



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 21 DECEMBER 2022 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services; Tel 023 9284 1704
Email: Democratic@portsmouthcc.gov.uk

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

Please note the public health requirements for attendees at the bottom of the agenda.

Planning Committee Members:

Councillors Chris Attwell (Chair), George Fielding, Hugh Mason, Robert New, Darren Sanders, Russell Simpson, John Smith, Judith Smyth (Vice-Chair), Linda Symes and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Cal Corkery, Lewis Gosling, Abdul Kadir, George Madgwick, Scott Payter-Harris, Steve Pitt, Asghar Shah, Lynne Stagg, Daniel Wemyss and Ian Holder

(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

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 or telephone a member of the Technical Validation Team on 023 9283 4826.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests

3 Minutes of previous meeting held on 30 November 2022 (Pages 5 - 16)

RECOMMENDED that the minutes of the meeting held on 30 November 2022 be approved as a correct record.

4 20/00204/FUL - St James Hospital, Locksway Road, Southsea PO4 8LD (Pages 17 - 42)

Redevelopment of former St James' Hospital comprising the conversion of listed buildings and listed Chapel to provide 151 dwellings and associated works including demolition of extensions and ancillary buildings, construction of new 2 and 3 storey housing to provide 58 dwellings, retention of cricket pitch, club house and changing rooms, provision of car parking, associated landscaping and other works (phased development).

5 20/00407/OUT - Post Office, Slindon Street, Portsmouth PO1 1AB (Pages 43 - 58)

Outline application with all matters reserved except access and scale for the construction of a building up to 19-storeys/62m for circa 176 nos. Dwellings (class C3); parking and servicing with access from Lower Church Path; podium level open space and associated works following demolition and removal of existing buildings and structures (amended description and drawings).

6 20/00152/FUL - Post Office, Slindon Street, Portsmouth PO1 1AB (Pages 59 - 80)

Change of use of part of building to form hotel (class C1); external alterations to include: construction of two additional storeys, replacement of all facades, formation of roof terraces and demolition of eastern part of the building (amended description and drawings).

7 22/00427/HOU - 43 Military Road, Hilsea, Portsmouth PO3 5LS (Pages 81 - 86)

Construction of mansard roof to form additional storey.

8 22/01490/VOC - 1-40 Lombard Court, Lombard Street, Portsmouth (Pages 87 - 90)

Application to vary condition 3 of planning permission 22/00502/FUL in relation to paint colour of roof terrace balustrade.

9 22/01451/FUL - 55 Bedhampton Road, Portsmouth PO2 7JX (Pages 91 - 102)

Change of use from dwelling house (class C3) to purposes falling within classes C3 (dwelling house) or C4 (house in multiple occupancy).

10 Planning Committee meeting dates

Planning Committee meeting dates for the municipal year 2023/24 are for noting:

31 May 2023
21 June 2023
12 July 2022
2 August 2023
23 August 2023
13 September 2023
4 October 2023
25 October 2023
15 November 2023
6 December 2023
10 January 2024
31 January 2024
21 February 2024
13 March 2024
3 April 2024
24 April 2024

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February and the end of universal free testing from 1 April, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until

they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.

- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- 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.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue. Whilst every effort is made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 30 November 2022 at 10.30 am in the Council Chamber - The Guildhall, Portsmouth

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

Present

Councillors Judith Smyth (Chair)
George Fielding
Darren Sanders
Russell Simpson
John Smith
Linda Symes
Gerald Vernon-Jackson CBE

Welcome

The chair welcomed members of the public and members to the meeting.

The Chair proposed that each application should be considered in two stages: firstly, if the application is considered to constitute development and therefore requires planning permission and secondly, if this is the case, then whether planning permission should be granted.

Agenda items 6 (84 Shadwell Road) and 7 (302 London Road) were considered at the end of the meeting, to allow time for Councillor New to attend to present his deputations. For ease of reference the minutes will remain in the same order as the agenda.

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

171. Apologies (AI 1)

Apologies for absence were received from Councillor Attwell.

172. Declaration of Members' Interests (AI 2)

There were no declarations of interests.

173. Minutes of previous meeting held on 9 November 2022 (AI 3)

RESOLVED that, following a correction to the name of "Hartley Road" the minutes of the Planning Committee held on 9 November 2022 be agreed as a correct record.

All deputations (which are not minuted) can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 30th November, 2022, 10.30 am Portsmouth City Council](#)

174. 21/01666/FUL - 259 Queens Road, Fratton, Portsmouth PO2 7LY (AI 4)

Change of use from house in multiple occupation (Class C4) to house in multiple occupation for more than six persons (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in support of the application.

Requirement for Planning Permission

Members' questions

There were no questions.

Members' comments and recommendations

In response to member's comments, officers explained that there is no universal rule that adding an additional occupier to a 6 bed HMO requires planning permission. To apply this universal rule would result in an unlawful judgement. The decision as to whether an application requires planning permission should be decided on the individual merits of each individual case and for a specific reason and these reasons should be articulated and recorded for the minutes.

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that the building to the rear of the property is to be used as a bicycle store.

Members' comments and recommendations

In response to a suggestion by members to limit occupancy to 7 people, officers advised that this was an unnecessary condition as licensing was the correct place for control on the number of occupants. Officers advised that such a condition would not pass the test of necessity, but it was for the judgement of members as to whether or not such a condition was included.

Members agreed to grant planning permission, including conditions on time limit, approved plans, and the Solent Special Protection Area.

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission. And to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

175. 22/00399/FUL - 8 Baileys Road, Southsea, PO5 1EA (AI 5)

Change of use from house in multiple occupation (Class C4) to seven-bedroom house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

The planning officer noted that this application was one of two on the agenda (the other being 128 Manners Road - agenda item 8) where an appeal had been submitted to the Planning Inspectorate for non-determination. An official start date for the appeal had not yet been notified.

The planning officer advised members that as the appeal had not yet started, their jurisdiction had not been removed from them, meaning that any decision taken would allow planning permission to be granted or refused respectively. However, if a start date should be announced prior to a decision notice being issued, the jurisdiction would move away from the planning committee and to the Secretary of State. Should this happen, any decision taken at the committee meeting would become advisory guidance to the Inspectorate as part of the appeal process.

The Planning Officer advised that this should not change their consideration of the application, which should be decided in the usual way. He stressed that officers would act with reasonable diligence to either issue a decision notice as quickly as possible or support the Inspectorate, should an appeal exist either for non-determination, refusal or imposition of conditions as the case may be.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Requirement for Planning Permission

Members' questions

There were no questions.

Members' comments and recommendations

Members considered in this case and on its own merits the proposal to be development requiring planning permission due to the intensity of the use of the

accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that the actual date class C4 planning permission was granted was not known but that in 2021, when the planning permission was sought to change the use to dual C3/C4, officers were satisfied it was C4 since prior to 2011.

Members' Comments and recommendations

As the license in the application was for 7 people members proposed a condition be attached to any planning permission limiting the number of occupiers to 7 people.

The planning officer re-iterated his professional advice, given during the previous planning item, that this was an unnecessary condition as licensing was the correct place for control on the number of occupants. He advised that such a condition would not pass the test of necessity, but it was for the judgement of members as to whether or not such a condition was included.

Members agreed to grant planning permission, including conditions on time limited approved plans, the Solent Special Protection Area, bicycle storage and limit on occupancy to seven persons.

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans and nitrates and potential recreational disturbance, and subject to completion of s106 planning obligations.

176. 22/00568/FUL - 84 Shadwell Road, Portsmouth, PO2 9EJ (AI 6)

Change of use from dwelling house (Class C3) or house in multiple occupation (Class C4) to house of multiple occupation for seven people (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in favour of the application

Allison Harper on behalf of Councillor Daniel Wemyss - objecting to the application

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Member's questions

In response to members' questions, officers clarified that:

- The Planning Department had total confidence in the numbers of HMOs and flats recorded in the area. Officers took all reasonable diligence in liaising with colleagues in private sector housing, asking local people and asking ward members to produce as accurate a picture/number as possible. Within the 50-meter boundary there were 70 properties; one property (84 Shadwell Road) was an HMO, 53 properties were C3 family dwellings and 16 were flats. This was according to published records which are shared with members in the usual way. The officer highlighted the census carried out in 2021, the results of which are expected in January 2023, and which will include the outputs for housing and development variables. This will provide another data set/intelligence to inform records. In addition to this, additional licensing requirements, due to be implemented, will provide more evidence from the private sector housing team to aid accurate records of HMOs and flat conversions in the city.
- The existing HMO had a licence for 5 people and the applicant was applying to change this to 7 people. The property was currently a construction site but once the construction was completed they would be in a position to progress the licence application, if it meets the private sector housing requirements and planning permission had been granted for an HMO for 7 people.
- A condition could not be added limiting the occupancy to 5 people as stated on the current licence as the planning application is for 7 people. The application can either be agreed for 7 people or refused if members felt they have grounds to do so.
- No evidence of any additional HMOs had been provided by the depute objecting to the application.

Members' comments and recommendations

Members noted that there can, at times, be a misconception of the situation in relation to HMOs and flat conversions, leading to deputations which have conflated the two, but which none the less bring up issues relevant to the city as a whole.

Members agreed to grant conditional planning permission, under the conditions of a 1-year time limit, requiring the development to be carried out in accordance with the plans submitted, the Solent Special Protection Area, bicycle storage and limit on occupancy to seven persons.

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in

this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

177. 22/00714/FUL - 302 London Road, Hilsea, Portsmouth (AI 7)

Change of use from house in multiple occupation (Class C4) to house in multiple occupation for more than six persons (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Allison Harper on behalf of Councillor Daniel Wemyss - objecting to the application.

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that:

- The concerns in relation to a fire risk was a concern about HMOs in general, outlined in a letter from a member of the public in relation to the application rather than a specific concern about a failure to comply with fire controls in this case.

Members' comments and recommendations

Members observed that the PCC minimum space standards had been quite considerably exceeded in this application and the photos showed accommodation of a good standard. Members, therefore, proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, Solent Special Protection Area, bicycle storage and limiting occupation to 7 occupants.

Officers gave advice to members to consider whether the limitation on 7 occupants was a reasonably required condition, considering the large size of the bedrooms and the larger than average communal space which exceeds the PCC space standards.

Members kept the condition as the application specifically stated that it was for 7 individuals to live together in an HMO and members were looking to not intensify the area in terms of amenity.

Officers clarified that the application was for a change from C4 to more than 6 as stated in the description. Members, however, agreed to list the condition as stated previously

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission. AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

178. 22/00804/FUL - 128 Manners Road, Southsea PO4 0BG (AI 8)

Application for change of use from house in multiple occupation (Class C4) to Sui Generis house in multiple occupation for use of more than 6 persons

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report. The information in relation to an appeal, as stated in agenda item 2 - 8 Bailey's Road, also applied for this application.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Requirement for Planning Permission

Members' questions

In response to members' questions, officers clarified:

- The application was on behalf of Simon Birmingham and the Company name was Bunked.
- The property became an HMO prior to 2011.
- In paragraph 5.7 of the report, the applicable space standard for the combined living space is 22.5. Professional guidance was that the application provides a reasonable living environment.

Members Comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified:

- The application does not mention a bike store.

Members' comments and recommendations

Members proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, SPA, bicycle storage and limiting occupation to 7 occupants.

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission; AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

179. 22/01143/FUL - 297 Powerscourt Road, Portsmouth PO2 7JL (AI 9)

Change of use from dwelling house (Class C3)/house in multiple occupation (Class C4) to a 7-person house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Simon Hill - in favour of the application

Councillor Darren Sanders was not present for this application.

Requirement for Planning Permission

Members' questions

In response to members' questions, officers clarified:

- Within the 50-meter radius there were 76 properties, 4 of which were HMOs, equating to 5.3%.
- It was not appropriate, in a public meeting, to detail the location of the neighbour objecting on the basis of their mental well-being. However, the officer advised that mental well-being, as part of wider well-being and relevant public health issues were considered within every planning application. Should an issue, that for example, engaged a public sector equality duty, be raised, additional work would be carried out to investigate further.
- The planning department fully met the notification requirements for the application and all due diligence was taken to fully meet the obligations and notifications, in line with nationally prescribed requirements for local planning authorities.

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, the waste amenity, the impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

There were no questions

Members' comments and recommendations

Members proposed that conditional planning permission be granted subject to the conditions relating to time limitation, approved plans, SPA, bicycle storage and limiting occupation to 7 occupants.

Members were advised that the condition limiting occupation to 7 occupants was not needed, due to the application description stating it was for 7 people. However, members agreed to retain this condition to ensure it was enforced.

RESOLVED: that the proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission; AND to grant planning permission with conditions on time limit, approved plans, and nitrates and potential recreational distribution, and subject to completion of s106 planning obligations.

180. 22/01156/FUL - 281 New Road, Portsmouth PO2 7RA (AI 10)

Change of use from dwelling house (Class C3)/house in multiple occupation (Class C4) to 7-person house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report and drew attention, verbally, to the Supplementary Matters report:

Members should be aware that the property has not been used as a HMO and is currently undergoing renovations to be used as a HMO, pursuant to the previous planning permission for C3 to C3/C4 use. Therefore, this use is not considered to have been implemented and the previous beneficial use of the property, and therefore its current lawful use, is still considered to be C3.

It was unclear, when the report was published, as to the property classification, but officers were now sufficiently satisfied, on the best evidence available to them, to give the guidance that the property is a C3 dwelling. Therefore, as the application was a change from a C3 dwelling to a 7-bedroom HMO, it was a material change of use and therefore required planning permission.

Deputations

Simon Hill - in favour of the application

Planning Permission Decision

Members' questions

In response to members' questions, officers clarified that:

- The application was a change of use from C3 to 7-bedroom HMO, so the officer recommendation needed to change to conditional permission with a time limit, SPA 106, approved plans and bicycle store. This was the new and amended recommendation being verbally provided.
- The property had previously been given planning permission to be a C4 6-bedroom HMO but was never occupied as such. Therefore, if members refused planning permission on the application the previous permission would still stand. However, as it was never occupied under the previous permission and was going through refurbishment, if members granted permission it would become a 7-bedroom HMO under the new application.

Members' comments and recommendations

Members proposed that conditional planning permission be granted, as it meets all the space standards, subject to the conditions relating to time limitation, approved plans, Solent Special Protection Area ("SPA"), bicycle storage and limiting occupation to 7 occupants.

RESOLVED to grant conditional permission subject to s106 planning obligations for SPA mitigation and conditions for time limit, approved plans, cycle storage, mitigation on the SPA and limit on occupancy to seven persons.

181. 22/01336/FUL - 118 Prince Albert Road, Southsea PO4 9HT (AI 11)

Retrospective application for change of use from purposes falling within house in multiple occupation (Class C4) to a 7-bedroom house in multiple occupation (Sui Generis)

The Assistant Director for Planning and Economic Growth, Ian Maguire presented the report.

Deputations

Carianne Wells, Applecore PDM - in favour of the application.

Councillor Russell Simpson was not present for this item.

Requirement for Planning Permission

Members' questions

There were no questions

Members' comments and recommendations

Members considered in this case and on its own merits, the proposal to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact on neighbouring residents and the impact on the Solent Special Protection Area.

Planning Permission Decision

Members' questions

There were no questions

Members' comments and recommendations

Advice from officers was that the proposed side extension was permitted development.

Members considered that planning permission should be refused because the proposed side extension would result in an adverse impact on the outlook and amenity of the proposed bedroom one thus resulting in an unacceptable living environment.

RESOLVED: The proposal is considered to be development requiring planning permission due to the intensity of the use of the accommodation, the impact on parking, waste, amenity impact upon neighbouring residents and the impact on the Solent special protection area the changes considered in this case on their own individual merits amount to development requiring planning permission.

Furthermore, planning permission should be refused as the proposed side extension would result in an adverse impact on the outlook and amenity of the proposed bedroom 1 thus resulting in an unacceptable living environment for future occupants contrary to Policy PCS23 of the Portsmouth Plan.

The meeting concluded at 12.22 pm.

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Signed by the Chair of the meeting
Councillor Judith Smyth

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Agenda Item 4

20/00204/FUL

WARD: MILTON

ST JAMES HOSPITAL LOCKSWAY ROAD SOUTHSEA PO4 8LD

REDEVELOPMENT OF FORMER ST JAMES' HOSPITAL COMPRISING THE CONVERSION OF LISTED BUILDINGS AND LISTED CHAPEL TO PROVIDE 151 DWELLINGS AND ASSOCIATED WORKS INCLUDING DEMOLITION OF EXTENSIONS AND ANCILLARY BUILDINGS, CONSTRUCTION OF NEW 2 AND 3 STOREY HOUSING TO PROVIDE 58 DWELLINGS, RETENTION OF CRICKET PITCH, CLUB HOUSE AND CHANGING ROOMS, PROVISION OF CAR PARKING, ASSOCIATED LANDSCAPING AND OTHER WORKS (PHASED DEVELOPMENT)

<https://publicaccess.portsmouth.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=Q5N8TLMO0N200>

Application Submitted By:

Barton Wilmore

On behalf of:

Mr. Richard Wilshaw - PJ Livesey Holdings Ltd

RDD: 26th February 2020

LDD: 27th May 2020

1. SUMMARY OF MAIN ISSUES

1.1 This application has also now been taken to appeal on grounds of non-determination and the Secretary of State is now the determining authority in this case. The Appellant asked the Planning Inspectorate to request that PCC undertake a further public consultation in light of the number of amended plans submitted with the appeal and the responses to that further consultation are material considerations for the determining authority.

