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# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 25 OCTOBER 2023 AT 10.30AM**

**COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH**

Telephone enquiries to Democratic Services 023 9283 4060

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

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

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### **Planning Committee Members:**

Councillors Chris Attwell (Chair), Lee Hunt (Vice-Chair), Hannah Brent, Peter Candlish, Raymond Dent, Asghar Shah, John Smith, Judith Smyth, Mary Vallyely and Gerald Vernon-Jackson CBE

### **Standing Deputies**

Councillors Dave Ashmore, Matthew Atkins, George Fielding, Lewis Gosling, Ian Holder, Mark Jeffery, Steve Pitt, Darren Sanders, Russell Simpson and Daniel Wemyss

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

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Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon the day before the meeting and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## **A G E N D A**

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meeting held on 4 October 2023 (Pages 5 - 12)**

- 4      22/01243/CS3 Land bound by Hope Street & Church Street Roundabout to the North, Commercial Road (A3) & Lake Road to the East, Charlotte Street to the South and Hope Street to the West (Pages 13 - 106)**
- Outline planning application for demolition of existing buildings and the construction of a phased development of up to 2,300 residential units (use class C3), up to 10,000sqm non-residential uses (use classes E, F1 and F2), and associated servicing facilities, parking, plant space, open space (including a public park), landscaping, access and highways works. Phase 1 to comprise residential units and non-residential uses with full details of access, layout and non-residential uses with full details of access, layout, scale and appearance provided, with landscaping reserved. Subsequent phases to comprise residential units and non-residential uses with details of strategic means of access provided with all other matters reserved. This application constitutes EIA development.
- 5      23/00695/FUL - 63-65 Albert Road, Southsea Portsmouth PO5 2RY (Pages 107 - 114)**
- Change of use of ground and part first floor to mixed use restaurant/ takeaway/ bar/ private function hire, with installation of kitchen extract system; and change of use of part first floor to residential accommodation with screened external roof terrace [note amended description].
- 6      23/00442/FUL - 105 Balfour Road, Portsmouth PO2 0NH (Pages 115 - 124)**
- Change of use from purposes falling within dwellinghouse (class C3) to 7-person house in multiple occupation (sui generis).
- 7      23/00868/FUL - 7 Dersingham Close, Portsmouth PO6 3LE (Pages 125 - 132)**
- Change of use from dwellinghouse (class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (house in multiple occupancy).
- 8      23/00958/FUL - 170 Chichester Road, Portsmouth PO2 0AH (Pages 133 - 140)**
- Change of use from dwellinghouse (class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (house in multiple occupancy).
- 9      23/00533/FUL - 93 Gladys Avenue, Portsmouth PO2 9BB (Pages 141 - 150)**
- Change of use from purposes falling within dwellinghouse (class C3) to a 7-bed/ 7 person house in multiple occupation.

**10      23/00793/HOU - 7 Fawley Road, Portsmouth PO2 9QY (Pages 151 - 156)**

Construction of single storey rear extension following demolition of conservatory; two storey side extension following demolition of existing garage incorporating gable end roof enlargement and rear dormer.

**11      23/00757/FUL - 94 Oriel Road, Portsmouth PO2 9EQ (Pages 157 - 170)**

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

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.

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# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 4 October 2023 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    Lee Hunt (Vice-Chair)  
Raymond Dent  
John Smith  
Judith Smyth  
Mary Valley  
Darren Sanders (Standing Deputy)  
Dave Ashmore (Standing Deputy)

Also in attendance

Councillor Jason Fazackarley and Councillor Hugh Mason.

### Welcome

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

### 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.

### 133. Apologies (AI 1)

Councillors Chris Attwell, Peter Candlish, Gerald Vernon-Jackson and Asghar Shah sent their apologies for absence. Councillor Hunt Chaired the meeting as Vice Chair.

Councillor Darren Sanders was present as standing deputy for Councillor Candlish and Councillor Dave Ashmore was present as a standing deputy for Councillor Vernon-Jackson.

Councillor Sanders apologised that he would need to leave the meeting at 12:45 to attend another meeting.

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

There were no declarations of interest.

### 135. Minutes of the previous meeting held on 13 September 2023 (AI 3)

**RESOLVED** that the minutes of the Planning Committee held on 13 September 2023 be agreed as a correct record.

The deputations (which are not minuted) can be viewed on the Council's website at: [Agenda for Planning Committee on Wednesday, 4th October, 2023, 10.30 am Portsmouth City Council](#)

**136. 23/00855/FUL 85 Chichester Road, Portsmouth PO2 0AG (AI 4)**

Simon Turner, Development Management Lead presented the report.

Deputations

Mr Simon Hill (Agent)

Cllr Jason Fazackarley (also speaking on behalf of Mr & Mrs Watling)

Members' Questions

In response to members' questions, officers clarified that:

- The parking standards for a three-bedroom dwelling house is 1.5 parking spaces and it is 2 for a 8 bedroomed HMO.
- Increase in fire risk is not a valid planning reason for refusal as this comes under building control.
- Overcrowding and problems related to a mix of different cultures as detailed in the deputation on behalf of residents, is not a reason for refusal.
- Paragraph 1.8 refers to a previous 'Prior Approval' application, as no valid objection had been received within the required timescales from an adjoining neighbour, prior approval was not required.
- If granted with a condition restricting to 8 occupants, it would be unlikely to be appealed as that is what the applicant had requested.

Members' Comments

- Members were pleased that the issue of cycle storage had been dealt with.
- The increase from 3 to 8 occupants would mean more bins but there are no details on where the additional bins would be stored.
- Two vehicle spaces would seem low for 8 occupants. No parking survey had been undertaken and a request was made as to whether surveys could be undertaken in future.

**RESOLVED**

- (1) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional permission subject to:
  - (a) Satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.
- (2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.
- (3) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.
- (4) That an additional condition be added to limit the maximum occupancy of the property to 8 people.

**137. 23/00706/FUL 281 Chichester Road, Portsmouth PO2 0AW (AI 5)**

Simon Turner, Development Management Lead presented the report.

Deputations

Mr Simon Hill (Agent)

Mr Hill in his deputation had invited the committee to view one of his HMOs to see the standard of the properties. The Chair requested that this must be done through the correct channels; Mr Hill should write to the planning officers to arrange this and the whole committee should be invited.

Members' Questions

In response to members' questions, officers clarified that:

- The testing of stored water is outside of the remit of planning.
- Party wall agreements is outside of the remit of planning and would be dealt with by the owner.
- Concerns about the capacity of the water and drainage system outside of the bounds of the property are outside of the remit of planning.
- The planning agent for the application is Applecore and it is understood that Mr Hill works on behalf of the applicant.

Members' Comments

- Members' felt that limiting to six occupants if used as a C4 HMO in the future would be useful.
- Concern was raised that this property was located within the most densely populated part of Chichester Road and that it only just met the required space standards. This however was not a reason to refuse.

**RESOLVED to grant conditional permission as set out in the officer's committee report with an additional condition that if/when the property is in C4 use the number of occupants is limited to 6 people.**

**138. 23/00320/FUL 275 Laburnum Grove, Portsmouth PO2 0EY. (AI 6)**

Simon Turner, Development Management Lead presented the report.

Cllr Sanders left during the officer introduction and upon his return took no part in the debate or voting on this item.

Deputations

Mr Simon Hill (Agent)

Members' Questions

In response to members' questions, officers clarified that:

- The dining room/conservatory to the rear would be brick built to building regulation standards in respect of insulation rather than a glass roofed structure.

- There would be no reason to apply a condition to limit the maximum occupancy to 6 people and Mr Turner said he would not recommend adding one. The fact that the living room was not required by the HMO guidance as well as the combined kitchen-dining room, and that it might be sought for use as a bedroom in a future application, was not a reason to seek to bring its use under planning control, that would be a matter for a future application. It is a C4 property with a maximum of 6 persons and it meets the Council's required standards.

#### Members' Comments

There were no comments.

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

Councillor Sanders rejoined the Committee

#### **139. 23/ 00963FUL Almondsbury Road, Portsmouth PO6 4LZ (AI 7)**

This application had been withdrawn by the Applicant from the Planning Register.

#### **140. 23/00896/VOC Southsea Seafront from Long Curtain Moat in the West to Eastney Marine Barracks in the East (AI 8)**

Simon Turner, Development Management Lead, presented the report.

#### Deputations

Mr Bernard Timoney (objector)

Nicola Reid (Applicant)

Cllr Hugh Mason

#### Members' Questions

In response to members' questions, officers and/or the Applicant clarified that:

- There is no change to the traffic calming measures, but there will be a 20mph limit.
- With regard to the new road layout, it was felt that residents would quickly get used to the change and visitors would be directed with signage or their satellite navigation systems.
- The bund would be constructed of compacted materials; chalk with a topsoil and grass on the top and would be in place in case of any water overtopping the primary defence. It would not need to stand up to wave pressure.
- The additional bike lane will be achieved due to a wider area provided between beach and the Common. There will be no resulting compression or tightness as a result.
- Concerns regarding existing flooding issues on the Common are outside of the remit of the application but these can be raised with parks and leisure.



- The promenade would be pretty level, the materials used would differentiate between car, cycle and pedestrian use with the cycle lane raised to provide kerbs to the pedestrian pavement and the road.
- The shelters in front of the Rock Gardens are outside of this application area but a new shelter would replace it.
- It was thought that the principle of a two-way cycle path would not be against any emerging central government policy.
- The approach in this application is for hard surfaces rather than incorporating soft landscaping rain gardens to ensure ease of maintenance and longevity.

#### Members' Comments

Members believed that the works would be a significant improvement to the seafront and congratulated the Coastal Partners and PCC on involving and listening to the public.

#### **RESOLVED**

- (1) That planning consent be granted, subject to conditions.**
- (2) That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions as necessary.**

Councillor Sanders left the meeting at this point as per his apologies at the start of the meeting.

#### **141. 23/00895/LBC Removal and Repositioning of 9no. grade II listed lamp columns along the seafront (AI 9)**

Simon Turner, Development Management Lead presented the report.

#### Deputations

Mr Bernard Timoney (objector)  
Nicola Reid (Applicant)  
Cllr Hugh Mason

#### Members' Questions

In response to members' questions, officers and/or the Applicant clarified that:

- Festoon lighting is not part of the current plan but it was suggested this could be picked up between Coastal Partners and PCC as part of the lighting condition.
- The lamp columns were being moved due to lux levels and the new position of these were highlighted on the plans, it was a very minor adjustment.

#### Members' Comments

Members commented that they liked the festoon lighting and said they would like it to be taken into consideration as an alternative for discussion (i.e. outside of the planning application) for part of the seafront.

**RESOLVED that conditional Listed Building consent was granted.**

**142. 23/00897/LBC Removal and Repositioning of 5no. grade II listed monuments, to include new plinths, along the seafront at Clarence Esplanade. (AI 10)**

Simon Turned, Development Management Lead, presented the report.

Deputations

Mr Bernard Timoney (objector)

Nicola Reid (Applicant)

Members' Questions

In response to members' questions, officers clarified that:

- With regard to one of monuments being moved to the dockyard; this is not part of the application for consideration.
- There had been no negative consultation replies in respect of the safety of monuments being in the centre of the pedestrian walkway.
- The naval memorial would not have any of the memorials in front of it when viewed from the sea.
- The location of seating structures was highlighted on the plans due to concerns over the lack of seating.

Members' Comments

There were no comments.

**RESOLVED that conditional Listed Building consent was granted.**

**143. 23/00898/LBC Works to the Grade I Listed Portsmouth Naval War Memorial to include raising of existing planters and seating (to south of memorial), provision of new level access from the new raised promenade, installation of recessed flood board fixing channels and associated re-grading of Southsea Common. (AI 11)**

Simon Turner, Development Management Lead, presented the report.

Deputations

Mr Bernard Timoney (objector)

Members' Questions

In response to members' questions, officers clarified that:

- There may be slight rumble effect of the different road surface in front of the monument that could potentially act to slow down traffic.
- The echelon parking opposite the memorial had been removed from the plans already.

Members' Comments

Members felt that this application was very important and treats the monuments with respect and improves the character and setting of the memorial.

**RESOLVED** that conditional Listed Building consent was granted.

The meeting concluded at 1.45 pm.

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Signed by the Chair of the meeting

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# Agenda Item 4

22/01243/CS3

WARD: CHARLES DICKENS

**LAND BOUND BY HOPE STREET & CHURCH STREET ROUNDABOUT TO THE NORTH, COMMERCIAL ROAD (A3) & LAKE ROAD TO THE EAST, CHARLOTTE STREET TO THE SOUTH AND HOPE STREET TO THE WEST**

**OUTLINE PLANNING APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF A PHASED DEVELOPMENT OF UP TO 2,300 RESIDENTIAL UNITS (USE CLASS C3), UP TO 10,000SQM NON-RESIDENTIAL USES (USE CLASSES E, F1 AND F2), AND ASSOCIATED SERVICING FACILITIES, PARKING, PLANT SPACE, OPEN SPACE (INCLUDING A PUBLIC PARK), LANDSCAPING, ACCESS AND HIGHWAYS WORKS. PHASE 1 TO COMPRISE RESIDENTIAL UNITS AND NON-RESIDENTIAL USES WITH FULL DETAILS OF ACCESS, LAYOUT, SCALE AND APPEARANCE PROVIDED, WITH LANDSCAPING RESERVED. SUBSEQUENT PHASES TO COMPRISE RESIDENTIAL UNITS AND NON-RESIDENTIAL USES WITH DETAILS OF STRATEGIC MEANS OF ACCESS PROVIDED WITH ALL OTHER MATTERS RESERVED. THIS APPLICATION CONSTITUTES EIA DEVELOPMENT**

**LINK TO ONLINE DOCUMENTS [HERE](#)**

**Application Submitted By:**

Mr Rob Moorhouse

Tibbalds Planning & Urban Design

**On behalf of:**

Portsmouth City Council

**RDD:** 23<sup>rd</sup> August 2022

**LDD:** 3<sup>rd</sup> October 2023

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is being presented to Planning Committee as it is a significant Major development involving Environmental Impact Assessment.

1.2 The main considerations are:

- whether the proposals comprising the construction of new housing and non-residential uses on this site would contribute to the achievement of sustainable development in accordance with national and local planning policy
- Environmental Impact Assessment: summary of conclusions and mitigation;
- the acceptability of the design (layout, scale and access);
- Open space, recreation and living conditions for future occupiers;
- traffic/transportation implications;

- Appropriate Assessment, ecology and biodiversity;
- flood risk/drainage;
- Climate change, sustainability and energy;
- site contamination;
- residential amenities and micro-climate; and
- development phasing.

## 2.0 SITE DESCRIPTION

- 2.1 The site covers an area of approximately 13.25 hectares (32.74 acres). It is located within the north of the City Centre and is bound by Hope Street and Church Street roundabout to the north, Commercial Road (A3) and Lake Road to the east, Charlotte Street to the south and Hope Street to the west as shown in **Figure 1** and **Figure 2** below.

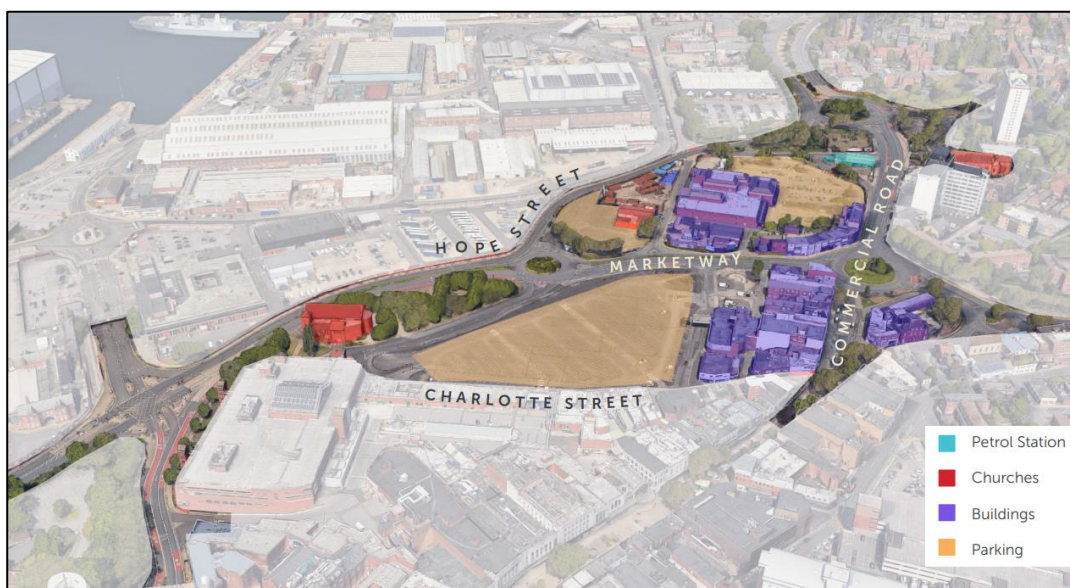


**Figure 1** - Site Plan

- 2.2 The current use of the site is primarily car parking and hardstanding, industrial, commercial and residential buildings, places of worship and a petrol station. The northern part of the site incorporates the Church Street Roundabout and Commercial Road and Hope Street which both run south from it. It extends eastwards of Commercial Road to include All Saints Car Park. Between Commercial Road to the east and Hope Street to the west, the site is principally occupied by the now vacant Sainsbury's Supermarket and associated surface level car park. There is also the Redeemed Christian Centre of God Discipleship, All Saints Service Station (petrol station), Clarence Street Car Park, storage areas, commercial uses and access roads.



- 2.3 The site includes Market Way (A3), which runs east/west through its centre, and the Hope Street and Market Way roundabouts at either end. It also includes the southern parts of Commercial Road and Hope Street as well as Charlotte Street to the south. The southern part of the site with these roads is dominated by the Portsmouth Cascades surface level Car Park. To the east of this are a number of commercial uses and to the west, St Agatha's Church and associated gardens.
- 2.4 The site is largely flat and existing building heights are predominantly two to three storeys of varying building form, massing and appearance. Agatha's Church is positioned on the south western part of the site and is a historic Grade II\* listed brick built church with gardens and a small area of public open space containing lines of semi-mature trees and hedging soft landscaping to its north east. There is limited soft landscaping elsewhere on the site with some trees within the Clarence Street and Sainsbury's car parks and a cluster of trees between Hope Street and Fitzherbert Street.
- 2.5 The site is located within the heart of an existing and well established network of roads with existing routes running through the site. It is in close proximity to public transport systems with a number of bus stops around the perimeter of the site, particularly on Commercial Road to the east, and Portsmouth and Southsea railway station approximately 400 metres to the south of the southern site boundary (9 minutes walking/4 minutes cycle).



**Figure 2** - Aerial view of Site with key elements highlighted

- 2.6 The site includes a small part of the Mile End Conservation Area (CA) at its northern edge. Located within the Mile End CA, but not within the proposed development site, is the Charles Dickens Birthplace Museum, as well as a number of Grade II listed assets, such as the Mile End Chapel Studio, and numbers 379, 381, 383, 387 and 389 Old Commercial Road assets. There are also a number of additional CAs including Victoria Park CA approximately 150 metres south, and St Mary's Churchyard CA approximately 745 metres to the east of the site. The Victoria Park Registered Park and Garden of Special

Historic Interest (RPGSHI) are also located approximately 150 metres south of the site.

- 2.7 In total, there are 51 statutory listed buildings and two locally listed buildings within 1 kilometre of the site. Additionally, there are also two non-designated heritage assets within the site, including the 1894 elevation of the former Portsea Institute, Clarence Street, and the Hospital Memorial Plaques. The plaques were originally sited in the Children's Ward and the Nurses Home and are now (as of 2008) in the entrance way to the Sainsburys Supermarket which was built on the site of the Royal Portsmouth Hospital.
- 2.8 Nearby land uses include a supermarket to the immediate north with naval base and port beyond, the naval base is also to the west. To the north east and east is predominantly residential and to the south east and south are the retail and commercial uses within the city centre including those on Commercial Road and Cascades Shopping Centre.

### **3.0 PLANNING CONSTRAINTS**

3.1 The site is subject to the following key constraints:

- Mile End Conservation Area (part of the site at its northern edge only);
- Church of St Agatha, Marketway (Grade II\*) is located in the south-western part of the site;
- Two non-designated heritage assets within the site, including the 1894 elevation of the former Portsea Institute, Clarence Street, and the Hospital Memorial Plaques;
- Open space designation (0.3 hectares of land within the site to the east of St. Agatha's church);
- Contaminated land;
- Air Quality Management Area;
- Flood Zone 1 (i.e., land having a less than 1 in 1,000 annual probability of river or sea flooding); and
- Within close proximity to the Solent and Dorset Coast Special Protection Area (SPA) (approximately 0.37km to the north of the site); Portsmouth Harbour SPA and Ramsar site (approximately 1.1km to the north of the site); Chichester and Langstone Harbour SPA and Ramsar site (3.1km to the east of the site); Solent Maritime Special Area of Conservation (approximately 3.1km to the east of the site); Solent and Southampton Water Special Protection Area and Ramsar site (located 3.9km to the south-west of the site); and Solent and Isle of Wight Lagoons Special Area of Conservation (located 3.9km to the south-west of the site).

### **4.0 POLICY CONTEXT**

- 4.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).



- 4.2 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 4.3 Having regard to the location of this site within the city centre, the relevant policies within the Portsmouth Plan would include:
- PCS4 - Portsmouth City Centre
  - PCS10 - Housing Delivery
  - PCS12 - Flood Risk
  - PCS13 - A Greener Portsmouth
  - PCS14 - A Healthy City
  - PCS15 - Sustainable Design and Construction
  - PCS16 - Infrastructure and Community Benefit
  - PCS17 - Transport
  - PCS19 - Housing Mix, Size and the Provision of Affordable Homes
  - PCS21 - Housing Density
  - PCS23 - Design and Conservation
  - PCS24 - Tall Buildings
- 4.4 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).
- Policy DC21 - Contaminated Land
- 4.5 Regard should also be had, albeit affording it very limited weight at this time, to the Draft Portsmouth Local Plan (September 2021).
- 4.6 Regard also has to be had to the following SPDs and guidance that are also material considerations:
- City Centre Masterplan Supplementary Planning Document 2013;
  - Portsmouth City Centre Development Strategy 2021;
  - Conservation & Built Heritage 2021;
  - Parks and Open Spaces Strategy 2012-2022;
  - Sustainability Strategy 2010;
  - Urban Characterisation Study 2011;
  - Tall Buildings Study 2009;
  - Portsmouth Transport Strategy 2021-2038;
  - Housing Provision in Portsmouth 2006-2027;
  - Parking Standards and Transport Assessment Supplementary Planning Document 2008;
  - Solent Recreation Mitigation Strategy 2017;
  - Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period) 2022;
  - Air Quality and Air Pollution 2006;
  - Developing Contaminated Land 2007;
  - Housing Standards 2013;
  - Planning Obligations 2012;

- Reducing Crime Through Design 2006; and
- Sustainable Design and Construction 2013.

4.7 The National Planning Policy Framework (September 2023) (NPPF) is also an important material consideration and is supported by guidance in the National Planning Practice Guidance (NPPG).

## **5.0 STATUTORY DUTIES**

5.1 The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:

- Section 70 of The Town and Country Planning Act 1990;
- Section 38(6) of The Planning and Compulsory Purchase Act 2004; and
- The Equality Act 2010.

## **6.0 RELEVANT PLANNING HISTORY**

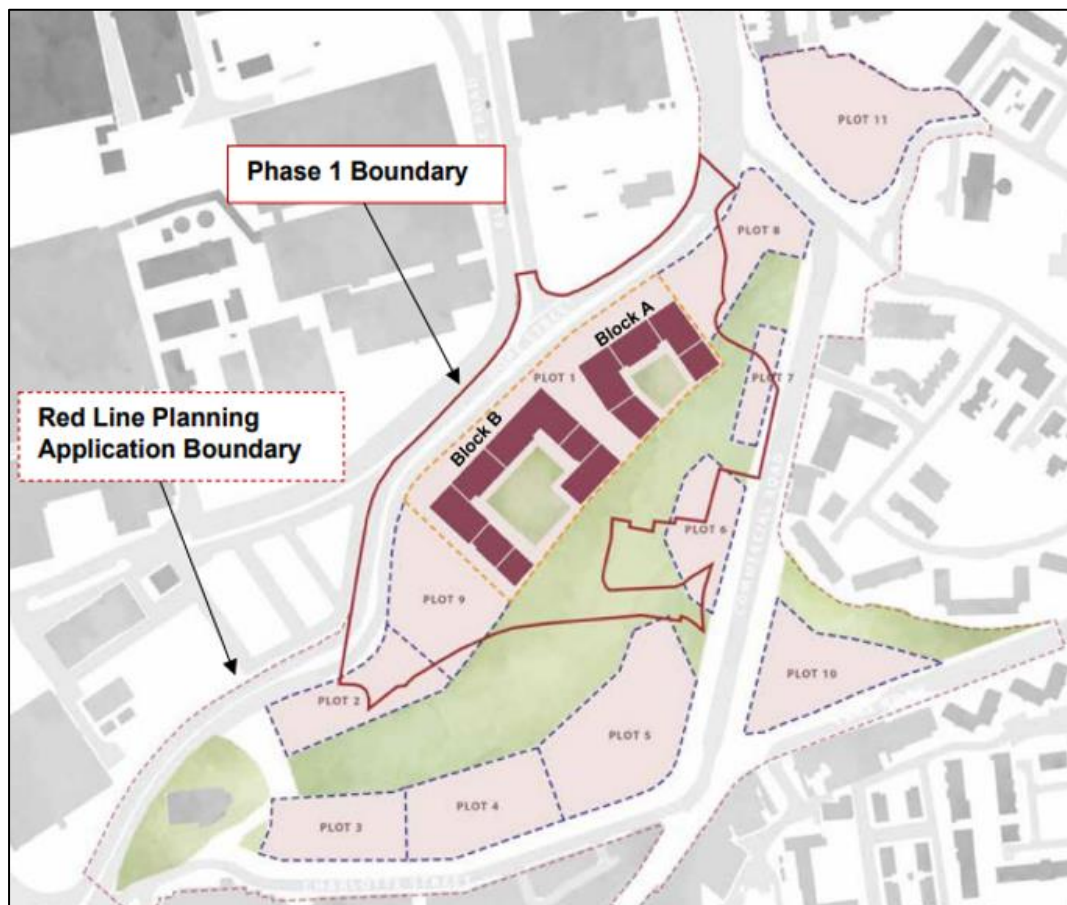
6.1 The planning history most relevant to the determination of this application includes:

- 22/00002/EIASCO - Environmental Impact Assessment Scoping Opinion for the proposed phased redevelopment of up to 2,300 residential units, up to 10,000m<sup>2</sup> non-residential uses (Use Class E (retail/office/community/gym), and associated servicing facilities, parking, plant space, open space (including a public park), and landscaping. The existing highways network will also be reconfigured, including removal of roads through the centre of the site, road widenings and junction improvements - EIA Scoping opinion provided 09/03/22.
- A\*39165/AA - Redevelopment of site for up to 96,200sqm (gross external) of Class A1 retail floorspace (including Class A2, A3, A4 and A5 uses); up to 6,650sqm (gross external) of Class D2 leisure uses; up to 200 residential units; 150 bed hotel; ancillary office accommodation (centre management); shop mobility; public toilets; enhancement of public transport facilities; alterations to existing supermarket site; necessary alterations to northern elevation of the Cascades Shopping Centre (e.g. removal of canopy) and to other retained units with rear elevations to Charlotte Street and Brewer Street; pedestrian circulation areas; ancillary/internal service areas, plant areas for car parking, creation of public realm; access and associated highways/transportation works (after demolition of existing buildings) - outline planning permission approved 20/07/06.
- 06/00880/REM - Construction of retail department store (Class A1) (24,200sq.m gross external floorspace), including customer cafe, enclosed service yard and customer collection area (Reserved Matters application for building Block 4 pursuant to outline planning permission Ref: A\*39165/AA) - reserved matters approved on 26/02/07.

- 08/00099/REM - Reserved matters submission for the redevelopment of the site for the following: construction of: retail units (Class A1-A5) (68,964.5sqm); leisure units (Class D2) (2,089sqm); 200 residential units, including affordable; multi-level car park (2,300 spaces), including link bridges; basement service area; centre management suite, public toilets and shop mobility unit; and public realm, including new streets and spaces. landscaping of public realm areas and of residential amenity areas. (Reserved matters application for building blocks 1-3 and 5-8 and for public realm, pursuant to Outline planning permission ref. A\*39165/AA) - reserved matters approved 02/06/08.
- 08/00109/LBC - Construction of brick walls to north of church to form service yard enclosure; supporting wall for proposed two storey retail building (block 8) to south of church; entrance feature wall linking south-east corner of church to proposed block 8; removal of steps and guard rails on south side entrances to church and provision of new steps and guard rails; and adaption of steps on north side of church to suit new ground levels - Listed Building Consent granted 16/07/08.

## 7.0 PROPOSAL

- 7.1 This outline planning application seeks planning permission to demolish the majority of the existing buildings within the site, with the exception of St Agatha's Church and the Frederick Street Substation, and the construction of a phased development of up to 2,300 residential units, non-residential uses (up to 10,000sqm gross internal area floorspace), and associated servicing facilities, parking, plant space, open space (including a public park), landscaping, access and highways works.
- 7.2 The redevelopment of the site would be undertaken in two phases, with Phase 1 comprising Plot 1 and Phase 2 comprising Plots 2-11. Plot 1 (within Phase 1) is located towards the north-west of the site, covering an area of approximately 1.6ha. Plots 2-11 (within Phase 2) will be located across the site, to the northern, southern and eastern extents, covering an area of approximately 11.31ha. **Figure 3** below illustrates the eleven plots within the proposed development, as identified within the site wide masterplan submitted with the application.



**Figure 3** - Proposed development plots identified within the site wide masterplan

7.3 Phase 1 of the proposed development comprises:

- The demolition of existing buildings and structures within the Phase 1 site area (excluding the substation on Frederick Street);
- The construction of Plot 1, comprising two buildings (Blocks A and B) ranging in height from 5 to 15 storeys, providing residential and non-residential floorspace and a total of 550 residential units;
- A total of 164m<sup>2</sup> gross internal area of non-residential flexible commercial floorspace;
- The provision of the first phase of a new public park totalling 6,950m<sup>2</sup>, the 'Meanwhile Park'; and
- 992 cycle and 332 (including 28 accessible) car parking spaces.

7.4 The application seeks detailed approval for access, layout, scale and appearance of the two buildings for this phase. While these constitute the significant majority of matters for assessment even this phase remains in 'outline' as the landscaping works associated with the courtyards, public realm and the part of the public park that fall within Phase 1 are, 'reserved matters' for subsequent approval. **Figure 4** below provides a visualisation of Plot 1 (Phase 1) of the proposed development as viewed from Hope Street.



**Figure 4** - Plot 1 (Phase 1) of the proposed development as viewed from Hope Street

7.5 **Table 1** below provides a breakdown of the proposed residential unit mix and tenure type for Plot 1 (Phase 1) of the proposed development.

Type	Number of Private Units	Number of Shared Ownership Units	Number of Affordable Rent Units
Studio	48	9	17
1-Bed 2 Person	85	25	14
2-Bed 3 Person	17	1	1
2-Bed 4 Person	230	15	79
3-Bed 5 Person	0	0	0
3-Bed 6 Person	0	0	9
Total	380	50	120

**Table 1** - Plot 1 (Phase 1) Residential Unit Mix

7.6 Phase 1 (Plot 1) will deliver a 70/30 split between Private and Affordable tenures and a 70/30 Affordable split between affordable rent and shared ownership.

7.7 Phase 2 of the proposed development comprises:

- The demolition of all existing buildings and structures within the Phase 2 site area, with the exception of the Grade II\* listed St Agatha's church;
- The construction of ten plots (Plots 2-11) ranging in maximum height from 14.5m (Plot 5) to 84.8m (Plot 9) AOD, providing a mixture of residential and non-residential floorspace



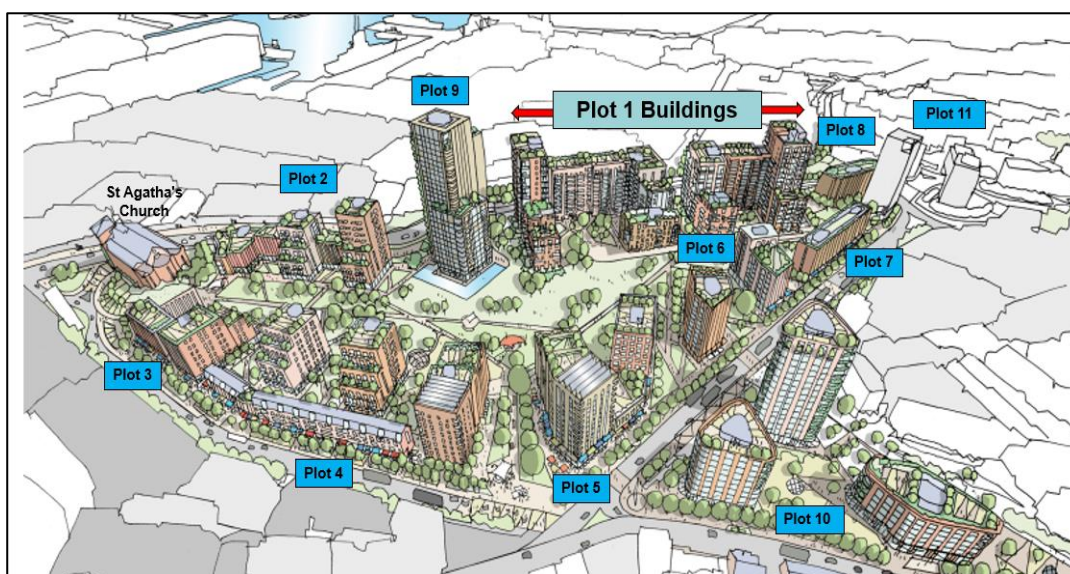
- Residential (Class C3) and ancillary residential accommodation, with a maximum of 1,750 residential units being provided;
- Up to 9,836m<sup>2</sup> gross internal area of non-residential flexible commercial floorspace (Class E (Commercial, business and service)/ F1 (Learning and non-residential institutions) or F2 (Local community); and
- Flexibility is sought with regards to Plot 2, which could come forward as either residential use (allowing for up to 1,750 residential units across the whole of Phase 2), non-residential or as a Secondary Mobility Hub (providing additional car parking) depending upon future market needs; and
- New public realm and landscaping, and associated infrastructure.



**Figure 5** - Key Character Areas

- 7.8 The application seeks detailed approval for the strategic means of access of Phase 2. All other matters – detailed means of access, layout, scale, appearance and landscaping are ‘reserved matters’ for subsequent approval.
- 7.9 As the Phase 2 plots have not yet been designed in detail, there is not yet a unit mix for Plots 2-11, however Phase 2 will also provide a 70/30 split between Private and Affordable tenures across Plots 2- 11, in accordance with the principles of Phase 1.

