

PLANNING COMMITTEE

26TH JANUARY 2021

2PM VIRTUAL MEETING

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

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

INDEX

Item No	Application No	Address	Page
01	20/00620/FUL	44-66 Palmerston Road, PO5 3QG	PAGE 3
01	20/00621/LBC	44-66 Palmerston Road, PO5 3QG	PAGE 29
02	20/01009/FUL	The Registry, St Michaels Road, PO1 2EE	PAGE 33
03	20/01021/FUL	155-157 Elm Grove, PO5 1LJ	PAGE 45
04	20/00376/FUL	251 Twyford Avenue, PO2 8NY	PAGE 60
05	20/00375/FUL	253 Twyford Avenue, PO2 8NY	PAGE 68

44-66 PALMERSTON ROAD SOUTHSEA PO5 3QG

MIXED USE REDEVELOPMENT OF FORMER DEBENHAMS DEPARTMENT STORE TO COMPRISE CIRCA 2,260SQM GROUND FLOOR COMMERCIAL SPACE (USE CLASS E) AND CHANGE OF USE AND 2 STOREY EXTENSION OF UPPER FLOORS TO COMPRISE 98NO. STUDIOS, 1, 2 AND 3 BED APARTMENTS; DEMOLITION OF REAR STORAGE UNITS AND CONSTRUCTION OF 36NO. NEW APARTMENTS WITH ASSOCIATED LANDSCAPING, ACCESS AND PARKING (AMENDED PLANS AND DESCRIPTION RECEIVED)

Application Submitted By:

Alex King
Mission Town Planning Ltd

On behalf of:

Mr Shaun Adams
National Regional Property Group

RDD: 8th June 2020

LDD: 16th October 2020

0.0 INTRODUCTION

0.1 Members will recall that this application was reported to Planning Committee on 09 December 2020 with a recommendation to refuse. After some discussion at that meeting, Members decided to defer substantive consideration of the application in order to allow for public consideration of late and significant changes submitted by the Applicant, and so Officers could also consider the amendments and bring a fresh report to the Committee. The original committee report is appended for reference (Appendix A)

0.2 ***Previously published reasons for refusal*** (as amended in the SMAT report)

1. *The proposed development by virtue of the siting and scale of Block B would be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development. The block would be out of character and would fail to relate appropriately to its surrounding context. The development fails to provide an excellent standard of design and would therefore be contrary to the aims of the NPPF (2012) and Policy PCS23 of the Portsmouth Plan (2012).*
2. *The development, by virtue of its scale and position would not preserve or enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of the adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework (2019) and to Policy PCS23 of the Portsmouth Plan (2012).*
3. *Proposed Block B, by virtue of its scale and position would adversely affect amenity for existing surrounding residents, and for its own future residents, due to poor light, outlook and privacy. The proposal is therefore contrary to the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).*

4. *In the absence of a suitable legal agreement to secure appropriate mitigation measures for the increase in recreational disturbance and increased discharge of nitrogen and phosphorous into the Solent water environment, the development would have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Special Regulations (as amended) (2017).*
5. *The application fails to propose Affordable Housing, yet the Local Planning Authority considers there is sufficient finance for the development to meet this policy requirement. In the absence of a suitable legal agreement to secure Affordable Housing, the proposal conflicts with PCS19 of The Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019).*
6. *The submitted Transport Assessment fails to justify the impact the proposed new ramp access would have on highway capacity and the free flow of traffic on the neighbouring carriageway. It is concluded the proposal would have a detrimental impact on local highway capacity therefore would be contrary to Policy PCS17 of the Portsmouth Plan (2012).*

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is included on the agenda due to the scale of the development.

1.2 The key issues in the determination of the application are:

- Principle of the development;
- Impact on heritage assets
- Visual appearance
- Spatial layout
- Impact on amenity of neighbouring residents;
- Standard of accommodation;
- Highways and Transport;
- Planning obligations;
- Environmental matters;
- Special Protection Areas

1.3 Site and surroundings

1.4 The application relates to the former Debenhams department store and land to the rear of the building. The store is an impressive three storey purpose built commercial unit at the junction of Osborne Road to the south and a pedestrianised section of Palmerston Road to the east. Reconstructed following bomb damage sustained in World War II, the brick faced building provided a significant retail presence within Southsea Town Centre until its closure in January 2020. It is currently used as an indoor market.

1.5 The building is neither statutory nor locally listed, it does however have a number of interesting and elegant architectural features that contribute to its local historic significance. In combination with the former Knight and Lee department store opposite, the two buildings provide distinctive and popular local landmarks that form the gateway to the pedestrianised section of the town centre and contribute significantly to the character of the area.

1.6 The site is set in an urban context and the boundary encompasses an irregular shaped plot with a land area of approximately 0.61 hectares. To the rear, the parcel of land which fronts Tonbridge Street and in the applicant's ownership currently has several outbuildings, extensions and some parts are laid to hardstanding and used as a car park. This area served as a service yard for the Debenhams store.

- 1.7 The Southsea area is an eclectic mix of historic and contemporary architecture which together form a characterful location. The pedestrian precinct to the east provides the main retail focus of the centre with a mix of retailer units, cafes and a library, with smaller independent boutiques, cafes and restaurants further to the north on Marmion Road.
- 1.8 The area surrounding the site has strong residential references immediately to the west and north on Portland and Kent Roads respectively. Many of the other surrounding buildings on adjacent streets incorporate residential uses above commercial premises with Osborne Road, Clarendon Road and the southern section of Palmerston Road containing a greater mix of restaurants and drinking establishments.
- 1.9 The site is not located wholly within a conservation area (the northern tip along Tonbridge Street lies in the Owen's Southsea Conservation Area catchment) and does not contain any statutorily listed structures. However, there are a number of heritage assets in the locality, including the Grade II Listed Portland Terrace on Portland Road to the west and Grade II Listed St Jude's Church on Kent Road. There are several conservation areas in the vicinity with the immediate ones being - 'Owens Southsea' to the north-west and 'Stanley Street' to the south east.
- 1.10 The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan. The area is well served by bus routes with two bus stops immediately in front of the building along Osborne Road. The nearest railway stations at Portsmouth & Southsea and Fratton are both located approximately 2km to the north. A pedestrian footpath is gained via alleyways from Palmerston Road as well as Osborne Road.
- 1.11 Proposal
- 1.12 Based on the most recent amended plans received in December 2020, full planning permission is currently sought for alterations, extensions and change of use of the former Debenhams building; the demolition of existing extensions / outbuildings in the rear service yard and the erection of a new block to provide a mixed-use scheme of 134 residential units and up to 2260 square metres (sq.m) of flexible commercial and retail space.
- The most substantial change is a reduction in footprint of the proposed extension to Block A on Portland Road. Its width has been reduced by 8 metres since the scheme presented in the report of 9th December and the change seeks to address the previous Reasons for Refusal 2.
 - Block B has been reduced in width along the substantial part of its western elevation, increasing the gap to Portland Terrace to a minimum of 16m. This change seeks to address both the previous Reasons for Refusal 1 & 2.
 - Thirdly, the access ramp to the basement car park has been widened, to address the previous Reason for Refusal 6.
- 1.13 The plans include details of communal amenity spaces for the proposed flats, landscaping, car and cycle parking, pedestrian and vehicular access and servicing routes. The two main elements of the proposed development shall be referred to as Blocks A and B henceforth.
- 1.14 **Block A** - relates to the extension and alterations to the existing 3 storey building which is the former Debenhams store. It is proposed to be extended upwards with two additional storeys creating a 5 storey building. On the western elevation (Portland Road);

the exiting single storey element would be extended with 4 additional storeys to tie in with the overall external appearance as proposed.

- 1.15 There are various alterations proposed to the existing building to include recessed balconies within the existing window apertures on the street facing elevations. To the rear, the various extensions and outbuildings within the service yard, and a substantial part of the main Debenhams building, would be demolished for an open concept courtyard area.
- 1.16 These changes with the extensions would provide 98 residential units spread across the upper 4 floors (a reduction of 8 flats from the 9th December scheme). The ground floor would comprise smaller flexible commercial spaces totalling approximately 2,260 sq.m along the active street frontages on Palmerston, Osborne and Portland Roads floors (a reduction of 40 sq.m from the 9th December scheme).. The subterranean section of the building would be repurposed and used for car parking. The altered and extended building with the demolition of outbuildings would provide:
- 45 car parking spaces and cycle storage at basement level
 - Commercial (approximately 2260 sq.m of flexible retail and office space) across the ground floor
 - Residential use (98 units) across first to fourth floors.
 - Communal amenity space is provided at first floor level in the form of a podium courtyard measuring over 900 square metres.
- 1.17 **Block B** - relates to the demolition of extensions and outbuildings within the rear area of the site fronting Tonbridge Street. These would be replaced with a new 3 storey apartment block (4 storey height due to under croft parking) which would provide:
- 60 car parking and cycle storage at ground floor
 - Residential use (36 residential units) across first to third floors.
- 1.18 The accommodation schedule breaks down as below:

Unit type	Block A	Block B	Total
Studio	1	6	7
1 Bed Apartment	43	24	67
2 Bed Apartment	52	6	58
3 Bed Apartment	2	0	2
Total	98	36	134

- 1.19 A total of 105 car parking spaces and circa 246 cycle storage spaces are to be provided for the various tenures (4 more car parking spaces than the 9th December scheme). The parking areas would be spread over the ground floor of Block B and the basement area of Block A.
- 1.20 A redesigned access and parking layout indicates a two way ramp system to the proposed basement parking area of Block A. The landscaping scheme of the site has also been expanded to include planting pockets on the ground floor level.
- 1.21 Vehicular access points are indicated as being from Tonbridge Street and Portland Road with a new ramp created for accessing the basement area of Block A. Residential access would be mainly from the Osborne Road elevation for Block A and Tonbridge Road / Portland Road for Block B. The commercial areas on the ground floor would be accessed from the Osborne Road elevation in the main.

- 1.22 **Listed Building Consent** - As part of the complete development proposal, listed building consent is concurrently sought elsewhere on this agenda under reference 20/00621/LBC specifically relating to the proposed demolition of the outbuildings and extensions within the rear yard of the Debenhams's building some of which have curtilage listing and lie within the Owen's Southsea Conservation Area.
- 1.23 The applicant has submitted a range of documents listed below in support of the application. Several of these documents refer to the original proposal for 157 residential units and 2300sq.m of commercial space with the various amendments subsequent. Not all of these documents have been updated to reflect the most recent revisions however, some of the salient points are still relevant and material in the consideration of the revised scheme.
- Design and Access Statement (updated 02/12/2020)
 - Planning Statement
 - Flood Risk Impact Assessment
 - Ecological Impact Assessment
 - Heritage Statement
 - Noise impact Assessment
 - Land Contamination Assessment
 - Statement of Community Involvement
 - Transport Statement
 - Employee / Residential Travel Plan
 - Viability Report (revised on 16/12/2021)
- 1.24 Planning History
- 1.25 None of relevance to the current application.
- 1.26 Relevant history of neighbouring site - Land rear of Portland Hotel - 13/00409/FUL & 13/01123/FUL
- 1.27 This site lies to the rear (east) of Portland Terrace, off Tonbridge Road, just to the north of the proposed Block B. Planning permission was sought firstly for the construction of 4 storey building fronting Tonbridge Street comprising coffee shop (within Class A3) to ground floor with 6 flats over and detached cycle store (13/00409/FUL). A later resubmission under 13/01123/FUL was for the construction of 4 storey building fronting Tonbridge Street comprising Healthcare clinic (within Class D1) to ground floor with 6 flats over and detached cycle store.
- 1.28 Both applications were refused planning permission by the City Council on amenity and design impact and on heritage asset grounds. The decision was overturned on appeal and planning permission was granted. The Inspector concluded that overall heritage assets would be conserved in a manner appropriate to their significance in line with the Framework and the living conditions of nearby residential occupiers will not be harmed.

2.0 POLICY CONTEXT

The relevant policies within would include: In addition to the aims and objectives of the National Planning Policy Framework (NPPF) (2019), the relevant policies within the Portsmouth Plan (2012) would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density) and PCS23 (Design and Conservation).

2.1 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan, The Southsea Town Centre Area Action Plan (2007), the Parking Standards SPD, the Solent Recreation Mitigation Strategy and Interim Nutrient Neutral Mitigation Strategy (2019) and the Solent Recreation and Mitigation Strategy (2017) would also be material to the determination of this application.

3.0 CONSULTATIONS

A full re-consultation exercise was carried out on the revised scheme.

3.1 The Portsmouth Society -

No objection to the scheme however prior consent must be sought at implementation stage.

3.2 Hampshire Fire and Rescue Service -

As updated, no objection and advice provided as to where to find information about best practise.

3.3 County Archaeologist -

No objection

3.4 Hampshire Swift -

No objection subject to planning conditions aimed at enhancing biodiversity.

3.5 Waste Management Services -

The Team raised no objection in principle but have requested additional details and clarification on the number of bins proposed and if any of these would be for commercial use. Suggestions have also been made in relation to the correct positioning of the bins on the ground floor rather than the proposed basement levels.

3.6 Southern Water -

Noted that supply can be provided for the development and a formal application would be required. Southern Water will have to be involved in the design of land drainage and surface water discharge for an efficient project delivery.

3.7 Environmental Health -

The Team has recommended the omission of the street facing balconies. Whilst raising no objection in principle to other elements of the development, conditions to minimise negative impact are requested.

3.8 Drainage Team -

'There is very little detail in relation to current and/or proposed drainage of the development. I would be in agreement with a Condition for Drainage in this respect. The applicant will need to be aware that if the building currently drains in part by downpipes onto the highway, this will not be acceptable in the proposals. There does appear to be an opportunity for green roof, which could add amenity value and reduce run-off, betterment is always welcome.

3.9 There also appears to be a lack of investigation into groundwater, and although I'm not aware of groundwater issues in the area it may be wise to employ groundwater flooding mitigation techniques in the basement, such as non-return valves, chest height services, tanking etc.'

3.10 Contaminated Land Team

No objection raised in principle subject to conditions.

3.11 Housing Team

No comments received.

3.12 Ecology

3.13 The report provided by ECOSA relies on mitigation and avoidance of Likely Significant Effects on P35 SPA supporting habitat. However, this will need to be established via a Habitat Regulations Assessment in relation to this scheme.

3.14 Natural England

3.15 Objects to the proposal due to the lack of information to inform a Habitats Regulations Assessment, including a nutrient budget and proposed mitigation and have requested for additional information. Natural England has maintained their position with re-consultations.

3.16 Highways Authority

3.17 *Response to re-consultation* The Highways Engineer has made the following extra observations.

