

# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 21 JULY 2021 AT 10.30AM**

**COUNCIL CHAMBER, SECOND FLOOR, THE GUILDHALL**

Telephone enquiries to 023 9283 4056

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

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

### **Information with regard to public access due to Covid precautions:**

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by Public Health England.
- All attendees are required to wear a face covering while moving around within the Guildhall (requirement of the venue)
- Attendees will be required to take a temperature check on arrival (requirement of the venue)
- Although it will no longer be a requirement attendees may choose to keep a social distance and take opportunities to prevent the spread of infection
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so 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 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**

**1 Apologies**

**2 Declaration of Members' Interests**

**3 Minutes of the previous meeting held on 29 June 2021. (Pages 5 - 16)**

RECOMMENDED that the minutes of the previous planning committee meeting held on 29 June 2021 be agreed as a correct record.

**4 Update on planning applications.**

Planning Applications

**5 20/00485/FUL 13 Shadwell Road, PO2 9EH (Pages 17 - 58)**

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

**6 20/01540/FUL 15 Shadwell Road, PO2 9EH**

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

**7 21/00182/VOC Unit 1, Southdown View, PO3 5FS**

Variation of condition 6 of planning permission 16/01539/FUL, to allow the premises to be open 24 hours a day.

**8 21/00848/OUT Queen Alexandria Hospital, PO6 3LY**

Outline application for demolition of existing car park structure and construction of building to accommodate emergency department, with link to main hospital and parking at ground floor level; formation of emergency vehicle and pedestrian drop off zones; reconfiguration of internal highways; associated landscaping, infrastructure and ancillary works (principles of access to be considered).

**9 21/00631/FUL Queensbury House, PO6 1SE**

Construction of 2no. industrial warehouse units with ancillary offices, car parking and service yards

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held in the Council Chamber on Tuesday 29 June 2021 at 10.30 am.

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

### Present

Councillors Lee Hunt (Chair)  
Chris Attwell (Vice-Chair)  
Dave Ashmore  
Matthew Atkins  
Cal Corkery  
Jo Hooper  
Robert New  
John Smith  
Lynne Stagg

### Welcome

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

#### 45. Apologies (AI 1)

Apologies for absence were received from Councillors George Fielding, Judith Smyth (who was represented by Councillor Cal Corkery) and Gerald Vernon-Jackson (who was represented by Councillor Dave Ashmore).

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

Councillor Lee Hunt declared a personal and non-prejudicial interest for agenda item 11 (73 Ophir Road) as he had known one of the deputies, Lynda Dare, a long time ago. As Councillors Dave Ashmore, Chris Attwell and Lynne Stagg are members of the Cabinet they declared they would not participate in item 5 (Tipner Interchange) in order to avoid any perception of bias.

#### 47. Minutes of previous meeting held on 27 April 2021 (AI 3)

**RESOLVED that the minutes of the Planning Committee held on 27 April 2021 be approved as a correct record.**

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

The Head of Development Management advised that four appeals had been dismissed by the Planning Inspectorate (two for HMOs [House of Multiple Occupation], one householder and one non-householder) and two allowed (one for a front extension and one for vehicle access widening). Five appeals are in progress (two householders and three non-householders that were refused).

#### 49. Tipner Interchange, M275 Junction 1 Off Slip From Junction 12 M27, Portsmouth, PO2 8AN - 20/00457/OUT (AI 5)

Councillors Ashmore, Attwell and Stagg left the room.

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

*The agent for the application has identified a few typos within the Officer report. These are set out below.*

*Para 8.2: Main issues for determination in this application, point #3, sub-point (e) - heritage. This is listed as a sub-point of #3 (reserved matters for consideration at a later date) but should actually be a main numbered point in its own right.*

*Para 8.35: The report must also refer to the S66 test of the Listed Building and Conservation Area Act of having 'special regard', this was omitted in error. In order to rectify this it is reproduced below:*

*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.*

*Para 8.41 concludes that there is 'no harm' to heritage assets. Alternatively if some impacts were found (and they were less than substantial as per NPPF para 196) then any public benefits arising from the scheme should also be considered e.g. the provision of a park and ride for public use that will assist with PCC objectives to reduce city centre congestion and improve air quality.*

Deputations were made by:

- Martin Lavers, Assistant Director, Regeneration, Portsmouth City Council
- Celia Clark

Deputations are not included in the minutes but can be viewed on the livestream on the website

[Agenda for Planning Committee on Tuesday, 29th June, 2021, 10.30 am Portsmouth City Council](#)

#### Members' Questions

In response to questions from members, officers explained that:

- The committee are being asked to consider the principle of the development and access and accessibility today; other aspects such as design and scale are reserved matters to be considered later. With regard to scale the applicant has supplied indicative parameter plans and the height of the finished development could be lower than in the parameters but not higher. Approving the application today sets the parameters for the development. The dimensions given in the report are based on the parameter plans as an indication.

- There was concern about the extent of the development's impact on local residential amenity because of the height and visual impact. The 24-hour operation could have a high level of harm because of the light and noise caused by large numbers of people using it; there may also be a large amount of housing next to it (if planning permission is granted for the Tipner East and Tipner West). Officers advised that as with all applications the committee has to consider the balance between benefits such as cleaner air and harm to the public such as the scale of the hub.
- Design is a very subjective matter and although comments on the design and landscaping can be taken into account consideration of appearance is a reserved matter. The committee would consider the final design at the reserved matters application.
- Although the application considers accessibility and capacity primarily for motor vehicles there is provision for other modes of transport such as cyclists and pedestrians. The principle of the hub is to provide excellent facilities for cyclists where cycles can either be left and collected or hired. Charging points for electric bikes and e-scooters will be provided. People could cycle to the hub then take another form of transport. Accessibility and active travel is also considered at the reserved matters stage.
- At this stage weight cannot be given to the Local Plan when considering the application.
- Limited retail space is envisaged, for example, cycle repair shops. Retail units will be under 280 m<sup>2</sup> which is under the threshold for a mandatory retail assessment when assessing the impact on the local area.
- The application has taken into account regeneration and development plans for Tipner East and Tipner West when assessing how many parking spaces are needed in the hub. It is difficult to give an exact breakdown at this stage of how spaces will be used. Tipner West may have about 4,000 homes with an expectation of one parking space per home. Tipner East may have about 700 homes. There may be more support for these developments if their parking spaces are in the hub rather than on site. The aim of the hub is to reduce pollution. It is not a magic bullet but is one of several measures to facilitate sustainable transport such as encouraging cycling and having businesses closer to homes to reduce commuting.
- Even if Tipner West was not built the number of homes and businesses would be sufficient to justify the hub.

#### Members' Comments

- Members felt the proposal was unacceptable in its current form as the height, scale and massing would result in an overwhelming edifice that would dominate and have a negative effect on nearby homes. There was concern about agreeing to something which could not be reversed.
- There does not seem to be a justified need for so many car spaces. The case for a longer-term vision was not made, especially as it is unclear if Tipner West will proceed as currently envisaged. Such a large number of parking spaces may not be needed. Members do not want to see a half-occupied building, particularly one that some considered unattractive.
- Members acknowledged a need for a bigger and better Park and Ride to help improve air quality by preventing so many cars coming into Portsmouth. However, access for cyclists and pedestrians needs to be considered in as much detail as for motor vehicles though this can be worked on.

**RESOLVED to refuse planning permission, contrary to officer recommendation, for the following reason:**

**Due to the lack of adequate justification for the need for a 2,650 space park and ride facility, along with the proposed access arrangements and the proposed height of the building this would cause unacceptable harm to the amenities of local residents and the local area contrary to Policies PCS1 and PCS17 within the Portsmouth Plan [2012] and the National Planning Policy Framework [2019].**

Councillors Ashmore, Attwell and Stagg rejoined the meeting at 12.05 pm.

