

# NOTICE OF MEETING

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## PLANNING COMMITTEE

TUESDAY, 29 JUNE 2021 AT 10.30 AM

## COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services Tel 023 9283 4870

Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

**Please note the public health requirements for attendees with regard to Covid precautions:**

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- All attendees are required to wear a face covering while moving around within the Guildhall.
- Attendees will need to book in to the venue (QR code).
- Attendees will be subject to a temperature check on arrival.
- Spaces will be limited and priority will be given to committee members and any applicants and / or deputies so please note that the meeting can be viewed remotely via the livestream link.

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### Planning Committee Members:

Councillors Lee Hunt (Chair), Chris Attwell (Vice-Chair), Matthew Atkins, George Fielding, Jo Hooper, Robert New, John Smith, Judith Smyth, Lynne Stagg and Gerald Vernon-Jackson CBE

### Standing Deputies

Councillors Dave Ashmore, Kimberly Barrett, Cal Corkery, Terry Norton, Kirsty Mellor, Scott Payter-Harris, Darren Sanders, Luke Stubbs and Rob Wood

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(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon the day before the meeting and must include the purpose of the representation (e.g. for or against the

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recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## **AGENDA**

### ***Meeting information: Risk assessment for the Council Chamber***

*This has been published on the meeting page on the website.*

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of previous meeting held on 27 April 2021 (Pages 5 - 12)**

RECOMMENDED that the minutes of the Planning Committee held on 27 April 2021 be approved as a correct record to be signed by the Chair.

- 4 Update on previous applications**
- 5 Tipner Interchange, M275 Junction 1 Off Slip From Junction 12 M27, Portsmouth, PO2 8AN - 20/00457/OUT (Pages 13 - 110)**

Outline application for the construction of a multi-storey Transport Interchange (up to 34.8 m AOD) incorporating a park and ride facility for up to 2,650 cars and 50 bicycles; taxi rank; car and bicycle rental facility; public conveniences; landscaping; ancillary offices and units within use classes A1, A2, A3, D1 and D2, with access from Junction 1 on the M275 (principles of access to be considered). The proposal constitutes EIA development.

- 6 Land at Sevenoaks Road (ex Wymering Community Centre), Sevenoaks Road, Portsmouth, PO6 3JP - 21/00145/FUL**

Construction of part single storey/part two storey building to provide for special educational needs and disability school, reconfiguration of existing car park with vehicle access from Sevenoaks Road and associated boundary treatment works (amended description)

- 7 1 Slingsby Close, Portsmouth, PO1 2PD - 20/00683/HOU**

Construction of rear extension to the first floor and exterior alterations

- 8 Farlington Water Treatment Works, Gillman Road, Portsmouth, PO6 1BL - 20/01257/OUT**

Outline application for construction of new water treatment building (to accommodate Dissolved Air Flotation plant) and associated facilities, comprising a sludge holding tank; new access road to a service/delivery yard;

underground pipework, chambers and connections; temporary construction compounds, materials storage and parking areas. (Principles of access, layout and scale to be considered)

**9 13 Shadwell Road, Portsmouth, PO2 9EH - 20/00485/FUL**

Change of use from three self-contained flats (Class C3) to one dwellinghouse to be used for purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) (description amended).

**10 15 Shadwell Road, Portsmouth, PO2 9EH - 20/01540/FUL**

Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation)

**11 73 Ophir Road, Portsmouth, PO2 9ER - 21/00252/FUL**

Change of use from dwelling house (Class C3) to purposes falling within Class C4 (House of multiple occupation) or Class C3 (dwelling house)

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held remotely on Tuesday 27 April 2021 at 2 pm.

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

### Present

Councillors David Fuller (Chair)  
Judith Smyth (Vice-Chair)  
Chris Attwell  
Lee Hunt  
Donna Jones  
Terry Norton  
Lynne Stagg  
Luke Stubbs  
Claire Udy

### Welcome

The chair welcomed everyone to the meeting and introductions were made.

### 38. Apologies (AI 1)

Apologies for absence were received from Councillor Matthew Atkins.

### 39. Declaration of Members' Interests (AI 2)

There were no declarations of interest.

### 40. Minutes of previous meeting held on 30 March 2021 (AI 3)

**RESOLVED that the minutes of the Planning Committee held on 30 March 2021 be approved as a correct record.**

### 41. Update on Previous Applications (AI 4)

The Head of Development Management advised that the council had received an advert consent appeal for an illuminated digital LED screen at the junction of Derby Road and Stamshaw Road. It has also received appeals against prior approval: two were for householders and four were full applications. Members requested him to email them details of the decisions for one appeal that had been allowed and one that had been dismissed.

### 42. 17 Merton Road, Southsea, PO5 2AF - 18/020938/FUL (AI 5)

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

#### Submission from the Applicant

*The Applicant sent an email yesterday to 'Planning and Committee Officers', noting the application is too large for a single family and that smaller and more affordable flats will bring more benefits for 'the sociality'.*

#### Typo

*Paragraph 6.3, last line: the word 'permission' should be 'presumption'.*

#### Mitigation of effects on the Special Protection Areas

*Nitrates: The Officer Report notes that Natural England's response to an Appropriate Assessment is awaited, and that remains the case. As such, the level of mitigation is not yet settled, it is likely to be low or indeed it could be zero, given the existing lawful use of the property. Rather than delay decision yet further to another Committee meeting, it is proposed to defer the decision on the final outcome of this matter for the Assistant Director's authority.*

*Recreational Bird Disturbance: Recommendation I requires mitigation to be secured via the legal agreement, but the Bird Aware payment has in fact already been made, so this element should be deleted from the Recommendation.*

*Both the above are addressed in the amended Recommendation in the adjacent column.*

#### Parking

*A Planning Officer has visited the application area on three recent evenings (8-9pm), to ascertain actual on-street parking availability (Tuesday 20th April, Sunday 25th, Monday 26th).*

*The site is within Parking Permit Zone MD, with permits necessary between 4.30 - 6.30pm. Merton Road and Nelson Road have been assessed as they intersect.*

*The western half of Merton Road has had 9 - 12 spaces available.*

*The western half of Nelson Road has had 16 - 24 spaces available.*

*The eastern half of Merton Road has had 3 - 12 spaces available.*

*The eastern half of Nelson Road has had 1 space available.*

*Given the good level of available on-street parking near the application site, there is no proposal to change the Recommendation to support the application.*

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

Or (b) Agreement from Natural England that no nitrate mitigation is required.

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

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

#### Members' Questions

There were no questions from members.

#### Members' Comments

Members felt the building did not look very well maintained and that the proposal would improve it. Keeping the front wall is more beneficial than removing it to provide parking spaces.

**RESOLVED to grant conditional planning permission as set out in the Officer's Committee report and SMAT.**

**43. Hovercraft Terminal, Clarence Esplanade, Southsea, PO5 3AD - 21/00037/FUL (AI 6)**

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

Representations:

*One email received from the Southsea Clarence Esplanade Pier Company Ltd, requesting to make a deputation to the planning committee.*

Highway Engineer comments:

*This site forms a part of a transport interchange. It is well served by a high frequency bus service and is adjacent to both the Esplanade and Clarence Pier off street public car parks. However in the medium term the availability of public parking in close proximity to the site will be significantly reduced to facilitate the construction of the sea defence works when the Clarence Pier car park will be closed. During that period it is anticipated that the demand for parking will exceed the space available although this has been accepted as a necessary impact to allow the improvement of the sea defences.*

*The temporary accommodation proposed is only intended to operate for a 5-7 year period after which it would revert to the existing arrangement. During that period it would accommodate between 6 and 10 full time members of staff relocated from the existing offices at Merlin Quay. It is explained that 4 to 6 staff would routinely be in attendance at the office.*

*Whilst I am satisfied that the addition trip generation would be unlikely to have a material impact on the operation of the local highway network, no additional or alternative parking provision is proposed to accommodate the likely staff parking demand. This will arise when there is limited if any opportunity to accommodate that off site within a reasonable walking distance given the likely parking displacement during the closure of the Clarence Pier car park.*

*The Transport Statement seeks to establish the accessibility of the site by active modes of travel although in so doing it draws from the outdated IHT guidance 'Providing for Journeys on Foot' which suggests that maximum walking distances to school of up to 2000m are acceptable. This significantly overstates the accessibility of the site when compared with the current CIHT guidance 'Planning for Walking' which recommends 800m walking districts.' As a consequence this section of the TS should be given little weight.*

*In summary this proposal would increase the demand for on-street parking during the period when the demand for parking will exceed the capacity available. This will make it more inconvenient for people to find a place to park and result in vehicles driving around the area hunting for a parking space with the consequent implications for air quality / pollution which you should give due weight to in your determination of the application.*

*The Officer's report already addresses these matters.*

Written deputations were read out as part of the officer presentation from:

- Jill Norman, Southsea Clarence Esplanade Pier Co Ltd
- Griffon Hoverwork, agent

Deputations are not included in the minutes but can be viewed on the livestream on the following link <https://livestream.com/accounts/14063785/planning-27apr2021>

### Members' Questions

In response to questions from members, officers explained that:

- It is unclear why the Southsea Clarence Esplanade Pier Co Ltd mentioned a three-year period for the building rather than five years; it may be because it would bring forward a permanent proposal more quickly. The five-year period is one of the conditions set by the Local Planning Authority.
- The issue of grit blasting the funfair's buildings cannot be considered as part of the application as it has no relation to the running of the hovercraft or the size and frequency of hovercrafts. A condition would not be justified.
- The applicants have not submitted a travel to work plan. They have said the area is well served by public transport and staff are encouraged to travel sustainably. A plan would not normally be required for a development of this size.
- Although the Solent is subject to longshore drift which can lead to erosion there has been no investigation into the effect of moving beach material such as shingle. Mitigation for the loss of an area of vegetated shingle near the proposed building has been agreed with the County Ecologist.
- Work on the sea defences, for which permission has already been granted, will not affect the proposed development. The council is the freeholder of the land and Asset Management deal with leaseholders. The question of compensation arising from the sea defences work is not a matter for consideration.

### Members' Comments

- Members felt the proposal would develop Portsmouth's maritime industries and create local jobs. Griffon Hoverwork are a global company and manufacture hovercrafts that are used in South America, including on the Amazon to tackle drug traffic.
- The issue with the funfair's buildings is an ongoing matter that both parties need to discuss.
- The proposed building is temporary and is not dissimilar to Griffon Hoverwork's building in Ryde.
- Travel to work is a city-wide issue and matters such as expensive train travel need resolving.

**RESOLVED to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.**

#### **44. James Callaghan Drive Access Road to Admiralty Research Establishment Portsmouth - 21/00001/PACOU (AI 7)**

The Principal Planning Officer presented the report and drew attention to the Supplementary Matters which reported that:

*Change to the wording of recommendation:*

*From Prior approval not required*

*To Prior approval required and granted*

*Further consideration of pedestrian and cyclists' safety on James Callaghan Drive:*

- *Manual for Streets suggests people would be willing to walk 800m to access services and facilities, that meet their daily needs. The application site is in excess of 2 miles' walk from the nearest facilities, which exceeds planning guidelines.*

*This suggests residents of the proposed development would be unlikely to access the site by foot.*

- *Also, consideration is given to the number or proportion of residents likely to access the site on foot or cycle. A key starting point is the level of occupation of existing and proposed developments, which are approximately 147 employees and approximately 65 residents respectively. It is reasonable to conclude that there is unlikely to be any significant increase in high safety implications given these numbers and how occupiers would seek to exit and access the site via James Callaghan Drive.*
- *The site is not connected to or near [including to south of the site] any Public Right of Way.*
- *The level of vehicular trips generated by the proposed development (as stated in the report) is unlikely be higher than the existing, thus unlikely to result in highway safety issue in itself. The Local Highway Authority has no data of on incidents as a result of exit and egress from the existing approved site access or occupiers of the site along the section of James Callaghan Drive. Data provided is in respect of incidents in the entire stretch of James Callaghan Drive which is as follows:*
  - *over the last 5 years (2016-2020) there have been 5 incidents on this stretch of road (not including the junctions at either end) which involved 10 vehicles and resulted in 3 serious injury casualties and 3 slight injury casualties (all of which required hospital attention);*
  - *The LHA does not have records of near misses or incidents which did not result in personal injury.*
- *The data indicates that on average in the last 5 years, one serious incident took place on the entire stretch of the road. Therefore, officers conclude that James Callaghan Drive is not a dangerous road for pedestrians or cyclists and the safety of the residents of the proposed development wishing to enter or leave the site on foot or cycle would not be put at risk.*

*In light of all the information set out above, the recommendation of the Local Planning Authority remains unchanged.*

Peter Hayward, Island Highways & Transport consultants, was also present for this item.

#### Members' Questions

In response to questions from members, officers explained that:

- There are parts of the road that have lay-bys which were shown on the plan. There is not capacity for a cycle lane or pedestrian footpath on James Callaghan Drive. The question is whether this provision would be proportionate to the development and the Planning Officer did not think this would be proportionate.
- The Highways Officer said that there is physical space to create a cycle way or footway segregated from the carriageway, but there is not the opportunity to tie it into anywhere.
- With regard to safety, there are footpaths on the south side although these are not public rights of way. He would expect an increase of 30% in pedestrian movement from this residential use compared to the historic office use.
- The Highways Officer reported that in the last five years there have been five incidents; however, the site has not been operating since the mid-1990s. This was along the length of James Callaghan Drive between the roundabouts at

either end. None of the incidents related to vehicles moving on or off the highway and were indicative of excessive speed on the road. He was concerned with the increase in pedestrian and cycle movement given there is no alternative facility for these users.

- From 2012 there were three fatalities and two serious injuries. One of the fatalities was at the junction of the site when it was in operation. The planning officers had a differing view as the incidents had not related to pedestrians crossing the road or cyclists, but driver error.
- The speed limit on this road is 40 miles per hour for the main stretch.
- There are a number of links that pedestrians can use coming down from Paulsgrove which were pointed out on the map. It was highly probable there would be people walking along James Callaghan Drive from the site access to access any of these footpaths to the south.
- The proposed development is within Winchester City Council's area and they will be considering the planning application. If members were minded to grant this prior approval, this does not mean that Winchester City Council have to approve the planning application.
- The land contamination on the site is known to Winchester City Council and they will consider and impose any relevant conditions.
- The Local Planning Authority could attach a S106 agreement to the application but this would need to be considered further to see if this was proportionate.
- The right turn lane heading west currently exists and there are chevron markings to stop overtaking across the front of that junction. The Highways Officer had no concerns on traffic emerging from that junction as the visibility splays are good. The only concern was for cyclists and pedestrians walking alongside that road and the likelihood of them crossing to access the space to the south.
- The site is clearly not accessible but this is not a reason for refusal. The Highways Officer felt that the impact on the capacity of network was a material consideration and that it was not safe for pedestrians. There would be a likely 30% increase in pedestrians and he considered that is material and a reason for refusal.
- Sustainability of the site cannot be considered as this is not a planning application. The legislation narrows the aspects that can be considered.
- One of the conditions for unlocking the principle for General Permitted Development is that the prior approval grant is given.
- The Legal Advisor said that there is a conflict of credible officer opinion here on the issue of highway safety and the committee is entitled to pick between the two views. Members could refuse prior approval if they are so minded. The committee could apply conditions; however, in terms of imposing a footway by condition this would not be proportionate.

#### Members' Comments

- Some members wished to support the officer recommendation that prior approval is required and granted, taking into account all of the concerns raised today. It was hoped that Winchester City Council would also take these issues into account when considering the planning application for the building which falls in their area.
- Members felt that there may be a case for reinstating the right turn and adding a condition and noted that the roads were dangerous but felt that this could be alleviated with signage.

- Other members felt that the evidence from the Highways Officer on the number of incidents was key and this application would not safeguard pedestrians and cyclists.

**RESOLVED to overturn the officers' recommendation that prior approval is required and granted for the following reasons:**

**Prior approval is required and refused due to a likely 30% increase in vulnerable road users resulting in a consequent unacceptable highways safety risk to those users in connection with the proposed development's lack of a safe and suitable access, contrary to paragraphs 108 and 109 of the National Planning Policy Framework.**

Councillor Fuller thanked officers for their support over the past year and members for their contributions. He thanked Councillor Smyth for being Deputy Chair and chairing meetings where necessary. He wished everyone health and happiness.

The meeting concluded at 4.20 pm.

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# Agenda Item 5

## **PLANNING COMMITTEE 29 JUNE 2021**

**10.30 AM GUILDHALL COUNCIL CHAMBER**

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

#### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

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

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

#### **REPORTING OF CONSULTATIONS**

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

#### **APPLICATION DATES**

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

#### **HUMAN RIGHTS ACT**

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

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

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**TIPNER INTERCHANGE M275 JUNCTION 1 OFF SLIP FROM JUNCTION 12 M27  
PORTSMOUTH**

**OUTLINE APPLICATION FOR THE CONSTRUCTION OF A MULTI-STOREY TRANSPORT HUB AND CAR PARK FOR UP TO 2,650 CARS (UP TO 35M AOD) INCORPORATING A PARK AND RIDE FACILITY, BICYCLE HUB/PARKING, TAXI RANK; CAR HIRE/CLUB; SCOOTER AND BICYCLE RENTAL FACILITY; PUBLIC CONVENIENCES; LANDSCAPING; AND ANCILLARY OFFICES AND UNITS WITHIN USE CLASSES A1, A2, A3, D1 AND D2, WITH ACCESS FROM JUNCTION 1 ON THE M275 (PRINCIPLE OF ACCESS TO BE CONSIDERED). THE PROPOSAL CONSTITUTES EIA DEVELOPMENT.**

**Application Submitted By:**

Savills (UK)

FAO Mr Simon Fife / Mr Andrew Fido

**On behalf of:**

Portsmouth City Council

**RDD:** 24th April 2020**LDD:** 17th August 2020**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought to the Planning Committee for determination as the applicant is Portsmouth City Council and it is in the interest of the public for the application to be determined by the Planning Committee.
- 1.2 A deputation request has also been received from Mrs Celia Clark.
- 1.3 Following this item's withdrawal from the Planning Committee agenda scheduled for 9 March 2021, the applicant has submitted further information with regard to the proposed ancillary uses
- 1.4 The main issues for consideration in the determination of this application are therefore as follows:
  - The principle of the development
  - The need for the development (its ability to reduce car use in city centre, encourage modal shift, improve air quality, etc.)
  - The acceptability of the proposed ancillary uses
  - Consideration of the matter for determination at this time, namely access
  - Consideration of the parameter plans that have been submitted concerning matters reserved for consideration at a later date, namely:
    - Appearance
    - Landscaping
    - Layout
    - Scale

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site extends to some 3.13ha site and is located approximately 3 km north of the city centre of Portsmouth east of and adjacent to Junction 1 of the M275 motorway, from which it has access. The site and surrounding area falls within the administrative area of Portsmouth City Council within the Nelson Ward.
- 2.2 The site is currently used as a Park and Ride facility with a capacity of 665 car parking spaces and as such, it is largely dominated by hardstanding with a centrally located bus shelter comprising a small single storey waiting room with attached canopy and benches. There are also peripheral landscaping and habitats including introduced shrub, species rich hedgerow and amenity grassland located within the site boundary.
- 2.3 The site levels vary slightly across the Site, with the highest point of the Site located along the western boundary with the M275 at approximately 5.83m Above Ordnance Datum (AOD). Generally, the higher points on the Site are located towards the centre and vary from 4.6m AOD to 3.9m AOD. The Site then slopes away towards the boundaries, before increasing in height at the boundaries themselves. There are also a number of isolated high points across the Site itself. The site lies directly to the east of junction 1 of the M275 which runs in a north-south direction connecting Portsmouth City Centre to the south with the M27 to the north.
- 2.4 The existing Park and Ride facility provides 665 car parking spaces, including three disabled spaces and two spaces for Electric Vehicle (EV) charging. The Park and Ride facility is currently open from 6.30am to 8.30pm on Monday to Friday, 7.30am to 8pm on Saturdays and 8.30am to 6.45pm on Sundays and runs every day except for Christmas Day and New Year's Day.
- 2.5 A building with a waiting room is centrally located within the Site and is accessed from the car park via at-grade marked zebra crossings. The Park and Ride operates in a 'Pay and Display' fashion with ticket machines located throughout the car park. Users can also tap and pay using a smartcard whilst travelling on the bus.
- 2.6 The site's environs are in an area currently undergoing significant change, with Tipner identified as a strategic site in PCC's Local Plan with the potential to contribute towards the overall regeneration of the City and the ability to play a major part in delivering a significant proportion of the development identified for the future of Portsmouth. Significant residential and other development is planned at Tipner, with outline permission for 518 homes at Tipner East, located to the east and north of the Site, already in place. To the west of the M275 is Tipner West where there are aspirations for the creation of substantive residential and commercial development.

## **3.0 DESCRIPTION OF DEVELOPMENT**

- 3.1 As set out in the Planning Statement accompanying the application, the site is currently a Park and Ride facility with spaces for up to 665 cars.
- 3.2 The Development Proposals comprise a Transport Hub incorporating a transport interchange and a Park & Ride as a destination at the Gateway to Portsmouth and the planned development around Tipner. The development incorporates a multi-decked Park & Ride, which will replace the surface car parking areas of the existing Park & Ride. Bus access into the bus stop area would be unchanged from the existing layout and vehicle access and egress would remain as per the existing arrangement (i.e. via Tipner Lane). The access into the multi-deck structures would be via reconfigured circulating aisles within the at-grade car park, allowing efficient searching of available spaces within the at-grade car park before entering the multi-deck structures.