- 7.10 At the centre of the proposal is a large new green public park providing a further part of the City's green link and, more locally, link St Agatha's and All Saints Churches. The first part of the park will be delivered within Phase 1, and it will grow and evolve as the development progresses. This public park is supplemented by a number of different new areas of public realm providing different levels of activity and different characters. The Outline Design Code, which accompanies the planning application, sets out the eight key character areas across the proposed development, which include new squares, neighbourhood streets and green avenues, as illustrated in **Figure 5** above.
- 7.11 **Figure 6** below provides an illustrative visualisation of the proposed development.

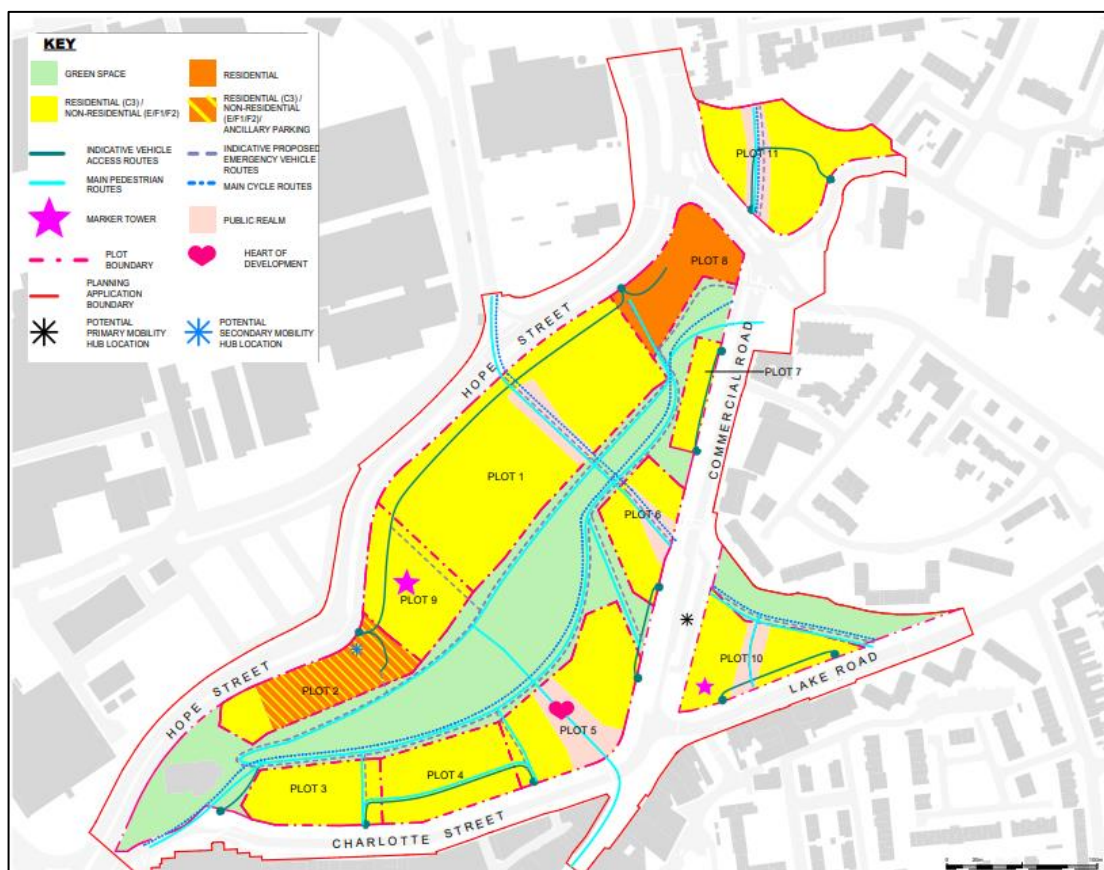


**Figure 6** - Illustrative visualisation of the proposed development

### Access

- 7.12 Detailed access arrangements are reserved for subsequent approval. As set out in detail in the submitted Transport Assessment, there are transport infrastructure schemes being brought forward with likely overlapping timescales to the implementation of the proposed development. These schemes comprise the South East Hampshire Rapid Transit (SEHRT) schemes as part of the Transforming Cities Fund (TCF) and the City Centre Road Scheme (CCRS). These impact upon highways within and around the application site.
- 7.13 Notwithstanding this, there are a number of pedestrian and cycle routes intended to run through the site as illustratively shown in **Figure 7** below. The Phase 1 site area will make use of the existing footpaths and cycling provisions on the adjacent network. Primary points of walking and cycling access into the site will be via Marketway to the south adjacent to the proposed vehicle access. North of the Phase 1 site area will be a new signalised crossing at Hope Street to facilitate future walking and cycling movements from Flathouse Road linking centrally into Phase 1.

- 7.14 To facilitate the vehicle access requirements for Phase 1, a primary point of access will be provided along the southern boundary of the Phase 1 site area off Marketway via a left in, left out junction. Under the full proposed Development (Phase 1 and 2), the site is proposed to be supported via two primary vehicle access points which will be facilitated by the wider package of strategic highway works which seek to reconfigure the adjacent road network and promote priority to public transport, walking and cycling. Upon the implementation of the proposed strategic highway works, vehicle access into the site will be taken from the new Hope Street / Marketway signalised junction to the west, and new priority junction access via Commercial Road to the east.



**Figure 7** - Proposed development site

### Car and Cycle Parking

- 7.15 Phase 1 residential car parking provision will utilise part of the Cascade National Car Park, on the land of the former 'Tricorn' site, to the south of the site (238 spaces) in addition to a temporary on-plot car park which will provide 39 standard car parking spaces for Phase 1 residents. A total of 238 car parking spaces will be required from the 559 space existing open car park. These spaces will support the overall parking provision for Phase 1 and will be managed through the issue of residential permits. Further to the standard parking spaces, a total of 28 allocated accessible spaces will be provided on-street within Phase 1, maximising accessibility to the accessible units.
- 7.16 Temporary electric charging provisions will also be made for future residents of Phase 1 to hire. The electric vehicle spaces will not be allocated but instead



will provide Phase 1 as a whole access to electric vehicle charging points. These spaces are in addition to the 305 residential spaces outline above.

- 7.17 To support the parking provision associated with the full proposed development, a centralised parking area defined as the 'Secondary Mobility Hub', could come forward within Plot 2 providing an additional 371 car parking spaces. This plot could also come forward as residential use (allowing for up to 1,750 residential units across Phase 2). This flexibility in end use with regards to Plot 2 allows for an element of future proofing in the planning application for this aspect of the proposed development – i.e., if there is less need for car parking in the future, for example as a result of changes in transport habits or policy, then Plot 2 could be brought forward as residential use.
- 7.18 Based on the Secondary Mobility Hub option coming forward, the full proposed development will provide a minimum of 5% accessible units (defined as M4(3) under the relevant building regulations). Subject to confirmation of the full development accommodation schedule, if the higher level of development is provided of 2,300 units, then 115 accessible bays will be provided across the site (5% of the maximum 2,300 units). Car parking will also be provided for the commercial land uses present on site.
- 7.19 For Phase 1, 992 cycle parking spaces are to be provided. Phase 2 will provide car and cycle parking provision for the proposal in accordance with the Council's parking standards based on the final number of residential units and commercial floorspace proposed.

### Construction

- 7.20 The proposed development is anticipated to take approximately 16 years to build, being built out in two key phases. Phase 1 (comprising Plot 1) will commence in 2023 with an estimated occupation date of 2026. Phase 2 (comprising Plots 2-11) is estimated to be completed in 2038. Under the applicants current delivery strategy Phase 1 will be completed prior to the start of the demolition and construction works commencing for Phase 2.

## **8.0 AMENDMENTS MADE**

- 8.1 During the course of the application, a small number of minor design changes and clarifications to the proposed development have been submitted. These include:

- Amendments to the Parameter Plans:
  - Horizontal Edge Parameters (CCN-LJA-ZZ-XX-D-A-000436) – the frontages to St Agatha's Church on Plots 2 and 3 now have a maximum 'outer' parameter that retains a minimum 28 metres distance to the Church. The 'inner' parameter has been increased to 'up to 5 metres' to allow these building lines to be further away from the Church. Similarly, the outer building lines in Plot 11 fronting the southern extension of Old

Commercial Road are now fixed and an inner parameter of 'up to 5 metres' shown; and

- Maximum Building Heights (CCN-LJA-ZZ-XX-D-A-000437) – a reduction of the maximum buildings heights in Plot 11.
  - Ground Floor Uses (CCN-LJA-ZZ-XX-D-A-000434 P02) and Upper Floor Uses (CCN-LJA-ZZ-XX-D-A-000435 P02) - the keys on these plans has been updated to make it clear the possible uses are 'and/or';
  - Activated Frontages (CCN-LJA-ZZ-XX-D-A-000441 P03) - this plan has been amended to refer to primary and secondary frontages with the former shown on Plot 2. These definitions are as set out in the Design and Access Statement, Part 1 and Outline Design Code, submitted.
- Elevation of the Former Portsea Institute - the potential for part-retention and relocation of the 1894 elevation of the Former Portsea Institute within Phase 1 of the proposed development will be further investigated on-site.

8.2 The above amendments do not have a material impact upon the maximum quantum of floorspace or accommodation schedule sought for approval by the application as originally submitted in August 2022.

## 9.0 CONSULTATIONS

9.1 The following consultation responses have been received:

Environment Agency	NO OBJECTION subject to conditions relating to contamination, remediation and piling as suggested being attached to any permission granted.
Hampshire County Council (HCC)	NO OBJECTION to the proposal.
HCC Archaeology	NO OBJECTION subject to a condition securing an archaeological Written Scheme of Investigation being attached to any permission granted.
HCC Ecology	NO OBJECTION to the proposal subject to a condition relating to artificial lighting, as suggested being attached to any permission granted.
Hampshire Constabulary Designing Out Crime Officer	NO OBJECTION to the proposal subject to further information being provided that sets out what mitigation measures will be put in place to create a safe public park; details of proposed defensible space for the ground floor apartments proposed; and CCTV to be fitted within the site and a condition relating to lighting details as suggested being attached to any permission granted.
Hampshire Fire & Rescue Service	NO OBJECTION to the proposal.

Hampshire Swifts	NO OBJECTION subject to a condition requiring hollow swift bricks to be installed in the walls of the new build homes being attached to any permission granted.
Health and Safety Executive	NO OBJECTION subject to a condition requiring the submission of a satisfactory fire statement with any reserved matters application being attached to any permission granted, and that HSE is consulted on any reserved matters application.
Highways (COLAS)	NO OBJECTION subject to COLAS being notified prior to any works, including demolition, taking place.
Historic England	OBJECTION to the proposal on heritage grounds with harm being caused to St Agatha's Church, the Mile End Conservation Area and the listed buildings within it. The newly proposed strategy to identify a way of retaining the former Portsea Institute façade is supported and can be secured by condition.
National Highways	NO OBJECTION to the proposal.
Natural England	NO OBJECTION to the proposal. A Habitat Regulations Assessment has been requested from the Council to consider impact on SPA & SAC. The application has submitted a Shadow Appropriate Assessment to assist, and Natural England agree with the conclusions; however, the nutrient budget must be updated to inform the required mitigation.
Portsmouth Water	NO OBJECTION to the proposal.
Secretary of State	NO OBJECTION to the proposal. No comments to make on the environmental statement accompanying the application.
Southern Water	NO OBJECTION to the proposal subject to a condition securing details of public sewer connection, drainage and rainwater harvesting and an informative relating to foul sewerage and surface water disposal, as suggested, being attached to any permission granted.
PCC Arboricultural Officer	NO OBJECTION subject to conditions relating to landscaping, tree protection, arboricultural site supervision, tree planting, pruning and retention as suggested being attached to any permission granted.

PCC Conservation and Heritage	NO OBJECTION to the proposal.
PCC Contaminated Land Team	NO OBJECTION subject to conditions relating to contamination, remediation and piling as suggested being attached to any permission granted.
PCC Drainage Team	NO OBJECTION subject to conditions relating to contamination, remediation and piling as suggested by the Environment Agency being attached to any permission granted.
PCC Housing Enabling Officer	NO OBJECTION to the proposal.
PCC Landscape Architect	NO OBJECTION subject to conditions relating to landscaping, boundary treatment, lighting, play areas and tree planting being attached to any permission granted.
PCC Policy	NO OBJECTION to the proposal.
PCC Regulatory Services	NO OBJECTION subject to conditions relating to noise and sound insulation as suggested being attached to any permission granted.
PCC Transport Planning	NO OBJECTION to the proposal subject to conditions relating to phasing; pedestrian crossings; parking; construction traffic management plan; access; parking management plan; travel plan; servicing and delivery plan, as suggested, being attached to any permission granted and financial contributions towards improvements to walking and cycling routes connecting to the City Centre and travel plan monitoring being secured by s106 legal agreement.

## 10.0 REPRESENTATIONS

10.1 A Site Notice was displayed on 31/08/22, a Press Notice on 02/09/2022 and Neighbour letters were sent on 31/08/22. The public consultation period formally ended on 03/10/22.

10.2 In response, three objections have been received raising the following concerns:

- The proposed development is not needed in Portsmouth;
- Better healthcare is required before the population of the City Centre is increased by a large number;

- More shops, stores, restaurants, cafes and entertainment/attractions of varying sizes are required besides new homes and business offices for people to work.
- Small rentable business floorspace is required and creating more homes will not solve this problem;
- Good transport links are required with roads that flow well with no one-way systems that change direction at random, forcing road users to snake their way around the city; and
- Plenty of car parking spaces are required for the development, a minimum of 3 or 4 cars for each residential unit proposed.

## 11.0 PLANNING CONSIDERATIONS / COMMENT

### Principle of the development

- 11.1 As set out in the NPPF (paragraph 2), *'Planning law requires that applications for planning permission be determined in accordance with the development plan<sup>2</sup>, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements'*.
- 11.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 11.3 In accordance with the Portsmouth Plan, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.
- 11.4 Paragraph 11 of the NPPF requires that *'decisions should apply a presumption in favour of sustainable development. For planning decisions this means:*
1. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole<sup>8</sup>.*

11.5 Footnote 8 states that *'this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years'*.

11.6 Footnote 7 states *'the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change'*.

11.7 Portsmouth city centre has long been identified as an opportunity for regeneration and development. The Portsmouth Plan identifies the city centre as the most accessible location in Portsmouth and the most sustainable place to develop new commercial facilities, town centre uses and a large number of homes (paragraph 3.67). Policy PCS4 - Portsmouth City Centre of the Portsmouth Plan and its supporting text set out the Council's approach to the city centre. This policy seeks a more prominent and welcoming Centre. The Plan references the preparation of a city centre masterplan (paragraph 3.75), and the Portsmouth City Centre Masterplan Supplementary Planning Document was subsequently adopted in 2013. The Masterplan identifies a vision for the city centre as follows (paragraph 1.0):

*'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.'*

11.8 The application site covers two of the 'Opportunity Sites' identified in the 2013 Masterplan; Site 1: Northern Quarter and Site 2: West of Commercial Road as shown in **Figure 8** below. The Masterplan identifies these Opportunity Sites for principally retail and city centre uses (paragraphs 4.7 - 4.48).





**Figure 8** - City Centre Masterplan SPD 2013 - Site 1: Northern Quarter and Site 2: West of Commercial Road

11.9 The Masterplan refers to lapsed previous permissions and a compulsory purchase order on Site 1, as well as a development agreement in place at the time (paragraphs 4.9 and 4.34). Notwithstanding this, and whilst these documents set objectives and policies for the site, no significant development has taken place on the site since the adoption of the Portsmouth Plan in 2012 and the Masterplan in 2013 respectively.

11.10 Whilst an emerging policy document that currently has limited weight in decision, the Draft Portsmouth Local Plan (2021) does set out a more up-to-date vision for Portsmouth city centre. This is informed by the City Centre Development Strategy (January 2021). The city centre vision from these documents is:

*“Every great city has a heart. Portsmouth City Centre will continue to be that heart of the city, and will be a beautiful, durable and adaptable place – more compact, more diverse, easier to get around, greener and healthier, and looked after by its happy residents”.*

11.11 Within the Draft Portsmouth Local Plan, the application site is also identified as a Strategic Development Site. Policy S1 Portsmouth City Centre sets out a potential delivery capacity range for the city centre as a whole of between 5,180-6,120 new homes and 77,100-88,300sqm of new commercial floorspace. The policy sub-divides the city centre into five identity areas. The application site is predominantly within area b. City Centre North (‘New

Landport') with the northernmost part within area a. Herbert Street / Victory Retail Part ('Landport Gate'). Policy S1 includes options for these sites but it is clear that the application site is envisaged in the future for residential-led development. Other key objectives of Policy S1 include new public realm, human scale development with taller elements, connections and legibility and a shift towards active travel.

- 11.12 The NPPF also seeks, inter alia, to secure net gains in terms of economic, social and environmental objectives (paragraph 8). This includes ensuring sufficient land of the right type is available; coordinating the provision of infrastructure; providing a sufficient number and range of homes, and; protecting and enhancing the natural, built and historic environment. These objectives are reflected in both the PPG and the Council's local planning guidance.
- 11.13 The application proposal will make a significant contribution to these planning objectives. Portsmouth city centre and the application site itself, have long been identified as a significant opportunity for redevelopment. The vision has evolved in response to economic and other changes, but it is clear that the application site is an underutilised brownfield site that provides a significant opportunity for new development in the heart of Portsmouth.
- 11.14 The proposal will deliver up to 2,300 new homes, up to 10,000sqm of non-residential floorspace and significant areas of new public realm. These will be delivered in a sustainable and accessible location in Portsmouth city centre. In summary, the proposed development of a residential-led development with commercial spaces and significant public realm would be fully in accordance with the existing and emerging planning policy position for the site.
- 11.15 With regard to the principle of this development, the NPPF also makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (paragraph 60).
- 11.16 A further consideration in favour of permitting this scheme is in terms of housing delivery. Based on figures in the recently published Annual Monitoring Report the council can only demonstrate 2.9 years supply (Table 4.5, page 28. As the development plan in Portsmouth is more than 5 years old, paragraph 74 of the NPPF states that housing delivery should be measured against local housing need as defined by the standard method set out in national planning guidance.
- 11.17 Consequently, there is a presumption in favour for developing this site as long as the project does not have a significant effect on a habitat site (either alone or in combination with other projects, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of that site (NPPF, paragraph 182).
- 11.18 Acknowledging that the development would have an increased burden on local infrastructure, *the development would be liable for CIL (Community*



*Infrastructure Levy*). This is a charge which the Council levy on new development in the area. The revenue collected will be to help deliver the infrastructure needed to support development in the area.

### Environmental Impact Assessment: Summary of Assessment Conclusions and Mitigation

- 11.19 The application is considered to be 'EIA Development' pursuant to Schedule 2 Part 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and an Environmental Statement (ES) is accordingly submitted. A Scoping Opinion for the ES was sought by the applicants on 11<sup>th</sup> January 2022 and issued on 9<sup>th</sup> March 2022. The findings of the ES are very briefly summarised here but are further addressed as required later in this report as key topics are considered in more detail. As required by the Regulations, a Non-Technical Summary of the EIA has also been submitted, which is available to view on the Council's website using the following link [HERE](#).
- 11.20 The EIA is based upon the scheme as submitted including the proposed site programme of works (2 phases), on the basis of enabling works commencing in late 2023/ early 2024 and completion of the development within 16 years by 2040.
- 11.21 The ES identifies some likely significant adverse effects during the demolition and construction stages, as well as during the operation of the proposed development. **Table 2** and **Table 3** below provides a summary of the likely significant effects (i.e., the significant residual effects following mitigation) associated with the proposed development together with any mitigation measures proposed:

Topic Chapter	Receptor	Description of Significant Effect	Mitigation Measures (where required)	Scale and Nature of Residual Effect
<b>Demolition and Construction</b>				
<b>Demolition and Construction of Phase 1</b>				
<b>Buried Heritage (Archaeology) Receptors</b>	Areas of 18th Century occupation on Commercial Road; and Areas of 19th Century Terraced Properties	Permanent loss of buried heritage assets due to ground works during construction	Construction Environmental Management Plan (CEMP)	<b>Minor to Moderate Adverse</b>
	Currently unknown Buried	Permanent loss of buried assets due to ground works		<b>Negligible to Moderate Adverse</b>

	Heritage Assets	during construction		
<b>Buried Heritage Receptors</b>	Charles Dickens Birthplace Museum, Old Commercial Road, grade I; Church of St Agatha, Marketway, grade II*	Visual effect of construction works and cranes	Archaeological monitoring during demolition and construction in consultation with County Archaeologist at Hampshire County Council	<b>Moderate to Major Adverse</b>
	Mile End Conservation Area	Physical work in highway lands on the southern edge of the conservation area and visual effect of construction works and cranes		<b>Moderate to Adverse</b>
	Church of All Saints, Commercial Road; Commercial Road group; Dockyard Wall (grade II)	Visual effect of construction works and cranes		<b>Moderate to Adverse</b>
<b>Townscape Receptors (Townscape Character Areas)</b>	TCA1: Commercial Road Area	Changes to the townscape characteristics due to the construction works	Improvements in Townscape Character Areas and Views across the city, experienced by pedestrians, road users, residents and local workers due to the high-quality design and materiality	<b>Moderate to Adverse</b>

			of the proposed development	
<b>Demolition and Construction of Phase 2</b>				
<b>Ground Conditions and Groundwater, Water Quality and Water Resources</b>	Controlled Waters: Secondary A - Aquifers in superficial deposits (River Terrace Deposits) and bedrock (Portsmouth Sand and Wittering Sand)	Removal of contaminated soils from the site, resulting in a betterment and a reduction in contamination risk	None	<b>Moderate Beneficial</b>
<b>Buried Heritage Receptors</b>	All buried heritage significant effects are the same as those outlined above			
<b>Built Heritage Receptors</b>	All built heritage significant effects are the same as those outlined above			
<b>Health</b>	Displacement of existing businesses and community uses	Residents, workers, users of community assets	Health Impact Assessment	<b>Moderate Adverse</b>
<b>Views (Visual Amenity)</b>	View 1: Old Commercial Road	Effect of demolition and construction related works on views	Improvements in Townscape Character Areas and Views across the city, experienced by pedestrians, road users, residents and local workers due to the high-quality design and materiality of the proposed development	<b>Major to Moderate Adverse</b>
	View 4: Commercial Road			<b>Moderate Adverse</b>
	View 16: Gosport Esplanade			<b>Moderate Adverse</b>
<b>Townscape Receptors (Townscape Character Areas)</b>	TCA1: Commercial Road Area	Changes to the townscape characteristics due to the construction works		<b>Major to Moderate Adverse</b>

**Table 2** - Summary of Likely Significant Effects of the Demolition and Construction Works from the proposed development

Topic Chapter	Receptor	Description of Significant Effect	Mitigation Measures (where required)	Scale and Nature of Residual Effect
<b>Completed Development</b>				
<b>Operation of Phase 1</b>				
<b>Socio-Economics</b>	Existing and future residents	Change in the provision of housing	None	<b>Moderate Beneficial</b>
		Effects arising from changes in the demand for and provision of play space	None	<b>Moderate Beneficial</b>
		Changes to the level of crime, antisocial behaviour and feelings of community safety	None	<b>Moderate Beneficial</b>
<b>Ecology and Biodiversity</b>	Introduced habitats	Increased habitat available for protected and notable species, and increased connectivity	None	<b>Moderate Beneficial</b>
<b>Health</b>	Housing design and affordability	The human health effect of providing residential units	None	<b>Moderate Beneficial</b>
	Access to open space, play space and recreation	The human health effect of changes in access to open space, play space and recreation facilities	None	<b>Moderate Beneficial</b>
	Accessibility and active travel	Health effects associated with	None	<b>Moderate</b>

		changes in accessibility and active travel		<b>Beneficial</b>
	Access to healthy food	Human health effects resulting from changes in access to healthy foods	None	<b>Moderate Beneficial</b>
<b>Built Heritage Receptors</b>	Charles Dickens Birthplace Museum, Old Commercial Road, grade I; Church of St Agatha, Marketway, grade II*; Church of All Saints, Commercial Road, grade II	Effect on setting	None	<b>Moderate Neutral</b>
<b>Townscape</b>	TCA1: Commercial Road Area	Changes to the townscape characteristics due to the completed Phase	None	<b>Moderate Beneficial</b>
<b>Operation of Phase 1 and Phase 2 (i.e., the proposed development)</b>				
<b>Socio-Economics</b>	Existing and future residents	Change in the provision of housing	None	<b>Major Beneficial</b>
		Effects arising from changes in the demand for early years education	CIL and s106 to address education provision	<b>Moderate Adverse</b>
		Effects arising from changes in the demand for primary education		<b>Moderate Adverse</b>
		Effects arising from changes in the demand for and provision of open space	None	<b>Moderate Beneficial</b>

		Effects arising from changes in the demand for and provision of play space	None	<b>Major Beneficial</b>
		Changes to the level of crime, antisocial behaviour and feelings of community safety	None	<b>Moderate Beneficial</b>
<b>Built Heritage Receptors</b>	Mile End (Conservation Area)	Effect on setting	None	<b>Moderate to Major Beneficial</b>
	Charles Dickens Birthplace Museum, Old Commercial Road, grade I; Church of All Saints (grade II); Dockyard		None	<b>Moderate to Major Beneficial</b>
	Commercial Road group (grade II)		None	<b>Moderate Beneficial</b>
	Church of St Agatha, Marketway, grade II*		None	<b>Major Beneficial</b>
	Union Gate, Round Tower and Fredericks Battery Circular Road (grade II); Queen Street north group (grade II); Cathedral Church of St John the Evangelist, Edinburgh Road (grade II)		None	<b>Moderate Neutral</b>

<b>Ecology and Biodiversity</b>	Introduced habitats	Increased habitat available for protected and notable species, and increased connectivity	None	<b>Moderate Beneficial</b>
<b>Wind Microclimate</b>	Thoroughfares	Wind conditions at thoroughfare locations within the Phase 2 site area to the north, west and south of Plot 9 and at the north of Plot 2 during the windiest season	Wind Microclimate Assessment with mitigation measures including, but not limited to, ground level planting, side screens on balconies and the provision of screening at ground floor	<b>Minor - Moderate Adverse</b>
	Balconies	Wind conditions on the balcony amenity spaces within the Phase 2 site area on the southern elevation of Plot 8		<b>Minor Adverse</b>  (Note: minor adverse effects are considered 'significant' in the wind microclimate assessment)
	Strong winds	Instances of strong winds with the potential to be a safety concern for cyclists and more vulnerable pedestrians at ground level at		<b>Significant</b>  (Note: any instance of strong winds is classified as

		the northern corners of Plot 9, Plot 2, Plot 5 and to the south of Plot 10 within the Phase 2 site area		'significant')
<b>Traffic and Transport</b>	Pedestrians, Cyclists and Public Transport	Improvements to severance, amenity, fear and intimidation and accidents and safety for pedestrians and cyclists, and delay for pedestrians, cyclists and public transport as a result of the completed Proposed Development	None	<b>Moderate Beneficial</b>
<b>Health</b>	Housing design and affordability	The human health effect of providing residential units	None	<b>Major Beneficial</b>
	Access to open space, play space and recreation	The human health effect of changes in access to open space, play space and recreation facilities	None	<b>Major Beneficial</b>
	Accessibility and active travel	Health effects associated with changes in accessibility and active travel	None	<b>Major Beneficial</b>
	Air quality, noise and neighbourhood amenity	Human health effects relating to changes in air quality, noise and vibration, and	None	<b>Moderate Beneficial</b>



		other factors affecting neighbourhood amenity		
	Access to healthy food	Human health effects resulting from changes in access to healthy foods	None	<b>Moderate Beneficial</b>
<b>Daylight</b>	1-15 Hallowell House	Reduction to Daylight to existing receptor	To be minimised through the detailed design of the proposed development	<b>Major Adverse</b>
	Masonic Hall			<b>Moderate Adverse</b>
	1-15 Foley House; 1-31 Cornwallis House			<b>Minor to Moderate Adverse</b>
<b>Solar Glare</b>	Viewpoint G	Additional instances of Solar Glare to surrounding roads	To be addressed through the detailed design of the proposed development , with buildings being broken up by brickwork and balconies	<b>Moderate Adverse</b>
<b>Townscape</b>	TCA1: Commercial Road Area	Changes to the townscape characteristics due to the completed proposed development	None	<b>Moderate Beneficial</b>
<b>Views</b>	View 1: Old Commercial Road	Effect of the completed proposed	None	<b>Moderate Beneficial</b>

	View 16: Gosport Esplanade	development on views	None	<b>Moderate Beneficial</b>
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**Table 3** - Summary of Likely Significant Effects of the Complete and Operational proposed development

- 11.22 No alternative sites or locations have been considered for the proposed development. The Applicant has majority ownership of the site that is located within the City Centre Framework Master Plan Area and one that has previously been recognised for urban regeneration by Portsmouth City Centre Development Strategy. In addition, Phase 1 supports the regeneration objectives for the area and provides a benchmark for the quality of future development within Phase 2 of the proposed development. As such, no further alternative sites were considered with the EIA, in accordance with the exclusion agreed during the Scoping process.
- 11.23 The extent to which consideration has been given to alternative sites, the option of not developing the site, and the design process that has taken place, which has been influenced by various environmental studies, public consultation, and discussions with the Council, is reported in the ES. The '*Do-Nothing / No Development Alternative*' scenario reported refers to the option of leaving the site in its current state and is therefore undesirable for several reasons, most notably as the site is underutilised, brownfield land. The existing site consists mostly of car parking, creating limited pedestrian links and permeability, creating a 'dead frontage' from a commercial perspective, as well as severing connections from surrounding communities. The dominant and complex road network surrounding the site is off-putting for pedestrians and cyclists travelling around and through the site. To the south, there is also a missed opportunity to provide an inviting public realm at the entrance of the Cascades Shopping Centre along Charlotte Street, with potential for active frontage along the pedestrianised section of Commercial Road to the east.
- 11.24 The site has long been identified for redevelopment to meet planning and regeneration needs, as identified in the applicant's submitted Planning Statement. Most recently, the site comprises a large proportion (approximately 13 hectares) of the 60 hectares City Centre Framework Master Plan Area, which is a strategic area identified in the Portsmouth City Centre Development Strategy which forms part of the emerging evidence base for the draft New Local Plan. The City Centre Framework Master Plan Area is a 60ha masterplan site incorporating a range of important locations across the City Centre and contains a number of unique attributes and challenges. The City Centre Framework Masterplan identifies opportunities to deliver approximately:
- 6,128 homes;
  - 10,700m<sup>2</sup> education space;
  - 52,900m<sup>2</sup> commercial space;
  - 5,900m<sup>2</sup> community / health space;
  - 3,000m<sup>2</sup> shops / high street uses;
  - 17,000m<sup>2</sup> new green space;

- 13,500m<sup>2</sup> social / leisure space;
- 12,000m<sup>2</sup> new public spaces;
- 13,000m<sup>2</sup> civic / public; and
- 1,200m of tree lined streets.

- 11.25 The proposed development represents the opportunity to redevelop the existing site within the City Centre Framework Master Plan Area to provide noteworthy housing provision, employment opportunities and public realm benefits, as well as other wider socio-economic benefits. As such, the '*Do-Nothing / No Development Alternative*' scenario on the site has not been considered further as should the existing site remain, the opportunity for the above provision within a notable area would not be realised.
- 11.26 Details of design evolution have been set out in the applicant's Design and Access Statement and in Chapter 3 of the ES. A number of design and layout options have been considered by way of iterative pre-application engagement with Officers.

#### Housing: Numbers, Mix, Density and Affordable Housing Provision

- 11.27 As housing delivery within the City has fallen below 75% of the housing requirement over the previous three years, the Council must apply the presumption in favour of sustainable development when making decisions on planning applications. This means that, in accordance with paragraph 11 d) of the NPPF, decisions on applications involving the provision of housing should be granted permission, unless NPPF protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.
- 11.28 However, as Portsmouth has also been unable to demonstrate a five-year housing land supply in recent years, this presumption currently applies already.
- 11.29 The Government's Standard Method has identified a need for the city of 16,161 homes for the plan period to 2038. However, the assessed need for the draft Portsmouth Local Plan (PLP) going forward will need to take into account, amongst other factors, the actual deliverable level of housing in Portsmouth given the city's number of constraints, including the availability of land, impacts on the protected coastal habitat, local capacity of local infrastructure, and the financial deliverability of development.
- 11.30 Nevertheless, the draft PLP has identified the necessity to have an uplift to housing delivery numbers compared to the adopted PP strategy, recognising the increased need for more housing in the city. The proposal is for 2,300 dwellings within a site area of approximately 13.25 ha (equivalent to 174dph). The proposal is therefore in line with the policy requirements under Policy PCS21 of the Portsmouth Plan requiring a minimum of 100dph within development in the City Centre. For information, the draft PLP stipulates that development within the City Centre should be at least 120dph.

- 11.31 With regard to mix, current Policy PCS19 requires that '*developments should achieve a target of 40% family housing where appropriate*'. The proposed development will deliver up to 2,300 across a range of tenures and unit sizes. The precise mix and nature of the homes across the whole development will be determined as reserved matters applications and associated details come forward. This is to enable each development plot to be responsive to both its own character and prevailing needs and policy requirements.
- 11.32 The proposal is to be planning policy compliant (Policies PCS19 and PCS21) with a minimum 30% affordable homes on site being provided with a 70% affordable rent: 30% intermediate tenure split, which is supported. An appropriate number of family sized dwellings will be provided in relation to the character of the area and site. In this respect, it should be noted that the site is in the City Centre close to existing and new facilities such that a larger proportion of smaller units is appropriate.
- 11.33 Phase 1 will provide 170 (31%) affordable homes with a 70:30 tenure split between affordable rented and shared ownership homes. This is in full compliance with both adopted and emerging local planning policies and will provide much needed affordable housing to Portsmouth. The design is tenure blind.
- 11.34 Phase 1 will provide a range of homes but with the majority being either one (23%) or two bedroom (62%) properties. As acknowledged in Policy PCS19, the number of family sized dwellings on a site is dependent on both the character of the area, the site and viability of the scheme. The Phase 1 housing mix, as set out in **Table 1** above, has been informed by these factors. The site is in a City Centre location within proximity to services and facilities which has been identified for higher density development. The capacities and assumptions in the 'Portsmouth City Centre Development Strategy' (Jan 2021) include an upper end scenario based on an illustrative housing mix of mainly one and two bedroom apartments and a smaller proportion of three bedroom homes (page 62). The applicant has taken market and affordability advice which has informed the unit mix, specifically the housing typologies that will allow Phase 1 to be developed without unnecessary delay in the context of the wider masterplan.
- 11.35 It is also important to note that the proportion of affordable rent homes in Phase 1 has been weighted towards larger homes, responding to need – 73% are 2 bed 4 person or 3 bed 6 person homes.
- 11.36 A greater proportion of family homes are anticipated to come forward in Phase 2. This is when the earlier Plots should be more established and, importantly, includes areas of the masterplan site that are more appropriate for such homes. This includes the areas to the north of St Agatha's Church in the south part of the site as shown on the illustrative masterplan extract in **Figure 9** below.
- 11.37 Accordingly, the proposal would be in accordance with current and emerging planning policies in respect of housing delivery and mix and has also been informed by relevant planning guidance. The NPPF supports the Government's

objective of significantly boosting the supply of homes and that land with permission is developed without unnecessary delay (paragraph 60). The proposal will deliver a significant number of homes (up to 2,300) and contribute to a mixed and balanced community, directly responding to local and national planning objectives.