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

The Head of Development Management presented the report and drew attention to the Supplementary Matters which reported that:

*Additional consultee comment from the Contaminated Land Team received following the submission of an amended Remediation Strategy and Verification Plan prior to the agenda being published;*

*The following reports have been submitted with the above planning application for consideration and comment in relation to the proposed school building and associated works:*

- a) Phase 1 Geo-Environmental Desk Study Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. January 2018.*
- b) Phase 2 Geo-Environmental Assessment Report, C2726 - Former Wymering Centre, Sevenoaks Rd, Portsmouth, HSP Consulting Engineers Ltd. March 2018.*
- c) Portsmouth SEN Ground Investigation Report for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-XX-XX-RP-GE-1001, January 2021.*
- d) Portsmouth SEN Remediation Strategy and Verification Plan for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709- HYD-XX-XX-RP-GE-3000, 24 May 2021.*
- e) Portsmouth SEN Remediation Strategy and Verification Plan for ISG Construction Ltd., Hydrock Consultants Limited, Report Ref: 15709-HYD-XX-XX-RP-GE-3000, 03 June 2021.*

*In summary, from a review of the information submitted to date, the Contaminated Land Team (CLT) have not changed their recommendation for an amended pre-commencement condition, together with the standard verification conditions as previously recommended. Reasoning for this together with the proposed conditions are provided below.*

*The CLT reviewed reports a) - c) with the original planning consultation. Report d) was subsequently submitted and prioritised for review by the CLT. Comments were sent to Development Management (DM) on 11 June 2021. It is understood that between the review of report d) and providing comments, a further revision of report d) was received by DM but not passed on straight away to the CLT. This included additional site investigation carried out by Hydrock for the children's play area as well*



*as further asbestos screening, meaning the consultants had not received or seen the CLT's comments prior to sending out their revised report. The CLT was then asked to expedite the review of report e) for planning committee at the end of the month, as it is understood that the developer is keen to proceed without pre-commencement conditions.*

*Given the cross over in CLT's comments and receipt of the report e), the CLT contacted Hydrock and arranged a meeting with Andrew James (environmental consultant dealing with the site) on 21 June 2021. This was to discuss the CLT's comments and understand their concerns with the site including any outstanding information required pre-commencement. Having discussed the points raised in the CLT's memo of 11 June, Hydrock feel they are not yet in the position to have everything required for the pre-commencement condition to be removed.*

*The CLT await their written response to the points discussed, together with a further amended report e) to address as many things as possible that are required to allow works to commence. Any outstanding issues will be given a proposed deadline for submission to see if the need (or otherwise) for pre-commencement conditions can be further reviewed at this time.*

*Given the above our recommendation still stands for the following amended conditions to be applied to any planning approval granted:*

*5a) 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 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-XX-XX-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.*

*Prior to Occupation*

*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 stand-alone 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 (common to all): 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.*

#### Members' Questions

In response to questions from members, officers explained that:

- There will still be open public access to the playfields.
- Use of the school playground out of school hours will compensate for the loss of the current hard court area.
- The Gurnard and Tunstall Parks will be improved by having relocated play equipment. The public benefit of the school will compensate for the small loss of open space.
- The Wymering Tree and Wymering Wall will be retained.
- The proposal includes adequate parking provision for staff, students and parents. The School's Travel Plan includes use of minibuses and staggered start and finish times. Some students will travel by taxi and there is provision for cycle spaces.

#### Members' Comments

There were no comments from members.

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

#### **51. 1 Slingsby Close, Portsmouth, PO1 2PD - 20/00683/HOU (AI 7)**

The Development Management Team Leader presented the report and drew attention to the Supplementary Matters which reported that:

*The issue of the proposed slate 'cladding' to the front elevation has not been addressed in the officer report.*

*Insert new paragraph under 5.10 as follows:*

*5.10: Further it is considered that the proposed Marley Rivendale slate 'cladding' to the 1st and 2nd floors of the front elevation is incongruous and out of keeping with the area.*

*Also amend paragraph 5.15:*

*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 and the use of Marley*

*Rivendale slate to the Slingsby Close frontage, 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.*

*Amend the reason for refusal:*

*(1) Having regard to the use of vertical timber cladding in a highly prominent location at the junction of Slingsby Close and Blount Road and the use of Marley Rivendale slate to the Slingsby Close frontage, 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.*

Deputations were made by:

- Mark Holman (agent)
- Karen Gardner (applicant)

#### Members' Questions

In response to questions from members, officers explained that:

- Officers have corresponded with the applicant and agent and suggested amending the cladding, for example, having a horizontal emphasis rather than vertical, so that it was not incongruous with surrounding properties. The building is prominent within Slingsby Close. The option was not taken up so officers had no option but to refuse permission. There would not be much point granting permission with conditions that cannot be discharged. There had been delays in processing the application due to the nitrates issue and Covid.
- Even though the materials are environmentally friendly they are not considered compatible with others dominant in the area. As a rule of thumb materials have to be similar to those in the area and be sympathetic to the context. It was felt red cedar wood was incongruous. Officers could support the applicants to amend the proposal.
- The applicant was advised in April 2021 if they would consider a single dark colour stain.
- If the cladding was horizontal that would make a massive difference; then consideration of texture, materials and colour would follow suit.
- Where works materially change the appearance of a dwelling, the materials used must be 'similar' to the original dwelling to fall under certain heads of permitted development, or else a planning application must be made for the change.

#### Members' Comments

- It was difficult to define a particular character for the buildings in Pembroke Park.
- Members realised officers were trying to protect the street scene and were grateful to them for doing so but felt the extension was not incongruous with or harmful to the street scene; there were some unusual buildings nearby with upward momentum.

**RESOLVED to overturn the officers' recommendation that planning permission be refused and to GRANT planning permission for the following reason and subject to the conditions set out below:**

**Having regard to the use of vertical timber cladding, the Planning Committee consider that the proposal would not represent an unduly prominent development and would not be incongruous to the existing dwelling or those within the surrounding area and would not be harmful to the street scene. As such the proposed development is acceptable and it is recommended that planning permission be granted subject to the following 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: 8601-02 (Floor Plans); 8601-03 (Elevations); 86-1-04 (3D Views).  
Reason: to accord with the terms of the permission.
3. Notwithstanding the submitted details, no development works affecting the external appearance of the building shall commence until a detailed schedule of materials and finishes (including samples as requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.
4. The first floor side window (east) hereby permitted shall be fitted with a top-hung opening light, be non-opening to at least 1.7m above internal finished floor level of the room in which the window is installed, and shall be fitted with frosted glazing to a minimum of Pilkington Grade 3 or equivalent. The window shall be maintained as per these specifications.  
Reason: In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.

**52. Farlington Water Treatment Works, Gillman Road, Portsmouth, PO6 1BL - 20/01257/OUT (AI 8)**

The Head of Development Management presented the report.

A deputation was made by:

- Bill Irvine on behalf of Portsmouth Water (applicant)

Members' Questions

There were no questions from members.

Members' Comments

There were no comments from members.

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

**53. 13 Shadwell Road, Portsmouth, PO2 9EH - 20/00485/FUL (AI 9)**

The Development Management Team Leader presented the report and drew attention to the Supplementary Matters which reported that:

*Two further letters of objection have been received from previous objectors since the agenda was published. The representations raise no new material planning considerations and the matters raised have been addressed within the officer's report.*

Deputations were made by:

- Mr Reynolds (applicant)
- Kevin Wood

A written deputation was read out as part of the officer presentation from Councillor Daniel Wemyss. The Chair thanked Councillor Wemyss for agreeing to his deputation being read out as this allowed more members of the public to attend the meeting.

Members' Questions

In response to questions from members, officers explained that:

- Applications are considered in terms of need and change of use. The application satisfies the Supplementary Planning Document on HMOs and other planning policies, which officers have carefully followed.
- As to whether there is demand for changing the accommodation from self-contained flats to an HMO, the flats in question were substandard in terms of floor area. The proposal provides more generous room sizes for the occupants.
- Supported living accommodation and HMOs are two different types of accommodation. Supported living implies there are staff on the premises whereas HMOs do not have on-site management. Officers would not consider supported living accommodation as having significant amenity issues; the impact on amenity would be less than with HMOs. Supported living is land use Class C3b. As far as officers are aware 17 Shadwell Road has always been in Class C3b use.
- If the application was approved and the study was used as another bedroom this would be a breach of planning conditions. The applicant needs to show the space for a study exists in order to have an HMO licence. It is to the applicant's advantage to provide a generous living space. If the applicant wanted to change the number of bedrooms they would have to submit another application.
- The committee can only consider the application on its own merits and as it is presented today; hypothetical questions such as whether permission would be granted for a seven-person HMO cannot be considered.

