approved pursuant to part a) of the condition has been provided.

11) Prior to the first occupation of either of the dwellings hereby permitted, the secure cycle storage facilities shown on Drawing No. 003 Rev.H shall be provided. The cycle storage facilities 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 order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

4) In order to ensure that the site is free from prescribed contaminants in accordance with saved policy DC21 of the Portsmouth City Local Plan 2001-2011.

5) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.

6) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.

7) To ensure the development is finished in appropriate materials that will preserve the character and appearance of the Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

8) To protect the residential amenities of the occupiers of neighbouring properties in accordance with Policy PCS23 of the Portsmouth Plan.

9) To ensure a satisfactory setting for the development in the interests of enhancing the character and appearance of the Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.

10) To protect the residential amenities of the occupiers of neighbouring properties and future occupiers of the development in accordance with policy PCS23 of the Portsmouth Plan.

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

#### 1) 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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