- The widening of the proposed ramp to the basement car park allows two way traffic flow and negates the need for the access to be controlled by traffic lights which raised concerns previously. However, the access does not prioritise pedestrians as is required.
- Number of parking spaces allocated for both residential and commercial use is below SPD requirement; and will have a resultant impact on displacing and inconveniencing local residential parking.

3.18 Planning conditions are requested should Planning Officers be minded to approve the scheme. These are summarised as: Parking to be laid out prior to first occupation, construction management plan, footway crossing details, Transport & Parking Strategy to mitigate the impact of reduced car parking provision within the site

3.19 Design and Conservation Consultant

3.20 *Response to re-consultation* - Application remains incapable of conservation support.

3.21 **'Portland Road Elevation** - The footprint of the western projection addressing Portland Road has been 'pulled away' from Portland Terrace, as suggested, by one bay's width, this increased setback is considered a positive and welcome development. It pulls the mass/bulk of this new build element a more respectful distance from the terrace. The new siting is considered sufficient to ensure that this element of the scheme would not have a dominating or overbearing presence in views towards or from the asset.

3.22 **Block B (New Build Block)** - Where a truncation of the footprint (by at least one third), and the deletion of the top storey have been suggested, a more perfunctory and frankly

disappointing adaptation appears to have been offered - modulation of the western elevation to incorporate a series of 2m setbacks into the facade.

- 3.23 The new build block would be read in conjunction with the Terrace in views east from the public realm. There is a lack of detail here, in terms of the appearance of elevations. Given the sensitivities involved this should in my opinion be rectified.
- 3.24 This aspect of the scheme justifies a solution which is visually subservient to the asset, and provides a genuine architectural 'foil' to the terrace, carefully responding to/harmonizing with it in terms of surface/void ratios, rhythms to openings, material palette and textures/colours.
- 3.25 As matters stand, I remain unconvinced that in purely conservation/ heritage terms sufficient alteration has been made to the siting, scale, massing and overall appearance of the block to ensure that it would not harmfully 'compete' with and visually overpower (dominate) the adjacent listed terrace both within the enclosed space at the rear of the asset, and in views from Portland Terrace. For this reason, as it stands the scheme is considered to remain incapable of conservation support.'

4.0 REPRESENTATIONS

- 4.1 The applicant undertook a wide community involvement exercise before submitting the application. At the time of making the initial recommendation there were 8 individual letters of representation to the application as was originally presented; five objecting and three in support with reservations.
- 4.2 Concerns raised at the time related to lack of affordable housing, inadequate vehicular and parking spaces, lack of sustainable means of travel and negative impact on residential amenity. Support comments received commended the proposal for the opportunity to uplift the area with the development; provision of additional residential units in the face of acute housing shortage and the opportunity for additional GP services in the area due to a potential expansion and relocation of a local surgery.
- 4.3 In response to further blanket re-consultations, 3 further representations were made objecting to the revised scheme. Comments received relate to inadequate parking facilities and resultant impact on area capacity and amenity. Portsmouth Cycle Forum has objected that the proposed intensive use of the site would result in potential highway conflict.

5.0 COMMENT

- 5.1 Having regard to the site and the details of the proposed development; relevant planning policy at the local and national levels; the consultation responses and representations received, the determining factors in the consideration of the proposal are discussed in turn below.
- 5.2 Principle of development
- 5.3 The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan (2007). Policy STC3 states that within the primary frontage, planning proposals for town centre uses (as set out by STC2), other than A1 shops, will only be granted permission if at least 75% of the primary frontage would remain within A1 use after the development is completed. Based on most recent monitoring figures, the level of Class A1 frontage within the Primary Frontage area stands at 78% as of Nov 2019. This figure undoubtedly has been affected by the closure of Debenhams and the adjacent John Lewis premises.

- 5.4 Policy STC2 of the Area Action Plan (AAA) notes that within the Town Centre as a whole, planning permission will be granted for retail and commercial uses interspersed with Offices to aid footfall in the centre. The AAA is supported by the National Planning Policy Framework which requires local planning authorities to pursue policies supporting the viability and vitality of town centres.
- 5.5 The applicant proposes 6 'smaller and flexible' commercial spaces on the ground floor of Block A to broadly cover uses within Use Class E (retail, café, commercial / professional services etc). The retail spaces will range from approximately 250 sq. m to 410 sq. m. The Local Planning Authority would not seek to control the specifics of the actual uses that would result within the range proposed at this stage, it would be the landowner's choice to fill the units as they see fit; and given the much greater flexibility introduced by the recent changes to the Use Classes Order, the landowner would have much flexibility over future changes.
- 5.6 It is considered that the principle of the retention and re-use of the ground floor of the building for commercial purposes is acceptable and the proposed range of uses is also consistent with the policy requirements of STC2. The scheme would result in a net loss in the commercial floor space however the retention and extension of the ground floor commercial space is positive as is the residential use above.
- 5.7 Subject to other policy considerations discussed below, it is considered the proposal would provide a mix of uses that would have the potential to contribute significantly to the vitality and vibrancy of the Town Centre and therefore the principle can be supported.
- 5.8 On the residential provision element, the application site is located in an area consisting of a mix of commercial and residential buildings. The existing back land form of the proposed Block B site may be at odds with the prevailing local residential environs but the NPPF sets out government's priority to deliver a sufficient supply of new homes to meet housing requirements.
- 5.9 The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.10 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site.
- 5.11 The NPPF states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118d of the NPPF, substantial weight should therefore be given to the value of the development of brownfield land in meeting housing need.
- 5.12 The Debenhams building has been vacant for almost a year now following the closure of the store and its use as an indoor market is considered to be an underutilisation of the site. The site is in a highly sustainable location and the proposed development would

provide 134 residential units on brownfield land which would make a significant contribution towards achieving the Council's housing targets whilst retaining an active commercial and retail frontage at ground floor level. Given the above considerations, the principle of the development proposed complies with the adopted development plan and the Southsea Area Action and can be supported by Officers.

- 5.13 The proposal however needs to satisfy other policy considerations relating to design in the context of the impact on heritage assets, affordable housing provision, residential standards and mix of units, impact on amenity, highways matters and infrastructure amongst others which are discussed below.
- 5.14 Impact on heritage assets
- 5.15 The NPPF and policy PCS23 gives presumption in favour of the conservation of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification. As part of the application, listed building consent is sought as various outbuilding and extensions are to be demolished to facilitate the building of Block B along Tonbridge Street. This element of the overall scheme has been assessed in a separate report elsewhere on this agenda.
- 5.16 The site is not wholly located within a conservation area and contains no listed or locally listed buildings. However, there are a number of heritage assets in close proximity. These include:
- Owens Southsea Conservation Area spans which spans the west/south of the site.
 - Portland Terrace Grade II listed building is located along the western boundary of the site
 - St Jude's Church to the north along Kent Road.
- 5.17 Other conservation areas (notably Castle Road and Stanley Road) and numerous listed buildings are located within a 1km radius of the site. Some of these outbuildings proposed to be demolished are just within the conservation area and also have curtilage listed status.
- 5.18 The NPPF advises at paragraph 192 that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.19 Paragraph 193 of the NPPF states "*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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.*" This, the document further reiterates, include the setting of a heritage asset where clear and convincing justification is required.
- 5.20 With regards to the significance of the asset; Portland Terrace (1846-49) is unique in the city of Portsmouth (and also rare locally) as an excellent well preserved and carefully maintained example of a Regency style terrace. The terrace was designed by the noted and locally important Thomas Ellis Owen - The 'Father of Southsea' and makes a positive and critical contribution to the townscape, setting and character of this part of Southsea. The value and importance of this building should therefore not be underestimated or set aside in the consideration of this proposal.

- 5.21 As detailed elsewhere in this report, the scale, character, and existing townscape of the land to the rear of the former Debenhams building -Tonbridge Street suggest that it is capable of and would perhaps benefit from development whose basic design parameters such as footprint, siting, scale, height, massing and material palate, are sympathetic and subservient to the designated heritage asset (Portland Terrace) which frames and encloses the western aspect of this space. It could also present a better townscape form, appearance and activity to the back land / service-like environment of Tonbridge Street.
- 5.22 In relation to the design impact of Block A, important views which are valued can be gained of the listed building from Portland and Osborne Roads. It is also noted that the southern flank side of the listed terrace has interesting designed details which contributes to the general appeal of the heritage asset.
- 5.23 Previous concerns raised on heritage grounds cited the proximity of the extended footprint of Block A and resultant encroachment on the views of the listed building. The Conservation and Design Consultant (C&DC) initially commented that the importance of the heritage asset has not been given the weight it justifies in the rationalisation of the applicant around their proposal.
- 5.24 This element of the development has since been 'pulled away' and scaled back with the revisions and would now be setback by 20 metres from the listed block. The new siting is considered sufficient to ensure that this element of the scheme would not have a dominating or overbearing presence in views towards or from the asset on the western elevation. The Conservation and Design Consultant finds the reduced footprint of Block A and separation acceptable and I concur.
- 5.25 With regards to the impact of proposed Block B to the north of the site on heritage assets; the proposal is for a new block of 3 storeys above ground floor undercroft parking to occupy a rather constrained plot of land. It is acknowledged that the rear of the Portland Terrace is less architecturally imposing than the front as it has to a certain extent been 'scarred' by the addition of later and visually unsympathetic metal fire escapes and the space it partially encloses is more utilitarian in character than other nearby public realm.
- 5.26 These factors however do not automatically justify inappropriate development and The C&DC maintains that the proposed new block is not capable of conservation support. The Consultant noted that proposed Block B would be read in conjunction with the Terrace in views east from the public realm and it lacks detailing in rhythm materiality and subservience to the asset and would 'compete with' rather than complement Portland Terrace.
- 5.27 The points made by the Consultant are noted. Officers on the other hand make an assessment beyond heritage matters alone and contend that although the scale of the proposed block is large and it remains close to Portland Terrace, the compromise made by the applicant with the further set back has the potential to offset impact on the heritage asset. Additionally, it is referred to in earlier paragraphs that the existing townscape of the land to the rear of site suggest that it is in need of appropriate intervention. The proposed block may not materially improve the space but neither does it detract from it.
- 5.28 Paragraph 196 of the NPPF states - *'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.'*

- 5.29 On balance, it is considered the development would result in less than substantial harm to the significance of Grade II listed Portland Terrace while its public benefits with regards to housing delivery would outweigh any harm. This element of the development would therefore comply with the objectives of the NPPF.
- 5.30 Visual Appearance
- 5.31 The proposal would see the retention of the existing building's decorative brick facades which would be sensitively repaired/restored to maintain the bulk of the building in its original form. The most significant change to the existing building would be the addition of a contemporary two storey roof structure with a flat roof.
- 5.32 Materials are proposed to be lightweight and finished in a dark grey profiled glazing and metal cladding to contrast with the masonry of the existing lower floors. The additional storeys as proposed would be set behind the existing brick façade and roof parapet and would contain a series of simple fenestration detailing to align with windows below. Along the Osborne and Palmerston Road elevations; the elaborate entrance pediment features would be retained and followed through to the new upper floors to match the original for continuity.
- 5.33 The mansard roof design of Block A is bold and does not seek to replicate the style or form of the host. While a deeper setback would have been appropriate in this location to reduce the level of prominence, it not considered that the overall impact of the roof extension is contentious.
- 5.34 To the rear, it is proposed Block B would be rendered in an off white colour with grey fenestration details to provide interest. In this very urban setting and with the varied form of building material palette in the immediate area, it is considered the external appearance of the blocks would complement the site settings. The right balance between variety and continuity would be achieved. On balance, the proposed development is considered to make a positive contribution within the surrounding streetscape.
- 5.35 Spatial layout
- 5.36 The current proposal has been positively amended since its original submission in terms of the general design, layout and massing. Overall, the principles behind the perimeter block layout have been incorporated into the design philosophy. The footprint of Block A has been reduced by a bay on the Portland Road elevation with the latest set of amendments to address the impact on heritage assets. Block B has also been scaled back a limited degree along its western elevation in addition to the earlier removal of the upper floor.
- 5.37 There is no 'in principle' objection to the development and as mentioned elsewhere in this report the Tonbridge Street approach to the site is harsh, uninviting and needs some intervention. As a Case Officer, I do acknowledge there is still opportunity to fine tune the design element of the scheme particularly around site security, landscaping, materials, design details and appropriate conditions would be imposed to secure such aspects.
- 5.38 The existing Tonbridge Street at its southern end is narrow and dominated by the tall, graffitied flank wall to the former Debenhams store. Although its replacement with another sub-optimal solution (ground floor parking undercroft) is not the best preferred option, there would at least be active residential windows on the upper floors, and the footprint of Block B would be pulled away compared to the existing buildings, so widening the public realm.

- 5.39 Ultimately, good quality schemes are designed in a way that the external appearance of the building helps one to engage and recognise what the structure is for and what goes on inside. The revised scheme with its set backs on both blocks successfully adhere to this principle and does to a greater extent address previously raised design concerns. Given the above, the height, scale, mass and design would not be so harmful as to warrant refusal when weighed against the strong benefits of the significant number of housing units proposed, and the positive re-use of important and large town centre buildings.
- 5.40 Nevertheless, this is a balanced conclusion and should not be seen as ideal or a precedent for other future schemes in the conservation area or ones that are in close proximity to heritage assets. Thus, taking into account the circumstances of the proposal including the previous use and site specific circumstances, it is considered that the proposal subject to conditions complies with local and national policy on design.
- 5.41 Impact on amenity of neighbouring residents
- 5.42 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. Block A has an established relationship with neighbouring buildings and the roof addition and extension on the Portland Road elevation does not raise any immediate amenity impact concerns, especially since the latter has been reduced in size with the December amended plans.
- 5.43 Proposed Block B on the other hand would be located in close proximity to the rear of a number of residential properties and therefore demands a fuller assessment of outlook, light and privacy. To the east, the block would be separated by over 20 metres from the maisonettes along Palmerston Road and no concerns are raised on this elevation. To the west however, there are several habitable room windows within the rear elevation of Portland Terrace and in addressing concerns initially raised by Officers relating to the inadequate separation, the revised scheme now results in separation distances between the rear and front of the two building of 16 metres and 18 metres at the maximum. This remains a close distance, and less than would normally be expected for satisfactory levels of residential amenity for existing and future occupiers (Portland Terrace, and Block B, respectively)
- 5.44 Having said that, all development proposal are assessed on merit and in this case the urban context of the site plays a crucial role in its future relationship with neighbouring buildings. Some level of mutual overlooking and reduced outlook is expected in built up urban areas which should be expected in this town centre case and for reference; there is an existing and closer outbuilding on part of the footprint where Block B is proposed albeit at 2 storeys high and non-residential.
- 5.45 Although the proposed is for a flatted development and the use of private amenity spaces would not be the same as in traditional houses, Officers still believe the separation distances as proposed would result in some negative impact in the form of sense of enclosure and loss of privacy for neighbouring residents and the future occupiers of the proposed flatted development. How damaging this impact would be is however a matter of judgement as there are no set standards both locally and nationally to gauge compliance. There would be no adverse impact on the levels of day/sunlight received by the neighbouring residents and future occupiers of the proposed flatted development.
- 5.46 To conclude, the proposed 16 - 18 metre separation distances between the two buildings goes some way to address Officers concerns on amenity impact. The densely-

developed, town centre location does bring with it some reduced expectation for residential amenity, and again, the significant benefits of new housing and re-used commercial space do weigh heavily in the application's favour. Thus, on balance, this aspect of the development no longer merits a reason for refusal.