Members' Comments

There were no comments from members.

**RESOLVED to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road.**

**54. 15 Shadwell Road, Portsmouth, PO2 9EH - 20/00252/FUL (AI 10)**

The Development Management Team Leader presented the report.

Deputations were made by:

- Mr Reynolds (applicant)
- Kevin Wood

A written deputation was read out as part of the officer presentation from Councillor Daniel Wemyss. The Chair thanked Councillor Wemyss for agreeing to his deputation being read out as this allowed more members of the public to attend the meeting.

Members' Questions

In response to questions from members, officers explained that:

- With regard to using the second bedroom as a double bedroom having more than six occupants in the property would breach planning conditions.
- Although the communal living space is less than for 13 Shadwell Road the difference might be what constitutes communal space in that the communal space for no.13 includes the kitchen, living and dining areas altogether. The minimum space standards for communal space vary according to whether the rooms are separate or combined. However, the bedrooms are far larger than the required minimum space standard. Larger bedrooms means that occupants are likely to spend more time in them than in the communal areas.

Members' Comments

There were no comments from members.

**RESOLVED to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road.**

**55. 73 Ophir Road, Portsmouth, PO2 9ER - 21/00252/FUL (AI 11)**

The Head of Development Management presented the report and drew attention to the Supplementary Matters which reported that:

*1 no. comment has been received since the agenda was published, this is summarised as follows: (a) the result has already been given to the owner, (b) works have progressed on the property for a long period of time, (c) loft conversion has been undertaken, (d) scaffolding has been up for months and works carried out (including 8:30 on a Sunday).*

*The application is brought to planning committee to be determined, a formal decision is yet to be made. The applicant would be reminded that any works undertaken prior to any determination of the application would be at their own risk. The loft conversion is not being considered as part of this application.*

Deputations were made by:

- Carianne Wells (applicant)
- Lynda Dare

#### Members' Questions

In response to questions from members, officers explained that:

- As a Class C3 dwelling the property has permitted development rights; the extension has had prior approval and has a certificate of lawfulness. Although work on the property is ongoing it cannot be considered as an HMO yet as it has not reached the stage where accommodation has been made available for the first time as an HMO. Officers are not aware in this case of further applications being submitted and would have advised the applicant about needing to apply for change of use.
- As the property is not yet in use as an HMO the application is not retrospective. An application is retrospective when the change of use has already started and then permission is requested. The committee must not treat retrospective applications punitively. Every single application must be determined on its merits and does not set binding precedents.
- The relatively small size of the kitchen is balanced out by the size of the lounge. The kitchen is probably just under 10m<sup>2</sup>. The photographs are of the existing layout and the cooker could be moved to enable occupants to move around and through the kitchen more easily. Deciding whether the layout provides a good living environment is a matter of planning judgement.
- As the bedrooms are larger than the required minimum space standard it may be that occupants only use the kitchen for cooking and will not spend much time in it, preferring to spend more time in the bedrooms. Although the layout of the kitchen could change the committee can only consider the application as it is presented today.
- The application meets the requirement that there is a maximum of one storey between bedrooms and the kitchen/dining area.

#### Members' Comments

Having a bedroom next to the kitchen does not provide a good living environment as the occupant could be disturbed by people using it at unsocial hours, for example, shift workers. In addition, the narrow galley style means it would be difficult for occupants to pass through to the lounge and having the cooker next to a door does not seem a sensible layout.

**RESOLVED to refuse planning permission contrary to officer's recommendation for the following reason:**

**Due to the inadequate quality of the proposed communal space particularly the kitchen layout, this would result in poor living conditions for future occupiers contrary to Policy PCS23 of the Portsmouth Plan [2012], the requirements of the Houses in Multiple Occupation SPD [2019] and guidance contained with the National Planning Policy Framework [2019].**

The meeting concluded at 3.20 pm.

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# Agenda Item 5

## **PLANNING COMMITTEE 21 JULY 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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# 01

20/00485/FUL

WARD: HILSEA

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:

- a) At the request of Cllr Wemyss;
- b) Following a deputation request from a local resident;
- c) Following the officer presentation and a full debate, the Planning Committee on the 29th June 2021 resolved to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road.

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. No.11 to the east and No.15 to the west are both Class C3 dwellinghouses.

#### 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 ensembles.

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, seven additional letters of objection were received (five 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;
- e) Construction work harming the visual amenity of the street scene;
- f) Querying the existing lawful use of the property as three self-contained flats.

(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 Following deferral of the application at the Planning Committee meeting on 29 June 2021, further investigation has taken place in order to establish the current use of 17 Shadwell Road. This property is owned and managed by the Clarion Housing Group and was visited by a member of the Planning Enforcement Team on 9 July 2021 who spoke with a care worker at the door who confirmed that the property provides supported living for 3 people with round the clock care. This appears consistent with Council Tax and HMO licensing investigation. On this basis, it is considered that 17 Shadwell Road is in Class C3(b) use and therefore the proposal 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.

# 02

20/01540/FUL

WARD: HILSEA

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:
- a) at the request of Cllr Wemyss
  - b) following the officer presentation and a full debate, the Planning Committee on the 29<sup>th</sup> June 2021 resolved to defer this application until the next available committee meeting to allow officers to conduct further research into the use of 17 Shadwell Road (paragraph 6.8 of this report refers).
- 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, beyond that no.11 is a Class C3 dwellinghouse and no.17 to the west is a Class C3(b) dwellinghouse (see paragraph 6.8 below).

- 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 Following deferral of the application at the Planning Committee meeting on 29 June 2021, further investigation has taken place in order to establish the current use of 17 Shadwell Road. This property is owned and managed by the Clarion Housing Group and was visited by a member of the Planning Enforcement Team on 9 July 2021 who spoke with a care worker at the door who confirmed that the property provides supported living for 3 people with round the clock care. This appears consistent with Council Tax and HMO licensing investigation. On this basis, it is considered that 17 Shadwell Road is in Class C3(b) use.
- 6.9 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.
- 6.10 Standard of Accommodation
- 6.11 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 (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.
- 6.12 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.

- 6.13 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.
- 6.14 Impact on amenity
- 6.15 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.
- 6.16 Highways/Parking
- 6.17 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.
- 6.18 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.
- 6.19 Waste
- 6.20 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.



6.21 Special Protection Areas

6.22 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.

6.23 Other matters raised

6.24 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.

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

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.

# 03

21/00182/VOC

WARD:HILSEA

## UNIT 1 SOUTHDOWN VIEW MILITARY ROAD PORTSMOUTH

### VARIATION OF CONDITION 6 OF PLANNING PERMISSION 16/01539/FUL, TO ALLOW THE PREMISES TO BE OPEN 24 HOURS A DAY.

**Application Submitted By:**  
Helyer Davies Architects Ltd  
FAO Mr Helyer Davies

**On behalf of:**  
IVC Evidensia  
IVC Evidensia trading as Downland Veterinary Group

**RDD:** 8th February 2021  
**LDD:** 27th May 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 comprises part of a wider scheme permitted under planning application referenced 16/01539/FUL. The site is located to the east of London Road (A3), due south of the M27. The immediate surroundings comprise other commercial/ industrial uses, with residential above. It is noted further east there are residential properties, located along Rampart Gardens, separated from the site by mature vegetation.

#### 1.4 Proposal

1.5 Variation of condition 6 of planning permission 16/01539/FUL, to allow the premises to be open 24 hours a day.

1.6 Condition 6 of planning permission 16/01539/FUL reads:  
*The ground floor commercial premises hereby permitted shall remain closed to and be vacated by the public outside of the following hours of operation:*

- 7am to 7pm Mondays to Saturdays, and
- 8am to 6pm on Sundays.