3.3 The proposal is to redevelop the site with a multi storey building up to 34.8 metres (114 feet) in height to provide up to 2650 car spaces (a 398% increase) and up to 50 cycle spaces. It is also proposed, given the scale of the park and ride facility and the transfer of people from car to bus and vice versa to support small ancillary commercial and leisure uses falling within uses classes A1 to A3 and D1 / D2. These Use Classes are descriptions that existed prior to 31st August 2020. A new set of Use Classes came into force from 1<sup>st</sup> September 2020, but the transitional arrangements supporting this change confirms that applications that were made before 1<sup>st</sup> September 2020 and determined before 31<sup>st</sup> July 2021, as is the case here, should be determined by reference to the 'old' Use Classes that were in effect on 31<sup>st</sup> August 2020 and before. The proposed indicative breakdown of ancillary uses has been amended during the consideration of the application and is now described as:

<b>Use Class</b>	<b>Further details/description</b>	<b>Maximum gross floorspace</b>
A1/A2/A3/D1/D2	e.g. small convenience shops, café, crèche, events space	Up to 840 sq.m (c.8,500 sq ft), with no single unit greater than 280 sq.m.to accord with policy PCS18

- 3.4 With regard to the proposed ancillary uses, the applicant states that:
- There is sufficient footfall and activity to support some small or modest ancillary commercial and leisure uses.
  - These ancillary uses are optional, but provision has been made and their inclusion in the detailed scheme will be determined based on further market assessment and analysis of demand.
- 3.5 It is anticipated that the site would operate 24 hours a day, 7 days a week (excluding Christmas Day and New Year's Day), including the ancillary commercial and leisure uses, subject to demand. The construction of the Development Proposals would be phased so as to retain a significant proportion of the existing Park & Ride functionality during construction of the new facility and to retain the existing transport terminal facilities until 2024 so as to comply with Department for Transport obligations.
- 3.6 Phase 1 of the Development Proposal will construct the northern section of the car park and Phase 2 of the Development Proposal will provide the remaining sections of the car park. During the construction of Phase 1 of the car park, the southern section of the site will remain open and operational (the current P & R facility), with an objective of safeguarding a minimum of 300 parking spaces during construction for continued public use. The existing hub building will be retained for the construction of Phase 1 and then as part of the work undertaken for Phase 2, this will be removed to ensure the comprehensive redevelopment of the site. Phase 2 is anticipated to commence construction in 2024.
- 3.7 As stated above, the expanded Park & Ride will provide up to 2,650 spaces in place of the current Park & Ride facility (which provides 665 spaces at surface level) alongside a replacement Park & Ride bus facility, pick-up/drop-off facilities (including for taxis) and servicing for the complementary land uses proposed on the site. The additional spaces will be housed within a new structure set over seven floors, with circulation between them served by internal ramps, to be located within the northern section of the existing site.
- 3.8 A new ground floor terminal facility will be provided within the southern part of the building which will provide sheltered waiting facilities for passengers and may also house a small consolidation centre, & storage areas. It is anticipated this could incorporate an area of short-stay car parking for use by customers of the consolidation centre or for use by motorists picking-up / dropping-off passengers or to any of the land uses associated with the development. It is anticipated that provision for servicing the bus terminal facility

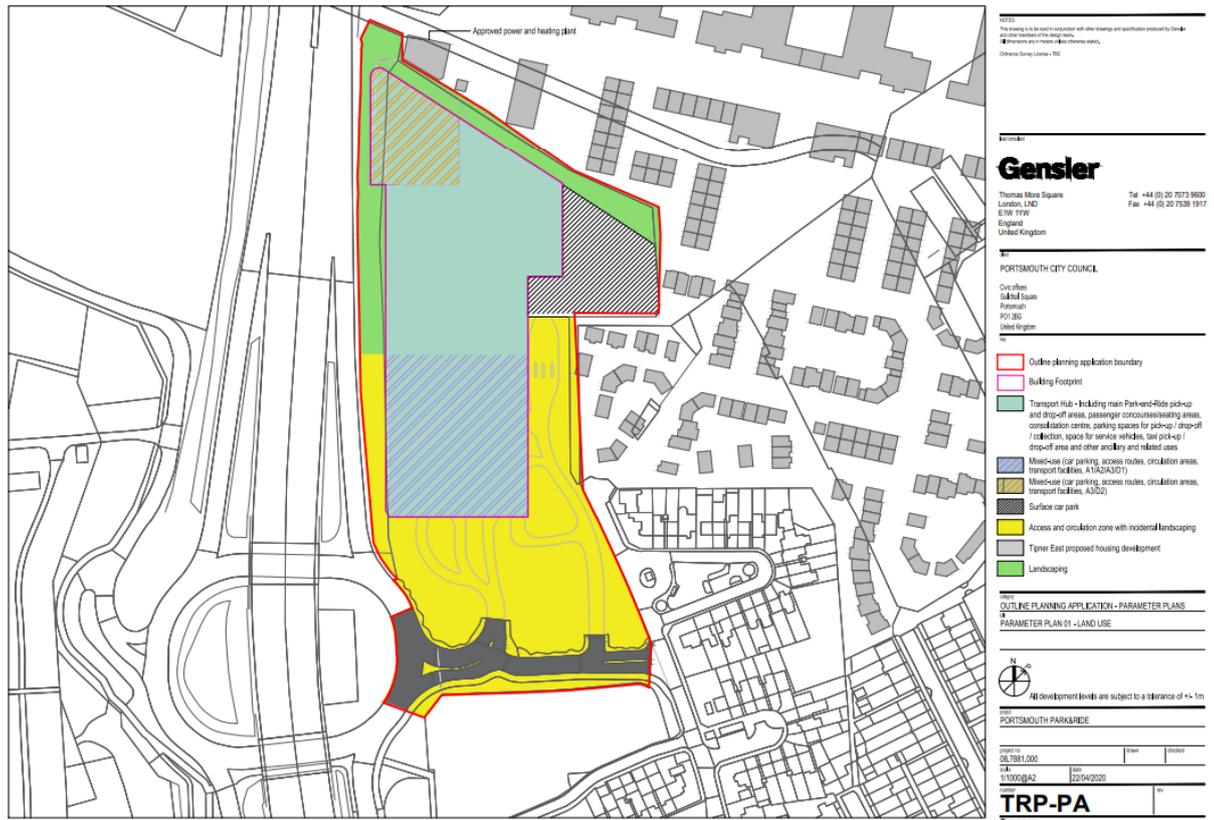
and wider land uses will also be provided and a segregated taxi pick-up and drop-off facility.

- 3.9 Upper floors of the multi-storey car park will transfer to ground level via stairs and lifts, and it is anticipated that there would be two lift cores containing three lifts per core, with one of these located immediately adjacent to the Park & Ride terminal facility.
- 3.10 Access to the site will continue to utilise the existing arrangements via Tipner Lane with segregated entry/exit arrangements for vehicles accessing the car park, pick-up and drop-off areas, servicing and the Park & Ride bus facility. Separate entry and exit barriers will control ingress and egress to the multi-storey car park with only those motorists wishing to park and transfer onto the Park & Ride bus needing to pass through the barriers, with unfettered access to the pick-up and drop-off, taxi, servicing and Park & Ride bus area. The sole exception to this is the potential for delivery vehicles accessing the land uses proposed in the north west corner of the site ('The Barbican') which would need to pass through the entry / exit barriers – at least one of the lanes through the barriers would be wide enough to accommodate a delivery vehicle. Clear wayfinding will be provided to direct each user to the appropriate point of access and area of the site.
- 3.11 The indicative designs confirm that located towards the middle of the site a one-way loop road will be provided with six parallel Park & Ride bus pick-up and drop-off bays provided; three on either side. A passenger concourse for boarding / alighting Park & Ride buses will be provided alongside this, with this wide enough such that it also functions as a footway / cycleway link between the site and pedestrian / cycle connections along Tipner Lane. The concourse would connect to the Park & Ride terminal facility, the taxi and general public pick-up / drop-off areas, the short-stay parking area for the consolidation centre and to cycle parking facilities which will also be provided adjacent to the concourse.
- 3.12 Additional capacity at the Park & Ride is aimed at capturing both commuter and leisure-based trips, and has been assessed on the basis that 95% of spaces will be occupied at peak. Proposed to operate as a 24 hour facility, with extended bus services likely to operate between 05:00-midnight, it is envisaged that a wide range of user types will be attracted to use the service, including weekend tourists, staff / visitors to the Port and University, other regular commuters, frequent shoppers and evening leisure users.
- 3.13 To support increased bus patronage at the Park & Ride, additional bus services will be required to ensure there is sufficient capacity to transfer users into the city. Forecasts suggest that during peak times, buses will need to increase from the current six services per hour, to approximately 38 per hour. The bus routes and destinations will be subject to review, both prior to construction and once operational, to ensure services continue to align with passenger demand.
- 3.14 The design and operational principles outlined above are reflected in an illustrative outline concept design, the evolution of which is set out in the Design and Access Statement submitted with but not forming part of the application. An assessment of the extent to which the concept design is considered to accord with planning policies PCS15, 23 and 24 is set out in the Planning Considerations section of the report below. The application is also supported by an indicative landscape concept plan which confirms how landscaping could be provided across the site and potentially integrated with the building's elevations.
- 3.15 As details of the proposed access arrangements from the M275 via Tipner Lane form part of this application, bus access into the bus stop area would be unchanged from the existing layout and vehicle access and egress would remain as per the existing arrangement (i.e. via Tipner Lane). The access into the multi-deck structures would be via reconfigured circulating aisles within the at-grade car park, allowing efficient



3.17 The remaining parameter plans, reproduced below show land use and building heights:

Land Use:



Building Heights



- 3.18 The following CGI's give an indication of the appearance and scale of the proposed building. The first one being as viewed driving south on the M275 towards the City; the second one as seen when leaving Portsmouth.

Arrival into Portsmouth



Leaving Portsmouth



#### 4.0 RELEVANT PLANNING HISTORY

- 4.1 As taken from the Planning Statement prepared by Savills, the planning history of the site and immediately adjacent area comprises the following:

- i. Application 11/00363/FUL. Planning permission was granted on the 31st January 2012 for site clearance including demolition, remediation and land raising by 0.25m on Parcel I, II & III, up to 4.5m AOD on Parcel IV at Tipner East, Portsmouth including associated compound and facilities. This application covered a wider area of land, within which lies the current red line application area.
- ii. Application 12/00561/FUL. Planning permission was granted on the 13th September 2012 for a hybrid application including in detail for a Park & Ride facility with access, landscaping, boundary treatment and associated works and in outline for a single-storey passenger waiting facility. The outline part of the application covered detailed matters of access, layout and scale only.
- iii. Application 13/00853/FUL. Planning permission was granted on the 10th October 2013 for construction of a Park & Ride facility with a single-storey passenger waiting building/canopy, together with access, landscaping, boundary treatment and associated works, including maintenance access route, on land to the east of the M275. This permission has been implemented.

### Surrounding Planning History

- 4.2 Planning permission was granted on the 7th April 2010 (09/01568/FUL) on land at the M275/Tipner Lane for the construction of a new motorway junction off the M275, comprising northbound and southbound on/off slips (and associated noise barriers and ancillary street furniture including road signage/gantry and lighting), to include the construction of a roundabout partly on Tipner Lane with access maintained to/from Tipner Lane as well as new access to the proposed on/off slips and a dedicated busway southbound alongside the M275 between the proposed roundabout on Tipner Lane and the Rudmore Roundabout at Twyford Avenue. This application was implemented and the interchange is in use.
- 4.3 There have been a number of planning permissions / resolutions to grant permission (subject to s106 agreements) for residential development and some employment relating to land to the north and east of the site owned by the Tipner Regeneration Company (TRC) and Homes England. These planning permissions / resolutions approved about 626 new dwellings in a range of flat blocks (of between 5.5-8.5 storeys in height) and individual houses across four sites – land remediation has been advanced across some of this land, but the new homes have yet to be commenced. The relevant application numbers are: 10/00849/OUT; 11/00362/OUT; 13/00202/OUT; 13/00203/OUT; 15/01854/REM.

## **5.0 POLICY CONTEXT**

5.1 The development plan relevant to the determination of this application, comprises:

- The Portsmouth Plan (adopted 2012)
- The Portsmouth City Local Plan Saved Policies (adopted 2006)
- The Hampshire Joint Minerals and Waste Plan (adopted 2013)

5.2 Regard will also be had to the National Planning Policy Framework (February 2019).

5.3 The Portsmouth Plan sets out the vision and objectives for Portsmouth up to 2027. Of the eight objectives in the plan, Objective 2 (**highlighted**) is considered key to this application:

1. To make Portsmouth an attractive and sustainable city
- 2. To make Portsmouth an accessible city with sustainable and integrated transport**

3. To develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all
4. To make Portsmouth a city in which everyone feels and is safe
5. To deliver affordable / quality housing where people want to live
6. To encourage and enable healthy choices for all and provide appropriate access to health care and support
7. To enhance Portsmouth's reputation as a city of culture, energy and passion offering access for all to arts, sport and leisure
8. To ensure there is adequate supporting infrastructure for the new development and growth of the city

5.4 Objective 2. 'To make Portsmouth an accessible city with sustainable and integrated transport' is key. This objective addresses the issue of transport and will be achieved by:

- Focussing developments around our town centres and public transport routes so that communities have easy access by a choice of modes of transport for getting around the city and are within easy reach of goods and services;
- Focussing travel around the city on cycling, walking and public transport making the most of the city's compact and flat geography and mild climate. Priority will be given to cycling and walking in new developments and, when improving roads, the network of cycling and walking routes will be enhanced;
- Requiring travel plans from new residential developments, businesses, shops and schools; Improving the city's transport hubs and interchanges such as a new train/bus interchange at Portsmouth & Southsea railway station and physical improvements to the Hard interchange at Portsmouth Harbour;
- Working with the sub region as part of Transport for South Hampshire (TfSH) to ensure networks are enhanced and managed efficiently; and
- Developing a Premium Bus network and a bus rapid transit linking Fareham, Gosport, and Havant with Portsmouth and improved access to Port Solent, Horsea Island and Tipner, as well as working with partners to improve the public transport system within the city.

5.5 Policies within the plan relevant to the determination of this application comprise:

- PCS1 - Tipner
- 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

5.6 In addition, there are a number of saved policies from the Portsmouth City Local Plan 2001 - 2011 (2006), which remain valid and form part of the Development Plan:

- DC21 Contaminated Land – this states that development on contaminated land will only be permitted where measures can be taken to deal with the contamination to ensure the long term safety of the development and management of the site.
- PH1 Portsmouth Harbour Coastal Zone – this states that development within the defined Portsmouth Harbour Coastal Zone must have regard to the coastal setting and landscape, public access to the waterfront, navigation within the Harbour and nature conservation interests.

5.7 In addition, regard must also be had to:

- The Tall Buildings SPD (2012)
- Local Transport Plan 3

- Developing Contaminated Land SPD
  - Solent SPA SPD (April 2014)
  - Air Quality and Pollution SPD (March 2006)
  - Parking Standards and Transport Assessments SPD (July 2014)
  - Sustainable Design and Construction SPD
  - Reducing Crime Through Design SPD
- 5.8 The Air Quality and Air Pollution Supplementary Planning Document, Adopted – March 2006 has been rather superseded by the Air Quality Strategy, as Portsmouth has been identified as a city that needs to reduce air pollution levels as quickly as possible.
- 5.9 As such PCC are working closely with Government's Joint Air Quality Unit (JAQU) to develop a plan to ensure that levels of nitrogen dioxide in the city are reduced below legal limits in the shortest possible time (the Air Quality Local Plan). The process that has to be followed to produce the Air Quality Local Plan has been set out by JAQU and there are a number of documents that have to be submitted to Government for review. Of these, the outline business case has now been submitted to Government for review ([env-aq-air-quality-plan-outline-business-case.pdf \(portsmouth.gov.uk\)](http://portsmouth.gov.uk/env-aq-air-quality-plan-outline-business-case.pdf))
- 5.10 As set out in Section 4.2 2020 of the Air Quality Annual Status Report (ASR), 'Park & Ride expansion - M275, A3 Commercial Road and A3 Alfred Road', The Portsmouth Park & Ride (P&R) is located off junction 1 of the M275 and currently provides 665 car parking spaces, which are often filled to capacity at weekends and during major events. The P&R offers reliable journey time between the city centre and the Hard interchange and also helps to reduce congestion by facilitating modal shift. PCC would like to expand the number of car parking spaces available at the P&R in order to address peak capacity issues and to encourage further modal shift away from private car use. In particular this is likely to have a positive impact on the two areas of exceedance being targeted through the LAQP (Alfred Road and Commercial Portsmouth City Council - ASR 2020 3 Road) as there is potential to reduce the number of private cars travelling along these roads if they can be encouraged to use the P&R.

## 6.0 CONSULTATIONS

### 6.1 Historic England:

Historic England (HE) has no objection to the application on heritage grounds.

The harm caused by the proposed development to the significance to Portchester Castle and the Hilsea Lines, through the incursion of setting, can be considered minimal.

However, HE do note that there is the potential for some harm to be caused to the setting of the Tipner Magazine Buildings and associated structures. As these are listed at Grade II we would defer to the local authorities judgement as to whether the application appropriately redresses this in accordance with the relevant policies of the NPPF. HE note that the addition of heritage benefits, specifically related to the magazine buildings, to offset the harm caused could be considered a suitable mitigation strategy.

HE note the archaeological potential of the site as outlined in the accompanying Desk Based Assessment (specifically the moderate potential for Holocene Palaeoenvironmental evidence and post-medieval remains) and would advise that the Hampshire County Council Planning Archaeologist is consulted so that an appropriate strategy for dealing with this can be taken forward. Historic England is willing and able to offer scientific advice when dealing these matters.

However HE recommend that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193, 194 & 196 of the NPPF.

## 6.2 Ecology:

Protected Species and Habitats - Based on the information provided, there are no significant concerns regarding protected species or habitats within the site itself, provided the mitigation measures set out in section 10.6 of the Environmental Statement are adhered to. These measures will be covered by the proposed Construction Environmental Management Plan (CEMP), which should set out the finer details of the mitigation measures, which will need to include the protection of breeding birds, reptiles and other protected species in line with the Wildlife and Countryside Act 1981 (as amended). Suggested condition wording has been provided.

The vegetation within the application site is considered to be of limited ecological value. The applicant's ecologist has made a number of recommendations for enhancing species diversity within the site, which includes green surfacing on the new multi-storey building. Therefore, if you were minded to grant permission, I would suggest that a condition be added to any planning permission requiring the applicant to provide details of such measures, which will contribute to biodiversity. These can include, for example, the native and locally appropriate planting which will strengthen existing ecological corridors through the site, the creation of other habitat features such as bird nest boxes and bat boxes. Again, suggested condition wording is provided at the end of this email.

Designated Sites - The assessment scopes in impact pathways from hydrological links between other statutory sites and the application site, and via interchange of SPA birds between the sites. Therefore Chichester and Langstone Harbour SPA was scoped in, along with other, closer European designated sites such as Portsmouth Harbour SPA, and a comprehensive review of the Solent Wader and Brent Goose Strategy was undertaken, as per my EIA Scoping comments of September 2019.

A Phase 1 Land Contamination Assessment is provided with the application (WSP, July 2017). This states that there could be vertical leaching from impacted soil and lateral migration of impacted groundwater, which could have an adverse effect on Portsmouth Harbour SPA, Ramsar and SSSI. The Environmental Statement subsequently rules out this effect with suitable mitigation proposed.

The HRA screening and Appropriate Assessment conclude that there will be no Likely Significant Effects with mitigation in place, and I am satisfied with this conclusion. Mitigation includes production of a CEMP, and I have provided suggested condition wording for this below.

### Enhancements

This development has the potential to provide opportunities to enhance biodiversity. The National Planning Policy Framework (NPPF) encourages measures that would result in biodiversity gains; the 'environmental' dimension of sustainable development – the central tenet of the NPPF – is afforded equal emphasis to the 'economic' and 'social' dimensions.

Additionally, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 sets out that local authorities: 'must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) clarifies that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Provision of biodiversity enhancement is also in line with PCS13 of the Portsmouth Plan. I have therefore provided suggested condition wording in the section below requiring the applicant to incorporate features into the development that would contribute to biodiversity.

#### Suggested Conditions

- 1 Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. Reason: to enhance biodiversity in accordance with NPPF and PCS13 of the Portsmouth Plan.
- 2 Prior to commencement, a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. Reason: To protect designated sites and green infrastructure in accordance with Policy PCS13: A Greener Portsmouth of the Portsmouth Plan.

### 6.3 Highways England:

No objection, subject to the following condition:

- 1 No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). It should include but not be limited to construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. Agreed details should be fully implemented prior to start of construction works.

Reason: To mitigate any adverse impact from the development on the M27 Motorway and to ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

We would support any local planning authority requirement for an Operational Management Plan, be it secured via condition or through a S106.

### 6.4 Highway Authority

The transport assessment has been prepared with reference to the scoping note and LPA response provided in pre-application enquiries. PCS1 Tipner makes policy provision for a P&R facility on this site providing between 900 and 1800 spaces. The extent of the development now proposed significantly exceeds this quantum and has not been assessed through the local plan process. That is not to say that such development would not be acceptable rather that the impacts have not been assessed through that process. The TA uses the SRTM as the basis for traffic modelling assessment which was found sound in the review of the scoping report. Table 3-4 of the TA and paragraph 3.5.8 report that the existing junction operates well within capacity with minimal queuing and delay. However this does not specifically reference the northbound on slip as was sought in the LPA response to the TA scoping report. Paragraph 6.2.5 reports the highest demand for the facility being only 61% of the capacity whilst the TA considers two scenarios being 70% and 90% occupancy rates with accumulation profiles determined from the M275 traffic flow which shows good correlation with that drawn from survey of the similar facility at Oxford. This seems a reasonable basis on which to establish an accumulation profile. This analysis determines a peak arrival period for 738 arrivals between 0800-0900 and peak departure period for 715 departures between 1700-1800. This requires an increase in the bus services from 6 to 38 per hour during the peak

periods. The application does not explain how such numbers of buses will be accommodated practically nor the layover arrangements when the peak service demand is not required. This should be clarified with the applicant. In assessing the impact of the scheme the background traffic surveys have been increased from 2016 surveys using TEMPRO growth factors to 2019 and 2036. Paragraph 7.2.2 suggests that this is as was agreed with PCC through the scoping stage although the LHA raised specific concern regarding that approach in response to the scoping note saying 'However I am less comfortable with the proposal to use 2016 traffic levels and apply growth factors to those to determine 2019 traffic levels. 2016 traffic flows are now 3 years out of date and potentially 4 years by the time of the application and these should be refreshed.

The traffic flow predictions should take account of consented sites and land allocations made in the local plan.' Given the current reduction in traffic flows arising from the COVID movement it is not possible to undertake reliable traffic surveys at this time nor are we in a neutral survey period in any event, It does not seem that specific allowance has been made in the traffic modelling for the aspired significant mixed use development to the west of the junction on the disused Tipner Peninsula. The 59ha scheme envisaged will involve the reclamation of 22ha of land from the sea. The proposed coastal community is set to include around 4,000 homes, shops, leisure facilities, schools, and a marine employment site. The proposal also seems to show the opening of the currently closed link from Tipner interchange to Stamshaw (D&A statement section 8.2) although this is also not reflected in the modelling which only considers the impact of diverted trips from the M275 and not re-routed trips resulting from the opening of this link. As a consequence the modelling should be revisited and undertaken as was required in response to the scoping report including a capacity assessment of the eastern most access to the site and route from that to the M275. In the considered scenario the highest degree of saturation on the Tipner roundabout is 76% found on the M275 southbound off slip during the am peak period. M275 merge and diverge assessments have been undertaken for the south bound off and northbound on slips from the Tipner interchange although this is incorrectly referenced in paragraph 7.3.1 to be the north bound on and off slips. Whilst this does not find any capacity shortfall with the existing arrangements it does not address the issues of safety arising from the substandard length of the northbound merging slip. This was a specific area of concern raised in the LPA response to the scoping document which has not been addressed in the TA. The LHA have an emerging proposal to reallocate the nearside land of the M275 northbound to become a bus lane as far as the Tipner interchange. If the outbound M275 was maintained as 2 lanes beneath the interchange with the northbound on slip forming the third lane allowing weaving beyond, the issue of the substandard merging slip length would be resolved. In order to ensure the safety of this slip I think it both necessary and proportionate to require the implementation of such an arrangement prior to the commencement of use of any expansion of the P&R site. Subject to such a condition being imposed on any consent and the revisited modelling not finding capacity issues once undertaken in accordance with the response to the scoping report, taking account of the proposed development on land to the west of the junction and opening of the Stamshaw link if that is intended, I would not wish to raise a highway objection to this application.

**6.5 Environment Agency:**

No objection, subject to conditions to deal with contaminated land, SuDS infiltration, piling & boreholes.

**6.6 Natural England**

Natural England is satisfied with the conclusions of the HRA Screening and Appropriate Assessment. We recommend measures suggested for the Construction Environment Management Plan (CEMP) and operational mitigation measures are secured. We support the conditions suggested by the Hampshire County Council ecology team. We

have no further comments at this time. Please make sure to follow Natural England's Standing Advice with regards to protected species.

#### **6.7 Southern Water:**

The attached plan shows that the proposed development will lie over existing public surface water sewers which will not be acceptable to Southern Water. The exact position of the public surface water sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

The applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, 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 scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

The disposal of surface water from this development should be in compliance with the hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until 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."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

#### **6.8 Gosport Borough Council:**

No comments

## **6.9 Portsmouth Water:**

Thank you for consulting our team on this application, we have no adverse comments to make on the application from a groundwater quality protection perspective as the site is outside a groundwater Source Protection Zone (groundwater catchment) for our public water supply sources.

## **6.10 Crime Prevention Design Advisor:**

The proposal creates a multi-storey transport interchange (consisting of a: multi-storey car park, bus terminus, public toilets and retail and leisure facilities), as destination in its own right. The proposal is for the car park (and presumably the commercial outlets) to be operational 24 hours a day except Christmas Day and New Year's Day.

The facilities within the site are provided for use by the travelling public and the residents of Portsmouth. To that end pedestrian and cycle routes provide connectivity to the local area.

Given the above, the site has the potential to bring together relatively large numbers of people. Careful consideration will have to be given as to how their safety will be provided and how the impact on the wider community of the development can be mitigated.

A range of crimes including: assault, vehicle crime, theft, drug offences, and antisocial behaviour (including rough sleeping) occur within the city's car parks and recreational parks. It is against this background that my comments are made.

If the site is not to be subjected to high levels of crime and anti-social behaviour careful consideration will have to be given to the layout of the site and the physical security features incorporated into the design. Consideration should be given to:

- Surveillance – good surveillance will be required, consideration will have to be given as to how it is to be provided: natural, formal (manned guarding) and electronic (CCTV) – CCTV an Operational Requirement (OR) should be drawn up to accompany the reserved matters application
- Layout of the "Mounded Amenity Park" – The nearby Alexandra Park suffers high levels of motor cycle nuisance, the mounds and dry 'rills' within this part of the development will make for exciting riding
- Layout of the other facilities on the site
- Boundary treatments – the development should be enclosed within a robust boundary treatment at least 1.8m high
- Lighting – as the facility is continuously open (except Christmas Day and New Year's Day)
- Separation of the car parking decks from the other facilities – to provide for the security of motor vehicles, preventing access to those without vehicles parked on car parking decks is essential – the current proposal appears to allow access to all

Climber facades are shown about a number of the car park elevations, the climbing plants are to be supported using a mesh or cables, it is important that the mesh or cables cannot be used to scale up the outside of the building

To provide for the safety and security of visitors and motor vehicles the development should be enclosed within a secure boundary treatment. Lighting throughout the development should conform to the relevant sections of BS 5489:2013.