5.47 Standard of accommodation

5.48 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It is required that developments meet specific space standards (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.

5.49 The Nationally Described Space Standards set a minimum size for Studios at 37sq.m; 1bed/2persons flats at 50sq.m; 2bed/3person and 2bed/4person flats at 61 and 70 sq.m respectively. The internal floor areas and room sizes of the proposed flats have been documented in the Applicant's submissions as meeting these space standards. Internal reconfigurations have also addressed initial concerns relating to outlook from some of the units in Block A. No concerns are now raised in relation to the standard of accommodation of the proposed amended development.

5.50 The development would provide some private balconies, a shared podium terrace at Block A, and be very close to the outdoor resource of the seafront and Southsea Common. As such, I am satisfied that outdoor amenity would be acceptable.

5.51 With regard to the housing mix, policy PCS19 recommends that 40% of new dwellings across the City should have three or more bedrooms whilst the remaining 60% should be split between one and two bedrooms to meet different housing needs in the City. The proposed housing mix comprises 74 no. Studios & 1 beds; 58 no. 2 bed; and only 2 no. 3 bed. This mix is skewed towards first time buyers and an argument can be made about the density proposed and its impact on the mix of units, none of which of course are houses with gardens, which is generally more sought-after by families. Given the highly sustainable location and flatted nature of the development, Officers would not wish to insist upon the application of this particular policy.

5.52 Highways and Transport

5.53 The Portsmouth Parking Standards SPD sets out the expected level of parking that should be provided within new residential developments. The proposal would result in 134 additional units with 2,260 square metres of commercial floor space. For the level of development proposed, the SPD determines a parking expectation of 164 resident + 16 visitor car parking spaces and 194 cycle parking with a parking assessment to be provided in relation to the non-residential elements.

The application proposes a total of 105 car parking spaces and circa 246 cycle storage spaces. This would equate to a ratio of 80% for the 134 flats, if allocated as one space per flat.

5.54 The 246 proposed number of cycle parking spaces exceeds SPD requirement however there is a shortfall in the level of vehicular parking spaces provided for residents and visitors. The accompanying travel plan indicates that only flats in Block A (98) have been catered for in terms of vehicular parking, which would be 109% for that part of the development. The proposed 36 flats in Block B are proposed as 'car free', i.e. 0%.

- 5.55 In the absence of adequate on-site parking provision and what they consider a convincing justification for the reduced provision, the Local Highways Authority's (LHA) opinion is that the proposal would significantly increase the local parking demand which is already at full capacity. Thus residents would find it more difficult finding a parking space, with consequent implications for residential amenity.
- 5.56 The result in both instances will be vehicles being parked indiscriminately and residents driving around the area hunting for a parking space with the consequential negative implications on air quality / pollution. These current concerns however do not result in a stated compromised highway safety or conflict.
- 5.57 Initial concerns raised by the LHA in relation to the single ramp access has been addressed by the applicant with a two way system and the objection has been withdrawn. The proposed 'bellmouth' junctions indicated on the revised drawings give priority to vehicles rather than pedestrians but a more suitable solution can be achieved with appropriately worded planning conditions.
- 5.58 Paragraph 109 of the NPPF states - *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* There is no evidence to suggest this will be the case with the current proposal. Representation received from Portsmouth Cycle Forum infer that the increased amount of vehicular traffic would have an impact on highway safety however there is no evidence to back this assertion. On this basis no objection is raised.
- 5.59 The Council's Waste Team has commented on the application and requested for further information on the waste storage and collection arrangement. A suggestion was also made in relation to the positioning of some bins from the basement area to the ground floor for ease of access. These matters can be secured through an appropriately worded planning conditions and again no concerns are raised.
- 5.60 Planning Obligations
- 5.61 Policy PCS19 seeks 30% affordable housing from sites capable of accommodating 15 or more residential units and at a 70:30 social / affordable rent and intermediate tenure split. In exceptional circumstances however, where it is not practical or viable to provide on-site affordable housing, provision can be from an alternative site or a financial contribution towards securing affordable housing elsewhere in the city. This will be considered when both on and off-site provision has been shown to be impossible.
- 5.62 The development is now proposed for 134 residential units and the expectation is for 41 of these units to be affordable. The developer has made no provision for affordable housing on site and there is no indication contributions would be made elsewhere in the City. The Applicant's financial viability submissions **originally** indicated the development (of 157 flats) could not afford such provision. However, the Council's own viability consultant did believe the scheme could make provision for Affordable Housing, and the Applicant has subsequently also stated his willingness to enter into a legal agreement for such provision. If Members support the recommendation to approve the application, further discussions will take place, delegated to officers, in order to secure an appropriate legal agreement.
- 5.63 The applicant's viability assessment used a standard residual land valuation (RLV) model to help establish whether it was financially viable to include any affordable housing. The RLV was derived by assessing the assumed value of the completed development (based on values as at the point of application) and deducting from this the development costs, including the developer's profit. The Applicant included an

assumption of a profit of 20% for an open market scheme and assumed blended 17.65% profit (on GDV) for a policy-compliant scheme (i.e. with Affordable Housing) for the sake of the assessment. The National Planning Practice Guidance advises, for the purpose of Plan making, that 15-20% of GDV may be considered a suitable return to developers for open market developer, and a lower level for affordable housing.

- 5.64 The Applicant's calculations on the development as **originally submitted** of 157 units, i.e. before subsequent amendments, showed both the policy-compliant scheme and the open market scheme to be in 'deficit', at £3,706,944 and £1,985,340 respectively. Meaning that however, with the same baseline cost and value figures re-presented, but with a lower developer's profit inputted, both schemes would 'break even'. It has been calculated that would be achieved with 6.9% profit on the policy-compliant scheme, and 14.9% profit on the open market scheme. Therefore, were the developer to accept a lower profit than the broad market acceptance of 15-20%, both a policy-compliant scheme or an open market scheme are deliverable, based on the Applicant's figures.
- 5.65 Notwithstanding the above, the independent viability consultant (Dixon Searle Partnership - DSP) assessed the developer's inputs, and have reached different conclusions. They consider the following are too high: Ground Rent Yield, Build Costs, Legal Fees, Profit (should be 17.5%). DSP also re-consider the Development Timings – they use a monthly distribution of costs and revenues rather than the submitted quarterly basis. DSP have re-run the finances on the above basis and conclude that both the policy-compliant scheme and the open market scheme would actually be in surplus, whilst also achieving 17.5% profit. The surpluses would be £716,011 (for an affordable housing policy compliant scheme) and £2,688,815 (for a 100% market housing scheme). Again, please note, the above are for the originally-submitted proposals.
- 5.66 The **scheme has been amended again**, removing 40m commercial floorspace, and a total now of 23 flats. The scheme now has 134 flats. The finances have been re-visited and re-submitted by the Applicant, and these have been forwarded to the LPA's consultants, DSP. The LPA awaits further advice from DSP, an update will be reported to Members for the Committee meeting on 26th January.
- 5.67 DSP have noted in their summations to date: in summary, we consider that the scheme's viability appears to have been understated. We have not found a nil AH Affordable Housing position to be justified or suitable from a viability point of view. In our view, the scheme has the potential to support up to the fully policy compliant level of affordable housing based on the available information at this stage.
- 5.68 It is not anticipated that the further updated Appraisal awaited (to account for the 15 fewer units now proposed) will significantly change the scheme's viability. If so, and based upon the LPA's consultants' analysis, it is expected the development will continue to be able to make provision for Affordable Housing.
- 5.69 The exact nature and location of such housing would be negotiated and agreed and could include offsite provision through financial contribution if it was felt that this would be more appropriate in discussion with the Council's Housing team. It should also be noted that the 'surplus' anticipated (which was £716,011 for the original scheme) can also be required to contribute to funding the necessary mitigation costs for nitrate neutrality, discussed elsewhere in this report, and secured through a s106 agreement.
- 5.70 In light of the overall recommendation for approval (see below), a s106 agreement would be progressed on this site if Members endorse the recommendation. In the event of all other matters being resolved/found to be acceptable to Members, the application could be approved, with the Applicant being required to enter into a legal agreement to secure

Affordable Housing. Failure to enter in due course into such a legal agreement for these purposes, though, would still constitute a Reason for Refusal.

5.71 Environmental matters:

5.72 Contaminated land

5.73 The Team has confirmed there is the potential for contamination to exist on the site due to its location and past use. A number of suggestions to update the applicant report have been made and it is expected that further information would be required to assess the level of contamination and agreement would be required for mitigation. This information could be requested and secured by condition.

5.74 Drainage

5.75 The site lies within Flood Zone 1 and is therefore at low risk of flooding. The application is supported by a detailed flood risk assessment which the Council's Drainage Engineer after review has found to be lacking in detail on a drainage strategy. The Team has also noted that ground water investigation is lacking in the report. These can however be secured by an appropriately worded condition to ensure that the development would achieve satisfactory drainage and not increase flood risk to the site in accordance with Policy PCS12 of the Portsmouth Plan. There was also the suggestion for the Applicant to explore 'green roof' opportunities. No further representation was made in response to the revisions

5.76 Biodiversity and Biodiversity Impact

5.77 Policy PCS13 of the Portsmouth Plan seeks to enhance and develop the City's green infrastructure network and ensure that developments achieve a net gain in biodiversity value where possible.

5.78 The nature of the site is such that there are very limited opportunities for biodiversity to thrive. The application is supported by an Ecology report, which notes that the site has limited ecological value, comprising predominantly hardstanding around the buildings and only species that occur within buildings will be found on site. The report notes that outbuildings on site were determined to have the potential to accommodate bats and foraging birds but follow up field assessments were inconclusive on the presence of either.

5.79 Given the limited ecological value of the existing site, the proposed development offers the potential to create an enhancement in biodiversity and the submitted report includes a mitigation and enhancement plan. Measure proposed to achieve this include 16 bat boxes and 16 bird boxes installed on all elevations of Blocks. There is an objection raised by Hampshire Swift with regards to the inadequacy of the measures being taken by the applicant however, what is proposed are 2 blocks of flatted development and not separate residential units. More could be done but Officers welcome these measures as outlined. In the event of a consent being granted, a condition to address ecology and sustainability measures would be attached.

5.80 In addition to the bird and bat boxes, revisions to the layout of the blocks has expanded the soft landscaping that would be achieved through the development. It is considered these measures as outlined in the submitted Ecology Report would improve biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan.

5.81 Impact on the Solent Special Protection Areas

- 5.82 The Conservation of Habitats and Species Regulations 2017(as amended) and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.83 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.84 Recreational pressure:
- 5.85 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. Appropriate mitigation in the form of a financial contribution towards the Solent Recreation Mitigation Strategy can be secured through a legal agreement. In the event of a consent being granted. This development would be required to make a contribution of £60,188 on this year's rates via legal agreement.
- 5.86 Nitrates:
- 5.87 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.
- 5.88 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be: Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or, Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation.
- 5.89 If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development. The Council's Mitigation Strategy will then sets out the charging amount per new dwelling.
- 5.90 Having regard to the above, the applicant has confirmed that they are unable to provide nitrate mitigation via Option 1 or 2 and would therefore like to provide mitigation using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition could be imposed on the development which prevents occupation until the mitigation is actually provided, i.e. the credits are purchased.
- 5.91 Therefore in response to the objection raised by Natural England, the nitrates mitigation could be provided by way of the condition and legal agreement subject to further

consultation with Natural England. For this reason, it is not considered the development would have a significant detrimental effect on the features of the Solent Special Protection Areas.

5.92 Community Infrastructure Levy (CIL)

5.93 The development would be liable for contributions towards the Council's Community Infrastructure Levy (CIL), the money from which would be used to improve infrastructure throughout the city. This could include improvements to flood defence infrastructure, public open spaces, public realm enhancements and contributions to city wide strategic schemes.

6.0 **CONCLUSION**

6.01 Planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise and the NPPF advocates a presumption in favour of sustainable development. The assessment of the current scheme as revised has considered the material planning issues associated with the proposed development in conjunction with all relevant national and local policies and has found that the proposed is acceptable and would not cause demonstrable harm.

6.02 In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Portsmouth City Council does not currently have a five-year supply of deliverable housing sites. The NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites and advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.03 Six reasons for refusal were previously published. Reasons 4 & 5 were incidental to the others as it is acknowledged they could have been secured by a legal agreement had the proposal been acceptable in general terms. The current revisions to the scheme have effectively addressed the other four reasons for refusal as detailed in the preceding paragraphs of this report. Officers can now withdraw any objections previously held on the former Reasons 4 and 5, subject to the important contents of a forthcoming legal agreement for the relevant matters (SPA mitigation and affordable housing) being deemed accepted.

6.04 The overall design approach is considered acceptable; reduced footprints of the proposed blocks later introduced would result in a scheme which would have a less dominating relationship with neighbouring buildings a local heritage asset; internal reconfigurations have addressed concerns raised around substandard accommodation and highway safety concerns have been allayed with the introduction of a wider access ramp.

6.05 In summary, the site is in a sustainable location and the development would bring a vacant building and underutilised site back to use, which would assist in vital physical and economic regeneration for Southsea Town Centre. The development would provide 134 new dwellings to help meet the City's housing supply, which is currently below the required 5 year level. Whilst concern of the Local Highways Authority in relation to the inadequate parking facilities is noted, and some reservations are still held in respect of separation distances; it is considered that any impacts of the development would not 'significantly and demonstrably outweigh the significant benefits of the new housing, a variety of commercial units and other uses (eg potential doctor's surgery) and the building re-use, when assessed against the objectives in the NPPF. As a whole, it is considered the proposal meets the economic, social and environmental objectives of the NPPF and so constitute Sustainable Development. Additionally it is considered that

conditions can also assist in securing an acceptable outcome for the site and approval is therefore recommended.

RECOMMENDATION Conditional Permission

Conditions

Time Limit:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA nitrates mitigation.