1.2 The key issues for consideration in the determination of the application/appeal are considered to be as follows:

- Principle of development;
- Design and layout;
- Housing supply, mix and standard of accommodation;
- Affordable housing;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Open space, trees and landscape;
- Biodiversity and Appropriate Assessment;
- Flood risk, drainage and utilities;

- Sustainable design and construction;
 - Contaminated land; and
 - Any other matters raised in the representations.
- 1.3 The application was previously reported to the Council's Planning Committee meeting on the 12th of January 2022 with a recommendation for approval subject to conditions and the completion of a Section 106 legal agreement (and by an Update Note to Committee, the resolution of the Appropriate Assessment). The above key issues were considered in the January 2022 Committee report appended as **Appendix 1**.
- 1.4 The Committee resolved to defer the application for four reasons, as set out in the Minutes of the Committee Meeting:
1. Revisit the affordable housing provision;
 2. Design of the new build housing elements;
 3. Retention and replacement of protected mature trees; and
 4. The highway implications of the scheme.
- 1.5 The accompanying Listed Building application 20/00205/LBC was also deferred in order so that it could be determined at the same time as the application.
- 1.6 Two appeals for non-determination were subsequently submitted on the 12th of July 2022. Both the Listed Building and Planning applications are due to be heard by way of a Public Inquiry, which is currently scheduled for April 2022.
- 1.7 This report provides an updated position on the Planning application/Appeal Scheme taking into consideration both the amended plans and documentation submitted post Committee and as part of the Appeal submission and the further representations received as part of the Council's reconsultation on the proposal undertaken at the request of the Planning Inspectorate in October 2022 as set out in detail below.

2. THE PROPOSAL

- 2.1 The Appeal Scheme seeks planning permission for the redevelopment of the site to provide 209 dwellings with 151 flats being provided through the conversion of the main listed hospital buildings and chapel and the construction of 58 new build houses and flats. As part of the proposal, existing extensions to the hospital and ancillary buildings would be demolished; the cricket pitch, club house and changing rooms would be retained; and associated landscaping, parking areas and pedestrian footways would be provided.
- 2.2 As per the existing access arrangements for the application site, primary access would continue to be provided from Locksway Road and Longfield Road for the proposed new build dwellings and conversion dwellings, together with the retention of the existing connections from the site through to Woodlands Walk and Nelson Drive. The proposal also seeks permission for alterations to Solent Drive to provide dedicated parking for the cricket club.

- 2.3 To address the above second and third reasons for deferral of the application, amended plans were submitted by the applicant providing for more traditional new build dwelling types together with an updated layout and landscape strategy, making minor revisions to the scheme, which were subsequently re-consulted upon by the Council following the Committee in February 2022. The updated layout sought to relocate supporting facilities such as bin stores or footpaths which, whilst less convenient for future occupiers, to enable the retention of additional trees on the application site.
- 2.4 The updated layout and landscaping plans referred to above have been submitted with the appeal combining the updated layout that retains additional trees, as consulted upon in February 2022, with the Appellant reverting back to the contemporary dwelling types previously considered by Committee rather than the more traditional new build dwelling types that were subsequently submitted and included in the February 2022 reconsultation. At the request of the Planning Inspectorate, the Council has also undertaken a further reconsultation on the appeal plans and accompanying documents in October 2022.
- 2.5 The proposed accommodation schedule/dwelling mix for the appeal scheme of 209 units is set out below:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Conversion	21	96	29	5	0	151
New Build Homes	0	6	36	13	3	58
Total	21	102	65	18	3	209
Total Provision %	10%	49%	31%	9%	1%	

Table 1 - Proposed housing mix

3. POLICY CONTEXT

- 3.1 The January 2022 Committee report set out the policy context for the application. This remains substantially the same with the exception of the Milton Neighbourhood Plan, which has since been adopted on 11th October 2022.
- 3.2 The Neighbourhood Plan includes the Appeal Site as an allocation under Policy STJ1 for a range of uses, including residential houses and apartments or flats. The relevant Neighbourhood Plan policies in the consideration of the appeals include the following:

- HSG1 – Housing Mix
- HSG2 – Housing Standards
- EER4 – Connectivity
- PLD1 – Sustainable Design
- ENV1 – Local Green Space
- ENV2 – Green Environment and Biodiversity

- MH1 – Heritage Assets
- TSP1 – Highway Capacity and Impacts
- TSP2 – Balanced Transport Provision
- TSP3 – Footpaths and Cycling Routes
- STJ1 – St James’ Hospital Site

3.3 The above policies have been fully considered as part of this report.

4. CONSULTATIONS

4.1 The following organisations / departments have been consulted on the proposals and their new comments from the October 2022 consultation are summarised below. The full consultation responses are available on public access.

- Natural England - See below
- Historic England (HE) - No additional comments from previous report
- PCC Conservation Officer - No additional comments from previous report
- Hampshire Ecology - No additional comments from previous report
- Highways Engineer (Local Highway Authority - LHA) - No additional comments from previous report
- SUSTRANS - No additional comments from previous report
- Environmental Health (EHO) - No additional comments from previous report
- Contaminated Land Team - No additional comments from previous report
- Tree Officer - No additional comments from previous report
- Landscape Architect - No additional comments from previous report
- Education - No additional comments from previous report
- Public Health - Response received confirming no objection
- Waste Management Service - No additional comments from previous report
- RSPB - No additional comments from previous report
- Hants & IOW Wildlife Trust - No additional comments from previous report
- Eastern Solent Coastal Partnership - No additional comments from previous report
- Environment Agency - No additional comments from previous report
- Hampshire County Archaeologist - No additional comments from previous report
- Hampshire Constabulary (Crime Prevention Design Advisor - CPDA) - No additional comments from previous report
- Head of Community Housing - No additional comments from previous report
- Sport England - Further response received with no additional comments from previous report raised
- Southern Gas Network - No additional comments from previous report
- Southern Electric - No additional comments from previous report
- Southern Water - Further response received with no additional comments from previous report raised
- Portsmouth Water - No additional comments from previous report
- PCC Drainage Team - No additional comments from previous report
- Hampshire Fire & Rescue Service - No additional comments from previous report

- Design South East - Design Review Panel - No additional comments from previous report

Natural England (NE)

4.2 As submitted, the application could have potential significant effects on the:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An update to the Habitats Regulations Assessment with regard to alone and in-combination impacts from increased recreational pressure, and proposed mitigation
- An updated nutrient budget

Without this information, Natural England object to the proposal.

5. REPRESENTATIONS

- 5.1 Public consultation on this application has been undertaken on several occasions on 25th February 2020, 18th December 2020, 8th December 2021, 24th February 2022 and 6th October 2022 (on the appeal proposal) seeking comments on the proposal and updated and amended plans and submissions.
- 5.2 Site Notices were also displayed on 2nd March 2020 and 18th December 2020 and the application was also advertised in the Press, 'The News', on 6th March 2020, 1st January 2021, 4th March 2022 and 7th October 2022. The public consultation period on the appeal scheme formally ended on 28th October 2022.
- 5.3 The January 2022 Committee report stated that a total of 229 objections had been received from the local community prior to the final round of consultation in December 2021 on the amended scheme, including objections from local Councillors. This included 88 objections received on the original submitted scheme and 141 objection received on the amended scheme which was consulted upon on the 18th December 2020.
- 5.4 In the 6th October 2022 re-consultation on the appeal scheme, 20 objections were received. The responses reviewed the amended and updated plans but raise no new concerns and repeat the objections already received. Individual representations from the Cricket Club, the Milton Neighbourhood Forum, the Milton Neighbourhood Planning Forum and 'Keep Milton Green Group' are reproduced below for completeness.

5.5 Within the original objections received were concerns from Councillors Gerald Vernon-Jackson, Darren Sanders, and Janette Smith and then Councillor Ben Dowling. In the October consultation Cllr Steve Pitt confirmed that the Milton Councillors, Cllr Vernon-Jackson, Barrett and Pitt share the concerns of the Milton Neighbourhood Planning Forum. These comments all covering the points summarised below.

5.6 Reasons for objection raised in the original consultations are retained in the October 2022 consultation and have not been overcome in the opinion of objectors by the amended submission. Those relating to material planning considerations, are summarised below:

- No affordable housing provision
- Increased traffic/parking congestion and rat-running
- Impact on highway safety/danger to school children
- Over-provision of car parking/excessive provision
- No provision for cycle storage and cycle lanes inadequate
- Loss of public access/right of way
- Air pollution and impact on air quality
- Harm to listed building and setting
- Ballroom in listed hospital 'sliced up' for flats
- Loss of heritage/history
- Loss of plant building to the rear (Lancashire House) and industrial history
- Loss of chapel for community use
- Loss of open and green space/communal spaces
- Loss of healthy and mature trees
- No renewable energy or electric charging points
- Poor design of new houses not in keeping with the character of the area
- Intensification/over development of the site/over-crowding
- Impact on the amenity of neighbouring residents - overlooking/loss of light and loss of privacy
- Presence of Japanese Knotweed and damage to buildings
- Impact on SPA from Nitrates and recreational impact on Brent Geese habitat
- No mitigation on SPA impact contrary to habitat regulations
- Impact on wildlife and habitat
- Increase in sewerage and damage to wider environment
- Impact on public health/wellbeing from loss of green space
- Health impacts from air pollution/poor access to health care facilities/poor active travel.
- Impact on crime reduction and community safety
- Impact on health and community infrastructure - insufficient local capacity for doctors /dentists /school places and particularly access public transport.
- Recycling demolition waste
- Loss of hospital and future proofing against pandemics
- Impact on emergency health planning
- Impact on future planning of the area with reference to Langstone Campus

- Contrary to Policy MT4
- Contrary to NPPF with regard to renewable energy
- Contrary to PCC's declared climate emergency
- Not a zero-carbon sustainable development
- Loss of community asset - green spaces.
- Failure to meet Portsmouth Plan objectives 2 (accessible city with sustainable and integrated transport), 6 (healthy city with access to health care and support) and 8 (supporting infrastructure - school places).
- Contribute to high levels of deprivation
- Biodiversity enhancements needed, particularly for Swifts.

Portsmouth and Southsea Cricket Club

5.7 The following comments were made:

- As a community based Cricket Club, the club neither support nor object to the proposals.
- The Cricket Ground has been listed as an Asset of Community Value and should remain so.
- The provision of a long term lease (to include the Country Cottage Pavilion) would provide a security of tenure for the Club to enable it to continue to care for and improve the facility for the good of its members and the wider community.
- Appropriate parking will need to be available to ensure the ground can be used as has historically been the case.
- All existing buildings and fixtures on the ground should remain in situ and be available to the club to ensure the facilities can be used and maintained to the best standard possible.
- The ground should remain a ring fenced facility.
- As stipulated by Sport England in their comments, appropriate protective netting should be provided by the developer to protect persons and property from potential ball strike.

The Milton Neighbourhood Forum

5.8 Objection to the proposal. The key concerns raised are:

- The application for the Hospital Conversion with the cubist house blocks needs to be assessed (together) with 18/00288/OUT proposing 107 new Apartments Houses to the south and south east of the Chapel to appraise the adverse impacts on the landscape and visual amenity of the Hospital within the St James' site.
- Adverse impacts will arise from increased traffic generation and air pollution; stresses on local amenities such as schools doctors and dentists; and increased recreational stresses on the open spaces and Langstone Harbour habitats.
- The junctions at Milton/Locksway Rd and Moorings Way/Velder Avenue are already highly congested.
- The development feeds into AQMA 9 which for years has shown rising trends and the solution is to reduce the car-space numbers and increase secure cycle-storage.

- The scheme should deliver wider public benefits to outweigh the substantial harm to the setting of the Hospital from without and from within the landscape.
- The claim that there is a need for cross subsidising the costs of the Hospital conversion with the proposed development of 58 new houses in the Phase 2 is not justified.
- The proposed demolition of the later buildings at the southern frontage of the Hospital will improve the setting and allow more of the architectural features of the hospital to be exposed.
- The setting of the Hospital between Chapel Way and Overton Wing is destroyed by the intrusion with nine discordant blocks and 38 separate car-spaces.
- The opportunity to de-clutter this area should have been the objective so that the Edwardian Villa known as Falcon House can retain its prominence in the landscape.
- The scheme interferes visually both in terms of the architectural harmony of the listed building but also with the clarity of the landscape.
- This "Eastern Airing Court" curtilage preserves the setting of the Hospital and Chapel within the landscape in the same way the landscape sets the Hospital and the Chapel within it.
- The proposed new build houses appear so discordant with the style of the Hospital they visually clash compounding the "harm" to the Hospital's setting.
- By building new houses with flat roofs the installation Solar PV generation is not possible.
- Building three-storey blocks so close will spoil views from within the Overton Wing
- The introduction of car parking spaces between Fernhust and Lowry Wings and Overton and Langstone Wings respectively, will cause unnecessary nuisance and 25 disturbance to the new residents and further disrupt the setting.
- The applicant's Viability Assessment assumes the landowner is entitled to a "competitive return" to bring his land into economic re-use but that does not apply if the landowners intentions preceded the designation of Policy MT4.
- Para 195 and 196 of the NPPF requires the justification of harm can only be outweighed by the wider Public Benefits of the scheme. If the cubist blocks will not accommodate Solar PV and the City has a "Zero carbon Emissions Target" for 2030 and there are no Affordable Housing then the scheme cannot be considered to be in the wider public benefit.
- The application does not accord with the NPPF paras 65; 98; 111; 130; 131; 132; 134; 200; and 201; in relation to affordable housing; green space loss; unacceptable impact on the road network; visual amenity and loss of trees; and conservation of heritage assets within their setting.
- The Roundabout and Airing Court greenspaces are essential to the setting of the Hospital and must be disregarded in any calculations towards green space enhancement. There can be no justification for the loss of "Matrons Garden" (protected by Policy PCS13) on the grounds the loss is being compensated for elsewhere. Notwithstanding the loss of "Langstone" and "Turner" Blocks, there is a minimum of 4,091m² loss of Open/Green Space using PJ Livesey's drawings which we have concerns with, and a maximum of over 7,000m² using a simplistic, but more obvious method of deducting space gained with demolitions from gross losses in open space occupied by new buildings.

- There needs to be robust evidence Milton Rd; Velder Avenue; and Eastern Roads will accommodate the redevelopment of St James' Hospital taking account of the redevelopment of Kingston Prison.
- The revised application reduces the total number of trees to be felled against the original proposal. However, because the application still proposes building on green spaces inappropriately, too many are lost without justification.
- There are no "demonstrable wider" public benefits of losing Open Space in a City with deficits of 60%, using the Nationally accepted "Fields-In-Trust" Standard, if to do so compromises the effectiveness of other Policies with different aims and objectives.
- The Milton Neighbourhood Plan was made on 11th October 2022 and this proposal conflicts with the Milton Neighbourhood Development Plan Policies MH1; PLD1; ENV1 and 2; STJ1; and TSP1 and 2.
- This proposal is offering development inconsistent with the objectives of local and national planning policy and should be refused.

Keep Milton Green

5.9 Objection to the proposal with the following comments being made:

- The proposed 3 storey block at the north of the site will impact on the amenity of these residents of Brasted Court which will it overlook their gardens/into their properties, and there is also a concern that sunlight could be blocked.
- There will be a net loss of 57 trees which help with surface water drainage and air quality, and if permission is granted the developer should plant mature replacement trees.
- The development will result in the loss of the green open spaces including the green open space to the north of St James Green and the multi-faith chapel garden.
- The bandstands have been removed which should be retained and maintained as part of the history of the site.
- Large areas of the accessible green space will be privatised and turned into private gardens.
- No affordable housing will be delivered.
- The proposed housing mix does not meet NDSS standards.
- The scheme will have a detrimental impact on the operation of the local highway network.
- The local road network cannot accommodate the additional traffic generation.
- The scheme does not include any renewable energy and will not help the City meet the ambition to be carbon neutral by 2030.
- Additional traffic movements and the loss of established trees will exacerbate air quality problems.
- There will be no EV charging points provided.
- The new residents to the area will put additional stress on places like Milton Common Nature Reserve and Langstone Harbour, which requires a payment to mitigate this problem.
- The latest house type designs have been poorly thought through and their new positions on the site are not ideal.

- The chapel was always a popular place for patients, visitors, staff and residents and it is disappointing that a community use could not be found for the building.
- The application site (Phase 2) and the Homes England site (Phase 1) should be considered holistically particularly as they are linked historically.
- No information has been provided on waste removal.
- There is no mention of disabled housing on the site.

A Petition has also been submitted to the Council, hosted on an external website, which has 1,545 signatures at the time of drafting this report. The Petition contains a variety of comments, focused on concerns regarding the proposed use of the site for housing, the number, design and siting of the houses proposed, the impact on trees, green space, local habitat and carbon, and the impact on local infrastructure including the local network and services such as schools and GP surgeries.

Portsmouth Society

- 5.10 The Society is concerned that the hospital site is being broken up and developed piecemeal without an overall master plan which integrates the various developments, allows for the necessary infrastructure upgrade and conserves the parkland feel across much of the site. The problem, as with Ukraine and the Crimea, is that this started long ago with the Fair Oak and Edenbridge developments without protest, and now the approach appears to be accepted as normal.

Our major concerns with the current proposal are that:

- It is proposed to fell too many trees. An opportunity to considerably develop the site and to enhance it has been lost – instead, opting for maximum habitation in aesthetically bland housing.
- Lancashire House was built before WWII (in our view) and as such, should be regarded as listed along with the main building and protected accordingly. This proposal demolishes it when, in our view, the NPPF proposal to re-use it as a community energy hub makes a great deal more sense.
- Had a holistic plan been developed, affordable housing could have been cross subsidised across the developments. This piecemeal approach likely means that no affordable housing will be included on the site, rather than using the same justification to fund the works to the hospital with a greater density of surrounding buildings.
- The clearance of the later additions surrounding, or adjoining, the Listed Hospital building does improve the Hospital's setting. These were generally unsympathetic functional buildings erected without formal planning consent under Crown development rules. The opening up of the southern frontage is especially welcome.
- The intrusion of the "Harrison" three-storey blocks so close to the Hospital's eastern elevations is particularly harmful to the setting, but they also damage the visual amenity from the west. The setting of the Hospital was always going to be impaired by the erection of new buildings so close to the Hospital's elevations, but the adoption of "Harrison" house types exposes how little regard has been taken of the Hospital's grandeur in its open setting surrounded on the east and west with the Airing Courts. These units are unimaginative and plain three-storey

examples of an "off-the-peg" standardised house-type with no regard to their suitability to the site.