### **6.11 Tree Officer:**

#### Observations

The content of arboricultural report Ref: MH/TipnerParkandRide/Tres/Impct Dated 29 March 2020 produced by Mark Hinsley Arboricultural Consultants Ltd. is accepted and agreed.

The existing landscape is less than 10 years old and initially struggled to establish due to poor landscape management post planting.

Those trees which have successfully established and are of good form should be retained in situ where possible at all costs.

Drawing on experience from a previous role I suggest the current landscape proposal of 'Dry rills' provides an opportunity for misuse and encourages anti-social behaviour.

#### Recommendations

1. The trees identified as being of good quality which will be impacted upon by the proposal are to be prepared for transplanting in advance and reused throughout the development site within the landscaping scheme.
2. The landscape proposal be revised to minimise opportunity for misuse and anti-social behaviour.
3. A detailed method statement is to be provided to support 1. Above.
4. A post planting management plan is to be provided to support 1. Above.

### **6.12 Highways Engineer (COLAS Roads)**

No objection, subject an informative: Before any works take place at this location including any Demolition works, can the Contractor please contact Martin Thompson or Fred Willett at Colas on [martin.thompson@colas.co.uk](mailto:martin.thompson@colas.co.uk) or [fred.willett@colas.co.uk](mailto:fred.willett@colas.co.uk) this is for Highway coordination purposes.,

### **6.13 Naval Dockyard Society (NDS):**

The NDS considers that the conceptualisation of this development will cause historical and environmental harm to Tipner Peninsula. The NDS also contends that insufficient attention has been paid to the richness of the historical assets and the historic vistas across Portsmouth Harbour, and maintains that the proposed scheme fails to incorporate adequate archaeological investigation to remedy the recorded lack of archaeology in this area and that the application does not show how any archaeological assets discovered would be conserved or interpreted.

### **6.14 Regulatory Services (noise):**

WSP (noise consultants) predicted that the park and ride site activities will have a significant adverse effect at the new housing development at Tipner East and that mitigation measures would be necessary. It has been recommend that screening could be provided through landscaping or a noise barrier on the northern boundary of the site. However, there is limited opportunity to screen car movements on the higher floors of the car park, but the use of a 2 m high barrier would provide attenuation by screening activities from external parking areas close to the housing and activities on the ground floor.

No information was available for fixed plant noise for the proposed units within classes A1, A2, A3, D1 and D2, so therefore it did not form part of the noise assessment carried out by WSP.

The date for occupation of the new housing is not known and the noise which arises from the construction phase will be temporary. However, considerate management measures will be applied regardless and noise mitigation measures will be used such as: 2 m site hoarding on the northern and eastern site boundaries, selection of quiet and low

vibration equipment to minimise noise disturbance; the provision of acoustic enclosures around static plant, where necessary; use of less intrusive alarms, such as broadband vehicle reversing warnings; no start-up or shut down of vibratory plant e.g. rollers or compactors, within 50m of receptors. The suggested working hours are 07:00 – 19:00 Monday-Friday and 07:00-13:00 Saturday, however subject to the new housing development being occupied I would recommend that works do not commence until 07:30am Monday to Friday and 08:00am on a Saturday.

To summarise, I agree with WSP noise assessment and as there are practicable mitigation measures that can be applied and addressed at detailed planning stage I wish to raise no objections to this application.

#### **6.15 Contaminated Land**

No objection subject to conditions requiring a desk study, site investigation report, remediation method statement to be submitted to and approved in writing by the LPA

#### **6.16 Planning Policy:**

##### Level of parking provision

Policy PCS1 of the Local Plan (2012) set out a requirement for the provision of 900 - 1800 car parking space Park and Ride facility at Tipner. The Emerging Local Plan (2020) is looking to allow for the provision of further park and ride spaces at Tipner provided that the requirements for electric vehicle, disabled access, motorbike and other specialist space requirements are met in line with the Parking SPD.

##### Pedestrian and cycle access to the adjoining Tipner East and West developments.

The adjoining Tipner East Development has permission / proposals for a substantial residential and marine employment including proposed green space/ waterside access to much of the harbour, including connections to the existing built up area at Stamshaw / the Mountbatten Centre. The proposals should look to incorporate infrastructure to allow for direct access for pedestrians and cycles into the Tipner East site from the car park, so that once development on the Tipner East site comes forward off road access can be achieved through that site linking to facilities at the new community at Tipner West and the Mountbatten Centre. This would avoid the need for users to access these areas via the junction 2 of the M275.

##### Greening

The proposed development included substantial greening measure accommodated on site including on the south side adjacent to the M275 and on the structure of the building itself. This is in line with Policy PCS13 of the Local Plan (A Green Portsmouth). The emerging Local Plan is proposing to have a number of Green routes linking the cities Green Spaces. Two of these Green Routes run through the Tipner site in close proximity to the Park and Ride. Route 9 follows the water's edge running from Portsbridge Roundabout to Tipner, and route 10 which links the City Centre to the Horsea Island Country Park. Pedestrian and cycle links from the Park and Ride to the wider area should include greening measures, keeping in mind potential to integrate into the future green route network.

##### Design / a Portsmouth Gateway

Policy PCS23 of the Local Plan (2012) looks to ensure that: Development is well designed, having regard to certain aspects like: architectural quality, delight and innovation, clearly defined public and private spaces, response to local heritage, protection and enhancement of historic townscape, cultural and natural heritage, particularly links to the sea, appropriate scale, density, layout and appearance, protection and enhancement of important views, including views across the sea and harbours, and creation of new views.

The site at Park and Ride site at Tipner is very prominently located adjacent to the M275 and will be one of the most prominently located buildings in the city forming a gateway to the city and an impression of what the city is for both visitors and residents alike. The green balconies on the southern and north eastern faces of the car park building provide a striking potential impression from the Motorway. The green aesthetic fits well with the Council's aspirations for the site, the wider Tipner area and the city. The balcony effect also helps to break up the visual mass of the building. The north western corner of the building facing the M275 is has a more solid massing/ frontage, careful consideration of the frontage / facing treatment of this aspect of the building will be needed. Proposals will need to consider the buildings mass in relating to shadowing / noise affecting the existing properties on Tipner Lane and Range Green as well as the permitted development at Tipner East.

#### Commercial and Leisure uses.

The proposed development includes a small element modest ancillary commercial and leisure uses including: classes A1 (shop), A2 (professional services), A3 (café/restaurant), D1 (non-residential institution) and D2 (assembly and leisure). Policy PCS1 does not make specific mention of these types of uses however as ancillary uses to the main role of the building as a park and ride they would be acceptable in principle.

#### **6.17 Landscape Officer:**

This is a major development proposal, with significant landscape and visual impacts. I am concerned about the scale and massing of the revised outline; 8 stories high, over such a large area, the proposal takes up as much of the current open space as possible, cramming in parking with the minimum possible stepping of the building into the landscape. It also removes some of the screening originally planted to the west of the site when the Park and Ride was developed.

The landscape concept is interesting and has a good scope, textural, colour and planting palettes. However, within the constrained layout I am concerned it is being relied upon too much by the developer to 'soften' the huge building and will not be able to achieve the building clothing proposed in the building visualisations.

The climbers proposed to the sides of the building should be ok and will look good, at least to 2-3 stories high, probably not to 8 stories high. The ground level planting proposals seem sound, although I would caution against landforms that obscure views through the site and loose gravel at least near the main paths as they may encourage anti-social behaviour.

However, the proposals for planting of terraces show examples of lush greenery reminiscent of Singapore or similar and I do not see how the planting types shown in these examples would ever survive in this location, let alone create such lush terraces. Who will have access to these terraces? How will they be made safe? I doubt that such terraces as an 'attraction' or 'garden' will be appealing to many being so close to the motorway.

I would like to see examples of seaside/wind tolerant planting that might actually survive the south west prevailing wind and poor shelter and extreme cold/heat and drought that this sort of planting against big buildings will have to cope with in this location. These would not produce the lush effect shown on the building visualisations or example pictures provided and so the concept of a green mountain should be reviewed.

Has the scope of intensive watering and maintenance / replacement plant system required for any planting on terraces been allowed for?

If specialist 'green wall' companies are proposed instead, to create the lush effect desired, I would be exceedingly concerned that the ongoing maintenance costs will not be budgeted for in the longer term. Any such installations should be considered

temporary to the length of the maintenance and care agreement with the specialist company as they require constant attention and are exceedingly costly and need complex watering systems.

They are, therefore, more likely to be used in a feature 'wall' rather than clothing a building due to the cost so I would expect the possibilities of covering this building would be out of reach budget wise.

The view coming into the city of the 'bastion' is bleak and uninviting and squashed right up against the motorway. The idea of an 'iconic' tall building to the entrance to the city is negated by the huge massing of the building, which instead just gives a feeling of a brutalist bottleneck to the entrance to the city that most visitors use.

Increasing biodiversity has only been considered around the building, not within the structure. There is no consideration for birds/bats etc. shown. I imagine that due to maintenance reasons they will be actively discouraged, and yet on a wall where the public do not walk below great opportunities exist for habitat creation.

I am also concerned about the impact of such a huge building mass on the adjacent protected areas of the harbour, especially accumulative effects with the adjacent Tipner West proposals. The height of the building does not look conducive to Brent geese flight patterns either and no enhancements to the harbour environment and ecology have been offered.

A viewing platform looking towards the harbour and associated café etc. is a good idea, but I think that the height of this will both deter users accessing it, and form an exceedingly windy rooftop site that will not be appealing to use, especially adjacent to the noisy motorway.

The built form seems also to sit right up against the harbour side and detract from any waterfront usage and appeal. Access to the north of the site from the new development proposals to the east and west along the coastline has not been shown to be integrated with these proposals, there is no casual supervision of the route and I should note that government guidance is to connect up waterfronts with access for all.

Shade to buildings to the east and the impact of lighting has also not yet been fully addressed.

6.18 No consultation responses have been received from the following:

- Defence Estates (SW Region)
- Queen's Harbour Master
- RSPB
- Hants & IOW Wildlife Trust
- Hampshire County Council (Archaeology)
- Mineral and Waste Consultation
- Environmental Health
- Road/Footpath Closure
- Coastal and Drainage
- Eastern Solent Coastal Partnership
- Southern Gas Network

## 7.0 REPRESENTATIONS

7.1 Representations have been received from:

- Mrs Celia Clark
- Hampshire Buildings Preservation Trust
- Terry Halloran on behalf of The Portsmouth Society
- 8 Range Green
- Adams Hendry on behalf of The Tipner Regeneration Company
- 18 Tipner lane

7.2 The comments raised can be summarised as follows:

- Objection on grounds of prematurity
- The proposed development would cause substantial harm to the listed and scheduled historic assets nearby, and that it has potential to damage as yet undiscovered archaeological remains on and near the site.
- The vibration of deep piling and possible changes resulting to the water table might potentially damage the nearby Grade II Tipner magazine and its associated structures. In addition, views to Portchester Castle across the harbour, the listed structures at HMS Excellent: the Quarterdeck Block and Drill Shed, and the Grade I and II\* forts along Portsdown Hill would be impeded by the height of the multi-storey carpark. The trust is also concerned that the application lacks an archaeological management plan to mitigate the risk of damaging potential below-ground archaeology. It fails to incorporate adequate archaeological investigation which has not yet taken place in this area. Vibration of deep piling and possible changes resulting to the water table might also damage as yet undiscovered archaeological remains, nor does the application show how any archaeological assets discovered would be conserved or interpreted.
- The whole design concept for the transport interchange is based on a concept for Tipner West for which there is no statutory basis - considering a planning application on the basis of very initial concepts for Tipner West is premature.
- Whilst the applicant relies on a previous consent (10/00849/OUT) to lessen the perceived visual and ecological impact, no consideration has been given to the impact of the current proposals on the approved development. An overshadowing study (shadow study) as required by the LPA at the Scoping stage should be submitted with the outline application and not at the reserved matters stage.
- The proposed building would be dominant and overbearing on an approved development adjacent to the site to the north (Ref. 13/00202/OUT).
- The proposed building would be disproportionate to any other building on the vicinity and would be out of character from the surrounding context.
- Winter bird surveys submitted with the application are out of date
- The LPA must make an appropriate assessment (Regulation 63 of the Conservation of Habitats and Species Regulations 2017). Without it, it cannot be concluded that the proposal is compliant with Policy PCS24 insofar as it relates to the effect on the ecological integrity of the Portsmouth Harbour SPA.
- Antisocial behaviour (cars racing round the roundabout)
- Potential to cause congestion and tailbacks onto the M275
- Inadequate planting
- The proposed design is not considered suitable for the site.

## 8.0 COMMENT (PLANNING CONSIDERATIONS)

- 8.1 As set out in Paragraph 47 of the NPPF 2019, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'
- 8.2 The main issues for in the determination of this application are considered to be as follows:
1. The principle of and need for the development
  2. Consideration of the reserved matter - access [including post Covid-19 implications]
  3. Consideration of the other matters reserved for consideration at a later date:
    - a. Appearance
    - b. Landscaping
    - c. Layout
    - d. Scale
    - e. Impact on heritage assets - buried and above ground
  4. Need for the development having regard to the longer term vision for Portsmouth (reduce car use in city centre, air quality, etc?)
  5. Ancillary commercial and leisure uses
  6. Impact on residential amenity;
  7. Impact on trees;
  8. Flood risk and drainage;
  9. Ecology & Impact on the Solent Special Protection Areas.
  10. Contaminated land
  11. Public safety and amenity (crime)
  12. Other matters raised in representations

### **The Principle of and Need for the development**

- 8.3 The vision for Portsmouth as set out in The Portsmouth Plan is to make Portsmouth the premier waterfront city with an unrivalled maritime heritage - a great place to live work and visit. As set out in the park and ride is considered to be critical to the delivery of Policy PCS1, Tipner and to the local plan as a whole.
- 8.4 Park and ride schemes (P&R) date from the 1960s with experimental services operating in Leicester, Oxford and Nottingham from the 1970s, albeit that the one in Oxford, introduced in 1974 is the only one that has been operating continuously since that time. P&Rs were introduced as a way of reducing car traffic, providing additional parking, increasing economic development and as a traffic management measure. A report by RPS for the Historic Towns Forum in 2009<sup>1</sup> found that whilst P&R is politically popular at a local level, is seen to improve accessibility and increase the effectiveness of city centres, due to their locations often at strategic / local road network interchanges, they also result in increased use of the private car on the strategic road network and therefore could be considered contrary to the national policies on climate change and encouraging more sustainable modes of travel. The report suggests that due to P&R being strongly supported at local level, over the longer term, P&R ought to be provided at a reduced, rather than enlarged, scale as part of an integrated sustainable transport management strategy which would then allow accessibility levels to be retained whilst increasing the use of sustainable modes of transport. A further study, in the TCPA journal in March 2010, found that, *'In terms of congestion reduction, the outcomes of park-and-ride schemes appear far less positive than commonly supposed, although traffic information*

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<sup>1</sup> [Microsoft Word - Richard Stacey\\_ The effectiveness and Sustainability of Park and Ride REVC\\_footer edit.DOC \(historictownsforum.org\)](#)

*collected by all national, regional and local government agencies must be more comprehensive if full assessment is to be possible. Going forward, it will only be through rational evaluation that we can avoid being blinded by the light of sustainability and firmly establish whether park-and-ride and other planning policies deserve their repute'*

- 8.5 Against this apparently negative research and as set out in the Planning Statement submitted with the application there are a number of key Central Government Policy drivers, namely that the UK Government has committed to net zero emissions by 2050, which is likely to lead to policies and initiatives at the city / local level to achieve a modal shift from car to passenger transport and secondly the Government's Clean Air Strategy 2019 alongside which the Government announced plans to fund measures to tackle air quality issues in UK cities (The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations, published in 2017 and supplemented in 2018). This identified thirty-three local authorities required to take action to reduce harmful NO<sub>2</sub> emissions. Portsmouth was one of the ten local authorities identified to carry out a more detailed study to develop a plan to address the exceedances (the others being Newcastle under Lyme, Stoke on Trent, Bolsover, Bradford, Broxbourne, Liverpool and Leicester).
- 8.6 Together, these national policies are providing further impetus to PCC policy on urban growth, transport and air quality, with specific initiatives emerging to address the urgent need to improve air quality in the City.
- 8.7 An analysis of strategic policy drivers along with spatial, economic, environmental and community priorities demonstrates that Portsmouth is a City with ambitious plans for sustainable growth. The Council is actively seeking to ensure the City reaches its full economic potential, offering an improved and high quality of life for its residents and offering its many visitors a healthy and sustainable experience. Similarly, the current and emerging policies and plans highlight the significance of some major challenges facing the City, particularly in terms of current economic performance, air quality, congestion and accessibility. In achieving its priority objectives for the City, the Council is devising strong and effective intervention measures which will be effected through closely integrated infrastructure and service packages.
- 8.8 In this strategic policy context, there would therefore appear to be a clear case for the Tipner Park & Ride expansion to help deliver a range of air quality, transport and climate change objectives and priorities. An expanded Park & Ride scheme would therefore appear to be of critical importance as an enabler to achieving city-wide air quality and economic goals in Portsmouth alongside addressing transport and congestion priorities. There is a cross-policy rationale for expanding the Park & Ride to help address existing city-wide planning, environmental and transport objectives including in the context of pre-major regeneration proposals at Tipner being planned by the Council, and to support the objectives of the emerging Local Plan review.
- 8.9 PCC are seeking to expand the number of car parking spaces available at the Park & Ride in order to address peak capacity issues and to encourage further modal shift away from private car use particularly within the City Centre. This would support the emerging Parking Strategy that is being developed for the city, which will recognise the need to provide quality transport alternatives to the private car, including improved public transport options such as the expansion of the Park & Ride. Whilst an expanded Park & Ride is not required to address current exceedances of current air quality standards, it could have a positive impact on some areas of exceedance (e.g. A3 Alfred Road and A3 Commercial Road) as there is potential to reduce the number of private cars travelling along these roads if they can be encouraged to use the Park & Ride. Providing additional mitigation over and above the measures designed to address current exceedances contained in the Council's approved Air Quality Local Plan will provide additional resilience to counter growing traffic levels in the near term and the possible imposition of more stringent air quality standards in the medium to long term.

- 8.10 From the assessment of current and emerging national and local policy, there is a clear need to expand the existing Park & Ride in order to meet the following policy objectives / drivers:
- In the context of the Council's declared Climate Change emergency, to reduce vehicle emissions in the City centre – whilst the proposed Park & Ride is not required to address current breaches of air quality standards, it could facilitate further improvements in air quality in the City in the long term which is a significant benefit.
  - In the context of the UK Government's policy of net zero carbon emissions and the Council's declared Climate Change emergency, to reduce emissions of greenhouse gases (carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O)) from private vehicle movements in the City centre.
  - Enable increased modal shift, improving journey time reliability and ease congestion.
  - Provide improved connectivity to the Port and other key economic nodes in the City centre.
  - To reduce congestion in the City Centre so as to reduce visual and noise impacts and traffic congestion and thereby create a more healthy and safer pedestrian environment.

### **Consideration of the Reserved Matter: Access**

- 8.11 Whilst this application is in outline, there is one of the reserved matters for detailed consideration at this stage - Access. As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 'access', means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.
- 8.12 In this case as shown on the plan below, the primary vehicular access is from the roundabout at J1 on the M275. In the regard the views of both the Highways England and the Highway Authority are material.



- 8.13 Highways England have raised no objection to the proposal subject to a condition requiring the submission and approval of a Construction Traffic Management Plan which should include but not be limited to construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. Agreed details should be fully implemented prior to start of construction works. In addition, Highways England would support any local planning authority requirement for an Operational Management Plan, be it secured via condition or through a S106.
- 8.14 As set out in their consultation response, the Highway Authority has commented that the transport assessment (TA) submitted with the application has been prepared with reference to the scoping note and LPA response provided in pre-application enquiries.
- 8.15 Whilst Policy PCS1 Tipner makes policy provision for a P&R facility on this site providing between 900 and 1800 spaces, the extent of the development now proposed significantly exceeds that and has not been assessed through the local plan process. That is not to say that such development would not be acceptable rather that the impacts have not been assessed through that process. The TA uses the SRTM as the basis for traffic modelling assessment which was found sound in the review of the scoping report. Table 3-4 of the TA and paragraph 3.5.8 report that the existing junction operates well within capacity with minimal queuing and delay. However this does not specifically reference the northbound on slip as was sought in the LPA response to the TA scoping report. Paragraph 6.2.5 of the TA reports the highest demand for the facility being only 61% of the capacity whilst the TA considers two scenarios being 70% and 90% occupancy rates with accumulation profiles determined from the M275 traffic flow which shows good correlation with that drawn from survey of the similar facility at Oxford. This seems a reasonable basis on which to establish an accumulation profile. This analysis determines a peak arrival period for 738 arrivals between 0800 to 0900 and peak departure period for 715 departures between 1700 and 1800. This requires an increase in the bus services from 6 to 38 per hour during the peak periods.

- 8.16 A further concern expressed by the LHA is that in assessing the impact of the scheme, the background traffic surveys have been increased from 2016 surveys using TEMPRO growth factors to 2019 and 2036. Paragraph 7.2.2 suggests that this is as was agreed with PCC through the scoping stage although the LHA raised specific concern regarding that approach in response to the scoping note, querying the proposal to use 2016 traffic levels and apply growth factors to those to determine 2019 traffic levels for the reason that 2016 traffic flows are now 3 to 4 years out of date and should be refreshed. Also, the traffic flow predictions should take account of consented sites and land allocations made in the local plan.
- 8.17 Given the current reduction in traffic flows arising from the COVID pandemic, it is not possible to undertake reliable traffic surveys at this time. Additionally, it does not seem that specific allowance has been made in the traffic modelling for the aspired significant mixed use development to the west of the junction on the disused Tipner Peninsula (Tipner West). The 59ha scheme envisaged on that site will involve the reclamation of 22ha of land from the sea. The proposed coastal community is set to include around 4,000 homes, shops, leisure facilities, schools, and a marine employment site and also seems to show the opening of the currently closed link from Tipner interchange to Stamshaw (D&A statement section 8.2) although this is also not reflected in the modelling which only considers the impact of diverted trips from the M275 and not re-routed trips resulting from the opening of this link.
- 8.18 As a consequence it is considered that prior to the submission of any reserved matters application, the modelling should be revisited and undertaken as was required in response to the scoping report including a capacity assessment of the eastern most access to the site and route from that to the M275. In the considered scenario the highest degree of saturation on the Tipner roundabout is 76% found on the M275 southbound off slip during the am peak period. M275 merge and diverge assessments have been undertaken for the south bound off and northbound on slips from the Tipner interchange although this is incorrectly referenced in paragraph 7.3.1 to be the north bound on and off slips. Whilst this does not find any capacity shortfall with the existing arrangements it does not address the issues of safety arising from the substandard length of the northbound merging slip. This was a specific area of concern raised in the LPA response to the scoping document which has not been addressed in the TA. The LHA have an emerging proposal to reallocate the nearside land of the M275 northbound to become a bus lane as far as the Tipner interchange. If the outbound M275 was maintained as 2 lanes beneath the interchange with the northbound on slip forming the third lane allowing weaving beyond, the issue of the substandard merging slip length would be resolved. In order to ensure the safety of this slip it is considered both necessary and proportionate to require the implementation of such an arrangement prior to the commencement of use of any expansion of the P&R site. Subject to such a condition being imposed on any consent and the revisited modelling not finding capacity issues once undertaken in accordance with the response to the scoping report, taking account of the proposed development on land to the west of the junction and opening of the Stamshaw link if that is intended, there would be no highway objection to this application.
- 8.19 With regard to the proposed development taking into account a post COVID world, the applicant has responded that:
- 1- The proposal is for an outline development with two distinct phases of reserved matters, it is thus capable of adapting to the circumstances/market conditions should it need to. Notwithstanding that, the Park and Ride is designed to operate for the longer term benefit of Portsmouth when normality should return and is supported by policy. For example (and as referenced in our most recent letter), the latest PCC Local Transport Plan 4 (Consultation Draft, December 2020) – issued for consultation during the pandemic - identifies the need to expand the Park and Ride to promote regeneration and to meet the corporate objective for PCC to *'reduce pollution and*

*congestion and deliver cleaner air*, through measures including Policy 4. Specifically, policy 4 proposes *'the expansion of the P&R site to include multi-decked parking for at least 2,650 cars and a transport hub that may provide cycle parking, taxi rank, a car and bicycle rental facility, public conveniences, landscaping and ancillary offices and units'* to provide a *'direct, reliable and affordable alternative to driving by car'* and link to an enhanced city-wide cycle network. The expansion of the Park and Ride is thus set out as a key policy objective to contribute towards the stated **2036** vision of: *'a people centred travel network that prioritises walking, cycling and public transport to help deliver a safer, healthier and more prosperous city'* with a requirement for 2,650 spaces clearly stipulated in that document. Specifically in terms of the pandemic it states at page 10: *'The policies set out in this Local Transport Strategy will enable Portsmouth to not simply 'recover' from the effect of the pandemic, but instead to thrive and define a new healthier approach to life in the city.'*

- 2- For example the proposed park and ride would include a bicycle hire (likely to include e-scooter and e-bicycle) facility and thus in the interim some forward journeys could be made by bicycle rather than bus.