Approved Plans:

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

Location Plan 19.091_HGP_100 Rev P1
Block Plan 19.091_HGP_101 Rev P2
Site Survey 19.091_HGP_A_102 Rev P1
Basement Demolition Plan 19.091_HGP_A_200 Rev P1
Ground Floor Demolition Plan 19.091_HGP_A_201 Rev P1
First Floor Demolition Plan 19.091_HGP_A_202 Rev P1
Second Floor Demolition Plan 19.091_HGP_A_203 Rev P1
Third Floor Demolition Plan 19.091_HGP_A_204 Rev P1
Proposed Master Plan 19.091_HGP_A_210 Rev P2
Proposed Basement Plan 19.091_HGP_A_220 Rev P4
Proposed Ground Floor Plan 19.091_HGP_A_221 Rev P5
Proposed First Floor Plan 19.091_HGP_A_222 Rev P6
Proposed Second Floor Plan 19.091_HGP_A_223 Rev P7
Proposed Third Floor Plan 19.091_HGP_A_224 Rev P8
Proposed Fourth Floor Plan 19.091_HGP_A_225 Rev P8
Proposed Roof Plan 19.091_HGP_A_226 Rev P6
Proposed Street Elevations 19.091_HGP_A_240 Rev P5
Proposed Podium Elevations 19.091_HGP_A_241 Rev P6
Proposed Courtyard Elevations 19.091_HGP_A_242 Rev P6
Proposed Cross section Elevation 19.091_HGP_A_243 Rev P6

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

Material and Finishes

3. Notwithstanding the submitted details, no development above foundation level shall commence on site until a schedule of materials and finishes to be used for the external surfaces and roof(s) of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regard to the significance of the adjacent heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Design - Architectural Detailing

4. (a) Notwithstanding the submitted details, no development works affecting the external appearance of the building shall commence until precise constructional drawings of key

architectural features at a 1:10 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:

- Precise window fabrication including: frame dimensions, method of opening, glazing bars, colour treatment, reveal depth;
- Gable build-up including brick bonding pattern, reveal depths, headers, string course, copings;
- Roof extension including: Cladding profile, corner detailing, window reveals/surrounds, junctions with existing copings, roof trims;
- Window features on all elevation;
- All door and surround details;

(b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: In the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Contaminated Land

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

- a) A Phase 1 desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model); and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and once this 'Phase 2' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- c) A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

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

risks to workers, neighbours and offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

Landscaping

6. No development above foundation level shall commence on site until a schedule and samples of all surface treatments and finishes, hard landscaping and floorscape treatments around the site including a detailed landscaping scheme for the external areas, which shall specify species, planting sizes, spacing and density / numbers of trees / shrubs to be planted; the phasing and timing of planting; a detailed scheme of ground preparation and maintenance for planting areas, and provision for its future maintenance has been submitted to and approved by the Local Planning Authority in writing.

(b) The works approved shall be carried out in the first planting and seeding season following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting for the development in the interests of the visual amenity of the area and to conserve and enhance biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

Security & Surveillance

7. Prior to first occupation of the development hereby permitted, detailed drawings shall be submitted to and approved in writing by the local planning authority showing the details of security and surveillance arrangement of the ground floor and basement levels of the blocks and boundary treatments or other gate / fence / railing / barrier / bollard or similar means of enclosure on elevations. The approved details shall be implemented before the buildings hereby approved are first occupied and shall subsequently be maintained.

Reason: In the interests of the visual amenities of the area and public safety in accordance with policy PCS23 of the Portsmouth Plan.

Use of Commercial Units

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, the ground floor commercial space of Block A on the approved drawings shall be used for purposes falling within Class E(a - g) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever without the express permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To offer flexibility but also allow the Local Planning Authority to consider the implications of alternative uses having regard to the wide range of uses/activities within Class E; the potentially more intensive pattern of activity, parking, servicing and noise; the potential impact on the amenity of the occupiers of adjoining dwellings, including immediately above, and the surrounding highway network; and the need for further mitigation measures, and the resultant lower level of residential units and town centre units in accordance with the aims and objectives of the National Planning Policy Framework and Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Hours of Operation

9. The commercial units hereby permitted shall be closed to and vacated of customers between the hours of 11 pm and 8 am the following day.

Reason: To protect adjoining and nearby residential occupiers from noise and disturbance late at night and into early morning hours in accordance with Policy PCS23 of the Portsmouth Plan.

Plant & Equipment

10. 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 planning authority including proposed measures to mitigate any identified observed adverse effect levels. Upon approval, all mitigation measures shall be implemented and thereafter maintained.

Reason: In the interests of the residential amenities in accordance with policy PCS23 of the Portsmouth Plan.

Extractors & Ducts

11. Prior to the installation of any kitchen extraction system associated with the commercial units hereby permitted, details of measures to abate and disperse odours and fumes emitted from cooking operations shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to the extraction system being brought into use and thereafter maintained.

REASON: To prevent the emission of odours which could affect the residential amenities of the occupiers of neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.

External Equipment:

12. Unless otherwise agreed in writing with the Local Planning Authority, other than those shown on the approved drawings, no externally mounted flues, ducts, soil stacks, soil vent pipes, pipes or utility boxes/cabinets shall be installed on any elevation of the building.

Reason: To reduce visual clutter in the interests of the visual amenity having regard to the significance of this non-designated heritage asset in accordance with the aims and objectives of the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).

Transport Strategy

13. No development shall start on site until revised access details providing for footway crossing type accesses and detailed Transport & Parking Strategy to mitigate the impact of reduced car parking provision within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved access detail and Transport & Parking Strategy.

Reason: To ensure pedestrian priority at the access points and that the reduced vehicle parking provision on site is adequately mitigated to prevent parking pressure on the surrounding road network in the interest of amenity and highway safety, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Construction Management Plan:

14. (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and

(b) The development shall be carried out in accordance with the CEMP approved pursuant to part (a) of this condition and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers having regard to the absence of any site

curtilage and proximity to sensitive uses in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Parking provision

15. The car parking spaces shown on the approved plans shall be surfaced, marked out made available for use before the first occupation of the development and shall thereafter be retained for car parking purposes.

Reason: In the interests of highway safety in accordance with policy PCS23 of the Portsmouth Plan and the Car Parking Standards SPD.

Refuse Storage Facilities:

16. (a) Before the development hereby permitted is first occupied/brought into use (or such other period as may otherwise be agreed in writing with the Local Planning Authority) facilities for the storage of refuse and recyclable materials shall be provided in accordance with approved drawings and made available for use by the residents of the development hereby permitted; and (b) The facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Drainage Strategy

17. (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details of:
(i) the proposed means of foul and surface water sewerage disposal including any necessary diversions of existing infrastructure; and
(ii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), have been submitted to and approved in writing by the Local Planning Authority; and
(b) No part of the development shall be occupied/brought into use until the drainage works have been carried out in full accordance with the details agreed pursuant to part (a) of this condition, unless otherwise agreed in writing by the Local Planning Authority.

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

Flooding & Drainage:

18. (a) No development works associated with the basement shall commence until a scheme of flood protection measures aimed at reducing the risk of flooding at basement level from the backing-up of the combined sewer network through floor gullies and details of flood resilient construction methods has been submitted to and approved in writing with the Local Planning Authority.
(b) The development shall be carried out in full accordance with the scheme of flood protection measures and flood resilient construction methods approved pursuant to part (a) of this condition, completed prior to first occupation of any dwelling hereby permitted and thereafter permanently retained.

Reason: To reduce the risk of flooding at the site and associated damage to the building and property in accordance with aims and objectives of the National Planning Policy Framework (2019) and Policies PCS12 and PCS23 of the Portsmouth Plan (2012).

Affordable Housing Provision:

19. (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until a scheme for the provision of affordable housing as part of the development on-site, or as an alternative off-site provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing set out within the National Planning Policy Framework (2019) or any future guidance that replaces it; and
- (b) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until the affordable housing provision has been provided in accordance with the scheme approved pursuant to part (a) of this condition; and
- (c) Unless otherwise agreed in writing with the Local Planning Authority, the affordable housing provision shall be retained in accordance with the scheme approved pursuant to part (a) of this condition.

Reason: To ensure the provision of affordable housing in accordance with the aims and objectives of Policy PCS19 of the Portsmouth Plan (2012) of the National Planning Policy Framework (2019) and associated guidance.

Mitigation - Special Protection Areas:

20. (a) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have been submitted to and approved in writing by the Local Planning Authority; and
- (b) The development shall then be carried out in full accordance with both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Biodiversity Enhancements:

21. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the 'Mitigation, Recommendations and Enhancements Measures' set out in Sections 5 & 6 of the Ecological Impact Assessment (ECOSA for Omnia Environmental Consulting, September 2020) addressing protected species, bats and nesting birds.

Reason: To produce a net gain in biodiversity value at the development site in accordance with Policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2019).

Sustainable Design & Construction:

22. Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:

- a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012).

Informative

This permission should be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) dated --/--/2021

The applicant's attention is drawn to the corresponding Listed Building consent (reference 20/00621/LBC) and the associated conditions.

The applicant is reminded that bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional Ecologist. Birds nests, when occupied or being built, also receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

Prior consent to be sought from The Portsmouth Society at implementation stage.

The applicant's attention is drawn to the advice and comments offered by Hampshire Fire and Rescue Service in their consultation response of 18th December 2020.

The applicant's attention is drawn to the advice and comments offered by Southern Water in their consultation response of 21st September 2020.

The applicant's attention is drawn to the advice and comments offered by the Council's Waste Management Service in their in their consultation response of 7th October 2020.

44-66 PALMERSTON ROAD SOUTHSEA PO5 3QG

DEMOLITION OF STRUCTURE ADJOINING PORTLAND TERRACE IN RELATION TO DEVELOPMENT PROPOSAL 20/00620/FUL**Application Submitted By:**

Alex King
Mission Town Planning Ltd

On behalf of:

Mr Shaun Adams
National Regional Property Group

RDD: 8th June 2020

LDD: 4th August 2020

0.0 INTRODUCTION

0.1 Members will recall that this application was reported to Planning Committee on 09 December 2020 with a recommendation to approve. The listed building consent application is running concurrently with a full planning application at the same site (20/00620/FUL). After some discussion at that meeting, Members decided to defer the full application in order to allow for public consideration of late and significant changes submitted by the Applicant. It was also considered judicious to defer this listed building consent application. The application is unchanged since the last Committee meeting and the Officer recommendation to grant consent remains the same.

1.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**1.1 Site and surroundings**

1.2 The application site relates to the former Debenhams department store and land to the rear of the building encompassing an irregular shaped plot with an area of approximately 0.61 hectares. To the rear area, the parcel of land which fronts Tonbridge Street and in the applicant's ownership currently has several outbuildings, extensions and some parts are laid to hardstanding and used as a car park.

1.3 The northern tip of the site along Tonbridge Street lies within the Owen's Southsea Conservation Area, and the adjacent block located to the west of the site along Portland Road is the Grade II Listed Portland Terrace.

1.4 Portland Terrace (1846-49) is unique in the city of Portsmouth as an excellent well preserved and carefully maintained example of a Regency style terrace. The terrace was designed by the noted and locally important Thomas Ellis Owen - The 'Father of Southsea' and makes a positive and critical contribution to the townscape, setting and character of this part of Southsea.

1.5 Proposal

1.6 This application seeks Listed Building Consent for the demolition of an infill extension that has curtilage listed status due to its positioning behind Portland Terrace. The said structure is a later 20th century addition to the rear of the terraced block and is physically

attached to No. 15 Portland Terrace creating a visual link between the listed buildings and other ancillary structure within the service yard of the former Debenhams store.

1.7 The structure is two storeys high with a dual pitched roof and has a modest footprint of 5 metres wide by 4 metres deep. It is documented that this infill structure served ancillary purposes for the running of the retail business at Debenhams's however, it is in a poor state of repair currently and has no defined function.

1.8 Although attached to the rear of Portland Terrace which is outside the application site, the demolition is required to facilitate the redevelopment of the rear of the former Debenhams site with a new residential block (Block B). The space gained would form part of the general environment surrounding a proposed new block (Block B). It is proposed works would be carefully documented and any damage caused to the attached neighbouring building (No. 15) shall be repaired in a sympathetic manner.

1.9 Planning History

1.10 As part of the complete development proposal, full planning permission is concurrently sought elsewhere on this agenda under reference 20/00620/FUL.

2.0 POLICY CONTEXT

2.1 Section 16 & 72 of Planning (Listed Buildings and Conservation Area) 1990 (as amended); Chapter 16 -Conserving and enhancing the historic environment- NPPF (2019); Policy PCS23 - Design and Conservation - Portsmouth Plan (2012).

3.0 CONSULTATIONS

3.1 **Historic England -**
No comments received.

3.2 **Ancient Monuments -**
No comments received

3.3 **County Archaeologist -**
No comments received

3.4 **The Georgian Group -**
No comments received.

3.5 **The Victorian Society -**
No comments received.

3.6 **Twentieth Century Society -**
No comments received.

3.7 **The Portsmouth Society -**
No comments received

3.8 **Conservation and Design Consultant -**

3.9 Does not raise any direct concerns with the demolition plan as proposed however, has reservations about the application to redevelop the site overall and impact of the design on the setting of heritage assets.

4.0 REPRESENTATIONS

4.1 While comments have been made with regard to the main planning application, 20/00620/FUL, no public comments concerning this listed building submission have been received.

5.0 COMMENT

- 5.1 The key issue of this application relates to the impact of the proposed demolition upon the character, appearance and historical integrity of the grade II listed Portland Terrace
- 5.2 NPPF states at paragraph 189 that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’.
- 5.3 The significance of the adjacent listed building and the historic context which includes extensive refurbishment and conversions are clearly set out in a Heritage Statement submitted with the applications. This application for consent however only considers the demolition of the two storey infill extension and potential harmful impact.
- 5.4 The two storey infill structure to be demolished has not benefited from routine upkeep over the years; it is derelict and has lost any heritage value it may have once possessed and its demolition would not result in any loss of important historic asset. The building is partly visible from Tonbridge Street where the visual appearance of the listed terrace is less architecturally imposing. This part of the conservation area has also to a certain extent been 'scarred' by the addition of later visually unsympathetic development and it is partially enclosed and more utilitarian in character than other nearby public realm.
- 5.5 In considering potential impact, the NPPF requires planning authorities to consider whether a development proposal would harm heritage asset, either with 'less than substantial harm', or 'substantial harm' (which includes total loss of significance of the asset). Paragraph 193 states *“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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.”*
- 5.6 Comments received from the Design and Conservation Officer have not directly objected to the listed building consent application although reservations have been expressed in relation to the wider proposed development. It is considered that the demolition, which would aid the viability of the proposed building (Block B) by providing a more open and accessible environment to all without compromising heritage assets is a suitable solution.
- 5.7 The demolition and reinstatement works proposed are afforded weight as they would impact heritage assets. As it stands, the heritage statement submitted would appear to suggest that there will be loss of some historic fabric and features to No. 15 Portland Terrace (the attached building) and this will clearly be the case. The detachment of the structure would have some impact on the render and potentially structural integrity of its host, Nonetheless, the applicant has expressed a willingness to retain the historic features of the building by carefully detailing all onsite activities and making good any loss in matching material.
- 5.8 Overall, no concern is raised to the demolition of the two storey structure as it is considered to have limited heritage value. In relation to the neighbouring building, while there will be some consequential harm associated with the loss of the infill structure

given its attachment, this will not cause adverse impact to the heritage asset. The demolition proposed subject to conditions is considered not to be prejudicial to the special architectural and historic interest of this listed building, With appropriate alterations such as making good the fabric of the adjoining wall, I consider the removal of this small block has a neutral impact on the host listed building.