- The Design Review advised on adopting "design cues" from the Grade II Hospital: - we can't see any of these either. It cannot be difficult to introduce quoins on corners and around window and door reveals. It should not be impossible either to select different coloured brick courses on the houses or offer some with flint or stone finishes to break up their monotonous and bland appearances.
- The reversion to pitched roofs is less brutal than the scheme's stark boxy shapes but inevitably there would need to be a reduction in storey height in order that the visibility of the Hospital retains its prominence within the landscape. It would also allow those occupiers within the Hospital itself, a better appreciation of the landscape they reside in by affording them a less obstructed view looking outwards.
- A key "Design Cue" from the George Rake Asylum and its early additions is symmetry. This proposal is limited in so far as too little is made of the southward orientation of buildings on the western flanks. The Hospital's redevelopment would be better served by avoiding the unimaginative north/south linear development on the boundary with Mayles Road (which could otherwise also introduce added benefits from preserving a continuous "green corridor" for wildlife by enlarging "Matron's Walk" and better utilising solar radiation for renewable energy), by replacing it with thoughtfully designed pairs of s/detached two-storey houses in rows with south facing roof-pitches accessed from the existing perimeter road known as "Langstone Way".

6. COMMENT

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

- Principle of development;
- Design and layout;
- Housing mix and standard of accommodation;
- Affordable housing;
- Heritage impacts;
- Residential amenity;
- Highways and transportation impacts;
- Open space, trees and landscape;
- Biodiversity and Appropriate Assessment;
- Flood risk, drainage and utilities;
- Sustainable design and construction;
- Contaminated land; and
- Other matters.

Principle of development

6.2 The principle of the development was considered in the January 2022 Committee report and the conclusions drawn then remain unchanged. The proposal accords with Saved Policy MT4 of the Portsmouth City Local Plan 2001-2011 and Policy STJ1 of

the newly adopted Milton Neighbourhood Plan and the principle of the residential conversion of the hospital and housing development within the grounds of the hospital is acceptable.

Design and layout

- 6.3 The design and layout of the proposal were considered in the January 2022 Committee report and the conclusions drawn then remain unchanged. The minor amendments made to the layout post Committee do not change the overall assessment undertaken.
- 6.4 The Appeal Scheme, which locates new development in visually and historically less sensitive areas to the north of the site, enhances the views along the principal axial approach from the south and reinstates the historic landscape setting of the Hospital building in accordance with the aims of Policy PCS23 of the Portsmouth Plan (2012) and the NPPF.
- 6.5 The overall heights are subordinate to the main dominant hospital building and considered to respect the heritage landscape setting. The proposed new buildings within the scheme will be of excellent architectural quality and satisfies the aims of Policy PCS23 of the Portsmouth Plan and the guidance set out in the NPPF.
- 6.6 Overall, the layout and arrangement of the proposed development, the design of the new houses and proposed layout of internal service roads, footpaths and cycle routes as illustrated in the appeal plans satisfy the aims of Policy PCS23 and guidance contained in the NPPF subject to further details relating to materials, landscaping (hard and soft), and lighting to ensure high architectural quality finish and well defined public and private spaces.

Housing supply, mix and standard of accommodation

- 6.7 Housing supply, dwelling mix, accessibility and the standard of accommodation proposed were considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.
- 6.8 Policy PCS19 seeks the provision of accommodation to meet the needs of families and larger households, requiring a target of 40% family housing to be achieved where appropriate. The proposed dwelling mix of the 209 dwellings, with 123 flats (1 and 2-bedroom) and 86 houses and flats (3, 4 and 5-bedroom) would exceed the 40% target at 41% (see Table 1 under paragraph 2.5 above).
- 6.9 The applicant's submission includes a breakdown of internal floor areas by unit type which all achieve the minimum floorspace requirements of the Portsmouth City Housing Standards SPD and the Nationally Described Space Standards 2015 (NDSS), including the Shaw's Trust Mortuary building (2 bedroom flat) and the converted dwellings within the Chapel.

- 6.10 The mix of housing units and standard of accommodation would also comply with Policies HSG1 and HSG2 of the newly adopted Milton Neighbourhood Plan which seek a balanced mix of house types (1, 2 and 3-bedroom homes) within residential development to meet documented local need and appropriate refuse, amenity space and car and cycle parking provision for future occupiers of the development.
- 6.11 The principle of housing development on this site, the proposed housing mix, and standard of accommodation accord with the aims of policies PCS10 and PCS19, policies HSG1 and HSG2 of the newly adopted Milton Neighbourhood Plan as well as saved policy MT3 of the Portsmouth City Plan (2012) and Portsmouth City Housing Standards SPD and the Nationally Described Space Standards 2015 (NDSS). The scheme will also deliver a considerable proportion of housing which can easily be adapted to satisfy the Building Regulations M4(2) standard.

Affordable housing

- 6.12 New residential development of this nature is required to make provision for 30% affordable housing under Policy PCS19 of the Portsmouth Plan to contribute to meeting the identified need in the city.
- 6.13 Based on the maximum level of development of 209 dwellings, this would equate to the provision of 63 affordable dwellings. However, the NPPF states that:
- "to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".*
- 6.14 Effectively this would eliminate affordable housing provision within the main hospital building and outlying buildings because there is an overall net reduction in total floorspace resulting from the demolition and the Vacant Building Credit (VBC) applies in line with NPPF paragraph 64. The affordable housing requirement rests solely on the new build element which equates to 30% of 58 new build houses or 17 dwellings.
- 6.15 Policy PCS19 states:
- "there are occasionally specific circumstances associated with a development which would render it unviable if the required amount and type of affordable housing is provided. In such situations the Council will negotiate with the developer so that the maximum amount and best mix of affordable housing can be provided whilst maintaining the scheme's viability, based on current land values. In such situations, developers will have to present robust evidence that it would not be feasible or viable, so that it can be closely scrutinised and validated. In such situations, developers will be expected to provide as much affordable housing as would be possible without rendering the scheme unviable."*
- 6.16 Members deferred the application at the January Planning Committee on the basis that the Viability Appraisal did not represent an up-to-date position by virtue of passage of time since its submission in February 2021.

- 6.17 As part of the application process, the Council carried out a Viability Review of the appellant's Viability Appraisal, which was submitted with the application. The Council's Viability Review concluded that the development could not provide affordable housing. However, this was carried out prior to Natural England issuing its holding objection to the application as summarised above. The applicant/appellant therefore needs to submit a revised Viability Appraisal.
- 6.18 In order for the Viability Assessment to be updated, the cost of any required mitigation under the Habitat Regs will need to feed into the viability appraisal, as well as the appellant's Habitat Regulation Assessment. The appellant is not yet in a position to submit the revised viability assessment and the Council are not in a position to therefore review the viability of the development. Consequently, the Council is therefore not able to set out its position on viability and the provision of affordable housing.
- 6.19 As such, it is considered that insufficient viability justification has been provided, noting the uncertainty arising from the cost of mitigation under the Habitat Regulations, to demonstrate that the scheme is unable to provide affordable housing contrary to Policy PCS19 of the Portsmouth Plan 2012.

Heritage impacts

- 6.20 The heritage impacts of the proposal were fully considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.
- 6.21 The proposed development is considered to be in conformity with the NPPF, policy PCS23 of the Portsmouth Plan and policies STJ1 and MH1 of the newly adopted Milton Neighbourhood Plan which seek to preserve or enhance designated and non-designates heritage assets and their settings on the application site.

Residential amenity

- 6.22 The impact of the proposal upon the residential amenity of neighbouring residential properties was fully considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.
- 6.23 The proposal would provide good quality contemporary housing with a high standard of amenity for future occupants and would show a respectful relationship to existing neighbouring properties that is appropriate and acceptable in accordance with policy PCS23 of the Portsmouth Plan.

Highways and transportation impacts

- 6.24 The highway and transport impacts of the proposal were fully considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.

6.25 Overall, the proposal supports national and local adopted planning policy and is considered to comply with policy PCS17 of the Portsmouth Plan, the NPPF and policies TSP1, TSP2 and TSP3 of the newly adopted Milton Neighbourhood Plan which look to reduce the over-reliance of motor vehicles and promote sustainable modes of transport and the enhancement of footpaths and cycling routes within new developments.

Open space, trees and landscape

6.26 Landscape and open space provision were considered in the January 2022 Committee report.

6.27 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF and requires that public and private spaces that are clearly defined, as well as being safe, vibrant and protects and enhances the city's important views and settings of key buildings such as the hospital building, create new views and juxtapositions that add to the variety and texture of a setting. Policy PCS13 is also relevant to the consideration of the application and requires that planning permission be refused for "*proposals which would result in the net loss of existing areas of open space*".

Open space

6.28 It should be noted that an area of open space within the application site covering 3,666 sq. metres is located to the north of the existing children's play area identified in Policy PCS13 - Map 21 of the Portsmouth Plan as protected open space, and also in Policy S5 of the Emerging Portsmouth Plan and Policy STJ1 of the newly adopted Milton Neighbourhood Plan. Three detached dwellings will be built in this open area. It should be noted that the site, including this open space, is currently NHS land which is not publicly accessible.

6.29 This area of open space is heavily landscaped around its edges with a small clearing in the middle of this space. This secluded open area is not visually or physically well connected to the existing public open area immediately to the south.

6.30 Policies STJ1 and ENV1 of the newly adopted Milton Neighbourhood Plan designate the land between Broom Square and Longshore Way, the western section of St James' Hospital Grounds East, Land North of St James' Green, known as Matron's Garden and Land at Kingsley Road are designated as Open Space. There are also two areas, LGS1 - St James' Green and LGS2 - Portsmouth and Southsea Cricket Club Ground, designated as Local Green Space as shown in **Figure 1** below (these areas are currently designated as Open Space under Policy PCS13). Policy ENV1 advises that development on these Local Green Spaces will only be allowed in very special circumstances.

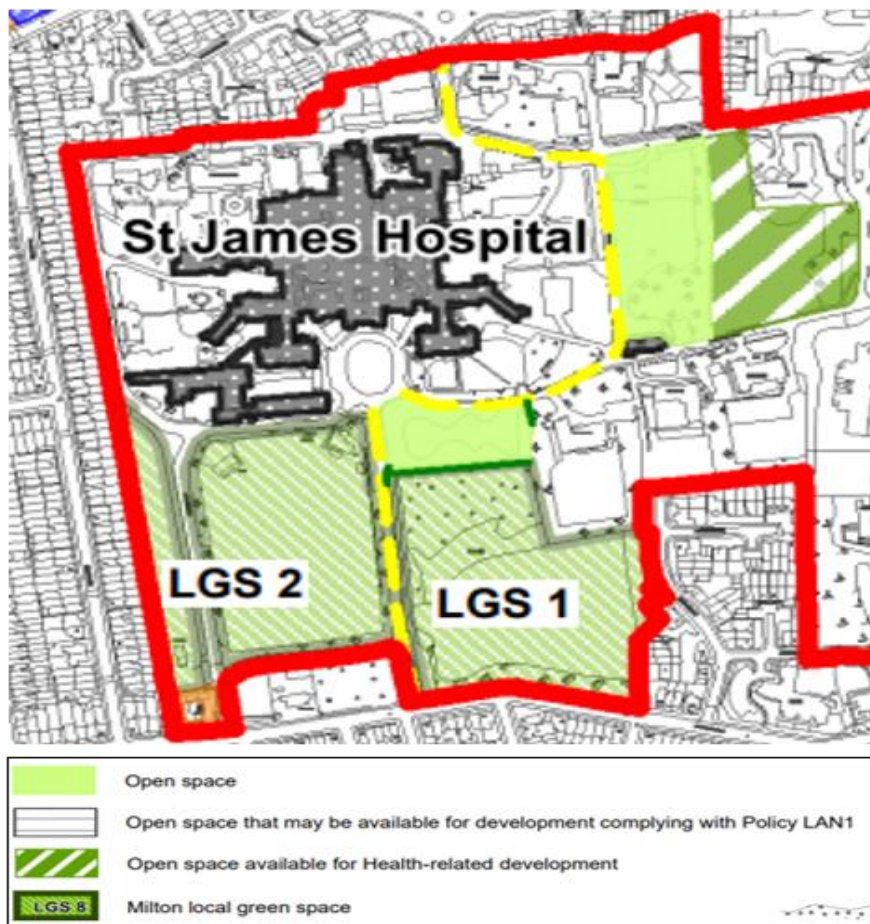


Figure 1 - Designated Open and Local Green spaces within Milton Neighbourhood Plan

6.31 *The Design Review Panel recommended that the scheme "retains the shared nature of the existing landscape", and specifically that it should retain and restore the south-eastern and south-western airing courts, The proposed demolition of more recent built additions to the hospital building will not only open up and enhance views of the original historic hospital building but also reinstate the formal landscape setting of the hospital, including the airing courts. The applicant has confirmed that these open areas will be publicly accessible open spaces and has submitted an Open Space Visual Amenities Site Plan (Ref. 127-00-1122-B), as shown in **Figure 2** below, which delineates the publicly accessible open spaces which will be delivered by the development and has agreed that this plan will be included in a S106 legal agreement which will require that these open areas remain accessible to the public in perpetuity.*



Figure 2 - Open Space Visual Amenities Site Plan (Ref. 127-00-1122-B)

6.32 Discounting the areas of green landscaping that serve only as small visual amenity spaces alongside internal roads and footpaths (these are considered to be areas less than 50sqm), the total amount of publicly accessible open space which will be delivered across the site will be 25,388 sq. metres. Including the existing Cricket pitch and associated amenity areas of 15,066 sq. metres, this would equate to 41,352 sq. metres in total of open space provision as follows:

- Small spaces greater than 50sqm = 9,178 sq. metres;
- Large spaces = 16,210 sq. metres
 - North-East airing court - 794 sq. metres
 - North-west airing court - 917 sq. metres
 - South-west airing court - 3,563 sq. metres
 - Southern Lawn - 2,001 sq. metres
 - South east airing court - 3,563 sq. metres visual plan
 - Solent Drive - 5,372 sq. metres
- Cricket pitch and associated amenity areas = 15,066 sq. metres

Total = 41,352 sq. metres

6.33 Unlike the existing piece of open space, the proposed new open space would legally be publicly accessible green space for the community to use and enjoy in perpetuity. There is therefore a clear quantifiable public benefit from the above uplift in

accessible open space for both future and existing residents which will help support and improve mental and physical wellbeing of the wider community.

- 6.34 Whilst dwellings are proposed in the designated 'Open Space,' the mature, dense and higher quality trees on the southern and western boundaries which characterise this existing open space will be retained. The proposed loss of the existing open space would only include the less established central clearing. Therefore, whilst glimpses through to the new dwellings may be seen, the qualitative benefit of this parcel of land, in terms of character and visual amenity from the south and west, would be retained.
- 6.35 The proposed new public open spaces will be located within the historic landscape setting of the hospital building and will enhance the setting and views available of the historic hospital building. The quality of the open space to be offered on the site will be significantly improved from the existing offer through high quality landscaping and planting, including the retention of existing mature trees. This will be a public benefit as the presence of such high quality greenspace will encourage existing and future residents to walk and cycle, thereby improving opportunities for mental and physical wellbeing. In addition, this will deliver climate resilient greenspace that provides shading for users and mitigates against the urban heat island effect.
- 6.36 In terms of quality of open space, the wooded nature of this space would still be appreciated from the south, given the retained tree belt on the boundary, and the proposed public open space would be of a higher quality for use and enjoyment thereby better able to support mental and physical wellbeing of the community.
- 6.37 Overall, whilst there would be a loss of existing designated Open Space on the site, this would not be contrary to Development Plan policy as there are demonstrable wider public benefits which outweigh the harm and, the loss would be replaced by equivalent or improved provision both in terms of quantity and quality. The appeal scheme as proposed will deliver a net increase in well designed and usable public open space and as such satisfies the aim of policy PCS13 of the Portsmouth Plan (2012), policies STJ1 and ENV1 of the Milton Neighbourhood Plan, as well as meeting the aspirations of policy S5 of the Emerging Portsmouth Plan.

Tress and landscaping

- 6.38 As well as seeking no net loss of open space, Policy PCS13 requires that development enhances the City's green infrastructure, while the emerging plan in Policy D1 requires that new development should "*be a positive, beautiful, respectful, and sympathetic design response in relation to the site, surrounding area, and the significance of designated heritage assets, by taking into consideration the .. existing and/or new hard and soft landscaping including walls, fences and railings and other boundary treatments or means of enclosure*".
- 6.39 The existing trees across the site are covered by a group Tree Preservation Order (TPO) and form part a rich landscape character of the area. The applicant's supporting tree survey identifies 145 different trees, classified as follows:

- 23 Category A (high quality with estimated life expectancy of 40+ years):
- 64 Category B (medium quality with estimated life expectancy of 20+ years), 56 Category C (lower quality with estimated life expectancy of 10+ years); and
- 2 as Category U (life expectancy not longer than 10 years).

6.40 Since the deferral of the application at the January 2022 Committee, an updated layout and Arboricultural Impact Assessment has been submitted. The updated layout results in a reduction in the number of trees that would be felled as a result of the proposals, from 57 to 47 trees (7 removed only in part). Of these trees, 1 tree is Category A and the remainder are Category B and C trees of lower quality or dangerous.