### Design and Heritage Considerations

#### Design and Placemaking

- 11.38 The 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. Paragraph 126 states "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*" The NPPF is also supplemented by the National Design Guide (NDG) and the NMDC.
- 11.39 Policy PCS23 of the Portsmouth Local Plan further echoes 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; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development.
- 11.40 The application site has been split into 11 plots, as shown in **Figure 3** above, which have been formed based on existing site context and the vision for the proposal. The plots have also been defined by an analysis of key pedestrian and cycle connections through the site to the wider neighbourhoods, as detailed in the Design and Access Statement submitted (page 37), allowing for improved connectivity. The masterplan promotes a flexible parameter-based approach that will require Reserved Matters Applications to be developed for each plot. In order to support a new community, a wide range of potential uses is envisaged. These include residential, retail, commercial and cultural uses.
- 11.41 The proposed new park runs through the spine of the site allowing for all principle connections to feed into the park whilst providing a communal green space for the community. The building plots will be shaped by the analysis of the appropriate width of the streets and communal squares will be provided for each location. The site will be predominantly residential with many homes facing the park allowing for improved views and well-being. Commercial opportunities will be located along Commercial Road and Charlotte Street where there is high footfall allowing for more movement on the site.
- 11.42 The heights of the proposed buildings have been considered in context with the surrounding existing structures. Low rise Blocks would line the park to enhance the sense of open space and provide vertical gardens to the



residents. The Taller mid-rise blocks have been located along Hope Street to reduce the overshadowing of amenity spaces and form protection between the dual carriageway and the development. The height of the blocks decreases as they engage with the Old Commercial Road Conservation Area. Linear Terraces Block Heights decrease along Commercial Road and Charlotte Street of a height more in-keeping with mid-rise residential blocks found elsewhere in the city.

- 11.43 A landmark tower of approximately 24 storeys (Plot 9) is placed at the heart of the new development to mark the new neighbourhood and the centre of the new park. Another tower (Plot 8) is placed to signify the northern boundary of the commercial district of the City Centre. This is located to the East of Commercial Road and adjacent to the anticipated location of the new Primary Mobility Hub, which will come forward with the highway works, and will link the city centre to the wider city. **Figure 9** below provides an extract from the masterplan showing the intended height and massing of the proposed development.



**Figure 9** - Extract of Intended Height and Massing from Design and Access Statement Part 1: Illustrative masterplan

- 11.44 The proposal is a design-led response to the urban environment and opportunities the site provides. It will transform this underutilised brownfield land into a new high-quality development centred around a new public park, delivering new homes, commercial and community spaces in a sustainable development. The design quality to be delivered is demonstrated in the detail of the Phase 1 buildings proposed. The design objectives that will be delivered upon by the Proposed Development include:



1. A new public park and public realm for the benefit of all, contribution to healthy lifestyles, social activity and civic pride;
2. A higher density of development, maximising the potential of the site whilst retaining a human scale and respecting existing built heritage assets;
3. Promotion of the 20 minute neighbourhood and sustainable modes of transport;
4. Different character areas providing spaces for different activities and interactions;
5. A range of housing types with tenure blind design and access to private communal and public amenity spaces, adding life and activity to the centre of Portsmouth; and
6. New spaces for commercial and community uses to increase activity and support the vitality and viability of Portsmouth City Centre.

11.45 Overall, a number of the principles set out in the scheme are very welcome including the provision of the central park and green space across the development as a whole. The introduction of a high-density development is also welcome and reflects that seen in the southern part of the City Centre, where it works well in conjunction with the open space of Victoria Park. The resulting development will be high quality, legible and distinctive. It will provide a modern, sustainable and inclusive development and would be fully in accordance with the design objectives in the Portsmouth Plan (Policies PCS5, PSC13, PCS15 and PCS24), the NPPF and local planning guidance.

#### Impact on Heritage Assets

11.46 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Section 66). In relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"* (Section 72).

11.47 The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting.

11.48 Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the

harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 11.49 Policy PCS23 of the Portsmouth Local Plan further advises that *"all new development must be well designed and, in particular, respect the character of the city"* with the *"protection and enhancement of the city's historic townscape and its cultural and natural heritage, in particular its links to the sea"* being sought within new development.
- 11.50 Turning to consider the application of the legislative and policy requirements referred to above, the first step is for the decision-maker to consider each of the designated heritage assets (referred to hereafter simply as "heritage assets") which would be affected by the proposed development (the applicant should describe the significance of the heritage assets affected) in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 11.51 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.70 (2) of the Town and Country Planning Act 1990 and s.38 (6) of the Planning and Compulsory Purchase Act 2004, the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 11.52 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 11.53 The case-law also establishes that even where the harm identified is 'less than substantial' (i.e., falls within paragraph 199 of the NPPF), that harm must still be given considerable importance and weight.
- 11.54 Where more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

- 11.55 What follows is an officer assessment of the extent of harm which would result from the proposed development. This includes Conservation Areas and Listed Buildings. An individual assessment against each heritage asset as well as a cumulative assessment is provided. This is then followed by an assessment of the heritage benefits of the proposal.
- 11.56 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to safeguard the special interest of listed buildings and their settings. Section 72 of the Act imposes a statutory duty on planning authorities to preserve or enhance the character and appearance of conservation areas.
- 11.57 Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 202 of the NPPF requires the harm to be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.
- 11.58 If the harm is substantial, or results in a total loss of significance, paragraph 201 states that local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all four of the following criteria apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of not for profit charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 11.59 Paragraph 199 of the NPPF advises that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 11.60 Paragraph 200 further advises that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 11.61 The site includes two designated heritage assets, the Church of St Agatha at its southern end and part of Mile End Conservation Area in the northern part. Two non-designated heritage assets are identified within the application boundary; the façade of the former Portsea Institute on Clarence Street and hospital memorial plaques located in the vacant supermarket building.
- 11.62 A Heritage Assessment has been undertaken by the applicant within Chapter 8: Built Heritage of the ES. This provides an assessment of the heritage impacts and heritage benefits of the proposal for each of the above on-site and the nearby heritage assets identified within *Table 8.4* and *Figure 8.1* of the ES.

- 11.63 This assessment has been undertaken according to the up-to-date requirements of the NPPF, and against the Planning and Listed Buildings Act (1990). For designated heritage assets, the ES identifies beneficial effects on the Mile End Conservation Area and its setting. Neutral and beneficial effects are identified in respect of the settings of all other designated heritage assets, including the Church of St Agatha. Accordingly, the applicant concludes that no harm to the significance of any designated heritage assets has been identified and the heritage tests at NPPF paragraphs 200-202 as set out above are not engaged.
- 11.64 The proposed development will result in the relocation of the hospital memorial plaques and demolition of the elevation of the former Portsea Institute. The plaques will be relocated on the site in Phase 2. Whilst the façade will be recorded and photographic survey lodged with the local archives, it will then be demolished. The assessment concludes that the loss of this non-designated heritage asset will result in a high level of harm to it (minor adverse in the ES). The Council agrees with this conclusion in relation to these non-designated heritage assets.
- 11.65 In summary, the above assessment by the applicant concludes that the proposed development will not result in harm to the on or off-site designated heritage assets or their settings. In contrast, a number of beneficial effects are identified. There will be harm to the façade of the former Portsea Institute, a non-designated heritage asset, that needs to be considered as part of a balanced judgement in accordance with the NPPF.
- 11.66 The Council has also undertaken its own assessment, including both the above designated heritage assets and the non-designated heritage assets within the vicinity of the site identified within the ES, and has undertaken a balancing exercise of the anticipated level of harm to the relevant heritage assets identified against the heritage and public benefits.
- 11.67 The impact on Heritage Assets, including listed buildings on and in proximity of the site, conservation areas and locally listed buildings/structures is considered in detail below and comments provided where necessary.

#### Setting of Designated Heritage Assets

##### Listed Buildings

- St Agatha's Church, Grade II\* listed (date of first listing October 1969 amended March 1999);
- All Saints Church, Grade II listed (January 1953); and
- Dockyard (extension) wall Grade II listed (August 1999)

##### St Agatha's Church - Grade II\* listed (date of first listing 1969 amended 1999)

- 11.68 The list description for this grade II\* listed church indicates that it was built between 1893-95 by the architect Joseph Henry Ball, (who was also responsible for 'Undershaw House' in Surrey, (the last home of Sir Arthur

Conan Doyle). The church was built for, and therefore has strong associations, with Father Robert Dolling a campaigning philanthropic priest who worked in the Landport Area in the early 20th Century. His published memoirs '10 Years in a Portsmouth Slum' which described the hardships of life in the area, was popular in Edwardian England, and ensured wide renown not only for the author, but also for the church which has undoubtedly found a strong place in the folk memory of the city.

- 11.69 The building was designed in a Romanesque (early European Gothic) style, its plan and form replicating a Basilica. It suffered war damage, and as the list description notes, the Lady Chapel once situated on the south flank has been lost, replaced with a crude 'temporary' wall. It was restored in 1990 (By Hampshire County Council). Despite the damage a number of especially notable features have survived, externally these include its south-west tower (campanile), and on the east its semi-circular apse. Of particular importance is the internal Sgraffito work that depicts Christ within the semi-dome with a representation of a radiant sun above and a diverse range of religious inspired motifs and surrounding text. The work is by Victorian Arts and Crafts designer/ artist G Heywood Sumner and is striking in both its scale and execution. Sgraffito is an Italian Renaissance technique of incising designs in to wet coloured plaster and is rare in the UK.
- 11.70 Whilst it is right to highlight this internal component of the asset as something of particular architectural/historical note, it should be understood that the building, notwithstanding the change and evolution which has taken place, also has significance as a unified architectural whole. Its architectural and historic value, in combination with its communal value, give it a **high** level of **significance**.
- 11.71 The proposal would not directly affect the fabric of the asset, (its impact would therefore be exclusively on its setting). It would see the loss (through total removal) of the existing mature soft landscaping around the church, and the replacement of this with a new 'Piazza'. The proposed layout would also make St Agatha's a framed 'end stop'/ focal point in views West from the landscaped parkland that would form the heart of the scheme. This aspiration is on the whole considered positive and commendable.
- 11.72 Notwithstanding this, the layout/ form, scale, landscaping and materiality of the proposed 'Piazza', and the respect it would afford the asset and overall 'sense of place' generated, is not considered to realise the full potential of a genuine 'Piazza' certainly, of the type that would be experienced in Northern Italy.
- 11.73 Critical within this are the proximity, appearance and scale/ height (and therefore subservience) of the proposed buildings immediately facing the church, and the form and height of any key tower on Plot 9 which would puncture the roofline of any new building addressing the 'Piazza' /church and would therefore form part of (and affect the North setting of) the church.
- 11.74 In response to concerns raised by both Historic England and the Council regarding this aspect of the scheme, the applicant subsequently agreed to revise the details in respect of: Horizontal Edge Parameters (436) – where the



frontages to St Agatha's Church on Plots 2 and 3 have been given a maximum 'outer' parameter that retains a minimum 28m distance to the Church. The 'inner' parameter has been increased to 'up to 5m' to allow these building lines to be further away from the Church.

- 11.75 This change although positive and welcome is relatively modest. It would potentially expand the area of the Piazza and increase the distance of built form from the rear of the church by up to 5 m. It is considered that this would not however fundamentally alter the nature and scale of the impact on the church. The applicant's assertion that there will be no direct effects on the Church, and that the impacts of the scheme on its setting would have a 'major beneficial effect' are considered to be unconvincing.
- 11.76 The outline nature of this application, ensure that questions remain here regarding the detailed design of any new build elevations facing the Piazza the height of these relative to the church and the detailed design of both the Piazza in terms of its enclosure adjacent to Hope street and its soft/ hard landscaping finish, and as has already been noted the form, height and scale of any high rise block on Plot 9. Whilst these issues would be addressed through any reserved matters application(s), - which it must be acknowledged could potentially secure positive outcomes in terms of enhancing the setting of the church - based on the information provided, the **impact** of the scheme on the setting of the church is for the reasons explored above nevertheless is considered to be **high**. This would result in 'less than substantial harm' to this identified heritage asset.

All Saint's Church - Grade II listed (1953)

- 11.77 The grade II listed Church of All Saints was constructed 1827-28 in natural stone ashlar to the designs of Jacob Owen, (son of T.E. Owen, the so-called 'Father of Southsea'). The building was damaged in the Second World War and restored in 1950. Designed in a (locally) unusual 'neo-perpendicular' or 'decorated' gothic style the church enjoys large arched and tracery'd windows typical of the style and has a number of subtle but notable ornamental features which add to its architectural interest.
- 11.78 The church occupies a setback position from the A3 (Commercial Road) with part (approximately half) of its northern flank adjacent to Church Street (separated only by a footway). The land fronting the west entrance of the church enjoys a riven Yorkstone flag treatment. A (non-original) curved metal railing is also present separating this space from the adjacent footway.
- 11.79 Two semi mature trees (probably Fastigate Hornbeams) and an area of low planting frame and partially enclose the front of the church. The latter is provided with seating and a historic cast iron Victorian lamp column stands as a modest focal point within the space created by the planting.
- 11.80 The architectural and historic value of the asset is considered to be medium. In combination with its communal and (to a lesser degree) evidential value, this equates to a **medium** level of **significance** for the asset overall.



- 11.81 The proposal would retain the existing carriageway alignment adjacent to the Western side of the church and would leave the existing landscaping around the building unaltered. In this regard its impact is already lower than in the case of St Agatha's.
- 11.82 Beyond this, Plots 7 and 8 of the proposal would introduce new built form of significant height/ scale in to the intermediate (rather than adjacent/ close) western setting of the church. The retention of its existing close setting, the offset distances involved between the application plots and the asset (with the road interposed between them suggest that a finding of **medium/moderate impact** is reasonable in this instance. This would result in 'less than substantial harm' to this identified heritage asset.

*Dockyard Extension Wall (grade II listed, 1999)*

- 11.83 Running roughly north-south adjacent to Flathouse Road, Hope Street and Market Way, the dockyard extension wall defines and demarcates the western 'edge' of the application site.
- 11.84 Constructed circa 1864-70 to the designs of Colonel Sir Andrew Clarke of the Royal Engineers, (with some alterations in the 20<sup>th</sup> Century), the scale and height of the wall, (typically 4m) make it a prominent townscape feature in the area. Both the quality of its detailed design, and the workmanship deployed in its construction are notable. The materials utilised include natural rubblestone (with quoined pilasters and horizontal strips/bands picked out red brick). A number of corbelled semi- circular oriels (with 3 gun slits and coping), are also present at intervals along the wall, adding features of visual and historic interest. The architectural and historic interest of the wall (in combination with the relatively rare survival of such features) justify a finding of **medium significance** for the asset.
- 11.85 Works in the close vicinity of the wall are limited. There would however be a noticeable change to its adjacent context along Hope Street. This would result principally in the introduction of significant new built form into its Eastern setting - Its historic function as a means of enclosure would of course remain, and there would be no direct change to its fabric. The close setting of the wall is currently footway, with a busy multi-lane highway adjacent. The scheme would not affect a meaningful change in this regard. In light of this the **impact** of the scheme on the architectural and historic interest of this asset is considered to be **low**. This would result in 'less than substantial harm' to this identified heritage asset.

*Conservation Areas*

- Mile End Conservation Area (No.5) (First designated 1970)
- 11.86 The Mile End Conservation Area is the last remnant of the historic Old Commercial Road (which up to the 1960's, was the principle route into the centre of the City). The area is modest in size but represents a 'pocket' of authentic Georgian and Victorian townscape, in an area that from the early 1970's was very heavily impacted by changes to the city's highway network and wider comprehensive redevelopment.

- 11.87 The conservation area has something of a 'time capsule' quality. Its buildings, and a series of historic walls/railings enclose and frame its public realm, screening it from the visual intrusion of some of the surrounding later development, (and to a more modest extent from the impact of traffic noise).
- 11.88 The area's qualities have been enhanced through the judicious later addition of historically appropriate hard landscaping and the planting of a number of attractive Whitebeam (*Sorbus aria*) street trees. The building of greatest *historic* significance (but also of appreciable architectural merit) is the grade I listed Charles Dickens birth house.
- 11.89 Despite the less than sympathetic nature of its wider context, and the intrusion of some much later development into its immediate setting, the extent of preservation within the area has given it an unusual degree of visual (architectural) coherence. When the number, range and quality of historic buildings (most of which are statutorily protected in their own right) are considered alongside its townscape qualities and associations with perhaps the most important English writer of the 19<sup>th</sup> century it is reasonable to assert that the area has **high significance**.
- 11.90 Notwithstanding its (160m) offset from the tallest component of the proposed scheme (at plot 1 of the application site), the Council do not concur with the applicant's assessment that this conservation area is an area of 'medium sensitivity'. Nor does it concur that the proposal would *"not affect any identified or significant view of or from the conservation area, nor of or from the listed buildings within"*. The Council also does not agree that there will be a *"low to medium impact to this receptor of medium sensitivity"*. This interpretation is unconvincing, and down plays the impact of this scheme on the asset quite significantly.
- 11.91 The conservation area is an extremely rare piece of surviving historic townscape in the context of the City. At present views south from the public realm within the area are harmed by the presence of a number of pre-existing (and unattractive) post war municipal (and other) blocks. Notwithstanding this, as matters currently stand, the existing roofscape and skyline surrounding the asset secure a largely 'low rise' character to its context. The proposal would alter this.
- 11.92 Wireline views have been provided in the applicant's TVIA showing the maximum parameters of the development. This allows for some interpretation of the scheme's impact (much more will of course be required at the reserved matters stage).
- 11.93 The proposal would see the asset and especially its lengthy boundary wall retained. There would also be no direct change to the fabric of any component of the conservation area. The principal impact of the scheme would be the introduction of tall new buildings (principally from Plots 1, 8 and 11) - puncturing views across the roofline of the conservation area to the west, to the south and south-west.

11.94 Portsmouth is a densely populated City. The Mile End Conservation Area sits very close to its commercial core. In this context, the presence of tall buildings within the setting of the area is not considered automatically in and of itself 'harmful'.

11.95 Notwithstanding this, the scheme's presence would, alongside the existing tall buildings to the immediate south introduce further newbuild development into the setting of the area. The absence of detailed design information regarding the precise form, and materiality of these interventions does not however prevent an assessment of **impact**. It is considered that sufficient information has been provided to assess the impact of the scheme on the area as '**high**', particularly in respect of the proposal for Plot 11 to the immediate south of the area - whose proximity would further erode the setting of the area. This would result in 'less than substantial harm' to this identified heritage asset.

11.96 To be clear the finding of a high level of impact would also apply to the individual setting of each of the separately listed assets within the conservation area.

*Other Designated (and Undesignated) Heritage Assets*

11.97 In addition to the assets individually identified and considered above, the location, siting, scale, and heights of the various elements of the proposed scheme would also both singly and in combination result in potential impact(s) to the setting of a further range of designated and undesignated heritage assets located around the proposal site.

11.98 The number and range of these assets has been identified in a scoping exercise undertaken by the applicant and agreed by the Council. They are set out in Chapter 8 of the ES (Paragraph 8.48).

11.99 The further range of assets which this identifies is considered appropriate in terms of their geographical scope and proximity to the application site, The applicant's assessment of the individual significance of these is not however agreed with in all instances, many are considered to be of medium significance, but none to have a value that exceeds high (including the Dickens birth house). In terms of the impact of the scheme on the setting of these, it is asserted that the individual impact of the proposal on any of these assets does not in any event exceed the high degree of harm that has been identified in relation to the key assets identified and discussed above.

11.100 To be clear this is also considered to apply to the impact of the proposal on the Grade I listed birth place of Charles Dickens and all of the other separately identified assets within the boundary of the Mile End Conservation Area.

11.101 This finding is based on a range of factors including (but not necessarily limited to): the presence of surrounding built form within the setting of these additional assets - the height, mass and scale of which would, alone or in combination, screen all (or part) receptor asset from the proposal site and the greater distance of these further assets from the proposal site.

Warehouse style building to the rear of 219-223 Commercial Road

- 11.102 In addition to the assets discussed above, Historic England (HE) have also highlighted townscape addressing Pye Street (at the Northern end of Commercial Road) as having historic interest. A warehouse style building to the rear of 'McDonalds' and addressing Pye Street has been highlighted in particular.
- 11.103 In response to this, it is confirmed that the Council at its discretion, consider this building to be an 'undesigned heritage asset' (albeit one which has not been 'pre-identified' as such by inclusion on the Local List). The building appears to possibly be a remnant of a larger 19th Century structure the front of which was probably replaced in the mid-20th century. In light of this, the building is considered to have a low degree of significance, as such the impact of the loss of this building is also considered to be low.

Adverse Heritage Impacts

- 11.104 In summary, the Council's views and design/townscape analysis above contains the detailed narrative on heritage impacts. The adverse impacts identified are summarised in **Table 3** below:

Designated Heritage Assets			
Asset Name	Status	Impact on Setting	Resulting Harm
St Agatha's Church	Listed Grade II*	Negative	Less than substantial harm - higher end
All Saints Church	Listed Grade II	Negative	Less than substantial harm - moderate
Dockyard (extension) wall	Listed Grade II	Negative	Less than substantial harm - lower end
Mile End Conservation Area	Conservation Area	Negative	Less than substantial harm - higher end
Non-Designated Heritage Assets			
Hospital memorial plaques	Local Heritage List	Negative	Relocation resulting in high level of harm
Elevation of the former Portsea Institute	Local Heritage List	Negative	Demolition/Loss resulting in high level of harm
Warehouse style building to the rear of 219-223 Commercial Road	Not on Local Heritage List	Negative	Demolition resulting in low level of harm

**Table 3** - Adverse Heritage impacts identified

- 11.105 Whilst all instances of harm to designated heritage assets may be 'less than substantial', great weight must be given to the conservation of heritage assets (Paragraph 199 of the NPPF) and clear and convincing justification provided for any level of harm (Paragraph 200).
- 11.106 The duty to pay "special regard" or "special attention", in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 means that there is a "strong presumption" against the grant of planning permission where it would cause harm to a heritage asset. It is also important to note that the identification of 'less than substantial harm' does not equate to a 'less than substantial' objection. The decision-maker must apply a weighted or tilted balancing exercise, giving the assessed degree of harm to the heritage asset "*considerable importance and weight*" and offsetting harm against other considerations.
- 11.107 With regard heritage impact, the NPPF states:

*'197. In determining applications, local planning authorities should take account of'*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

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

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

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

- 11.108 Paragraph 193 of the NPPF places great weight on the preservation of designated heritage assets and their settings. This applies to the identified statutory listed buildings and conservation area in this case. The starting point is 'no harm'.

#### Assessment of Harm versus Benefits

- 11.109 Paragraph 202 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, *"this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."*
- 11.110 An assessment of the current application has identified 'less than substantial' harm would be caused by the proposed buildings which would be harmful to the setting of the Miles End Conservation Area. It would also be harmful to the setting of the statutorily listed St Agatha's Church, All Saints Church and Dockyard (extension) wall and two non-designated heritage assets (the façade of the former Portsea Institute on Clarence Street and the hospital memorial plaques located in the vacant supermarket building) as set out in **Table 3** above.
- 11.111 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated heritage assets, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 202 of the NPPF. These benefits are considered to be:
- New Homes - delivery of up to 2,300 new homes, including 30% affordable homes, provided in a range of sizes and contributing to a mixed and balanced community;
  - New Community and Employment uses - new commercial and community uses to increase activity and support the vitality and viability of Portsmouth City Centre with up to 10,000sqm of non-residential flexible commercial floorspace proposed creating on-site jobs, and significant temporary construction jobs and apprenticeships during the construction period; and
  - Improving and Enhancing Public Realm and biodiversity - a new public park in the centre of Portsmouth with public realm and biodiversity enhancements for the benefit of all, contributing to healthy lifestyles,



social activity and civic pride.

- 11.112 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.
- 11.113 The proposal would contribute to the economic viability, accessibility and environmental quality of the City Centre, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

#### Open Space, Recreation and Living Conditions for Future Occupiers

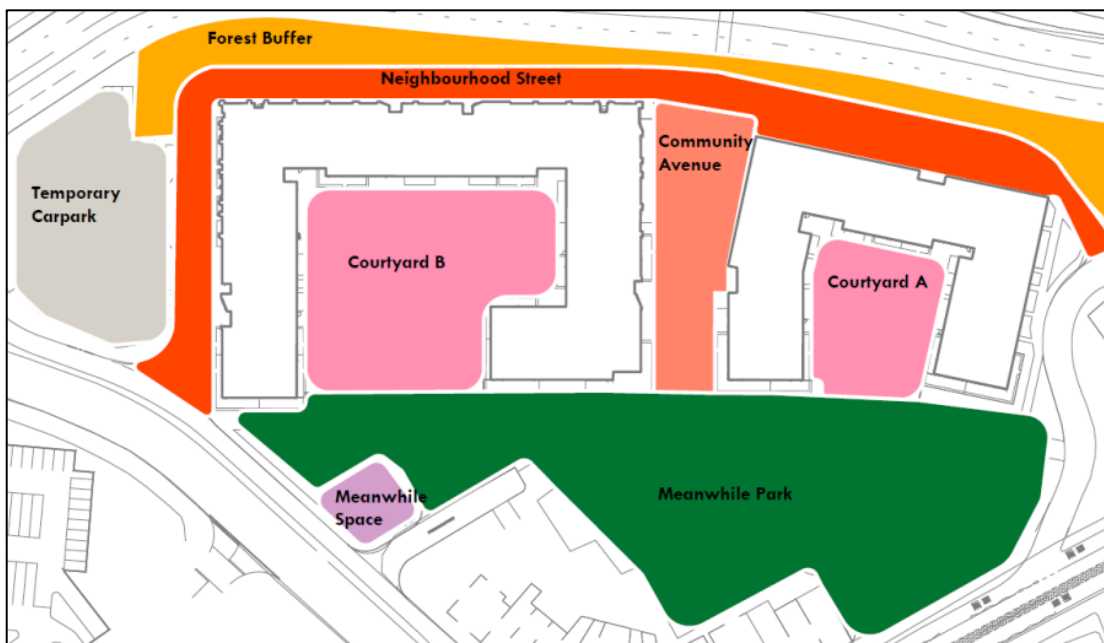
- 11.114 Policy PCS13 of the Portsmouth Plan states that the Council will work collaboratively to protect, enhance and develop the green infrastructure network, inter alia, requiring improved accessibility to green space by foot, cycle and public transport corridors, play value for the whole community including pocket parks of 1.5ha per 1000 population (sites above 50 dwellings). There is no bespoke open space standard set out in existing Local Plan policy or SPD; however, the NPPF makes it clear that resident access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Furthermore, guidance is contained in the Fields in Trust benchmark guidelines "*Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard (2015)*"<sup>1</sup> and in the Council's Parks and Open Spaces Strategy (2012 to 2022).
- 11.115 Policy PCS23 of the Portsmouth Plan requires that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD, emerging Policy H6 of the emerging local plan, and the 'Technical housing standards - nationally described space standard' (NDSS) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

#### Open Space and Recreation

- 11.116 The proposed development has been designed around the creation of significant public realm and the promotion of active transport accessibility.

The Phase 1 design promotes multiple ways to explore and move through the site, including direct routes or more meandering connections such as the exploration trail. Alongside these connections are improvement to pathways, and the introduction of new crossings. This will result in pedestrian and cycle access being easier and more desirable, promoting active travel within the City Centre.

- 11.117 The current site includes a mix of buildings and car park space with a relatively restricted public realm provision and permeability. The proposal would provide new and regenerated public realm and landscaping, with improved pathways and crossings through the site. Under Phase 2, the removal of the A3 (Marketway) would enable the prioritisation of active travel modes through the site.



**Figure 10** - Phase 1 Landscape Character Areas

- 11.118 Phase 1 of the proposed development would deliver up to 8,862m<sup>2</sup> of public open space. This would comprise the public park (6,950m<sup>2</sup> - known as the 'Meanwhile Park') and open space avenue (1,912m<sup>2</sup>) that would be developed to include lawn space, areas for children's play, and active travel routes through the site. In addition, 4,961m<sup>2</sup> would be privately accessible communal amenity space comprising courtyards (3,640sqm) and roof terraces (1,321sqm). In total, up to 13,821m<sup>2</sup> of open space is envisaged. The landscaping within Phase 1, which is illustrative at this stage, with detailed landscaping reserved for future determination, can be characterised into distinct 'Landscape Character Areas' as illustrated in **Figure 10** above.
- 11.119 As Plot 1 (Phase 1) and the associated landscaping will be the first to be constructed as part of the proposed development and will directly connect with several of the neighbouring plots of Phase 2, an area of the Phase 1 landscape will be subject to change during the build out of Phase 2. This area, the 'Meanwhile Park' (6,950m<sup>2</sup>) will be broken down into temporary and permanent landscape features. It is therefore considered appropriate for this to be conditioned.

- 11.120 The hard landscape strategy for the site comprises internal roads, paved, permeable and gravel pathways, a timber boardwalk, decking, playground safety surfacing and seating areas. The soft landscape strategy for the site comprises a number of newly planted trees in addition to the retention of a number of trees across the site and additional planting at ground and roof levels across Phase 1.
- 11.121 Under Phase 2, the proposed development would deliver additional open space through the expansion of the meanwhile park into a full public park with spaces for children's play, the retention of biodiversity and further travel routes. This would be supported by further public spaces for events, a green corridor to the east of the site, urban planting to shield development from the surrounding road network, and a wider range of private courtyards as residential blocks.
- 11.122 The public realm and landscape masterplan for Phase 2 of the proposed development has not yet been developed, however, Phase 2 will largely follow Phase 1 in terms of the illustrative landscaping provision, including public and private open space, amenity roof terraces and growing space. Public realm and landscape provision for Phase 2 will be detailed as part of future Reserved Matters Applications. Play space provision for Phase 2 will also be detailed as part of future reserved matters planning applications. It is assumed that 10,000m<sup>2</sup> of NEAP will be required within the new park provided within the wider development. The 'Public Realm and Landscape' Parameter Plan submitted for approval at this stage shows that a minimum 'end state' public park area of 2.46ha would be provided once Phase 1 and Phase 2 are completed together with a public realm area to St Agatha's Church of 0.43ha and minimum private amenity areas for each plot (Plots 1 to 11) ranging from 0.02ha (Plot 2\*\*) to 0.16ha as shown.
- 11.123 The 'Proposals Map' accompanying the Portsmouth Plan identifies an area of designated Open Space within the application site to the north of St Agatha's Church. This area contains a number of trees and is also used for car parking. Policy PCS13 seeks to protect, enhance and develop the City's green infrastructure network. The Open Space designation is located on the Phase 2 part of site and is unaffected by the Phase 1 development. By the time of development on the part of the Site that includes this Open Space, new open space will have been provided in Phase 1, more than offsetting this area. This will further be complemented by the delivery of open space, including that around St Agatha's Church, in Phase 2.
- 11.124 As identified in Chapter 14 of the ES, the proposed development would generate demand for existing spaces through supporting a residential population on-site. This demand will be addressed through the delivery of the high quality open and play space including a linear park, a central neighbourhood equipped area for play (NEAP) and supporting local areas of play proposed.
- 11.125 The proposed development would also generate a substantial provision of new play space. Under Phase 1, the proposal would contribute 895m<sup>2</sup> of

designated play space to address existing local demand and demand for local residents. Under Phase 2, the proposed development would also result in the generation of one NEAP, in line with policy in the emerging Portsmouth Local Plan, located in the central park area.

- 11.126 The Health Impact Assessment submitted with the application has assessed the proposed development against the following criteria shown in **Table 4** below:

Assessment criteria	Potential health impact
Displacement of existing businesses and community uses	Negligible
Housing design and affordability	Major beneficial
Access to health and social care services and other social infrastructure	Moderate adverse
Access to open space, play space and recreation	Major beneficial
Air quality, noise and neighbourhood amenity	Moderate beneficial
Accessibility and active travel	Major beneficial
Crime reduction, community safety and social cohesion	Minor beneficial
Access to healthy food	Moderate beneficial
Access to work and training	Negligible
Minimising the use of resources and climate change	Moderate adverse

**Table 4 - Health Impact Assessment Criteria**

- 11.127 The proposed development results in a single significant adverse health impact during the demolition and construction phase. This occurs as a result of displacement of existing businesses and community uses under Assessment Scenario 2. Under Assessment Scenario 2, the Tropics Sauna, a sensitive community facility (a day spa facility, events and safe space for the LGBTQ+ community) located on-site would be displaced.
- 11.128 The provision of flexible on-site floorspace at the proposed development offers the opportunity for re-provision of this space, however at this stage it is not guaranteed that this facility would be relocated on-site. The Council's Health team are aware of this impact and will continue consultation alongside the applicant to determine the potential needs of the facility and potential for re-provision within the city. However, for the purposes of this assessment, this effect remains as a moderate adverse (significant) effect.
- 11.129 No significant adverse health effects are expected once the proposed development is operational. No further mitigation measures are proposed in Chapter 14 of the ES.
- 11.130 Overall, the proposed development will result in a significant net increase in the quantity and quality of open space. Providing a new public park at the heart of the development and making open and green spaces more accessible will also provide significant mental health benefits to local and

future residents and would be fully in accordance with Policy PSC13 of the Portsmouth Plan.

- 11.131 It is considered appropriate that the delivery and community stewardship of the public park and spaces envisaged be secured in the S106 agreement.

#### Living Conditions of Future Occupiers

- 11.132 As described in the '*Summary Accommodation Schedule*' submitted with the application, the proposed units would all meet the minimum gross internal floor areas set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard.
- 11.133 All homes would be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate and a minimum of 5% of all homes would be provided as wheelchair user dwellings (Building Regulations M4(3)) and 20% would be accessible standards (M4(2)). Phase 1 will provide 28 wheelchair access homes (5% of homes within this phase). This aligns with emerging Portsmouth policy which sets a target for 5% of all newly built dwellings to be wheelchair accessible homes.<sup>19</sup> Wheelchair accessible homes are prioritised for delivery on the ground floor of residential uses, with front doors onto the street.
- 11.134 All homes will have access to private amenity space, in the form of gardens or balconies (with balcony sizes chosen to achieve Home Quality Mark credits), and shared amenity space and will be within easy reach of the central public park. In order to ensure that the privacy of the ground floor residential units is protected, details of defensible space for these units would be secured by condition.
- 11.135 In terms of the physical layout of the site, there is adequate separation between blocks (20 metres between Blocks A and B in Phase 1 and illustratively shown as 18 to 30 metres within Phase 2) albeit in some instances these distances fall to illustratively 8 and 10 metres; this is only applicable in a couple of locations (Plot 3 and 4 in Phase 2) and in rear to flank elevation scenarios. However, in order to achieve the density proposed and the benefits in terms of housing delivery and wider planning objectives this is considered to be acceptable.