6.0 CONCLUSION

- 6.1 The proposal is considered to preserve the character and appearance of the grade II listed building block and also complies with the Development Plan. There are no overriding material considerations to indicate a refusal and approval is therefore recommended.

RECOMMENDATION

CONDITIONAL CONSENT

Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) All new works and making good to the retained fabric whether internal or external shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture and profile.
- 3) The development shall not commence until written details and samples of the materials to be used in the alteration to the listed building (No. 15) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with approved details.

The reasons for the conditions are:

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with Policy PCS23 of the Portsmouth Plan (2012).
- 3) To ensure a satisfactory appearance of the development and safeguard the special architectural or historic interest of the building.

THE REGISTRY ST MICHAELS ROAD PORTSMOUTH**TEMPORARY CHANGE OF USE FROM STUDENT HALLS OF RESIDENCE (C1) TO INTERIM ACCOMMODATION FOR THE HOMELESS (SUI GENERIS).****Application Submitted By:**

Mango Planning & Development Ltd
FAO Arfon Hughes

On behalf of:

Ms E Randall
Portsmouth City Council

RDD: 7th September 2020

LDD: 3rd November 2020

EOT: 1st February 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as the applicant is Portsmouth City Council and it is in the interest of the public for the application to be determined by the Planning Committee.

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

- Principle of Development
- Design and character
- Standard of accommodation
- Impact on residential amenity
- Highways and Parking
- Energy and water efficiency
- Nitrates

Site and surroundings

1.3 The application property relates to a two and a half storey Locally Listed building with accommodation over four floors, including within the basement and roof space. The building is of Victorian Gothic appearance, brick built with stone detailing, incorporating a number of circular turrets along the building frontage. The roof incorporates several rooflights which serves the accommodation within. The building is of a high architectural merit, scale and prominence, distinct within the streetscene context. The building has until recently, previously been used as student accommodation in association with The University of Portsmouth. The premises is currently being used to temporarily house vulnerable people (homeless) as a result of the COVID 19 lockdown, this use began on 15th September 2020.

1.4 The building contains a total of 41 self-contained residential units. The basement level contains a gym, laundry and drying room, cycle store and plan room. The ground floor contains the Manager's Office, common room, bin store and 13 of the self-contained units. The first floor contains a further 17 units, while the second floor contains the remaining 11 units.

- 1.5 The building is located on the eastern side of St Michaels Road, at the junction with Lord Montgomery Way, which runs parallel to the south. The site is surrounded by several student halls of residency, the University of Portsmouth Students Union is to the south, with the University's Library and Dental Academy further to the south. Immediately adjoining the site to the east is LSI Portsmouth, which is an English Language School, adjoining the site to the north and east is International College Portsmouth which is more commonly known as St Andrews Court. The University of Portsmouth surgery, Chaplaincy and other facilities are opposite to the west, set behind a landscaped court. The United Services Recreation Ground is located immediately adjacent to the site on the western side of St Michaels Road.
- 1.6 The proposal site fronts the busy main road. Local bus stops are situated 100m away to the south west, providing the 7A, no.25 and 700 bus services, travelling north and south. Portsmouth and Southsea Train Station is situated 800m walk away to the north east of the site. The site is situated within the heart of the University of Portsmouth campus, on the south-western fringe of the city centre. There are many bars, night clubs and food outlets nearby, and a range of other commercial, retail, leisure/cultural premises.

Background to the development proposal

- 1.7 The City Council has a statutory duty to provide accommodation to those who are homeless in certain circumstances.
- 1.8 Prior to the COVID-19 crisis, homeless services in Portsmouth were provided from facilities at Hope House and Kingston Point with a maximum of 57 night bed spaces provided across the two sites. On 26th March 2020 Dame Louise Casey, speaking on behalf of the government, issued an email called 'Everyone in' in which she noted how authorities should be working with rough sleepers "to ensure that everybody is inside and safe". There was clear guidance which followed, confirmed in a letter from the Minister for Local Government & Homelessness on 26th March. This tasked PCC with providing all people who were homeless and rough sleeping with a place that they could self-isolate in if required. This meant that existing facilities were not sufficient and a new facility needed to be set up that could house the number of people required and enable the social distancing guidance to be adhered to.
- 1.9 At the end of March 2020 - at the start of the pandemic - many accommodation providers were closing down operations, but after an initial proposal with a hotel fell through, the Housing Department contacted Accor (who are the owners of Ibis hotels). Both parties agreed to use the Ibis Budget on Fratton Way from 1st April 2020. The facility was supported from the beginning by security contractors and the support providers (Society of St James and Two Saints) from the merged day and night services. Individuals entered the hotel from 2nd April 2020. All accommodation users, then and since, received temperature checks and government guidance, especially about hand washing and social distancing. As a result of continual growth in the number of people from Portsmouth who approached Housing Needs, Advice & Support needing the service, Accor and PCC agreed to also use the Ibis Portsmouth on Winston Churchill Avenue in late April 2020 (near to The Registry).
- 1.10 As of August 2020 there were 220 individual users of the two hotels, with a total of 435 having used the sites throughout the COVID-19 crisis period till September 2020. More details on the services provided for rough sleepers and street homeless before and during the COVID-19 crisis was outlined to PCC's Cabinet on 14th July 2020. For the reasons explained within the report to the Cabinet, new accommodation solutions needed to be found for the 220 people who were being housed within the hotels. Every individual had an assessment for their best accommodation move on, with some moving directly into the private rental sector, some to move into supported HMOs, and some requiring

accommodation within an intensive support block which they are supported to move on to more sustainable accommodation.

- 1.11 Since May 2020 the Housing Department and stakeholders have met on a weekly basis in an attempt at finding accommodation which would be suitable to use after the emergency accommodation at the Ibis hotels had come to an end. A number of locations were considered, however, the premises under consideration were required to meet all of the tests of a good location as outlined within the report to the City Council's Cabinet on 14th July 2020. The Housing Department also engaged the Local Planning Authority to seek its advice, prior to the submission of this planning application at The Registry.
- 1.12 It was considered prudent to engage local residents and businesses and other organisations including The University of Portsmouth, of the proposal by way of public consultation prior to the first inhabitant occupying the premises, which was carried out in August.

The development proposal

- 1.13 This application seeks retrospective planning permission for the temporary consent for a period of two years, for the change of use of the building premises known as 'The Registry' from student accommodation to interim accommodation for the homeless and rough sleepers. The development proposal would not involve any external or internal alterations to the building.
- 1.14 The proposal is intended to address a need that is not only a corporate priority of the Council but also an emergency response to the circumstances brought about by the Covid-19 health emergency. Providing accommodation where homeless people may self-isolate is a key part of the Council's response to the management of the risk of transmission of Covid-19.
- 1.15 This premises contains 41 rooms, each of which have their own bathroom and kitchenette facilities. Each unit would provide a bed-living room with kitchenette, and an en-suite. The sizes of the units would range between 17.8m² and 33m². The premises does not contain any external private amenity space. The individuals occupying the premises would not be provided with food. Individuals would have their own room, used as either single or couples accommodation, with on-site support, to be provided by The Society of St James (SSJ) and Two Saints.
- 1.16 The premises would be occupied by those who are first waiting to be assessed, or those who need the most intense support. Those who use the site may still have substance misuse issues but are said to be supported through those by the onsite support and help of the Council's Public Health Service.
- 1.17 Trained supported workers would be present on site 24/7, with an initial three workers being on site at all times. External support is to be provided from other premises within the area. In addition a security firm would also be employed during the set up phase of the site, and continued if it is learned that additional security resources are required.
- 1.18 The Applicants Management and Operational advises that the building is under-utilised student accommodation and the proposal would meet an urgent and exceptional need for accommodation to house homeless persons and rough sleepers as part of the Council led managed strategy to reduce homelessness and to improve life chances of those living on the streets of Portsmouth.
- 1.19 The change of use of the building has been undertaken in partnership with Portsmouth City Council Council's Housing Department. As part of the Council's corporate vision to

'Make Portsmouth a city that works together, enabling communities to thrive and people to live healthy, safe and independent lives' and reflecting its duties under the Homelessness Act 2017, the City Council in October 2019 adopted the Portsmouth City Council Homelessness Strategy 2018-2023. The Applicant considers this proposal would accord with the Homelessness Strategy.

Management of the premises

- 1.20 The application's supporting statement advises that security and management of the building and escalation policies for the behaviour of individuals have been carefully considered prior to the use of the buildings.
- 1.21 The individuals who use the accommodation are required to be on license (a license is a personal permission for someone to occupy accommodation. Without the license the occupier would be a trespasser, a license can be fixed term or periodic). Licences are required to be part of a pathway, through to more permanent accommodation. On this basis, the premises is not the permanent home of any individuals, and some may stay only a few weeks whilst others may take months before being suitable for move on.
- 1.22 The occupants of the premises are required to enter into an occupation agreement that will address a wide range of issues but will include measures relating to the restriction of congregation outside of the site and the restriction of illegal drugs and the type of alcohol permitted on the premises as 'hard liquor is not permitted on site. Users of the service will be encouraged to engage with support workers and/or use the restarted day service.
- 1.23 The management of the premises would be by the Society of St James and Two Saints, who both offer support to people who are homeless, vulnerable or at risk of becoming homeless. They would continue to provide on-site support, with further off-site support available. When the Covid restrictions were lifted and the hotels re-opened for trade in the summer of 2020, the supporting statement advises that additional funding was provided to Housing Authorities, in order to fast track the longer-term safe accommodation needed so that as few rough sleepers as possible as possible return to the streets. As part of its strategy to move on homeless people into more permanent accommodation, the Council has secured leases on a number of under-utilised properties in the City that help them transition into permanent accommodation.

Mitigations already in place

- 1.24 This site is used for those who are first waiting to be assessed, or those who need the most intense support. The occupiers of the premises are said to be those who use the site may still have substance misuse issues but will be being supported through those by the onsite support and help of Public Health. The type of alcohol permitted in these sites is restricted, and illegal drugs are forbidden.
- 1.25 From the assessments, undertaken by support providers, the supporting statement advises that approximately a half of the current cohort have a substance misuse problem, and approximately a third will have some mental health issues. The service is well linked to Public Health's substance misuse team and increasing in the links to Adult Social Care's Mental Health team and these are integrated with the support workers to form part of the PHP and support plans. Virus control is managed through the Local Outbreak Plan, already in place. Substance use is managed by Society of St James and training regarding accidental overdose taking place, with welfare checks and staff making regular contact with all residents.

Occupation agreement

- 1.26 An Occupation Agreement (OA) for the management of behaviour of accommodation users is presently in-place, along with a clear evictions policy. This has been agreed by the operations group and ratified by the partnership board. It is clearly communicated to all on-site staff and residents and must be continued for new staff and residents.

Planning history

- 1.27 A-planning application (20/01483/FUL) for the permanent change of use of The Registry for accommodation for the homeless was made valid on 6th January 2021.

2.0 POLICY CONTEXT

- 2.1 The policies relevant to the consideration and determination of this application are as follows:

- 2.2 Portsmouth Plan 2012:

- PCS10 (Housing Delivery)
- PCS14 (A Healthy City)
- PCS16 (Infrastructure and Community Benefit)
- PCS17 (Transport)
- PCS19 (Housing mix, size and affordable homes) and
- PCS23 (Design and Conservation)

- 2.3 Other guidance

- National Planning Policy Guidance (2019)

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

3.0 CONSULTATIONS

- 3.1 **Highways Engineer** - The Local Highways Authority were consulted on the development proposal and have advised that, the traffic generation and parking accumulations associated with the use are generally comparable although the peak period arrivals / departures at the beginning and end of academic terms would not arise in the case of the proposed use. Therefore no highway objection raised.

- 3.2 **Natural England** - Has no comments to make on this application other than the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

- 3.3 **Waste Management Service** - No comments received

- 3.4 **Environmental Health** - No comments received

- 3.5 **Crime Prevention Design Advisor** - No comments received

- 3.6 **City Centre Consultation** - No comments received

4.0 REPRESENTATIONS

- 4.1 At the time of writing this report, no letters of representation had been received. Any further representations that are received after the completion of this report will be reported to committee by way of addendum.
- 4.2 Publicity dates
- Neighbour letters were sent on 16th October 2020, expiry 26th November 2020
 - Site Notices were displayed around the site on 3rd November 2020, expiry 14th December 2020
 - No Press Notice required.

5.0 COMMENT

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

- Principle of Development
- Design and character
- Standard of accommodation
- Impact on residential amenity
- Highways and Parking
- Energy and water efficiency
- Nitrates

Principle of Development

- 5.2 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.3 The site is within the boundaries of Portsmouth City Centre, as defined within Policy PCS4 of the adopted Portsmouth Plan. The site is also within the 'University Quarter' sub-area identified within Policy PCS4 which states that, inter alia, 'developments intended to support and complement the university will also be acceptable'. The proposed development could be seen as not supporting or complementing the university as it involves the loss of student accommodation floorspace. However, taking into account the specific purpose of the proposed accommodation and its temporary nature, the proposed development will have limited impact on this part of the policy. The site is designated as being within the boundaries of the adopted City Centre Masterplan SPD. The proposed development would not have any major implications on the overall aims of the adopted City Centre Masterplan SPD, given the specific purpose of the proposed accommodation and its temporary nature.
- 5.4 Currently, the Council can demonstrate a 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would help meet that supply, albeit for a particular specialised sector for a temporary period, in place of another specialised sector (the existing student accommodation). In this case the 41 self-contained units have been designed to be occupied as 'move-on' accommodation for

previously homeless persons. 'Move-on' accommodation is a term used by The Homeless Foundation, which defines it as follows: *'Move on accommodation is a stepping stone between hostels and independent living. These are essentially studio flats or bedrooms in shared houses in the community where people can live independently with the ongoing support from trained resettlement advisers. For those capable of living independently, the ability to access move on accommodation is a critical factor in ensuring a permanent move away from homelessness'*.