6.41 The proposed updated landscaping layout shows the removal of these trees to facilitate the new build houses and new access routes/roadway primarily concentrated to the northwest and northeast of the site, together with an area to the south, opposite the Beaton Wing, for 3 new houses in a woodland setting. One Category A tree (G28) is affected to the west of the Chapel.

6.42 The replacement planting strategy set out in the revised Landscape Plans submitted to support the Planning Application in February 2022 now includes the retention of 98 trees and the planting of 150 new trees of a range of species and sizes, which are mainly street trees to the front of the new build houses and within the 'airing courts' and where buildings are removed to the southwest.

6.43 While community concerns are noted, the Council's Tree Officer has considered the proposal and comments are set out in the consultation section above. The salient points are that the felling of trees are in the main confined within the hospital site and therefore have little or no impact on visual amenity from outside the redline boundary and replacement planting in mitigation is included within the proposal. The Tree Officer concludes that there are no arboricultural objections to the proposal and that the submitted Tree Report and tree protection plan provides sufficient detail to be conditioned. No further details are required.

6.44 The proposed development is considered to be informed and influenced by the presence of trees on site and the landscape masterplan demonstrates replacement tree planting to augment the verdant site context to enhance the hospital grounds. It is therefore considered to accord with Policy PCS13.

Biodiversity landscape enhancements

6.45 Policy PCS13 of the Portsmouth Plan requires that new development should *"retain and protect the biodiversity value of the development site and produce a net gain in biodiversity wherever possible"*.

6.46 The applicant has outlined its enhancement strategy which identifies a series of opportunities to improve the sites biodiversity, and provision of native wildlife habitat. The proposals look to create a series of green corridors which bridge the gap

between the existing tree canopies and will be achieved by proposing additional native hedgerows as well as areas of wildflower grassland.

6.47 The Country Ecologist has reviewed the proposed strategy and is of the view that the development will help deliver habitat enhancements required by Policy PCS13 of the Portsmouth Plan and the NPPF, and that the details of these measures, including location plans of all proposed enhancements, could be secured by condition.

Management strategy

6.48 The St James Hospital complex and its associated landscape is to be restored, enhanced and sensitively developed. A long term monitoring and management regime will need to be in place to ensure the landscape fulfils its potential providing a high quality and ecologically rich landscape. If approved the approval should be subject to the submission of a Landscape Management Strategy, to be secured by planning condition. It is proposed that the scope of such report would include the following:

- Description and evaluation of the features to be managed.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescription for management actions.
- Preparation of work schedule (including an annual work plan).
- Details of body or organisation responsible for the implementation of the plan.
- Ongoing monitoring and remedial measures.

6.49 To fund the works all future residents will be expected to pay an estate charge part of which will pay for the maintenance of the landscape and the unadopted roads, among lots of other things. With an appropriate management regime in place there will be confidence that the landscaped grounds and buildings will be restored and repaired to the highest quality and then professionally managed in perpetuity.

6.50 The proposed scheme will deliver both public and private spaces that are clearly defined, safe and vibrant and will help protect and enhance the views and settings of the historic St James Hospital as required by Policy PCS23 of the Portsmouth Plan. The scheme as proposed will also deliver a net increase in well designed and usable public open space and as such satisfies policies PCS13 of the Portsmouth Plan.

Biodiversity and Appropriate Assessment (Habitat Regulations - impact upon the Solent Special Protection Area)

6.51 Biodiversity and Appropriate Assessment were considered in the January 2022 Committee report.

6.52 The Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that developments do not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species.

6.53 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regs) states:

1. *"a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

- a. is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b. is not directly connected with or necessary to the management of that site,*

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives."

6.54 The application site is located within proximity to the Solent Special Protection Area (SPA), Special Areas of Conservation (SAC) and Ramsar Sites, which includes the Portsmouth Harbour SPA and Chichester and Langstone Harbour SPA.

6.55 The Milton Common Local Nature Reserve Restoration and Management Framework (MCF) was adopted by the Council in July 2015 to provide additional site-specific mitigation for the St James Hospital and Langstone Campus allocation sites, due to their proximity and accessibility to the SPA.

6.56 While Natural England have amended their guidance regarding the 'nitrates' issues, resulting in greater mitigation payments being required, there are in place mitigation strategies to fully manage the adverse indirect impacts by recreational disturbance and eutrophication. Since the January Committee meeting, Natural England has raised a holding objection to this planning application having identified that the bird survey information relating to Solent Waders and Brent Geese that supports the MCF is out of date being undertaken prior to 2015. Officers were not aware of this position when the application was reported to the January Planning Committee.

6.57 The Chartered Institute of Ecology and Environment Management's (CIEEM) Advice Note 'On the Lifespan of Ecological Reports and Surveys' dated April 2019 - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> - advises that:

"it is important that planning decisions are based on up-to-date ecological reports and survey data' and reports and survey data more than 3 years old are "unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist...)"

6.58 The Competent Authority (LPA/SoS) must adopt the precautionary principle and consider the best available scientific evidence when considering if there will be any adverse impacts on the SPA under the Habitat Regs.

6.59 In light of the concerns expressed by Natural England regarding the bird survey data, which supports the need for mitigation under MCF for the likely significant effect of the development, it is not possible to properly scope that effect on the SPA and whether

the proposed mitigation has resolved it, as the indicated mitigation strategy is based on evidence over 7 years old and is therefore out of date.

- 6.60 As such, Natural England's holding objection to the proposal has been raised on the basis that there is insufficient evidence available at present to determine whether the proposed development will have an adverse effect on the supporting habitats at Milton Common. Natural England have therefore requested that no decision be taken on the application until up to date surveys of current bird use is undertaken and appropriate mitigation for the proposal suggested and assessed. They have advised that this could either be in the form of an updated MCF or as a separate Shadow Habitat Regulations Assessment (HRA) submitted by the appellant in support of the appeal proposal.
- 6.61 In the absence of the best available scientific evidence over bird survey information less than 3 years old, the Council cannot currently update the MCF, and the appellant cannot provide a Shadow Habitat Regulation Assessment meaning that neither the Council nor the appellant are in a position to carry out a habitat regulation assessment for the application.
- 6.62 The timetable for the appeal is dictated by the above need to update the MCF and relevant survey work, leading to a new strategy that the Council will need to consider adoption of, is being carried out between October 2022 and February 2023. The site has been scoped in as causing indirect harm to the Solent SPA, through recreational disturbance and eutrophication of water by excess nitrates and causing direct harm Solent Wader and Brent Geese strategy (SWBGS) sites at Milton Common.
- 6.63 Since Natural England's holding objection, the Council has been working on updating the evidence base supporting the MCF and has collated the required raw data for the period 2015 to 2021. With the birds in question nesting in the winter, the additional new mapping and winter survey work for 2022 required to update the MCF and to fully consider the impact on birds nesting in the SPA would need to be carried out between October 2022 and March 2023.
- 6.64 The new mapping and winter survey work at Milton Common to gather the necessary winter visitor survey to enable an updated MCF document to be produced has been commissioned and is currently underway. The updated MCF is hoped to be completed by February 2023, whereat it will need to be considered for adoption by PCC Cabinet.
- 6.65 In the absence of sufficient information being provided for the Habitats Regulations Assessment, as requested by Natural England, there is currently no certainty around the mitigation strategy which is required to address the likely significant effects in respect of recreational disturbance, as is identified in paragraph 4.1.8 of the Draft Habitats Regulations Assessment (ref. 200127 0991 HRA V1B) dated 18th December 2020 submitted. While a mitigation strategy, and appropriate contribution from the Appellant may overcome this concerns in early 2023, as such however at this time, the proposal should be refused due to the uncertainty regarding unmitigated adverse impact on protected habitats in accordance with the Habitats Regulations.

Flood risk, drainage and utilities

- 6.66 Flood risk, drainage and utilities were considered in the January 2022 Committee report and the conclusions drawn then remain unchanged. The submitted Flood Risk Assessment and Sustainable Drainage Statement demonstrate that the proposal, with the appropriate mitigation as suggested, would not result in any undue flood risk or drainage concerns. As such, the proposed development satisfies the requirements of Policy PCS12 of the Portsmouth Plan.

Sustainable design and construction

- 6.67 Sustainable design and construction were considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.
- 6.68 The proposed development exceeds the sustainable design and construction standards set out within Policy PCS15 of the Portsmouth Plan (2012) and the Council's 'Sustainable Design and Construction' SPD (as amended by the Portsmouth Housing Standards Review) and would be in accordance with policy PLD1 of the newly adopted Milton Neighbourhood Plan, which requires new development to be well designed and sustainable.

Contaminated land

- 6.69 Contamination was considered in the January 2022 Committee report and the conclusions drawn then remain unchanged.
- 6.70 The Geo-environmental and Geotechnical Assessment report submitted satisfactorily addresses the effects of the proposed development in relation to contaminated land and the proposal is in accordance with saved policy DC21 of the Portsmouth Plan.

Other matters

- 6.71 There are no other matters raised in the most recent representations received to the October reconsultation that have not already been addressed in the January 2022 Committee report.

Planning Obligations

- 6.72 As set out in the January 2022 Committee report, the following planning obligations are considered necessary to render the development acceptable in planning terms, being directly related to the development and fairly and reasonably related in scale and kind to the development:
- Publicly Accessible Open Space - A plan that delineates the publicly accessible open spaces which will be delivered by the development. These open spaces will remain accessible to the public in perpetuity (see Site Plan (Ref. 127-00-1119-B)).

- Offsite highway mitigation: Junction improvements at Locksway Road / Milton Road and Milton Road / Goldsmith Avenue as shown on drawing numbers 107890-dwg-07-01 and 107890-dwg-05-02. The applicant will be required to submit for approval a detailed scheme supported with a road safety audit prior to commencement of the development and implemented prior to first occupation. The off-site highway mitigation works will need to be delivered directly by the developer through a S278 agreement with the highway authority.
- Mitigating the impact of new development on Special Protection Areas (SPAs), by securing financial contributions for mitigating recreational impacts and nitrates both alone and in combination including:
 - a) to the Solent Recreation Mitigation Strategy / Bird Aware Solent Strategy (estimated to be £131,965);
 - b) for improvements to Milton Common in proportion to the number of units included within the Project as detailed within the Milton Common Local Nature Reserve Management Plan (TBC); and
 - c) to meet the Council's Interim Nutrient-Neutral Mitigation Strategy (2022) payable upon implementation of the planning permission (TBC).
- Travel Plan with monitoring at a cost of £7,260, where the monitoring fee is payable within 12 months of implementation of the planning permission.
- Affordable housing provision - pending further viability appraisal.
- Chapel use for community - the marketing of the listed chapel for a community based use for a minimum of a 12 month period, before reverting back to residential use.

Conclusion and recommendations

6.73 In the absence of sufficient information being provided for the Habitats Regulations Assessment, as requested by Natural England, there is no certainty around the mitigation strategy which is required to address the likely significant effects in respect of recreational disturbance identified. Furthermore, insufficient viability justification has been provided, noting the uncertainty arising from the cost of mitigation under the Habitat Regulations, to demonstrate that the scheme is unable to provide affordable housing contrary to Policy PCS19 of the Portsmouth Plan 2012.

RECOMMENDATION

That the Secretary of State be advised that had Portsmouth City Council Planning Committee been able to determine the application, it would have resolved to REFUSE planning permission for the following reasons:

- 1) In the absence of sufficient information being provided for the Habitats Regulations Assessment, as requested by Natural England, there is no certainty around the mitigation strategy which is required to address the likely significant effects in respect of

recreational disturbance, as is identified in paragraph 4.1.8 of the Draft Habitats Regulations Assessment (ref. 200127 0991 HRA V1B) dated 18th December 2020 submitted. As such, the proposal should be refused due to the uncertainty regarding unmitigated adverse impact on protected habitats in accordance with the Habitats Regulations.

- 2) Insufficient viability justification has been provided, noting the uncertainty arising from the cost of mitigation under the Habitat Regulations, to demonstrate that the scheme is unable to provide affordable housing contrary to Policy PCS19 of the Portsmouth Plan 2012.

7. Other Post Decision Matters

- 7.1 The Committee should be aware that the LPA will continue to work with the Planning Inspectorate to ensure the appeal can be determined in 2023. This will include the production of 'without prejudice' conditions in addition to the proposed planning obligations described above and the conclusion of information for Habitats Regulation Assessment informed by the outcome of the updated MCF work over the current winter period.
- 7.2 Should the Planning Committee be minded to suggest to the Planning Inspectorate that additional or alternative reasons for refusal should be applied Members should be aware that there will be a need for a nominated Councillor/s from the Committee to provide appropriate proof of evidence and defend that decision at the upcoming Public Inquiry. In that circumstance the Committee may wish to give consideration of that nomination as part of the resolution of this item to ensure Officers can support those Councillors to undertake that work.

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Agenda Item 5

CHE20/00407/OUT

WARD: CHARLES DICKENS

POST OFFICE SLINDON STREET PORTSMOUTH PO1 1AB

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

LINK TO ONLINE DOCUMENTS:

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

Application Submitted By:

DPP Planning UK Ltd
FAO Mr Tom Wright

On behalf of:

Slindon Street Portsmouth Limited

RDD: 17th January 2022

LDD: 18th April 2022

EOT: 31st December 2022

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

1 SUMMARY OF MAIN ISSUES

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

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

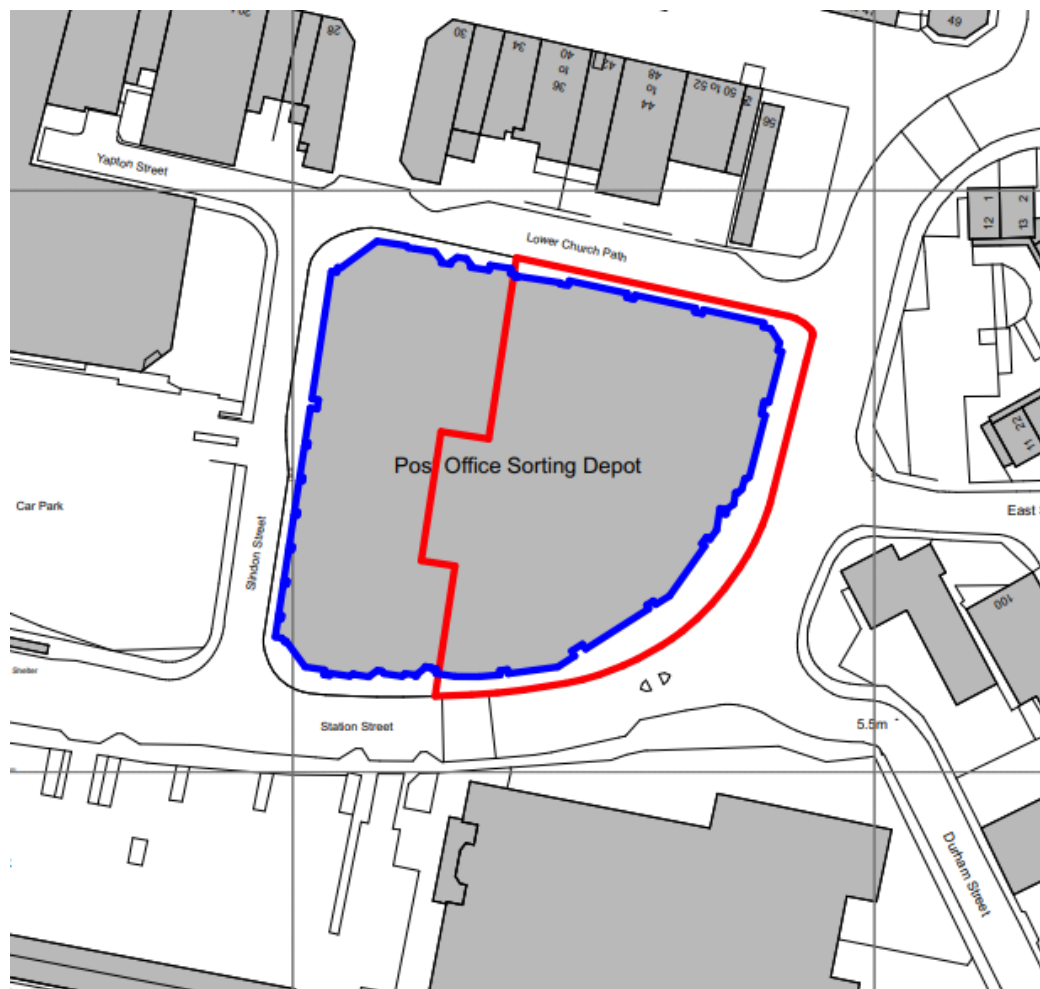
1.2 Site and Surroundings

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

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

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

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



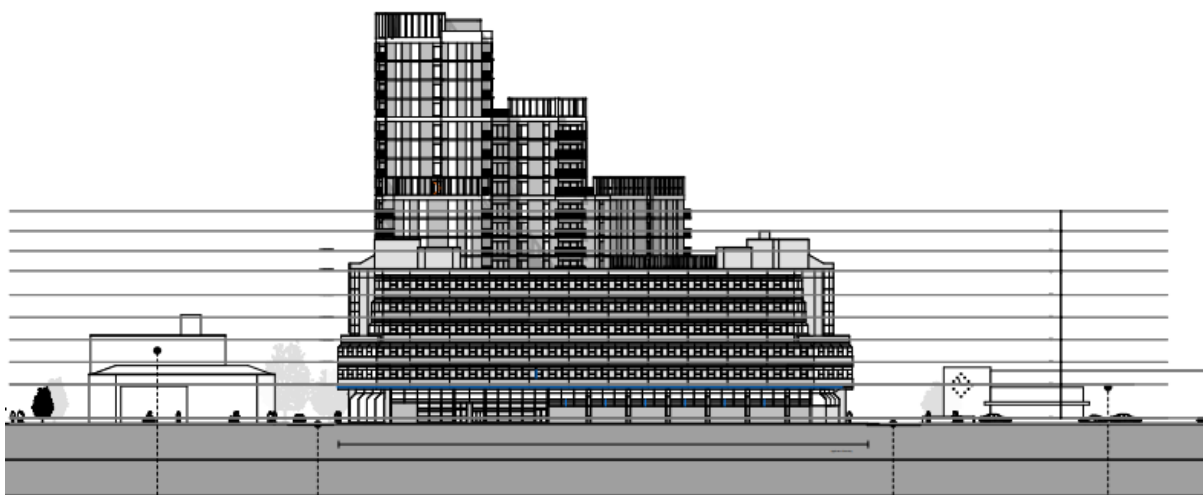
- 1.7 A number of tall buildings have recently been constructed/extended within the site's immediate vicinity, these include:
 - Stanhope House (19-stories) situated on the corner of Stanhope Road and Commercial Road;
 - Crown Plaza (23-stories) located between Station Street and Surrey Street;
 - Catherine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