8.20 The tables below provide data on passenger numbers and cars using the existing facility between April and March in 2018/19 and 2019/20:

<b>Total Passengers</b>		
<b>Month</b>	<b>2018-19</b>	<b>2019-20</b>
April	20291	17393
May	17450	19154
June	15676	14391
July	21463	19238
August	39595	27426
September	21434	17056
October	19659	18909
November	17827	19290
December	21431	22865
January	13322	
February	15014	
March	16386	
<b>TOTAL</b>		

<b>Cars</b>		
<b>Month</b>	<b>2018-19</b>	<b>2019-20</b>
April	9213	10486
May	9138	11483
June	7781	10171
July	9932	11615
August	1309	13724
September	9871	12521
October	11667	11332
November	10928	14852
December	10505	11102
January	7530	
February	8696	
March	8828	
<b>TOTAL</b>	<b>117098</b>	<b>107286</b>

**Consideration of the other matters reserved for consideration at a later date  
(Appearance, Landscaping, Layout, Scale)**

Appearance

- 8.21 As set out in the Design and Access Statement (DAS) submitted with but not forming part of the application and on the parameter plans, the design concept for the proposed development has evolved within, and is entirely compatible with, the parameter plans. It should be noted that the parameter plans remain as design concepts that give an indication of the intended form and appearance of the building with final designs being subject to approval of the reserved matters by PCC through the planning application process.
- 8.22 To quote directly from the DAS:  
*'The architectural concept for the proposed Portsmouth Park and Ride transport hub and multi-storey car park responds to two key contextual factors:  
The 'Citadel' concept for the Tipner West development.  
The Gateway location into Portsmouth city.  
The Tipner West 'Citadel' concept is a green landscaped and walkable district, with a dense core of tall buildings, which will provide an iconic landmark on the western side of the M275 into the city.  
To create synergy with Tipner West, the conceptual idea of a 'Green Hill' has been developed for the multi-storey car park located at Tipner East. This subsequently creates a 'Green gateway', on either side of the motorway leading into the city.  
The 'Green Hill' concept is the multi-storey transport hub building. The idea of the hill is brought to life within the architecture by using landscaped green terraces located on both the north and south sides and a wall of soft landscape across the buildings western façade. The soft landscape will be carefully designed to ensure economic viability.  
A 'barbican' structure sits within the 'Green Hill'. Located on the north west elevation of the main structure, the 'barbican' helps to emphasise the gateway, when entering the city from the M275. The top floor of the 'barbican' structure provides the opportunity for panoramic views to the west across Portsmouth Harbour. To capitalise on this, a space has been created that will accommodate food and beverage. A further modular structure is embedded into the southern terrace, this could house; a supermarket, a gym and a health centre.  
The bus interchange is located at ground level within the car park. This ensures that the user can transfer from their car to the bus within the shelter of the building.  
The evolution of the proposed design has been through a number of iterations, following discussions held with the client.  
In the initial stages of the project the development went through an extensive optioneering process, with the client settling on the preferred option of 'The Green Mountain'.  
The following stages involved the evolution of 'The Green Mountain' concept into a functional design that would provide increased car parking provision while simultaneously becoming an iconic building at the gateway of Portsmouth.  
Throughout the design process, workshops and public consultation events were used in order to refine and progress the design. A number of important considerations have driven the design of the proposal forward;  
The current use of the site  
Consented neighbouring residential developments  
Height of the proposal  
Connectivity with the M275  
Ecological constraints*

- 8.23 As set out in the National Design Guide<sup>2</sup>, *'The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide, and the National Model Design Code and Guidance Notes for Design Codes illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.'*
- 8.24 As set out in the Guide, buildings are an important component of places and proposals for built development are a focus of the development management system. Recognising that this is an outline application with appearance, landscaping, layout, and scale being reserved for detailed consideration at a later date, nevertheless it is considered that the proposed concept would look somewhat alien and out of place in the current context of the site.
- 8.25 Nevertheless the proposed appearance, along with height, massing and scale has been driven by a need to provide sufficient parking spaces in order to reduce the number of privately owned vehicles entering Portsmouth City Centre in order to reduce congestion and improve air quality. And it is, of course, recognised that this part of Portsmouth is and will be the subject of great change in the near future to be brought about by the development of 'Tipner West' to the west of the M275 and the 'Tipner East' comprising two separate but adjacent housing developments. As such it is vital that the building, shown conceptually at this stage, evolves into something that fits the evolving context of the wider area.
- 8.26 However, a material consideration in the determination of this application is the extant planning permission on the land immediately adjacent to the east of the site which the proposed development on this site must recognise and relate to. This matter is covered in more detail below in the section on residential amenity.

### **Landscaping**

- 8.27 Landscaping is defined in guidance as, 'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- 8.28 As set out in the Design and Access statement, the initial concept plans indicate the proposed building to be a 'green mountain' and for hard and soft landscaping to be integral to the success of the scheme. As shown on the Landscape Concept Plan, this includes planted terraces to the south and north east of the building and climber facades to the vertical elevations.
- 8.29 Whilst it is recognised that the detail would need to be worked up for submission at the reserved matters stage, the views of the Council's Landscape officer are material. Whilst these support the concept, stating that the concept is 'interesting and has a good scope, textural, colour and planting palettes', there is concern that within the constrained layout landscape is being relied upon too much by the developer to 'soften' the huge building and will not be able to achieve the building clothing proposed in the building visualisations. In addition, the planting proposed for the terraces would have to be chosen carefully given the location of the building in close proximity to a marine

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<sup>2</sup> [National design guide.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/publishing/national-design-guide)

environment and that not enough thought has been given to biodiversity and the impact of the building on the adjacent protected areas of the harbour.

### **Layout**

- 8.30 'Layout' is defined in guidance as, 'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 8.31 On this basis, in terms of layout / land uses within the site, the parameter plans submitted with the application clearly show the majority of the site dedicated to vehicular access and egress and car-parking. The proposed layout shows the proposed building to be aligned north south parallel to the M275 adjacent to the site boundary to the west and for vehicular access to be obtained off Tipner Lane to the south, as per the existing arrangement.
- 8.32 As discussed below in respect of residential amenity, the layout of the building and its scale would pose issues for the outline scheme permitted on adjacent land but due to the shape of the site available and the need to maximise the number of car parking spaces there is considered to be little scope for laying out the site in an alternative way.

### **Scale**

- 8.33 Scale is defined in guidance as 'the height, width and length of each building proposed within the development in relation to its surroundings'.
- 8.34 As set out in the description of development and above the proposal is for a large building (a ridge / roof height at 34.8 metres AOD (equivalent to an 11 storey building) and a maximum footprint of 218 metres by 89 metres, with the top level being 173 metres by 73 metres). However the site has been identified in Policy PCS24 as one of eight locations within the city suitable for tall buildings. As set out in the tall building statement submitted with the application, the development proposals respond with a design concept that will create a landmark 'gateway' building. Design iterations and consultation have been undertaken as part of the planning application process, including presentations to the project approval group within PCC and public consultation. It is considered that the building will relate well to its context, responding to the approved Tipner East development and existing residential development to the east and south east. The Portsmouth Park and Ride / transport hub concept has also been influenced by the Tipner West concept to establish synergy of design and importantly, realise the ambition of creating a gateway onto Portsea Island and into the city.

### **Impact on heritage assets - above ground and buried**

8.35 The NPPF and policy PCS23 gives presumption in favour of the conservation of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification. The site is not located within a conservation area and contains no above ground heritage asset. However, there are a number of heritage assets in close proximity [circa 1.2km]. These include;

- a. Portchester Castle [including the Scheduled Monument, Grade I Listed Castle and Grade I Listed St Mary's Church]
- b. Tipner Magazine Buildings and Associated Structures [including four Grade II listed buildings], and
- c. HMS Excellent [including the Grade II listed Quarterdeck Block and Drill shed]
- d. Hilsea Lines Conservation Area
- e. Hilsea Lines Scheduled Ancient Monument

The following paragraphs of the NPPF are considered to be relevant to this application:

*Para 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*Para 196: Where a development 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, where appropriate, securing its optimum viable use.*

*Para 197: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

*Para 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

#### Above ground heritage assets

8.36 The group of assets which make up Portchester Castle are located just over 2km to the north-west of the site boundary, they have been assessed together as a group as they are part of the same historic complex. Only those assets at Portchester Castle which have views across Portsmouth Harbour and are of very high significance have been included as part of the assessment. The group of assets which make up Portchester Castle are located in the Portchester (Castle Street) Conservation Area (Fareham Borough Council, 2015).

8.37 The group of assets which make up the Tipner Magazine Buildings are located around 240m to the north-west of the site boundary they have been assessed together as they are located in close proximity and are all historically associated, forming a group. A 'magazine' is a store for arms, ammunitions and explosives for military use; in this case, these early magazine buildings were designed to store gunpowder.

8.38 The pair of assets which make up HMS Excellent: Quarterdeck Block **(A2)** and Drill Shed **(A7)** are located around 600m to the south-west of the site boundary and date to the mid to late 19th century. They are located within the HMS *Excellent* Royal Navy shore establishment sited on Whale Island. They have been assessed together as they are located in close proximity and are historically associated, forming a strong group.

8.39 The pair of assets - Hilsea Lines Conservation Area and Hilsea Lines Scheduled Ancient Monument are further afield albeit there is openness of water between the site and the Hilsea Lines and the Mid-Victorian fortifications.

8.40 Although the development would be in some cases visible in south-easterly views from some of the heritage assets, it would not have an impact on the setting or harm the significance of those heritage assets in terms of how the assets are understood or appreciated. Views to the south-east towards the site, although part of those assets' views, do not contribute to historic setting or significance. The proposed development would have no impact on the important aspects of the assets' setting, such as their relationship as an individual and/or a group and their relationship with the other structures in Portsmouth and the Harbour.

8.41 It is concluded that the proposed development would result in **no harm** to these assets as the views of the development are not substantial enough to have an impact on their settings or significance.

#### Buried heritage assets

8.42 Based on the nature of the existing site, which has historically been built up following remediation the only main potential impact is from deep piling for the proposed structure. The piling method and density is not known at this time, nor the depth of the likely pile caps.

8.43 Any archaeological remains within the footprint of each pile would be removed as the pile is driven downwards. The severity of the impact would therefore depend on the pile size, type and pile density. Where the piling layout is particularly dense, it is in effect likely to make any surviving archaeological remains, potentially preserved between each pile, inaccessible in terms of any archaeological investigation in the future. Augured piles/continuous flight auger (CFA) piles would minimise the impact upon possible archaeological remains whereas vibro-compacted piles may cause additional impact through vibration and deformation of fragile surrounding remains, in particular at the level of the water table.

8.44 Likely potential remains that could be impacted would be limited paleo-environmental remains (alluvial deposits) present below modern made ground at depths below 2.7–4.6mbgl. Based on the nature of the remains, this would result in less than substantial harm.

8.45 Survival potential across the site is predicted to be high, due to historic land raising and minimal intrusive development. Consequently, any potential remains would have been preserved below historic dumping/ground raising layers, present within the alluvial or possibly brick earth deposits below. Based on the likely depth, the main potential impact would derive from piled foundations within the footprint of the proposed Park and Ride structure.

8.46 Although the site has the potential to contain archaeological remains, in light of the nature of the proposed impact – limited to localised piling– along with the depth of any archaeological remains that might be present, it is not considered feasible or warranted to carry out further site-based archaeological investigation of the site. Potential palaeo environmental evidence or Prehistoric foreshore remains would be present within deeply buried alluvial deposits and based on their likely depth, it is not possible to reasonably sample such remains.

#### Ancillary commercial and leisure uses

8.47 As set out earlier in this report, the Park and Ride facility would include smaller, ancillary commercial and leisure uses, to support the principal site function and the users of the site. As stated within the application as submitted, it was confirmed that these would include use classes A1, A2, A3, D1 and D2. The Planning Statement submitted with the application provided justification for these uses on the basis of there being sufficient footfall and activity but also sought to make the point that their future inclusion would be optional and be based on a further market assessment and analysis of demand at the appropriate time (reserved matters).

8.48 The indicative proposal at the time of submission comprised the following breakdown:

<b>Indicative ancillary Use Class</b>	<b>Examples</b>	<b>Maximum gross floorspace</b>
A1	Shops (e.g. grocery)	5,000 sq ft (c.464 sq.m.)
A2	Professional Services (e.g. estate agent)	500 sq ft (c.46 sq.m.)
A3	Restaurant	2,500 sq ft (c.232 sq.m.)
A3	Café	500 sq ft (c.46 sq.m.)
D1	Health Centre / Art Gallery	2,500 sq ft (c.232 sq.m.)

D2	Gym / Open Performance Area	2,500 sq ft (c.232 sq.m.)
	<b>Total</b>	<b>13,500 sq ft (c.1,254 sq.m.)</b>

- 8.49 However since the submission of the application the Use Classes Order has been revised. The new Use Classes Order that came into effect on 1 September 2020. A new Class E entitled 'commercial, business and service' was created, amalgamating the former Use Classes A1/2/3 and B1. In addition a new Class F was created, covering uses previously defined in use class D1 and D2(e).
- 8.50 Notwithstanding this, by virtue of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (2020 No 757) which included transitory provisions at Regulation 4 stating that for any planning application submitted before 1 September 2020 the Use Classes in effect when the application was submitted must be used to determine the application. On that basis, this application will be determined on the basis of the Class A and D uses as set out in The Town and Country Planning (Use Classes) Order 1987.
- 8.51 Whilst the original planning application was formulated on the basis of indicating a maximum quantum of possible ancillary uses for subsequent approval and refinement at the reserved matters stage, the applicant has now amended and clarified the proposed ancillary uses.
- 8.52 The outcome of these changes is to reduce the maximum floorspace for the ancillary A1/A2/A3/D1 and D2 uses from c. 1254 sq.m to 840 sq.m (a 33% reduction). The proposed ancillary uses are now as follows and for the avoidance of doubt replace those stated in the planning supporting statement and application forms:

Use Class	Further details/description	Maximum gross floorspace
A1/A2/A3/D1/D2	e.g. small convenience shops, café, crèche, events space	Up to 840 sq.m (c.8,500 sq ft), with no single unit greater than 280 sq.m.to accord with policy PCS18

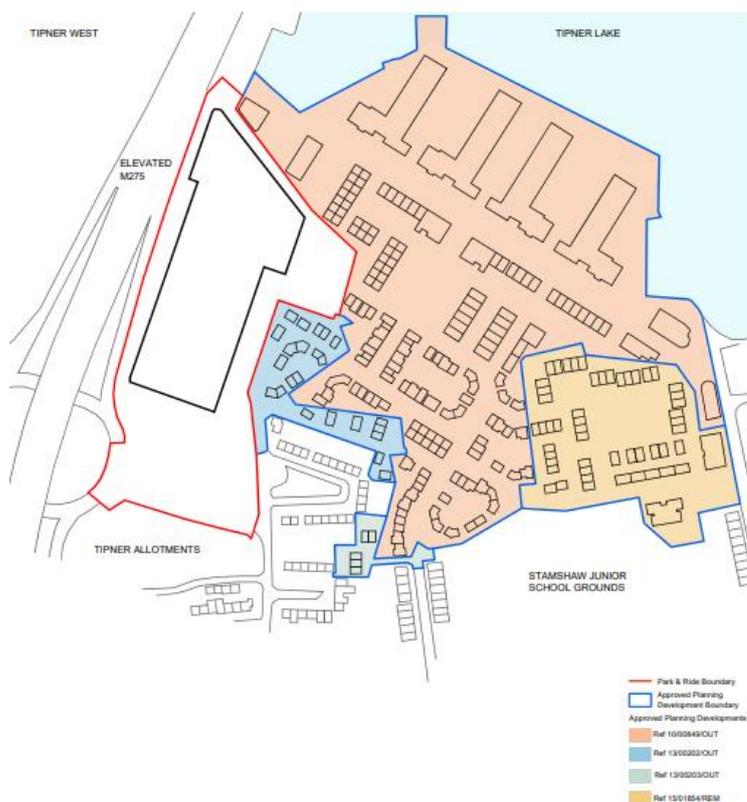
- 8.53 The applicant has also stated that in terms of the other ancillary uses (i.e. those outside of class A1/A2/A3/D1/D2), subject to further market assessment and analysis of demand, these could include the following:
- Cycle hub - for example this could have space for the storage of a large number of bicycles, plus changing facilities, and a bike servicing/maintenance facility.
  - Car rental/car club return facility.
  - Bicycle/scooter hire and return facility.
  - Parcel/freight micro consolidation / collection point.
  - Public toilets / changing facilities - full range of facilities to include changing rooms.
  - Passenger lounge likely to include a travel information point / kiosk.
  - Managers office / administration offices
  - Car maintenance area – dedicated parking bay/maintenance area – capable of windscreen/tyre replacement, car valet service
- With each of the above may utilise a shared reception desk, administration and storage area.
- 8.54 In terms of the proposed cycle hub, the applicant has confirmed that these facilities are now commonly found within transport interchanges across the UK with typical storage capacities from 50- 500 bicycles. These facilities are accessible to the public for a small annual fee and provide secure bicycle parking, storage and changing facilities. In some cases an on-site bicycle repair and servicing facility/shop is also open during the day. A further market assessment and analysis of demand will confirm final details, at the reserved matters stage.

8.55 Officers consider that while planning policies would normally expect most of these commercial and leisure uses to locate in local centres, it is also common and acceptable for ancillary and supporting facilities to exist outside of local centres at a facility such as this, which serves positive and significant city-wide purposes. It is considered that these uses would add to the attractiveness of the facility, and so contribute to some degree towards the number and frequency of use of the Park and Ride. Given this supportive role for a specific function, and its location away from other local centres, officers would not anticipate that it would materially adversely affect the vitality and viability of any other local centre.

**Impact on residential amenity:**

8.56 With regard to impact on residential amenity, this has to be considered against the extant planning permissions to develop adjacent land for housing. As shown on the extract below, there are two consents that need to be considered:

1. 10/00849/OUT - Detailed application for land remediation and raising including thermal desorption. Outline application for up to 518 dwellings, CHP plant, sea wall, coastal path. Main access from Twyford Ave. (Access, layout & scale to be considered). Outline planning permission was granted in March 2012 and required reserved matters to have been submitted within 10 years of the date of the outline consent, i.e. by March 2022 and for the residential development to have commenced no later than 2 from the final approval of reserved matters. As of drafting this report (February 2021), it would appear that no reserved matters have been submitted in respect of this application.
2. 13/00202/OUT - Outline application for 23 dwellings (access & layout to be considered), Land Adjacent Tipner Lane and Range Green. Outline planning permission for this was granted in March 2018. This was subject to a condition requiring the submission of reserved matters within three years (i.e. March 2021) and commencement either within 5 years of the date of the outline permission (i.e. March 2023) or 2 years from the approval of the last reserved matter whichever is the later.



- 8.57 It should be noted however that both the above schemes are being revisited and a pre-application enquiry has been submitted by Bellway / Homes England for the site immediately adjacent to the east of the Park and Ride. However whilst that proposal is still at the preliminary design stage the developer has been advised by officers of the potential for overshadowing caused by the proposed park and ride building. In addition however the developer has also been advised that there is a real opportunity to have increased massing and heights, as proposed for the Park and Ride and Tipner West (Lennox Point).

#### Light and shadow

- 8.58 Notwithstanding that, based on the parameter plans submitted with this application, the proposed building would have a ridge / roof height at 34.8 metres AOD (equivalent to an 11 storey building) and a maximum footprint of 218 metres by 89 metres, with the top level being 173 metres by 73 metres.
- 8.59 In terms of overshadowing resulting in loss of day / sunlight, using the Suncalc app ([www.suncalc.org](http://www.suncalc.org)), on the 21 June (longest day) at sunset (21:22), there would be a shadow length of 1790 metres; at 18:00 the shadow length is 65 metres. On 21 December (shortest day) the shadow length at sunset (16:01) is 1488 metres.
- 8.60 Third party concerns over visual impacts, including overshadowing are acknowledged. However, this is an outline application with matters of appearance, landscaping, layout and scale being reserved for subsequent approval. The submitted Environmental Statement considers visual impacts of the development on the surrounding area, including approved developments nearby, and concludes that, subject to detailed design, the proposal can be made contextually appropriate. Officers concur with this view.

#### Noise

- 8.61 The proposed Park and Ride would operate 24 hours a day, 7 days a week (excluding Christmas Day and New Year's Day). However, site activity would normally be considerably less overnight, with correspondingly lower noise levels resulting from traffic movements as probably the principal noise source to nearby residents (existing or future). There is an existing level of background noise, from the motorway and given distance separations, the concentration of use outside of night time, and noise measures to be provided as part of the detailed design stage at Reserved Matters, officers do not consider undue noise effects to nearby residents would accrue. A condition is attached to control the matter further.

#### Lighting

- 8.62 A condition is attached to control the matter.

#### Trees and landscaping

- 8.63 The site is already landscaped and has relatively young trees and other vegetation whose environmental and aesthetic contribution would continue to grow. A substantial part of this existing landscape would be retained, especially along the western boundary and in the southern half of the site, and augmented with further planting. Some trees would be dug-up and transplanted to a new location within the site. Also, the proposed landscaping of the building itself would enhance the environmental and aesthetic contribution. These matters will be further addressed by conditions and the future Reserved Matters application.
- 8.64 In terms of concerns in respect of inadequate planting and design, these matters fall beyond consideration of this submission and will be subject of detailed assessment at a later, reserved matters stage (scale, appearance, landscaping).

## **Ecology**

### **Protected species or habitats**

- 8.65 The Council's Ecological consultant (Hampshire County Council) has no significant concerns regarding protected species or habitats within the site itself, provided the mitigation measures set out in the Environmental Statement are adhered to, via the Construction Environmental Management Plan and biodiversity enhancements (both required by condition). These mitigation measures include five and locally appropriate planting, and other habitat features such as bird nest boxes and bat boxes. Natural England's Standing Advice with regards to protected species shall be provided to the Applicant by way of an Informative.

### **Special Protection Areas (SPAs) and birds**

- 8.66 The site is close to Portsmouth Harbour and other bodies of water and therefore careful consideration is needed to account for the presence of birds in the area. Your Ecological consultant confirms that consideration was carried out in the Environmental Statement. Again, the Construction Environmental Management Plan required by condition will be pertinent, as will considerations of design at Reserved Matters stage. For both Protected Species and Habitats, and SPA matters, Natural England raise no objections to the application and support the conditions suggested by Your Ecological consultant.
- 8.67 Third party concerns were received about over-winter bird surveys being out of date. However, both Natural England and your Ecological consultant were consulted on the application and did not raise objection, as set out above. The SWBGS data is a highly comprehensive dataset compiled in 2002 and updated in 2010, supplemented with additional data in the Interim Project Report: Year One (Hampshire & Isle of Wight Wildlife Trust (HIWWT), 2019). A full update is underway and should be available next year. The data has been compiled by a partnership between HIWWT, Natural England, the Royal Society for the Protection of Birds (RSPB), HCC and the Eastern Solent Coastal Partnership (ESCP) as an agreed dataset of sites that are important for Brent Geese and wading birds outside the SPA boundary. The SWBGS provides an evidence base for use in decision-making processes that may impact on the ecological network of sites used by these birds, to enable such sites to be conserved. It is widely accepted by Natural England and the other partnering organisations above as a comprehensive and reliable dataset suitable for supporting HRAs and removing the degree of subjectivity and additional effort and expense of each development requiring its own wintering bird surveys. I therefore have no concerns that the HRA relies on the SWBGS data, and indeed, Natural England have provided a no objection response. To that end, my previous comments stand.