*No deliveries shall take place to these commercial premises between the hours of 7pm and 7am.*

#### 1.7 History

1.8 16/01539/FUL  
Use of part of ground floor as Veterinary Surgery (Class D1) and coffee shop (Mixed Class A1/A3); provision of an additional 12 car parking spaces together with changes to

car parking layout, new shopfronts and other minor external changes (Amended Scheme to 15/01334/FUL)

Conditional Permission (6 December 2016)

## **2.0 POLICY CONTEXT**

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

## **3.0 CONSULTATIONS**

3.1 Environmental Health  
No objection

3.2 Highways Engineer  
No objection

## **4.0 REPRESENTATIONS**

4.1 2 no. petition cumulating 39 no. objections has been received, summarised as follows:

- a) noise, nuisance and disruption to residents
- b) remove condition relating to restricting delivery times
- c) lack of parking
- d) no dog fouling bin
- e) no need as a vets in Emsworth offer 24/7 emergency service
- f) sets a precedent
- g) local area should be kept as residential not moving towards commercial usage
- h) lack of notification
- i) flood risk area

## **5.0 COMMENT**

5.1 The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key considerations in the determination of this application relate to:

- Principle
- Design
- Amenity
- Highways
- Other Matters

5.2 Principle

5.3 The application site is currently occupied by Downland Veterinary Group. This application proposes to extend the operating hours.

5.4 Design

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

5.6 No external alterations are proposed as part of this application, therefore design is not a relevant consideration in this instance.

5.7 Amenity

- 5.8 Policy PCS23 of the Portsmouth Plan includes, amongst other things, 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.
- 5.9 Due to the nature of the proposals, the Council's Environmental Team have been consulted.
- 5.10 Further information was provided 27 May 2021, relating to the average amount of patients/ vehicles. This sets out that there would be estimated, 5 no. patients/ vehicles between 19:00 - 22:00 each night, 1 no. patient/ vehicle between 22:00 - 00:00, and less than 1 no. patient/ vehicle between 00:00 - 06:00, and no likely patients/ vehicle between 06:00 - 08:00.
- 5.11 The Council's Environmental Health Teams comments conclude that "subject to a good ratio of staff to sick animals being treated out of hours (1 staff to every four animals) it is feasible for the noise from the practise to be kept to a minimum and therefore unlikely to cause a loss of amenity to nearby residential properties. The applicant has also confirmed that there will be no changes to the delivery times to the surgery", and will remain as previously approved.
- 5.12 To conclude, the Councils Environmental Health officer has raised no objection, it is therefore not considered likely that the proposal would give rise to a level of activity or noise that would have an adverse impact upon the residential amenity, thus being in accordance with Policy PCS23 of the Portsmouth Plan.
- 5.13 Highways
- 5.14 The SPD does not give expected number of car parking spaces for non-residential developments rather each site is assessed on a site by site basis. The SPD requires that non-residential developments are supported with a parking assessment to establish the likely parking demand which is likely to be associated with the proposal.
- 5.15 Due to the nature of the proposals, the Local Highways Authority have been consulted.
- 5.16 The application site currently functions as a Veterinary practice, whereby parking provisions were agreed subject to planning application referenced "16/01539/FUL". The proposal does not seek to extend the services provided, solely extend the operating hours from 7am to 7pm Mondays to Saturdays, and 8am to 6pm on Sundays to 24 hours.
- 5.17 The LHA officer advised that the original application (16/01539/FUL) increased the parking shortfall associated with the site by 8 spaces, although this was in part mitigated by the peak demand of the residential element above falling at a different time to the proposed operating hours of the vets practice. Furthermore, within this application, despite the parking standard for the residential component requiring 72 spaces for the 59 flats the evidence base suggesting that only 46 spaces would be required was sound given the survey provided. 89 spaces were to be provide don the site to meet both the commercial and residential demand. As a consequence there should be in the order of (89-46) leaving 43 spare spaces available overnight.
- 5.18 Their comments (5 July 2021) advise that given the further information, the proposal would only result in an additional 5 customers overnight, it seems that there would be sufficient space to accommodate the associated parking on site, and therefore would not wish to raise an objection.

- 5.19 To conclude, the Local Highways Officer has raised no objection, it is therefore not considered likely that the proposal would have an adverse impact upon the residential amenity in terms of lack of parking, nor would this have a detrimentally harmful impact upon the highways network, thus being in accordance with Policy PCS17 of the Portsmouth Plan.
- 5.20 Others Matters
- 5.21 This section will clarify the objections received.
- 5.22 The removal of the condition will also apply to restricted delivery time. The Council's Environmental Health Officer discussed this with the applicant, whereby they confirmed that there will be no changes to the delivery times to the surgery. This will also be secured via condition.
- 5.23 Comments also relate to no dog fouling bin being provided and that there are other vets in Emsworth which offer 24/7 service. These comments do not form relevant material planning considerations. This application is to be determined upon its own merits.
- 5.24 There is concern that the 24/7 operation will set a precedent. It should be noted that each application is determined on its own merits. In this instance, the unit is currently occupied by a Veterinary Practice, looking to increase their opening hours to provide around the clock care for animals, whereby the relevant consultees have raised no objection.
- 5.25 Another comment notes that the local area should be kept as residential not moving towards commercial usage. Planning application ref. 16/01539/FU", permitted (6 December 2016) the Veterinary Practice, and a mixture of coffee shops/ cafes at ground floor with residential above. This application is solely to increase the opening hours for a previously approved Veterinary Surgery.
- 5.26 The neighbours consulted for application ref. 16/01539/FUL were also consulted as part of this application. A site notice was also displayed.
- 5.27 Regard was also made to the flood risk area in a comment. The flood risk was assessed as part of application "16/01539/FUL", whereby:  
*This development was predicated on a land use (as doctor's surgeries) serving a defined local catchment area and for a sequential assessment that could not identify any suitable, available or viable site in an area of flood risk that is lower than the application site and that could accommodate the proposed development within the relevant catchment area. This proposal would not represent a change of use to a more vulnerable class of flood risk (also falling within "less vulnerable" classification).*  
It was previously concluded that the Veterinary Practice would be a compatible use within this area. This application does not seek any external alterations, solely the increase in opening hours, therefore the proposal would have no impact upon the flood zone.
- 5.28 Conclusion
- 5.29 Having regard to national and local planning policy and all other material considerations, it is considered that the proposal is acceptable subject to conditions.

## RECOMMENDATION

## Conditional Permission

### Conditions

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

21/00182/VOC:  
14107-05 Rev A

2) Prior to the installation of any fixed plant or equipment, a scheme for protecting residential premises from noise generated by the plant or equipment shall be submitted for approval by the local planning authority. The scheme shall demonstrate that the combined noise level from all such plant (expressed as a LAeq, 5minute) will be equal to the measured background noise levels (expressed as an LA90 over one hour) representative of the quietest period of a typical week. The assessments shall be made at 1 metre from the façade of any residential premises. On approval, the scheme shall be implemented and thereafter maintained.

3) The ground floor commercial premises (Unit 1) shall operate 24 hours a day. No deliveries shall take place to these commercial premises between the hours of 7pm and 7am.

4) Before first use of any of the ground floor commercial units the additional parking and remodelling of existing bays to provide for a total of 89 car parking spaces and access thereto shown on the approved site layout plan, including not less than 4 'disabled' parking bays, shall have been surfaced (in materials/finishes to match those existing at the site), marked out and made available for use; and these parking spaces shall thereafter be retained.

5) No cooking processes other than the preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device shall be undertaken within the coffee shop premises (for mixed use Class A1/A3) hereby permitted.

6) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking, amending, or re-enacting that Order) the use of Unit 1 shall be for a veterinary surgery only and shall not be used for any other purpose within Class D1 (non-residential institutions), unless with the prior written permission of the local planning authority through the submission of a planning application.