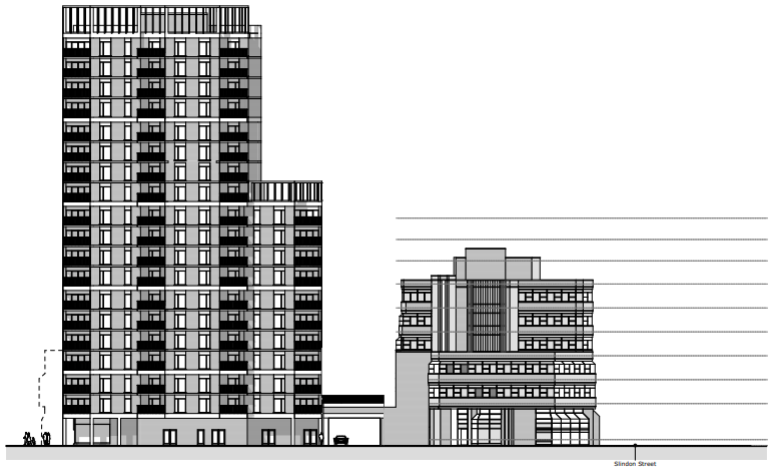


2 Development Proposal

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

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





01 Proposed North Elevation (Lower Church Path)



04 Proposed West Elevation

3 Relevant Planning History

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

4 POLICY CONTEXT

- 4.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are
- PCS4 (Portsmouth City Centre)
 - PCS13 (A Greener Portsmouth)
 - PCS15 (Sustainable Design and Construction)
 - PCS16 (Infrastructure and Community Benefit)
 - PCS17 (Transport)
 - PCS19 (Housing Mix, Size and Affordable Homes)
 - PCS23 (Design and Conservation)
 - PCS24 (tall buildings)
- 4.2 Portsmouth City Local Plan (2001 - 2011) - Retained policy January 2012:
- 4.3 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.
- 4.4 Other guidance:
- The Parking Standards SPD
 - National Planning Practice Guidance
 - National Design Guide (2019);
 - The Housing standards SPD and the Technical Housing Standards - nationally described space standards
 - The City Centre Masterplan (2013)
 - Tall Buildings SPD (2012);
 - Sustainable Design & Construction SPD (January 2013);
 - Reducing Crime Through Design SPD (March 2006);
 - Achieving Employment and Skills Plans (July 2013);
 - The Solent Recreation Mitigation Strategy (December 2017)
- 4.5 Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.
- 4.6 National Planning Policy Framework
Still at the heart of the revised NPPF (July 2021) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).
- 4.7 The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF.

5 Representations:

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

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

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

5.3 Site Notice Displayed 25th June 2020.

5.4 Press Notice Published 28th January 2022.

5 CONSULTATIONS

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

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

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

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

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

6.6 **Contaminated Land Team** - No objection raised subject to condition, two preliminary risk assessment reports have been submitted with this application for the attention of the Contaminated Land Team (CLT). The reports identify a number of potential pollutant linkages, and recommend further site investigation to be undertaken alongside geotechnical testing.

As the CLT agrees in the main with the recommendations provided in the reports, conditions are recommended to address the identification and safe removal of asbestos whilst allowing the existing buildings to be demolished to allow a full site investigation, updated risk assessment, and a remedial method statement as required.

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

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

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

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

6.12 **Drainage** - No objection raised

6.13 **Arboricultural Officer** - No objection raised. The content of Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement is accepted and agreed in respect of demolition and construction. Whilst the use of the roof space is commendable, it is suggested that other opportunities such as green walls and additional street trees be explored.

- 6.14 **Landscape Group**- Provided advice and guidance.
- 6.15 **Crime Prevention Design Advisor** - Provided advice and guidance easures to be incorporated into the development proposal.
- 6.16 **Colas Highways** - No objection raised
- 7 Planning Assessment
- 7.1 The main issues for consideration in the determination of the application are as follows:
- Principle of Development;
 - Design - Scale
 - Access
 - Impact amenity
 - Ecology & Impact on the Solent Special Protection Areas
- 7.2 Principle of Development
- 7.3 The application site is located principally within the 'Station Square & Station Street' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. In addition, the policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes, which could include specific forms of residential accommodation such as apartments.
- 7.4 The City Centre Masterplan SPD (January 2013) expands upon this policy and sets a vision 'to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit. The unadopted City Centre Development Strategy recently produced to review the Masterplan SPD similarly focusses economic activity and growth in this part of the City Centre
- 7.5 Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by para 61 of the revised NPPF which states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people [etc]...)".
- 7.6 Having regard to the sustainable town centre location of the site in close proximity to the railway station, it is considered that the proposed provision for residential accommodation would be acceptable in principle. The retention of the existing Post Office facility is also noted, which provides a benefit to the local community.
- 7.7 As this application is in Outline form, the main issues for consideration is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of apartments in this location. The other considerations are the appropriateness of the proposals means of access which includes accessibility for routes to and within the site and how they link up with the rad network and pathways, and secondly the scale of the development which relates to the size of the development inclusive of the proposals height width and length. All other matters (**Appearance, Landscaping** and **Layout**) will be considered at any subsequent Reserved Matters stage.

7.8 Scale

- 7.9 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 7.10 The NPPF in paragraphs 124 and 127 state that development should "add to the overall quality of the area" and "respond to local character and history and reflect the identity of local surroundings". The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 7.11 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.12 Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: 'The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'
- 7.13 The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'.
- 7.14 The development proposal is to provide a scheme of up to 19 stories in height which would comprise of circa 176 apartments. The indicative plans as illustrated on the submitted elevations show the apartments to be provided in a 'stepped' format, ranging in 5 different heights. The building would be at its highest within the north eastern corner of the site. The building would have a maximum width of 36m. The Council's Officer's, in negotiating the scheme, requested a high level of detailed information in order to be satisfied that the site could in fact be achievable on the site. The applicant has worked pro-actively with the LPA both through the course of the application discussions and the life of the planning application providing the necessary information and modifications.
- 7.15 The resultant information submitted by way of the detailed height and massing drawings, clearly demonstrate that the site can in fact accommodate a development of the

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

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

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

- 7.25 With regards to the site's proposed parking arrangements, the Council's Highways Consultant raised no fundamental highway safety concerns. The developments limited parking provision was raised in relation to the adopted parking standards. However, owing to the highly sustainable city centre location of the site within 300m of a railway station and bus interchange, the provision of a good standard of bicycle storage facilities which the indicative ground floor plans demonstrates can be achieved and good pedestrian and cycle routes to a wide range of shops, service, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle.
- 7.26 Portsmouth City Council have made the decision to introduce a Clean Air Zone for the City, and this has recently come into force. This application Site on Slindon Street falls within the clean air zone where Portsmouth is actively trying to reduce vehicle traffic.
- 7.27 The indicative plans also show an amenity deck and central public space, which was incorporated into the development proposal as a result of discussions between the Council and Applicant. The final details and the management of the spaces, as well as any potential link between this scheme and the adjoining hotel development would be finalised under any subsequent Reserved Matters application and secured by any necessary legal agreements and or conditions.
- 7.28 Impact on residential amenity and standard of accommodation
- 7.29 Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 7.30 Overall it is considered that the development could provide an acceptable standard of living environment for all future occupiers of the development proposal. The rooms within the apartments could all provide a good standard of accommodation, with access to a good standard of amenity space.
- 7.31 The development proposal has been accompanied by indicative floor plans, however the final arrangements of the buildings layout would be considered under any subsequent Reserved Matters application. The application has also been accompanied by a Sunlight/ Daylight study, the findings of which have not identified any relevant open spaces situated north of the development site that could be adversely impacted by the proposed scheme in sunlight to amenity terms. Overall, the findings stated that given the urban context of the site, the Daylight & Sunlight results are reasonable.
- 7.32 Overall it is not considered that the proposal would result in any significant adverse impacts on the amenity of adjoining occupiers, and the wider benefits of redevelopment and the introduction of residents to the area as part of a wider redevelopment opportunity would outweigh any minor impacts.
- 7.33 Sustainable Design & Construction
- 7.34 All new development in the city must comply with the relevant sustainable design and construction standards as set out in Policy PCS15 and the 'Sustainable design and construction' SPD. Both the policy and SPD require that non-residential developments which involve the construction of more than 500sq.m. of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards.

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

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

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

8 Conclusion and Planning Balance

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

Conditions

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

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

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

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

Approved Plans

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

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

Agenda Item 6

20/00152/FUL

WARD: CHARLES DICKENS

POST OFFICE SLINDON STREET PORTSMOUTH PO1 1AB

CHANGE OF USE OF PART OF BUILDING TO FORM HOTEL (CLASS C1); EXTERNAL ALTERATIONS TO INCLUDE: CONSTRUCTION OF TWO ADDITIONAL STOREYS, REPLACEMENT OF ALL FACADES, FORMATION OF ROOF TERRACES AND DEMOLITION OF EASTERN PART OF THE BUILDING (AMENDED DESCRIPTION AND DRAWINGS)

LINK TO ONLINE DOCUMENTS:

[20/00152/FUL | CHANGE OF USE OF PART OF BUILDING TO FORM HOTEL \(CLASS C1\); EXTERNAL ALTERATIONS TO INCLUDE: CONSTRUCTION OF TWO ADDITIONAL STOREYS, REPLACEMENT OF ALL FACADES, FORMATION OF ROOF TERRACES AND DEMOLITION OF EASTERN PART OF THE BUILDING \(AMENDED DESCRIPTION AND DRAWINGS\) | POST OFFICE SLINDON STREET PORTSMOUTH PO1 1AB](#)

Application Submitted By:

DPP Planning UK Ltd
FAO Mr Tom Wright

On behalf of:

c/o Agent
Slindon Street Portsmouth Limited

RDD: 4th February 2020

LDD: 15th June 2020

EOT: 31st December 2022

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

1 SUMMARY OF MAIN ISSUES

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

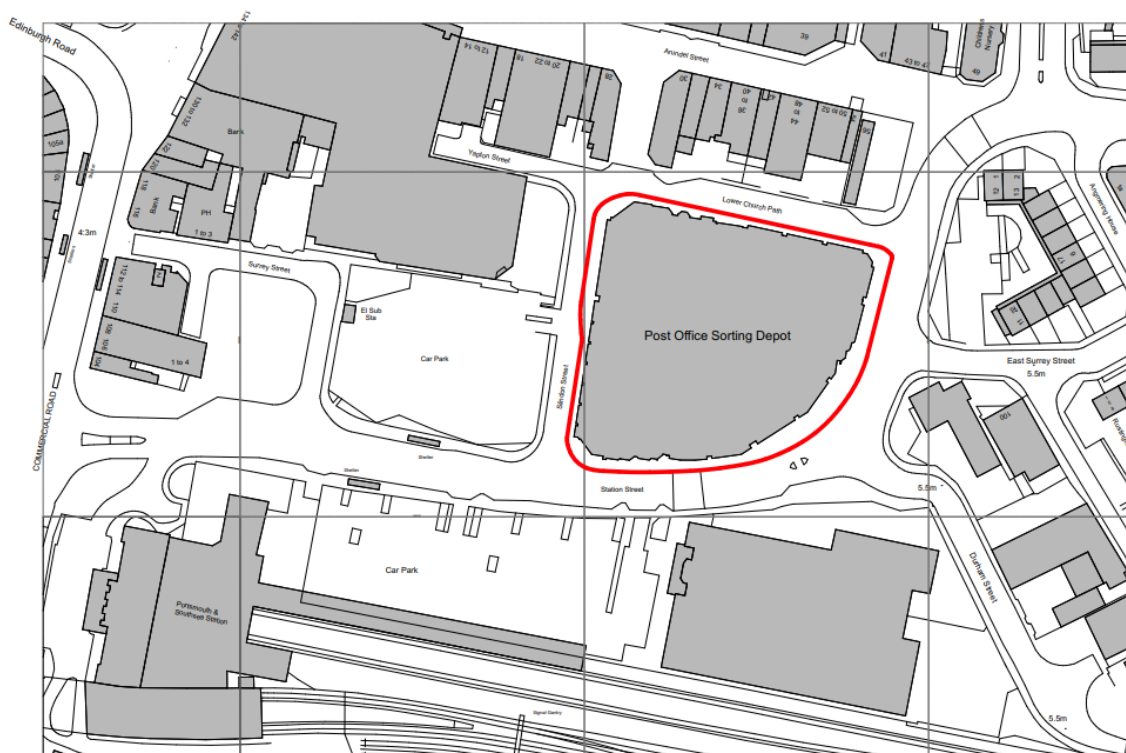
- Principle of Development
- Design - scale and appearance
- Impact on amenity
- Highways Impacts
- Sustainable Design & Construction
- Ecology & Impact on the Solent Special Protection Areas

1.2 Site and Surroundings

1.3 This application site relates to a 5 stories Post Office building which is situated on the main circulatory road within the city centre, situated on the western side of the site. The eastern side of the site forms the parking and plant area. The eastern side contains a vacant two storey (double height) depot (which consists of a loading platform, parking and plant area) to the east which is to be demolished and forms a second application which is under consideration (20/00407/OUT). Which adjoins the eastern side of the site.

1.4 The Post Office building is constructed of red facing brick with pre-cast banding. The site along with the building has a triangular form, with Slindon Street to west, Lower Church Path to the north and Station Road, wrapping round from the south to the east.

- 1.5 At ground floor level, the existing Post Office remains in use, whilst the Post Office sorting Depot remained vacant since 2016. The upper floors contain unoccupied office space.
- 1.6 The site is located on the periphery of Portsmouth's historic core in an Area of High Archaeological Potential (AHAP).
- 1.7 A number of tall buildings have recently been constructed/extended within the site's immediate vicinity, these include:
- Stanhope House (19-stories) situated on the corner of Stanhope Road and Commercial Road;
 - Crown Plaza (23-stories) located between Station Street and Surrey Street;
 - Catherine House (15-stories) on Stanhope Road and Greetham Street (25-stories, Unite Student block).
- 1.8 Further tall buildings are also being brought forward, immediately adjoining the site to the north-west, 12-18 Arundel Street, was granted in December 2020 for the construction of a 28, part 21 and part 7 storey building.



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2 Development Proposal

- 2.1 The development proposal itself relates to the western side of the post office building, which fronts Slindon Street to the west, running parallel north to south. The development would consist of the provision of 200 hotel suites. The development proposal would include three different suite types, 142 Type A, 49 Type B and 9 type UA. The public Post Office and the associated use at ground floor level will be retained, as it cannot be removed and thus has been incorporated into the development proposal.
- 2.2 The building is split into two sections, the main 6 storey office which fronts onto Slindon Street, and the two storey carpark/ sorting-depot to the west, which is to be considered separately as part of the Outline scheme.

- 2.3 The development proposal would be contained within the footprint of the existing office block and would involve the demolition of the 2 storey depot which is located to the east of the site. The north eastern corner of the building would retain the existing Post Office use.
- 2.4 The new hotel would be accessed via the western corner of the building at ground floor level. The ground floor would contain a hotel entrance lobby, main reception area meeting area, seated food area and food preparation area, reception office, luggage store, laundry room, refuse and cycle store. A gym is also to be provided centrally within the building. The lift and stairwell access to upper floors would be provided to the south east.
- 2.5 The development proposal would provide 2 further additional floors, over the existing building, which are proposed to sit between the two existing circulation cores and would be blended into the existing massing.
- 2.6 Each floor will be serviced by two cores each with designated lift and stair access. The main access core is located on the southern-most wing and leads directly down to the hotel reception. Each and every hotel bedroom will have access to a window offering the occupant an adequate provision of daylight. Also, each bedroom will also have access to an en-suite bathroom. The access points to the development have been maintained in their existing locations with their proximity close to the lift cores.
- 2.7 The Commercial aspect of the site will maintain the bin storage and collection facilities from Lower Church Path whilst the Hotel will introduce a new bin store. This store is limited in its location and has been integrated into the building footprint will allow direct access out for collection from Station Street. Plant access is either from Lower Church Path or via the internal court. Cycles A total of 2 cycle hoops are proposed to be integrated into the public realm to allow those using the hotel with somewhere to temporarily secure their bike. Internally, on the southern wing, a secure bike store is proposed with level access and provision for 26 cycles based on a two tier cycle rack system
- 2.8 The application asserts that with this in place the building will receive an exciting new facade design, enhancing the current streetscape bringing this once tired looking building back to life. The proposed change of use would involve the stripping back of the building to the structure and re-cladding of the building to modernise and lift its appearance. The two additional storeys on top. In keeping with the context a crisp and subtle material palette is proposed, using the buildings form and introduction of feature details used to enhance the building even further.
- 2.9 It is proposed that brick is the prime facing material, chosen for its quality and longevity, making certain that the building appearance is befitting of its prominent location over its lifetime. This material choice will also provide this location with a contrast in texture from all the newly constructed panellised buildings. Using layers and given the existing buildings form it is proposed that various shades of brick are used to help break down the overall mass, using a dark base rising to a light cap.
- 2.10 The building would have three main levels of detailing, dark raising to the light at the top the base level of the building (0 to 2) would incorporate a dark brickwork dark grey brick, splayed with white brick detail around windows. The middle of the building (3 to 5) would be grey multi stock brick while the top of the building (6 & 7) would be finished in a white brick cap. The first floor level: multi-functional space at first floor which provides access onto the terrace area.