### **Flood risk and drainage**

- 8.68 The Council's Drainage Engineer, and Southern Water lead on comments concerning drainage of the site and area. The site lies within Flood Zone 1 (lowest risk), with the access parallel to the site's northern boundary lying within Zones 2 and 3. These matters have been considered in the Applicant's submissions, and both consultees have raised no objections subject to conditions requiring usual matters of foul and surface water sewerage disposal, incorporating a Sustainable Drainage Strategy with associated detailed design, management and maintenance plan. Those conditions are attached.

### **Contaminated land**

- 8.69 The Council's Contaminated Land Team and the Environment Agency lead on comments concerning land contamination. The legacy of industrial use of the site presents a high risk of contamination that could be mobilised during construction to cause pollution, including to controlled waters beneath and around the site. These matters have been considered in the Applicant's submissions, and both consultees have raised no objections subject to a series of important conditions requiring usual matters of

site investigation, remediation, verification of remediation, and subsequent monitoring and maintenance. Those conditions are attached.

**Public safety and amenity, i.e. crime**

- 8.70 Crime prevention would be important at a site that is remote from other land uses, that is open all day and night, and which may have periods of limited activity, i.e. limited natural surveillance from passers-by/other users. As set out earlier in this report, the Crime Prevention Design Advisor seeks the following matters be addressed: site layout and landscape form, physical security features being incorporated into the building and site design, natural, formal and electronic surveillance, lighting, façade treatment, and boundary treatments. As an Outline application with consideration of Appearance, Landscaping, Layout and Scale reserved, these important details will be significant considerations in the forthcoming Reserved Matters application. Planning Officers will work closely with the Applicant and Crime Prevention Design Advisor to address these satisfactorily.
- 8.71 A third party objection was received about anti-social behaviour, including dangerous driving. These will be addressed as part of the wide variety of issues and corresponding measures discussed above.

**Other Matters Raised in Representations.**

- 8.72 Third party comments are noted and the majority have been addressed in the main body of the report, as set out above, and/or by conditions below, and/or will be addressed in the future Reserved Matters submission. This section deals with the remaining objections.
- 8.73 Objections on the grounds of prematurity are noted. However, the NPPF in Paragraph 49 states:  
*'However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*  
*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*  
*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*
- 8.74 Paragraph 50 then states that: *'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process'*.
- 8.75 In light of the above, it is not considered that refusing the application on the basis of prematurity would be justified or reasonable.

## **Conclusion**

- 8.76 The application accords with the general principles and objectives of the Local Plan and the NPPF, for the broad and over-lapping areas of transportation, accessibility, sustainability, air quality, and the local economy. Subject to a series of important conditions and the future consideration of the Reserved Matters, officers consider the proposals accord with those general principles and objectives without unacceptable impact on matters including local character, nearby residential amenity, trees, heritage, ecology, flood risk and drainage. In addition, officers consider the application would meet the Economic, Social and Environmental objectives of the NPPF, would thereby constitute Sustainable Development, and as such is recommended for Approval.

## **RECOMMENDATION            Conditional Permission**

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

Outline Planning Permission for the principle of the development proposed and the only matter of detail sought for consideration, namely the means of access, is approved subject to the following:

### **1. TIME LIMIT**

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

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

### **2. RESERVED MATTERS**

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

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

### **3. APPROVED PLANS**

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:

Planning Statement 250420  
Transport Assessment  
Design & Access Statement RP0001\_PORTSMOUTH\_P  
Location Plan PCC\_PR\_FINAL\_1250 RA(1)  
Portsmouth Park and Rise Tall Building Statement  
PORTSMOUTH PR HRSA RP OP 040420-FINAL  
Tree Survey TREE QUALITY PLAN 30.03.2020  
Tree Survey TIPNER PARK AND RIDE REPORT 29.0  
Tree Survey AS PLANTED PLAN 30.03.2020  
ACCESS ARRANGEMENT PLAN -70061087-TP-SK-01-P01  
745-FH-XX-00-DP-L-101 INDICATIVE LANDSCAPE CONCEPT PLAN  
PCC\_PR\_FINAL\_500 RA

Drawing	TRP-PA-ACCESS
Drawing	TRP-PA-BUILDING HEIGHTS
Drawing	TRP-PA-LAND USE
Environmental Statement	

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

#### 4. PHASING

Prior to the submission of any application for approval of reserved matters, a phasing plan covering the entire application site (that indicates the clear development parcels for which reserved matters applications will be submitted, in whole 'reserved matters areas') shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved phasing plan, or such other versions as may be approved in writing by the Local Planning Authority, and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the reserved matters area they relate to.

Reason: To allow for phasing of the implementation of development

#### 5. CONSTRUCTION MANAGEMENT PLAN

Before commencement of the relevant phase of development hereby approved and as shown on an approved Phasing Plan, details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England) for the relevant phase. The approved plan/statement shall be adhered to throughout the demolition/construction period of the relevant phase. The plan/statement shall provide for:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Expected number and type of vehicles accessing the site;
- v. Deliveries, waste, cranes, equipment, plant, works, visitors;
- vi. Size of construction vehicles;
- vii. The use of a consolidation operation or scheme for the delivery of materials and goods;
- viii. Phasing of works; Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
  - o Programming;
- ix. Waste management;
- x. Construction methodology;
- xi. Shared deliveries;
- xii. Car sharing;
- xiii. Travel planning;
- xiv. Local workforce;
- xv. Parking facilities for staff and visitors;
- xvi. On-site facilities;
- xvii. A scheme to encourage the use of public transport and cycling; Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads; Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site; Locations for storage of plant/waste/construction materials; Arrangements for the turning of vehicles, to be within the site unless completely unavoidable; Arrangements to receive abnormal loads or unusually large vehicles; Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available; Any necessary temporary traffic management measures; Measures to protect vulnerable road users (cyclists and pedestrians); Arrangements for temporary facilities for any bus stops or routes; Method of preventing mud being carried onto the highway; Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of residential amenity and safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the

development and in accordance with Policy PCS17 and PCS23 of the Portsmouth Plan and to mitigate any adverse impact from the development on the M27 Motorway and to ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with Policy PCS17: Transport of the Portsmouth Plan.

## **6. NOISE**

7. Before commencement of the relevant phase of development hereby approved and as shown on an approved Phasing Plan, an assessment on the potential for noise from the relevant development phase, including any plant and equipment, affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers and in accordance with Policy PCS23 of the Portsmouth Plan.

## **8. SUSTAINABLE DRAINAGE STRATEGY**

Before commencement of the relevant phase of development hereby approved and as shown on an approved Phasing Plan, a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the relevant phase using SuDS methods shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the relevant phase commencing and maintained thereafter for the lifetime of the development.

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

## **9. SUSTAINABLE DESIGN**

Prior to first use of the relevant phase of development hereby approved, a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the relevant phase of development, shall be submitted for approval in writing by the Local Planning Authority. The development shall be constructed in full accordance with the sustainability statement prior to occupation.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate, and in accordance with Policy PCS15 of the Portsmouth Plan.

## **10. LIGHTING**

Prior to first use of the relevant phase of development hereby approved and as shown on an approved Phasing Plan, a report detailing the lighting scheme and predicted light levels at neighbouring residential properties for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. Artificial lighting to the

development must conform to requirements of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with Policy PCS23 of the Portsmouth Plan

#### **11. EMPLOYMENT AND SKILLS PLAN**

No development shall take place including any works of demolition until the developer/occupier enters into an agreement with the City Council to produce and implement a strategy that aims to maximise the opportunities for local residents to access employment offered by the development. The approved strategy shall be undertaken in accordance with an agreed timetable.

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

#### **12. BIODIVERSITY**

Prior to first use of the relevant phase, a detailed scheme of biodiversity enhancements to be incorporated into the relevant phase shall be submitted for written approval to the Local Planning Authority. Development of the relevant phase shall subsequently proceed in accordance with any such approved details.

Reason: to enhance biodiversity in accordance with NPPF and PCS13 of the Portsmouth Plan.

#### **13. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

Before commencement of the relevant phase of development hereby approved and as shown on an approved Phasing Plan a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites during the development phases shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include mitigation measures according with ES para 3.6.11-3.6.28 regarding standard working practices; ES table 5.12 regarding air quality; ES para 6.6.32 regarding noise and vibration; ES para 7.9.10 regarding landscape and visual; and ES table 10.29 regarding ecology. Development shall subsequently proceed in accordance with any such approved details.

Reason: To protect designated sites and green infrastructure in accordance with Policy PCS13: A Greener Portsmouth of the Portsmouth Plan.

#### **14. CONTAMINATED LAND - FURTHER INVESTIGATION**

No works pursuant to the relevant phase of development hereby approved and as shown on an approved Phasing Plan shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development; 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 study created in accordance with BS10175:2011+A1:2013+A2:2017 'and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the

site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation; and, unless otherwise agreed in writing by the LPA,

- c) A remediation method statement detailing the 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. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

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

## **15. CONTAMINATED LAND - IMPLEMENTATION**

14. First use of the relevant phase of development hereby approved and as shown on an approved Phasing Plan shall not occur 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 14 (c) that any remediation scheme required and approved under the provisions of conditions 14 (c) for the relevant phase has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a. Description of remedial scheme
- b. as built drawings of the implemented scheme
- c. photographs of the remediation works in progress
- d. certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 14 (c).

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

## **16. CONTAMINATED LAND - REMEDIATION**

15. Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A preliminary risk assessment which has identified:
- ii. all previous uses;
- iii. potential contaminants associated with those uses;
- iv. a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

#### **17. CONTAMINATED LAND - VERIFICATION**

Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

#### **18. CONTAMINATED LAND - PREVIOUSLY UNIDENTIFIED CONTAMINATION**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

#### **19. CONTAMINATED LAND - DRAINAGE INFILTRATION**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

#### **20. PILING AND BOREHOLES CONSENT**

Piling and/or investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the NPPF and Position Statement N of 'The Environment Agency's approach to groundwater protection'.

#### **21. BOREHOLE SCHEME APPROVAL**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to

be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reasons: The submitted planning application indicates that boreholes will need to be installed at the development site to investigate potential land contamination. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement, which poses a risk to groundwater quality.

## **22. FOUL AND SURFACE WATER DISPOSAL**

Before commencement of the relevant phase of development hereby approved and as shown on an approved Phasing Plan details of the proposed means of foul and surface water sewerage disposal for the relevant phase shall have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding and to protect existing sewerage infrastructure, in accordance with policy PCS12 of the Portsmouth Plan (2012).

## **23. ARCHAEOLOGICAL MITIGATION STRATEGY**

a) Before commencement of the relevant phase of development hereby approved that involves the breaking of surfaces, excavation, piling, drilling or otherwise penetration of the ground shall take place at the site until an Archaeological Mitigation Strategy (AMS) outlining the provision for archaeological investigation and the types of archaeological works to be undertaken, across the site as a whole and/or for each phase has been submitted to and approved by the local planning authority in writing. The strategy will also include details of all processing, research and analysis necessary of any artefacts or other archaeological features discovered, to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority, and nomination of a competent person(s)/organisation to undertake the works set out in the AMS. Generic written Schemes of Investigation for any mitigation will also be included in the AMS.

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

Reason: In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential across the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2019).

## **23. ANCILLARY USES - RESERVED MATTERS**

Any application for reserved matters in respect of the proposed interchange building shall be accompanied by a statement of the proposed quantity of space allocated to A1/A2/A3/D1/D2 as described in the TCP(UCO) 1987(as amended); together with a separate statement indicating the proposed quantity of space allocated to other ancillary uses. The statement shall include details of phasing as appropriate.

Reason: To ensure that the proposed ancillary floorspace within the development does not detract from the vitality and viability of nearby local centres in accordance with the requirements of Policies PCS4 Portsmouth City Centre, PCS8 District Centres, PCS18 Local Shops & Services and the aims and objectives of the NPPF (2019).

## **24 ANCILLARY USES - SIZE**

The ancillary A1/A2/A3//D1/D2 floorspace hereby approved within the proposed interchange building shall not exceed 840 sq.m. Unless otherwise agreed in writing by the LPA none of the floorspace shall be modified by internal/external alterations to form a

single unit of more than 280 sq.m. Reason: To ensure that the proposed ancillary floorspace within the development does not detract from the vitality and viability of nearby local centres in accordance with the requirements of Policies PCS4 Portsmouth City Centre, PCS8 District Centres, PCS18 Local Shops & Services and the aims and objectives of the NPPF (2019).

25 **FURTHER HIGHWAY MODELLING**

Prior to the commencement of any phase of development, the details and phasing of any proposed enhancement to the northbound on slip to the M275 or to the motorway to accommodate any unacceptable modelled increase in vehicular movement, if required, shall be submitted for the written approval of the LPA. The park and ride facility hereby approved shall not be brought in to beneficial use, or any relevant phase brought in to beneficial use, until such improvements in accordance with that written approval and agreed phasing have been carried out. For the avoidance of doubt any necessary improvements must be based on up to date modelling of traffic movements at the junction and using the M275 motorway at this point. Reason: To ensure that the development provides the necessary highway improvements as required by Portsmouth Plan PCS17.

**LAND AT SEVENOAKS ROAD (EX WYMERING COMMUNITY CENTRE) SEVENOAKS ROAD, PORTSMOUTH PO6 3JP****CONSTRUCTION OF PART SINGLE STOREY/PART TWO STOREY BUILDING TO PROVIDE FOR SPECIAL EDUCATIONAL NEEDS AND DISABILITY SCHOOL, RECONFIGURATION OF EXISTING CAR PARK WITH VEHICLE ACCESS FROM SEVENOAKS ROAD AND ASSOCIATED BOUNDARY TREATMENT WORKS (AMENDED DESCRIPTION)****Application Submitted By:**

Fuller Long Planning Consultants  
FAO Mrs Clare Preece

**On behalf of:**

Department for Education

**RDD:** 1st February 2021

**LDD:** 25th May 2021

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is included on the agenda because Portsmouth City Council is the land owner.
- 1.2 The main issues for consideration are:
- The principle of the proposed development and loss of protected open space;
  - Design and local character;
  - The amenity of adjoining occupiers;
  - The local highway network;
  - Landscaping, Ecology and trees;
  - Contaminated Land
  - Drainage
  - Other matters raised in representations.
- 1.3 The site
- 1.4 The site relates to an area of land located to the east of Sevenoaks Road and to the south of Cavell Drive. Directly to the east of the site is Queen Alexandra Hospital and to the south is Queen Alexandra's main carpark. The existing site outlined in red on the proposed location plan is approximately 0.93 hectares and benefits from a vehicular and pedestrian access from Sevenoaks Road. The site was formerly occupied by the Wymering Community Centre, however, following its demolition in 2007, the site is currently used as community space which includes a children's playground, hard court play area, Skate Park and a car park.
- 1.5 Ground levels vary across the site from the north to the south with the north boundary of the site being situated along a 3m high bank. The main part of the site, where the former community centre was located, is relatively level, however, levels then slope down approximately 2 metres towards the lower car park. The site is not located in a conservation area and there are no listed buildings, non-designated heritage assets or scheduled ancient monuments in close proximity to the site. The site is not considered to

be of archaeological importance. The site is not subject to a Tree Preservation Order (TPO), however, the western and eastern areas of the site (excluding the former community centre footprint) is protected open space as designated by policy PCS13 of the Portsmouth Plan (2012).

## 1.6 Proposal

1.7 Planning permission is sought for the construction of a part two-storey and part single-storey building to provide a Special Educational Needs (SEN) school (Use class F1). The SEN school would accommodate 66 pupils and 35 full-time members of staff. The pupils would range from key stages 2-4 with an age range of 9-16 years old who have highly specific special educational needs.

1.8 The building would be a predominantly two-storey rectangular building with a single-storey element to the north with a gross floor area of approximately 2108m<sup>2</sup>. The internal layout would consist of a central corridor with classrooms and administrative and ancillary rooms either side. The key stage 2 pupils would be based on the ground floor, whilst the key stage 3 and 4 pupils would be based on the first floor of the building. Building materials would consist of predominantly brick with a stone grey colour for the window frames, louvres and areas of curtain walling. The single-storey element would be clad at high level with vertical polyester powder coated aluminium cladding.

1.9 Access to the site would not be altered and the existing parking and turning arrangement would largely remain unchanged. However, the parking area would be extended to create 28 spaces with spaces for two school minibuses and an additional disabled car parking space. The school would be surrounded by soft and hard landscaped areas and new planting areas. The parking area would be enclosed with a 2.4m high weld mesh fence.

1.10 The application is accompanied by the following reports: Phase 1 and 2 Geo-Environmental Desk Study Report; Foul & Surface Water Drainage Strategy Report; Arboricultural Impact Assessment; Preliminary Arboricultural Report; Planning Noise Impact Assessment; Ecology Report; Construction Phase Plan; Transport Plan; Traffic Management Risk Assessment; Fire Plan; Major Incident Plan; Energy Strategy.

## 1.11 Planning History

1.12 13/01391/FUL- Change of use to public open space (Class D2). Conditional Permission January 2013

1.13 A\*35846/AD - Construction of detached community centre/hall, associated play/sports facilities/fencing/floodlights/landscaping/parking, new access off Sevenoaks Road to existing football pitch (revised scheme). Conditional Permission 1997

## 2.0 **POLICY CONTEXT**

2.1 In addition to the National Planning Policy Framework, 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), and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) would also be a material consideration.

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

### 2.3 Supplementary Planning Documents

2.4 The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Reducing Crime Through Design SPD (March 2006)
- Parking Standards and Transport Assessments (July 2014)
- Sustainable Design and Construction SPD (January 2013)

## 3.0 CONSULTATIONS

3.1 Asset Management Service - No comment received.

3.2 Environment Agency - No comment received.

3.3 Natural England - No objection.

3.4 Sport England - No comment received.

3.5 Southern Electric - No comment received.

3.6 OFSTED - Office for Standards in Education - No comment received.

3.7 Southern Water - Details of water infrastructure in the area have been provided.

3.8 Eastern Solent Coastal Partnership - No objection in principle to the proposed development, but would recommend that the applicant sign up to the Environment Agency's Flood Warning Service to ensure adequate warning is received prior to any type of extreme flood event.

3.9 Hampshire Fire & Rescue Service - Advice provided for the applicant's attention regarding fire safety, fire protection and emergency vehicle access.

3.10 Portsmouth Water - Details of water infrastructure in the area have been provided.

3.11 Ecology - No objection subject to conditions.

3.12 Southern Gas Network - Details of gas infrastructure in the area have been provided.

3.13 Leisure/Arb Officer - No objection.

3.14 Landscape Group - Comments made relating to fencing, location of fire exits, planting, designated play areas and hard court play area.

3.15 Waste Management Service - No comment received.

3.16 Crime Prevention Design Advisor - No comment received.

3.17 Highways Engineer - No objection.

3.18 Environmental Health - No objection subject to conditions.

3.19 Contaminated Land Team - No objection subject to conditions.

- 3.20 Coastal and Drainage - Following revisions and the revised drainage layout, the drainage strategy is now acceptable.
- 3.21 Disability Access Advisers - No comment received.
- 3.22 Parks and Open Spaces - The Council's Parks Team have been consulted on the development of this proposal since 2018. The Council's Parks Team have facilitated decision making by offering opinion on uses of the site (particularly the field to the north of the application area) and options for mitigating the loss of public play provision, by relocating and providing additional equipment at nearby sites.

#### **4.0 REPRESENTATIONS**

- 4.1 The applicants have submitted a Statement of Community Involvement, which outlines various ways in which the local community has been kept updated about the proposed development. This included letter drops to local residents prior to submission of the application and liaison and has reflected constraints associated with the Covid-19 pandemic.
- 4.2 PCC publicity dates:
- 4.3 Neighbour letters sent: 1st March 2021; expiry 16th April 2021
- 4.4 Site notice displayed: 8th March 2021; expiry 16th April 2021
- 4.5 Three letters of objection have been received and can be summarised as follows;
- a) Loss of community space and park;
  - b) Loss of wall funded by the community;
  - c) Will result in an increase in traffic; and
  - d) Query regarding access to the remaining playing fields.
- 4.6 A letter has been received from Penny Mordaunt MP highlighting the concerns raised by local residents regarding the loss of community space and park.
- 4.7 The matters raised in the representations have been addressed in the officer report below.

#### **5.0 COMMENT**

- 5.1 Principle of the development and loss of protected open space
- 5.2 In October 2016, the Department of Education sought proposals from Local Authorities to establish a special free school and Portsmouth was one of 19 successful bids across the country. The proposal was submitted jointly by Portsmouth City Council and Hampshire County Council, with Portsmouth being the lead bidder and hosting the site for the school. 16 sites were put forward. The Wymering site was selected for bidding by Portsmouth City Council due to the site being an existing cleared site, suitable for a building project as opposed to a refurbishment project and its location in the north of city with good access for pupils from Portsmouth and Hampshire.
- 5.3 Part of the site is currently designated as open space by policy PCS13 of the Portsmouth Plan (2012). Policy PCS13 (A Greener Portsmouth) seeks to protect, enhance and develop the green infrastructure network within Portsmouth and the policy states planning permission will be refused where there is a net loss of existing open space and those which would compromise the overall integrity of the green infrastructure network in

the City, unless there are wider public benefits from the development that outweigh the harm.

5.4 The proposed development would result in the loss of approximately 0.17ha open space from public use. However, as explained within the planning statement, the playing fields to the north of the school do not form part of the application site and would be retained for public use with independent public access from Sevenoaks Road. Furthermore, the hard court areas on the eastern portion of the application site would be improved and made available for public use outside of school hours. There would be a small net loss of open space to the western part of the application site which currently includes the children's playground. However, the applicants have explained to compensate for the loss of the children's playground, the play equipment of two nearby parks, Tunstall Road play area and Gurnard Road, would be improved. Whilst the loss of this open space from public use is unfortunate, consideration must be given to the public benefits the proposal would bring to the city as well as the availability of other open space in the vicinity of the site.

5.5 A Portsmouth SEND Accommodation review was undertaken in November 2020 which highlighted an increase in pupils with SEND in Portsmouth and due to a lack of capacity within Portsmouth, SEND pupils are being forced to travel out of Portsmouth to alternate provision in Hampshire.

5.6 Paragraph 94 of the National Planning Policy Framework (NPPF) states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and, (b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.

5.7 The Council has worked with the school promoters, the Department of Education and the Head of the Trust to resolve planning issues and for the reasons outlined above and on balance, it is considered the proposal meets the local and national tests and would provide public benefits that outweigh the partial loss designated open space. Having regard to the existing land use as a community facility, the proposed development which would result in the site continuing to be used as an essential community facility is considered to be appropriate for this site.

5.8 Scale, design and appearance

Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.

5.9 The character of the surrounding area is mixed with residential properties to the north and west of the site and the Queen Alexandra Hospital site to the east and south. The proposed development would be a rectangular flat- roofed building up to 8.6 metres in height. The building would include a parapet to conceal the main roof. The scale of the building has been purposely restricted to no more than two storeys to ensure the building has a modest and unimposing appearance within its setting. In addition, as evident from site section drawings, a significant extent of its overall mass would sit within an 'enclave' between higher level embanked surrounds. This would assist in mitigating wider visual impact of the building. Its scale is also set against the more imposing scale of QAH buildings to the immediate east.