- 5.5 The applicants are Portsmouth City Council's Homeless Housing Pathway Panel. The proposed scheme would contribute towards meeting the shortfall in temporary accommodation within the city. The issue of homelessness and rough sleeping in Portsmouth is highlighted within the Council's Homelessness Strategy (2018-2023). The Strategy notes that there has been an increase in the number of people sleeping rough in the city in recent years, and that the availability of temporary accommodation and permanent housing is a significant issue. Improving access to accommodation is one of the main components of the strategy to help achieve the aim of preventing homelessness. The proposed development would therefore support the aims of the Council's Homelessness Strategy by providing additional temporary accommodation aimed at assisting people to live independently and move towards more permanent housing. Clearly the Strategy was adopted before the Covid pandemic and circumstances are even more critical now.
- 5.6 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.7 Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site.
- 5.8 The application premises had been in use as student accommodation prior to the Covid-19 pandemic. The proposed use would still provide residential accommodation, albeit for a more vulnerable demographic. The retrospective application has come about as a response to the immediate need and requirement to house the homeless during the unforeseen pandemic. The application in its current form is required to regularise the measures that were put in place. Given the need for the accommodation, and the concurrent lesser student population in the city, I consider the temporary use to be acceptable and essential.

Design and character

- 5.9 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 5.10 When determining planning applications, the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Paragraph 197 of the NPPF states: *'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'. Furthermore, Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.11 The property is a locally listed building and therefore considered to be a non-designated heritage asset. The proposal would see the retention of the fabric of the building and the change of use would be achieved through the conversion of the existing building and would not result in the extension or external alteration of the existing building and no additional openings are proposed. On this basis, the proposed change of use would have a negligible impact on the character of the site of that of the building and St Michaels Road streetscene.

Standard of accommodation

- 5.12 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It requires developments to meet specific space standards, (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.
- 5.13 The Nationally Described Space Standards set a minimum size for 1-bedroom flats at 37m². The proposed units, which ranging from 17.8m² to 33m² would therefore fall significantly short of this minimum standard. It is therefore necessary to consider whether there are any exceptional circumstances that would allow reduced sized accommodation for this scheme.
- 5.14 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.15 It must be noted that the prior to the change of use of the premises to homeless accommodation, the units were used for students, so would change from one form of temporary accommodation to another. Although a handful of the units are small, the majority of the units are large and would provide accommodation to a very vulnerable group who had previously been sleeping rough. It is often stated that that standard 1-bedroom flats can feel overwhelming to people who have previously been rough sleeping and have little to none personal possessions.
- 5.16 As stated earlier each unit would provide a good standard of accommodation on a temporary basis. Each unit would be self-contained providing the occupants with a bedroom / living space, small kitchenette and an en-suite bathroom. The proposed floorplans show that whilst the units are small, they would all have a good standard of light and outlook from the existing windows within the building. Victoria Park is situated 300m to the north of the site. Ravelin Park a similar distance to the south, and Southsea Common about half a mile to the south.
- 5.17 Taking into consideration account of the information set out above, including the specific purpose of the accommodation and its temporary nature, Officers consider that the units would provide an acceptable standard of living accommodation in this instance. It is considered the small size of the smaller units would be outweighed by the benefits that the proposed development would provide in terms of providing much needed temporary

accommodation to help reduce homelessness within Portsmouth, particularly during the current Covid- 19 crisis.

- 5.18 It is also necessary to consider whether the layout of the development makes appropriate provision for facilities for the new residents, including refuse storage. The submitted plans indicate that the basement level of the building would contain a gym and laundry room and a bin store is provided at ground floor. The laundry room would ensure that the needs and basic hygiene requirements can be provided on site. The bin store would provide secure storage for refuse and recycling and these provisions were deemed to be acceptable and sufficient in order to accommodate the previous use of the building as a student halls of residence. The Council's Waste Management Officer has been consulted on the proposal and their comments will be reported to the Committee by way of addendum and any conditions or recommendations will be considered by Officer's and is necessary imposed in the event of permission being granted. Some of the rooms have more limited light and outlook at the rear of the premises. However, these properties are the minority. The individual rooms are mostly of a good size, with communal facilities, and many local amenities and parks.

Impact on residential amenity

- 5.19 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenities of neighbouring residents. In this instance, due to the nature of the development proposal, I would extend the principle to also considering the day-to-day function of nearby businesses and other organisations and if they could be affected by the proposed use. The development would not result in any increase in the footprint or scale of the existing building. The proposal would not include the insertion of any additional windows doors or other openings. The proposed change of use would ultimately result in the building remaining in a residential use. The tenure would change by virtue of the vulnerable inhabitants. The use has already occurred and to date, Officers have not been made aware of any concerns having been made by way oy noise, disturbance or other anti-social behaviour. As covered earlier on in this report, the premises has trained supported workers who are to be present on site 24/7, with an initial three workers being on site at all times. Occupiers are subject to a tenancy agreement, and the wider management of the premises. External support is also to be provided from other premises within the area and an additional security firm will also be employed during the set up phase of the site, and continued if it is learned that additional security resources are required.

Highways and Parking

- 5.20 The Portsmouth Parking Standards SPD sets out the expected level of parking provision that should be included within new residential developments. The LHA highlight that whilst the development is located between two areas of high accessibility as defined within the SPD, the site is not located in part of the city found to be sufficiently accessible to allow consideration of a reduction in the parking demand. That does not necessarily mean that each site must provide off road parking sufficient to meet the parking expectation. The SPD explains that *'the council recognises that, given the nature of available development sites in the city, it will not always be physically possible to accommodate the expected standard on site. In some cases, it may not be possible or appropriate to provide any on-site parking at all'*. However that does not mean that developments without adequate parking facilities will be acceptable, rather that the LPA need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home.
- 5.21 The development would result in the change in tenure from student accommodation to temporary accommodation for the homeless. It is highly improbable that the occupiers of the premises would have the means to own a vehicle and in any event, the occupiers

would most certainly be less likely to use or own a vehicle than the previous occupying students. The site is also located in close proximity to local bus links and the main train station. On this basis, Officers do not consider the development to be of such a scale that would have a material impact on the operation of the local highway network in terms of trip generation or parking and no concerns in this respect are raised by the LHA. The submitted plans indicate that a secure bike store is provided at basement level, these provisions would accord with the Councils Adopted Parking Standards. The Highways Authority were consulted on the proposal and their comments will be reported to the Committee by way of addendum.

- 5.22 In summary, having regard to the specific nature of the proposed use, it is not considered that the development would generate a significant level of increased traffic or parking demand, or have an adverse impact on the operation of the local highway network.

Energy and water efficiency

- 5.23 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

- 5.24 I do not consider it reasonable to impose these standards - the development is not new-build, and it was already in use for student accommodation, so upon consent it would merely transfer from one type of temporary residential accommodation to another.

Special Protection Areas

Nitrates

- 5.25 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites (Special Protection Areas, etc. (SPAs)). A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.
- 5.26 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems

(SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

- 5.27 In this instance, Officers having considered the previous use against the proposed, the development would not result in an increase in residential units on site, therefore, it is considered that the proposed change of use would result in a negligible impact upon nitrogen release. Although the information accompanying this application did not include specific details about existing and proposed water usage, Officers anticipate that the levels of water usage would remain the same and therefore, the new development would result in a nitrate neutral situation. As such, I do not consider the development would require any mitigation at all for eutrophication effects on the SPAs. This has been communicated to Natural England, who have not wished to comment further on the application.

Recreational bird disturbance

- 5.28 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.29 The mitigation contribution depends on the size of the proposed dwellings and takes account of the existing land use. In this case, the building was previously used as student accommodation associated with the University of Portsmouth. It is therefore not considered that the proposed new residents would exert different impacts on the SPAs than the previous residents, so no mitigation is required. Natural England were consulted and detailed comments and assessment was requested, however, they have advised that they have no objections on the development proposal.

Conclusion

- 5.30 For the reasons as outlined above, the proposed change of use would not result in an intensification of the use of the site. The development by way of the housing of vulnerable individuals would provide suitable, well-located and managed accommodation for at least 41 rough sleepers and vulnerable individuals, bringing this under-utilised student accommodation into best use, providing vital shelter and support for in-need members of society. Any concerns that may be raised by residents or other local occupiers should be alleviated by the fact that the premises will provide 24/7 on-site trained and supported workers and security as required, the submission has also provided detailed information on how rule breakers and those who cause unrest and anti-social behaviour are to be managed and dealt with.
- 5.31 The absence of external alterations or openings within the buildings elevations, would ensure that no undue loss of amenity would result by way of overbearing presence, overlooking or privacy loss. On this basis the development proposal would not result in any loss of amenity to the occupiers of neighbouring properties. No material highways impacts are anticipated.
- 5.32 In conclusion, the development is considered to accord with all relevant local plan policies and would accord with the relevant paragraphs of the NPPF, being in compliance with its requirements for sustainable development, by way of meeting its Economic, Social and Environmental objectives. On this basis, it is recommended that temporary permission is granted.

RECOMMENDATION

Approve, with conditions

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

Conditions

Approved plans

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

Elevations A & C, Elevations B & D, Basement Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan, Roof Plan & Location Plan, Block Plan

Occupancy restriction

2. (a) The units hereby permitted shall be occupied as 'move-on' accommodation for the homeless only and for no other purpose, and in accordance with the time restriction set out in part (b);

(b) The units of accommodation hereby permitted are for a temporary use only, and as such the use permitted shall cease on or before 26th January 2023.

Reason: To ensure that the units are only occupied for their intended temporary purpose given their restricted size, and because no analysis has been undertaken of the effect and acceptability of the medium-long term loss of student accommodation this use entails. These reasons are to accord with Policies PCS19 and PCS23 of the Portsmouth Plan, the Student Halls of Residence Supplementary Planning Document 2014, and the provisions of the NPPF.

Refuse storage

3. Facilities for the secure storage of refuse and recyclables shall be provided in accordance with details that shall be submitted to the Local Planning Authority for its written approval within two weeks of this consent, and shall thereafter be retained as approved.

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

155-157 ELM GROVE SOUTHSEA PO5 1LJ

TEMPORARY CHANGE OF USE FROM STUDENT HALLS OF RESIDENCE (C1) TO INTERIM ACCOMMODATION FOR THE HOMELESS (SUI GENERIS).

Application Submitted By:

Mango Planning & Development Ltd
FAO Arfon Hughes

On behalf of:

Ms E Randall
Portsmouth City Council

RDD: 8th September 2020

LDD: 4th November 2020

EOT: 11th February 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as the applicant is Portsmouth City Council and it is in the interest of the public for the application to be determined by the Planning Committee.

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

- Principle of Development
- Design and character
- Standard of accommodation
- Impact on residential amenity
- Highways and Parking
- Energy and water efficiency
- Nitrates

Site and surroundings

1.3 The application property relates to a two storey brick built building with a more modern front facing single storey extension. The building prior to its conversion into student accommodation in 2012, served as a library (known as Elm Grove Library) with offices at first floor level. The building is accessed via two side gates situated along the east and western side of the property.

1.4 The building is situated on the northern side of Elm Grove, immediately to the north of the junction with Albany Road and west of the junction with St Andrews Road. The building, prior to the retrospective change of use, was most recently, used as student accommodation in association with The University of Portsmouth. The premises is currently being used to temporarily house vulnerable people (homeless) as a result of the COVID 19 lockdown.

1.5 The building contains a total of 19 study bedrooms arranged into five cluster apartments. The premises is situated along a main road within a predominantly residential area. A number of apartment blocks are situated within close proximity to the site, No.147 to the

west accommodates 14 flats and No.159 which is located to the east which accommodates 7 flats.

- 1.6 The site also has a number of commercial uses within the site's immediate vicinity, with The Co-operative convenience store situated approximately 80m to the west, a Costcutter situated 130m to the east and a number of Public Houses, restaurants and retail uses are situated within a 100m radius of the site. Local bus stops are situated 40m to west of the site along Elm Grove, which provides the Route 18 service travelling east and the route travelling west is 60m away.

Background to the development proposal

- 1.7 The City Council has a statutory duty to provide accommodation to those who are homeless in certain circumstances. Prior to the COVID-19 crisis, homeless services in Portsmouth were provided from facilities at Hope House and Kingston Point with a maximum of 57 night bed spaces provided across the two sites. On 26th March Dame Louise Casey, speaking on behalf of the government, issued an email called 'Everyone in' in which she noted how authorities should be working with rough sleepers "to ensure that everybody is inside and safe". There was clear guidance which followed, confirmed in a letter from the Minister for Local Government & Homelessness on 26th March. This tasked PCC with providing all people who were homeless and rough sleeping with a place that they could self-isolate in if required. This meant that existing facilities were not sufficient and a new facility needed to be set up that could house the number of people required and enable the social distancing guidance to be adhered to.
- 1.8 At the end of March 2020 - at the start of the pandemic - many accommodation providers were closing down operations, but after an initial proposal with a hotel fell through, the Housing Department contacted Accor (who are the owners of Ibis hotels). Both parties agreed to use the Ibis Budget on Fratton Way from 1st April 2020. The facility was supported from the beginning by security contractors and the support providers (Society of St James and Two Saints) from the merged day and night services. Individuals entered the hotel from 2nd April 2020. All accommodation users, then and since, received temperature checks and government guidance, especially about hand washing and social distancing. As a result of continual growth in the number of people from Portsmouth who approached Housing Needs, Advice & Support needing the service, Accor and PCC agreed to also use the Ibis Portsmouth on Winston Churchill Avenue in late April 2020 (near to The Registry).
- 1.9 As of August 2020 there were 220 individual users of the two hotels, with a total of 435 having used the sites throughout the COVID-19 crisis period till September 2020. More details on the services provide for rough sleepers and street homeless before and during the COVID-19 crisis was outlined to PCC's Cabinet on 14th July 2020. For the reasons explained within the report to the Cabinet, new accommodation solutions needed to be found for the 220 people who were being housed within the hotels. Every individual had an assessment for their best accommodation move on, with some moving directly into the private rental sector, some to move into supported HMOs, and some requiring accommodation within an intensive support block which they are supported to move on to more sustainable accommodation.
- 1.10 Since May 2020 the Housing Department and stakeholders have met on a weekly basis in an attempt at finding accommodation which would be suitable to use after the emergency accommodation at the Ibis hotels had come to an end. A number of locations were considered, however, the premises under consideration were required to meet all of the tests of a good location as outlined within the report to the City Council's Cabinet on 14th July 2020. The Housing Department also engaged the Local Planning Authority to seek its advice, prior to the submission of the planning application.

- 1.11 It was considered prudent to engage local residents and businesses and other organisations including The University of Portsmouth, of the proposal by way of public consultation prior to the first inhabitant occupying the premises, which was carried out in August.
- 1.12 It is noted that there is a substance misuse service facility located at the other end of Elm Grove this service is only open in the day and not in the evening or weekends and they did not consider that this would be overburdening the area as there is little overlap during busy times. The location of the site is well situated to access services at the Homeless Day Centre on Milton Road.