#### Wind Microclimate

- 11.136 Chapter 17 of the ES considers wind microclimate and is accompanied by a Wind Microclimate Assessment which considers whether any undesirable wind conditions would be created on-site and in the surrounding area, as a result of the proposed development. The assessment has considered areas at ground level (specifically at building entrances, pedestrian thoroughfares and within amenity spaces) within the site, at the proposed development's balcony and roof terrace levels, around the buildings surrounding the site (including building entrances, throughfares and bus stops) and within nearby areas of off-site public open spaces once the entire proposed development is



completed. The assessment has also considered the potential for strong winds to impact upon the safety of cyclists and pedestrians.

- 11.137 It is expected that during the demolition and construction works for both Phase 1 and Phase 2, construction workers will be adequately protected with health and safety measures. Additionally, it is assumed that there will be restricted access (i.e., not accessible to the general public) where demolition and construction works are being undertaken on the site. As such, the likely effect on construction workers during Phase 1 and Phase 2 is expected to be negligible (not significant).
- 11.138 During the construction of Phase 2, Phase 1 will be complete and operational. With the implementation of the proposed landscaping scheme and wind mitigation measures set out below, wind conditions would represent a negligible (not significant) effect with no significant effects occurring within and immediately surrounding Phase 1. At off-site locations throughout the demolition and construction works, wind conditions would gradually adjust to that with the completed proposed development in situ, representing a negligible (not significant) effect providing the mitigation measures detailed below are implemented.
- 11.139 The assessment of the completed Phase 1 has identified that all locations tested within the Phase 1 site area would achieve the desired wind conditions for their intended uses (with a number of locations experiencing winds calmer than required for the intended use) both on-site and off-site, with the inclusion of mitigation measures. Mitigation measures proposed include, but are not limited to, ground level planting, side screens on balconies and the provision of screening at ground floor level.
- 11.140 With respect to Phase 2, mitigation principles, which are captured in the Outline Design Code, have been discussed qualitatively in relation to how they might mitigate adverse effects within the Phase 2 site area. Further assessment will need to be undertaken at the later Reserved Matter Application stage(s) against the detailed scheme that would ultimately come forward and as part of this verification of the effectiveness of any wind mitigation measures required. This would be secured by condition.
- 11.141 Potentially suitable mitigation measures within the Phase 2 site area which may be applied during the detailed design stage include ground floor tree planting, provision of canopies and side screens, which are noted within the Outline Design Code. With such wind mitigation measures implemented within Phase 2 of the proposed development, wind conditions would be expected to be appropriate around the completed proposed development with safe wind conditions throughout the year.

Receptor	Description of Significant Effect	
Completed Development (Phase 1 and Phase 2)		



Thoroughfares	Wind conditions at thoroughfare locations within the Phase 2 site area to the north, west and south of Plot 9 and at the north of Plot 2 during the windiest season	Minor – Moderate Adverse
Balconies	Wind conditions on the balcony amenity spaces within the Phase 2 site area on the southern elevation of Plot 8	Minor Adverse  (Note: minor adverse effects are considered 'significant' in the wind microclimate assessment)
Strong winds	Instances of strong winds with the potential to be a safety concern for cyclists and more vulnerable pedestrians at ground level at the northern corners of Plot 9, Plot 2, Plot 5 and to the south of Plot 10 within the Phase 2 site area.	Significant  (Note: any instance of strong winds is classified as 'significant')

**Table 5** - Summary of the likely significant residual townscape and visual impact effects of the proposed development

- 11.142 No likely significant wind effects relating to comfort or safety have been identified within the Phase 1 site area. **Table 5** above summarises the likely significant wind microclimate effects of the proposed development. Windier than suitable conditions and significant effects identified within Phase 2 of the proposed development would require mitigation through wind tunnel testing of the detailed design during the Reserved Matter Application stage(s).

#### Daylight and Sunlight Microclimate

- 11.143 An 'Internal Daylight Sunlight and Overshadowing Report' has been submitted with the application. The methodology and criteria used for the assessments is provided by the Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2011).
- 11.144 As the proposed development includes both detailed massing in Phase 1 (Plot 1) and Outline massing in Phase 2 (Plots 2-11), two assessments have been undertaken to assess the daylight and sunlight provision within the residential accommodation. For Phase 1, the detailed element of the scheme, the daylight and sunlight to rooms within the proposal has been considered. For Phase 2, the outline element of the scheme, a façade assessment has been undertaken on the Maximum Parameter massing to assess the potential daylight and sunlight provision.

- 11.145 In addition to this, overshadowing to proposed amenity spaces within the scheme has also been assessed. This standalone report accompanies Chapter 9 of the ES submitted.

Daylight Assessment - Phase 1

- 11.146 The examined predicted internal daylight levels comprised assessing 1,453 habitable rooms. The study found that within Phase 1 (Plot 1), 1,275 of the 1,453 habitable rooms (88%) exceed the BRE guidelines. There are, however, 10 bedrooms and 168 lounge/kitchen/dining rooms that fall below the recommended target, levels as set out in the guidance. 115 (68% of those) achieve daylight levels within 30% of the recommended target and are therefore considered minor transgressions.
- 11.147 All of the main living spaces that fall below the targets are served by at least one window located beneath or behind balconies. These balconies provide important external amenity to the apartments, but also cause obstruction to daylight and sunlight to those below or behind them. The rooms which are limited by projecting balconies above and are typically served by, and benefit from the amenity provided by their own balcony. There is therefore a direct trade-off between the amenity provided by the balconies and the lower potential for daylight. Whilst the daylight levels to a small number of rooms are lower than the suggested BRE target, the use of an outdoor amenity space can be equally beneficial to the occupants and the amenity benefits associated with the balconies can offset any reduced level of daylight.
- 11.148 These multi-use living spaces are inherently deep spaces and are comprised of a living space with kitchen uses located at the rear of the room, which do not have a reasonable expectation for high levels daylight and often rely on task lighting when in use. The assessment has considered the whole space, as per the BRE guidance, however if the living spaces are considered in isolation, which are located at the front of the room, the daylight levels presented would be much higher.
- 11.149 The remaining 10 deviations occur in bedrooms, where the BRE guidance notes there is a lower expectation for daylight due to the primary use of the room. Each of the 10 deviating rooms, retain daylight levels of at least 0.8% - 0.9% Average Daylight Factor (ADF) and therefore are considered minor transgressions.
- 11.150 The assessment of daylight within the proposed apartments has therefore shown that the vast majority of the habitable rooms receive good levels in excess of the relevant BRE targets. The ADF results have shown that 88% of the habitable rooms across the proposed development meet the daylight criteria. The deviations that occur are typically marginal and or driven by overhanging balconies, which provide essential private amenity.

Sunlight Assessment - Phase 1

- 11.151 The results of the sunlight assessment have shown that 230 (56%) of the 412 south facing main living spaces achieve the recommended BRE target levels.

- 11.152 Considering the rooms that do not meet these targets, these are primarily either located in the north, east or west facades of the buildings and/or located beneath external balconies. It is therefore not possible for these rooms to achieve the full suggested BRE target levels of sunlight because they either do not have a direct southerly orientation or are obstructed by external balconies.
- 11.153 The orientation of the buildings has been designed to avoid primary north facing units, with each façade having some form of east, west or south facing orientation. This has the effect of ensuring the vast majority of apartments have some sunlight, avoiding large numbers of single aspect north facing. This is generally seen as the optimal design for multi block schemes in terms of sunlight.
- 11.154 The majority of rooms below the targets are served by at least one window obstructed by overhanging or recessed balconies which a key obstruction to sunlight levels within main living spaces. As mentioned above, these balconies provide important external amenity to the apartments, but also cause obstruction to daylight and sunlight. Therefore, it is generally considered an acceptable direct trade-off between the amenity provided by the balconies and the lower potential for sunlight. It should be noted that sunlight levels on the balconies themselves are likely to be very good in most cases.
- 11.155 The BRE guidance suggests in its introduction that the numerical targets given need to be interpreted flexibly and in consideration of other site constraints. Clearly, attaining full compliance with sunlight targets would conflict with the overarching design constraints for the site and needs to be viewed on-balance. "For larger developments of flats, especially those with site constraints, it may not be possible to have every living room facing within 90° of due south".
- 11.156 The results of the sunlight assessment for Phase 1 have shown that 56% of the south facing units, have a main living room that achieves the recommended levels. The lower levels of sunlight stem from need to provide each unit with essential private outdoor amenity space, which are likely to achieve good levels of direct sunlight themselves. It should be noted that the scheme has been designed to avoid primary north facing units wherever possible. This is considered the optimal design, allowing for some sun to the majority of units, rather than a greater number of north facing units.
- 11.157 On this basis, it is considered that the levels of sunlight provided are consistent with the intentions of the BRE guidance. It is also noted that paragraph 125(c) of the NPPF guides that "... authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). This is national guidance is considered particularly relevant in this case.

Daylight and sunlight within the outline Phase 2

### Daylight Assessment - Phase 2

- 11.158 In addition to undertaking analysis of the detailed element of the proposed development (Phase 1), a further study of the indicative daylight / sunlight levels within the outline massing has been undertaken. The assessment is provided in the form of facade studies and mapping the potential light levels available, which can be found within Appendix 2 of the Report.
- 11.159 As the facade maps provided confirm, the vast majority of the outline component's facade area would receive greater than the 27% BRE ideal target, or between 15% and 27% i.e., wholly reasonable for a scheme of this nature. Of the remaining facade areas (c.4%), the level of daylight would generally be at lower levels, or where the available light is more restricted by neighbouring blocks, which is inevitable in more dense urban environments. With appropriate design measures, including the placement of bedrooms in more constrained areas, high levels of overall compliance with the BRE criteria for daylight will be achievable as the outline phase evolves to detailed design stage.
- 11.160 It should be considered that the maximum parameter massing for the outline component of the proposed development presents a worst-case scenario. It is expected that the light potential will be maximised through iterative detailed design development of any future detailed application schemes within the outline Phase 2 component of the proposed development. In this context, the potential daylight availability within the proposed development is good.

### Sunlight Assessment - Phase 2

- 11.161 For sunlight, the facade maps provided illustrate that the vast majority of the south-facing elevations within the outline component will have good sunlight availability, with c.99.5% of the facades meeting the BRE targets.
- 11.162 As with the daylight facade study referred to above, it should be remembered that the maximum parameter massing for the outline Phase 2 presents very much a worst-case scenario; which will be refined at detailed design stage. Nevertheless, the sunlight potential indicated within the scheme is good.
- 11.163 Overall, the results of the facade study shows that the vast majority of the blocks show that they have the potential to achieve good levels of daylight. The sunlight results also show that there is a high sunlight potential on the facades, with the vast majority showing compliant levels of sunlight.
- 11.164 As such, as the units are considered to provide good quality residential living space, this digression is considered to be acceptable in this particular instance.

### Overshadowing to proposed amenity (Sunlight Amenity Assessment (2-hour sun on ground))

- 11.165 The proposed development's potential effect on overshadowing using the two-hour sun on ground / sunlight amenity assessment has been considered for the main ground level and podium spaces for Phase 1. The results show that all 5 spaces assessed achieve 2 hours of direct sunlight to in excess of 50% of the space and therefore are considered to be in line with the BRE guidance.
- 11.166 It should be noted that all residents will have access to the primary central space (Area A) which sees well in excess of the BRE targets. Significant works have gone into the scheme design to ensure that this open space achieves good levels of direct sunlight.
- 11.167 Overall, the assessment of sunlight (overshadowing) within the proposed areas of ground level and podium space with the potential to be amenity space, have shown that 85% of the amenity space will receive more than two hours of sunlight on 21st March and thereby exceed the BRE targets.

Impact on amenities of adjoining properties

- 11.168 Policy PCS23 of the Portsmouth Plan requires that development should protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers.

Daylight and sunlight

- 11.169 The BRE Guidelines provide three different methods for assessing daylight for existing residential accommodation: the Vertical Sky Component (VSC) method, No Sky Line Contour (NSC) method and the Average Daylight Factor (ADF) method.
- 11.170 When reviewing the daylight results for each surrounding property in the first instance, the VSC results are considered, looking at the daylight potential at the window face. This is the most basic daylight assessment and is considered in conjunction with the NSC to consider the daylight entering the rooms. The levels of significance of effect to existing neighbouring properties is determined through VSC and NSC assessment.
- 11.171 Chapter 9 of the ES (and accompanying Appendix) provides a detailed daylight, sunlight and overshadowing assessment considering the existing residential properties and areas of amenity spaces that are close to the site. The assessment of daylight and sunlight considers the effect of the proposed development on the existing levels of daylight and sunlight received by nearby existing neighbouring properties (including Nickleby House, All Saints Church, 1-15 Foley House, 1-31 Cornwallis House, properties along Commercial Road including Wingfield House, 6 Markey Way, Masonic Hall, 6 Lake Road, St Agatha's Church and 1-15 Hallowell House).
- 11.172 The assessment of overshadowing determines the potential for the proposed development to cast a shadow on nearby areas of amenity spaces near the site (including amenity space at Cornwallis and Hallowell House; Nickleby House and the open space and multi-sports pitch to the north of Church

Street). The solar glare assessment has considered the potential for the proposed development to reflect sunlight and dazzle users of nearby road users (including along A3/Hope Street, Wingfield Street, Church Street, Lake Road, Charlotte Street and through the site).

### Daylight

- 11.173 Daylight is the general amount of light (direct and indirect) which enters a room during the daytime. To identify potential effects, a total of 891 windows serving 590 rooms have been assessed following the completion of Phase 1 of the proposed development, and a total of 832 windows, serving 542 rooms following completion of the proposed development (Phase 1 and Phase 2). No properties would experience significant reductions to daylight levels following the completion of Phase 1.
- 11.174 Following completion of the entire proposed development (Phase 1 and 2), four property groups would experience significant reductions in daylight amenity, with 1-15 Hallowell House experiencing a '*Major Adverse*' effect and 1-15 Foley House, 1-31 Cornwallis House and Masonic Hall experiencing '*Moderate Adverse*' effects.
- 11.175 It should be noted that following the detailed design of Phase 2 coming forward, significant daylight effects identified with regard to the Phase 2 assessment are likely to be reduced.

### Sunlight

- 11.176 Sunlight is the direct light from the sun which can be seen / which enters a room. To identify potential effects, a total of 211 rooms were assessed following the completion of Phase 1 of the proposed development, and a total of 210 rooms following completion of the entire proposed development (Phase 1 and Phase 2). All properties would experience negligible changes to sunlight following the completion of Phase 1. Following completion of the proposed development (Phase 1 and 2), four property groups would experience minor reductions in sunlight amenity (not significant) with the remainder experiencing negligible alterations

### Overshadowing

- 11.177 The overshadowing assessment shows that all four of the surrounding amenity spaces assessed will satisfy the guidelines in relation to overshadowing and hence no noticeable effects are expected as a result of the completed proposed development (Phase 1 and 2).

### Solar Glare

- 11.178 The solar glare assessment assessed provided shows a total of 1 viewpoints for both Phase 1 and Phase 1 and 2 of the proposed development. Whilst some minor instances of solar glare would occur, only one viewpoint (Viewpoint G – travelling south-west on Lake Road) would experience a



significant solar glare (following completion of Phase 1 and 2 of the proposed development).

11.179 Whilst these instances of glare occur within the eye line of the driver, they are driven by the nature of the maximum extent of Phase 2 of the proposed development assessed being treated as fully reflective. Following the detailed design of Phase 2, whereby further assessment will be undertaken as necessary, it is likely that the significant solar glare effect will be reduced due to the building being broken up by brickwork and balconies.

11.180 **Table 6** below provides a summary of the likely significant residual daylight, sunlight, overshadowing and solar glare effects of the proposed development.

Receptor	Description of Significant Effect	Scale and Nature of Residual Effect
<b>Completed Development (Phase 1 and Phase 2)</b>		
1-15 Foley House; 1-31 Cornwallis House	Reduction to Daylight to existing receptor	Minor to Moderate Adverse
Masonic Hal		Moderate Adverse
1-15 Hallowell House		Major Adverse
Road Users travelling south-west on Lake Road (Viewpoint G)	Instances of Solar Glare to road users	Moderate Adverse

**Table 6** - Summary of the likely significant residual daylight, sunlight, overshadowing and solar glare effects of the proposed development

Outlook, privacy and overlooking

11.181 The development has been designed to ensure no undue overlooking or loss of privacy to neighbouring residential properties. All existing neighbouring residential properties are located well in excess of 21m from the proposed blocks and therefore no undue loss of outlook or privacy would arise to these properties.

11.182 Given the separation distances proposed and positioning of the proposed windows and amenity areas, the proposed development would not appear visually overbearing or result in any undue overlooking or loss of privacy to neighbouring residential properties.

Air Quality

11.183 Chapter 6 of the ES considers the potential for both the demolition and construction works, and the operation of the proposed development, to result in air quality impacts on both existing and introduced receptors. The key considerations of this assessment have been dust emissions and emissions from Heavy Goods Vehicles during demolition and construction, and road traffic emissions once the proposed development is completed and operational.

- 11.184 The Energy Strategy for the proposed development with regards to heating is all electric; therefore, there are no emissions to air as a result of the proposed development energy use (e.g., via gas boilers). Any life safety generators proposed will meet relevant guidance and as such have not been considered further.
- 11.185 Although the demolition and construction of the Proposed Development will lead to an increased number of heavy-duty vehicles on surrounding roads, the increase will have a negligible effect on air quality (for both nitrogen dioxide and dust particles) at nearby sensitive receptors, such as residential dwellings, during the construction of both Phase 1 and Phase 2 of the proposed development.
- 11.186 Whilst the demolition and construction works will give rise to a risk of dust impacts without mitigation, mitigation measures will be put in place to ensure that there are no significant effects. Mitigation measures will be written into a Dust Management Plan (likely forming part of the Construction Environmental Management Plan), which will include measures such as using water to damp down dust. This will be secured by condition.
- 11.187 Road traffic emissions associated with the proposed development once completed have been assessed as having a Negligible effect on local air quality and would not lead to the national or local air quality objectives being exceeded during the operation of both Phase 1 and Phase 2 of the proposed development. There is therefore no requirement for mitigation beyond good design and best practice measures such as the preparation of a Delivery and Servicing Plan secured by condition which will set out how all types of freight vehicle movements to and from the site will be managed.
- 11.188 In summary, air quality for existing and future residents and users of all areas of the proposed development are deemed to be acceptable and no likely significant effects on air quality receptors have been identified as a result of the proposed development, both during demolition and construction and once the proposed development is completed and occupied.

#### Noise and vibration

- 11.189 An assessment of the effects of the proposed development on noise and vibration levels during the operational phase is set out in Chapter 13 of the ES. The assessment undertaken has considered the potential for the proposed development to impact noise and vibration levels at nearby properties and sensitive uses within the site. This includes during the demolition and construction works, as a result of the works themselves and also heavy goods vehicle movements, and once completed and occupied, as a result of changes to road traffic, building services systems and operational noise from the non-residential uses.

#### Noise

- 11.190 During the demolition and construction works, negligible (not significant) to major adverse (significant) temporary and short-term noise effects are

expected pre-mitigation. Consequently, a Construction Environmental Management Plan will be secured by planning condition to ensure a number of best practice demolition and construction measures are committed to during the works. These include measures such as the use of hoarding around the site and avoidance of unnecessary noise such as vehicle idling. A live noise monitoring system may also be implemented which would provide notifications to the Principal Contractor before any noise limits are exceeded, allowing necessary actions to be undertaken to reduce noise levels. With these measures in place a number of nearby sensitive receptors will experience temporary adverse noise effects; however, no significant adverse noise effects as a result of the demolition and construction works (for both Phase 1 and Phase 2) are likely to occur following the implementation of mitigation.

#### Vibration

- 11.191 Vibration from the proposed demolition and construction works (for both Phase 1 and Phase 2) would result in negligible vibration effects at all nearby sensitive receptors due to the separation distances and implementation of the Construction Environmental Management Plan.
- 11.192 Construction traffic (for both Phase 1 and Phase 2) would result in negligible changes to noise levels along nearby roads and receptors. No significant effects from operational road traffic noise associated with the proposed development have been identified once completed and operational. The effects at all receptors were deemed negligible and, therefore, no mitigation measures are considered necessary.
- 11.193 Building services equipment noise limits (including those for the emergency diesel generators and air source heat pumps) will be managed by planning condition, meaning that the detailed design of this equipment must comply with certain levels, attached to the planning consent (if granted) to ensure Negligible effects.
- 11.194 With regard to commercial uses, during the detailed design stages of the proposed development, the sound insulation performance requirements of the external building fabric would be appropriately specified to control noise break-out, having regard to the nature of future uses. Noise from commercial uses would be subject to standard controls that will be secured by conditions.
- 11.195 No likely significant noise and vibration effects have been identified as a result of the proposed development, both during demolition and construction and once the proposed development is completed and occupied.
- 11.196 No objection has been raised by the Council's Regulatory Services to the proposed development subject to conditions relating to noise and sound insulation as suggested being attached to any permission granted. Subject to these conditions, the proposed development is considered acceptable.

#### Light pollution

- 11.197 It is recognised that there is the potential for some level of light pollution arising from the development as the buildings are larger and taller than that previously on site. However, it is not considered light generating from the flats would be unreasonable given they are expected to be used in a normal residential fashion. A planning condition is recommended that details of any external lighting are provided by condition to ensure that this will be acceptable in relation to existing neighbouring residents and future occupiers of the development. As well as ensuring that there is not an unacceptable impact on local wildlife and the surrounding landscape.

#### Transport and Highways

- 11.198 Section 9 of the NPPF sets out that transport issues for development should be considered from the earliest stages, so that: opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 110 states it should be ensured that: appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the NDG and the National Model Design Code.
- 11.199 The NDG states that '*compact forms of development bring people together to support local public transport, facilities and local services. They make destinations easily accessible by walking or cycling wherever this is practical. This helps to reduce dependency upon the private car*', and that '*a well-designed movement network defines a clear pattern of streets that... limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality*'.
- 11.200 Furthermore, paragraph 112 of the NPPF states that applications for development should: give priority to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; and create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.
- 11.201 The traffic and transport implications of the proposed development are identified in the submitted Transport Assessment (TA) and considered within Chapter 15 of the ES. The relationship of the proposed development with the transport infrastructure schemes being brought forward by others is also set out in the TA and summarised in Section 3 of the Planning Statement submitted.

11.202 The development site forms a large part of the northern City Centre area, including several adopted roads of varying importance. Phase 1 is confined predominantly to the site of a former supermarket and adjacent off-street car park, both of which are within the ownership of Portsmouth City Council. The site is triangular, with the north-western side bounded by the A3 Hope Street, currently a one-way route and the main egress route from Portsmouth City Centre and Southsea; the southern and eastern boundary are both two-way routes, also part of the A3, providing the main inbound route to the city centre. The site is within the Portsmouth Clean Air Zone (CAZ), implemented in response to a ministerial direction to reduce levels of NO<sub>2</sub> to legal limits.

#### Site Layout and Access

11.203 The site is well located in terms of proximity to facilities with Portsmouth City Centre and sustainable transport modes. However, the current highways arrangements act as a barrier to pedestrian and cycle movements. The proposed development prioritises pedestrian, cycle and sustainable transport modes over the private car, whilst allowing for necessary vehicular movements.

11.204 The first phase of the proposed development is for approximately 550 homes predominantly on the site of a now unoccupied supermarket, but also on an existing Council car park (Clarence Street car park) and 2 other smaller parcels of land with mixed uses. The application also covers the future phases of development, predominantly covering the area occupied by the Cascades surface car park, the carriageway of Marketway (between Marketway and Hope Street roundabouts), and the area to the south/south-east of the Marketway Roundabout (and north of the pedestrianised Commercial Road).

11.205 Access to the Phase 1 site would utilise existing access points at Marketway (to Clarence Street) and at Fitzherbert Street (off of Commercial Road North). There is also a satellite car park proposed, on part of the existing NCP surface car park at Charlotte St with access to the designated area taken from Landport View via an existing 2-way access.

11.206 None of the accesses are proposed to be significantly modified, with all proposed to continue to be used in broadly the same way as existing. The one exception to this is Frederick Street which is currently one way with access from Clarence Street and Andrew Bell Street. It is proposed to stop-up Andrew Bell Street and the majority of Clarence Street as currently exists, with Frederick Street becoming a cul-de-sac with a turning head. This will require the junction with Marketway to be altered to allow entry and egress, the form of which can be secured by condition. Any works required on the highway will require a s278 agreement. It is assumed that the applicant will apply for this stopping-up via the Town and Country Planning Act (Section 247).

11.207 It is proposed to safeguard a strip of land along the Hope Street boundary to facilitate the future widening of Hope Street, reflective of policy PCS17 of the

Portsmouth Plan to provide a new city centre road scheme. This is welcomed and this commitment would be secured by way of s106 legal agreement.

- 11.208 The site is well served by bus routes, with a significant number and variation of services stopping at Commercial Road North, approximately a 200m walk from the development. Given the central location, pedestrian infrastructure is relatively good, with footways provided along both sides of all neighbouring roads except for Hope Street which only has a footway, shared with cyclists, on the north side of the road. There are signalised pedestrian crossings over all 3 of the adjoining routes broadly on existing desire lines. It is not proposed to change any of these as part of Phase 1. New footways are proposed to be created around the site, linking into known desire lines (crossings at Hope St, Marketway and Commercial Road North). The separation between blocks creating a defined route to the north toward Flathouse Road is a positive inclusion and facilitates a popular movement between residential areas to the north(east) of the site and the city centre shopping area.
- 11.209 Infrastructure for cyclists in the area is currently poor when considered against latest guidance, with some shared paths (albeit undersized) available including at Hope Street. Phase 1 of the proposed development will not improve cycle connectivity in the immediate area, though some new routes through the site will be created. It is anticipated that wider connectivity will be delivered through the future phase(s). Whilst this is understandable, given the scale of the wider proposals, should that part of the development not come forward, future residents of Phase 1 will not be enabled to choose cycling as a safe, viable alternative to private car use unless or until active travel schemes promoted by the LHA can come forward. Though most day-to-day services that people require are available within a 15min walk, as are transport links facilitating longer journeys, a contribution toward the development of the council's LCWIP network should be secured to enable local journeys by bike. The crossings at Hope Street and Marketway, bordering the Phase 1 site, are highlighted as being links for pedestrians and cyclists. However, neither of these crossings permit use by cyclists. Therefore, a contribution to upgrade these should be secured in the event the wider road scheme does not come forward prior to the Phase 1 development completing construction.
- 11.210 The later phase of development (Phase 2) is dependent upon the delivery of a re-arranged highway layout in the city centre. In particular the widening of Hope Street to become a dual carriageway and the deletion of a section of Marketway that currently bisects the site. In addition, there are proposed changes to major roundabout junctions at Mile End Road and Cornmill Street to reduce carriageway space and free up additional developable land. An indicative road layout plan has been shown as part of the submitted drawings. At present, the new road is not currently funded, nor a design fixed.
- 11.211 It is accepted that it may be possible to deliver some part of the later phases of development (Phase 2) without the road scheme delivered, however no phasing plan or indication of which sites/development types may come forward first has been provided and as such it is not possible to provide a view on what, if any elements of the later phases could come forward prior to



the City Centre Road Scheme. As the road scheme does not form part of this application, the design and merits of the new proposed road have been considered only where the development has a direct influence on how a future road system may be arranged.

- 11.212 A strategic access plan has been provided for Phase 2, for both vehicles and active modes showing where key links are/will be through (and to) the development. Vehicle accesses are shown at Hope Street, both in place of the existing Hope Street roundabout and a further access to the north off of the proposed southbound carriageway, near Flathouse Road. Further accesses are shown at Commercial Road (North) and at Charlotte Street. It is not clear at this stage what vehicles will be permitted to use each of these accesses, or whether all these accesses will be required, nor the form that these accesses will take. As such, it is not possible at present to provide any comment on whether the siting and/or use of the accesses are appropriate. As such, a condition requiring full details of these accesses to be provided prior to any works being commenced on later phases of the development is considered to be appropriate.
- 11.213 It is, however, welcome to see that vehicular routes will not be available through the site, except for emergency vehicle access. This is important to ensure the area is geared toward pedestrian and cycle movement as per the aims of the new Portsmouth Local Transport Plan 4 (LTP4). In principle the access points would seem reasonable to ensure vehicles cannot travel through the site, though it is unlikely that all the accesses indicated will be required.
- 11.214 The Council's Transport section are currently progressing plans for a new bus link between Unicorn Road and Charlotte Street, funded by an award from the Transforming Cities Fund and due for delivery in 2023. A key pillar of the LTP4 is to improve the public transport offer in Portsmouth, with faster, more reliable bus services forming a rapid transit network into the city centre from the Southeast Hampshire region (Fareham, Waterlooville, Havant). The route via Charlotte Street is key to ensure the directness (and attractiveness) of bus services to the city centre, therefore any development must ensure that a two-way bus route, as indicated on the strategic access map is protected and that it is as lightly trafficked by other users as possible. The fact that Cascades Approach is potentially to be lost as part of the development would cause significant additional traffic to use the bus route as this would be the only access to the existing Cascades multi-storey car park (MSCP).
- 11.215 The Highway Authority hold significant concerns about this and would prefer to retain the Cascades Approach whilst the MSCP remains, or until an alternative access solution to the MSCP is found. The route will be heavily trafficked by buses, and potentially Taxis also, therefore additional traffic using the car park may delay bus services and create greater severance for pedestrians and cyclists passing between the Cascades centre and the development area.
- 11.216 Whilst only illustrated as an opportunity within the full outline phase 2 within this development application, a new mobility hub is proposed primarily to be

part of the City Centre Road Scheme plans. This is partially to replace, but also build upon the current area immediately north of the Commercial Road shopping precinct which is well served with buses and contains a taxi rank. It is seen as a key enabler for travel without use of a private vehicle for existing and future residents. The hub will include bus shelters/stops, a new taxi rank and micro mobility solutions (bike hire and eScooters). It could also include a car club depending upon the space available and most appropriate location for said car club to be most accessible. This will be fundamental to ensure the proposed development can operate sustainably and with limited additional (car) trip generation. As such, a condition requiring the provision of this facility to be tied to the development, with the timing of its delivery being included within a future phasing plan, is considered appropriate.

- 11.217 A further strategic access route map has been provided indicating possible routes through the site for walking and cycling. Broadly these routes are centralised in what is proposed to be a public open space, with some defined junction points with the existing highway network. There is a clear route from Lake Road across to Flathouse Road (after crossing Hope Street), part of which is created as part of Phase 1 of the development. There is also a clear route from the southwest corner of the site to the northern apex of the site linking toward Old Commercial Road. Whilst this would seem a logical connection, and could be useful for residents of Buckland, the onward connections via Old Commercial Road are poor for cyclists with limited scope to substantially improve it to facilitate longer distance journeys. Therefore, while the route has merit, it should not be relied upon for commuter journeys to the north of the city and an alternative should be identified. It may be that the future road scheme can resolve this issue, however in the current network routes via Flathouse Road or Mile End Road (west side) may be more attractive.
- 11.218 The existing, and proposed roads around the site pose significant barriers to active travel to the surrounding area, therefore it is key that these movements can be given priority where possible. Given the type and volume of traffic using some routes, particularly Hope Street, grade separation is the appropriate way to ensure active travel priority and safety, however it is conceded that this can be challenging to deliver both financially and in terms of space. Therefore, any at-grade crossings used where future routes meet the existing network should be single phase crossings to minimise inconvenience.
- 11.219 Hope Street currently has a popular, but significantly sub-standard cycle route along its northern side adjacent to the dockyard boundary wall. The route is very narrow, which is exacerbated by the 2m+ high wall running along the back edge of the shared path. The route is popular with commuter cyclists in particular travelling to the dockyard, and other employment in the southwest of Portsea Island. The conditions for cycling (or walking) along are poor and will be made worse when Hope Street is made into a dual carriageway. The strategic active travel map does not show this route replaced along the northern boundary of the site. If this route is not to be improved via the road scheme, the development should make provision to allow a high-quality cycle route out of the city adjacent to Hope Street (south side). This should be

included as part of any detailed access plan for future phases to be secured by condition.

- 11.220 Portsmouth has an adopted Local Cycling and Walking Infrastructure Plan (LCWIP) covering 2021-2031 which identifies several routes for walking and cycling to the city centre area. These stop short of the city centre purposely due to the level of expected development around the city centre area, including the city centre north area covered by this application. The proposed development is expected to make significant changes to the city's highway network and should take into consideration the identified routes and make provision to connect to these routes and allow these to pass logically through those development where appropriate. The strategic active travel map broadly aligns with LCWIP routes, though the final form of these will be crucial to ensure walking and cycling is enabled as the "go to" travel method for short and medium length journeys.
- 11.221 The submitted parameter plans show new pedestrians and cycle routes through the site. The former includes new north/south and east/west connections and responds to desire lines, for example a new direct link from Flathouse Road to Commercial Road. They will also provide much greater permeability around and through the site. A new cycle route will run north/south. These links reflect the development plots but are also positioned to lead in and through the new central public park thereby providing attractive and safe routes and are welcomed.

#### Parking

- 11.222 Parking requirements for new residential developments are outlined in the Portsmouth Parking and Transport Assessments SPD (2014). The required parking provision applies across the city; however, it is acknowledged that the city centre area may be suitable to provide a lower ratio of parking to dwellings given the proximity to transport options, services, and employment.
- 11.223 A key priority for the proposed development is to encourage a shift away from a reliance on the car to other more sustainable modes of transport such as walking, cycling and public transport. The Council are committed to pushing a more sustainable transport agenda but recognise that current policy and movement preferences place reliance on the private car. The application therefore adopts a flexible approach to vehicular parking, planning for a 'worst-case' to accommodate dedicated car parking in line with current policy but allowing for this parking ratio to reduce over time. At the same time the application enables alternative development should such dedicated parking not be required.
- 11.224 It is proposed to provide in the order of 0.5 car parking spaces per dwelling for Phase 1, equating to approximately 277 spaces, though this will not be increased in the future Phase 2. The parking will be located partially on the Phase 1 site, an area which is currently the Clarence Street car park, though the majority of parking spaces will be located remotely to the south of Marketway on part of the existing Cascades surface car park. In addition,

wheelchair accessible homes will have a 1:1 parking ratio equating to a further 28 spaces located onsite all close to the relevant dwellings.