- 5.10 The applicants have explained the elevations have been designed to be deliberately simple and that robust materials have been chosen to meet the needs of the pupils who commonly experience sensory overloading. However, during the course of the application, modest design improvements such as a curtain wall, brick detailing and different bond types have been introduced to add texture and visual interest to the elevations
- 5.11 Materials such as red brick have been chosen to complement the existing residential properties around the site and a stone grey colour has been chosen for the polyester powder coated elements such as the window frames, louvres and areas of curtain walling. The single storey element would include high level aluminium cladding and the same cladding would be used to the northern elevation of the two-storey element.
- 5.12 The building has been designed to accommodate the required number and type of spaces needed to achieve a modern education facility maximising natural light, ventilation and functional circulation spaces.
- 5.13 To conclude, the scale and design approach is considered to be appropriate in relation to the surrounding buildings, in accordance with Policy PCS23 of the Portsmouth Plan and the design principles set out within the National Planning Policy Framework (NPPF).
- 5.14 Impact on the amenity of neighbouring properties
- 5.15 Policy PCS23 of the Portsmouth Plan states that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.16 The nearest residential properties are located in Sevenoaks Road to the west of the site and there would be distance of approximately 34 metres from the boundary shared with the closest residential property to the west. Furthermore, residential properties to the north would be situated more than 50 metres from the school building. Having regard to the separation distances involved, it is not considered that the proposed building would result in any significant loss of outlook, light or privacy to these neighbours.
- 5.17 Another consideration for the impact on neighbours would relate to increased noise and light pollution. In relation to noise, the application is accompanied by a Noise Assessment Report (reference: Ref: 08-20-84270 NC1). This report concludes that due to screening provided by the proposed new building and the prevailing ambient noise levels, noise levels at locations proposed for external teaching would fall within recommended noise levels and are therefore considered appropriate for use. Furthermore, findings suggest there should be no significant change in traffic noise as a result of the development and that any impacts associated with the use of the school playground (during controlled times) would be no worse than that associated with the existing public play area (uncontrolled access currently).
- 5.18 The Council's Environmental Health (EH) team have been consulted on the application and agree with the findings set out in the report. The EH officer has requested a condition requiring an assessment of noise from the operation of the plant or equipment shall be submitted to the Local Planning Authority, prior to the installation. However, having regard to the separation distance between the neighbouring residential properties and the application site, the condition is not considered to be necessary. The EH officer has requested a second condition which would limit the opening hours for the multi-use games area to between the hours of 08:00 and 19:00hrs. However, as there are currently no restrictions on the existing play area and having regard to the relative distance to nearby residential dwellings, it is not considered reasonable to impose this

condition. Should any proposals for floodlighting be considered in future, these would need to be the subject of a separate planning application considered on its own merits.

5.19 Subject to implementation of the development in accordance with the recommendations of the Noise Assessments and the recommended conditions, the development would not harm the amenities of nearby residents and would accord with Policy PCS23 of the Portsmouth Plan.

5.20 Access, transport impact and parking

5.21 The existing site is accessed via a vehicular access from Sevenoaks Road. This access would be retained and would serve the new school. This access would also serve as the primary access for cyclists. The current pedestrian access into the site from Sevenoaks Road would also be retained and would provide gated access to the front of the school building.

5.22 The existing site currently provides 23 car parking spaces and this would be extended to provide 28 car parking spaces which are intended for staff use, 2 mini bus spaces and 1 disabled car parking space. Furthermore, 12 cycle spaces would be provided in the form of a Sheffield stand which would be located to the western corner of the building.

5.23 The application is supported by a School Travel Plan (ref: Doc ref: 15709-XX-XX-HYD-RP-TP-6001) which would be secured via condition. The School Travel Plan explains that due to the needs of the pupils and the distances the pupils will be travelling to attend the school, shared travel would not be feasible and it is expected most pupils would travel to and from school by taxi. The loop and access road has been designed to have capacity for 24 taxis to be waiting on site. The Delta Trust has agreed to stagger school start and end times over a half hour period to avoid the accumulation of taxis dropping off pupils. The Travel Plan proposes to carry out regular monitoring surveys to ensure the proposed management measures are adequate. Further management measures will be introduced, if required.

5.24 In terms of accessibility, the site is well served by buses, with 8 routes stopping within the nearby hospital grounds and Peterborough Road, providing links to various parts of the city and beyond. Cosham railway station is approximately 1.4km from the site and the site is also well linked to cycle routes. Therefore there is the potential for staff to public transport to travel to and from work.

5.25 The Local Highways Authority have been consulted on the application and have raised no objection to the proposal.

5.26 Energy Efficiency

5.27 Policy PCS15 of the Portsmouth Plan requires all new development to contribute to the aims of addressing climate change through energy efficient design. The application is supported by an Energy Strategy Report which sets out a number of energy efficiency features which have been incorporated into the design of the school:

- Use of natural ventilation instead of mechanical ventilation;
- Photovoltaic panels will be utilised on the roof of the building;
- Low energy LED lighting will be used throughout the building;
- High performance glazing;

5.28 The Energy Strategy Report confirms the Buildings Emission Rating (BER) would provide a potentially 23% enhancement relative to the Target Emissions Rating (TER) and would comply with Criterion 1, 2 and 3 of the Building Regulations Approved

Document L2A 2013 (ADL2A). This would be achieved through a combination of fabric first design measures and provision of renewable energy through photo-voltaic arrays. It is therefore considered that these such measures would ensure that the development would meet the principles of sustainability and energy efficiency in accordance with the objectives of Policy PCS15.

5.29 Landscaping, Ecology and trees

5.30 Policy PCS13 of the Portsmouth Plan seeks to protect, enhance and develop the city's green infrastructure and requires development to achieve a net gain in biodiversity where possible.

5.31 The proposed landscaping scheme would include new tree planting to the north and west of the site to compensate for loss of trees on site and to provide some screening between the school and neighbouring residential properties. The landscape proposals have been reviewed by the Council's Landscape Architect who has queried the suitability of certain landscaped spaces. The applicant has responded to these comments and has confirmed the configuration and layout of the spaces, as well as the learning requirements have been explored in detail with the school through the client engagement process to ensure the landscaping meets the needs of the students.

5.32 The submitted plans would see the retention of the trees adjacent to the eastern boundary of the site with only trees which are of limited amenity value being removed due to their location within the site. The application is supported by an arboricultural report and method statement (Middlemarch Environmental, January 2021) which has been accepted and agreed with the Arboricultural Officer. A condition would be applied to ensure the works would be carried out in accordance with the report.

5.33 This application is supported by a Preliminary Ecological Appraisal (Middlemarch Environmental, November 2020). The County Ecologist has been consulted on the application and has raised no objection, provided that the agreed mitigation proposals are implemented and details of ecological enhancements are provided. Details of ecological enhancements could be secured under planning condition.

5.34 Contaminated Land

5.35 This application is supported by a Phase 1 Geo-Environmental Desk Study Report, Phase 2 Geo-Environmental Assessment Report and Ground Investigation Report. The Council's Contaminated Land Team have been consulted on the application and have requested a pre-commencement condition requiring a phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases identified in the risk assessment.

5.36 Drainage

The site lies within Flood Zone 1 and is therefore at low risk of flooding. The site is also less than 1.0ha in size thereby not triggering a requirement for a flood risk assessment. The application is supported by a Drainage Strategy which includes maintenance details and these have been reviewed and agreed with the Council's Drainage Engineer. The Drainage Strategy which would be secured under a planning condition would ensure that surface water is properly managed to prevent any increased risk of flooding to the site or surrounding area, in accordance with Policy PCS12 of the Portsmouth Plan.

### 5.37 Other Matters Raised in the Representations

- 5.38 Concerns have been raised in the representations regarding the loss of the Wymering Wall and Wymering Tree, two community art projects located on the western side of the site. The wall is situated outside of the application site boundary and would be retained. Furthermore, the applicant has confirmed the Wymering Tree would be retained as part of the proposal.
- 5.39 Concerns have also been raised regarding the loss of the children's playground and access to the playfields. Whilst the playground would be removed as part of the proposal, the applicant has explained the relocation of the play equipment and half pipe has been agreed with PCC (Parks and Education) and will be used to improve the existing facilities at Gurnard and Tunstall parks. The LPA have explored whether the children's playground could be relocated to the playfields to the north of the site, however, PCC's Parks and Education team have confirmed football pitches occupy the site and there is not sufficient space to accommodate replacement play provision.
- 5.40 Whilst the existing steps leading from the application site to the playfields would be removed as part of the proposal, a new pedestrian gate would also be installed along the western boundary of the playfields to maintain access to the playfield.

### 5.41 Conclusion

- 5.42 The proposed development relates to a previously developed site which was used for community use. The development proposed is in accordance with the relevant development plan policies and it would provide Portsmouth and the wider Hampshire area with a much needed school for children with special educational needs. It would be of an appropriate design within the local context, acceptable with regard to highway capacity and safety, and would have no significant adverse effect on local amenity. It is recommended, therefore, that planning permission be granted subject to the conditions set out in this report.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

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

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

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

General Arrangement Plan FS0832-UBU-XX-ZZ-DR-L-0100 Rev P5; Proposed Elevations - North & East FS0832-STL-XX-ZZ-DR-A-0203 Rev P29; Proposed Elevations - South & West FS0832-STL-XX-ZZ-DR-A-0202 Rev P29; Proposed Ground Floor Plan FS0832-STL-XX-00-DR-A-0103 Rev P29; Proposed First Floor Plan FS0832-STL-XX-01-DR-A-0104 Rev P29;

Proposed Roof Plan FS0832-STL-XX-R1-DR-A-0105 Rev P29; Building Section FS0832-STL-XX-ZZ-DR-A-0300 Rev P19; Graphic Plan FS0832-UBU-XX-XX-DR-L-0104 Rev P2; Fencing Plan FS0832-UBU-XX-XX-DR-L-0102 Rev P4; Fencing Details FS0832-UBU-XX-XX-DR-L-0202; Double Leaf Gate Details FS0832-UBU-XX-XX-DR-L-0204; Single Leaf Gate Details FS0832-UBU-XX-XX-DR-L-0205; Retaining Wall Details FS0832-UBU-XX-XX-DR-L-0208.

Reason: To ensure the development is implemented in accordance with the permission granted, and with Policy PCS13 of the Portsmouth Plan (2012).

3) Unless otherwise agreed in writing, the development hereby permitted shall be completed in accordance with the schedule of materials set out on the following approved drawings -

General Arrangement Plan FS0832-UBU-XX-ZZ-DR-L-0100 Rev P5; Proposed Elevations - North & East FS0832-STL-XX-ZZ-DR-A-0203 Rev P29; and Proposed Elevations - South & West FS0832-STL-XX-ZZ-DR-A-0202 Rev P29 and shall be retained thereafter.

Reason: In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan

4(a) No development above ground floor slab level shall commence until samples and finishes to be used for the external walls, roofs, windows, doors, rainwater goods, and other architectural detailing of the proposed development have been submitted to the Local Planning Authority for approval; and,

(b) The development shall thereafter be carried out using the approved materials and finishes pursuant to part (a) of this condition.

Reason: In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan

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

(a) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases identified in the risk assessment (desk study report Phase 1 Geo-Environmental Desk Study Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. January 2018; and site investigation reports Phase 2 Geo-Environmental Assessment Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. March 2018 and Portsmouth SEN Ground Investigation Report for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-XXXX-RP-GE-1001, January 2021) when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary.

(b) If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

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

6) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a standalone verification report by the competent person approved pursuant to condition (5) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the Phase 3 remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 5.

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

7) The development hereby permitted shall not be first occupied until; (a) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority. (b) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part (a) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (a). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the area, to reduce light spillage and to comply with Policies PCS23 and PCS15 of the Portsmouth Plan.

8) Unless otherwise agreed in writing with the Local Planning Authority, the building hereby approved shall achieve a level of sustainability equivalent to BREEAM Very Good. Within six months of the first occupation of the building, a post-completion report demonstrating how the development has met the minimum standards required by this condition, shall be submitted to and approved in writing by the Local Planning Authority.

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

9) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be implemented in full accordance with the submitted Energy Strategy and Part L report dated 3rd December 2020 (ref:FS0832-HYD-XX-XX-RP-N-0001).

Reason: To ensure sustainable low carbon development in accordance with Policy PCS15 of the Portsmouth Plan and the NPPF.

10) Unless otherwise agreed in writing with the Local Planning Authority, the drainage strategy for the development shall be implemented in accordance with the details set out within the approved Foul & Surface Water Drainage Strategy Report (Hydrock, May 2021).

Reason: To ensure that the development would not increase flood risk at the site in accordance with Policy PCS12 of the Portsmouth Plan (2012).

11) The development hereby permitted shall be undertaken in full accordance with the provisions set out within the Arboricultural Implications Assessment, reference: RT-MME-153358-03 Rev A and Preliminary Arboricultural Assessment reference: RT-MME-153358-02 Rev A by Middlemarch Environmental. The tree protective measures shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

12a) The approved scheme of biodiversity enhancement measures set out in Section Sections 7.2-7.3 of the Portsmouth SEN School Preliminary Ecological Appraisal report (Middlemarch Environmental Ltd., November 2020) shall be implemented in full before the development is first brought into use and a verification report to demonstrate implementation of the approved biodiversity enhancement measures shall be submitted to and approved in writing by the local planning authority; and

(b) the approved biodiversity enhancement measures shall thereafter be retained, unless otherwise agreed in writing by the local planning authority.

Reason: To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.

13) Unless otherwise agreed in writing by the Local Planning Authority, the soft landscaping scheme shall be carried out in accordance with the details shown on the approved Soft Landscape Plan ref.FS0832-UBU-XX-ZZ-DR-L-0100, in the first planting season following the first occupation of the development. Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity to achieve a high quality development in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

14) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved Construction Phase Plan prepared by ISG (dated December 2020), for as long as construction is taking place at the site.

Reason: To minimise disruption to the surrounding highway network in the interest of highway safety, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

15) Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the development hereby permitted, all car parking spaces, internal roadways, crossing points and pedestrian routes allowing for the safe ingress and egress to/from the site shall be laid out and made available and retained thereafter for the lifetime of the development.

Reason: To ensure adequate parking and access is provided to serve the development in the interests of highway safety, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

16) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the development hereby permitted the bicycle and motorbike provisions shown on the approved plan no. FS0832-UBU-XX-ZZ-DR-L-0100 Rev P5 shall be provided and shall thereafter be retained for the parking of bicycles and motorbikes at all times.

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

17) The Travel Plan prepared by Hydrock (reference: 5709-XX-XX-HYD-RP-TP-6001) shall be implemented in accordance with the approved details within three months after the development is first brought into use (or within such other period as may be agreed in writing by the Local Planning Authority). The approved measured shall thereafter be permanently retained.

Reason: To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accordance with the aims and objectives of the National Planning Policy Framework and Policies PCS17 & PCS23 of the Portsmouth Plan.

18) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation of the development hereby permitted, the bin store provision shown on the approved plan nos. FS0832-UBU-XX-ZZ-DR-L-0100 Rev P5 and FS0832-UBU-XX-ZZ-DR-L-0206 shall be provided and shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

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

19) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation of the development, details of a strategy for providing and managing public access to, and use of, the multi-use games area for the lifetime of the development shall be submitted to and approved in writing by the local planning authority, such approved strategy to be implemented thereafter in full accordance with such approved details.

Reason: To secure well managed safe community access to the multi-use games area in accordance with Policy PCS13 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.

**ADDRESS: 1 SLINGSBY CLOSE PORTSMOUTH****Construction of rear extension to the first floor and exterior alterations****Application submitted by:** HRP Architects**On behalf of:**

Mr and Mrs Gardner

**RDD:****LDD:****1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is presented to the Planning Committee at the request of Councillor Wood following receipt of objections
- 1.2 Site and surroundings
- 1.3 This application relates to a detached two storey house at the junction of Slingsby Close and Blount Road. The site adjoins No. 3 Slingsby Close, also a detached dwelling. No. 10 Blount Road is to the north and the site lies opposite Chadderton Gardens
- 1.4 Proposal
- 1.5 The applicant seeks planning permission for construction of a rear extension to the first floor and exterior alterations including a balcony, new windows and partial recladding.
- 1.6 As shown on the submitted drawings, a rear infill extension to the dressing room at first floor is proposed, measuring 1.48 metres deep by 2.8 metres in width and 2.8 metres maximum height (2.25 metres to eaves).
- 1.7 A balcony to Bedroom 2 and a Juliet balcony to Bedroom 3 at the front of the house are also proposed. The balcony serving bedroom 2 would measure some 3.3 metres by 2.8 metres and be 9.4 sq.m in area. Both balconies would have glass panels and stainless steel handrails.
- 1.8 A new window on the west elevation at 1<sup>st</sup> floor level serving the entrance hall void is also proposed along with an obscurely glazed window on the east elevation serving an en-suite bathroom.
- 1.8 In terms of external finishes, the house is to be thru coloured render at ground floor with vertical western red cedar cladding at 1<sup>st</sup> floor and roofed in Marley Rivendale slate roof tiles.

## 1.9 History

1.10 The house was built under a planning permission granted in 1970 (DC A\*27748). There were several single storey rear extensions approved in the 1970's/1980 but none directly relevant to the current proposals.

## 2.0 **POLICY CONTEXT**

2.1 In addition to the aims and objectives of the NPPF, the relevant policies within the Portsmouth Plan would include; PCS23 (Design and Conservation) The Council has also published 'Guidelines for Conservation' for the Conservation Area.

## 3.0 **CONSULTATIONS**

3.1 Contaminated Land Team - no response

## 4.0 **REPRESENTATIONS**

4.1 Neighbours were notified on 01 December 2020 and 9 no. objections were received. The following issues were raised -

- (1) The proposed external materials are inappropriate in terms of character of the area
- (2) The property appears to be in multiple occupation
- (3) The property has been subjected to below ground excavation
- (4) No site notice was displayed
- (5) The balcony will result in loss of light to a kitchen and loss of privacy to a front garden
- (6) The new side facing window will result in loss of privacy

4.2 In addition one support was submitted indicating that the writer considers the development and use of materials to be in character with the area

4.3 Officer comments - the matter of multiple occupation has been discussed with the applicant who states that this is not the case. This is not part of the proposals and any such use would potentially require planning permission. The site is not within a conservation area and is not a listed building meaning that a notice was not required.

## 5.0 **COMMENT**

5.1 The main determining issues in this application relate to

- Principle of the development
- Design
- Impact on neighbouring amenities

### 5.2 Principle of Development

5.3 The application relates to an existing dwelling house within the urban area where extensions and alterations to such are considered acceptable in principle subject to other material planning considerations.

### 5.4 Design

5.5 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host dwelling, being of an appropriate design and size, appearing appropriate when read in context.

- 5.6 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.
- 5.7 The applicant seeks planning permission for construction of rear extension to the first floor and exterior alterations. As part of the proposals the extension and the western elevation is to be re-clad with Western Red Cedar Vertical Wooden Cladding. This replaces horizontal tile hanging.
- 5.8 The Planning Portal gives guidance to the matter of recladding. It states that if you live in a Conservation Area, a National Park, an Area of Outstanding Natural Beauty or The Broads, you will need to apply for planning permission before cladding the outside of your house with stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- 5.9 Outside these areas cladding may be carried out without having to first apply for planning permission provided the materials are of similar materials to those used in the construction of the house.
- 5.10 The use of vertical cladding is a significant change to the external appearance of the dwelling and it is not unreasonable to consider this change in the context of the local area. The predominant external materials in this small close are brick with large elements of dark tile hanging with a horizontal emphasis. The site has an important role in the character of the street as it is located and fronts onto the entrance to the close and also has boundaries with Blount Road to the side and rear. The use of red cedar cladding on No. 1 Slingsby therefore results in a harmful and highly visible change. It is concluded that the use of wooden cladding could not be viewed as similar to those used in construction of the house and are considered harmful to the design of the dwelling and character of the area.
- 5.11 The proposal also incorporates a balcony to the front. The area includes a number of balconies and as such it is not considered that this feature is out of character with the area. Issues related to potential overlooking and loss of privacy are considered below.
- 5.7 It is therefore considered that whilst the extensions themselves would be acceptable in design terms the use of vertical cladding would not be in accordance with Policy PCS23 of the Portsmouth Plan.
- 5.8 Impact upon Neighbouring Amenities
- 5.9 Policy PCS23 of the Portsmouth Plan states that all new development must protect the amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.10 The extension to the rear at first floor is a modest addition. It faces towards Blount Road and, given the distance to the nearest dwellings is not considered to raise and adverse amenity issues in terms of material loss of daylight or sunlight, overbearing impact or loss of privacy.
- 5.11 There have been objections to the introduction of the balcony to the front in terms of overlooking and over shadowing of a kitchen to No. 3 Slingsby Close resulting in loss of light to a kitchen window and loss of privacy to a front garden. The balcony is forward facing and sits on top of an existing forward projection. It will be constructed with glass front and sides and steel rails. Its construction materials are such that loss of light to neighbouring properties, including No. 3 is unlikely to result. It will not come materially forward of the front elevation of No. 3 and it is not considered that any material loss of privacy will result. The balcony faces over Slingsby Close and given the distance involved is not considered to be harmful in terms of overlooking.

5.12 The new windows face towards Blount Road and towards No. 3 Slingsby Close. The window towards Blount Road faces over the street and given the distance involved is not considered to be harmful in terms of overlooking. That towards 3 Slingsby Close is small and serves a bathroom where, if approved, it could be obscure glazed.

5.13 it is considered that the proposal will not result in any material loss of privacy, overbearing impact or loss of daylight or sunlight.

5.14 Conclusion

5.15 Having regard to the use of vertical timber cladding in a highly prominent location at the junction of Slingsby Close and Blount Road, it is considered that the proposals would represent an unduly dominant development that would appear incongruous in relation to the existing dwelling and be harmful to its appearance within the street scene. As such the proposed development is not considered to amount to an acceptable design solution and thereby would be contrary to the design objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

**RECOMMENDATION            Refuse**

(1) Having regard to the use of vertical timber cladding in a highly prominent location at the junction of Slingsby Close and Blount Road, it is considered that the proposals would represent an unduly dominant development that would appear incongruous in relation to the existing dwelling and be harmful to its appearance within the street scene. As such the proposed development is not considered to amount to an acceptable design solution and thereby would be contrary to the design objectives of the National Planning Policy Framework and policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, and that having been unsuccessful through negotiation to secure such amendments as to render the proposal acceptable, the application has been refused for the reasons outlined above

**FARLINGTON WATER TREATMENT WORKS GILLMAN ROAD PORTSMOUTH PO6 1BL**

**OUTLINE APPLICATION FOR CONSTRUCTION OF NEW WATER TREATMENT BUILDING (TO ACCOMMODATE DISSOLVED AIR FLOTATION PLANT) AND ASSOCIATED FACILITIES, COMPRISING A SLUDGE HOLDING TANK; NEW ACCESS ROAD TO A SERVICE/DELIVERY YARD; UNDERGROUND PIPEWORK, CHAMBERS AND CONNECTIONS; TEMPORARY CONSTRUCTION COMPOUNDS, MATERIALS STORAGE AND PARKING AREAS. (PRINCIPLES OF ACCESS, LAYOUT AND SCALE TO BE CONSIDERED)**

**Application Submitted By:**

Atkins  
FAO Laura Cowie

**On behalf of:**

Portsmouth Water

**RDD:** 2nd November 2020

**LDD:** 2nd February 2021

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is included on the agenda due to the scale of the development.
- 1.2 The application has been submitted in outline form, with access, scale and layout to be considered. Matters of appearance and landscaping would be dealt with as reserved matters.
- 1.3 The main matters for determination of the application are as follows:
  - Principle of development;
  - Siting, layout and scale;
  - Access and highway impacts;
  - Ecology impacts;
  - Impact on heritage assets;
  - Impact upon residential amenity;
  - Contaminated land
  - Flood Risk and Drainage
- 1.4 Site and surroundings
- 1.5 The application site comprises part of the existing Farlington Water Treatment Works (WTW). The site is located on the southern slopes of Portsdown Hill towards the northern end of Gillman Road. The land levels on the site rise from south to north and vehicular access is from Gillman Road. A public right of way runs close to the site, from Gillman Road to Portsdown Hill Road. To the south of the site there are residential properties along Grant Road and Woodfield Avenue.
- 1.6 The site lies within the East and West of Gillman Road Site of Importance for Nature Conservation (SINC), recognised for its semi-improved calcareous grassland. There is also archaeological potential in the area and the potential for contamination to exist.