### The reasons for the conditions are:

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

2) To protect the amenities of the occupiers of adjoining and nearby residential dwellings from noise and general disturbance, in accordance with policy PCS23 of the Portsmouth Plan.

3) To protect the amenities of the occupiers of adjoining and nearby residential dwellings from noise and general disturbance, in accordance with policy PCS23 of the Portsmouth Plan.

4) To ensure adequate provision is made for parking in the interests of highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Parking standards and transport assessment SPD.

5) To preserve the setting of 'Hilsea Lines' SAM/Conservation Area and to protect the amenities of the occupiers of adjoining dwellings, in accordance with policy PCS23 of the Portsmouth Plan, having regard to practical difficulties of installing a suitable and visually sympathetic extract ventilation system to deal with the dispersal of cooking fumes and odours.

6) To ensure adequate parking provision in the interests of highway safety, flood risk vulnerability and to protect the amenity of residents on upper floors from noise/general disturbance, having regard to the wide range and potentially different impacts of alternative D1 uses, in accordance with policies PCS12, PCS17 and PCS23 of the Portsmouth Plan and the Parking standards and transport assessment SPD.

#### 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.

#### Informatives:

The following conditions were implemented as part of planning application referenced 16/01539/FUL, these have not been implemented as part of this application as they either relate to the time limit of commencement or have already been discharged.

1) The development hereby permitted shall be begun before the expiration of 3 years (6 December 2016) from the date of planning permission referenced 16/01539/FUL.

2) PLANS

16/01539/FUL:

Site layout/Location plan - 976-PD250\_RevM;

Ground floor plan - 976-PD251\_RevD; and,

Ground floor elevations - 976-PD252\_RevC.

3) Before development commences a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring shall have 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). Such scheme shall include nomination of a competent person to oversee the implementation of the works, as agreed 3 May 2017.

4) The ground floor commercial units shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition 3 that any remediation scheme required and approved under the provisions of condition 3 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 (but not be limited to):

a) as built drawings of the implemented scheme

b) photographs of the remediation works in progress

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3, as agreed 26 September 2017.



**QUEEN ALEXANDRA HOSPITAL SOUTHWICK HILL ROAD PORTSMOUTH PO6 3LY**

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING CAR PARK STRUCTURE AND CONSTRUCTION OF BUILDING TO ACCOMMODATE EMERGENCY DEPARTMENT, WITH LINK TO MAIN HOSPITAL AND PARKING AT GROUND FLOOR LEVEL; FORMATION OF EMERGENCY VEHICLE AND PEDESTRIAN DROP OFF ZONES; RECONFIGURATION OF INTERNAL HIGHWAYS; ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ANCILLARY WORKS (PRINCIPLES OF ACCESS TO BE CONSIDERED)**

**Application Submitted By:**

Turley  
FAO Mr Mervyn McFarland

**On behalf of:**

Mr Simon Wilson  
Portsmouth Hospital University NHS Trust

**RDD:** 4th June 2021

**LDD:** 6th September 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 only to be determined, although indicative plans have been provided to show the scale of the proposed building. Matters relating to detailed appearance, scale, layout and landscaping would be dealt with as reserved matters. The main matters for determination of this application are as follows:
  - Principle of the proposal
  - Access (vehicle and pedestrian), and highway impact
  - Scale parameters
  - Impact on the amenity of hospital users and neighbouring residents
  - Air quality
  - Ecology
  - Contaminated land
  - Drainage
- 1.3 Site and surroundings
- 1.4 The application site lies on the east side of the hospital site, where there is currently a two-storey decked staff car park, accessed from Lister Road via Hunter Road and Southwick Hill Road. Curie Road runs along the northern side of the site and currently acts as a service road to the main building. The main hospital buildings lie to the north and west and to the east there are some smaller ancillary hospital buildings and a wellness centre. To the south there are two high rise blocks of flats occupied as doctor and nurses accommodation. Beyond the site boundary to the south are residential dwellings in Dame Judith Way, and there are residential dwellings further to the east on the opposite side of Southwick Hill Road.

- 1.5 There are no specific environmental or policy constraints associated with the site although there is the potential for ground contamination to exist.
- 1.6 Proposal
- 1.7 Outline planning permission is sought for the construction of a new building to accommodate a new Emergency Department, linking to the main hospital complex. The building would have three levels with a maximum floor area of 13,620sqm. The ground floor of the building would be for vehicle parking. Key elements of the proposal include:
- re-provision of 216 parking spaces (predominantly at ground floor level beneath the new building);
  - creation of a new 'Blue Light' vehicle access on the north eastern corner of the site;
  - Creation of a patient 'Walk in' access on the north side of the site;
  - Improvements to servicing and delivery arrangements and turning areas on Curie Road.
- 1.8 The new building would accommodate parking on the lower level (Level A), the emergency department on the middle level (Level B), and plant and equipment on the upper level (Level C).
- 1.9 Planning history
- 1.10 The hospital has an extensive planning history. The most recent and relevant permissions are as follows:
- 21/00232/FUL - Construction of four level multi-storey car park with elevated link bridge and associated landscaping - conditional permission, 1 April 2021
  - 20/01256/FUL - Construction of 72 bed, two storey hospital ward with enclosed link to rehabilitation centre and access ramp, to include reconfiguration of car park, service yard and associated landscaping - conditional permission, 10 December 2020
  - 20/00257/FUL - installation of pipework with associated services, canopy, hardstanding and barriers - conditional permission, 29 April 2020
  - 19/01688/FUL - construction of elevated gantry with access building, to include canopy structure, retaining wall, screens to conceal services and associated hard and soft landscaping - conditional permission, 16 January 2020
  - A\*36713/AE - application for approval of reserved matters for planning permission A\*36713/AC - conditional approval, 1 April 2004
  - A\*36713/AC - construction of up to eight storey hospital building (up to 79,000 sqm floorspace), associated car parking with new access from Southampton Road, and residential development of up to forty dwellings - conditional outline planning permission, 29 April 2003

## **POLICY CONTEXT**

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

- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS14 (A Healthy City)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)

- PCS17 (Transport)
- PCS23 (Design and Conservation)

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

- Saved Policy CM6 (Queen Alexandra Hospital)
- Saved Policy DC21 (Contaminated Land)

## 2.3 Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Design Guide (2019)
- National Planning Practice Guidance
- Achieving Employment and Skills Plans Supplementary Planning Document (2013)
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## **CONSULTATIONS**

### Coastal and Drainage

No objection subject to detailed drainage scheme being required by condition. The site appears to be 100% impermeable therefore there is an opportunity for betterment.

### Environment Agency

Comments awaited.

### Natural England

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

### Coastal Partners

No objection in principle. Site is in Flood Zone 1, low risk of flooding. Recommend applicants sign up to the Environment Agency's Flood Warning Service in case of extreme flood event.

### Ecology

The submitted Ecological Appraisal confirms there is a lack of suitable habitat for protected species. This conclusion is supported. The development offers the opportunity to enhance biodiversity. A biodiversity enhancement scheme should be requested by condition.

### Crime Prevention Design Advisor

Advice provided about how to ensure security of the proposed lower level car park, with the use of appropriate doors, CCTV and lighting.

### Local Highways Authority

Satisfied that the development of the Emergency Department in itself would not result in a significant impact on the local highway network, and parking strategy accepted. However, insufficient information to determine the potential increased traffic generation from the reuse of the former emergency department.

## Environmental Health

No objection subject to condition. An acoustic assessment has been submitted which confirms target noise levels from machinery to protect sensitive development within the hospital grounds, which would also ensure that nearby residential dwellings are protected. A detailed Noise Assessment to include any necessary mitigation would be required before any fixed plant or equipment is installed.

## Contaminated Land Team

No objection subject to conditions to ensure that the risks from contamination are fully assessed and mitigated.

## Health Development Manager

Comments awaited.