- 11.225 The parking provision proposed has not been justified in terms of relaxing the parking standard, though experience from previous applications have shown that the typical ownership of vehicles in this area is circa 1 for every 2 dwellings. This would align with the proposal of a 0.5 spaces per dwelling ratio for Phase 1 and is therefore acceptable given the shops and services in the area and the LTP4 aim to reduce car ownership and use, particularly in the city centre area.
- 11.226 EV charging spaces are proposed, though given the phased nature of the development, and that the bulk of the available parking spaces will be in an area that is to be redeveloped in the longer term, many of these EV spaces will be temporary. It is therefore proposed to provide a limited number of EV charge points to serve Phase 1 of the development, however some of these will be fast chargers to compensate for this. These will all be communal spaces for residents to book and will be shared across the two-parking areas. The Phase 1 EV proposals are acceptable subject to a condition requiring their provision.
- 11.227 Parking for the later Phase 2 will rely on the same parking provision effectively diluting the parking ratios from just above 0.5 spaces per dwelling at Phase 1, to approximately 0.17 spaces per dwelling (277 spaces) once the scheme is complete. The parking will however be relocated into a purpose-built structure to the west of the site, which could also incorporate a delivery consolidation hub. The structure would in effect act as a secondary mobility hub (in addition to the facility proposed as part of the road scheme for public transport) with car parking for those that need it, a facility to consolidate deliveries reducing trips within the development, and potentially a further micro mobility offering (bike hire & eScooter hire). The principle of locating all the site parking remotely at the edge of the site to reduce penetration into the site by vehicles, is a principle that is supported and should help equalise the convenience of using private car with active travel and public transport options.
- 11.228 The quantum of parking is particularly low for residential development, though is in keeping with the aims of the LTP4 to reduce private car use, and the Clean Air Zone which discourages journeys into the area by polluting vehicles. What this doesn't account for is the desire to own/have access to a car even if it is used relatively infrequently. There is some concern, however, that by providing all the parking "up front", occupiers of Phase 1 could occupy most of the available spaces, leaving very little opportunity for those moving into future Phase 2 to own a vehicle should they need to. It is not clear currently whether the proposed level of parking will be sufficient to meet demand, however with the final Phase 2 not due to be completed until 2038, a Parking Management Plan would be secured by condition to ensure that parking spaces are managed effectively over the various stages of the development.

- 11.229 All spaces allocated for residential use within the secondary mobility hub will be at least a passive charging space (i.e., infrastructure in place to fit a charger in future), it is envisaged that approximately 20% will be active charging spaces. Whilst this appears reasonable with current levels of EV ownership and projected take up over the coming years, by the time this development is fully built out, no fossil-fuel powered car will have been sold as new for several years, and this ratio of EV chargers may not be appropriate. Commitment to reappraise appropriate EV charging provision in any future reserved matters application would be secured by condition.
- 11.230 Phase 1 includes 992 cycle parking spaces in secure and convenient locations for residents, fully in compliance with the standards in the Council's Parking Standards and Transport Assessment Supplementary Planning Document. This approach will be taken forward across the masterplan and secured by condition.

*Delivery and servicing*

- 11.231 The proposed residential development included within Phase 1 utilises existing highway accesses at Marketway and Fitzherbert Street and includes a service road to the north of the residential blocks joining the two accesses. This provides a route for deliveries, refuse collections, etc. as well as some disabled parking opportunities. The two accesses remove the requirement for U-turning of delivery vehicles, the central space between blocks will also be constructed to allow both refuse and emergency access around the buildings. The service road should be constructed to an adoptable standard and offered for adoption upon completion of the development. The delivery and servicing proposals are acceptable, though the principles established will need to be carried forward into the future phases particularly in relation to ensuring HGVs can always traverse the site in a forward gear.
- 11.232 In the later Phase 2 development, the strategic access map is not clear what types of access will be required and where, therefore no comment can be made on the suitability of access for servicing and deliveries. It is envisaged that there will need to be several points of access for such activity, particularly refuse collection. A centralised refuse area (or areas) might be considered to reduce the movements needed by such vehicles around the site. Movements by larger vehicles should be possible in a forward gear, particularly to/from main routes.
- 11.233 For emergency vehicles, paths into and through the public open space should be wide enough to allow an ambulance or fire appliance to traverse the area in event of an emergency. These paths should be constructed to a standard able to withstand such movements. All internal roads should be made up to an adoptable standard (and preferably made available for adoption) to ensure the roads are able to withstand the different types of movements required, HGV movements for deliveries and refuse collections in particular.
- 11.234 If the delivery consolidation hub is to form a key part of the servicing strategy for the site, a Servicing Plan explaining how this could work should be provided for future phases. This can be secured by condition.



Traffic impact

- 11.235 A traffic "baseline" has been established utilising existing site uses and committed development/highway schemes. A reduction of trips from the baseline has also been applied in response to the Council's Local Transport Plan 4 (LTP4) implementation plan. Several policy measures outlined in the LTP4 implementation plan have been assumed to result in reductions in private car use (from here, "LTP4 reductions"), these reductions have been assumed to be implemented across the 3-year implementation plan, but all by the future year scenario for 2026, the expected year of opening for Phase 1. The assumptions have been discussed with the LHA during pre-application stage and agreed at the level set out in the TA. For 2026, a 5% reduction in trips has been assumed. This is applied to both the base case and development (Phase 1) scenario.
- 11.236 The Council-operated Park and Ride facility at Tipner has received outline planning consent for an extension up to circa 2600 parking spaces with associated increases in bus services to serve additional passengers. It is intended that this will intercept traffic otherwise destined for the City Centre. Therefore, a further reduction has been applied to the base case of 1.5% for the 2026 and future year scenario for Phase 1 opening year (2026). There has not been a sensitivity test provided if the travel hub expansion is not delivered and the 1.5% trip reduction into the city centre is not realised. This equates to approximately 330 trips inbound in the AM peak and the inverse in the PM. The existing Park & Ride currently operates on average at no more than 50% capacity (of approx. 660 spaces). Therefore, on a typical day, there would be space for most, if not all the vehicles assumed to be "captured" by an expanded facility however there would be no capacity for additional/unplanned demand.
- 11.237 The applicant has undertaken an interrogation of the TRICS database to establish trip rates for the existing uses on the site of the wider development. The area to be occupied by Phase 1 is predominantly an existing supermarket, operated as such until 30 January 2021. It is therefore agreed that this is a reasonable "fall-back" assumption given the building is still viable to be used as a retail premises again. The remaining parts of the site are occupied by a council-operated public car park (the Clarence Street car park), and some small commercial/retail units, both have been excluded from the baseline trip generation. The reasons given for this, which are accepted by the Council's Transport Planning section, are that the smaller Clarence Street car park generally has a low demand and therefore does not present a material level of vehicle trips to consider during the network peak hours; and the trip generation associated with the small commercial and retail units is assumed to be primarily accommodated for by the adjacent car parks, which has been accounted for and therefore, a separate assessment not required.
- 11.238 The TRICS rates have been applied to the existing floorspace of the supermarket to give a peak and daily trip generation. Trip generation has also been devised for the NCP Marketway Car park (described in the TA as the "NCP Cascades Car Park") from traffic surveys undertaken at the site. The



total trip generation provided for each weekday peak and the weekend peak is considered to be a reasonable representation.

- 11.239 For Phase 1, a TRICS assessment has been undertaken to devise the trip rates for the proposed development consisting of approximately 550 flats. The multi-modal trip rate devised is reasonable, and this has been used along with Census (2011) Journey to Work modal data for the two MSOAs covering the site area.
- 11.240 The projected trip rate is vastly lower than the site uses that the development replaces, particularly the supermarket. Approximately half of the NCP car park is to be re-purposed to provide parking for the Phase 1 development, the use of these spaces has been captured in the multimodal trip rate though many existing users of the car park spaces lost will likely remain on the network in the area, simply displacing to another car park. Whilst this does not appear to have been allowed for, the change of use of the supermarket site to residential provides a significant net reduction in network trips for Phase 1.
- 11.241 This reduction in trips however does not result in a meaningful improvement in junction performance of the key junctions surrounding the development site. The nearest junctions to the site, namely the Church Street Roundabout and the Hope Street (Cornmill) Roundabout see slight worsening of capacity either being taken above the 100% theoretical capacity or being taken further past that point (where already expected to be +100% in reference case) despite the reduction in predicted trip generation related to the site. These increases are typically  $\leq 1\%$  which given the expected junction capacities broadly all on the limit of theoretical capacity, is not material. However, should the park and ride expansion fail to come forward and the 1.5% of traffic assumed to be removed from these junctions remains on the network, the cumulative impact of additional vehicles could be significant as the reference case will likely be worse in terms of junction capacities.
- 11.242 Whilst the change in lawful use of the site would see a lower trip-generating use in Phase 1, and therefore would be inappropriate to require highway capacity improvements, any future phases of development (or intensification of development within Phase 1) will almost certainly require highway mitigation - either for additional traffic capacity or to enable a further shift to sustainable and/or active travel modes.
- 11.243 As per Phase 1, a trip generation calculation for the later phased development has been undertaken using trips rates agreed with the LHA during a pre-application scoping exercise for the wider development (future phases). A "worst case" calculation has been carried out for the scenario that assumes a total residential quantum of 2300 dwellings (per the option that omits the secondary mobility hub and is the quantum outline in the EIA) but also assumes the inclusion of the secondary mobility hub and the parking spaces associated with that. It is unlikely that this scenario would occur, as either the number of dwellings would reduce to include the parking, or the parking would be lost to provide further residential dwellings - either scenario

would likely result in fewer vehicle trips than the scenario tested and as such the assessment is considered robust.

- 11.244 As the trip rates used are "person trips", these have been applied across the various available travel modes as per Census 2011 data for modal distribution. The change here is that an assumption has been made that half of the vehicles using the onsite parking would leave during the AM peak (and return in the PM) which effectively reduces the mode share for car use within the MSOA by approx. 17% (16.7%) to 17.5%. This assumes that residents living in the development will only have a car if they can park it in the on-site parking structure. Whilst this is somewhat an assumption, the inconvenience/cost of keeping a vehicle elsewhere will likely suppress car ownership to a level that is ultimately not material to the operation of the network. It is considered appropriate that the assumptions that the mode shares have been based upon should be monitored through the travel plan process and measures identified to address any issues resulting from a higher than anticipated vehicle trip rate.
- 11.245 Trip generation for non-residential uses have again used TRICS data to provide a suitable trip rate. Given that the exact non-residential land uses are yet to be determined, an assumption has been made within the applicant's assessment whereby this floor area is split 50/50 to provide 5,000m<sup>2</sup> of Class E(g)(i) Office and 5,000m<sup>2</sup> of E(a) Food Superstore. The Class E(g)(i) Office use represents a worst-case impact in the AM and PM peaks, whereby a vast majority of the staff will arrive in the AM peak hour before departing in PM peak hour. The Food Superstore use has been selected for assessment purposes, as it represents the highest trip generator and therefore provides a robust worst-case assessment, whereby there will be a high number of two-way trips occurring throughout the day due to the nature of the land use. The 50/50 split of these land uses therefore results in a reasonable worst-case assessment for the typical AM and PM peaks in addition to daily trips, providing a robust trip generation impact assessment.
- 11.246 The trip rate for food supermarket has been carried over from the extant use (baseline) assessment however this has also been adjusted based upon the vastly reduced parking provision that will be available compared with the vacant supermarket that forms part of the existing site. The existing site had approximately 290 spaces serving the supermarket, whereas only 50 are proposed to serve the 5000m<sup>2</sup> of commercial (food grocery) space. To work out a reduced trip rate, the total expected trips based has been divided by the current number of spaces (290) and then multiplied by the proposed number of spaces (50) to give a reduced expected trip generation. This reduced parking provision will certainly reduce the associated vehicle trips and will likely result in linked trips as visitors visit other City Centre shops/destinations where other parking facilities are available.
- 11.247 The other element of non-residential development is a proposal for 5000m<sup>2</sup> of office space, this again has had a trip rate derived from TRICS. This is a person trip-rate that has then been applied to modal splits as per Census 2011 data for workplaces within the MSOA covering the development site. This is an acceptable method, though likely overestimates the number of

vehicle trips due to the presence of the Naval Dockyard which has ample free parking for staff making driving attractive. The Council's Transport team are therefore content the trip generation calculation is robust.

- 11.248 The total projected trip generation across both AM & PM peaks, plus a daily total have been calculated and subtracted from the trips associated with the extant uses that will be removed as a result of the proposals. The net impact of the scheme is to significantly reduce the number of daily trips on the road network associated with the site. In terms of the peak periods, the proposed development would see an increase of 118 two-way trips during the AM peak period over the current potential trip rate, however the PM peak period would see a reduction of 155 movements in the proposed scenario compared with the current situation. Over a 12-hour day (0700-1900) it is expected that there would be a reduction of 1,908 trips. It appears that all vehicle trips associated with the Cascades surface car park that is to be lost have been assumed to "disappear".
- 11.249 In practice however, it is likely that some proportion of these will instead just be displaced to another parking facility such as the Cascades MSCP located nearby. That said, if it is presumed that half of the trips associated with the Cascades surface car park were to stay on the network but displace to the adjacent MSCP, the proposal would still result in a significant daily reduction in trips (>500 trips).
- 11.250 Given the uncertainty around a final development layout, and the final form of a future road scheme, the trip distributions outlined in the TA (Paragraph 14.2.3) are a reasonable assumption.
- 11.251 The modelling scope, use of the Solent Sub-Regional Transport Model (SRTM), and assessment methodology was agreed with the LHA at pre-application stage as part of the scoping exercise. The TA presents the applicant's preferred option which includes removal of a section of Cascades Approach, however an assessment of the network if the option to retain Cascades Approach in full is also included within the appendices (Appendix M) as a sensitivity test.
- 11.252 The junction assessments include the four junctions considered in relation to Phase 1 and a further 3 junctions in proximity to the wider development, all of which were agreed at the scoping stage. Overall, most junctions surrounding the sites perform acceptably in either scenario (preferred scheme or sensitivity test). However, the new junction replacing the Church Street roundabout performs poorly on at least one arm in the "with development" scenario(s), and in the preferred scenario, at two arms of the junction (Church Street and Commercial Road (North)). In the reference case (2041 with full road scheme) before development is added, the junction performs poorly with the junction either very close to, or over capacity in both peak periods; again, with the critical arms being Church Street & Commercial Road (North).
- 11.253 This is exacerbated by the introduction of the development (and associated traffic). In the preferred scenario, saturation is increased beyond capacity in the AM peak on Church Street and Commercial Road (North) and is

increased by 5% and 10% respectively in the PM peak (to 118% & 141%). Therefore, whilst the development materially increases delay and queuing to traffic, the proposed road scheme does not operate satisfactorily within the peak periods (particularly the PM peak) prior to the development and despite the positive contribution to public transport and active travel routes the road scheme (and development) would make, the fundamental layout as displayed appears to be unsuitable in capacity terms for the needs of the city's highway network as envisaged for 2041. Though as the TA states, "*the 2041 assessments are a +19-year forecast into the future, and while the transport assessment has made allowances for changes in travel behaviours there is a level of uncertainty as to what the potential traffic patterns will be like.*".

- 11.254 The road scheme, although separate to this application, does not appear to have made adequate allowance for the removal of Cascades Approach (which is part of this application), putting undue stress onto the existing highway network, one such route (Church Street) falling within an Air Quality Management Area (AQMA). Whilst it is true that the junction would also be over capacity in the alternative scenario (where Cascades Approach is retained), the impact is much less overall with Church Street being the only arm over saturated. The scenario that retains Cascades Approach would appear to stand a better chance of operating satisfactorily as it stands, though some further work to balance flows across Church Street and Commercial Road (North) would be required.
- 11.255 Given the uncertainty in future traffic patterns/trends, the deliverability of the Tipner Travel Hub (upon which some reliance for traffic reduction is placed), the emergence of EVs and autonomous vehicles, and the early stages of the LTP4 delivery, the Council's Transport Planning Section agree in principle that the strategic means of access proposed is acceptable however this is dependent on the successful development of a city centre road scheme and given the two are so intertwined, future development phases (beyond Phase 1) should not be progressed until a Phasing Plan covering both the development and road scheme are agreed, with supporting transport modelling as appropriate to ensure any new/remodelled junctions are fit for purpose at the relevant stage. This can be addressed by condition.

#### Construction Traffic Management Plan (CTMP)

- 11.256 A framework CTMP (FCTMP) has been set out within the TA. The FCTMP broadly covers all the expected points, though retention of any designated cycle routes is not covered. Ensuring that adequate diversions for all highway users is key, particularly for the scale of the development and the extended period routes are likely to be affected. The final CTMP for Phase 1 could be secured by condition. The later Phase 2 will require a separate, tailored CTMP based upon the type and scale of development in that phase, and the form of the city centre road network at that time. This too can be secured by condition however this phase will require a separate, tailored CTMP based upon the type and scale of development in that phase, and the form/status of the city centre road network at that time.

#### Framework Travel Plans

- 11.257 Two framework travel plans have been submitted, A Framework Residential Travel Plan (F RTP) covering the residential development, and a Framework Staff Travel Plan (FSTP) aimed at staff of the proposed commercial development.
- 11.258 Both plans follow the same logical format and highlight the various ways the plans will align with LTP4 aims. The measures in each are slightly different, as would be expected for two very different demographics. It is expected that a travel plan be produced for Phase 1 and for each subsequent phase as defined within a phasing plan, each one lasting for 5 years. An overarching plan for "Phase 2" may be acceptable, however the plan would have to be delivered by a single TPC and would likely need to be for a longer duration than 5 years to cover the build out programme and first 5 years of occupation of each building.
- 11.259 The measures within the F RTP are currently not especially strong, and it is unclear whether they would have the desired effect to reduce car use by the target, despite the target reduction being relatively small given the low expected baseline. It is not clear how much time a Travel Plan Coordinator (TPC) would have to spend on implementing the plan to ensure success, nor what budget may be set aside to fund both the role, and any activities required to meet the targets. The inclusion of a car club is welcomed, though the overall number of vehicles and phasing of when these will be available should be covered in each future travel plan. There is currently no mention in the plan of how micro mobility (eScooters/Bike hire etc.) can play a part in reducing vehicle trips, something that should be included, particularly with the introduction of the mobility hubs serving the site. A future Travel Plan should consider measures such as mobility credits to be provided to residents either free of charge or at a subsidised rate to embed use of buses, micro mobility, and car clubs.
- 11.260 Similarly, with the FSTP, the measures should also go further to discourage car use by staff. Limiting availability of car parking spaces for staff and offering cycle2work-type incentives for staff might be effective ways to achieve this.
- 11.261 The detailed travel plans can be secured by condition, with the applicant being required to enter into a s106 agreement and pay the sum of £5,500 towards the monitoring of each travel plan, or for every 5 years a travel plan is required (5 years after the final phase of development completes) whichever is the lesser amount.

Summary (Transport and Highways)

- 11.262 The development constituting "Phase 1" would not have a severe impact upon capacity, nor an unacceptable impact upon highway safety provided that appropriate infrastructure for walking and cycling is provided. This is to be secured by s106 legal agreement.



- 11.263 Regarding the later phase of development, otherwise referred to as "Phase 2", there are some concern about how the development will sit within a new road system, the delivery of which is not yet secured. The development has been shown within the TA to have a material impact upon the operation of a future road system, in particular Commercial Road (North) and Church Street. The road scheme that is proposed to facilitate the development in and of itself appears to have a significant impact upon motor traffic capacity with queues predicted to extend beyond 1km in some circumstances (Holbrook Road, AM peak; 2041 without development), this also includes assumptions within the reference case of up to 9% traffic reduction delivered by LTP4 measures, and a further 1.5% reduction as a result of "capturing" trips at the expanded Tipner travel hub (currently Tipner Park & Ride) otherwise destined for the City Centre.
- 11.264 The result of this is long queues predicted at Commercial Road (North), Church Street, and Holbrook Road before any development traffic is introduced, with the queue at Commercial Road likely to stretch back to the new junction at Lake Road/Charlotte Street, and the queue at Church Street stretching to well south of the Lake Road roundabout onto Holbrook Road, impacting upon Holbrook Road traffic. Whilst the development traffic exacerbates the predicted queue length, such is the effect within traffic models that are over-capacity, the net increase in queue length is unlikely to impact upon a major upstream junction in either case.
- 11.265 The results within the TA do highlight the need for a greater impact upon modal shift beyond which the development alone could reasonably achieve. What is not captured in the TA is the impact that new walking and cycling routes, as well as improved bus priority and directness will have on modal choice. To this end, the development supports LTP4 aims by enabling increased public transport use and active travel both directly within the development and as a result of the enabling infrastructure (CCRS). However, given the material impact that the development is predicted to have on an already over-capacity highway network, more should be done to enable sustainable travel choices beyond the boundary of the site to reduce the impact of the enabling infrastructure and subsequent development particularly for commuting journeys out of the city and east-west across the city where active travel provision especially is lacking.
- 11.266 The development exacerbates issues at Commercial Road (North) and Church Street, particularly in the preferred scenario that sees Cascades Approach partially removed. Saturation of these junction approaches is increased by between 5-10% approx. with the introduction of development traffic. The impact is less in the scenario that retains Cascades Approach, and as such this would be the preferred option for the LHA - unless an alternative option for access to Cascades MSCP to/from Hope Street can be found.
- 11.267 No objection has been raised by National Highways, Highways (COLAS) and the Council's Transport Planning team to the proposal.



11.268 Overall, Officers are satisfied that, subject to the above conditions suggested and the proposed obligations within the s106 agreement, the scheme appropriately promotes active and sustainable transport and does not result in a significant harm to the operation of the highway network or highway safety risk. While parking provision is low, the unique opportunity associated with access to and proximity to the proposed Transport Hub, outweighs any adverse implications of this. The Council's Transport Planning team have confirmed that they are working with the developer to support improvements through connection with the sustainable and active transport opportunities at the Transport Hub and opportunities for parking provision. The development is considered therefore to be in accordance with national and local policies regarding transport and movement.

#### Appropriate Assessment, Ecology and Biodiversity

11.269 Chapter 10 of the ES relates to Ecology and Biodiversity and contains various supporting documents including a Bat Survey Report (Annex 2), Biodiversity Net Gain Assessment (Annex 3) and Habitats Regulations Assessment Screening and Stage 2 Shadow Appropriate Assessment (Annex 4).

#### Appropriate Assessment

11.270 Pursuant to the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.

11.271 Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

11.272 The Council is the competent authority in this case and the applicants have submitted a Shadow Habitat Regulations Assessment ('Shadow HRA') to assist the LPA in assessing the project.

11.273 The relevant protected sites for the purposes of AA, forming part of the National Site Network (formerly 'European sites') are those within a 10km Zone of Influence, taking a precautionary approach. These are:

- Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site - 1.1km to the north of the site. Qualifying features: internationally important site for wintering birds with non-breeding Annex 1 waterbirds and intertidal mudflats and saltmarshes;

- Solent and Dorset Coast SPA - 0.37km to the north of the site. Qualifying features: internationally important site for breeding bird populations of sandwich tern, common tern and little tern;
- Chichester and Langstone Harbours SPA and Ramsar - 3.1km east of the site. Qualifying features: breeding and nonbreeding species, including dark-bellied Brent geese and waterbird assemblage;
- Solent and Isle of Wight Lagoons Special Area of Conservation (SAC) - 3.1km to the east of the site. Qualifying Features: Coastal Lagoons;
- Solent and Southampton Water SPA and Ramsar - 3.9km to the south of the site. Qualifying features breeding and non-breeding waterbirds and wetland habitat; and
- Solent Maritime SAC - 3.1km to the east of the site. Coastal features: major estuary hosting *Spartina* swards and salt meadows.

- 11.274 The submitted Shadow HRA confirms that the development project would give rise to likely significant effects and has identified several impact pathways deriving from the proposed development which include an impact upon bird species on the Solent coast as a result of additional recreational pressure and human disturbance from the increased population the proposed development would bring within 5.6km of National Site Networks and International Sites; and water nutrient levels to National Site Networks and International Sites as a result of the increased nutrient loading from the proposed development. An AA is therefore required by the LPA as competent authority and a consideration of mitigation measures proposed by the applicant and whether these would result in no significant effects upon the integrity of these sites, whether alone or in combination with other plans and/or projects in the area.
- 11.275 For the recreational pressures the application of the measures in the Solent Recreation Mitigation Strategy 2017 is proposed, to be secured by a financial contribution based on the proposed number of residential homes. This would be secured by way of a s106 legal agreement.
- 11.276 For the nutrient levels, a number of mitigation measures will be incorporated within the design of the proposed development (for example green roofs, permeable paving and rain gardens) to reduce the potential nutrient load. Further mitigation would be provided by participation in the Hampshire and Isle of Wight Wildlife Trust's nutrient reduction programme, with a financial contribution towards nitrogen credits is proposed. This would be in accordance with the Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings (for the 2021-2023/24 Period), February 2022 and would also be secured by s106 legal agreement.
- 11.277 Subject to the necessary mitigation and compensatory measures being secured by s106 planning obligations as recommended above, the Council is able to conclude that the development would not harm the integrity of the National Site Network and can proceed, subject to other planning matters being satisfactorily addressed. It would not become necessary for the

Appropriate Assessment to consider alternatives to the project as currently proposed.

Ecology and Biodiversity

11.278 The NPPF (paragraph 180) states that when determining planning applications, the Council should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

11.279 The application site comprises mostly of hard surfacing with limited ecological value. There are some grassed areas, shrub and a total of 97 trees. Bat surveys undertaken by the applicant between July and August 2021 identified that bats are unlikely to be roosting on the site and very low numbers of commuting and foraging bats. Notwithstanding this, HCC Ecology, who have raised no objection to the proposal, have requested that further bat activity survey work be undertaken by the applicant to investigate any current activity levels of bats on the site and how any habitats present are connected to habitats in the surrounding area, in line with current government guidance (Bat Conservation Trust, 2016). This would be secured by way of planning condition.

11.280 The proposed development will deliver a significant improvement in the site's ecological value through the introduction of a large central public park, residential courtyards and green roofs. Full landscaping details are a 'reserved matter', but landscaped areas identified within the Parameter Plans will include for a variety of species and habitats.

11.281 Net gain proposals within the illustrative landscaping proposals include modified grassland, mixed woodland, garden, intensive green roofs, rain garden, tree planting and non-native ornamental hedge and indicate a gain of

+3.58 habitat units (44%) and +0.3 hedge units (100%), with details to be reserved matters in Phase 1 and Phase 2.

- 11.282 Other proposed enhancements include integrated bat boxes, bird boxes, bee bricks and invert hotels and Swift bricks, with implementation and monitoring to be delivered via a Landscape and Ecology Management Plan secured by condition.
- 11.283 Wildlife sensitive lighting is also proposed during construction (Para 10.110 and Outline Construction Management Plan) and operation (Para 10.142), although no details are provided. Any bats commuting and foraging in the local area could be adversely affected by additional artificial lighting associated with the scheme proposals, as well as other nocturnal wildlife. As such, it is considered appropriate for all details of external lighting, including layouts and design, to be secured by planning condition, thereby avoiding or minimising as far as possible any spill of artificial light away from the built environment and into the surrounding landscape.
- 11.284 Biodiversity net gain for Phase 1 is targeted at 53% for habitats and 100% for hedgerows. These targets will be carried forward into the Phase 1 landscape reserved matter. A target of 45% is set for Phase 2 with net gain assessments to accompany future reserved matters applications. This would also be secured by way of planning condition.
- 11.285 The proposed development will provide a significant and measurable improvement in the site's ecology and biodiversity fully in accordance with Policy PSC13 of the Portsmouth Plan and the NPPF (paragraphs 179 and 180).

#### Flooding and Drainage

- 11.286 When determining planning applications, the Council should ensure that flood risk is not increased elsewhere. In this case the site is located in Flood Zone 1 (i.e., land having a less than 1 in 1,000 annual probability of river or sea flooding) and has a low probability of flooding from fluvial and tidal sources. The risk of flooding due to groundwater, sewers and artificial sources is also low. There are 'low' and 'medium' surface water flow paths across the site. The mapping shows a 'low' 'medium' risk overland flow path off site along Lake Road to the south east of the Site and flows in a south westerly direction along Lake Road to the south east. The offsite overland flood path towards the south east along Lake Road will be maintained and will not contribute to the proposed drainage strategy.
- 11.287 In the surrounding environment, areas identified as being located within Flood Zone 2 and 3 (land with a higher annual probability of river or sea flooding) are approximately 350m to the north-west of the site. The majority of the site is at very low risk of flooding from surface water. Some areas with low to high surface water flood risk areas have been identified across the site in proximity to roads. The site does not lie within a Groundwater Source Protection Zone.

- 11.288 A Flood Risk Assessment and Drainage Strategy for the site has been submitted with the application, which considers the potential effects of flooding on the proposed development with any associated mitigation measures proposed being detailed within the ES, Volume 1, Chapter 16: Water Resources, Flood Risk and Drainage.
- 11.289 Appropriate treatment would be incorporated into the drainage system to ensure that the quality of water discharged is acceptable. This would be achieved through the use of permeable paving in combination with green roofs and rain gardens. The on-site drainage network and Sustainable Drainage Systems are proposed to be privately managed and maintained for the lifetime of the development, ensuring they remain fit for purpose and function appropriately. New connections would be made to the public sewer with a discharge rate of 83.8l/s. A condition can be imposed to control occupation prior to agreement being reached with Southern Water, under the Water Industry Act 1991, for connection to the public sewer
- 11.290 The submitted Assessment and Strategy demonstrate that the proposed development has a low risk of flooding from tidal, fluvial groundwater and artificial sources, and that with the above proposed mitigation measures incorporated, it has a low risk of pluvial flooding. It also confirms that surface water runoff from the site can be managed sustainably to ensure that flood risk is not increased elsewhere. It is therefore considered that the information provided satisfies the requirements of Policy PCS12 of the Portsmouth Plan and the NPPF (paragraphs 167 and 169).
- 11.291 No objection has been raised by either the Environment Agency or the PCC Drainage Team to the proposal subject to conditions relating to contamination, remediation and piling as suggested being attached to any permission granted. Subject to these conditions being attached, the proposal would fully accord with national and local planning policy.

#### Climate Change, Sustainability and Energy

- 11.292 The application submission is underpinned by a series of sustainability targets relating to the environment, resources and the circular economy, travel and connectivity and living. The proposed development is based around the concept of the 20 minute neighbourhood.



Sustainability Objective	Phase 1	Phase 2 Masterplan Target
<b>Sustainable Environment</b>		
Biodiversity Net Gain	53% habitat units 100% hedgerow units	45%
Urban Green Factor	0.47	0.4+
Greenfield Run-off	Achieved	To achieve
Food Growing and Communal Composting	Achieved	To achieve
<b>Resource and Circular Economy</b>		
Energy Efficiency	Net zero carbon strategy Residential target <625kgCO <sub>2</sub> e/sqm GIA Non-residential target LETI Band C	Further reduce energy demand
Net Zero Carbon	Net zero carbon strategy Residential target <625kgCO <sub>2</sub> e/sqm GIA Non-residential target LETI Band C	Net zero carbon strategy Future RIBA/LETI benchmarks
Water Conservation	Estimated 98 litres/day	Less than 100 litres/day
Low-waste Living and Sharing Economy	Flexible use space and shared mobility infrastructure	Spatial allocation for community uses and low-waste business
<b>Travel and Connectivity</b>		
Prioritising Pedestrian and Cyclists	Safe and segregated walking and cycling routes	Walking and cycling routes and reduced car park ratio
Improve Accessibility	New routes provided	New routes provided, potential secondary mobility hub
Enable Permeability and Connectivity	New routes and two car club spaces provided	New routes and ten car club spaces provided
Improve Air Quality	Fossil fuel free Electric vehicle infrastructure Increased tree coverage	Fossil fuel free Electric vehicle infrastructure Increased tree coverage
<b>Sustainable Living</b>		
Design with Nature and Wellness	First part of public park Two residential courtyards Green roofs	Central public park Residential courtyards Green roofs
Promote Healthy Lifestyles	Active travel enabled Doorstep greenery Access to sunlight	To be incorporated
Foster Social Community	Tenure blind housing design Communal areas and green amenities	To be incorporated
Create Social Value	Affordable housing Value across life cycle and reporting outcomes	Affordable housing Value across life cycle and reporting outcomes
Build healthy Homes	No single aspect north facing homes 88% of homes receive recommended daylight levels	To exceed Phase1 levels wherever possible

**Table 7 - Outlined Sustainability Objectives of the proposed development**

11.293 Collectively, these measures align with the Imagine Portsmouth 2040 Vision underpinned by community, collaboration, equality, respect and innovation. The submitted Sustainability Statement provides an overview of relevant sustainability planning policies and guidance before setting out what the proposed development is doing to meet or exceed these as summarised in **Table 7** above. Full detailed assessments have been undertaken for the Phase 1 area where greater details are known and applied for at this stage. These assessments, the masterplan parameters and professional judgement have informed the Phase 2 masterplan targets. Detailed assessments are to be provided with future reserved matters applications and secured by condition.

11.294 The submitted Energy Strategy Report provides an assessment of Phase 1. It has been designed to be lean and green in line with the energy hierarchy and



will achieve a 79% carbon reduction saving against Building Regulations Part L 2013. It is also anticipated to achieve a 50% or greater reduction against Building Regulations Part L 2021. The energy targets referenced in Policy PCS15 of the Portsmouth Plan refers to the Code for Sustainable Homes and has therefore been superseded by national legislation. However, the above savings will exceed the target of a 19% saving against Building Regulations Part L 2013 set out within Policy D4 of the emerging local plan.

- 11.295 Energy performance for Phase 2 is likely to be reflective of Phase 1 and looks to exceed this target wherever possible. Detailed energy assessments will accompany future reserved matters applications and demonstrate policy compliance as a minimum and will be secured by condition.

Implications for City Centre Economy

- 11.296 The existing site comprises a mix of commercial uses, including, inter alia, a disused Sainsbury's site, public car park (Cascades NCP Car park with 559 parking spaces) and a number of business units identified with Chapter 14 of the ES (Table 14.14) that would be impacted by the proposed development.
- 11.297 No objection is raised to the loss of the existing car park, which would help to reduce car trips to and from the site and promote the 20 minute neighbourhood and sustainable modes of transport.
- 11.298 The construction phase of the proposed development would generate employment within the construction industry. It is estimated that there would be an average of approximately 1,060 full-time equivalent jobs over the duration of the construction period associated with Phase 1 and 633 full-time equivalent jobs associated with Phase 2 of the proposed development. Due to the highly mobile nature of construction employment the impact of construction employment is considered to be beneficial but not significant.
- 11.299 During the demolition and construction of the proposed development, the existing businesses will be displaced from site, affecting approximately 10 jobs in Phase 1 and 218 jobs in Phase 2. It is noted that displacement will occur across the length of the demolition and construction programme (up to 2037) and therefore, businesses will be given substantial warning prior to being relocated. The effect is therefore assessed to be adverse but not significant during Phase 2 and negligible in Phase 1.
- 11.300 Under the assessment of the proposed development on non-residential floorspace provision, the proposed development would result in a minimum indicative delivery of 9,016m<sup>2</sup> across both development phases and various use types.
- 11.301 Overall, the proposed development would result in a net loss of existing floorspace across the site. Information on existing floorspace identifies an estimated total of 16,483m<sup>2</sup> of commercial floorspace removed from the site across both phases. Much of this floorspace is currently vacant (an estimated total of 7,468m<sup>2</sup> – almost half the commercial on-site, with the bulk of this

being the Sainsbury's site), but when considering its overall impact, the proposed development would result in a net loss of commercial floorspace.