- 1.7 There are a number of other protected areas and buildings within 2km of the site, including:
- Farlington Marshes Local Nature Reserve;
  - Solent Special Protection Areas (SPAs);
  - Langstone Harbour Site of Special Scientific Interest (SSSI);
  - Solent Maritime Special Area of Conservation (SAC);
  - Portsdown SSSI;
  - Fort Purbrook Grade II\* Listed Building and Scheduled Ancient Monument (SAM)
  - Bevis's Grave long barrow and early medieval cemetery SAM (within Havant Borough).
- 1.8 Proposal
- 1.9 Outline planning permission is sought for improvement works to the Farlington WTW with matters of access, layout and scale to be considered (appearance and landscaping reserved).
- 1.10 The proposed works can be summarised as follows:
- Proposed new building to accommodate a Dissolved Air Flotation plant. This would be constructed on an existing concrete basin, and would have a footprint of approximately 1,290m<sup>2</sup>. The building would measure up to 43m in length, 30m in width and up to 12m in height with a low angled pitched roof (7.5m to eaves). There would be a lower section on the southern side, which would have an eaves height of approximately 3m.
  - Creation of service yard adjacent to the west side of the building. This would accommodate a sludge holding tank, with a capacity of approximately 140m<sup>3</sup>.
  - Provision of new access road from Gillman Road, leading to the service yard.
  - New pipework, chambers and connections between new building and existing treatment facilities.
  - Provision of temporary construction compound, parking areas and materials storage area. The construction compound would be located on the south side of the site, adjacent to the existing access road. The car parking area would be located further east along the access road, and the materials storage area would be located on the west side of the site, on the opposite side of Gillman Road.
- 1.11 The development is required to improve the efficient treatment of water supplies and to support the operation of the proposed Havant Thicket Reservoir and pipeline, within Havant Borough and East Hampshire District.
- 1.12 Environmental Impact Assessment
- 1.13 The proposal falls within Schedule 2, Part 11(c) as it relates to 'Waste-water treatment plants not included within Schedule 1'. For such developments, the 'indicative screening threshold' set out in the Annex to the Planning Practice Guidance (PPG): Environmental Impact Assessment, is a development area exceeding 1,000m<sup>2</sup>, which is the case for this application.
- 1.14 Taking into account the scale/nature of physical development, the controls in place through the planning and Environmental Permitting Regulations and the criteria in Schedule 3 of the EIA Regulations, it is considered that the proposal does not have the potential for significant environmental impact within the meaning of the EIA Regulations. A screening opinion confirmed on 22 September 2020 that an Environmental Impact Assessment was not required in relation to the proposed works (ref. 20/00004/EIASCR).
- 1.15 Planning history
- 1.16 There are a number of previous planning applications relating to the site. The most relevant ones are as follows:

- 1.17 A\*24844/A and B - Construction of a water treatment plant & service reservoir for public water supply - Conditional Permission, 13 September 1978 and 13 December 1978
- 1.18 A\*24844/AD - Formation of raised plateaux to south of treatment works and land to north of reservoirs 3 and 4 - Conditional Permission, 18 December 1992
- 1.19 A\*24844/AF and AG - Construction of detached building to accommodate membrane filter equipment adjacent to an existing reservoir east of Gillman Road with associated access road and landscaping - Conditional Permission, 6 July 2001 and 30 October 2001
- 1.20 15/00427/FUL - Construction of 6.4m high Centrifuge plant building and 6.1m high Skip building and associated facilities including a new paved extension to the existing access road - Conditional Permission, 18 May 2015

## **2.0 POLICY CONTEXT**

### **2.1 Portsmouth Plan (2012)**

- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

### **2.2 Portsmouth City Local Plan 2001-2011 (Adopted 2006)**

- Saved Policy DC21 (Contaminated Land)
- Saved Policy CM8 (Portsdown Hill)

### **2.3 Other Guidance**

- National Planning Policy Framework (NPPF) (2019)
- National Design Guide (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## **3.0 CONSULTATIONS**

### **3.1 Environment Agency**

3.2 No objection.

### **3.3 Natural England**

3.4 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

### **3.5 Southern Gas Network**

3.6 No comments received.

### **3.7 Havant Borough Council**

- 3.8 No objection. The proposal would not be readily visible from within Havant Borough.
- 3.9 Hampshire County Council
- 3.10 No comments received.
- 3.11 Southern Water
- 3.12 No comments received.
- 3.13 The Southwick Estate
- 3.14 No comments received.
- 3.15 Eastern Solent Coastal Partnership
- 3.16 Comments awaited.
- 3.17 Ecology
- 3.18 Following the receipt of further information from the applicant's Agent and agreement to securing a detailed SINC mitigation and compensation strategy by condition, the County Ecologist has raised no objection.
- 3.19 Original comments:
- 3.20 The application is supported by a comprehensive Ecological Impact Assessment and a Biodiversity Net Gain Assessment. The proposals would see the permanent loss of around 200m<sup>2</sup> of SINC habitat, which comprises calcareous grassland. There would also be temporary losses, which are suitably mitigated as part of the proposals.
- 3.21 To mitigate the loss of the SINC habitat, an area of existing calcareous grassland is proposed to be enhanced. However, there is still some concern about the reduction in size of the habitat. Applicant advised to consider offsetting the loss by creating or enhancing an area of calcareous grassland elsewhere on nearby Portsmouth Water land. Clarification also requested in relation to bat mitigation.
- 3.22 Arboricultural Officer
- 3.23 No objection. The applicants confirmed that there are four trees that have the potential to be impacted by excavation works but these are small species of 1m or less in height, and their small root systems are unlikely to be undermined by the works.
- 3.24 Landscape Group
- 3.25 No objection. The proposal is to reduce the overall massing and visual impact of the new building using cladding of muted colours and brickwork. This would be welcomed. Given the local landscape character of open chalk downland, the introduction of dense tree cover as a means of screening would likely look out of place, therefore the use of materials to reduce the visual impact is considered the best option. Native climbers could potentially be used on some parts of the building.
- 3.26 Noted that the area of calcareous grassland is being recreated elsewhere within the SINC to mitigate the loss on site, which is also welcomed.

- 3.27 Highways Engineer
- 3.28 No objection subject to a condition to secure a Construction and Transport Management Plan.
- 3.29 Gillman Road is an unclassified, unlit, narrow lane with no footways, which provides access to the Water Treatment Works. The proposed facility will utilise the existing access arrangements for similar vehicle types. Whilst the access is substandard, the proposal will have limited associated traffic generation and would not have a material impact on the operation of the highway network. A Construction Traffic Management Plan is required to confirm and agree construction access and management arrangements.
- 3.30 Environmental Health
- 3.31 Noise from the construction of the building and installation of the equipment will be temporary and due to the distance to sensitive receptors, there would be no direct impact upon them during this stage.
- 3.32 The Planning Design Statement notes that plant would be housed within acoustic containers, but noise levels from the ventilation fans is still to be confirmed. It is therefore recommended that a Noise Assessment be carried out prior to installation of the plant and equipment, to agree any necessary mitigation.
- 3.33 Following confirmation from the applicant that the equipment would be dealing with drinking water, there are no concerns about odour.
- 3.34 Contaminated Land Team
- 3.35 The submitted Desk Top Study is good quality but some further assessment is required. Recommend a condition to request submission of a risk assessment.
- 3.36 Coastal and Drainage
- 3.37 Sewer flood risk may be increased if the scheme increases piped outflow from the site. New access road infers increase in impermeable area, which must be addressed. Concerns about increased run-off to Gillman Road. Wheel wash facilities for vehicles during construction would be required. Full details of a drainage strategy can be agreed by condition.
- 3.38 Historic England
- 3.39 No comments to offer.
- 3.40 Archaeology Advisor
- 3.41 No objection raised after submission of a revised Heritage Statement. No further archaeology work required.
- 3.42 Original comments:
- 3.43 The submitted Heritage Statement fails to reference all relevant information and the archaeological potential of the area is considered to be more complex than presented. The Heritage Statement also acknowledges the impacts of temporary construction compounds but does not describe the impacts or archaeological implications.

- 3.44 Agree with the conclusion that the potential for archaeological remains on the site of the proposed building would be low due to it being an existing developed basin. However, the potential impacts from the construction compounds has not been fully assessed. Recommend submission of a revised Heritage Statement.

#### **4.0 REPRESENTATIONS**

- 4.1 PCC publicity dates:
- Neighbour letters sent: 17 December 2020; expiry 12 February 2021;
  - Site notice displayed: 22 December 2020; expiry 12 February 2021
  - Press notice: 1 January 2021; expiry 12 February 2021
- 4.2 One letter of objection has been received from a neighbouring resident, raising the following concerns:
- a) The loss of established views and the lack of information about planting to mitigate the impact;
  - b) Concern about safety of pedestrians using Gillman Road from HGV use during construction;
  - c) Nuisance during construction period such as noise and dust; suggest workers compound is moved further away from residential properties.

#### **5.0 COMMENT**

##### 5.1 Principle of development

- 5.2 The proposed development would be fully contained within the Farlington Water Treatment Works (WTW) site and would support the existing operations. The Applicant notes that the new infrastructure, including the proposed DAF building, are required to improve the efficient treatment of water supplies and increase resilience, and would also support the operation of the proposed Havant Thicket Reservoir (HTR) and associated pipeline within Havant Borough and East Hampshire District. The HTR is a long term project required to safeguard water supply for Portsmouth Water and Southern Water and to support additional housing growth in the wide Portsmouth Water supply area. The principle of the proposal is therefore considered acceptable.

##### 5.3 Siting, layout and scale

- 5.4 Saved policy CM8 states that development on previously developed sites on the Portsdown Hill will be permitted provided that the new use is compatible with its location and does not detract from landscape value. Policy PCS23 of the Portsmouth Plan requires exceptional quality design in all new developments, as supported by the objectives of the National Planning Policy Framework (NPPF).
- 5.5 The application seeks to establish whether the scale and layout of the proposal are deemed acceptable. Other matters relating to material details and external finishes and treatment would be subject to a 'reserved matters' application at a later stage.
- 5.6 The Applicant had early engagement with the Local Planning Authority through a pre-planning application enquiry and specific advice was provided by the Council's Landscape Architects regarding expected scale. The application is also supported by a Landscape and Visual Impact Assessment. The proposed DAF building would be located within the eastern part of the site, adjacent to existing buildings, and would be sited on an existing concrete basin. Dimensions provided for the building indicate a maximum height of 12m, maximum width of 30m and maximum length of 43m. The building would therefore be fairly substantial in terms of its scale and would have a fairly functional and utilitarian appearance. However, it would be sited close to an existing complex of buildings and the proposal would be to make use of varied and muted

external materials to soften the visual mass within the wider landscape. The Council's Landscape Architect has noted that due to the open chalk downland character of the wider surroundings, the introduction of trees or significant planting to screen the building would be inappropriate, therefore the use of appropriate materials to soften its appearance would be the best solution. Precise details of the external materials would form part of the subsequent reserved matters submission.

- 5.7 The other proposed works on the site, including the service yard, storage tank, pipework and hardstandings, would have limited visual impact on the site or wider landscape. Whilst there are no proposals for tree planting, the applicants have confirmed that there would be proposals to include some new landscape planting around the site and this would be considered as part of the reserved matters submission. Overall, the proposed development is considered to be appropriate in terms of its scale and layout in relation to the existing site and wider surroundings. The proposal would therefore accord with the relevant policies of The Portsmouth Plan (2012).
- 5.8 Access and highway impact
- 5.9 The northern entrance to the proposed DAF building would be accessed from the existing site entrance from Gillman Road. An additional access point would be created from Gillman Road to the south of the main entrance. This would lead to the service yard, which would be for maintenance vehicle access, chemical deliveries and tankers for removing sludge.
- 5.10 The supporting information includes a detailed Transport Statement, which confirms that the additional facilities would generate approximately 3 additional vehicle movements per day, which would not have a material impact on the operation of the local highway network. The Council's Highway Engineer concurs with this assessment and has raised no objection to the proposals subject to a condition to secure a Construction Traffic Management Plan.
- 5.11 The development is therefore considered to provide satisfactory access and would not materially impact on the operation of the highway network, in accordance with Policy PCS17 of the Portsmouth Plan (2012).
- 5.12 Ecology impacts
- 5.13 The site lies within the East and West of Gillman Road Site of Importance for Nature Conservation (SINC), recognised for its semi-improved calcareous grassland. It also lies close to internationally designated sites including the Solent Special Protection (SPA) and Portsdown Site of Special Scientific Interest (SSSI).
- 5.14 The application is supported by an Ecological Impact Assessment Report, which notes that the development would result in the permanent loss of approximately 0.0217ha of calcareous grassland from within the SINC boundary and the temporary loss of approximately 0.299ha of calcareous grassland. To mitigate the loss, the Report sets out proposals for the translocation of the permanently lost grassland to a species poor area of grassland within the SINC, and for the storage and maintenance of temporarily removed grassland. The County Ecologist is satisfied with the proposed mitigation in principle but has requested further information regarding the re-provision of grassland habitat to offset the loss. It has been agreed with the applicants that a detailed Mitigation and Compensation Strategy can be secured by condition, with the aim of providing a 10% net gain in the grassland habitat.
- 5.15 Natural England has reviewed the proposals and concluded that the development would not impact upon statutorily protected nature conservation sites. Therefore, subject to the condition to secure a Mitigation Strategy related to the SINC grassland, the development

is considered acceptable in relation to ecological impacts, in accordance with Policy PCS13 of the Portsmouth Plan (2012).

- 5.16 Impact on heritage assets
- 5.17 In accordance with national policy and guidance, the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA 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. Where a development is considered to result in harm to a heritage asset, the Local Planning Authority is required to address the significance of the harm, in accordance with paragraphs 193 - 196 of the NPPF.
- 5.18 There are no designated heritage assets within the site boundary. However, Fort Purbrook Scheduled Ancient Monument and Grade II\* listed building lies approximately 300m to the north-west of the development. There are also a number of other smaller listed buildings within 1km of the site, and the site itself has archaeological potential. The application is supported by a detailed Heritage Statement, which includes an assessment of the significance of the heritage assets and the impact of the development. This has been reviewed by the County Archaeologist. Historic England has also been consulted on the application but has raised no comments.
- 5.19 The Heritage Statement concludes that the development would have no impact on the significance of Fort Purbrook or its setting, noting that whilst the building would be a new element within the view from the monument, it would be embedded within established 20th Century development. There is also not considered to be any impact on the significance of other heritage assets given their distance from the site. An assessment of the significance of harm is therefore not considered necessary in accordance with Paragraphs 193 to 196 of the NPPF.
- 5.20 In relation to archaeological impact, the Heritage Statement was updated during the course of the application to address comments from the County Archaeologist. The Statement concludes that the potential for archaeological remains on the site is low due to existing development and the County Archaeologist agrees with this conclusion. There is no requirement for further archaeological assessment.
- 5.21 To conclude, the development is not considered to have an impact on the significance of nearby heritage assets or below ground archaeology. The proposal therefore accords with Policy PCS23 of the Portsmouth Plan and the requirements of the NPPF.
- 5.22 Impact on residential amenity
- 5.23 The DAF building would be some 50m from the closest residential neighbouring property to the south of the site (along Woodfield Road). The current boundary treatments are in the form of a palisade fence along the application site perimeter and close boarded timber fencing on the residential side. Some of the residents have patchy planting serving as boundary screening.
- 5.24 Whilst the proposed building would be of a significant scale, given the separation distance from the residential properties, it would not have a harmful impact on outlook or light. Whilst there would be some impact on longer distance views from the neighbouring properties, this is not a material planning consideration. It is also noted that the building would be visible from some parts of the nearby public footpath, but given the setting within an existing water treatment works and the presence of other buildings, it is not considered that the visual impact would be harmful to users of the footpath.

- 5.25 The Councils Environmental Health Officer commented that there would be the potential for the development to generate increased noise and odours, although impacts on nearby residents would be minimal due to the distances between buildings. Following further information from the applicant, it is acknowledged that the development relates to drinking water treatment and would not generate harmful odours. However, a noise assessment is still considered necessary to ensure that there would be no adverse impacts on nearby residents upon operation of the development.
- 5.26 It is noted that a concern has been raised by a neighbouring resident about the proposed location of one of the construction compounds on the southern side of the site, and the potential impact of noise and disturbance. This compound would be located approximately 10m from the nearest rear garden boundary and is in an area that currently accommodates some vehicle parking. The applicant has noted that this area would be for portable cabins and welfare facilities for construction workers and not for material storage. This would be located in a separate compound area further north on the west side of Gillman Road. It is therefore not considered that the positioning of this compound would significant impact residential amenity. However, a Construction Management Plan would be secured by condition to ensure that the construction process is properly managed to minimise disturbance to the surrounding area.
- 5.27 Contaminated Land
- 5.28 The site has the potential for contamination and a Desk Top Study has been submitted with the application. The Council Contaminated Land Officer has noted that further information and testing is required and has recommended a condition requiring a Risk Assessment Report to be submitted to ensure that contamination risks are fully assessed and mitigated.
- 5.29 Flood Risk and Drainage
- 5.30 The site lies within Flood Zone 1 and is therefore at low risk of flooding. The development would not significantly increase the hard surfaced areas but could still have the potential to increase surface water runoff. A detailed surface water drainage strategy is proposed to be prepared as part of the detailed design of the development and this can be requested by condition. The Environment Agency has raised no objection to the scheme. Subject to agreement of a suitable drainage strategy, the development would not increase flood risk at the site or surrounding area, in accordance with Policy PCS12 of the Portsmouth Plan.
- 5.31 Conclusion
- 5.32 The proposed development would support and enhance existing water treatment facilities and would also be linked to the Havant Thicket Reservoir scheme, providing wider long term benefits to the water catchment area. The scale and layout of the development is considered appropriate for its setting and matters relating to ecology, noise, contaminated land and construction can be satisfactorily dealt with by condition.
- 5.33 The development is not considered to impact on the significance of nearby heritage assets or harm the amenities of neighbouring residents. Additional traffic generation would be minimal and would not materially affect the highway network. The development is therefore considered to accord with relevant local and national policies and is recommended for conditional permission.

## RECOMMENDATION

## Conditional Permission

### Conditions

#### Time period

1) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

#### Reserved matters

2) Approval of the details of the design and external appearance of the development (to include details and samples of type, colour and texture of external materials), and the landscaping of the site (to include species, size, density/numbers of planting, phasing of planting and provision for future maintenance) (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: In order to secure a satisfactory form of development, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

#### Approved plans

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

- o 0001 Rev. C01 (Location Plan)
- o 0005 Rev. C01 (Proposed GA Block Plan)
- o 0022 Rev. C01 (Proposed Outline Elevations)
- o 0023 Rev. C01 (Proposed Outline Elevations)
- o 0007 Rev. C01 (Pipework Modifications)
- o 0010 Rev. C01 (Cross Sections - Existing and Proposed)
- o 0050 Rev. C01 (3D Visualisations)

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

#### Contaminated land

4) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority, or within such extended period as may be agreed with the Local Planning Authority, a risk assessment report based on the Desktop Study by Atkins HTR-ATK-WZ-FR-RP-Z-0003 Ref. 5169117 Rev 02 V1 (24th September 2020). This report shall contain a conceptual model (diagram, plan, and network diagram) showing any potential contaminant linkages that may form. It shall include any chemical or gas analysis as identified as appropriate by the conceptual model to consider those linkages. The report shall summarise the expected ground conditions and risks at the site, and provide appropriate guidance on working practices and/or remediation to be followed to avoid risks to site workers and the wider environment and future site users on completion of the development. It shall include further detail on testing to comply with Waste Management 3. It shall include the nomination of a competent person to oversee the implementation of the works and detail how remedial measures and site working practices will be verified on completion. The report shall confirm either that the site is currently suitable for the proposed end-use or how it will be made so by Method Statement guiding works, or Remediation as detailed in the report.

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

### **Contaminated land verification**

5) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by the Local Planning Authority, documentation to evidence implementation of the working practices as agreed in line with condition 4 above. This may include a daily diary of the nominated competent person overseeing the works, testing and waste consignment notes for excavated soils.

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

### **Drainage strategy**

6) No development shall commence on site until a detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority, to include details of existing and proposed flow rates and attenuation measures. The development shall thereafter be carried out in accordance with the approved Drainage Strategy.

Reason: To ensure that the development would not increase the risk of flooding at the site or to the surrounding area, in accordance with Policy PCS12 of the Portsmouth Plan.

### **Construction Environmental Management Plan**

7) No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Construction Environmental Management Plan and shall continue for as long as construction is taking place at the site.

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

### **Ecology mitigation strategy**

8) No development shall commence on site until a detailed Mitigation and Compensation Strategy has been submitted to and approved in writing by the Local Planning Authority, in accordance with the details outlined within Section 4.4 of the Farlington Water Treatment Works Ecological Assessment (Revision C02, Atkins, September 2020). The Strategy shall aim to achieve a minimum of 10% net gain in calcareous grassland, to be provided on suitable existing habitat owned by Portsmouth Water, or on land acquired by Portsmouth Water, or a local biodiversity opportunity area.

The development shall thereafter be carried out in accordance with the approved Strategy.

Reason: To conserve and enhance the SINC habitat in accordance with Policy PCS13 of the Portsmouth Plan (2012).

### **Noise assessment**

9) Prior to the installation of any plant or equipment, a Noise Assessment shall be carried out following the methodology set out in BS4142 2014+ A1 2019 and a report submitted to and approved in writing by the Local Planning Authority, to include details of mitigation measures where required. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of nearby residential occupiers, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

**Landscape implementation**

10) (a) The landscaping of the site shall be carried out in accordance with the details approved under Condition 2 in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner;

(b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

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.

**13 SHADWELL ROAD PORTSMOUTH PO2 9EH**

**CHANGE OF USE FROM THREE SELF-CONTAINED FLATS (CLASS C3) TO ONE DWELLINGHOUSE TO BE USED FOR PURPOSES FALLING WITHIN CLASS C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE) (DESCRIPTION AMENDED).**

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Christian Reynolds

**RDD:** 4th May 2020

**LDD:** 29th June 2020

**2.1 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to the Planning Committee following a request made by Cllr Wemyss and deputation request from a local resident.

1.2 The main issues for consideration relate to:

- The principle of Development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

**1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY****1.4 Site and Surrounding**

1.5 This application relates to a two-storey, mid-terrace property with a bay window that is separated from the road by a small front forecourt. To the rear of the dwelling is an enclosed garden. The property is subdivided into three self-contained flats, two studio flats at ground floor level and a one-bedroom flat at first floor level, however, the property is currently vacant. The site is located on the southern side of Shadwell Road, west from its junction with London Road.

1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey terraced properties with a similar visual style. A number of the properties have been subdivided into flats.

## 1.7 Proposal

- 1.8 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

The internal accommodation would comprise the following:

Ground floor - Bedroom with ensuite, WC, study, communal living area.

First floor - Three bedrooms all with ensuites.

- 1.9 During the course of the application the scheme has been amended to remove the loft conversion from the scheme.

## 1.10 Planning History

- 1.11 Planning permission was refused in 1977 (reference: A\*3025) for the continued use of the property as three, self-contained flats. An enforcement notice was later served which was allowed at appeal. It is understood the property has remained in continuous use as three, self-contained flats.

## 2.0 **POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

- 2.2 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

### 2.3 Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

## 3.0 **CONSULTATIONS**

- 3.1 **Private Sector Housing** - The City Council's Private Sector Housing team advise that based on the layout and sizes provided there are no adverse comments to be made. This property would not require to be licenced under Part 2, Housing Act 2004.

## 4.0 **REPRESENTATIONS**

- 4.1 Site notice displayed 4/9/21, expiry 13/10/21
- 4.2 Publicity dates (full Covid-19 lockdown started 24 March 2020)
- 4.3 Neighbour letters sent: 26/08/20, expiry 13/10/20
- 4.4 Neighbour letters regarding amended description sent: 14/05/21, expiry 31/05/21
- 4.5 Amended site notice displayed 21/5/21, expiry 31/05/21

- 4.6 46 letters of representation from 29 households have been received objecting on the following grounds;
- a) Parking;
  - b) Existing HMOs in the area;
  - c) Unregistered HMOs in the area;
  - d) Noise pollution from additional bathrooms;
  - e) Additional pressure on drainage system;
  - f) Noise and anti-social behaviour;
  - g) Rubbish;
  - h) Safety in the area;
  - i) Inadequate living facilities for future occupiers;
  - j) Loss of family home;
  - k) Internal alterations would create structural issues;
  - l) Impact on value of properties in the road;
  - m) Impact on air quality;
  - n) Previous applications for similar proposals in the area have been refused; and
  - o) Works on the property have already started

- 4.7 Following the extended consultation period, four additional letters of objection were received (three of which were made by previous objectors) objecting on the following grounds;
- a) HMO not wanted in the area;
  - b) Works to the property causing damage to neighbouring properties;
  - c) Proposal would result in a C3 dwelling being sandwiched between an HMO and a care home;
  - d) Loss of family homes; and
  - e) Construction work harming the visual amenity of the street scene.

(Officer note: Loss of property value is not a material planning consideration).