The development proposal

- 1.13 This application seeks retrospective planning permission for the temporary consent for the change of use of the building premises known as the former library 155-157 Elm Grove from student accommodation to interim accommodation for the homeless and rough sleepers. The development proposal would not involve any external or internal alterations to the building. The proposal is required on a temporary basis until 30th September 2021.
- 1.14 The Elm Grove site is used as a supported temporary night shelter as a short-term solution for the Homeless in need of low level support. Occupants sign a licence agreement, which allows occupancy on a nightly basis as well as the rules of occupation to the pathway. The rules centre mainly on the expected conduct of the residents both inside the building and the surrounding area, as well as their engagement with necessary support services in order to help them find secure settled accommodation in the long-term. The occupant's compliance with the rules of occupation are monitored on an ongoing basis throughout their stay.
- 1.16 The proposal is intended to address a need that is not only a corporate priority of the Council but also an emergency response to the circumstances brought about by the Covid-19 health emergency. Providing accommodation where homeless people may self-isolate is a key part of the Council's response to the management of the risk of transmission of Covid-19.
- 1.17 This premises contains a total 19 rooms within a cluster of five flats. The accompanying plans indicate that at ground floor level, two 3 bedrooms and one 4 bedroom flat. At first floor level there are one 4 bedroom and one five bedroom flat is to be provided. Each of the units are shown to have their own open plan kitchen/diner/living room and bathroom facilities. Each of the properties are accessed via the side elevations, inclusive of the two, first floor flats, Flats D and E which are five bedroom and four bedrooms respectively. Flat D has two shower rooms and an open plan kitchen/living/dining room, while flat E has a single shower room. All of the bedrooms are to be used by single occupants.

A breakdown of the floor area is below:

Flat A (3 bedrooms) has an internal floor area of 81.2m²
Flat B (3 bedrooms) has an internal floor area of 77.6m²
Flat C (4 bedrooms) has an internal floor area of 72.7m²
Flat D (5 bedrooms) has an internal floor area of 107.2m²
Flat E (4 bedrooms) has an internal floor area of 77.4m²

Total area 416m²

- 1.18 The sizes of the units would range between 72.7m² and 107.2m². The Nationally Described Space Standards indicates that a four bedroom, 5 person property should have a floor area of 90m². The premises contains two areas to the rear which could provide some private amenity space in addition to a bike and bin store (to the west of the premises). The units are said to be equipped with washing and cooking facilities so that residents can transition towards more independent living. Individuals occupying the premises would not be provided with food. Individuals would have their own room, used as either single or couples accommodation, supported by on-site support, to be provided by The Society of St James (SSJ) and Two Saints, who are understood to presently be providing support at the nearby Kingsway site. It is understood that a security firm will be employed during the set-up process and will continue to provide assistance as required.
- 1.19 The premises would be occupied by those that have been assessed as being able to live in a house of multiple occupancy (HiMO) and '*considered to be lower risk than those in more intensively managed accommodation*'. The supporting information advises that the individuals who use the accommodation will be on licence and will be required to agree to be part of a pathway through to more permanent accommodation. On this basis, the premises will not be the permanent home of any individuals, and some of the occupants may stay only a few weeks whilst others may take months before being suitable for move on. The site has very strict rules in place, some alcohol and all illegal drugs are to be forbidden at the premises and individuals who break the terms of their occupation licence will be moved on to other accommodation or excluded from all accommodation.
- 1.20 The loss of the student accommodation is understood to have come about by the under-utilised student accommodation, while the change of use would go a significant way in meeting the urgent and exceptional need for accommodation to house homeless persons and rough sleepers as part of the Council led managed strategy to reduce homelessness and to improve life chances of those living on the streets of Portsmouth.
- 1.21 The change of use of the building has been undertaken in partnership with Portsmouth City Council Council's Housing Department. As part of the Council's corporate vision to 'Make Portsmouth a city that works together, enabling communities to thrive and people to live healthy, safe and independent lives' and reflecting its duties under the Homelessness Act 2017, the City Council in October 2019 adopted the Portsmouth City Council Homelessness Strategy 2018-2023. The Applicant considers this proposal would accord with the Homelessness Strategy.

Management of the premises

- 1.22 The application's supporting statement advises that the site is to be used as a supported temporary night shelter as a short-term solution for the Homeless in need of Low level support. Occupants of the premises sign a licence agreement, which allows occupancy on a nightly basis as well as the rules of occupation on acceptance to the pathway. The rules centre mainly on the expected conduct of the residents both inside the building and in the surrounding area, as well as their engagement with necessary support services in order to help them find secure settled accommodation in the long term. The occupant's compliance with the rules of occupation are monitored on an ongoing basis throughout their stay.
- 1.23 All occupants are expected, as a term of occupation, to work with support staff to address their housing and support needs in order to create a personalised housing and support plan. Support is undertaken by SSJ and Two Saints. Support staff are on site and offer support 24 hours a day. An application for similar use at Kingsway House opposite has recently been received. If or when Kingsway House is in use, then support staff will be based in Kingsway House and cover both buildings as they are within 30 seconds of each other. If the Kingsway House application does not come into effect, the current security

measures will remain in place solely for Elm Grove. Each occupant is allocated a dedicated support worker to work on their support plan and assist with creating links and referrals to any support services that may be instrumental in their progress through the pathway. Support staff carry out daily welfare checks within the occupant's rooms. Welfare checks include temperature checks (once a day), a discussion around their general health and wellbeing, repairs and issues in the room and any support they feel they need from staff. This is also an opportunity for the staff to check for any breaches to the rules of occupation.

- 1.24 There is currently a safety team on site 24 hours a day. This team log all occupants in and out of the building and ensure everyone entering the building has permission to do so and oversees the area outside of the building. The safety team also carries out twice hourly internal building checks to ensure compliance. The safety team also monitors the CCTV on the outside of the building.
- 1.25 The Council manages the safety of the buildings and the decisions regarding access to the service carrying out risk assessments to ensure the safety of staff, other occupants and members of the public in the surrounding area. The Council maintains an ad hoc presence carry out comprehensive weekly room inspections on random days to avoid a pattern to ensure the rules of occupation are being met.
- 1.26 The Council oversees any official warnings whether it be either verbal or written warnings and enforce short-term exclusions for breaches of the rules of occupation. All warnings are recorded on the Council's warnings log and there are clear processes for breaches of the rules of occupation and any permanent exclusions are decided upon by a panel of peers.
- 1.27 The individuals who use the accommodation are to be on, or will be required to be on license (a license is a personal permission for someone to occupy accommodation. Without the license the occupier would be a trespasser, a license can be fixed term or periodic.) and are required to be part of a pathway, through to more permanent accommodation. On this basis, the premises is not the permanent home of any individuals, and some may stay only a few weeks whilst others may take months before being suitable for move on.

Mitigations already in place

- 1.28 This site is used for those who are first joining the pathway those waiting to be assessed, or those who need the most intense support. The occupiers of the premises are said to be those who use the site may still have substance misuse issues but will be being supported through those by the onsite support and help of Public Health. The type of alcohol permitted in these sites is restricted, and illegal drugs are forbidden.
- 1.29 From the assessments, undertaken by support providers, the supporting statement advises that approximately a half of the current cohort have a substance misuse problem, and approximately a third will have some mental health issues. The service is well linked to Public Health's substance misuse team and increasing in the links to Adult Social Care's Mental Health team and these are integrated with the support workers to form part of the PHP and support plans. Virus control is to be managed through the Local Outbreak Plan in place. Substance use is to be managed by Society of St James and training regarding accidental overdose taking place, with welfare checks and staff making regular contact with all guests.

Occupation agreement

- 1.30 An Occupation Agreement (OA) for the management of behaviour of accommodation users is in place, along with a clear evictions policy. This has been agreed by the

operations group and ratified by the partnership board. It is clearly communicated to all on-site staff and residents and must be continued for new staff and residents.

Planning history

- 1.31 11/01316/FUL - Conversion of existing library (Class D2) and offices (Class B1) to form halls of residence within Class C1 (comprising 19 study bedrooms arranged as five cluster flats) and construction of cycle and bin stores with associated landscaping - Approved with conditions 12th February 2012.
- 1.32 As of 06th January 2021, a planning application (Reference 20/01482/FUL) for the permanent change of use of 155-157 Elm Grove was registered, which is presently under consideration by the Council.
- 1.32 A further application of relevance is the full Planning Application for the permanent change of use of Kingsway House (reference 20/01484/FUL) for the permanent change of use of the site from student halls of residence to provide accommodation to the homeless.

2.0 POLICY CONTEXT

- 2.1 The policies relevant to the consideration and determination of this application are as follows:
- 2.2 Portsmouth Plan 2012:
 - PCS10 (Housing Delivery)
 - PCS14 (A Healthy City)
 - PCS16 (Infrastructure and Community Benefit)
 - PCS17 (Transport)
 - PCS19 (Housing mix, size and affordable homes) and
 - PCS23 (Design and Conservation)
- 2.3 Other Guidance
 - National Planning Policy Guidance (2019)
 - Homelessness Strategy (2018-2023)
- 2.4 In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

3.0 CONSULTATIONS

3.1 Neighbourhood Police Office (Full comments)-

The National Planning Policy Framework makes clear the Governments continuing commitment to “create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience”.

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats, it reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically “to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.”

The guidance continues “Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.”, it continues, “Good design that considers security as an intrinsic part of a masterplan or individual development

can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience.” “Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult.”

This application seeks to temporarily change the use of this building from a student accommodation into emergency accommodation for homeless persons and rough sleepers. These persons being previously accommodated within the IBIS Hotel Fratton Way and IBIS Hotel Winston Churchill Avenue. The proposal is to house up to 19 persons, some with complex needs, within a House in Multiple Occupation (HMO).

It is unclear when this property began to take in residents, however, during the period 27th September 2020 to 22nd October 2020, five incidents have been reported to the police as occurring at the premises.

Elm Grove sits within a residential area of Southsea. Our concerns centre on the possible problems caused by the residents of this accommodation both, within the accommodation and within the local area. Hampshire Constabulary recognises the need for accommodation for the homeless to assist with their journey back to a more normal lifestyle. Effective management / support of the residents is key to reducing the opportunities for crime and disorder. To that end, space should be provided within the building for an office / bedroom for use by onsite staff, this space should be annotated on plans. (This would reduce the number of residents from 19 to 18)
Chris - there is no response from us on this later in this report. What was the progress on this? I hope they have made the change already, or say they will accept it. Either way, we need to secure it by condition, or be satisfied why we do not agree with the Police and explain in this report.
I have spoken with the Sector Inspector responsible for this area of Portsmouth, who has advised me, that, although the property is occupied, from a community perspective she is not aware of any issues relating to this accommodation.

To summarise our position, Hampshire Constabulary broadly supports this application. However, this support is conditional upon the residents being at the appropriate stage of their recovery to reside within this style of accommodation and the provision of effective onsite support for the residents at all times.

Chris - we need to address this in our comments section. Can be brief - responsibility for suitable management resides with the Applicant, and within their particular regulatory regime (which I would prefer we knew about, please, i.e certain Acts or Regulations)

The plans show a balcony at the first floor level. From this balcony it is possible to access the windows of three other flats, this increases the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour access to the balcony must be prevented.

3.2 **Highways Engineer** - No objection raised

3.3 **Waste Management Service** - No comments received

3.4 **Natural England** - Has 'no comments' to make on the application

3.5 **Environmental Health** - No comments received

3.6 **Principal Regulatory Services** (Full comments) - *Are aware of numerous problems and complaints regarding anti-social behaviour when local hostels were used to provide similar temporary accommodation within the city and it is noted that there are a number of neighbouring residential properties which could potentially be disturbed by noise from anti-social behaviour associated with the proposed use both inside and within the locality immediately outside the premises.*

However overall I do not wish to raise any objections to the development as the character of the location is not overly sensitive to the proposed use provided the establishment is managed correctly and the terms of the management plan are robustly enforced to ensure any subsequent impact due to anti-social behaviour is minimised and brief in duration.

4.0 REPRESENTATIONS

4.1 At the time of writing this report, one letter of representation had been received objecting to the development proposal. The comments raised were as follows:

- Issues with vagrant sleepers to the rear of Kingsway House who have in the past caused damage to neighbouring premises.

Officer note: This representation does not claim that the anti-social behaviour referred to is derived from occupants of this premises.

4.2 Publicity dates

- Neighbour letters were sent on 16th October 2020
- Site Notices were displayed around the site on 3rd November 2020
- Press Notice not required.

5.0 COMMENT

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

- Principle of Development
- Design and character
- Standard of accommodation
- Impact on residential amenity
- Highways and Parking
- Energy and water efficiency
- Nitrates

Principle of Development

5.2 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 177). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.3 The site is within the lies within the secondary area of the 'Albert Road & Elm Grove' district centre, as identified by PCS8 of the Portsmouth Plan. The policy states that within secondary areas *'there are opportunities for town centre uses although residential development will also be supported in principle'*. Furthermore, given the specific purpose of the proposed accommodation and its temporary nature, it's not envisaged there will be

any conflict to the overall aims of this policy and the vitality and viability of this district centre.

- 5.4 Currently, the Council can demonstrate a 4.7 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing and this development would. In this case the 41 self-contained units have been designed to be occupied as 'move-on' accommodation for previously homeless persons.
- 5.5 'Move-on' accommodation is a term used by The Homeless Foundation, which defines it as follows: 'Move on accommodation is a stepping stone between hostels and independent living. These are essentially studio flats or bedrooms in shared houses in the community where people can live independently with the ongoing support from trained resettlement advisers. For those capable of living independently, the ability to access move on accommodation is a critical factor in ensuring a permanent move away from homelessness'.
- 5.6 The applicants are Portsmouth City Council's Homeless Housing Pathway Panel. The proposed scheme would contribute towards meeting the shortfall in temporary accommodation within the city.
- 5.7 The issue of homelessness and rough sleeping in Portsmouth is highlighted within the Council's Homelessness Strategy (2018-2023). The Strategy notes that there has been an increase in the number of people sleeping rough in the city in recent years, and that the availability of temporary accommodation and permanent housing is a significant issue. Improving access to accommodation is one of the main components of the strategy to help achieve the aim of preventing homelessness.
- 5.8 The proposed development would therefore support the aims of the Council's Homelessness Strategy by providing additional temporary accommodation aimed at assisting people to live independently and move towards more permanent housing. Clearly the Strategy was adopted before the Covid pandemic and circumstances are even more critical now.
- 5.9 The principle of the proposal is therefore considered acceptable, subject to assessment in accordance with the tests set out in paragraph 11 (i and ii) of the NPPF and paragraph 177, which is provided within this report.
- 5.10 Paragraph 123 of the National Planning Policy Framework (NPPF) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, planning policies and decisions should ensure that developments make optimal use of the potential of each site.
- 5.11 The application premises had been in use as student accommodation prior to the Covid-19 pandemic. The proposed use would still provide residential accommodation, albeit for a more vulnerable demographic. The submission has not provided any specific justification for the loss of the student accommodation, neither has it provided info on the surplus provisions of student accommodation, however, the Council does not have any specific policies requiring the retention of the existing student accommodation. The retrospective application has come about as a response to the immediate need and requirement to house the homeless during the unforeseen pandemic. The application in its current form is required to regularise the measures that were put in place. Given the need for the accommodation, and the concurrent lesser student population in the city, I consider the temporary use to be acceptable and essential.