- 11.302 As identified above, the proposed development will deliver 164m<sup>2</sup> of flexible commercial floorspace under Phase 1, and up to a further 9,836m<sup>2</sup> of flexible commercial floorspace under Phase 2. The proposed development would generate 164m<sup>2</sup> of new commercial floorspace and result in the loss of approximately 5,754m<sup>2</sup> of commercial floorspace. Given one of the objectives of the proposed development is to regenerate existing commercial floorspace, new floorspace will be of improved quality and likely to address the issues of high vacancy rates on-site. However, in the context of the net loss of floorspace, the proposed development would have a low and adverse magnitude of impact resulting in a minor adverse effect at the city-wide (not significant).
- 11.303 Once fully operational, the proposed development would have a positive impact on non-residential floorspace provision at the city-wide level. Although the proposed development would result in a net loss of commercial floorspace, the additional and redeveloped floorspace on-site would be of significantly higher quality and more accessible than that of the existing site, addressing many of the local policy objectives for redevelopment of the city centre presented in the Portsmouth City Centre Development Strategy (2021).
- 11.304 By 2038, the Draft Portsmouth Local Plan 2038 and the Portsmouth Retail Study 2015 identify the need for an additional 99,660m<sup>2</sup> of office floorspace, and an additional 39,270m<sup>2</sup> of retail floorspace. The proposed development would contribute 0.4% and 21% of these floorspace needs respectively. Additionally, the potential community, leisure and gym space located at the proposed development would have the potential to meet the qualitatively identified need to broaden the range of use types in the city centre presented in the Portsmouth City Centre Development Strategy (2021). More significantly the provision of significant additional new homes in close proximity to the existing retail centre along Commercial Road and associated streets will support the viability and activity within the City Centre and the business, both retail and other commercial and service provisions, therein.
- 11.305 Overall, the proposed development would have a low magnitude of impact on non-residential floorspace provision. This would result in a minor beneficial effect (not significant) at the city-wide level. The proposed development will therefore meet or exceed current development plan requirements and guidance and responds to emerging policies. There remains flexibility within the masterplan to respond to innovation and new technologies. The proposed development will achieve sustainable development and the overarching economic, social and environment objectives of the NPPF (paragraph 8).

#### Archaeology

- 11.306 Paragraph 189 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Paragraph 194 requires applicants

to describe the significance of a heritage asset sufficiently to "*understand the potential impact of the proposal on their significance*".

- 11.307 The ES (Chapter 7: Archaeology (Buried Heritage)) and accompanying Archaeological Desk Based Assessment and Watching Brief (Annex 2 and Annex 3) consider the archaeological potential of the site, the impact of past development, impact of the proposal and possible mitigation measures.
- 11.308 In summary, the site does have some archaeological potential which relates to pre modern archaeology, the potential to encounter archaeological remains relating to the hospital and school that stood on the site, to the 18th century properties that stood along Commercial Road and to the 19th century terraces of residential houses. These have all been removed by past development and it is uncertain what level of archaeological survival exists (although some intact structural remains were encountered during the archaeological watching brief of the ground investigation). The archaeological watching brief of the ground investigations indicates that there are 2 metres of made ground at the site overlying the natural geology although how far that made ground contains relevant archaeology and how far it is just accumulated demolition rubble is not at this stage clear.
- 11.309 In addition, the archaeological research agenda for the 18th and 19th century remains is ambiguous and likely to be limited. The remains will have some social history value and might offer a basis for community engagement. But the archaeology will supplement existing historic data, such as maps, records and existing social history. Earlier archaeological remains, such as those dating to the prehistoric or Roman periods will have considerable value but are likely to have been heavily truncated by the more recent developments, if not removed altogether.
- 11.310 The conclusion and recommendations of the Archaeological Desk Based Assessment states:

*"The assessment undertaken has established a high potential for remains of 18th century or later date and a low potential for remains pre-dating the 18th century. The level of survival of buried archaeological remains within the site is, however, currently unknown. Pre-18th century remains are likely to have been disturbed with the construction associated with the expansion of settlement, however there is a potential for survival in areas which were formerly areas of marsh due to the potential for deposits to be deeply sealed under layers of alluvium. The later post-medieval remains themselves may also have been disturbed by World War II bomb damage and the later 20th century redevelopments.*

*It is recommended that further assessment work be undertaken to evaluate the potential for the survival of archaeological remains of interest and value. Initially, this should be in the form of archaeological monitoring during trial pits excavations for ground investigation works and the review of the result of boreholes samples in order to establish a deposit model throughout the Site. The scope of any archaeological evaluation should be set out in a Written*

*Scheme of Investigation and agreed with the Hampshire Historic Environment Team".*

- 11.311 This is reflected in the conclusions of Chapter 7 of the ES. The assessment has established a potential for the presence of buried heritage remains within the site based on a review of the documentary and historic mapping evidence. A programme of archaeological evaluation is required to confirm the presence, absence, date, value, extent and condition of any surviving archaeological remains.
- 11.312 As requested within the EIA Scoping Opinion (ES Volume 3, Appendix EIA Methodology – Annex 2), consultation with Hampshire County Council's Archaeologist (The Council's Archaeological Advisor) has confirmed that a first phase of evaluation would comprise the archaeological monitoring during the excavation of trial pits as part of ground investigation works and a review of the logs from any boreholes. The purpose of this would be to evaluate the level of disturbance, the presence, depth, extent and date of any made ground deposits, and to develop a deposit model for the site. The results would inform the requirement for any further evaluations (i.e., trial trenches) within the site, if required. A limited programme of archaeological monitoring in the Phase 1 site area was completed in March 2022 (see ES Volume 3, Appendix: Archaeology – Annex 3) and the results would be combined with any additional work completed.
- 11.313 The results of the evaluation(s) would inform any programme of archaeological mitigation required. This could include targeted investigation prior to the commencement of demolition / construction works and/or an archaeological watching brief during the works in order to ensure any remains disturbed would be preserved by record. Where applied, mitigation through preservation in record would reduce the magnitude of impacts from high to medium, as the heritage asset would still be permanently lost.
- 11.314 For any remains of high or very high value, preservation in-situ should be considered through design, where practicable, in order to remove all impacts. Mitigation through preservation in situ would only be applied where the preservation in-situ can be achieved through minimum changes to the design, or where the need to preserve the heritage assets in-situ is required to remove effects of major or high major significance. Where used, this would remove all impacts and effects would be neutral.
- 11.315 No objection has been raised by The Council's Archaeological Advisor subject to the above staged approach to the archaeological investigations being secured by way of a planning condition. The scope of any intrusive work would be agreed in consultation with the Council's Archaeological Advisor and in accordance within an approved archaeological Written Scheme of Investigation requiring the following:
- Archaeological evaluation through monitoring of the ground investigation to refine and develop a deposit model which might shed light as to the nature of truncation and possible nature of, location of and extent of archaeological survival;

- An archaeological evaluation of areas of archaeological potential as informed by the results of the archaeological monitoring of ground investigations;
- An archaeological mitigation strategy that should be informed by the results of the archaeological evaluations and should include where possible some level of community engagement in relation to the social history that the archaeology reveals; and
- The reporting and or publication of the results depending of the significance of those results.

11.316 Subject to the above condition, the proposal would comply with Policy PCS23 of the Portsmouth Plan and the NPPF in relation to below ground archaeological heritage potential.

#### Ground Conditions and Pollution (Contaminated Land)

11.317 The NPPF, paragraph 188 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land. In this respect as set out in Paragraph 183, provided that there are adequate proposals for mitigation including land remediation that should not be a barrier to development. As set out in paragraph 184, the responsibility for securing a safe development rests with the developer and or landowner.

11.318 The site has a long history of polluting land uses. The ES (Chapter 11: Ground Conditions and Annex 2), including the accompanying Preliminary Risk Assessment (PRA) fully considers the existing ground conditions and contamination and details a series of mitigation measures to reduce the potential for significant effects in relation to demolition and construction. These include ground investigations and the production of a Phase-specific Remediation Strategy. In addition to this, the Phase 1 and 2 groundworks will be subject to standard best practice demolition and construction measures to be included within a Construction Environmental Management Plan to be implemented by way of an appropriately worded planning condition.

11.319 The Council's Contaminated Land Team have raised no objection to the proposal. In accordance with the advice given, details to deal with the contamination of the site to avoid risk to health and the environment will be required by condition. Subject to the recommended conditions provided being attached requiring both compliance with the submitted proposed measures and further details to be submitted in the form of a Remediation Method Statement and a Verification Report, the proposed development is considered acceptable in terms of contaminated land and in line with relevant guidance including paragraph 174 of the NPPF.

#### CIL and S106

11.320 Part 11 of the Planning Act 2008 provides for the introduction of the Community Infrastructure Levy (CIL). The detail of how CIL works is set out in the Community Infrastructure Regulations CIL is intended to be used for general infrastructure contributions whilst s106 obligations are for site specific



mitigation. The regulations have three important repercussions for s106 obligations:

- Making the test for the use of s106 obligations statutory (S122);
- Ensuring that there is no overlap in the use of CIL and s106 (S123); and
- Limiting the use of 'pooled' s106 obligations post April 2014 (S123).

### CIL

- 11.321 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32sqm. 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.
- 11.322 Based on figures provided by the applicant, the indicative CIL liability is £7,045,940.72 (gross) based on Phase 1. When considering the application as a whole (including Phase 2), given the phased outline nature, it is too early to be able to provide an estimate of the potential full CIL chargeable amount with any reasonable level of accuracy and indeed there is no requirement of a CIL Charging Authority to do so at this stage in the CIL Regulations 2010 (as amended). However, for context only, if the full 2,300 residential units using floorspace data from Phase 1 to get a figure of 211,863sqm, together with the full 10,000sqm non-residential flexible Class E/F1/F2 and applying a 16,483sqm figure given for existing in-use buildings, this produces a potential CIL chargeable amount of circa £32m.
- 11.323 This could be pooled and put towards funding improvements in primary care provision, policing, education and other infrastructure.

### S106 - Heads of Terms

- 11.324 The applicant has indicated its willingness to enter into a legal agreement under s106. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 11.325 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.



11.326 As such the applicant has indicated a willingness to make contributions and those that are considered to meet the statutory tests are:

Obligation / Contribution	Requested by	Trigger
SANG/SAMM Solent Protection Area contribution, inc. 'Bird Aware' (TBC)	PCC	Prior to first occupation
Highways works (S278/S106), including contribution related to "Phase 2" for improvements to walking and cycle routes connecting to the City Centre as identified in the adopted LCWIP 2021-2031 (or subsequent iterations) (TBC)	PCC	Prior to first occupation
Safeguarding of strip of land along Hope Street boundary to facilitate future widening of Hope Street	PCC	Delivery phasing TBC
Provision and tenure of affordable housing	PCC	Delivery phasing TBC
Ecology Management and Enhancement (TBC)	PCC	Delivery phasing TBC
Travel Plan Monitoring (£5,500)	PCC	Prior to first occupation
Phasing, delivery and community stewardship of public park and spaces	PCC	Delivery phasing TBC
Nutrient Mitigation contribution and Delivery (TBC)	PCC	Prior to first occupation

#### Human Rights and the Public Sector Equality Duty (PSED)

11.327 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.

11.328 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.

## **12.0 CONCLUSION AND PLANNING BALANCE**

- 12.1 The proposed development will bring forward the regeneration of the site and is aligned with the Council's desire for growth and regeneration within the City Centre. The site is allocated for a mix of uses including a significant quantum of new homes and non-residential development and is a brownfield site in a highly sustainable location. As a previously developed site which is currently underutilised, the proposed development for housing is fully supported by policies for boosting the supply of homes.
- 12.2 This application proposes comprehensive phased redevelopment of the site through a high-quality design-led scheme that includes a up to 2,300 new homes including a minimum of 30% affordable homes, up to 10,000sqm of commercial and community floorspace and a large new public park, along with significant improvements to the public realm and connectivity. The proposal will deliver a significant number of homes and contribute to a mixed and balanced community, directly responding to local and national planning objectives.
- 12.3 There is a pressing need for housing, including affordable house, and the Council has an extremely challenging housing delivery target. The Council is currently not meeting the Government's Housing Delivery Test and the 'presumption in favour of sustainable development' and the 'tilted balance' applies. The proposal would make a significant contribution to housing supply and contribute to meeting the needs of the City.
- 12.4 Overall, the design principles set out in the scheme are welcome including the provision of the central park and green space across the development as a whole. The introduction of a high-density development is also welcome and reflects that seen in the southern part of the City Centre, where it works well in conjunction with the open space of Victoria Park. The resulting development as envisaged will be high quality, legible and distinctive. It will provide a modern, sustainable and inclusive development and would be fully in accordance with the design objectives in the Portsmouth Plan (Policies PCS5, PSC13, PCS15 and PCS24), the NPPF and local planning guidance.
- 12.5 Paragraph 202 of the NPPF notes that, where the overall net balance of heritage considerations is that any harm is less-than-substantial, *"this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use."*
- 12.6 The application scheme is considered to be in accordance with the development plan as a whole delivering social, economic, environmental and sustainable benefits to the community. Notwithstanding this, as the proposal has been identified as causing 'less than substantial harm' to designated

heritage assets by both the Council and Historic England, it is important to identify the public benefits that would comprehensively outweigh these in line with paragraph 202 of the NPPF. These benefits are considered to be:

- New Homes - delivery of up to 2,300 new homes, including 30% affordable homes, provided in a range of sizes and contributing to a mixed and balanced community;
- New Community and Employment uses - new commercial and community uses to increase activity and support the vitality and viability of Portsmouth City Centre with up to 10,000sqm of non-residential flexible commercial floorspace proposed creating on-site jobs, and significant temporary construction jobs and apprenticeships during the construction period; and
- Improving and Enhancing Public Realm and biodiversity - a new public park in the centre of Portsmouth with public realm and biodiversity enhancements for the benefit of all, contributing to healthy lifestyles, social activity and civic pride.

- 12.7 With regard to the identified social, economic, environmental and sustainability value that the scheme would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified.
- 12.8 The proposal successfully balances the need for new homes on an underutilised, well-connected brownfield site against the site's setting and character. It reconciles an appropriate quantum of new homes to make a substantial contribution to housing need, against the sensitivities of the heritage assets in order to optimise the potential of the site in accordance with local and national policy when read as a whole.
- 12.9 The height and massing of the development has been assessed in relation to its impact from a wide range of viewpoints and has been found to be acceptable and justified. The intended height of the development in this highly publicly accessible transport location is considered to be acceptable. The proposed buildings within Phase 1 have been sensitively designed, taking inspiration from the surroundings and historic context of the site, and together with the intended buildings on Phase 2, would respect the character, context and the form and scale of neighbouring buildings and would sit comfortably within the streetscene and surrounding area. The appearance, materials, detailed facade treatment, landscape and public realm design of the development will be high quality, displaying an appropriate response to the surrounding character.
- 12.10 Given the distance and orientation to the nearest residential properties, and the inclusion of appropriate mitigation measures, the proposal would not result in any significant material impact in terms of overlooking and privacy.
- 12.11 The proposed development would meet all relevant residential space standards and the provision for private and communal amenity space and

play space proposed is considered to be acceptable. Adequate levels of daylight would also be provided within the flats for future residents. The proposal provides units with a good standard of accommodation, in terms of unit sizes, aspect and amenity space provision, being provided.

- 12.12 The development would have a sustainable construction, meeting all of the relevant sustainability standards. The likely impact of the reduction in car parking spaces and the merits of encouraging sustainable travel options have been fully assessed and are welcome.
- 12.13 Overall, therefore, it is concluded that the proposal is in accordance with the development plan. Material considerations which would not warrant refusal; for example, the heritage harm caused by the proposal is outweighed by the public benefits of the scheme.
- 12.14 Officers have taken into account the benefits of the scheme and weighed these against the impacts of the proposals, including amenity. The tilted balance in paragraph 11 of the NPPF would apply in this case as a result of the shortfall in housing delivery and because the harm to heritage assets does not provide a clear reason for refusing the proposed development (when also taking into account the presumption against harm). As a result, the NPPF policy is that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 12.15 The proposal would contribute to the economic viability, accessibility and environmental quality of the City Centre, and to social wellbeing. The identified social, economic, environmental and sustainability value that the proposed development would bring, with the addition of the benefits identified above, it is considered that the public benefits of the application scheme outweigh the 'less than substantial' harm identified. As such, the proposal is considered to be acceptable and in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and development plan policies.

## **RECOMMENDATIONS**

**Grant planning permission subject to conditions and a s106 Agreement.**

**Delegate authority to the Assistant Director for Planning and Economic Growth to finalise the wording of the draft conditions (listed below) and finalise the s106 agreement in line with the Heads of Terms listed above.**

### **Draft Conditions (Headings)**

1. TIME LIMIT
2. APPROVED PARAMETER PLANS, DESIGN CODE AND DOCUMENTS
3. RESERVED MATTERS
4. PHASING AND DELIVERY
5. MATERIALS

6. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN
7. CONSTRUCTION TRANSPORT MANAGEMENT PLAN
8. CONTAMINATED LAND - RISK MITIGATION
9. CONTAMINATED LAND - VERIFICATION
10. CONTAMINATED LAND - WATCHING BRIEF
11. PREVIOUSLY UNIDENTIFIED CONTAMINATION
12. FLOODING - IMPLEMENTATION OF FLOOD RISK ASSESSMENT
13. SURFACE WATER DRAINAGE SCHEME
14. PILING METHOD STATEMENT
15. LOCAL HIGHWAY IMPROVEMENTS
16. LANDSCAPING - DETAILS
17. BOUNDARY TREATMENT
18. TREE PROTECTION
19. LANDSCAPE IMPLEMENTATION
20. LIGHTING SCHEME
21. COMMERCIAL UNITS
22. ECOLOGICAL MITIGATION
23. BUILDING HEIGHTS
24. GLAZING - SOUNDPROOFING (M275 NOISE)
25. CAR PARKING
26. CYCLE PARKING
27. CAR PARKING ACCESS AND MANAGEMENT PLAN
28. PROVISION OF REFUSE AND RECYCLING FACILITIES
29. ARCHAEOLOGY
30. CCTV
31. DEFENSIBLE SPACE FOR GROUND FLOOR RESIDENTIAL UNITS
32. FIRE STATEMENT
33. BAT SURVEYS
34. SWIFT BRICKS
35. TRAVEL PLAN
36. CAR CLUB
37. WIND MITIGATION
38. EV CHARGING
39. DELIVERY AND SERVICING PLAN
40. BIODIVERSITY NET GAIN
41. CLIMATE CHANGE, SUSTAINABILITY AND ENERGY
42. PUBLIC SEWER CONNECTION
43. DRAINAGE AND RAINWATER HARVESTING
44. SURFACE WATER DISPOSAL

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# Agenda Item 5

23/00695/FUL

WARD:ST JUDE

63-65 ALBERT ROAD SOUTHSEA PORTSMOUTH PO5 2RY

**CHANGE OF USE OF GROUND AND PART FIRST FLOOR TO MIXED USE RESTAURANT/TAKEAWAY/BAR/PRIVATE FUNCTION HIRE, WITH INSTALLATION OF KITCHEN EXTRACT SYSTEM; AND CHANGE OF USE OF PART FIRST FLOOR TO RESIDENTIAL ACCOMMODATION WITH SCREENED EXTERNAL ROOF TERRACE [NOTE AMENDMED DESCRIPTION]**

[23/00695/FUL | Change of use of ground and part first floor to mixed use restaurant/takeaway/bar/private function hire, with installation of kitchen extract system; and change of use of part first floor to residential accommodation with screened external roof terrace | 63-65 Albert Road Southsea Portsmouth PO5 2RY](#)

**Application Submitted By:**

Mr Steve Lawrence

ACHIEVE - Town Planning and Urban Design Ltd

**On behalf of:**

Mr Ting-On Tsui

**RDD:** 7th June 2023

**LDD:** 2nd August 2023

## **SUMMARY OF MAIN ISSUES**

- 1.1 This application is being presented to Planning Committee due to the number of objections received (11).
- 1.2 The main considerations are:
  - The principle of the development;
  - Impact on amenity for Existing Residents;
  - Design considerations
  - Lack of 5 housing land supply
  - Agent of change principle

## **SITE AND SURROUNDINGS**

- 2.1 The Site is located on the corner Albert Road and Chelsea Road. It falls within the Albert Road District Centre (Policy PCS8).
- 2.2 The building in question is sited on a corner plot and has historically been in commercial use as a printing/stationery shop (which is considered would fall under Class E if still in operation). It comprises an attractive two storey flat roofed building with stone style tiling at ground floor level and large shop front windows fronting Albert Road. The rest of the building is fenestrated with multi panelled windows with white frames at ground and first floor level.
- 2.3 The surrounding area is almost entirely commercial at ground level. There is a strong mix of business uses, with some Class E operations, but the overwhelming character of the area at ground floor level is of restaurants and drinking establishments. Many of the commercial units have residential flats above, and Chelsea Roads prevailing character is of a traditional terraced residential street.

## PROPOSAL

- 3.1 The development proposes very little operational development and the main consideration in this instance is the change of use of the premises to a mixed use comprising of a bar/restaurant/function room also with a takeaway function with a residential flat occupying a portion of the first floor. It is described by the agent that the applicant intends to live in the flat and invites that this should therefore be considered to be ancillary accommodation, but the layout, without its own external access and lack of operationally necessary connection means that there is no grounds to consider the flat an ancillary part of a larger planning unit and it is in effect and as a matter of judgement, notwithstanding the intent of the restaurant owner to live in the unit, not necessarily any different to a standalone dwelling in terms of the LPAs assessment. The application has been consequently described and determined on that basis. Minor external alterations are proposed to enable the change of use including an extraction flue which is mostly contained internally with the external aspect obscured from view by the proposed terrace screening, which is found to the rear of the property on the Chelsea Road boundary at first floor level.
- 3.2 The proposed terrace would involve minor brickwork to level the rear area and a 1.8m high balustrade consisting of vertical poles and privacy glass. It would be set back from the edge of the roof and is solely for the use of the residential flat rather than for patrons of the restaurant/bar.
- 3.3 The proposed layout of the ground floor features a bar, kitchen and a number of covers, with a similar smaller layout at first floor level. The description with regards to the commercial side of the application includes restaurant, takeaway and function uses within the description which would allow for more flexibility in the use than if the unit operated solely as a bar or a restaurant for example. The proposed opening hours stated by the applicant are 11:00am to 01:00pm on Fridays and Saturdays and 11:00am to 23:00pm on every other day.
- 3.4 The applicant has provided the following statement explaining how the takeaway function will operate:

*Further to our planning application for the Albert Road development, we write to confirm that in addition to the restaurant we are looking to offer both a home delivery food service as well as a take-away food service. It is our intention that should there be any walk-in take-away customers, there will be seating either at one of the tables or by any of the seating by the bar, while they wait for their order.*

- 3.5 This is in addition to delivery service which would be undertaken through the rear of the ground floor as shown on the plans.

## PLANNING CONSTRAINTS

- 4.1 As mentioned above, the site falls within the Albert Road District Centre. The implications of this and the weight it should be given are discussed later in this report. The site does not fall within a conservation area but is adjacent to the Campbell Road conservation area which terminates at 1 Chelsea Road and could affect *the setting* of the heritage asset.

## POLICY CONTEXT

- 5.1 The planning policy framework for Portsmouth is currently provided by:

The Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012.

5.2 Having regard to the location of this site and the nature of the proposal, the relevant policies within the Portsmouth Plan would include:

- PCS8 - Albert Road District Centre
- PCS17 - Transport
- PCS23 - Design and Conservation

## RELEVANT PLANNING HISTORY

6.1 The site has very limited planning history, with none recent enough or comparable to the proposal to be considered relevant.

6.2 The site next door was granted permission to be used as a bar restaurant in 2016 under reference 16/00017/FUL. The opening hours are restricted to 11:30pm on weekdays and 03:00am on Fridays and Saturdays.

## CONSULTATIONS

Highways: No objection, no issues identified.

Regulatory Services: No objection subject to a conditions regarding:

- Opening Hours
- Noise insulation
- Extraction system
- Condenser units/refrigeration systems

Police: Initially objected over safety concerns with regards to the layout/facilities in the restaurant/bar and the entrance to the residential flat but following amendments support the application. The applicant has suggested through these discussions that a condition requiring details of security features would be agreeable.

## REPRESENTATIONS

7.1 Objections have been received from 11 persons which can be summarised as:

- How the accommodation is accessed through the restaurant (*Officer note: this is no longer the case following amended drawings*)
- How the terraces use will be restricted to only the resident of the flat and not patrons (*Officer note: see below regarding condition to this effect*)
- Highways comments regarding lack of transport statement (*Officer note: a traffic impact assessment is not considered necessary on such small scale development and Highways are satisfied that there would be no impact*)
- There are too many bars and restaurants on Albert Road and disturbance would be made worse by the addition of another
- Adding a roof terrace would make the disturbance worse (*Officer note: it would appear that the objector who mentions the terrace has misunderstood the location and proposed use of the roof terrace*)
- The market is saturated and the addition of another bar/restaurant is unfair on existing businesses
- Parking and traffic would be increased and would be unsustainable
- Overdevelopment of the area (*Officer note: the proposal is very minor and relates to a change of use of an existing building*)
- Increase in anti-social behaviour

- Takeaway function would give rise to unacceptable disturbance from takeaway drivers
- The use would block neighbours access due to illegal parking (*Officer note: The assessment of a planning application must be made with the expectation that occupiers and users of the proposed development would obey the law and if they did not, it would be for the appropriate authority to enforce. As such, this is not a material consideration*)
- Residents of the flats opposite on Albert Road are elderly/ill and this proposal would worsen issues with late night activity on Albert Road
- The road is already too loud and busy due to the operation of the many establishments and Kings Theatre
- The pavement outside of the premises is too narrow (*Officer note: The Local Highway Authority have reviewed the scheme and do not identify any issues with the location of the proposal*)
- The proposed development is far too large for the plot (*Officer note: the building is not increasing in size*)

## PLANNING CONSIDERATIONS / COMMENT

### Principle of the development

- 8.1 PCS8 seeks to encourage what was described as A1 uses in the 2012 Plan, with other uses such as A2 and D2 also considered acceptable. The change to the Use Classes Order in 2020 encompassed those uses under Class E (which includes restaurants), this policy is now heavily weakened in terms of the specific commercial uses discussed.
- 8.2 To this end, it should be noted that, hypothetically, a restaurant use with ancillary takeaway, bar and function room is unlikely to require permission and would be beyond the control of the LPA. This would be a realistic fallback position available to the applicant should this application be refused because many restaurants have a bar so that patrons can purchase a drink before or after eating. Many restaurants have a takeaway function also and are available for function hire. This should be given appropriate weight in the planning balance. However, as the proposal has been described by the applicant as a restaurant/bar/takeaway/function room, the LPA should consider it as such and should assess the acceptability of the proposed uses against relevant policy.
- 8.3 It is considered that a restaurant/bar/function use on Albert Road, which is an area heavily characterised by similar uses in very much in keeping with the character of the area and would be expected as a use in the locality. It is also not considered that the proposal would give rise to any measurable increase in late night noise and disturbance that is clearly already a feature of Albert Road when controlled by conditions in line with the surrounding premises. It is considered positive that a disused building on a busy and vibrant high street is proposed to be brought back into use. Furthermore, the agent of change principle, as set out in the NPPF, advises that some regard should be given, in assessing the impacts of change, to the prevailing and established character of the area, especially if it is of uses similar to the proposal.
- 8.4 The takeaway function should be assessed somewhat differently to the other described uses as it has more externality due to potential comings and goings of delivery drivers and customers. There would be a noise impact arising from this activity, but bearing in mind that there is already a proliferation of takeaways in the immediate area, it is considered that the potential harm can be controlled through planning condition as below.
- 8.5 The proposed flat would contribute to housing, which should be given significant weight in the tilted planning balance, which is applied as the Council is unable to demonstrate a 5 year land supply. At around 101msq GIA, it exceeds the NDSS requirement for a 2 bedroom flat of 70msq. It should be highlighted that two rooms which appear very similar to bedroom 2 are labelled as domestic storage. If these rooms were to be used as

bedrooms, the flat would still exceed the NDSS requirement for a 4 bedroom flat of 90sqm. These three rooms (bedroom 2 and the storage rooms) are not served by windows, but rather rooflights, which provide natural light but not outlook, which is a negative in the planning balance. The other rooms are served by windows which provide adequate light and outlook. The terrace provides some private outdoor amenity space which improves the standard of living and is in the proposals favour.

- 8.6 While no off street parking is provided, the locality is highly sustainable and can easily support car free living.

### **Design Considerations**

- 8.7 The National Planning Policy Framework (NPPF), Chapter 12, 'Achieving Well Designed Places', states that 'the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. The NPPF is also supplemented by the National Design Guide (NDG).
- 8.8 Policy PCS23 (Design & Conservation) echoes 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; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development.
- 8.9 The surrounding area is predominantly commercial on the Albert Road frontage and there are very minor changes proposed which are considered in keeping with the character of the area and acceptable in principle. The proposed external alterations are mainly the installation of the privacy screening on the Chelsea Road frontage and the flue. The flue would only project above the roof by around 1m and is described as being aluminium. It is recommended that the external aspect of the flue is finished in black powder coating in order to minimise the impact on the Conservation Area, which can be secured through condition. The balustrading would be 1.8m in height from the decking in order to provide adequate screening. This would be very much subservient to the building and would be set back from the edge of the roof. This, coupled with the use of opaque glass presents a soft appearance and is not considered to cause harm to the conservation area. The garage sited on the opposite side of Chelsea Road (also on the border of the conservation area) is also finished in modern materials and as such, a more modern approach on the edge of the conservation area is already established. It is considered that the metal railings should also be powder coated in black to minimise their impact visually and to match the proposed flue and this should also be ensured through a condition.
- 8.10 The proposed new entrance to the flat is acceptable subject to security features as agreed with the designing out crime officer. This should be secured through a condition.

### **Impact on amenities of residential properties**

- 8.11 In addition to requiring good design, Policy PCS23 of the 2012 Portsmouth Plan also requires new development to protect the amenities of and to ensure a good standard of amenity for neighbouring and local residents.
- 8.12 The nature of the area is very much made up of drinking establishments and restaurants and as has been for decades. As such, development such as this is to be expected and it is considered to be in keeping with the nature of the area. It is appreciated that nearby

residents have concerns that the proposal may increase instances of noise nuisance and anti-social behaviour but it is not considered that this could be used as a reason for refusal given the well established character of the area.

- 8.13 Concerns have been raised that the proposed terrace will give rise to further noise disturbance, but this appears to be on the premise that it will be used by patrons of the restaurant/bar. It is clear from the plans that this is not the case and the use of the terrace by the residents of the residential flat and this will be ensured through a condition. It is not considered, based on the location of the area, that it would give rise to an unacceptable level of overlooking or loss of amenity given the 1.8m high screening.
- 8.14 The proposed use does of course have the potential to give rise to a degree of noise that could impact upon the amenities of residential properties opposite on Albert Road and to a lesser degree on Chelsea Road. The Regulatory Services Officer has reviewed the plans and particulars submitted with the application including the details of the use and the extraction systems and raised no objection subject to the conditions discussed below.
- 8.15 It is considered that subject to these conditions that there would be no harmful impact on thereby ensuring compliance with Policy PCS23 of the 2012 Portsmouth Plan.

### **Highways and Parking**

- 8.16 The Highways Officer has reviewed the scheme and raises no concerns. The minor nature of the development is not considered to give rise to Highways Safety concerns and, while the lack of parking results in a shortfall of 1 space as detailed in the parking SPD, the area is highly sustainable and is considered to be an ideal area for car free living.
- 8.17 The application shows cycle storage within the premises of the restaurant, which would provide cycle storage for employees at the site. No dedicated cycle storage is provided for the residential flat but, as annotated a significant amount of the floorspace at flat is available for domestic storage. While this would require carrying a bike up a flight of stairs it is not considered that the lack of defined residential cycle storage justifies withholding planning permission.

### **Human Rights and the Public Sector Equality Duty (PSED)**

- 8.18 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.
- 8.19 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.

### **Other Issues**

- 8.20 It is considered that all matters raised by objectors have been covered through the course of this report.

### **CONCLUSION AND PLANNING BALANCE**

- 9.1 While there may be some harm arising from the proposed restaurant/bar use, as explained above, the applicant could argue that the use does not require planning permission and as such, given this fallback position, this should be given very little weight. The revitalisation of a building that has fallen out of use on a busy high street is positive and the harm is limited, even less so when controlled through conditions. As such, the scheme is considered acceptable and should be granted permission in accordance with the below conditions. The following recommendations are made to the committee:

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

(a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

### **Implementation**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - 2162 02.01 REV F  
**Reason:** To ensure the development is implemented in accordance with the permission granted.

### **External Materials**

- 3) The bricks used in construction shall match those on the existing building, and the metalwork used on the external aspects of the flue and balustrading shall be powder coated in black unless otherwise agreed in writing with the LPA.  
**Reason:** In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.

### **Odour**

- 4) Prior to the commencement of the use, a kitchen extraction system shall be installed to suppress and disperse cooking odours. Details of the proposed equipment shall be submitted to the local authority for approval. Approved equipment shall then be installed

and maintained in accordance with the submitted schedule.

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Noise**

- 7) 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 protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Sound Insulation**

- 8) Prior to the occupation of the residential flat, a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor and walls between the commercial use and the first floor proposed residential dwelling shall be submitted to the planning authority. These measures shall ensure that the separating floor can achieve a minimum standard of Dntw+Ctr 55dB. Upon approval these measures shall be implemented and thereafter maintained.

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Neighbouring Amenity - Screening**

- 8) Prior to the occupation of the residential flat, the screening around the terrace shall be installed as per the approved plans, being 1.8m in height around the perimeter of the terrace. The glass screens shall be opaque to Pilkington Grade 4 level.

Reason; To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Neighbouring Amenity - Use of Terrace**

- 9) The terrace hereby approved shall be strictly be for the use of the residents of the residential flat and shall not be used by employees or patrons of the commercial unit within the site.

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Opening Hours**

- 10) The restaurant/bar/takeaway/function uses hereby approved shall only be open and in operation between the hours of 11:00am and 01:00am on Fridays and Saturdays, and between 11:00am and 23:00 on all other days. The premises shall close to members of the public outside of those hours and no takeaway orders are to be prepared/sent out.

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

#### **Security Features**

- 11) Prior to the occupation of the residential flat, a scheme of security features including lighting and CCTV on the access to the flat within the shall be submitted to and agreed by the LPA in writing. The features shall then be installed and maintained.

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan.

# Agenda Item 6

23/00442/FUL

WARD:HILSEA

105 BALFOUR ROAD PORTSMOUTH PO2 0NH

CHANGE OF USE FROM PURPOSES FALLING WITHIN DWELLINGHOUSE (CLASS C3) TO 7 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

[23/00442/FUL | Change of use from purposes falling within dwellinghouse \(Class C3\) to 7 person house in multiple occupation \(Sui Generis\) | 105 Balfour Road Portsmouth PO2 0NH](#)

**Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM Ltd

**On behalf of:**

Mr Jesse Harfield

**RDD:** 6th April 2023

**LDD:** 1st June 2023

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (31) including an objection from Cllr. Daneil Wemyss.

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 terraced dwellinghouse (Class C3) located on the western side of Balfour Road 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 property also has an existing loft conversion with rear facing dormer and rooflights to the front slope. The existing layout comprises a kitchen, dining room, lounge and a conservatory at ground floor level; three bedrooms and a bathroom at first floor level, and a bedroom, dressing room and ensuite at 2<sup>nd</sup> floor level (within an existing loft conversion).

2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey semi-detached and terraced properties with a similar visual style.