## **REPRESENTATIONS**

- 4.1 PCC publicity dates:
- Neighbour letters sent: 15 June 2021; expiry 7 July 2021
  - Site notice displayed: 15/06/2021; expiry 7 July 2021
  - Press notice: 11 June 2021; expiry 2 July 2011
- 4.2 Three representations received, objecting on the following grounds:
- a) increased traffic on Southwick Hill Road, leading to increased queuing and risk of accidents and concerns about blocked access to nearby residential estate;
  - b) the Southwick Hill accesses should be restricted to buses and ambulances only;
  - c) noise and disturbance during construction;
  - d) increased light pollution;
  - e) increased air pollution from increased traffic;
  - f) impact on mental health of local residents due to increased noise, air pollution and traffic.

## **COMMENT**

- 5.1 Principle of the proposal
- 5.2 The proposed development is part of the Hospital Trust's plans for long term enhancement of facilities at the hospital. The existing Emergency Department (ED) was subject to some refurbishment in 2003 but has not expanded to keep up with rising demand and is no longer considered fit for purpose. The applicant has explained that the current patient demand (120,000 per annum 2018/19), exceeds by over 20% what the original building was intended to accommodate. Patient demand is anticipated to grow by a further 2.5% per annum over the next 15 years, which will worsen the capacity issues if the proposal is not provided. The proposal is designed to improve the physical environment, both for the benefit of patients through improved experience and clinical care outcomes, and for the Hospital Trust by ensuring an efficient and cost-effective department in the long term.
- 5.2 The Local Planning Authority acknowledges the benefits of the proposal in enhancing facilities and ensuring the long term sustainability of the Hospital, thus is considered acceptable in principle.

#### 5.4.0 Access (vehicle and pedestrian), and highway impact

- 5.5 In relation to access, there are two existing vehicle access points to the Hospital from Southwick Hill Road and no changes are proposed to these accesses. The proposal would be accessed from the southernmost entrance, which leads to Hunter Road within the Hospital grounds. The access layout has been designed to provide clear distinctions between public and blue light vehicle zones, with key access points as follows:
- Blue light vehicles - access via Southwick Hill Road and Hunter Road, leading to a parking area for 16 ambulances to the east of the building, with direct access to Level B of the new ED;
  - Public emergency drop off - via Southwick Hill Road and Curie Road with a drop-off area provided on the north side of the proposal, with access to Level B;
  - Staff parking - access via Southwick Hill Road, Hunter Road and Lister Road, with vehicle access to Level A on the south side of the new building.
- 5.6 In relation to parking provision, the proposal would incorporate parking provision for 216 spaces. The existing decked staff car park on the site accommodates 561 spaces therefore the development would result in a net loss of 345 parking spaces on this part of the site. However, the development is being considered in the context of wider development schemes within the hospital, which includes the recently permitted multi-storey car park on the north side of the Hospital complex. The parking provision that would be lost on the site of the proposal would be partially mitigated by the increased parking provision that would be provided within the new multi-storey car park.
- 5.7 On the Hospital site as a whole, there would still be a reduction in the number of parking spaces and this would be mitigated through a reduction in on-site staff parking permits and increased use of the Park and Ride at Fort Southwick. The submitted Transport Assessments demonstrates that there is adequate capacity at the Park and Ride to accommodate the increased staff parking requirements. The Local Highways Authority [LHA] is satisfied with the proposed parking strategy.
- 5.8 The LHA is also satisfied that the proposal in itself would not significantly impact on the highways network. However there was insufficient information for the LHA to determine the potential impact of additional traffic generated by the reuse of the old Emergency Department [ED]. The Hospital Trust had not provided details on how the old ED building would be reused. However the access to the old ED building has not been abandoned and its reuse would not entail works requiring planning permission.
- 5.9 Whilst the proposal [i.e. new ED] would be larger, it is not predicted that it and the old ED building, and indeed this intensification of the use of the Hospital site would result in significant increase in staff, or daily vehicle trip movements. It is the opinion of the Local Planning Authority that it is unlikely that the residual cumulative impacts on the road network would be severe.
- 5.10 The development is considered to be acceptable in terms of access and highway impact, in accordance with Policy PCS17 of the Portsmouth Plan (2012) and guidance contained within paragraph 109 of the National Planning Policy Framework (2019).
- 5.11 Scale parameters
- 5.12 The application has been submitted in Outline form with access only to be determined. However, plans have been provided to indicate the likely scale of the development. The development would be on the site of an existing two-level decked car park. The main hospital buildings to the west and north are between 6 and 8-storeys high and there are 9-storey tower blocks to the south. To the east of the site there are some smaller ancillary hospital buildings, ranging between 1 and 3-storeys. The indicative plans show

that the proposed building would have a footprint similar to the existing car park and would have 3 levels of accommodation. It would therefore be lower than the main hospital buildings to the east and north. It would be taller than some of the buildings on the east side of the site, but having regard to the variety in building heights existing on the site, this is not considered to be unacceptable.

5.13 In summary, whilst the new building would be large in size, having regard to the scale of existing buildings within the hospital site, the development would be considered appropriate within its context in accordance with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 127 of the National Planning Policy Framework (2019).

5.14 Impact on the amenity of hospital users and neighbouring residents

5.15 Due to the proximity of the main hospital buildings, which accommodate patient wards, the Council's Environmental Health Officer has recommended a condition to require a detailed noise assessment of any plant or equipment to be carried out before installation and to agree any necessary mitigation. This would ensure that existing patients within the hospital are protected from adverse noise impacts.

5.16 The nearest residential properties are located in Dame Judith Way, approximately 60m to the south and in Islay Gardens, approximately 40m to the east (when measured from the application site red line). The separation distance and the presence of existing buildings within the hospital mean that these neighbouring residents would not be directly impacted by the development in terms of loss of light, or privacy. Concerns have been raised about increased noise and disturbance during construction and this can be managed through a Construction Management Plan.

5.17 Subject to the recommended noise condition, it is considered that the development can be accommodated without harming the amenities of existing patients or nearby residential properties, in accordance with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 180 of the National Planning Policy Framework (2019).

5.18 Ecology

5.19 The existing site comprises a decked car park and is predominantly made up of hard surfacing. An Ecological Appraisal has been submitted, which confirms that there is a lack of suitable habitat for protected species and the County Ecologist concurs with this assessment. Natural England has concluded that the development would not have adverse impacts on statutorily protected nature conservation sites. The development offers the opportunity to enhance biodiversity at the site, and a scheme for biodiversity enhancements can be requested and secured by condition, in accordance with the requirements of Policy PCS13 of the Portsmouth Plan (2012).

5.20 Contaminated land

There is the potential for contamination to exist on the site and given the sensitive end use for the development, the Contaminated Land Officer has requested conditions to ensure that the potential risks from contamination are fully assessed and mitigated, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006) and guidance contained within paragraph 118 of the National Planning Policy Framework (2019).

## 5.21 Drainage

The site lies within Flood Zone 1 and is therefore at low risk of tidal flooding. A detailed drainage strategy would be required as part of the detailed design to ensure that surface water run-off is satisfactorily dealt with to avoid any increased risk of flooding to the surrounding area. This can be secured by condition, and would ensure that the development accords with Policy PCS12 of the Portsmouth Plan (2012).

## 5.22 Sustainable construction

Policy PCS15 of the Portsmouth Plan requires non-residential development to achieve a BREEAM Excellent rating, unless otherwise agreed in writing by the City Council. The policy notes that the standards are a matter for negotiation, taking account of matters such as abnormal costs, economic viability and the feasibility of meeting the standards at a specific site.

5.23 The applicants have confirmed that the new development would aim to achieve the Excellent rating in accordance with Policy PCS15 of the Portsmouth Plan (2012).

## 5.24 Conclusion

5.25 The proposal is considered vital for the long term sustainability of the hospital, to meet on-going demand for Emergency Care. Access proposals are acceptable and relevant technical and environmental matters can be addressed by condition to ensure that the development accords with the relevant policies of the Portsmouth Plan and the National Planning Policy Framework (NPPF).