(Church Path)





3 POLICY CONTEXT

- 3.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are
- PCS4 (Portsmouth City Centre)
 - PCS13 (A Greener Portsmouth)
 - PCS15 (Sustainable Design and Construction)
 - PCS16 (Infrastructure and Community Benefit)
 - PCS17 (Transport)
 - PCS19 (Housing Mix, Size and Affordable Homes)
 - PCS23 (Design and Conservation)
 - PCS24 (Tall buildings)
- 3.2 Portsmouth City Local Plan (2001 - 2011) - Retained policy January 2012:
- 3.3 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.
- 3.4 Other guidance:
- The Parking Standards SPD
 - National Planning Practice Guidance
 - National Design Guide (2019);
 - The Housing standards SPD and the Technical Housing Standards - nationally described space standards
 - The City Centre Masterplan (2013)
 - Tall Buildings SPD (2012);

- Sustainable Design & Construction SPD (January 2013);
 - Reducing Crime Through Design SPD (March 2006);
 - Achieving Employment and Skills Plans (July 2013);
 - The Solent Recreation Mitigation Strategy (December 2017)
- 3.5 Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.
- 3.6 National Planning Policy Framework
Still at the heart of the revised NPPF (July 2021) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 177).
- 3.7 The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF.

4 Representations:

- 4.1 Following the display of several site notices and public notification including 97 letters sent to neighbouring properties, a single (1) letter of representation has been received, the comments raised, related to parking being at a premium around the area and that there have been a number of hotels and tower blocks built in the vicinity in the last few of years.
- 4.2 Site Notice Displayed 25th June 2020.
- 4.3 Press Notice Published 28th January 2022.

5 CONSULTATIONS

- 5.1 **Regulatory Services** - No objection raised, suggested a condition be imposed requiring details of noise emissions from any fixed plant material.
- 5.2 **Coastal And Drainage** - No objection raised
- 5.3 **Archaeology Advisor** - No objection raised
- 5.4 **Hampshire Fire & Rescue Service** - No objection raised
- 5.5 **Ecology** - No objection raised
- 5.6 **Contaminated Land Team** - No objection raised subject to conditions
- 5.7 **Natural England** - No objection raised
- 5.8 **Environmental Health** - No objection raised subject to condition ensuring construction noise id controlled in the interest of neighbour amenity
- 5.9 **Crime Prevention Design Advisor**- No objection raised, advisory comments provided, to reduce the opportunities for crime Closed Circuit Television cameras should be fitted within the cycle store.
- 5.10 An escape lobby is shown giving access on to Lower Church Path, is the intension to allow staff or 'checked in' guests to access and exit the building using these doors. If this

is the case appropriate security systems will have to be put in place to prevent people 'tailgating' into the hotel.

- 5.11 **Highways Engineer** - No objection raised, We have received the attached drawings from the applicant which indicate an amended highway arrangement which would resolve the fundamental highway safety concern regarding accessibility for coaches; They indicate the reversal of the one way system in Slindon Street / Lower Church Path which would allow both service vehicles and coaches to utilise the proposed loading bay and critically allow passengers to board coaches from the footway on the nearside. This arrangement does require modifications of the junctions with Station Street and minor adjustment to the position of parking bays in Slindon Street, but if implemented would resolve the fundamental highway safety concern and the risk of coaches obstructing the bus stops established for timetabled services. However would require formal modification of the existing traffic regulation order which is subject to a separate statutory process

Subject to the highway arrangements proposed reflecting these new drawings and a Grampian condition requiring that such a TRO modification to reverse the one way system on Slindon Street and amend the on street parking bay positions was secured prior to the commencement of the development I would not wish to raise a highway objection to the proposal on safety grounds.

- 5.12 **Drainage** - No objection raised
- 5.13 **Arboricultural Officer** - No objection raised
- 5.14 **Archaeology Advisor** - No objection raised

6 Planning Assessment

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

- Principle of Development;
- Design and character
- Impact amenity;
- Highways Impacts;
- Ecology & Impact on the Solent Special Protection Areas

6.2 Principle of Development

- 6.3 The application site is located principally within the 'Station Square & Station Street' locality of the City Centre as defined by Policy PCS4 of the Portsmouth Plan. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. In addition, the policy also states that given the high level of accessibility by public transport, the city centre is ideally suited to provide a substantial number of new homes, which could include specific forms of residential accommodation such as hotels.

- 6.4 The City Centre Masterplan SPD (January 2013) expands upon this policy and sets a vision 'to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit. The unadopted City Centre Development Strategy recently produced to review the Masterplan SPD similarly focusses economic activity and growth in this part of the City Centre

- 6.5 Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions,

redevelopment of previously developed land and higher densities in defined areas. This is supported by para 61 of the revised NPPF which states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people [etc]...)".

- 6.6 Having regard to the sustainable town centre location of the site in close proximity to the railway station, it is considered that the proposed provision for additional hotel accommodation would be acceptable in principle. The retention of the existing Post Office facility is also noted, which provides a benefit to the local community.
- 6.7 The main issues for consideration are the design, highways implications, impact on residential amenity, standard of accommodation for future occupiers, and any impact on the Solent Special Protection Areas (SPAs).
- 6.8 The design of the proposal and its impact on the character of the area
- 6.9 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 6.10 The NPPF in paragraphs 124 and 127 state that development should "add to the overall quality of the area" and "respond to local character and history and reflect the identity of local surroundings". The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 6.11 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.12 Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations. PCS4 states: 'The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'
- 6.13 The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: 'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful

buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'.

- 6.14 The applicant has worked pro-actively with the LPA both through the course of the application discussions and the life of the planning application undertaking design and layout changes in order to address the challenges and obstacles that have arisen along the way, in order to address specific issues raised by the LPA and its consultees to ensure that the development would meet the requirements of the policies set out above.
- 6.15 The development proposal would see the creation of an additional two stories above the existing 6 storey element of the building. The proposal would also see significant modifications and alterations to the building's façade. The proposal which would stand at 8 stories, would not appear overly dominant and would satisfactorily integrate within the sites context.
- 6.16 The alterations of the building would enhance the elevations with the introduction of large format glazing we are proposing to uplift these entrances and make them clearly identifiable from the rest of the elevation by way of partially re-sculpting the ground floor footprint.
- 6.17 The design proposal has incorporated on a three tier layer approach, using a classical strategy to help proportion the building and provide variety. At the base, and to relate to the human scale, a dark plinth is proposed. Into this plinth at ground floor will sit, amongst other things, the hotel entrance, clearly defined with its large sections of glazing.
- 6.18 The design statement advises that this design ethos will not only provide those occupying the space with adequate daylight but it will also give some natural surveillance to the street outside. Restricting this plinth to 3 storeys helps improve upon the buildings relationship to the human scale, so to not make the area feel too oppressive. By way of grouping windows at the lower level this also helps to reduce the perceived scale and therefore impact of this plinth. Given the nature of the building being a hotel with its repeating room layout feature details such as angled brick panels and pulled bricks have been introduced to the elevations to provide variety and interest. To add a vertical rhythm to an otherwise horizontal building vertical bays, defined with channels, have been introduced to the mid-section, capped with either a metal railing or a brick parapet, all the time moving this building away from its previous life as an office to a softer more inviting aesthetic.
- 6.19 The uppermost levels (the capital of the building) has been designed to blend in with that of the existing form, extruding up in places the 5th floor to mask the additional storeys. Behind these extrusions the new additional levels can be seen albeit in a subtle manner, maintaining interest at the lower, more visible levels. This element has been designed to be simple yet crisp in its appearance, using a white brick and large windows to make this element feel lightweight in contrast to the heavy dark plinth.
- 6.20 The resultant design is considered by Officers to be of an appropriate design and scale, which has been a result of negotiations with Officers and the applicant. Whilst the submitted drawings are detailed, a condition requiring the submission of architectural detailing at a much higher scale is recommended in order to ensure greater control and flexibility over the final appearance and to provide a solution to any issues which may arise once the building's façade is stripped back.
- 6.21 As part of the revised proposal, the first floor of the hotel incorporates a flexible space opening out onto an external terrace. We may want to consider the management of this space and future proofing on the assumption the outline residential scheme comes forward, potential noise and disturbance etc. In addition, if the residential scheme and amenity deck does come forward, there will be opportunities to have access to and from the hotel terrace onto the deck and then down to street level which could help enliven

this space and assist with ongoing management. The movement plan submitted with the outline scheme shows steps between the public amenity deck and the hotel terrace although this is currently omitted from the first floor plans and may need adding in for clarity;

- 6.22 The resultant building, is considered to be of high quality architectural standard enhanced by a robust and durable palette of materials. Large window openings, expressed columns and deep window reveals contribute to the sense of quality and robustness providing interesting and distinctive architectural features which also break some large facades and visually reduce the bulk of the building/s by providing a greater vertical emphasis.
- 6.23 Overall, the proposed development is considered to be of high quality architectural standard in line with aims set out in the updated NPPF. It would contribute to the evolving skyline within the city centre, would optimise the use of a city centre brownfield site and would respond positively at street level with opportunities for greater activity and integration with adjoining sites as part of a wider regeneration project.
- 6.24 In reaching this conclusion significant weight has been placed on the specific design concept, the architectural detailing and high quality materials and finishes indicated within the application drawings and supporting information. Deviation from these particulars could compromise the overall design concept resulting in a materially different proposal for which a separate judgement of acceptability would need to be made.
- 6.25 Impact on residential amenity and standard of accommodation
- 6.26 Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity and the provision of a good standard of living environment for neighbouring and local occupiers, as well as future residents and users of the development. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 6.27 Overall it is considered that the development would provide an acceptable standard of living environment for future occupiers of the hotel. The rooms within the apartments would all provide a good standard of accommodation. The proposed floorplans show that the units would all have a good standard of light and outlook from windows to habitable rooms. The additional two stories are not considered to result in an unacceptable degree of overshadowing or light loss to the occupiers of neighbouring properties. I do not consider the proposal would unduly impact upon surrounding residential amenity.
- 6.28 The City Council's Crime Prevention Design Advisor has provided guidance and recommendations in order to ensure that the safety of both the hotel staff as well as the guests are maintained. These measures will be controlled by a suitably worded condition.
- 6.29 Overall it is not considered that the proposal would result in any significant adverse impacts on the amenity of adjoining occupiers, and the wider benefits of redevelopment and the introduction of residents to the area as part of a wider redevelopment opportunity would outweigh any minor impacts.
- 6.30 Highways and parking
- 6.31 The application site is located within a highly accessible City Centre location a short walk from a wide range of shops, services, recreational facilities, University facilities and transport connections including Portsmouth and Southsea railway station.

- 6.32 In terms of parking, the Portsmouth City Council parking standards are set out in the 'Parking Standards and Transport Assessments' Supplementary Planning Document (SPC), and are as follows: - 1-bed - 1 parking space plus 1 cycle space; - 2 or 3-bed - 1.5 parking spaces plus 2 cycle spaces. The plans propose a car free development, which would be below the policy requirement. A relaxation in the parking standards is normally only considered appropriate for highly accessible locations and the onus is on the applicant to justify any reduction.
- 6.33 The limited parking provision albeit being not being policy compliant with the adopted parking standards the city centre location together with the highly sustainable location would render the proposal acceptable in principle. Portsmouth City Council have made the decision to introduce a Clean Air Zone for the City, which is now in force, the aim of which is to actively trying to reduce vehicle traffic.
- 6.34 Discussions have been ongoing between the Council's Officers and the Applicant to overcome a number of considerations. The laundry and waste collection arrangement was improved by revising the internal ground floor arrangement, which now allows for direct access to the layby on Slindon Street, as supposed to originally from being undertaken from Station Street.
- 6.35 The development would include coach parking provisions for hotel visitors. It was not reasonable to rely on the availability of local bus stops operating for very frequently scheduled services to provide for coach parking which will require relatively lengthy stays to set down and collect visitors and their luggage. On this basis an alternative resolution was sought.
- 6.36 Revised plans were received which indicate an amended highway arrangement which would resolve the fundamental highway safety concern which was previously raised regarding site accessibility for coaches. The revised plans indicate the reversal of the one way system in Slindon Street / Lower Church Path which would allow both service vehicles and coaches to utilise the proposed loading bay and critically allow passengers to board coaches from the footway on the nearside. This arrangement does require modifications of the junctions with Station Street and minor adjustment to the position of parking bays in Slindon Street, but if implemented would resolve the fundamental highway safety concern and the risk of coaches obstructing the bus stops established for timetabled services.
- 6.37 Based on the revised plans, the Council's Highways Consultant advised that subject to the highway arrangements proposed reflecting these new drawings and the imposition of a Grampian condition requiring that such a TRO modification to reverse the one way system on Slindon Street and amend the on street parking bay positions was secured prior to the commencement of the development, no highway objection to the proposal on safety grounds is raised.
- 6.38 Owing to the highly sustainable city centre location of the site within 300m of a railway station and bus interchange, the provision of a good standard of bicycle storage facilities and good pedestrian and cycle routes to a wide range of shops, service, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle.
- 6.39 Portsmouth City Council have made the decision to introduce a Clean Air Zone for the City, and this has recently come into force. This application Site on Slindon Street falls within the clean air zone where Portsmouth is actively trying to reduce vehicle traffic.
- 6.40 Sustainable Design & Construction
- 6.41 All new development in the city must comply with the relevant sustainable design and construction standards as set out in Policy PCS15 and the 'Sustainable design and construction' SPD. Both the policy and SPD require that non-residential developments

which involve the construction of more than 500sq.m. of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards.

- 6.42 The application has been accompanied by an Energy Statement which outlines the development's proposed energy efficiency and renewable energy strategies. It highlights that energy demand reductions are to be realised throughout the scheme via the specification of an optimised building fabric and the inclusion of energy efficient building services systems. High efficiency Air Source Heat Pumps are proposed to contribute to meeting the space heating and domestic hot water load of the hotel.
- 6.43 The drainage Strategy has also been considered by the Lead Local Flood Authority, and advised that there are no major concerns and the overall Drainage Strategy appears in good order and subject to a planning condition requiring the development be carried out in accordance with the Drainage Strategy, no further planning conditions in respect of drainage are requested.
- 6.44 Archaeological considerations
- 6.45 The site is located on the periphery of Portsmouth's historic core in an Area of High Archaeological Potential (AHAP). The Council consulted the Archaeological Advisor who advised that, having reviewed the proposed development's location it is clear that any sub-surface deposits will have been heavily impacted by the modern building that currently occupies the site. Therefore it would be very unlikely for groundworks associated with the proposed ground floor extensions to expose any hitherto unrecorded archaeological features and/or deposits. As a result, no issues were raised in this particular instance.
- 6.46 Environmental considerations
- 6.47 However it is in the interest of the developer to ensure they provide appropriate comfort of their guests to which end they have submitted an acoustic report specifying sound insulation measures to ensure acceptable internal noise levels within bedrooms. As this is a commercial use my primary consideration is whether the proposed development is suitable for the locality and the potential impact upon the amenity of any nearby sensitive development.
- 6.48 The Council's Officers having reviewed the submitted acoustic report have suggested that the development is appropriate for this location and should not have any detrimental impacts upon the nearby residential dwellings in Arundel Street. As no mention was made of the potential impact upon the locality from the operation of any associated fixed plant and machinery, this includes any impacts upon both the existing residential dwellings and any adjacent permissions on the development site, a condition is to be imposed ensuring an assessment be made prior to the installation of any fixed plant or equipment.
- 6.49 Prior to demolition the Contaminated Land Team requires the presence of asbestos, within the building (and also within the ground) to be considered in the preliminary risk assessment for the proposed development. The potential presence of asbestos must be investigated prior to demolition/refurbishment as this may compound land contamination issues.
- 6.50 Nitrates
- 6.51 The applicant has advised that with regards the Nitrates mitigation, it is their intention to enter into a S106 but to use the Hampshire and Isle of Wight Wildlife Trust (HIWWT) credits to offset this which can be purchased by developers.
- 6.52 Special Protection Areas (SPA) mitigation

6.53 The application site is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and would lead to a net increase in residential accommodation. The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected. There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shoreline of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

6.54 Sections 6.10 and 6.11 of the Solent Recreation Mitigation Strategy:

"that new hotels and other holiday/tourist accommodation- defined as both wholly new establishments and extensions of existing ones – is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the local planning authority in relation to the 'tests' set out in the paragraph above. Mitigation is unlikely to be required for new hotel accommodation in a city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast.

On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend more time walking or pursuing other recreational activities at the coast. Where mitigation is deemed to be necessary for new hotel and other holiday/tourist accommodation, the mitigation may take the form of a developer contribution calculated on the basis of the number of new bedrooms and the monetary contributions (or a proportion thereof) in paragraph 6.1 above. Such contributions will be pooled and spent on mitigation measures in the same way as developer contributions from new dwellings."

6.55 Natural England were consulted on the development proposal and have advised that the council, as competent authority, should examine the issue of recreational disturbance via an appropriate assessment to ensure there is no adverse effect on the integrity of the Solent SPA(s) in accordance with the Conservation of Habitats and Species Regulations 2017. The council should consider occupancy rates and types of visitors the hotel is likely to attract. It may be the case that the application will be required to comply with the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy and pay appropriate contributions. Provided there is commitment to this mitigation early in the process and an appropriate planning condition or obligation is attached to any forthcoming planning permission to secure this measure, this will ensure this potential effect has been appropriately addressed.