### **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 house in multiple occupation use for 7 unrelated individuals.
- 3.2 The proposed internal accommodation comprises the following:
- Ground Floor - Two bedrooms (with ensuites), a shared WC and a Kitchen/Dining room.
  - First Floor - Three bedrooms (all with ensuites).
  - Second Floor - Two bedrooms with ensuites
- 3.3 Permitted development rights are being exercised to construct a small rear extension, a new larger rear dormer extension within the main roof and new roof lights to the front roof slope (as shown 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 HMO 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 side/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 the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

### **4.0 PLANNING HISTORY**

- 4.1 None.

### **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 Highways Engineer - no objection as there is no increase in parking demand from existing when assessed against the Transport and Parking SPD. Given the small scale of the development, no parking assessment is required. A condition requiring adequate cycle storage is required.
- 6.2 Public 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.

## **7.0 REPRESENTATIONS**

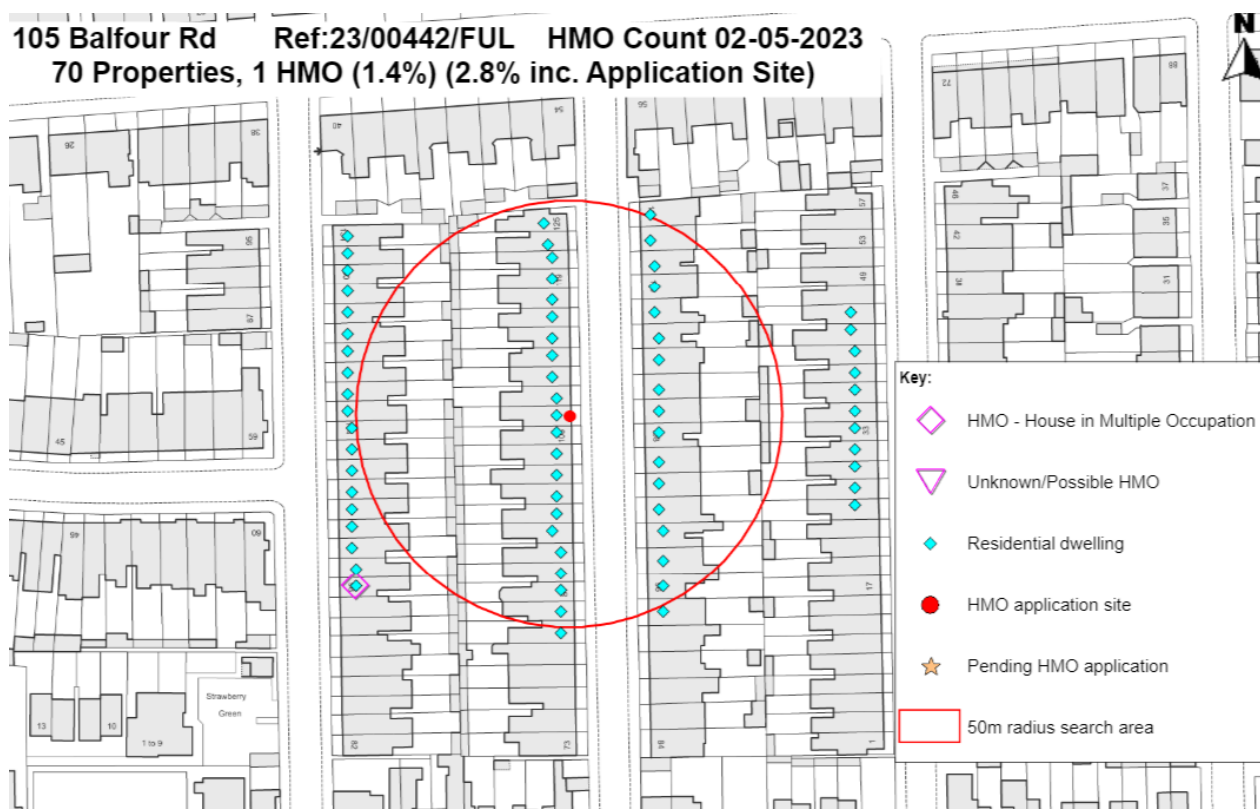
- 7.1 Thirty one representations have been received objecting to the proposed development, including one from Cllr Daniel Wemyss.
- 7.2 The above representations of objection have raised the following concerns:
- a) Loss of family home from the existing housing stock;
  - b) Increase in noise and disturbance;
  - 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 Doctors/Dentists
  - f) Too many HMOs within the area
  - g) Concerns about impact on community
  - h) Negative affect on property prices
  - i) Increase of nitrates.
  - j) Extension will block light to neighbouring property.

## **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 as a HMO for 7 persons. The property currently has a lawful use as a self-contained dwelling (Class C3).
- 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 70 properties within a 50-metre radius of the application site, there is 1 confirmed HMO (Class C4), 98 Beresford Road. 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. It is noted that a number of consented and potential HMOs have been identified in letters of objection by local residents, however these lie outside of the adopted search area. Consequently, including the application property, the confirmed HMOs within a 50-metre radius of the application property the proposal would result in the percentage of HMOs within the area as 2.9%. This would be considerably 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 7 person HMO. The submitted plans have been checked by officers and the below table compares the proposed room sizes against the standards set out within the HMO SPD.

Room	Area Provided	Required Standard
Bedroom 1	10.02m <sup>2</sup>	10m <sup>2</sup>
Bedroom 2	10.05m <sup>2</sup>	10m <sup>2</sup>
Bedroom 3	12.10m <sup>2</sup>	10m <sup>2</sup>
Bedroom 4	10.22m <sup>2</sup>	10m <sup>2</sup>
Bedroom 5	12.01m <sup>2</sup>	10m <sup>2</sup>
Bedroom 6	12.80m <sup>2</sup>	10m <sup>2</sup>
Bedroom 7	10.3m <sup>2</sup>	10m <sup>2</sup>
Communal Kitchen/Dining area	22.51m <sup>2</sup>	22.5m <sup>2</sup> as all bedrooms exceed 10m <sup>2</sup>
Ensuite bathroom 1	2.93m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 2	2.76m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 3	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 4	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 5	2.76m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 6	2.77m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 7	2.85m <sup>2</sup>	2.74m <sup>2</sup>
Tanks room/WC	2.9m <sup>2</sup>	1.17m <sup>2</sup>

- 8.11 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space standards as detailed in the HMO SPD, which at para 2.6 advises that more detailed guidance, beyond the headline requirements should be referred to within the Councils standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements (of 22.5m<sup>2</sup>) for combined living accommodation in circumstances where all bedrooms are at least 10m<sup>2</sup> and the accommodation is otherwise acceptable as communal space. Based on the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.

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 of the SPD 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 The proposal 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 three 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, and are being constructed, by permitted development without any planning control on parking. The submitted existing plans show that the property currently has 6 bedrooms. The property has no off-street parking.
- 8.23 As the level of occupation associated with an HMO is not considered to be significantly greater than the occupation of the property as a similarly sized 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 Natural England have agreed to figures to offset the impact on Nitrate output and SPA recreational disturbance and this will be resolved through a s111 agreement.

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 use 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. Furthermore, the likelihood as to whether the future occupants already live within the city, if not the area, should be considered and as such, there is no demonstrable increase in demand for public services.

8.36 As mentioned above the rear dormer and rear extension accords with Permitted Development and therefore the Local Planning Authority cannot give consideration towards the impact of the built form on the neighbour amenity.

- 8.37 Objections have been received that centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same parking requirement for the proposed C4 use and the current C3 use.

## 9.0 CONCLUSION

- 9.1 The Council cannot currently demonstrate a 5 year Housing Land Supply, and consequently the tilted balance applies to the determination of the application. 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 I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

(a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

### 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:

- Location Plan - TQRQM23076100051180
- DUAL USE PLAN - Dwg No.PG.8020 · 23 · 4 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 numbers: namely the construction of the single storey rear extension, and dormer window 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).

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# Agenda Item 7

23/00868/FUL

WARD: COSHAM

## 7 DERSINGHAM CLOSE PORTSMOUTH PO6 3LE

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

### LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RXL1MXMOJUE00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rxl1mXmoJUE00)

### Application Submitted By:

Dr Tudor Leandru

### On behalf of:

Dr Tudor Leandru

**RDD:** 11th July 2023

**LDD:** 9th October 2023

## 1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to sixteen letters of objection.

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

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

### 1.1 Site and surroundings

- 1.2 This application relates to a two-storey mid-terrace property situated on the northern side of Dersingham Close. The accommodation comprises of; a living/ dining room, kitchen, shower room at ground floor level and three bedrooms and a bathroom at first floor level.

## 2 The Proposal

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

2.3 This change in occupancy will not involve any physical alterations to the property but only repurposing of two living rooms into two bedrooms.

2.4 Plans:

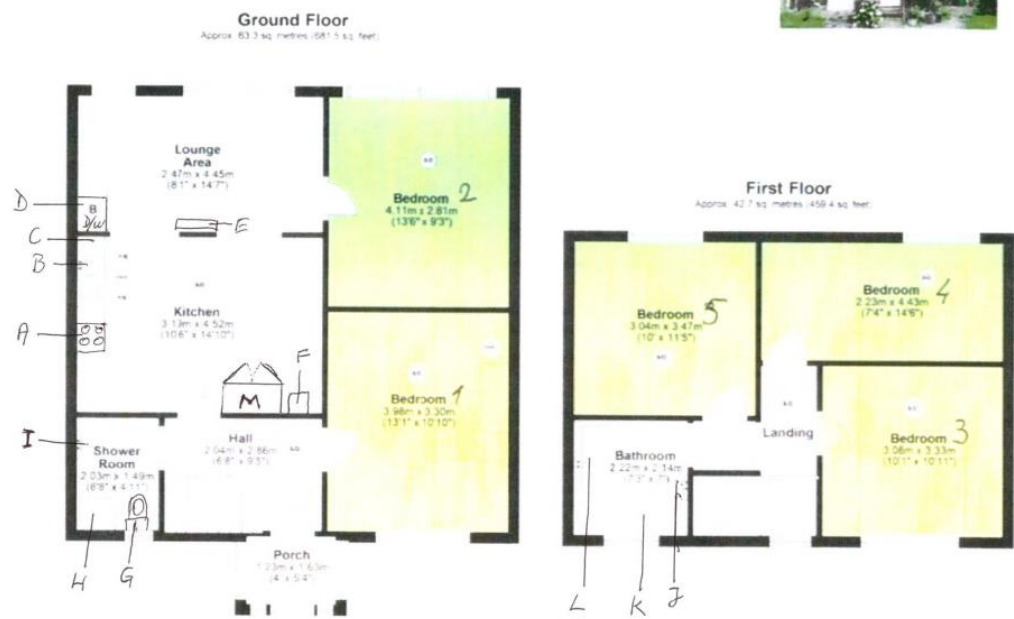


Figure 1: Existing/proposed floor plans



Figure 2: Location Plan

2.4 Planning History

2.5 A\*31689- New front porch and bow window. Approved 27.04.1981

2.6 A\*31689/A - Single storey rear extension. Approved 15.05.1984

### **3 POLICY CONTEXT**

- 3.4 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation).
- 3.5 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Interim Nutrient Neutral Mitigation Strategy (2019), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

### **4 CONSULTATIONS**

#### **4.4 Private Sector Housing**

- 4.5 Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 4.6 Based on the plan, bedroom 2 is an inner room of the kitchen/dining/lounge open plan area. Unable to ascertain from the drawing layout if there are suitable exits to outside. This is a significant fire risk which will need to be addressed.

#### **4.7 REPRESENTATIONS**

Sixteen letters of representation received objecting on the following summarised grounds:

- Overconcentration of HMO's in the area resulting in huge strain on the local infrastructure
- If approved this would exceed the quota of 10% within a 50m radius.
- Parking issues by adding another potential 5 car parking spaces.
- Loss of family home
- Plans to convert other neighbouring properties to HMOs
- On-street parking would worsen the narrow road for emergency vehicle access
- Anti-social behaviour such as noise, increased comings and goings and late night playing music and partying

#### **Non-planning matters**

- Devaluation of neighbouring properties

#### **4.8 COMMENT**

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

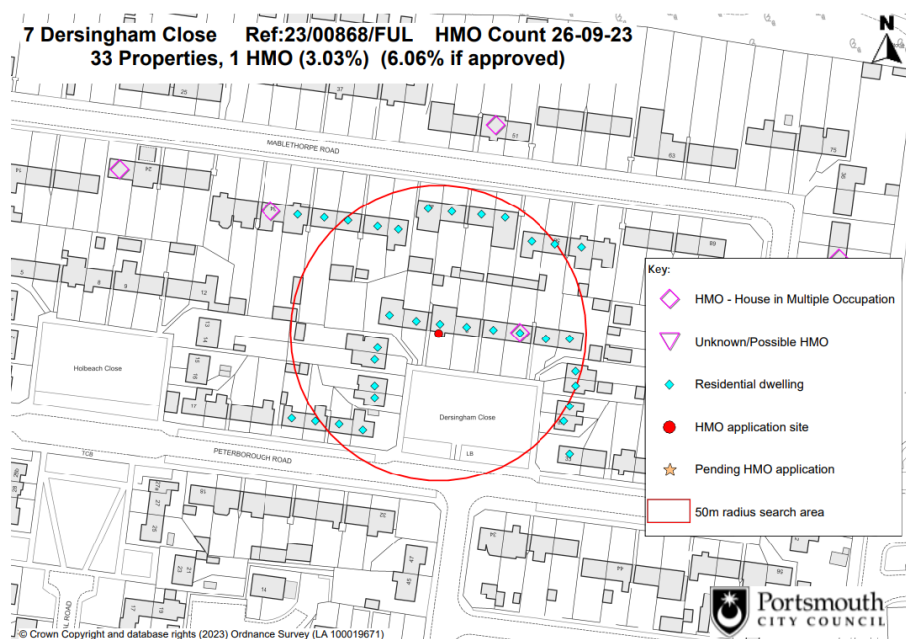
- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

### **5 Principle**

- 5.4 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are

the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

- 5.5 In this case the application site is in lawful use as a C3 dwellinghouse. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as maximum proportion of HMO dwellings to C3, single household, dwellings. It is noted that the relevant 50m radius area currently has 1no. HMO out of 33 properties as shown in figure 2 below. This proposal would change the current figure of 3.03%, to 6.06% and therefore remains below the 10% threshold. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a 3 adjacent HMOs next to each other. As this proposal would not result any of these scenarios, these considerations are not brought into effect.



**Figure 3:HMO data count map (50m radius)**

## 5.6 Standard of accommodation

- 5.7 If the property is operated as a Class C4 small HMO this would have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

5.8

Room	Area Provided:	Required Standard:
Bedroom 1	13.13m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2	11.6m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3	10.2m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4	9.9m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5	10.6m <sup>2</sup>	6.51m <sup>2</sup>
Shared bathroom	4.75m <sup>2</sup>	3.74m <sup>2</sup>
Ground Floor shower room/WC	3.03m <sup>2</sup>	2.74m <sup>2</sup>

Kitchen (3 to 5 persons)	14.14m <sup>2</sup>	7m <sup>2</sup>
Living Room (3 to 5 persons)	10.99m <sup>2</sup>	11m <sup>2</sup>

- 5.9 As is shown in the table above, all of the rooms 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. The exception is the 10.99m<sup>2</sup> Living Room, which is on a purely technical basis less than 11m<sup>2</sup>. This nominal deficit is considered to be adequately compensated for by the 14.14m<sup>2</sup> Kitchen which is largely open to the lounge and could be equally considered to be a combined living area of 25.13m<sup>2</sup>, in excess of the 24m<sup>2</sup> standard applicable.
- 5.10 One bathroom at first floor level and a separate shower room/WC at ground floor level would be provided. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.11 Whilst the Private Housing Sector team has raised concern that bedroom 2 is an inner room of the kitchen/dining/lounge open plan area posing a significant fire risk which will need to be addressed, based on the information submitted the room is served by a patio sliding door which would provide suitable exit to the outside in case of an emergency. In addition, this is a matter covered by the Building Regulations legislation.
- 5.12 As such, it is considered the proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing and the proposals would accord with the SPD.
- 5.13 **Impact on neighbour amenity**
- 5.14 The property would remain a 5-bedroom property and if operated as Class C4, this could have a proportionate increase in activity within and coming and going from the property. However, the level of activity that could be associated with the use of any individual property either as a dwellinghouse(C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a HMO. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance/disturbance.
- 5.15 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.
- 5.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and 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 this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of the proposed C3/C4 HMO would not be significantly.
- 5.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.18 **Amenity and Parking**
- 5.19 The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, and as such it is not considered to represent an increase in overnight stays. The proposal is thus not considered to have a demonstrable impact on

the parking need over and beyond the existing. As existing, due to site constraints there is no off-site parking being provided and none is being proposed. Therefore, lack of off-street parking cannot be justified as a reason for refusal.

- 5.20 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. A 4+ bedrooms has an expected demand for 4 cycle parking spaces. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

#### **5.21 Waste**

- 5.22 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.

#### **5.23 Impact on Special Protection Areas**

- 5.24 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 to flexible C3/C4 use. The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, 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 overnight stays nor therefore on the Solent Protection Areas or result in an increased level of nitrate discharge.

### **6 CONCLUSION**

- 6.4 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. Having regard to all material planning consideration 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 (2021).

### **7 RECOMMENDATION**

#### **7.1 Approve subject to the following conditions:**

##### Time limit

- 1) The development hereby permitted shall be begun before 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 (as amended).

##### 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:

- Location plan
- Floor plan details
- Elevations sketch
- Photo rear elevation
- Photo front elevation

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

##### Cycle storage



- 3) Prior to first occupation, details and plans of a covered, enclosed, secure and weatherproof bicycle parking facilities (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 5 bicycles 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 (2012).

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# Agenda Item 8

23/00958/FUL

WARD:COPNOR

170 CHICHESTER ROAD PORTSMOUTH PO2 0AH

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

**LINK TO DOCUMENTS:** [HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RYI1X0MOK8200](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RYI1X0MOK8200)

**Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM Ltd

**On behalf of:**

Wadam

**RDD:** 31st July 2023

**LDD:** 2nd October 2023

## **1 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought before Planning Committee due to nine letters of objection including an objection from Cllr Benedict Swan.
- 1.2 The main issues for consideration in the determination of the application are as follows:
  - The principle of Development including compliance with policy;
  - The standard of accommodation;
  - Parking;
  - Amenity impacts upon neighbouring residents;
  - Impact upon the Solent Protection Areas; and
  - Any other raised matters

## **2 SITE AND SURROUNDINGS**

- 2.1 This application relates to a two-storey mid-terrace property situated on the southern side of Chichester Road. The accommodation comprises of; a living/ dining room, kitchen, utility and wc at the ground floor level and three double bedrooms and a bathroom at first floor level.

## **3 THE PROPOSAL**

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

- 3.3 The Applicant intends to construct a small rear extension, a dormer extension within the main roof and roof alterations 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 This change in occupancy will also involve repurposing of some rooms.
- 3.5 Plans:



Figure 1: Proposed floor and elevation plans

- 3.6 Planning History  
None

#### 4 POLICY CONTEXT

- 4.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation and PCS23 (Design and Conservation).
- 4.2 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Interim Nutrient Neutral Mitigation Strategy (2019), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

## **5 CONSULTATIONS**

### **5.1 Private Sector Housing**

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

5.3 The new standards require a room to have usable space that is measured from the floor to ceiling height of 2.3m for over at least 75% of the room. It is unclear from the drawing dimensions if the usable space of bedroom 1 is suitable and meets the required standards.

5.4 Based on the plan, the Study is an inner room of the kitchen area. This is a significant fire risk which will need to be addressed.

5.5 The property will require HMO mandatory licensing.

### **5.6 REPRESENTATIONS**

Nine letters of representation received objecting on the following summarised grounds:

- If granted will exceed the planning 10% rule on HMOs within a 50m radius of other HMOs
- Council HMO data list out of date
- Would result in two HMOs next to each other and sandwiching residents
- Loss of large family homes
- Parking issues
- Pressure on local amenities and facilities

#### Non-planning considerations

- Devaluation of neighbouring properties

## **6.0 COMMENT**

6.1 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;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

### **7.0 Principle**

7.1 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

7.2 In this case the application site is in lawful use as a C3 dwellinghouse. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as maximum proportion of HMO dwellings to C3, single household, dwellings. It is noted that letters of objection from local residents have identified a number of known HMOs in Chichester Road and the wider area and several properties have also been identified as

potentially being HMOs. These have been investigated and none are unknown HMOs and consequently within the relevant 50m radius area the LPA is satisfied that there are currently 3 no. HMOs out of 62 properties as shown in figure 3 below. This proposal, adding one more HMO, would change the current figure of 4.8%, to 6.5% and therefore remains below the 10% threshold. Local residents have also suggested that there may be some dwellings in the relevant area being used as HMOs without the relevant permission/licence. Preliminary assessment has not confirmed this but further update will be provided at the Committee. However while 2 such properties have been suggested to be 'unregistered' HMOs, even if the further investigation does confirm they are currently being used as HMOs, and that they may lawful remain as such, that will only increase the total resultant number of HMOs within the relevant search area to 6, 9.7% of the dwellings, and therefore still an acceptable mix within this area. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a 3 adjacent HMOs next to each other. As this proposal would not result any of these scenarios, these considerations are not brought into effect.

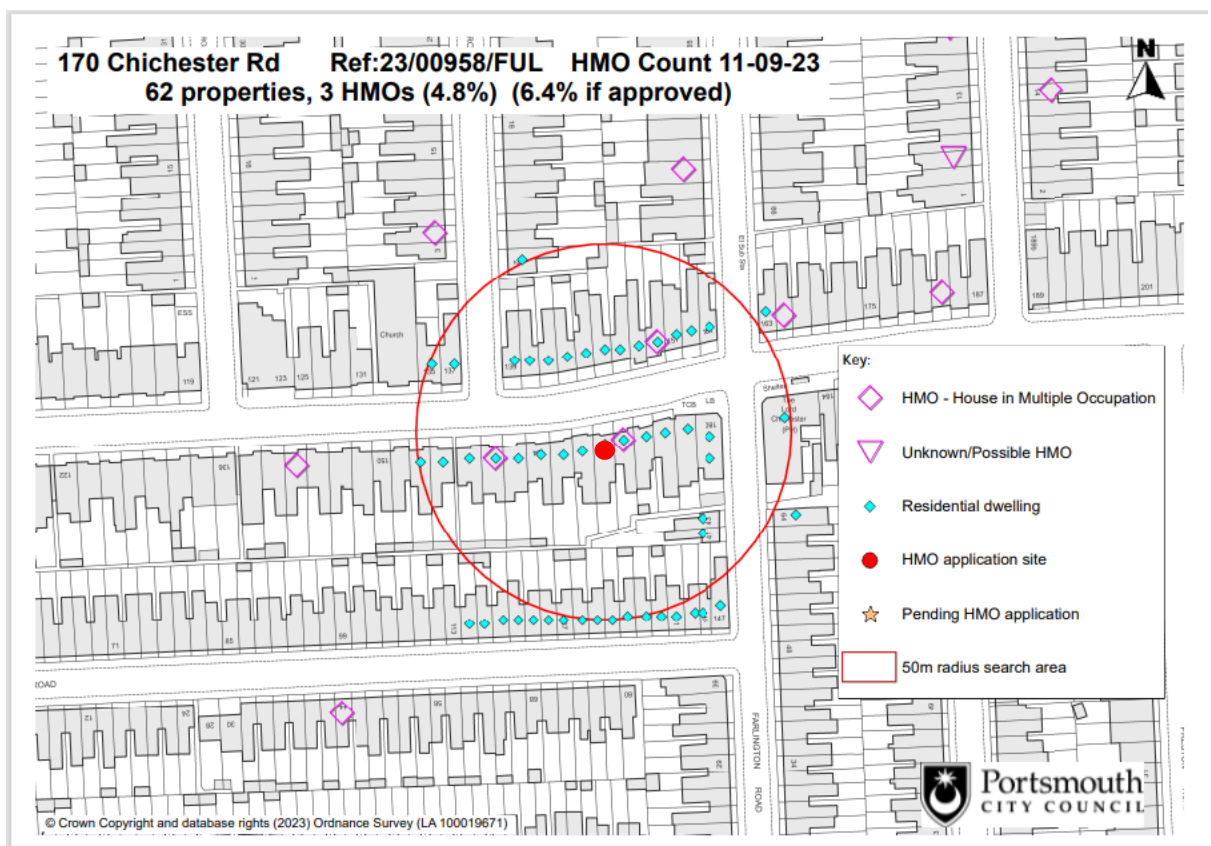


Figure 2: HMO data count map (50m radius)

### 7.3 Standard of accommodation

- 7.4 If the property is operated as a Class C4 small HMO this would have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:



Room	Area Provided:	Required Standard:
Bedroom 1	13.39m <sup>2</sup> (area with ceiling height above 1.5m)	10m <sup>2</sup>
Bedroom 2	12.6m <sup>2</sup>	10m <sup>2</sup>
Bedroom 3	19.2m <sup>2</sup>	10m <sup>2</sup>
Bedroom 4	14.11m <sup>2</sup>	10m <sup>2</sup>
Bedroom 5	15.8m <sup>2</sup>	10m <sup>2</sup>
Bedroom 6	11.2 m <sup>2</sup>	10m <sup>2</sup>
Shared bathroom	4m <sup>2</sup>	3.74m <sup>2</sup>
Ensuite 1	2.9m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite 2	2.9m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite 3	2.96m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite 4	3.17m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite 5	3.16m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite 6	2.76	2.74m <sup>2</sup>
Ground Floor WC	2.86m <sup>2</sup>	1.17m <sup>2</sup>
Living Room (6 or more persons)	11.2m <sup>2</sup>	Not required within combined living space is provided
Combined Kitchen/dining (6 or more persons)	23.66m <sup>2</sup>	22.5sqm (As all bedroom exceed 10m <sup>2</sup> )
Study	11.6m <sup>2</sup>	Not required within combined living space is provided

**Figure 3: HMO SPD (Oct 2019) compliance**

- 7.5 As is shown in the table above, 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. A lounge room of 11.2m<sup>2</sup> and a combined kitchen/dining room of 23.66m<sup>2</sup> and a separate study of 11.6m<sup>2</sup> would be provided. Given all six bedrooms meet or exceed 10m<sup>2</sup>, the size expected, as described in the Standards for Houses in Multiple Occupation' PCC guidance, for combined kitchen/dining is 22.5m<sup>2</sup>. At 23.66m<sup>2</sup> the combined living space comprising the kitchen-diner meets this minimum standard and consequently the further 11.2m<sup>2</sup> of a separate lounge and 11.6m<sup>2</sup> study shown are provided in excess of this standard. In combination these would provided communal living space of about 46m<sup>2</sup>. It is considered that this would provide an adequate communal living space for future occupiers. Members will be aware of a growing trend my some planning agents to make incremental planning applications, with 'excess' communal spaces, such as the lounge and study in this case, later being converted into additional bedrooms with or without further planning applications. The Council must consider each case on its own merits and based on the plans before it, so any such future change is not a material consideration at this time. Members may however wish to note that should both the lounge and study be converted to single occupancy additional bedrooms, the resultant 8-bed, 8-person HMO would still meet the space standards adopted by the Council in 'The Standards for Houses in Multiple Occupation' document dated September 2018.
- 7.6 One separate WC would be provided at ground floor. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.

- 7.7 As such, it is considered the proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing and the proposals would accord with the SPD.
- 7.8 **Impact on neighbour amenity**
- 7.9 The property if operated as Class C4 could have a proportionate increase in activity within and coming and going from the property. However, the level of activity that could be associated with the use of any individual property either as a dwellinghouse(C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a HMO. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance/disturbance.
- 7.10 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.
- 7.11 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and 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 this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of the proposed C3/C4 HMO would not be significantly.
- 7.12 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 7.13 **Amenity and Parking**
- 7.14 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 Sui Generis HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with three bedrooms would be 1.5 off-road spaces, a difference of just 0.5 spaces. The proposal has no off-street parking, which is no change from the current use, or the fallback position.
- 7.15 The proposed use describes occupation by up to 6 people, while a C3 dwellinghouse could be more or less, and as such it is not considered to represent an increase in overnight stays. The proposal is thus not considered to have a demonstrable impact on the parking need over and beyond the existing. Therefore, it is considered that refusal on a lack of parking is not reasonable or defensible and refusal 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, or even more than 1 vehicle each.
- 7.16 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. A 4+ bedrooms has an expected demand for 4 cycle parking spaces. A 4no. bicycle storage facilities have been submitted with this application and this would be secured via condition.
- 7.17 **Waste**
- 7.18 The storage of refuse and recyclable materials would remain unchanged and an objection on waste grounds would not form a sustainable reason for refusal.

#### 7.19 **Impact on Special Protection Areas**

- 7.20 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 to flexible C3/C4 use. The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, 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 overnight stays nor therefore on the Solent Protection Areas or result in an increased level of nitrate discharge.

#### 7.21 **Human Rights and the Public Sector Equality Duty ("PSED")**

- 7.22 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.
- 7.23 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.

### 8.0 **CONCLUSION**

- 8.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. Having regard to all material planning consideration 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 (2021).

### 9.0 **RECOMMENDATION**

- 9.1 **Approve subject to the following conditions:**

#### **Time limit**

- 1) The development hereby permitted shall be begun before 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 (as amended).

#### **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 plan
  - Proposed site plan
  - Dual Use Plan PG.8098 - 23 - 4
  - 4 Cycle storage shed Drg no.1.

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

**Cycle storage**

- 3) Prior to the occupation of the dwelling as a HMO for 6 persons, secure and weatherproof cycle storage for four or more bicycles shall be provided as shown on the approved plans and retained thereafter for the storage of bicycles.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan (2012).

**Building Operations**

- 4) Prior to first occupation of the property as a C4 House in Multiple Occupation for 6 persons, the building operations indicated within approved drawing Dual Use Plan PG.8098 · 23 · 4, namely the construction of the single storey rear extension and rear dormer, 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).

# Agenda Item 9

23/00533/FUL

WARD:NELSON

93 GLADYS AVENUE PORTSMOUTH PO2 9BB

**CHANGE OF USE FROM PURPOSES FALLING WITHIN DWELLINGHOUSE (CLASS C3) TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION**

[23/00533/FUL | Change of use from purposes falling within dwellinghouse \(Class C3\) to a 7-bed/7-person House in Multiple Occupation | 93 Gladys Avenue Portsmouth PO2 9BB](#)

**Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM Ltd

**On behalf of:**

Ceri Evans

**RDD:** 26th April 2023

**LDD:** 30th June 2023

**RDD:** 6th April 2023

**LDD:** 1st June 2023

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought before Planning Committee due to a call in request from Cllr. Daniel Wemyss.

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, end of terrace dwellinghouse (Class C3) located on the western side of Gladys Avenue. The dwellinghouse is set back from the road by a front forecourt and to the rear of the property is an enclosed garden with access from the alleyway to the side. The property also has an existing loft conversion with rear facing dormer and rooflights to the front slope. The existing layout comprises a kitchen, dining room, lounge and a conservatory at ground floor level; three bedrooms and a bathroom at first floor level, and a bedroom and ensuite at 2<sup>nd</sup> floor level (within an existing loft conversion).

- 2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey semi-detached and terraced properties with a similar visual style.

### **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 house in multiple occupation use for 7 unrelated individuals.

- 3.2 The proposed internal accommodation comprises the following:

- Ground Floor - Two bedrooms (with ensembles), a shared WC and a Kitchen/Dining room.
- First Floor - Three bedrooms (with ensembles).
- Second Floor - Two bedrooms with ensembles.

- 3.3 Permitted development rights are being exercised to construct a small rear extension, a new larger rear dormer extension within the main roof and new roof lights to the front roof slope (as shown 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 HMO 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 side/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 the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

### **4.0 PLANNING HISTORY**

- 4.1 None.

### **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 Highways Engineer - no objection as there is no increase in parking demand from existing when assessed against the Transport and Parking SPD. Given the small scale of the development, no parking assessment is required. A condition requiring adequate cycle storage is required.
- 6.4 Public 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.

## **7.0 REPRESENTATIONS**

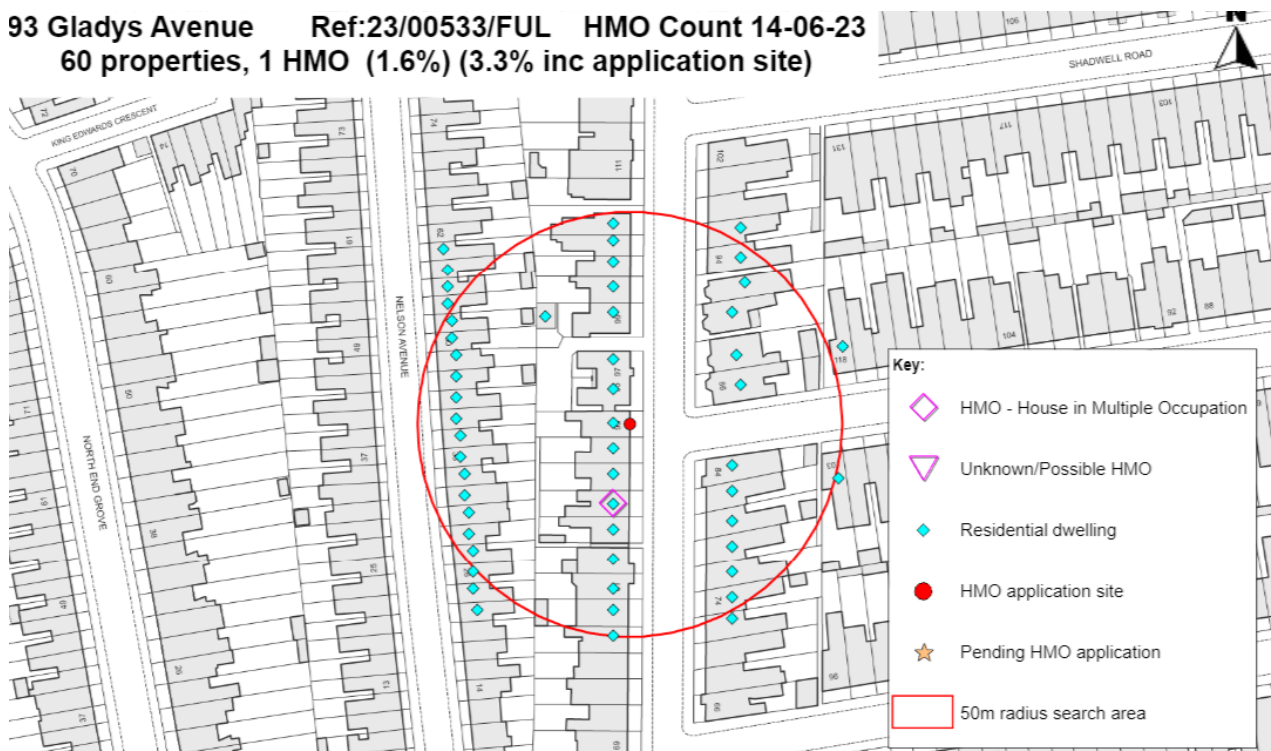
- 7.1 Three representations have been received objecting to the proposed development, including a call in from Cllr Daniel Wemyss.
- 7.2 The above representations of objection have raised the following concerns:
- a) Loss of family home from the existing housing stock;
  - b) Increase in noise and disturbance;
  - 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 Doctors/Dentists
  - f) Too many HMOs within the area
  - g) Concerns about impact on community
  - h) Negative affect on property prices
  - i) Increase of nitrates.
  - j) Extension will block light to neighbouring property.