# **RECOMMENDATION - Conditional Permission**

## **Conditions**

### **Time Limit Outline**

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 layout (to include internal floorplans, parking layout, plant and equipment and layout of external areas to include pathways, storage areas and parking), scale (to include footprint, depth, width and height), appearance (to include details and samples of type, colour and texture of external materials, fenestration and hard surfacing) 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 development in accordance with policy DC1 of the Portsmouth City Local Plan 2001-2011.

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: 1652-ADA-ZZ-ZZ-DR-A-1000 (Location Plan); 1652-ADA-ED-LA-SK-A-5035 (Level A Access Strategy); 1652-ADA-ED-LA-SK-A-5030 (Level A Planning Drawing); 1652-ADA-ED-LB-SK-A-5036 (Level B Access Strategy); 1652-ADA-ED-LB-SK-A-5031 (Level B Planning Drawing);

1652-ADA-ED-LC-SK-A-5032 (Level C Planning Drawing) and 1652-ADA-ED-ZZ-SK-A-0202 (3D Axonometric).

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) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model).

and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with

BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the

conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

c) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. 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 (2006).

#### **Drainage Strategy**

5) a) No development shall commence on site until a detailed foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority;

b) the development shall be carried out in accordance with the details approved under part (a) of this condition.

Reason: To ensure satisfactory provision for drainage to prevent increased flood risk in accordance with Policy PCS12 of the Portsmouth Plan (2012).

#### **Construction Environmental Management Plan**

6) No development shall commence on site until a Construction Environmental Management Plan 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 disruption to the operation of the hospital site and the amenities of surrounding occupiers and in the interests of safe operation of the surrounding highway network during the construction of the development, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### **Employment and Skills Plan**

7) No development shall commence on site until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority, to include arrangements for working with local employment and/or training agencies and provisions for training opportunities and initiatives for the workforce employed in the construction of the development. The Employment and Skills Plan shall thereafter be implemented in accordance with the approved details.

Reason: To enhance employment and training opportunities for local residents in accordance with Policy PCS16 of the Portsmouth Plan (2012) and the Achieving Employment and Skills Plans Supplementary Planning Document (2013).

### **Biodiversity enhancements**

8) (a) No development above foundation/slab level shall take place at the site until a scheme for proposed biodiversity enhancements and their timing, to achieve a net gain in biodiversity, shall have been submitted to and approved in writing by the Local Planning Authority;  
(b) The scheme for biodiversity enhancement shall be fully implemented in accordance with the details approved under part (a) of this condition and thereafter retained.

Reason: To achieve a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan (2012).

### **Contaminated land verification**

9) 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 stand-alone verification report by the competent person approved pursuant to condition 4c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the 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 4c.

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).

### **Noise Assessment**

10) a) Prior to the installation of any fixed plant or equipment, a Noise Impact Assessment, to include details of any required mitigation, shall be submitted to and approved in writing by the Local Planning Authority;  
b) The plant and equipment shall thereafter be installed and maintained in accordance with the details approved under part (a) of this condition.

Reason: To protect the amenities of hospital users and nearby residents in accordance with Policy PCS23 of the Portsmouth Plan (2012).

**BREEAM standard**

11) Within 6 months of completion of the development hereby permitted, written documentary evidence shall be submitted to, and approved in writing by the Local Planning Authority proving that the development has achieved 'Excellent' standard of the Building Research Establishment's Environmental Assessment Method (BREEAM), which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan (2012).

**Landscape implementation**

12) (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).

**QUEENSBURY HOUSE FITZHERBERT ROAD PORTSMOUTH PO6 1SE**

**CONSTRUCTION OF 2NO. INDUSTRIAL WAREHOUSE UNITS WITH ANCILLARY OFFICES,  
CAR PARKING AND SERVICE YARDS**

**Application Submitted By:**

Hale Architecture Limited  
FAO Roland Lee

**On behalf of:**

Mr Michel Henri  
Ravenbourne Queensbury Limited

**RDD:** 23rd April 2021

**LDD:** 26th July 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 main matters for determination of this application are as follows:

- Principle of the proposal
- Layout, design and appearance
- Access, parking and highway implications
- Ecology
- Drainage and flood risk
- Residential amenity
- Sustainable construction

### 1.3 Site and surroundings

1.4 The application site lies on the south side of Fitzherbert Road, to the east of Fishers Grove. The site was previously occupied by industrial buildings, which have recently been demolished following the receipt of planning permission for the construction of 17 new industrial buildings in June 2018 (ref. 17/01948/FUL). The site lies within Flood Zone 3 and within a designated employment area under Policy PCS11 of the Portsmouth Plan (2012). The surrounding area is predominantly industrial in character, although there is a residential estate further to the east. Immediately to the south of the site is the railway line and beyond this are the St Johns College Playing Fields, which are identified as an important site for Solent Waders and Brent Geese.

### 1.5 Proposal

1.6 This application relates to the southern part of the site subject to the previous planning permission and is for a revised layout and design for the new buildings. The previous permission comprised 12 small industrial units on the southern side, with a north/south orientation. The new proposal is for the construction of a building comprising 2 larger units located adjacent to the eastern boundary with their main elevations facing west. The building would measure 29.5m in depth, 67.5m in width and up to 10.8m in height (8.9m to eaves), with a total floor area of 2,288m<sup>2</sup>. Access would be via Fishers Grove

with space for the parking and turning of vehicles provided in front of the new buildings. There would be 24 car parking spaces in total.

### 1.7 Planning history

1.8 Relevant to the determination of this application is application ref. 17/01948/FUL - Construction of 17 individual units for Class B1, B2 and B8 use, with associated access, car parking and service yards, after demolition of existing buildings. Conditional planning permission was granted on 19 June 2018

1.9 Previous planning history on the site relates to the former buildings, dating back to the 1950s.

1.10 On the adjacent site to the west, planning permission was granted in 2005 for the construction of three buildings containing 20 units for B1, B2 and B8 use, with associated parking and cycle storage, ref. A\*23008/AF.

## **2.0 POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

- PCS11 (Employment Land)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS15 (Sustainable Design and Construction)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

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

- Saved Policy DC21 (Contaminated Land)

### 2.3 Other Guidance

- National Planning Policy Framework (NPPF) (2019)
- National Design Guide (2019)
- National Planning Practice Guidance
- Achieving Employment and Skills Plans Supplementary Planning Document (2013)
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## **3.0 CONSULTATIONS**

### 3.1 Highways Contractor (Colas)

3.2 Before any works take place at this location including any Demolition works, the developer is recommended to contact COLAS.

### 3.3 Highways Engineer

3.4 No objection.

3.5 Natural England

3.6 The development has the potential to impact on Special Protection Area functional land that supports Brent Geese and Solent Waders. No objection subject to a condition restricting piling and excessive noise during bird over wintering periods. Visual screening also recommended to mitigate visual disturbance.

3.7 Coastal and Drainage

3.8 The FRA and strategy are acceptable, subject to clarifying FFL of the development.

3.9 Eastern Solent Coastal Partnership

3.10 No objection. Concur with conditions as suggested by Environment Agency.

3.11 Ecology

3.12 Comments awaited.

3.13 Landscape Group

3.14 No objection in principle. Suggestions for alternative species for planting proposals.

3.15 Contaminated Land Team

3.16 Contaminated land reports previously prepared for the site require updating to relate to the revised layout of the northern side. No objection subject to conditions.

3.17 Environment Agency

3.18 No objection subject to condition to ensure the Flood Risk Assessment recommendations are adhered to.

## 4.0 REPRESENTATIONS

4.1 PCC publicity dates:

- Neighbour letters sent: 14 May 2021; expiry 25 June 2021
- Site notices displayed: 24 May 2021; expiry 5 July 2021
- Press notice: published 21 May 2021; expiry 11 June 2021

4.2 No representations received.

## 5.0 COMMENT

5.1 Principle of the proposal

5.2 Policy PCS11 of the Portsmouth Plan states that the City Council will promote office, manufacturing and warehouse (B1, B2 and B8) development within existing industrial estates in order to help meet the identified need for more employment land within the city. The principle of a new industrial development on this site has been established by the previous planning permission in 2018. This permitted 17 new small units, 12 of which would have been located on the southern side of the site. This application proposes to replace the 12 small units with 2 larger units, and the applicant has explained that the reason for the change is to meet current market demand. The overall floor area of the two units would be slightly larger than that of the smaller units previously approved, therefore the development would result in no loss of employment floorspace.