6.56 Ecology

6.57 The application has been accompanied by a Preliminary Ecological Appraisal and Bat Survey Report dated January 2020). As the applications have been amended so has the advice received. International sites - Recreational Impacts This development is located within 1.1 km of the Solent and Dorset Coast SPA at its closest point and within 2 km of the Portsmouth Harbour SPA. With respect to the potential in-combination impacts on the nearby European designated sites, the ecology report identifies that impacts would be addressed through contributions to the Solent Recreation Mitigation Partnership (SRMP). Natural England has drawn the applicant's attention to Natural England's July 2020 response to the hotel application which recommends consideration of the occupancy rates and type of visitors that the hotel is likely to attract, in order to consider potential recreational issues arising from hotel use and resulting contributions.

- 6.58 Natural England were consulted on the development proposal and have advised that any financial contribution to address the adverse in-combination effects of increased recreational pressure on the SPAs arising from the entire combined scheme will be secured at the appropriate stage, to ensure no likely significant effect on the integrity of the designated sites. Considering the proximity of the European sites and the easy footpath links between the application site and the SPAs, the applicant should also consider potential likely significant effect on the SPA from this development on its own, as well as in combination with other developments - bespoke measures may be required to address this direct impact pathway. I would recommend that the applicant consults once again with Natural England (NE) on the direct effects point, through their Discretionary Advice Service.

International Sites – Nutrients The site is within the Solent Nutrient Impact Area and new development with overnight accommodation falls under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), as confirmed by Natural England's advice dated 28th July 2020. The applicant has provided Nitrate Neutrality Reports for each application (Omnia, August and September 2021) in line with PCC's Nitrate Mitigation Strategy' which calculates Nitrate Budget of 165.4kg/N/year (20/00407/OUT) and 35.2kg/N/year (20/00152/FUL) as a result of the combined scheme and states that mitigation will therefore be required.

The reports indicate that the applicant has arranged to offset the nitrogen for the scheme by securing credits from HIWWT and that this has been agreed in principle and the LPA are aware. This should be secured via a suitable mechanism prior to approval, to ensure certainty that there are no adverse effects on the integrity of the Solent's European designated sites as a result of the scheme. **International and National Sites – Qualifying Features, Overwintering Geese and Waders** As the new buildings are above 5 storeys and over 20m in height this proposal triggers the Tall Buildings SPD and the potential requirement for an Appropriate Assessment (Paragraph 4.2) – this is due to potential for collision risk during both construction and operation of new tall buildings in close proximity to the Portsmouth Harbour SPA and its functionally linked habitats which could lead to significant effects on the qualifying species of this site. The Southampton Wetland Bird Flight Path Study (Geodata Institute, 2009) demonstrated that the majority of flights by waterfowl occurred over the water and as a result collision risk with tall structures was not predicted to pose a significant threat to qualifying species from the designated sites covered by that study. Although the proposed site is located between coastal and inland/harbour Solent Wader and Brent Goose Strategy Sites (land functionally linked to the Portsmouth Harbour SPA), the post office site is already surrounded by existing taller buildings in a built up urban area and it is not therefore likely that the presence of the new structures proposed by this application would lead to a likely significant effect on the SPA bird populations. No further information is considered to be required on this point.

Protected Species – Bats A single daytime site visit was carried out on 7th September 2018, followed by a bat emergence survey (by 4 surveyors) on 18th September 2018, outwith the optimum period for bat emergence/re-entry surveys of built structures. Bat survey data typically remains valid for 12-18 months and the survey data provided with these applications is therefore out of date. The LPA therefore cannot be certain that the status of the buildings has not changed in the period since the survey was carried out and consequently an updated daytime survey and dusk/dawn bat activity survey is required, in accordance with the Bat Conservation Trust Guidelines for Professional Bat Surveys (BCT, 2016). This should also include an assessment of the potential of the existing buildings to support hibernating bats, due to the stated presence of suitable access to cavity wall features, and the potential for any expansion gaps (or similar) in the building framework to support roosting bats, including during transitional periods. Unfortunately it is not appropriate to defer this further survey requirement – the NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA

prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable. Breeding birds The existing structures and trees along Slindon Street are suitable to support breeding birds. I would recommend use of a pre-commencement condition to ensure breeding birds are protected through the development process. Suitable wording would be "Development shall proceed in accordance with the measures set out in Paragraphs 4.0.16 to 4.0.19 of the Preliminary Ecological Appraisal and Bat Survey Report (Clayton, A., January 2020), which sets out mitigation measures for breeding birds. Reason: to protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (as amended)." Biodiversity Enhancements The vegetation within the application site is considered to have very limited ecological value and is limited to three semi-mature maple (Acer sp.) trees, which would be removed as a result of the scheme. I would suggest that a condition be added to any planning permission requiring the applicant to plant at least 3x replacement trees (maple or other suitable native species) to ensure no net loss, and to incorporate features into the development that would contribute to biodiversity, including new native planting and integration of bat and swift bricks into the new structure. These measures should be set out within a Biodiversity Mitigation and Enhancement Plan (or similar) and secured via pre-commencement condition.

6.59 CIL

6.60 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.

6.61 Human Rights and the Public Sector Equality Duty ("PSED")

6.62 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

6.63 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

7 Conclusion and Planning Balance

7.1 Having regard to all of the material planning matters, it is considered that the proposed development for the partial retention of the Post office and conversions and extension of the existing building to form a hotel would be appropriate in this location. The redevelopment would optimise this brownfield site, introducing a range of uses that would generate greater activity contributing towards the vitality and vibrancy of the city centre and supporting economic growth within the area.

- 7.2 The overall scale of the proposed development is considered to make effective use of this site. The resultant building is considered to be of good architectural merit, incorporating a number of interesting design elements that would make a positive and distinctive contribution the character of the site, which is in much need of enhancement.
- 7.3 Subject to a series of planning conditions which are set out below, it is considered that the proposal would not result in any significant adverse impacts on the amenity of existing adjoining occupiers and would provide a good standard of hotel accommodation. In light of the detailed assessment above, it is considered that the proposal would comply with the aims and objectives of the Portsmouth Plan Policies and supporting Supplementary Planning Documents, and would meet the definition of sustainable development as set out within the National Planning Policy Framework.
8. **RECOMMENDATION:** That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission within 9 months in order to allow for the completion of legal agreements to secure the following:
- Provision to secure mitigation in respect of the net increase in Nitrate load (TBCkg/TN/yr) resulting from the proposed development in line with the City Council's Interim Nutrient Neutral Mitigation Strategy. Mitigation to be calculated by the number of hotel bedrooms ((currently 218-beds) x £903.82) - Total £197,032.76;
 - Provision to secure a contribution towards setup/monitoring of Travel Management Plan £5,500. The Travel Plan itself to be secured by Planning Condition;
 - Provision to secure the agreement and implementation of an Employment & Skills Plan;
 - Project Management/Auditing Fee £620 (Employment and Skills Plan). To be controlled by condition.

Conditions

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

17.032 CNV 100 SITE LOCATION PLAN
 17.032 CNV 101 BLOCK PLAN
 17.032 CNV 200 PROPOSED DEMOLITION PLAN
 17.032 CNV 201 PROPOSED DEMOLITION ELEVA
 17.032 CNV_210 A1 1:200 P4
 17.032 CNV_220 A1 1:200 P4
 17.032 CNV_221 Proposed First Floor Plan A1 1:200 P4
 17.032 CNV_222 Proposed Second Floor Plan A1 1:200 P4
 17.032 CNV_223 Proposed Third Floor Plan A1 1:200 P4
 17.032 CNV_224 Proposed Fourth Floor Plan A1 1:200 P4
 17.032 CNV_225 Proposed Fifth Floor Plan A1 1:200 P4
 17.032 CNV_226 Proposed Sixth Floor Plan A1 1:200 P4
 17.032 CNV_227 Proposed Seventh Floor Plan A1 1:200 P4
 17.032 CNV_228 Proposed Roof Plan A1 1:200 P3
 17.032 CNV_240 Proposed North & East Elevation A1 1:200 P5
 17.032 CNV_241 Proposed South & West Elevation A1 1:200 P4
 17.032 CNV_260 Proposed Station Street looking North & East A1 1:500 P4

17.032 CNV_270 Proposed Bay Study A1 1:100 P3
17.032 CNV_280 Proposed Bay Section
5004906-RDG-XX-XX-PL-C-2208
5004906-RDG-XX-XX-PL-C-2207
5004906-RDG-XX-XX-PL-C-2202

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

3. (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until: i) a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and ii) a sample panel (minimum 2 metres square) for each of the proposed masonry types to demonstrate: colour; texture; bedding and bonding pattern; mortar colour and finish has been installed at the application site and approved in writing by the Local Planning Authority; and (b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a)i) of this Condition; and the sample panels approved pursuant to part (a)ii) of this Condition retained on site for verification purposes until completion of the construction works.

Reason: To secure a high quality finish to a tall building on a prominent and important site within the city centre having regard to the specific weight that has been placed on the need for high quality of design and use of robust materials in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), the City Centre Masterplan SPD (2013), the Tall Buildings SPD and the aims and objectives of the National Planning Policy Framework (2021).

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

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

5. The development hereby permitted shall not commence until full detailed specifications of the proposed external materials and finishes, are first submitted to and agreed 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.

6. Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented.

Reason: To ensure that acceptable levels of noise and vibration within habitable rooms are not exceeded in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

7. Development shall proceed in accordance with the measures set out in Paragraphs 4.0.16 to 4.0.19 of the Preliminary Ecological Appraisal and Bat Survey Report (Clayton, A., January 3 2020), which sets out mitigation measures for breeding birds. Reason: to protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (as amended).

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

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

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

9. (i) No demolition works shall occur 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) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

- b) A 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 building(s), land, and wider area. 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 with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

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

10. (ii) No works (referring to ground works and/or amendment to the substructure) 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) the following in sequential order:

- a) A 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 (Phase 2 report).

- b) A 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 (Phase 3 report). 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.

11. (iii) 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 (i)c 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 (ii)b.

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.

12. The development shall be implemented in accordance with the measures set out within the Travel Plan, which is to be submitted and agreed by the LPA, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure sustainable transport measures in accordance with Policy PCS17 of the Portsmouth Plan.

13. Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) until an Employment & Skills Plan has been submitted to and approved in writing with the Local Planning Authority. The Plan shall incorporate a package of measures aimed at improving the training, skills and employability of the workforce to be employed for the construction and occupation of the development, and mechanisms to review and report back on progress achieved to the Local Planning Authority; and
(b) The development shall then be carried out in accordance with the Employment & Skills Plan approved pursuant to part (a) of this Condition.

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

14. Prior to the first occupation of the development, details inclusive of location and type of CCTV surveillance and security measures for staff and residents, shall be submitted to and agreed in writing by the Local Planning Authority. They shall be installed and thereafter be retained as approved unless agreed in writing otherwise.

Reason: In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.

INFORMATIVES

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

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

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Agenda Item 7

22/00427/HOU

WARD: HILSEA

43 MILITARY ROAD, HILSEA, PORTSMOUTH, CITY OF PORTSMOUTH, PO3 5LS.

CONSTRUCTION OF MANSARD ROOF TO FORM ADDITIONAL STOREY.

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/SIMPLESEARCHRESULTS.DO?ACTION=FIRSTPAGE](https://publicaccess.portsmouth.gov.uk/online-applications/simplesearchresults.do?action=firstpage)

Application Submitted By: - ATP Design Ltd.

On behalf of: Mr Moon.

RDD: 29.03.2022

LDD: 26.05.2022

1.0 SUMMARY OF MAIN ISSUES

1.1 The application is being presented to the Planning Committee as the Local Planning Authority has received 15 letters of objection and a call in request from Councillor Scott Payer-Harris.

The principle matters to address include:

- Design;
- Amenity;
- Highways.

1.2 Site and surroundings

1.3 The application site comprises a two storey detached building currently in use as a single family dwelling house and located on the corner of Military Road and Firgrove Crescent. The building is flat roofed and constructed in red-brick, render and timber-cladding. The property is of a unique design within the area.

1.4 The surrounding area is made up of detached, semi-detached and terraced buildings in residential use. The buildings in the area differ in design and are generally finished in brick and render.

1.5 Proposal

1.6 The proposal seeks to construction a mansard roof at second floor level and which would form an additional storey.

1.7 The drawings show that it would measure 7.5m in depth, 5m in width and have a height of approximately 2m.

1.8 The proposed materials are;

- Dark grey tiles to existing roof area
- Single ply membrane flat roof to proposed mansard and existing rear roof area
- Single ply membrane parapet gutter

- Vieo zinc standing seam dormer
- Vieo zinc standing seam mansard

1.9 The footprint and proportions of the proposed extension are similar those granted under application 07/02054/FUL. The finish materials are being change from slate to zinc and the fenestration and layout differ.

1.10 The proposal differs from that which was refused under application 06/00879/FUL, in that the current submission is notably smaller and less bulky than the previous refusal.

1.11 Relevant planning history

1.12 07/02054/FUL - Construction of new second floor with mansard roof (Amended scheme). Conditional Permission 21/02/08

1.13 06/00879/FUL - Construction of new second floor with mansard roof to front elevation and raised walls to rear (re-submission of 06/00221/FUL). Refused. The proposed construction of an additional floor at roof level would, by virtue of its excessive bulk in close proximity to adjoining properties, represent an overbearing and unneighbourly development, detrimental to the amenities of adjoining occupiers notable in terms of their outlook and the creation of a strong sense of enclosure.

2.0 POLICY CONTEXT

2.1 The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation).

2.3 The aims and objectives of the revised NPPF (Feb 2021) would also be relevant in the determination of this application.

3.0 CONSULTATIONS

3.1 None.

4.0 REPRESENTATIONS

4.1 Fifteen objections have been received from local residents objecting to the proposal on the following grounds:

1. Overbearance
2. Loss of light daylight (firgrove crescent)
3. Loss of sunlight
4. Visual intrusion
5. Out of character
6. Overlooking
7. Concern over future use of building
8. Parking issues
9. Loss of privacy
10. Inadequate publicity
11. Impact on existing foundation
12. Dominance
13. Loss of tree-top view

5.0 COMMENT

5.1 The determining issues within the application relate to:

- The principle of development;
- Design; and
- Impact on neighbour amenity.
- Highway matters

6.0 Principle of development

6.1 The application site is an existing residential building, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

7.0 Design

7.1 Policy PCS23 of the Portsmouth Plan requires excellent architectural quality in new buildings and changes to new buildings, development that relates well to Portsmouth's history and protection and enhancement of important views and settings of key buildings.

7.2 Concern has been raised with regard the impact of the extension on the character of the area and the appearance of the building.

7.3 It is acknowledged that the extension would increase the height of the building, however its design shows that it will be set-in from the edges of the building and would maintain a height of approximately 2m. As such it would be subservient to the building and is not considered to appear dominant within the streetscene.

7.4 The surrounding area comprises of buildings which differ in appearance and materials, with the application site an existing anomaly due to its flat roof design. The proposed zinc and glazing would not appear imposing in the locality.

7.5 It is important to note that the surrounding buildings are currently taller than the application property, as a result of its flat-roof arrangement. The mansard roof would be of similar scale to the adjacent properties and is not considered to be out character with the existing mixed variety in the area.

7.6 In conclusion, the development would not result in undue harm to the character and appearance of the locality, and so would be in general accordance with PCS23 and the NPPF.

8.0 Amenity

8.1 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development 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.

8.2 The building is detached and is bound by roads on two sides. Windows located in the southern flank of the immediate adjacent property at 28 Firgrove Crescent are secondary windows. As such the proposals are not considered to result in undue loss of light to habitable rooms within this property.

8.3 The application building sits to the west of no. 45 Military Road. Given this and the size and design of the roof extension (set in from the edges of the lower floors), it is not

considered that the proposals would result in loss of light and visual intrusion to occupiers of these adjoining properties.

8.4 Whilst the extension would be visible from points outside of the site, the resulting addition is not considered to result in undue overbearance on occupants of adjoining properties.

8.5 There are windows proposed in the western elevation and which would look out onto Firgrove Crescent. In this instance, it is not considered that occupiers of properties at nos. 29 and 30 Firgrove Crescent would be unduly impacted in terms of overlooking and loss of privacy.

9.0 Highways

9.1 The proposals are seeking additional bedrooms. The extensions would provide two additional rooms. The property is a single family dwellinghouse and as such the current provision of 2 off-street car spaces is considered sufficient.

10. Other matters

10.1 The following issues are not considered to be material to the application.

- Concern over future use of building
- Impact on existing foundation
- Loss of view

10.2 Owner/occupiers of adjoining properties have adequately been notified.

11 Conclusion

11.1 The proposal is not considered to result in undue harm to the character of the local area. Neither would it have an overbearing impact on neighbouring residents or give rise to a sufficient loss of light or outlook or privacy to justify refusing permission. As such, the proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF (Feb 2021).

RECOMMENDATION Conditional Permission

Conditions

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

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

2. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - A101A, A201A.

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as specified in the application documents and approved drawings.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

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Agenda Item 8

22/01490/VOC

WARD: ST THOMAS

1-40 LOMBARD COURT LOMBARD STREET PORTSMOUTH

APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 22/00502/FUL IN RELATION TO PAINT COLOUR OF ROOF TERRACE BALUSTRADE.