## **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 use of the property as a HMO for 7 persons. The property currently has a lawful use as a self-contained dwelling (Class C3).

- 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 60 properties within a 50-metre radius of the application site, there is 1 confirmed HMO (Class C4), 87 Gladys Avenue. 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, the confirmed HMOs within a 50-metre radius of the application property the proposal would result in the percentage of HMOs within the area as 3.33%. This would be considerably lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

**93 Gladys Avenue      Ref:23/00533/FUL      HMO Count 14-06-23**  
**60 properties, 1 HMO (1.6%) (3.3% inc 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 7 person HMO. The submitted plans have been checked by officers and the below table compares the proposed room sizes against the standards set out within the HMO SPD.

Room	Area Provided	Required Standard
Bedroom 1	11.95m <sup>2</sup>	10m <sup>2</sup>
Bedroom 2	12.13m <sup>2</sup>	10m <sup>2</sup>
Bedroom 3	10.74m <sup>2</sup>	10m <sup>2</sup>
Bedroom 4	12.04m <sup>2</sup>	10m <sup>2</sup>
Bedroom 5	10.56m <sup>2</sup>	10m <sup>2</sup>
Bedroom 6	12.10m <sup>2</sup>	10m <sup>2</sup>
Bedroom 7	10.56m <sup>2</sup>	10m <sup>2</sup>
Communal Kitchen/Dining area	33.33m <sup>2</sup>	22.5m <sup>2</sup> as all bedrooms exceed 10m <sup>2</sup>
Ensuite bathroom 1	2.75m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 2	3.39m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 3	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 4	2.75m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 5	2.81m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 6	2.76m <sup>2</sup>	2.74m <sup>2</sup>
Ensuite bathroom 7	2.75m <sup>2</sup>	2.74m <sup>2</sup>
Gnd Floor WC	1.44m <sup>2</sup>	1.17m <sup>2</sup>

8.11 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space. Based on the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.

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 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 The proposal 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 submitted existing plans show that the property currently has 6 bedrooms. The property has no off-street parking.
- 8.23 As the level of occupation associated with an HMO is not considered to be significantly greater than the occupation of the property as a similarly sized 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 Natural England have agreed to figures to offset the impact on Nitrate output and SPA recreational disturbance and this will be resolved through a s111 agreement.

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 use 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. Furthermore, the likelihood that the future occupants already live within the city, if not the area, should be considered and as such, there is no demonstrable increase in demand for public services.

8.36 As mentioned above the rear dormer and rear extension accords with Permitted Development and therefore the Local Planning Authority cannot give consideration towards the impact of the built form on the neighbour amenity.

8.37 Objections have been received that centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same parking requirement for the proposed C4 use and the current C3 use.

## 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 I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:  
(a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.  
**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.  
**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

## **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:
  - Location Plan - TQRQM22165102040282
  - DUAL USE PLAN - Dwg No.PG.7054 · 22 · 4 rev B

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

### **Cycle Storage:**

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

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

### **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 numbers: namely the construction of the single storey rear extension, and dormer window 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).

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# Agenda Item 10

23/00793/HOU

WARD:HILSEA

7 FAWLEY ROAD PORTSMOUTH PO2 9QY

**CONSTRUCTION OF SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF CONSERVATORY; TWO STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING GARAGE, INCORPORATING GABLE END ROOF ENLARGEMENT AND REAR DORMER**

**LINK TO DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RWP9M3MOJIQ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RWP9M3MOJIQ00)

**Application Submitted By:**

Mr Carl Leroy-Smith  
Carl Architect Ltd

**On behalf of:**

Mr Olukayode Adepoju

**RDD:** 26th June 2023

**LDD:** 29th August 2023

## 1. SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due the number of objections to the proposal received (11) and a call in request from Cllr Emily Strudwick & Cllr Russell Simpson.

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

- The principle of development;
- Design and Impact on the character and appearance of the area;
- Impact on residential amenity;
- Highway Implications; and
- Any other raised matters.

## 2. SITE AND SURROUNDINGS

2.1 This application site consists of a two storey, double bay window, semi-detached property located on the western side of Fawley Road, close to the junction with Northwood Road and just opposite the Vauxhall showroom located on London Road, as shown in **Figure 1** below.

2.2 The property is constructed from facing brick with rendering on the first-floor front and rear elevation and has a tiled roof. The property benefits from a modest frontage enclosed with a boundary wall, single storey side garage extension and rear garden facing south-west.

2.3 Fawley Road is a residential cul-de-sac with a car show room on the eastern side (accessed from the A2047) made up predominately of similar semi-detached properties, many of which have been altered over time.



Figure 1- Site Location Plan

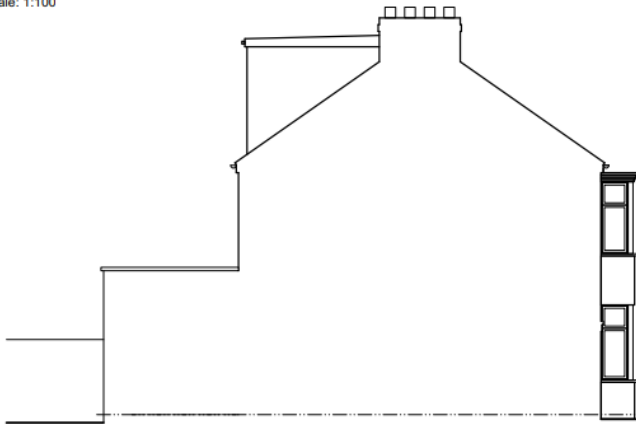
### 3. THE PROPOSAL

- 3.1 Planning permission is sought to erect a single storey rear extension, two storey side extension, a hip-to-gable extension with a rear dormer window, Juliet balcony, and three roof lights in the front roof slope, as shown below.
- 3.2 Revised plans have been received, which reduce the width of the single storey rear extension by approximately 1.2m and the width of the rear dormer window by approximately 0.8m.

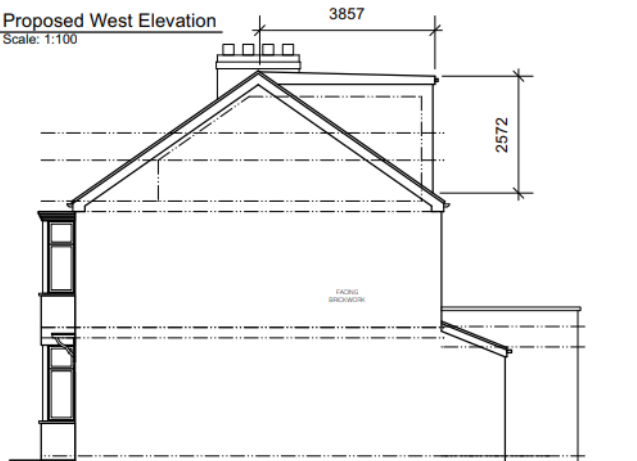




1 **Proposed East Elevation**  
Scale: 1:100



2 **Proposed West Elevation**  
Scale: 1:100



#### 4. PLANNING HISTORY

4.1 06/00329/FUL - Construction of single storey pitched roof side extension to form living accommodation (after demolition of existing) - Conditional Permission (04/12/2006)

#### 5. POLICY CONTEXT

Portsmouth Plan (2012)

5.1 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:

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

Other Guidance

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

- National Planning Practice Framework (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)

## **6.0 CONSULTEE RESPONSES**

### **6.1 Contaminated Land Team**

Given the limited scope of the works, a condition relating to land contamination is not required. However, the developer should be aware that the property is adjacent to a service garage with a former petroleum storage licence for the storage of up to 54,000 litres of fuel. Records suggest that the tanks were decommissioned in 1994 and were made safe by filling them. Soil conditions surrounding the site are unknown.

An informative should be added to any permission.

## **7.0 REPRESENTATIONS**

7.1 Eleven representations have been received objecting to the proposed development, including one from Cllr Emily Strudwick & one from Cllr Russell Simpson.

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

- a) Parking
- b) Extension is too big
- c) Increase in noise
- d) Anti social behaviour
- e) Negative effect on house prices
- f) Illegal HMO
- g) Loss of light to neighbouring property

## **8.0 COMMENT**

8.1 All new development in Portsmouth must be well designed, and in particular, respect the character of the city. The proposals is not considered to negatively impact the character and appearance of the host building, street scene, or surrounding area, and thus comply with Policy PCS23 'Design and Conservation' of the Portsmouth Plan (adopted January 2012). The proposed extensions achieve this compliance of Policy PCS23 through their relatively minor scale, and design in keeping with the existing and surrounding properties. While there is some homogeneity in the existing semi-detached properties a number of side extensions are evident and the dwelling at no.3 Fawley Road has been extended in a similar way. Consequently the alterations proposed in this application, while infilling to the boundary will not appear alien in the street-scene or appear over-developed in this context. The proposed extensions do not create overdevelopment of the plot and as the neighbouring property at number 9 has not infilled the air gap between the properties still leave a sufficient separation to the dwelling at the north to respect the existing character.

8.2 The residential and neighbouring amenity would only be minorly impacted by the development, with the rear extension and rear hip-to-gable still leaving a sufficient separation distance between the opposing property (including nos 6, 8 Portswood Road)



and their private amenity spaces. The occupiers would have sufficient private amenity space. The proposals therefore comply with Policy PCS23.

- 8.3 The loss of light is not expected to be an issue to either side neighbour. The proposed hip-to-gable extension brings the facing wall closer to the property at number 9, which is north of the application property. While there is one side facing window in the facing elevation of this neighbour it appears to serve a landing and as such any loss of light is not considered to unreasonable adversely effect the amenity of that neighbour. The rear and side extensions are not considered to result in an adverse loss of light to neighbouring properties. The rear extension has a maximum depth of 3m, analogous with that which can be built without planning permission from the Council as Permitted Development. The extension at the side/rear has now been stepped away from the neighbour at number 9 and is not considered to materially reduce the amount of light reaching the rear of that property.
- 8.3 Neighbours have raised concerns about the availability of parking in the area. The application does increase the scale of this dwelling from 3 bed to 5 bed, and results in the removal of a small garage. However it remains a single dwelling and overall the adverse impact on amenity arising from these changes are not considered sufficient to withhold planning permission. The proposals do not create any negative transport or highways impact. The proposals meet Policy PCS17 (Transport).
- 8.4 A number of Neighbour have raised concerns about the existing occupation, both in respect of antisocial behaviour and potential use as an HMO. Antisocial behaviour and noise by existing householders is not relevant to the determination of an application and these matters can be dealt with by Regulatory Services. Similarly any future use as an HMO would require planning permission and can be assessed on its own merits should that use be sought. Any potential impact on house prices is not a material planning consideration.
- 8.5 The application is considered to have no material adverse impact on the streetscene or character of the area, of the amenity of neighbouring properties. It is therefore considered to comply with the Local Plan and guidance in the NPPF.

## RECOMMENDATION

Approval with conditions

### Conditions

#### 1) Time Limit

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) Approved Plans

Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawing - Drawing numbers: 0200 C, received 2<sup>nd</sup> October 2023. 0201 C, received 2<sup>nd</sup> October 2023. 0010 A, received 23 June 2023.

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

#### 3) Materials to Match

The materials to be used in the construction of the external surfaces of development hereby permitted shall match, in type, colour and texture those on the existing building.

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

# Agenda Item 11

23/00757/FUL

WARD:HILSEA

94 ORIEL ROAD PORTSMOUTH PO2 9EQ

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

### **Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM Ltd

### **On behalf of:**

Ferner  
PJV Property Limited

**RDD:** 19.10.2023

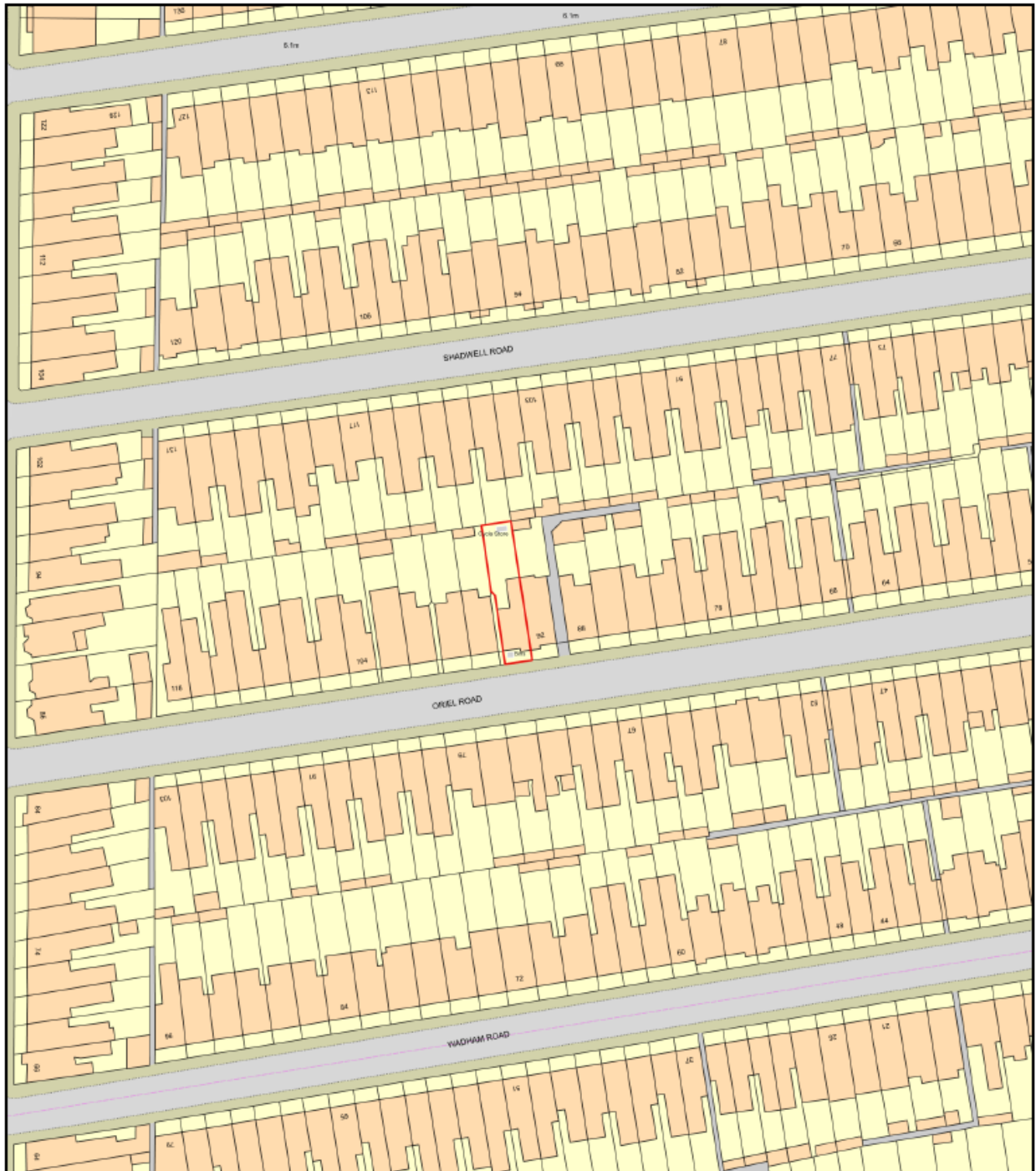
**LDD:** 23.11.2023

### **1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is brought before Planning Committee due to the number of objections (8) including an objection from Cllr Russell Simpson
- 1.2 Due to an error with the red line, this application was reconsulted on, however no new comments were received.
- 1.3 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, semi-detached dwellinghouse (Class C3) located on the northern side of Oriel 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 property also has an existing loft conversion with rear facing dormer and rooflights to the front slope. The existing layout comprises of two bedrooms, a kitchen/dining room, and a WC at ground floor level; three bedrooms and a bathroom at first floor level, and a bedroom, storage room and shower room at 2<sup>nd</sup> floor level (within an existing loft conversion).
- 2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey semi-detached and terraced properties with a similar visual style.



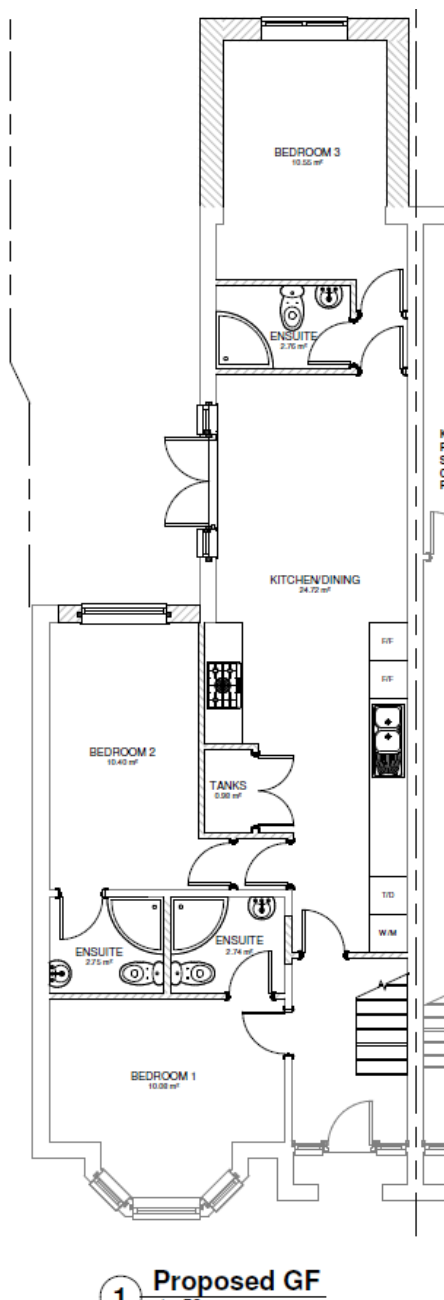
**Figure 1 - Site Location Plan**

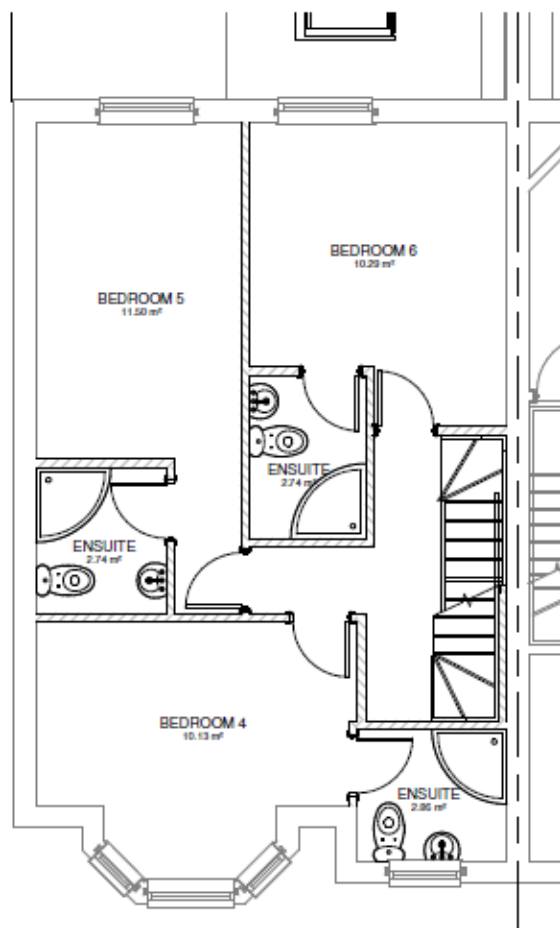
### 3.0 THE PROPOSAL

- 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 - Three bedrooms (each with a shower, toilet and handbasin ensuite), and a Kitchen/Dining room.

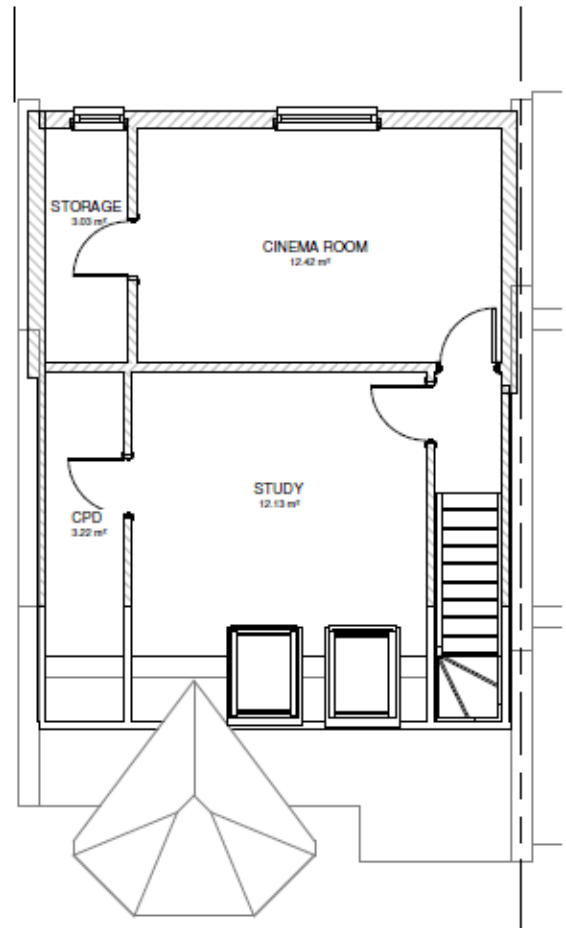
- First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite).
- Second Floor - A cinema room with a storage room leading off, and a study room with a storage room leading off.

- 3.3 The Applicant intends to exercise permitted development rights to construct a small rear extension, a new larger rear dormer extension within the main roof and new roof lights to the front roof slope (as shown 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 side/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 the siting of a cycle store within the rear garden, details of which could be secured by planning condition.





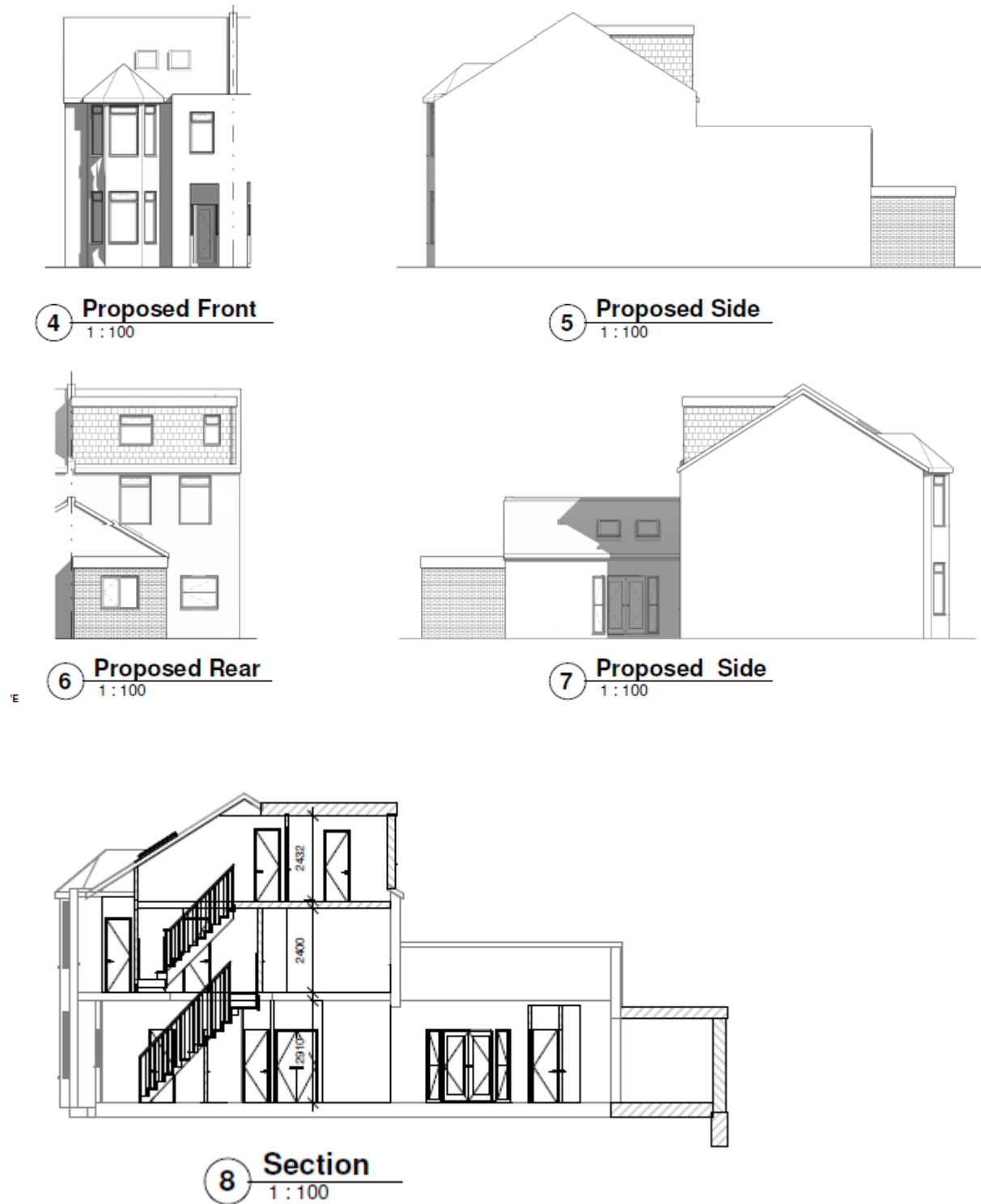
**2 Proposed FF**  
1 : 50



**3 Proposed SF**  
1 : 50

**Figure 2 - Proposed plans**





**Figure 3 - Proposed Elevations**

## 4.0 PLANNING HISTORY

4.1 None.

## 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 Highways Engineer - no comment

6.3 Waste Management - The developer will need to purchase refuse and recycling 360 litre bins directly from Waste Management at Portsmouth City Council prior to anyone moving in.

6.4 Public 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. Bedroom 3 (ground floor rear) on the supplied floor plans appears to be an inner room. The property will require to be inspected by PSH to assess whether there are adequate means of escape from Bedroom 3 to a place of safety that do not pass through a high risk room (communal kitchen/dining)

## 7.0 REPRESENTATIONS

7.1 Eight representations have been received objecting to the proposed development, including one from Cllr Russell Simpson.

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 Doctors/Dentists
- f) Too many HMOs within the area
- g) Concerns about impact on community
- h) Negative affect on property prices
- i) Increase of nitrates.

j) Extension will block light to neighbouring property.

## 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

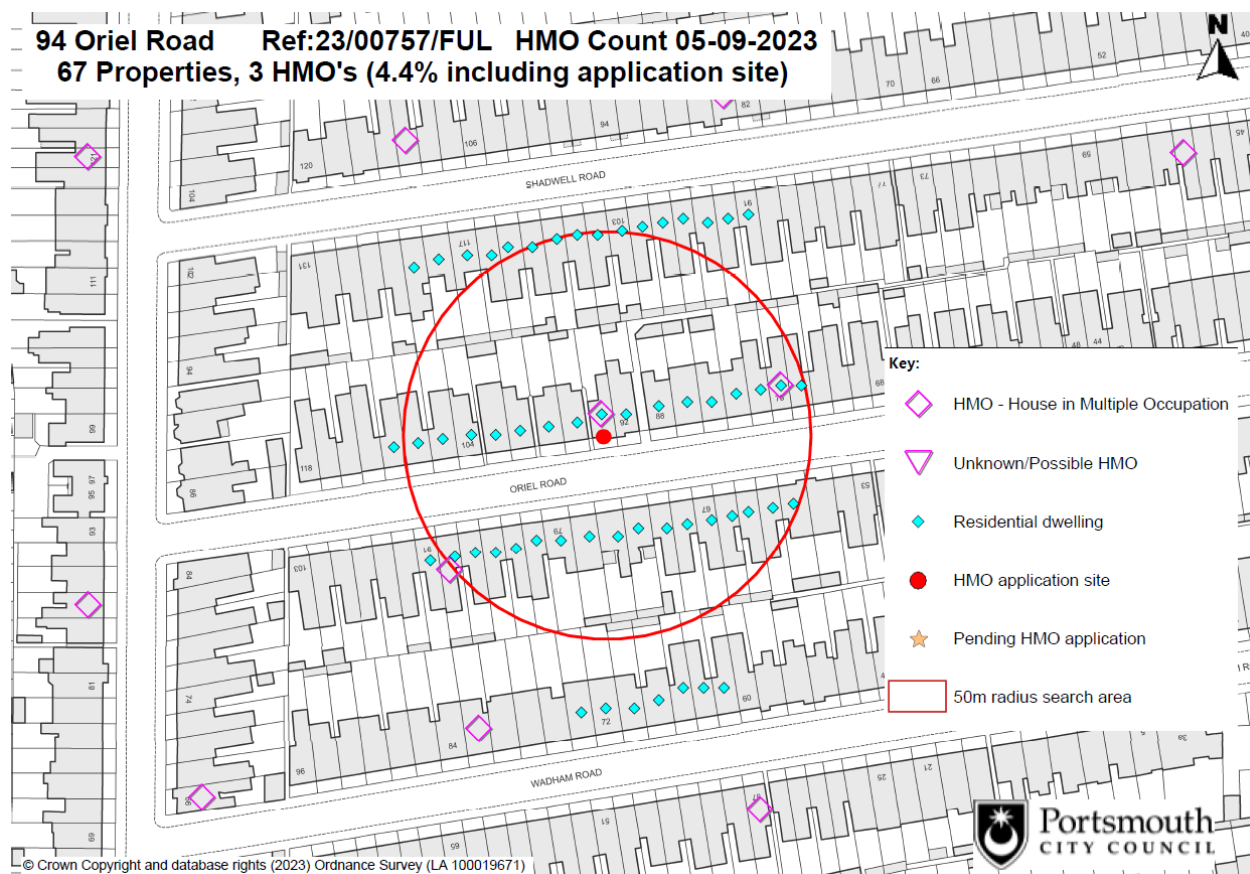
8.2 Principle of development

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 67 properties within a 50-metre radius of the application site, there are 2 confirmed HMO (Class C4), Nos. 78 & 89 Oriel Road, and with the application property No 94, 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, the confirmed HMOs within a 50-metre radius of the application property the proposal would result in the percentage of HMOs within the area as 4.5%. 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. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. 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)	10.08m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2 (ground floor)	10.40m <sup>2</sup>	6.51m <sup>2</sup>

Bedroom 3 (ground floor)	10.55m2	6.51m2
Bedroom 4 (first floor)	10.13m2	6.51m2
Bedroom 5 (first floor)	11.50m2	6.51m2
Bedroom 6 (first floor)	10.29m2	6.51m2
Communal Kitchen/Dining area (ground floor)	24.72m2	22.5m2 as all bedrooms exceed 10m2
Ensuite bathroom 1 (ground floor)	2.74m2	2.74m2
Ensuite bathroom 2 (ground floor)	2.75m2	2.74m2
Ensuite bathroom 3 (ground floor)	2.76m2	2.74m2
Ensuite bathroom 4 (first floor)	2.86m2	2.74m2
Ensuite bathroom 5 (first floor)	2.74m2	2.74m2
Ensuite bathroom 6 (first floor)	2.74m2	2.74m2
Tanks room (ground floor)	0.98m2	Not required/ additional
Cinema Room (second floor)	12.42m2	Not required/ additional
Study (second floor)	12.13m2	Not required/ additional
Storage room (second floor)	3.03m2	Not required / additional
Cupboard (second floor)	3.22m2	Not required/ additional

**Table 1** - HMO SPD (Oct 2019) compliance

- 8.11 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space. The HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements (of 22.5m2) for combined living accommodation in circumstances where all bedrooms are at least 10m2 and the accommodation is otherwise acceptable as communal space. There are also good sized rooms proposed in the second floor loft conversion in the form of a 'cinema room' and a study, which would also be able to provide additional communal living space. On the basis of the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.
- 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 Through the occupants possibly not acting as a collective and therefore cooking meals and carrying out other activities on an individual basis, it could be regarded that general activity could increase with more coming and goings to the site and within the site. However, the proposal 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 three 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 submitted existing plans show that the property currently has 6 bedrooms. The property has no off-street parking.
- 8.23 The C4 element of the proposal compared to the existing 6 bedroomed property would not expect any increase in the current required level of off-road parking spaces. As the level of occupation associated with an 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 and those raised in the representations.
- 8.35 Concerns have been raised by neighbouring residents regarding the pressure the use 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 As mentioned above the rear dormer and rear extension accords with Permitted Development and therefore the Local Planning Authority cannot give consideration towards the impact of the built form on the neighbour amenity.
- 8.37 Objections have been received that centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same parking requirement for the proposed C4 use and the current C3 use.

- 8.38 Members may also be concerned about the likelihood of this proposed C4 HMO remaining as a six bed property. The two rooms in the roof space, annotated as Cinema Room and Study, are unlikely to remain as such. It is noted that the applicant is reconstructing the existing dormer windows to make these rooms larger and providing them with 'storage'/cupboards that are more than sufficient to house ensuite bathrooms. Members may also note that in the most recent amended plans (rev B), submitted to confirm that the rear window on the ground floor extension will be a means of escape window, has annotated the bedrooms numbered 3 to 8 rather than 1 to 6, indicative perhaps of the applicant's ultimate intentions for the second floor rooms. However, the Council is obliged to determine the application before it, which seeks no more than 6 occupants, if it is to be put to an HMO use, as they have chosen to seek a proposed use within use class C4. Clearly within a C3 use additional bedrooms or alternative room uses could be provided to suit the needs of the household occupying the dwelling. Any future changes, undertaken with or without further planning permission will need to be assessed on their own merits at an appropriate time.

## **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.

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#### **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:
  - BLOCK PLAN - Dwg No. TQRQM23164110958434
  - DUAL USE PLAN - Dwg No. PG.8075 · 23 · 4 Rev B
  - 4 CYCLE STORAGE SHED - Dwg No. 1

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 numbers: namely the construction of the single storey rear extension, and dormer window 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).

**Informative**

- a) 2 x 360 litre bins are required for a 6 bed HMO. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.
- b) The dual Use Classes C3/C4 (dwellinghouses/3-6 person HMO) hereby permitted allows the property to be used for either use interchangeably, overcoming the need for a new planning permission each time a material change of use from Class C3 to C4 occurs. It should be noted that 10 years from the date of this permission, the flexibility currently afforded by Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ceases and the use of the property at that time becomes the singular lawful use.

Should you wish the property to continue to be used as a dual Class C3/C4 use after the 10-year period, you would need to make a further planning application.

Please inform the local planning authority of the use of the property applicable at the expiry of the 10-year period.

- c) Please be aware that an HMO license may be required. HMO licenses are assessed against new standards that may differ to those used in the Planning process and you are therefore advised to check the licensing requirements and standards prior to occupation. For more information, and to find out about our landlord accreditation scheme please contact the City Council's Private Sector Housing Team using the details below:

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

Postal address: Private Sector Housing, Portsmouth City Council, Civic offices, Guildhall Square, Portsmouth, PO1 2AZ.

Phone Number: 023 9284 1659

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