- 5.3 The proposal is supported by the Council's Economic Development Team, who have noted that since the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community at 23:00 on 31 January 2020 (BREXIT), many companies require larger premises to meet operational and storage needs. They have also noted that there is currently a shortage of high quality large industrial units and therefore this development will help meet demand. The principle of the proposal is therefore acceptable.
- 5.4 Policy PCS16 of the Portsmouth Plan relates to the provision of infrastructure and community benefits. For large scale industrial/business development (over 1000m<sup>2</sup>), the Council will seek to achieve benefits through the provision of an Employment and Skills Plan (ESP), as set out within the 'Achieving Employment and Skills Plans' Supplementary Planning Document. The purpose of the Plan would be to improve the training skills and employability of the construction workforce. In this case, an ESP was secured under the previous planning permission (which has been implemented) and therefore this requirement has been met.
- 5.5 Layout, design and appearance
- 5.6 Policy PCS23 requires new development to be of an appropriate scale, layout and design in relation to its context.
- 5.7 The site lies within an industrial area comprising a variety of sizes and styles of units. The proposed building would be of a functional design, comprising profiled steel cladding to the walls and to the shallow curved roofs, with colours to match the materials approved on the previous scheme and to complement those used on the adjacent development to the west. The new building would be approximately 0.8m taller than the units approved on the north side of the site, which is not considered unacceptable in the context of the industrial estate. Overall, the layout and design of the development is considered appropriate for the context in which it is set, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
- 5.8 Access, parking and highway implications
- 5.9 The site would be accessed via Fishers Grove, as per the previously approved scheme. The scheme includes satisfactory provision for the parking and turning of vehicles and the Highway Engineer is satisfied that the development would not have a material impact on the highway network. The development therefore accords with Policy PCS17 of the Portsmouth Plan.
- 5.10 Ecology
- 5.11 The site lies close to the St Johns Playing Fields, which lie to the south of the site beyond the railway line and are recognised as an important site for Brent Geese and Solent Waders. In order to avoid negative impacts on this adjacent site from noise and disturbance during construction works, Natural England has recommended a condition to only allow piling or high level noise activity outside of the bird over-wintering period of October to March. During the previous application, a potential alternative mitigation option of providing an acoustic barrier on the southern boundary was put forward by the applicant, and it was agreed that final details of the mitigation could be approved through a Construction Environmental Management Plan, secured by condition.
- 5.12 Due to the nature of the development, the site would predominantly comprise hard surfacing. However, a landscaping scheme has been proposed, which includes wildflower planting along the southern boundary and bird and bat boxes are proposed to be installed on the south eastern side of the building. These measures seek to provide a

net gain in biodiversity for the site, and the landscaping plan can be secured by condition.

- 5.13 Subject to conditions to secure the landscape plan and mitigation of the impact on the adjacent protected site, the proposed development would accord with Policy PCS13 of the Portsmouth Plan.
- 5.14 Drainage and flood risk
- 5.15 The site lies within Flood Zone 3, which is considered to have a high probability of flooding from the sea in any year (>0.5%, 1 in 200). The proposed development is for industrial use and would be a replacement for former industrial buildings. It is noted that the Technical Guidance to the NPPF on Flood Risk defines industrial development as 'less vulnerable' development that would be compatible within Flood Zone 3.
- 5.16 The application is supported by a Flood Risk Assessment (FRA), which sets out flood mitigation measures including the setting of finished floor levels 150mm above existing ground levels and the inclusion of flood resilient construction techniques. The FRA also includes a Drainage Strategy which has been reviewed by the Council's Drainage Engineer and is considered acceptable. Subject to securing the mitigation measures by condition, the development would be safe from flooding and would not increase flood risk elsewhere, in accordance with Policy PCS12 of the Portsmouth Plan and the NPPF.
- 5.17 Residential amenity
- 5.18 The site lies within a predominantly industrial area with the nearest residential properties located in Waterworks Road approximately 150m to the north east. There are no residential dwellings close enough to the site to be impacted by the proposed development.
- 5.19 Sustainable construction
- 5.20 Policy PCS15 of the Portsmouth Plan requires non-residential development to achieve a BREEAM Excellent rating, unless otherwise agreed in writing by the City Council. The policy notes that the standards are a matter for negotiation, taking account of matters such as abnormal costs, economic viability and the feasibility of meeting the standards at a specific site.
- 5.21 As part of the previous application, it was agreed that the development would aim to achieve a BREEAM rating of 'Very Good'. Whilst this is lower than the standard set out in Policy PCS15, the applicants provided information to explain why an 'Excellent' standard would be difficult to achieve for a development of this type, noting, for example, that energy reduction methods would vary by unit depending on the end user. A 'Very Good' rating has therefore been agreed as appropriate for this site, and can be secured by condition.
- 5.22 **CONCLUSION**
- 5.23 Officers consider that the proposed development is acceptable in terms of its layout, design, access and parking. The mitigation of ecology and flood risk impacts can be addressed by suitably worded planning conditions. The development accords with the relevant policies of the Portsmouth Plan and the National Planning Policy Framework (NPPF).

## 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: 16077-PL101 (Site Location Plan); 16077-PL120 Rev. B (Proposed Site Plan); 16077-PL121 (Units 6&7 Plan and Elevations), and 12-46-01 Rev. A (Planting Plan).

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

#### Contaminated land

3) 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 Phase 3 Remediation Method Statement based upon the risk assessment undertaken in the reports *Desk Study Fitzherbert Road Portsmouth, Structa 5056-GE001 Revision 01* and *Site Investigation Land at Fitzherbert Road Portsmouth, Structa 5056-GE002*. It should detail the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. The remediation 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 (2006).

#### Contaminated land verification

4) 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 stand-alone verification report by the competent person approved pursuant to condition 3 above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the *Remediation Method Statement*. Thereafter the remedial scheme shall be maintained in accordance with the details approved under Condition 3.

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).

#### Construction Environmental Management Plan

5) Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures and procedures to avoid or mitigate noise and visual impacts on nearby high tide roosts for birds associated with the Chichester and Langstone Harbours Special Protection Area. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.



Reason: In the interest of highway safety and to protect the adjacent SPA, in accordance with Policies PCS13 and PCS17 of the Portsmouth Plan (2012).

### **Parking provision**

6) Prior to occupation of the units hereby permitted, parking spaces shall be laid out and provided in accordance with the approved plans and thereafter retained for the parking of vehicles.

Reason: To ensure adequate parking provision in the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan (2012).

### **Drainage strategy**

7) The development shall be carried out in accordance with the Drainage Strategy details set out within the Flood Risk Assessment and Drainage Strategy (ref. 5056-FR002 Rev. 1), Structa, April 2021 and Plan ref. 5056-1900 Rev. P1 (Appendix F to the FRA), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory provisions for surface water drainage in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Flood risk mitigation**

8) The buildings hereby permitted shall be constructed in accordance with the mitigation recommendations set out in Section 7 of the Flood Risk Assessment and Drainage Strategy (ref. 5056-FR002 Rev. 1), Structa, April 2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that users of the buildings are protected from flood risk in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Landscape implementation**

9) a) The soft landscaping shall be carried out in accordance with the details set out on Plan ref. 12-46-01 Rev. A, unless otherwise agreed in writing by the Local Planning Authority.  
b) The planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and  
c) any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

### **BREEAM standard**

10) Within 6 months of completion of the development hereby permitted, written documentary evidence shall be submitted to, and approved in writing by the Local Planning Authority proving that the development has achieved a minimum 'Very Good' standard of the Building Research Establishment's Environmental Assessment Method (BREEAM), which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

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

**Access provision**

11) The access, including the footway crossings, shall be constructed before the development hereby permitted is first brought into use.

Reason: To provide satisfactory access in accordance with Policy PCS17 of the Portsmouth Plan.