WEBLINK:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RK1V8BMOMNZ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rk1v8bmomnz00)

Application Submitted By:

Mr John Pike
Pike Planning

On behalf of:

Ms Ellie Savidge
Lombard Court Residents Association Limited

RDD: 21st October 2022

LDD: 28th December 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is presented to the Planning Committee on the basis that the condition the subject of this application was imposed by the Planning Committee at its meeting on 10 August 2022 when the planning application for the roof terraces (22/00502/FUL) was considered.
- 1.2 The main considerations within this application are:
 - Impact on the recipient building, and
 - Impact upon heritage assets and the Conservation Area.
- 1.3 Site and Surroundings
- 1.4 The application site comprises a 5 storey building with a flat roof accommodating 40 flats fronting Lombard Street to the west and St Thomas's Street to the south. Flats nos.41-56 lie to the north within a separate block outside of the application site. Surrounding properties are predominantly 2-3 storeys in height.
- 1.5 The property is located within the Old Portsmouth conservation area. It is surrounded by a significant number of listed buildings in both Lombard Street and St Thomas's Street, and the Grade I Cathedral Church of St Thomas is in the High Street to the south-west of the site.
- 1.6 Proposal
- 1.7 Planning permission 22/00205/FUL granted the formation of 2 terraces on the roof of 1-40 Lombard Court, incorporating 50mm diameter steel balustrading, to a height of 1.1m from the roof top floor level. The terraces would be located at the northern and southern ends of the building around two existing access points to the roof.
- 1.8 The current application seeks approval for the removal/variation of Condition 3 of planning permission 22/00205/FUL to allow for a galvanised steel finish to the permitted balustrading around the roof terraces rather than the painted black finish required by the condition as 'Using black paint will require future maintenance and the black colour will

draw more attention to the railings than a galvanised steel finish'. Galvanisation is a manufacturing process where a coating of zinc is applied to steel to offer protection and prevent rust and corrosion for longer. The shiny surface dulls over a number of months.

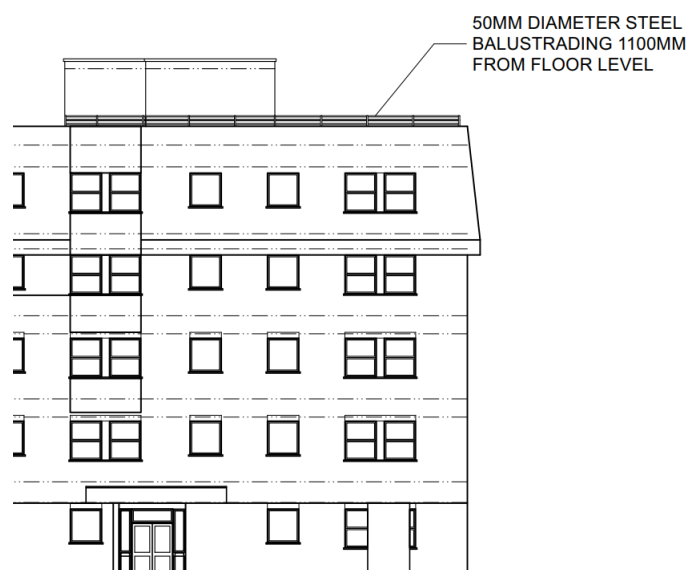


Figure 1 - Part of Proposed South-West Elevation

1.9 Relevant Planning History

1.10 22/00205/FUL - Formation of roof terraces on main roof, to include steel balustrades - conditional permission dated 31.08.2022.

1.11 Condition 3:

The proposed roof level terrace balustrading shall be painted black prior to first use of the terrace hereby approved and shall be retained and maintained as such thereafter.
Reason: In the interests of visual amenity.

2.0 POLICY CONTEXT

2.1 The relevant policies within the Portsmouth Plan (2012) would include: PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

3.0 CONSULTATIONS

3.1 None

4.0 REPRESENTATIONS

4.1 No representations have been received.

5.0 COMMENT

5.1 Design and Impact upon heritage assets and the Conservation Area

- 5.2 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.
- 5.3 The proposed steel balustrading would be laid in a horizontal manner, with only approximately 400mm projecting above the existing roof upstand, but much less would be visible from surrounding properties and street level given the relative angles. For this reason it is considered that a galvanised finish to the balustrading would be an acceptable alternative to black paint and indeed may draw the eye less against the skyline.
- 5.4 In light of the open nature of the balustrading, the modest projection above the existing roof upstand and the limited area of accessible terrace created, it is considered that the galvanised balustrading (and roof terraces) would preserve the character and appearance of the Old Portsmouth Conservation Area and not represent harm to the setting of the nearby listed buildings, nor to the Conservation Area. As such, the development would accord with local policy and the provisions of the NPPF.
- 5.5 Since a variation of condition results in a new planning permission being granted (but not an extended time period for implementation) either the original or the new permission could be implemented as they are separate permissions. For this reason, the removal of condition 3 of 22/00205/FUL is recommended rather than an amendment so that either a black painted finish or a galvanised steel finish can be implemented.

5.6 CIL

Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. Since the proposals do not create internal area or a new dwelling, it would appear they would not attract a CIL payment.

5.7 Human Rights

The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

5.8 Equality Act

Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

5.9 Conclusion

- 5.10 For the above reasons, the creation of the proposed roof terraces and their associated safety balustrading with a galvanised finish rather than a painted black finish is considered an acceptable alternative and is capable of support.

RECOMMENDATION Conditional Permission

Conditions

Time Limits

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of planning permission 22/00205/FUL (i.e. 31/8/22).
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Location and Site Plans no.0001 B, Proposed Elevations no.0012 C and Proposed Roof Plan no.0010 D.
Reason: To ensure the development is implemented in accordance with the permission granted.

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.

Agenda Item 9

22/01451/FUL

WARD: COPNOR

55 BEDHAMPTON ROAD PORTSMOUTH PO2 7JX

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASSES C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPANCY)

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RJONWMMO0JP00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rjonwmmo0jp00)

Application Submitted By:

Mr Willment of Incollective Works

On behalf of:

LK Estates

RDD: 13th October 2022

LDD: 9th December 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (eight from five households) including an objection from Councillor Swann.

1.2 The main issues for consideration in the determination of the application/appeal are considered to be as follows:

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

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the western side of Bedhampton Road as shown in **Figure 1** below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a front room, kitchen, lounge and conservatory at ground floor level; three bedrooms and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style. Some of the properties within the 50m radius have been subdivided into flats, the nearest being at No. 230 and 240 Chichester Road.

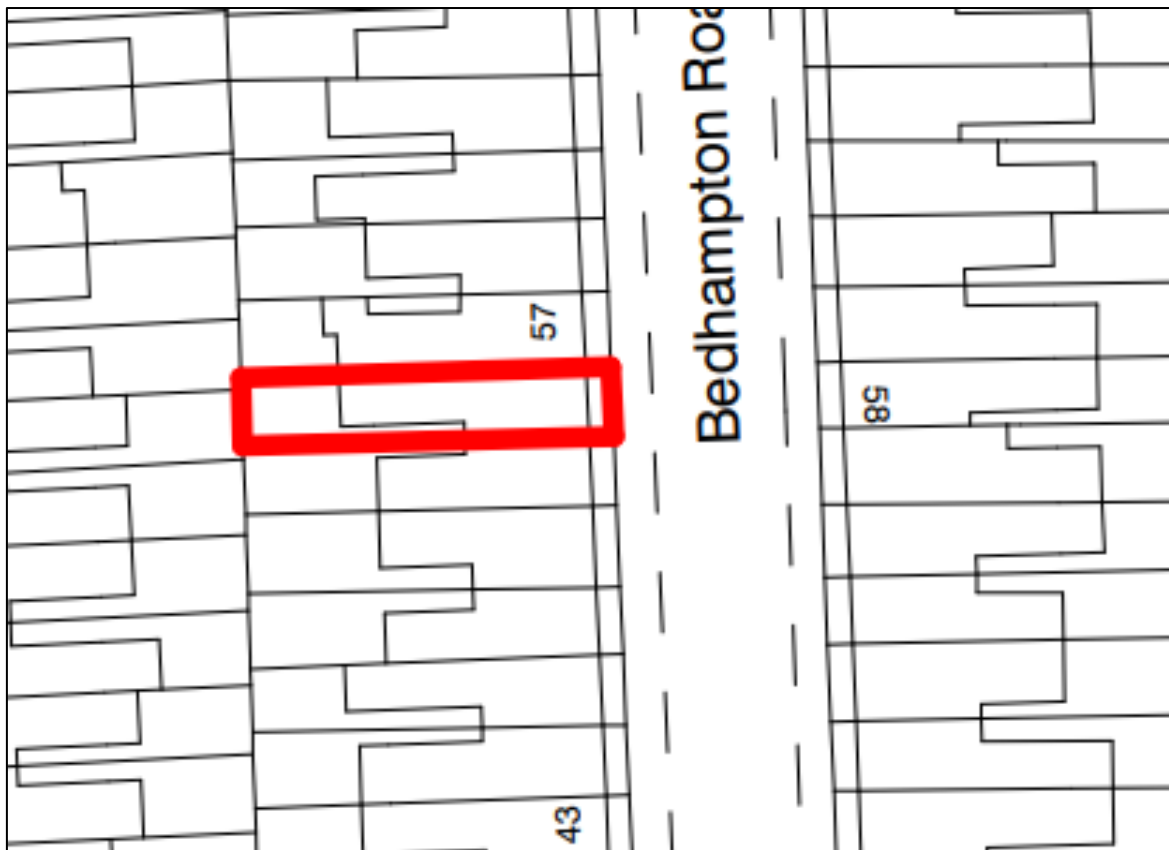
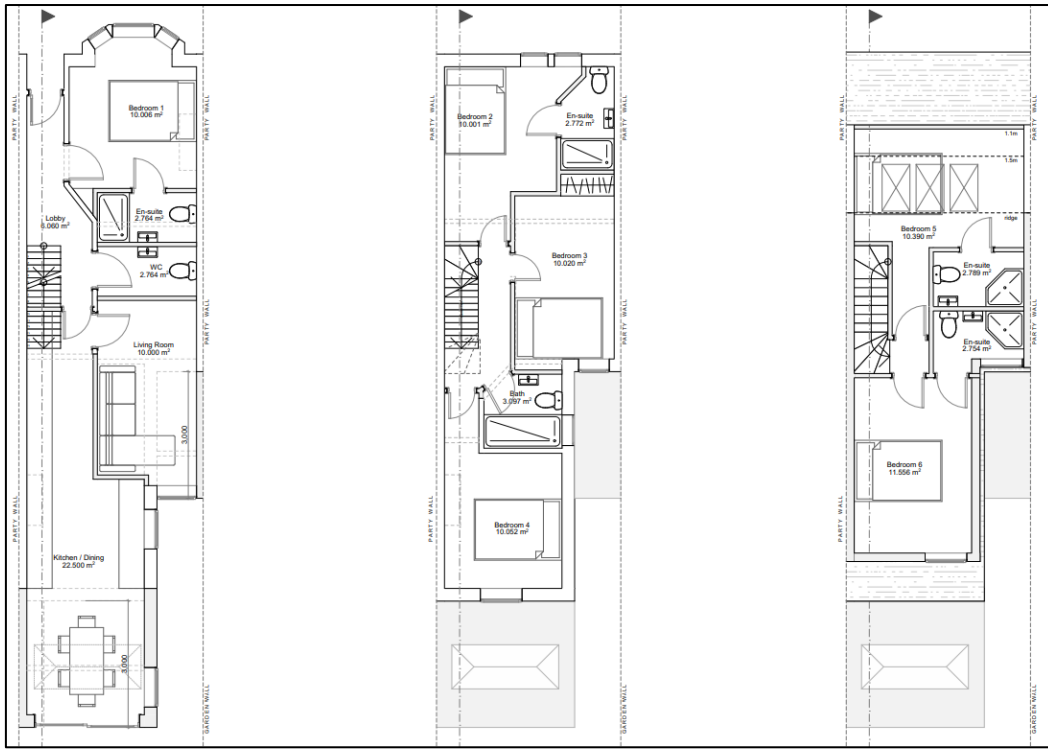


Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Kitchen/Dining Communal room, Living room, and a WC with handbasin;
 - First Floor - Three bedrooms (one with a shower, toilet and handbasin ensuite) and a bathroom with a toilet and handbasin ensuite ; and
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant intends to remove an existing conservatory and construct a new single storey extension, a single storey rear/side extension, a rear dormer extension within the main roof and insert three rooflights within the front roofslope under permitted development, as shown below in the drawing below, to facilitate the enlargement of the property before undertaking the proposed development. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.
- 3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application. There would be no external operational development forming part of this application with the exception of an siting of a cycle store within the rear garden, details of which could be secured by planning condition.



4.0 PLANNING HISTORY

- 4.1 A prior-approval application for the construction of single-storey rear extension that comes out a maximum of 4.2m beyond the rear wall of the original house with a maximum height of 2.8m and a maximum height of 2.8m to the eaves was refused in October 2022.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

- 5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

5.3 Other Guidance

- 5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

- 6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 6.2 Highways Engineer - no objection.
- 6.3 Bedhampton Road is a residential unclassified Road. Few of the properties have off street parking facilities with most of the parking accommodated through restricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends.
- 6.4 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 upon the function of local highway network.
- 6.5 Portsmouth City Councils 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.
- 6.6 However it is noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would be 2 off-road spaces. No parking survey information has been submitted to demonstrate on street capacity if additional demand

resulting from the development can be accommodate within a 200m walking distance of the application site. Therefore, there is the potential for increased instances of residents driving around the area hunting for a parking space, although is an issue of residential amenity. This could justify a reason for refusal and consequently you should give this due weight in your determination of the planning application.

- 6.7 As part of these proposals, the property will provide 4no. weatherproof bicycle storage facilities and the applicant accepts this will be secured via condition

7.0 REPRESENTATIONS

- 7.1 Eight representations have been received objecting to the proposed development, including one from Councillor Swann.

- 7.2 The above representations of objection have raised the following concerns:

- a) Loss of family home from the existing housing stock;
- b) Increase in noise and disturbance;
- c) Increase in crime and anti-social behaviour;
- d) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- e) Undue strain on local services and infrastructure, including the sewage, drainage and water pressure;
- f) Concerns over accuracy of HMO Database for area;
- g) Concerns about impact on community
- h) Waste and litter concerns.
- i) Noise and pollution from building work;
- j) Work has already started on site;
- k) Loss of privacy caused by the rear dormer;
- l) Sandwiching of residential properties between the application site and No.63 Bedhampton Road

8.0 COMMENT

- 8.1 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

8.2 Principle of development

- 8.3 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 a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as '*a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom*'.

- 8.4 Policy PCS20 of the Portsmouth Plan states that applications for 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.

- 8.5 Based on the information held by the City Council, of the 89 properties within a 50-metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 63 Bedhampton Road as shown in **Figure 4** below. 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.
- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property and the HMO at No.63 Bedhampton Road, the proposal would bring the percentage of HMOs within the area up to 2.24%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 4 - Existing HMOs within 50m of the application site

- 8.7 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. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 Standard of accommodation
- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	10m ²	6.51m ²
Bedroom 2 (first floor)	10m ²	6.51m ²
Bedroom 3 (first floor)	10.02m ²	6.51m ²
Bedroom 4 (first floor)	10.05m ²	6.51m ²
Bedroom 5 (second floor)	11.56m ²	6.51m ²
Bedroom 6 (second floor)	10.39m ²	6.51m ²
Living room (ground floor)	10m ²	Unrequired/additional
Communal Kitchen/Dining area (ground floor)	22.5m ²	22.5m ² as all bedrooms exceed 10m ²
Ensuite bathroom 1 (ground floor)	2.764m ²	2.74m ²
Ensuite bathroom 2 (first floor)	2.77m ²	2.74m ²
Ensuite bathroom 5 (second floor)	2.75m ²	2.74m ²
Ensuite bathroom 6 (second floor)	2.78m ²	2.74m ²
WC (ground floor)	3.097m ²	1.17m ²
Bathroom (first floor)	3.097m ²	3.74m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.11 It is considered that taken by itself that the first floor bathroom falls under the Council's required standard by 0.643m². It is however considered that given that the majority of the other rooms would be served by their own ensuites, this bathroom would only be relied upon by 2 residents. Further the bathroom is still considered to be of a usable size and shape. On balance the bathroom is considered to be acceptable.
- 8.12 The kitchen/dining area only just meets the minimum size standard for the proposed use and the utility of the space provided is hampered by its layout, particularly near its entrance under the staircase. It is however considered that the additional living room makes up for the inadequacies of the kitchen/dining area. Totalling these areas together, the communal space within the property totals 32.5m². Given the shape and layout of the kitchen/dining area, it is considered that the living room is required for communal use in order to ensure a satisfactory standard of accommodation is provided for the residents. As such an additional condition is attached to ensure its retention as a living space.

- 8.13 All of the bedrooms 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.
- 8.14 Impact on neighbouring living conditions
- 8.15 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 either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.16 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.
- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour 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 or anti-social behaviour than a Class C3 dwellinghouse.
- 8.18 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), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.19 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.20 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.21 Highways/Parking
- 8.22 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. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.

- 8.23 The C4 element of the proposal compared to the existing property only experts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.
- 8.24 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.25 Waste
- 8.26 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.
- 8.27 Impact on Special Protection Areas
- 8.28 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.
- 8.29 Community Infrastructure Levy (CIL)
- 8.30 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.31 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.32 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.33 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had

due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

8.34 Other Matters raised in the representations

8.35 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 a self-contained dwellinghouse, 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 a similar number of occupants.

8.36 While noise from construction work may have an impact on the amenity of neighbours, this is an unavoidable consequence of building work and is not a sufficient reason to withhold Planning Permission. Further work commencing prior to a Permission being granted is not uncommon and is done at the Applicant's own risk.

9.0 CONCLUSION

9.1 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) (2021).

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.

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

Approved Plans:

- 2) Unless otherwise 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: Proposed Floor Plans - 101 - PL 05; and Proposed Elevations - 101 - PL 06 Rev A.

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.

External works as shown:

4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing no. Proposed Elevations - 101 - PL 06 Rev A, namely the construction of the single storey rear extension, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

Retention of the living room

5) The living room as shown on the approved drawing no. Proposed Floor Plans - 101 - PL 05, shall be retained for communal use and not otherwise adapted for sleeping accommodation.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

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