## 5 COMMENT

- 5.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

5.1 Principle of development

- 5.2 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as three, self-contained flats (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

- 5.3 Policy PCS20 of the Portsmouth Plan states that application for the change 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 adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this

policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

- 5.4 Based on the information held by the City Council there are no other confirmed HMOs within a 50m radius of the application site. Within this 50m radius (including the application site) there are 80 properties. This number takes into account any properties which have been subdivided into flats. The addition of the proposal would result in 1.25% of properties being an HMO within the 50m radius, thus falling within the 10% threshold. The LPA has received an application relating to no.15 Shadwell Road which is proposing the change of use from dwellinghouse (Class C3) to purposes falling within Class C3 or Class C4 (HMO). The application relating to no.15 is currently pending consideration, however, should the application be approved, it would increase the percentage of HMOs within a 50m radius to 2.5% and therefore, still within the 10% threshold.
- 5.5 Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. During the consultation period, 6 addresses were raised in the representations as being potential HMOs. Four of the six addresses are situated outside of the 50m radius of the application site and therefore would not affect the HMO count for this particular application. However, these addresses have been referred to the Council's enforcement team for further investigation. A planning officer visited the two remaining properties and was able to establish the use of the properties as Class C3.
- 5.6 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs.
- 5.7 Reference has been made in the representations regarding the use of no.17 Shadwell Road as a care home. However, upon further investigation, it is understood this property is used as assisted living and is in Class C3b use, not Class C4 use. Therefore, the proposed development would not result in three or more Class C4 HMOs being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.
- 5.8 The proposal would result in the loss of three, self-contained flats but would create accommodation which would serve a similar number of occupants to the existing. Furthermore, the proposal would create flexible C3/C4 accommodation which would help support the housing needs in the city.
- 5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.10 Standard of accommodation
- 5.11 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals with each of the four bedrooms meeting the minimum size standards for double occupation and a ground floor study which could potentially be converted into a fifth bedroom. Whilst the applicant has confirmed the bedrooms would be single occupancy, on

the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

5.12

HMO SPD (OCT 2019)	Area Provided	Required Standard:
Bedroom 1	11.94 sq.m	6.51 sq.m
Bedroom 1 Ensuite	3.40 sq.m	Undefined
WC	3.00 sq.m	Undefined
Combined Living Area	34.1 sq.m	34 sq.m
Study	10.58 sq m	Undefined
Bedroom 2	15.18 sq.m	6.51 sq.m
Bedroom 2 Ensuite	2.79 sq.m	Undefined
Bedroom 3	12.87 sq.m	6.51 sq.m
Bedroom 3 Ensuite	2.77 sq.m	Undefined
Bedroom 4	15.02 sq.m	6.51 sq.m
Bedroom 4 Ensuite	3.31 sq.m	Undefined

- 5.13 The communal living areas exceed the communal space requirements for a four person HMO and meet the requirements for a six person HMO. In addition, all of the bedrooms are above the minimum space requirement and are above the additional standard of 10m<sup>2</sup> as defined within the 'Standards for Houses in Multiple Occupation' guidance document (2019).
- 5.14 In summary, it is considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and is considered to provide an adequate standard of living accommodation to facilitate up to 6 persons sharing.

Impact on neighbouring living conditions

- 5.15 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.
- 5.16 It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) that HMOs often result in an increased number of neighbour complaints. The issue of noise disturbance has also been raised within the objections received. Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases, and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in paragraph 2.17 of the amended HMO SPD.
- 5.17 The proposal would result in the existing three self-contained flats being converted into one dwellinghouse which would be used for purposes falling within Class C3 or Class C4. It is therefore considered the intensity of the use of the property would not be significantly altered by the proposal as the proposed use would accommodate a similar number of occupants. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.
- 5.18 Concerns have been raised in the representations regarding a potential increase in crime as a result of the proposed change of use, however, the Council does not have any evidence to suggest that HMOs result in higher levels of crime than a Class C3 dwelling.
- 5.19 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property

either as a dwellinghouse (Class C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. Concerns have been raised by a neighbour regarding noise from the proposed upstairs bathrooms. The proposed layout of the property would be altered, with three bedrooms with en suites at first floor level with communal space and one bedroom with en suite at ground floor level. However, it is concluded that the proposal would not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.

- 5.20 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.

#### Highway Implications

- 5.21 The City Council's Parking Standards SPD sets out the level of off-road parking facilities for new developments within the city whereby there is a requirement of 2 off-road spaces for C4 HMOs. The same requirement applies to dwellinghouses with 2 or more bedrooms.
- 5.22 The City Council's Parking Standards SPD requires a studio/one-bedroom flat to provide 1 off-road parking space and therefore the existing parking requirement for the property is 3 parking spaces.
- 5.23 The site does not benefit from off-street parking and there is no ability to provide parking on the site. However, given that the proposed parking requirement is less than existing, it is not considered that an objection on lack of parking or impact on air quality could be sustained.
- 5.24 The Council's Adopted Parking Standards sets out a requirement for C4 HMOs with four or more bedrooms to provide space for the storage of at least 4 bicycles. The property has a front and rear garden where secure cycle storage could be located. This requirement could be secured by condition.

#### Waste

- 5.25 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

#### Impact on Special Protection Areas

- 5.26 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from three self-contained flats to one dwellinghouse which would be used for flexible C3/C4 use. The existing and proposed use would both allow up to 6 people and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

#### Other Matters raised in the representations

- 5.27 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. However, having regard again to the existing lawful use of the property as three, self-contained flats, it is considered the use

of the property would not have a significantly greater impact on local services than the existing use which could be occupied by three separate households.

- 5.28 Concerns have been raised by neighbouring residents regarding structural damage to the property and neighbouring properties as a result of the internal works. Whilst these concerns are noted, any disturbance or damage to neighbouring properties caused during or after the construction period are not material planning considerations in the circumstances of this case. These matters are considered to be a civil matter and would be covered by separate legislation.
- 5.29 Concerns have been raised regarding drainage, it is considered that the use of the property would not have a significantly greater impact on the local drainage system than the existing use of the property as three self-contained flats.
- 5.30 Reference has been made in the representations to a planning application seeking planning permission for flexible Class C3/Class C4 for another property on Shadwell Road which was refused in 2019. However, this application has been assessed on its individual merits.
- 5.31 It has been brought to the attention of the LPA that internal works have already started on the property. The applicant has been informed that any works that are carried out prior to the application being determined are at their own risk.

#### Conclusion

- 5.32 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2019).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time limit**

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

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

#### **Approved plans**

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 13 Shadwell500; 13 Shadwell Road1250; and Layout Dimensions PG5010 20 02 Rev B.

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

#### **Cycle storage**

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

#### PRO-ACTIVITY STATEMENT

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

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**15 SHADWELL ROAD PORTSMOUTH PO2 9EH****CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) AND CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)****Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Christian Reynolds

**RDD:** 29th December 2020

**LDD:** 14th May 2021

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application is being presented to the Planning Committee at the request of Cllr Wemyss.
- 1.2 The main issues for consideration are:
  - a) The principle of development,
  - b) The standard of accommodation,
  - c) Amenity impacts upon neighbouring residents,
  - d) Parking,
  - e) Waste,
  - f) Impact upon the Solent Protection Areas

**2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**

- 2.1 Site and Surroundings
- 2.2 The application site comprises a two-storey, mid-terrace dwelling located on the southern side of Shadwell Road. The dwelling is set back from the highway with a shallow-walled forecourt. To the rear of the dwelling is an enclosed garden backing on to properties fronting Oriel Road.
- 2.3 The area surrounding the application site is primarily residential and characterised by terraced properties. No.13 to the east is currently divided into 3 flats and No.17 to the west is a Class C3 dwellinghouse.
- 2.4 Proposal
- 2.5 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

- 2.6 The proposed internal accommodation would comprise the following:
- Ground Floor - Kitchen, dining/living room, utility, shower room 1, bedroom no.4, separate w.c.  
First Floor - Bedroom nos. 1, 2 and 3, shower room 2
- Bin storage demonstrated at the front and sheltered/secure cycle store at rear for 4 bicycles.
- 2.7 The applicant has confirmed all four bedrooms would be single occupancy.
- 2.8 Due to Covid -19, the case officer was unable to carry out a site visit, however, photographs have been provided by the Agent on the 22nd April 2021.
- 2.9 Amended floor plan drawings were received during the course of the application to correct existing fenestration details.
- 2.10 Planning History
- 2.11 No relevant planning history specifically relating to the application site, however it is noted that the adjoining house to the east (no.13 Shadwell Road) is the subject of the following pending application:
- 20/00485/FUL - Change of use from three self-contained flats (Class C3) to one dwellinghouse to be used for purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse).

### **3.0 POLICY CONTEXT**

- 3.1 The relevant policies within the Portsmouth Plan would include: PCS20 (Houses in Multiple Occupation (HMOs)), PCS17 (Transport), PCS23 (Design and Conservation), PCS13 (A Greener Portsmouth),
- 3.2 In addition to the above policies, the aims and objectives of the revised National Planning Policy Framework (NPPF) (February 2019), the Council's Houses in Multiple Occupation SPD (October 2019) and Parking Standards and Transport Assessment SPD (July 2014) would also be relevant in the determination of this application.

### **4.0 CONSULTATIONS**

#### **4.1 Highways Engineer**

- 4.2 Shadwell Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.
- 4.3 No traffic assessment has been provided however given the small scale of the development, Highways are satisfied that the proposal would not have a material impact on the local highway network.
- 4.4 The site currently comprises of a 3 bedroom dwellinghouse with the proposed application seeking to convert the living room into a 4th bedroom whilst reconfiguring the lounge, kitchen and dining area, resulting in a 4 bedroom HMO.

- 4.5 Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwellinghouse is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 4 bedroom HMO is 2 spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2. A cycle store is provided to the rear of the property for 4 cycles, however no parking is proposed as part of this application.
- 4.6 No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site.
- 4.7 Notwithstanding the policy conflict and absence of information regarding availability of on street parking, given the quantum of the additional shortfall being only half a parking space officers do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore there is no objection on highway grounds to this proposal.

## 5.0 REPRESENTATIONS

- 5.1 21 objections have been received from 17 addresses. In addition, Cllr Wemyss forwarded a further 12 objection letters that had been sent direct to him as a Hilsea Ward Councillor (2 authors had already objected to the application direct to the LPA, 10 were additional and 5 of those gave no specific address).
- 5.2 The objections raised the following concerns:
- (a) already high concentration of HMO's in area; flat conversions and care homes should be included in HMO count; 3 similar applications pending at the same time; would result in 3 HMO's in a row; ample rented property in area already;
  - (b) HMO use will aggravate an existing parking problem in area; electric-charging bays already limit on-street availability; increased pollution levels due to increased parking demand;
  - (c) HMO use often results in anti-social behaviour, litter, noise and disturbance; loss of community cohesion due to transient nature of individuals renting; adverse impact on quality of living for existing families resident in road;
  - (d) loss of family home from city housing stock;
  - (e) loss of historic architectural features during conversion;
  - (f) noise, disturbance, rubbish during construction period;
  - (g) application states all rooms are for single occupancy but some are large enough to be doubles;
  - (h) no site notice displayed;
  - (i) strain on utilities, sewerage, drainage, local services and amenities;
  - (j) adjacent property is a care home (no.17) - negative impact for care home residents;
  - (k) increased nitrates due to population density;
  - (l) question accuracy of Council HMO data;
  - (m) HMO's are a concern in a pandemic where it has been proven that space and distance are key;
  - (n) HMO's often develop beyond scope of 'permitted development';
  - (o) HMO conversions are for profiteering purposes;
  - (p) nos. 15 is under the same ownership as no.13 which is being converted without planning permission;
  - (q) bike storage unlikely to be used as access through house only;
  - (r) quality of living conditions within the HMO should be considered - physical and mental well being of occupiers of HMO should be taken into account;
  - (s) Impact on house prices.

5.3 Full Covid-19 lockdown started 24/3/20.

Weekly List published 25/3/21, expired 12/4/21

Neighbours consulted 22/3/21, expired 10/5/21

Site Notice displayed by applicant 29/3/21, expired 10/5/21

As a result of representations received stating that no site notice was present, the Planning Officer visited the site and confirmed the site notice was on display 21/4/21 (on nearest lamppost, directly opposite site)

No press notice required.

## 6.0 COMMENT

6.1 The main issues for consideration are:

- a) The principle of development,
- b) The standard of accommodation,
- c) Amenity impacts upon neighbouring residents,
- d) Parking,
- e) Waste, and
- f) Impact upon the Solent Protection Areas.

6.2 Principle of the use

Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by not more than six unrelated people who share basic amenities such as a kitchen or bathroom.

6.3 Policy PCS20 of the Portsmouth Plan states that applications for the change 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 adopted Houses in Multiple Occupation SPD (October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

6.4 Based on information held by the City Council, of the 74 properties within a 50 metre radius of the application site, one property has been identified as an HMO in lawful use (at no.34 Shadwell Road). Therefore, the existing number of HMOs equates to 1.35% of the properties within the search area. The addition of the application property would result in 2.70% of properties being an HMO within the 50m radius, thus falling within the 10% threshold limit above which an area is considered to be imbalanced.

6.5 It is noted that the adjoining property at no.13 Shadwell Road is also the subject of a pending application to change use to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse). In the event that the application relating to no.13 was also granted planning permission, it would result in 4.05% of properties being an HMO within the 50m radius. This would still fall within the 10% threshold limit above which an area is considered to be imbalanced.

6.6 Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. As a result of publicity of the

application, additional HMOs were brought to the attention of the LPA however the majority of these fell outside of the 50m radius search area. One additional property, no.14 Shadwell Road, did however fall within the search area. This property has been investigated and found to be divided horizontally into two flats. Both flats have 2 bedrooms. One flat is occupied by a couple and the other by a single person. These flats are not therefore considered HMO's.

6.7 The HMO SPD October 2019 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.

6.8 It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

6.9 Standard of Accommodation

6.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals (since three of the four bedrooms meet the minimum size standards for double occupation). Whilst the applicant has confirmed the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

6.11 The Houses in Multiple Occupation SPD, as amended in October 2019, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

(HMO SPD -October 2019)	Area to be provided	Guideline Standard
Bedroom 1	19.51m <sup>2</sup>	11m <sup>2</sup> (as double)
Bedroom 2	10.28m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3	14.57m <sup>2</sup>	11m <sup>2</sup> (as double)
Bedroom 4	14.88m <sup>2</sup>	11m <sup>2</sup> (as double)
Shower Room 1	5.17m <sup>2</sup>	3.74m <sup>2</sup>
Shower Room 2	4.85m <sup>2</sup>	3.74m <sup>2</sup>
WC (ground floor)	3.16m <sup>2</sup>	Undefined
Dining Room/Living area	14.57m <sup>2</sup>	*
Kitchen	11.01m <sup>2</sup>	*

\* A footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the room space sizes expected where individual rooms are proposed, rather than an open plan layout. In this case the dining area and living area are combined and the kitchen is separate and all bedrooms are over 10m<sup>2</sup>. For an HMO accommodating between 6-10 people, the proposed combined floor area of the dining area and kitchen of 25.57m<sup>2</sup> would exceed the minimum requirement of 22.5m<sup>2</sup> and as such is considered to meet the necessary standards.

- 6.12 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 6.13 Impact on amenity
- 6.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful. Having regard to this material consideration, it is considered that there would not be a significant impact on residential amenity from the proposal.
- 6.15 Highways/Parking
- 6.16 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The requirement for a 3 bedroom dwellinghouse is 1.5 vehicle spaces and 2 cycle spaces. It is not considered that an objection on car parking standards for a shortfall of half a parking space could be sustained on appeal. It should be noted that the property could be occupied by a family with adult children, each owning a separate vehicle.
- 6.17 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.
- 6.18 Waste
- 6.19 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.
- 6.20 Special Protection Areas
- 6.21 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 6.22 Other matters raised
- 6.23 Concerns have been raised by residents of the road regarding the pressure the additional occupants would put on local services and drainage/sewerage. However,

having regard to the existing lawful C3 use of the property which allows the occupation of a family of unrestricted size, it is considered the use of the property would not have a significantly greater impact on local services and drainage/sewerage than if the property was occupied by a single family of six.

6.24 Loss of property value is not a material planning consideration.

6.25 Reference has been made in the representations regarding the use of no.17 Shadwell Road as a care home. However, upon further investigation, it is understood this property is used as assisted living and is in Class C3b use, not Class C4 use. Therefore, the proposed development would not result in three or more Class C4 HMOs being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

## 7.0 Conclusion

7.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2019).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### Time Limit

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

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

#### Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan no. TQRQM20358151901464 and Proposed Floor Plans no.PG.5216.20.01 Revision B.

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

#### Cycle Storage

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

## PRO-ACTIVITY STATEMENT

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

**73 OPHIR ROAD PORTSMOUTH PO2 9ER****CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE OF MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE).****Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Rob Vandenberghe

**RDD:** 22nd February 2021

**LDD:** 20th April 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is being presented to the Planning Committee due to the amount of objections the Local Planning Authority has received.

**1.2 Site and Surroundings**

1.3 The application site is a two-storey mid-terraced dwellinghouse located to the south of Ophir Road. To the frontage is a small forecourt, bound by a low level brick wall. The dwelling itself is constructed of brick work, with a bay window at ground and first floor level, finished in a light coloured render, with white upvc fenestration.

1.4 The surrounding area is characterised by residential dwellinghouses of a similar design and appearance. There are some rare decorative design features along Ophir Road, however there is a general sense of uniformity.

**1.5 Proposal**

1.6 This application seeks planning permission for the flexible use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

1.7 The proposed floor plan would comprise of: 2 no. bedrooms (including en-suites), 1 no. WC, and shared kitchen/ lounge at ground floor level, 2 no. bedrooms (including en-suites) at first floor level, and 2 no. bedrooms (including en-suites) at second floor level.

1.8 The agent has annotated on the submitted plans that the single storey rear extension is to be constructed under prior approval application (21/00008/GPDC), and the rear

dormer would be constructed under 'permitted development', as set out within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 1.9 History

### 1.10 21/00008/GPDC

Construction of single-storey rear extension that comes out a maximum of 6m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves.

Prior Approval

## 2.0 **POLICY CONTEXT**

2.1 In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in multiple occupation) and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) and houses in multiple occupation SPD would also be a material consideration.

## 3.0 **CONSULTATIONS**

### 3.1 Private Sector Housing

Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

### 3.2 Highways Engineer

Standing advice.

## 4.0 **REPRESENTATIONS**

4.1 55 no. objections have been received:

- a) increased noise
- b) lack of parking provisions
- c) sewage system issues/ blockages
- d) existing HMOs and flats within the area
- e) strain on existing utilities
- f) no bike storage
- g) concern about loft conversion/ loss of privacy
- h) detrimental impact on community living
- i) anti-social behaviour
- j) concerns about works being undertaken - dormer & extension
- k) breaching party wall
- l) lack of communal living area

## 5.0 **COMMENT**

5.1 The main determining issues for this application relate to the following:

- Principle of use
- Standard of living accommodation
- Highways and Parking
- Design
- Waste
- Impact upon the neighbouring amenities
- Nitrates and recreational disturbance

- Other matters

5.2 Principle of use

5.3 Permission is sought for the change of use of the Class C3 (dwellinghouse) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

5.4 Policy PCS20 of the Portsmouth Plan states that applications for the change 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 adopted Houses in Multiple Occupation SPD (HMO SPD) sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses.

5.5 Based on information held by the City Council, of the 65 properties within a 50 metre radius of the application site, no properties have been identified as HMOs. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

5.6 From objection comments, 2 no. address (no. 80 and 82 Ophir Road), have been brought to the attention of the LPA, whereby concerned neighbours believe these to be unlawful HMOs. From a history search, and council tax record check, these properties do not appear to be in use as HMOs.

5.7 Including the application site, it would bring the percentage of HMOs to 1.5%, falling below the 10% threshold as stated within the SPD, whereby any more than 10% of HMOs in an area is considered to be imbalanced.

5.8 A further policy strand introduced in July 2018 seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states:

"An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:

- granting the application would result in three or more HMOs being adjacent to each other; or

- granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."

5.9 This proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

5.10 It is therefore concluded that the proposed change of use would not result in an imbalance between HMO's and Class C3 dwellings in the prescribed area.

5.11 Standard of living accommodation

	(HMO SPD-JUL 2018)	Area Provided (sqm)	Required Standard (sqm)
Bedroom 1 (en-suite)	7.5	11.3	
	-	2.9	

Bedroom 2 (en-suite)	7.5 -	10.7 2.8
Bedroom 3 (en-suite)	7.5 -	15.4 3
Bedroom 4 (en-suite)	7.5 -	19.6 2.8
Bedroom 5 (en-suite)	7.5 -	12.6 2.7
Bedroom 6 (en-suite)	7.5 -	12.4 2.8
WC	3.74	1.7
Kitchen/ Lounge	34	24.8

5.12 The HMO standards require a property housing 6 unrelated individuals to have access to 2 no. separate bathrooms, and 2 no. separate WCs (one of the WCs can be contained with one bathroom). In this instance it is noted that there is 1 no. separate WC and 6 no. en-suites. Whilst the WC would fall below the size requirements of the SPD, 6 no. en-suites would be provided, which is an excess of the WC/bathroom facilities required by the HMO SPD, therefore this is considered to be acceptable. Furthermore, single occupancy bedrooms should measure a minimum of 7.5m<sup>2</sup>. All 6 no. bedrooms would comfortably exceed this, and would all be served by an en-suite, of which the provision of an en-suite is not defined within the HMO SPD. The shared living space for 6 or more persons is required to be 34m<sup>2</sup>. However, where bedrooms provide an excess of 10m<sup>2</sup>, the communal area can be reduced to 22.5m<sup>2</sup> (as set out on page 4 Standards for Houses in Multiple Occupation September 2018). The proposal would provide a communal area of 24.8m<sup>2</sup>, the size and shape is considered to be of a useable area for users, providing excess of the required 22.5m<sup>2</sup>.

5.13 With regard to the required standards set on pages 8 and 9 of the HMO SPD (Oct 2019), and page 4 of the HMO SPD (Sept 2018) it is considered that all the bedrooms and the combined living space would be acceptable when compared to the minimum spaces requirements. Further, they all benefit from a good standard of light, outlook and a suitable layout.

#### 5.14 Highways and Parking

5.15 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city whereby there is a requirement of 2 off-road for a C4 HMO. The site does not benefit from off-street parking, however it is noted that Ophir Road does benefit from on-street parking. The parking arrangement would remain unchanged and therefore a refusal on parking grounds could not be sustained.

5.16 In terms of cycle parking, the submitted drawings indicate that there would be a secure cycle store within the rear garden for 4 no. bicycles. These provisions are recommended to be secured via a condition, in accordance with the Parking Standards SPD.

5.17 To conclude, given the above, and subject to a condition regarding secure cycle storage to be retained in perpetuity the proposal would be considered acceptable, in accordance with PCS17 of the Portsmouth Plan.

#### 5.18 Design

5.19 The submitted plans denote that external works would be undertaken, comprising the addition of a single storey rear extension and rear dormer. The agent has annotated the plans to advise that the rear extension would be constructed under "21/00008/GPDC" and the rear dormer would be constructed under permitted development.

- 5.20 These external alterations will therefore not form part of the consideration within this application.
- 5.21 Waste
- 5.22 The storage of refuse and recyclable materials would remain unchanged, located within the front forecourt, and an objection of waste grounds would not form a sustainable reason for refusal. This would also be secured and controlled as part of the required HMO licence.
- 5.23 Impact upon the neighbouring amenities
- 5.24 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.
- 5.25 It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) that HMOs often result in an increased number of neighbour complaints, with the keywords mentioned within the complaint relating to parking provisions and rubbish/noise. It is noted that there is 1 no. HMO identified within the 50m radius of the site. Whilst noise may be increased, the introduction of a HMO in this location would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one HMO would not be significantly harmful at this particular point in time.
- 5.26 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Classes C3/C4.
- 5.27 Nitrates and recreational disturbance
- 5.28 Whilst it acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse with no upper limit on household) to C4 (use of a dwellinghouse by 3-6 residents as a HMO) and as such the proposal would not necessarily result in an increase in overnight stays and therefore would not have a likely significant effect on the Solent SPAs or result in an increased level of nitrate discharge.
- 5.29 In terms of recreational disturbance mitigation, the Solent Recreation Mitigation Strategy (December 2017) recognises that: " 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 disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order)". Consequently, contribution towards recreational disturbance mitigation would not be required in this case.
- 5.30 Other Matters
- 5.31 An objection comment was concerned about the addition of the rear dormer, and that this would result in a loss of privacy. The rear dormer is proposed to be constructed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), thus not requiring planning permission.
- 5.32 It was noted in the objection comments that "the Council failed to publicly notify residents about the planning application on street furniture as it should have done". A site notice

was erected on a nearby telegraph pole on 8 April 2021 and the council has photographic evidence of this.

5.33 Conclusion

5.34 Having regards to planning policy, the material considerations considered above and the matters raised, officer have concluded that the development is acceptable and that conditional planning permission should be granted.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

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

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: TQRQM20356111046987, and PG.5078.20.1 Rev A.

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

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

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

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

### **PRO-ACTIVITY STATEMENT**

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



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