Design and character

- 5.12 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. Paragraph 124 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 127 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 5.13 The proposal would see the retention of the fabric of the building and the change of use would be achieved through the conversion of the existing building and would not result in the extension or external alteration of the existing building and no additional openings are proposed. On this basis, the proposed change of use would have a negligible impact on the character of the site of that or the Elm Grove streetscene.

Standard of accommodation

- 5.14 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It requires developments to meet specific space standards, (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.
- 5.15 The Nationally Described Space Standards advises that the minimum space standards for a three, four and five bedroom property are, 74m², 90m² and 103m² respectively. All of the three and five bedroom properties would meet the minimum room requirements, however, the four bedroom units would significantly fall short of the 90m² requirement. It is therefore necessary to consider whether there are any exceptional circumstances that would allow reduced sized accommodation for this scheme.
- 5.16 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.17 It must be noted that the prior to the change of use of the premises to homeless accommodation, the units were used for student accommodation, so the use would change from one form of temporary accommodation to another. Although a handful of the units are small, the majority of the units are large and would provide accommodation to a very vulnerable group who had previously been sleeping rough. Although the 4 bedroom units are small, the individuals will not be restricted to solely their bedrooms, and would have access to communal areas, with the rooms themselves being of a good size. It is noted that in many cases, self-contained 1 bedroom flats can be overwhelming to people who have previously been rough sleeping and have little to none personal possessions. On this basis, the overall layout and provisions of these properties would be a good stepping stone for the occupants.
- 5.18 For these reasons, the five flats would provide a good standard of accommodation on a temporary basis. Each unit would be self-contained providing the occupants with a bedroom, kitchen living/dining room and WC. The proposed floorplans show that the units would all have a good standard of light and outlook from the existing windows within the building. It's noted that the site is located in the Elm Grove Centre, next to Albert centre, Southsea Town centre

- 5.19 Taking into consideration account of the information set out above, including the specific purpose of the accommodation and its temporary nature, Officers consider that the units would provide an acceptable standard of living accommodation in this instance. It is considered the small size of the 4 bedroom units would be outweighed by the benefits that the proposed development would provide in terms of providing much needed temporary accommodation to help reduce homelessness within Portsmouth, particularly during the current Covid- 19 crisis. It is also acknowledged that the site would revert back to its lawful use as student accommodation at the end of the temporary timescale.
- 5.20 It is also necessary to consider whether the layout of the development makes appropriate provision for facilities for the new residents, including refuse storage. The submitted plans indicate that along the western elevation, a bin store and bike store are provided. It is expected that the site's cleaning and laundry provisions would be provided within the five open plan kitchen/living areas. This would ensure that the needs and basic hygiene requirements can be provided on site. The external bin store would provide secure storage for refuse and recycling and these provisions were deemed to be acceptable and sufficient in order to accommodate the previous use of the building as a student halls of residence. The Council's Waste Management Officer has been consulted on the proposal and their comments will be reported to the Committee by way of addendum and any conditions or recommendations will be considered by Officer's and is necessary imposed in the event of permission being granted. The front first floor units of Flat D have access to a balcony area which fronts onto Elm Grove. The rear bedrooms appear to have historically formed one room and have at some point in the past been split into two, which demonstrates a split in the central window. Nonetheless, all of the rooms are considered to have access to an acceptable amount of light and outlook. The units are overall considered to be of a good size, with communal facilities, and access to local amenities and parks.

Impact on residential amenity

- 5.21 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenities of neighbouring residents. In this instance, due to the nature of the development proposal, the principle should be extended to also considering the day-to-day function of nearby businesses and other organisations and if they could be affected by the proposed use. The development would not result in any increase in the footprint or scale of the existing building. The proposal would not include the insertion of any additional windows doors or other openings. The proposed change of use would ultimately result in the building remaining in a residential use. The tenure would change by virtue of the vulnerable inhabitants.
- 5.22 Officers have been made aware of a number of issues and concerns having been made by way of noise, disturbance and other anti-social behaviour. In response to this, the applicant has provided additional information in the form of a supporting Management and Operational Statement. The statement provides a detailed analysis of the site's day to day operations and with the presence of that support staff which are offering 24 hours support. This level of security, together with the strict running of the facility should ensure that the premises operates effectively.
- 5.23 Concerns were also raised in relation to potential access from the front facing balconies from Flat D. Blocking off of a fire exit would be bad practice and go against health and safety codes. The potential security risk was raised with the applicant. Having considered these risks and in view of present safety team on site 24 hours a day, who log all occupants in and out of the building and who monitor the CCTV on the outside of the building, Officers do not consider that the access to the balconies would pose a particularly high security risk. The supporting statement has provided further clarity on these matters advising that residents are specifically warned that to climb out of, or to allow others to enter the building

through windows and or balconies will result in exclusion. Where it is appropriate to do so and where no increased risk is caused to means of exit in the premises fire risk assessment, windows identified as having the potential for inappropriate use or for access to any neighbouring properties or roof spaces will be restricted and secured. On this basis and in light of the additional supporting information received within the Management and operational statement, Officers are satisfied that the change of use would not have an unacceptable impact upon the amenities enjoyed by the occupiers of neighbour residents. A condition should be imposed ensuring that cctv is installed at the premises.

Highways and Parking

- 5.24 The Portsmouth Parking Standards SPD sets out the expected level of parking provision that should be included within new residential developments. The LHA highlight that whilst the development is located between two areas of high accessibility as defined within the SPD, the site is not located in part of the city found to be sufficiently accessible to allow consideration of a reduction in the parking demand. That does not necessarily mean that each site must provide off road parking sufficient to meet the parking expectation. The SPD explains that 'the council recognises that, given the nature of available development sites in the city, it will not always be physically possible to accommodate the expected standard on site. In some cases, it may not be possible or appropriate to provide any on-site parking at all'. However that does not mean that developments without adequate parking facilities will be acceptable, rather that the LPA need to be satisfied that there is a reasonable prospect of future residents being able to find a parking space within a reasonable walking distance of their home.
- 5.25 The development would result in the change in tenure from student accommodation to temporary accommodation for the homeless. It is highly improbable that the occupiers of the premises would have the means to own a vehicle and in any event, the occupiers would most certainly be less likely to use or own a vehicle than the previous occupying students. The site is also located in close proximity to local bus links and the main train station. On this basis, Officers do not consider the development to be of such a scale that would have a material impact on the operation of the local highway network in terms of trip generation or parking and no concerns in this respect are raised by the LHA.
- 5.26 The additional information received by way of Management and Operation Statement advises that the need for parking at the site is not essential or required and that current vehicle usage is very low or not in use at the premises. This position is to continue being monitored and managed accordingly. The premises management would also be prepared to restrict access to parking further by implementing a prohibition to parking within the Licence if use or demand increases.
- 5.27 The submitted plans indicate that a secure bike store is provided at basement level, these provisions would accord with the Councils Adopted Parking Standards. The Highways Authority were consulted on the proposal who have advised that the traffic generation and parking associated with these uses are generally comparable although the peak period arrivals and departures at the beginning and end of academic terms would not arise in the case of the proposed use, on this basis no highway objection has been raised to the proposal.
- 5.28 In summary, having regard to the specific nature of the proposed use, it is not considered that the development would generate a significant level of increased traffic or parking demand, or have an adverse impact on the operation of the local highway network.

Energy and water efficiency

5.29 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

5.30 As the proposal is for a conversion rather than a new build, and for a temporary use, it is recognised that there may be limitations on meeting the required energy saving measures (e.g. limited opportunities for utilising more energy efficient materials etc). It is therefore considered reasonable to apply some flexibility in the condition wording, to allow the applicants to demonstrate the highest level of energy efficiency achievable.

Nitrates

5.31 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent, with evidence that these nutrients are causing eutrophication at internationally designated sites (Special Protection Areas, etc. (SPAs)). A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England and various partners and interested partners. However, in the meantime, to minimise delays in approving housing schemes and to avoid the damaging effects on housing supply and the construction industry, Portsmouth City Council has developed its own Interim Strategy, which has been agreed with Natural England.

5.32 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.

5.33 In this instance, Officer's having considered the previous use against the proposed, the development would not result in an increase in residential units on site, therefore, it is considered that the proposed change of use would result in a negligible impact upon nitrogen release. Although the information accompanying this application did not include specific details about existing and proposed water usage, Officers anticipate that the levels of water usage would remain the same and therefore, the new development would result in a nitrate neutral situation. As such, I do not consider the development would require any mitigation at all for eutrophication effects on the SPAs.

Recreational bird disturbance

- 5.34 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into effect on 1 April 2018, sets out how development schemes can provide a contribution towards a Solent Wide mitigation scheme to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.
- 5.35 The mitigation contribution depends on the size of the proposed dwellings and takes account of the existing land use. In this case, the existing building was previously used as student accommodation associated with the University of Portsmouth. It is therefore not considered that the previous residents would have been likely to have placed any significant pressure on the SPAs through recreational use (i.e. they would have been likely to have spent the majority of their time in the home). As no net increase in units are being proposed, and the number of occupiers would also be the same. Officers do not consider that any level of mitigation is required or being sought.
- 5.36 On this basis, Officers consider that the scheme would not have a significant effect on the SPA and there will be a neutral impact upon recreational pressures.

Conclusion

- 5.37 For the reasons as outlined above, the proposed change of use would not result in an intensification of the use of the site. The development by way of the housing of vulnerable individuals would provide suitable, well-located and managed accommodation for up to 19 rough sleepers and vulnerable individuals in five self-contained units, bringing this under-utilised student accommodation into best use, providing vital shelter and support for in-need members of society. Any concerns that may be raised by residents or other local occupiers should be alleviated by the fact that the premises will have the presence of support staff 24hrs a day, this together with the strict running of the centre should ensure that the facility works effectively.
- 5.38 The absence of external alterations or openings within the buildings elevations, would ensure that no undue loss of amenity would result by way of overbearing presence, overlooking or privacy loss. On this basis the development proposal would not result in any loss of amenity to the occupiers of neighbouring properties.
- 5.39 In conclusion, the development is considered to accord with all relevant local plan policies and would accord with the relevant paragraphs of the NPPF, being in compliance with its requirements for sustainable development, by way of meeting its Economic, Social and Environmental objectives. On this basis, it is recommended that temporary permission is granted.

RECOMMENDATION

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

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

Conditions

Approved plans

1. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Plan, Ground Floor, First Floor, Roof Layout, elevations

Occupancy restriction

2. (a) The units hereby permitted shall be occupied as 'move-on' accommodation for the homeless only and for no other purpose, and in accordance with the time restriction set out in part (b);
(b) The units of accommodation hereby permitted are for a temporary use only, and as such the use permitted shall cease on or before 26th January 2023.

Reason: To ensure that the units are only occupied for their intended temporary purpose given their restricted size, and because no analysis has been undertaken of the effect and acceptability of the medium-long term loss of student accommodation this use entails. These reasons are to accord with Policies PCS19 and PCS23 of the Portsmouth Plan, the Student Halls of Residence Supplementary Planning Document 2014, and the provisions of the NPPF.

Refuse storage

3. Facilities for the secure storage of refuse and recyclables shall be provided in accordance with details that shall be submitted to the Local Planning Authority for its written approval within two weeks of this consent, and shall thereafter be retained as approved.

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

251 TWYFORD AVENUE PORTSMOUTH PO2 8NY

CHANGE OF USE FROM MIXED USE - RETAIL (CLASS A1) AND RESIDENTIAL (CLASS C3) - TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPANCY), WITH ASSOCIATED ALTERATIONS TO SHOPFRONT AND INSTALLATION OF TWO ROOFLIGHTS (AMENDED DESCRIPTION)

Application Submitted By:

Mrs Carianne Wells
Thorns Young Ltd

On behalf of:

Mr Andy Tindall

RDD: 16th March 2020

LDD: 12th May 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 Procedural

1.2 Members may recall this application was deferred from your Committee meeting of 9th December 2020, due to a notification omission concerning contact with the parties who had requested the Deputation process. Naturally, that will be rectified with the new meeting today. The item was originally brought to the Planning Committee due to a petition containing 139 signatures objecting to the proposal.

1.3 The main issues for consideration relate to:

- The principle of development;
- Design;
- The standard of accommodation;
- Impact on amenity;
- Highways / parking;
- Impact on the Solent Special Protection Areas

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site

2.2 This application relates to a two-storey mid-terrace property located on the western side of Twyford Avenue (A3), south from its junction with Gruneisen Road. The unit features a vacant retail frontage along Twyford Avenue, with an existing 3-bedroom residential unit at ground (rear) and first floor level. The surrounding area is primarily residential, although there are a number of retail properties and converted retail properties as well as flats within the area.

2.3 Proposal

2.4 Planning permission is sought for the change of use from a mixed use retail (Class A1) and residential (Class C3) to purposes falling within Class C3 (Dwelling House) or C4 (House in Multiple Occupancy), with associated alterations to shopfront.

- 2.5 The existing shop front would be removed and two windows would be installed with a similar size and rhythm to the existing first floor windows. The existing pillars either side of the frontage would be retained.
- 2.6 The proposed elevations were amended during the course of the application due to concerns around the design of the proposal. The windows now align with the existing first floor fenestration and are shown to be recessed from the front elevation by a minimum of 1 one bricks depth. Additionally the proposal would include the installation of two front rooflights.
- 2.7 The internal accommodation would comprise the following:
- Ground floor - Lounge, one bedroom, a shower room, dining room and a kitchen; and
First floor - Three bedrooms, a WC and a bathroom
- 2.8 It was noted on site that a rear dormer had been constructed. Following discussions with the applicant about the likely unacceptability of the dormer, it was removed from the property and the roof was returned to its previous condition.
- 2.9 Planning history
- 2.10 None.
- 2.11 It is noted that concurrently to this application, the neighbouring property (No.253 Twyford Avenue) is applying to Change of use from mixed use - retail (Class A1) and residential (Class C3) - to purposes falling within Class C3 (Dwelling House) or C4 (House in Multiple Occupancy), with associated alterations to shopfront under planning ref: 20/00376/FUL.

3.0 POLICY CONTEXT

- 3.1 The relevant policies within the Portsmouth Plan Portsmouth Plan (2012)
- PCS17 (Transport)
 - PCS20 (Houses in Multiple Occupation)
 - PCS23 (Design and Conservation)
- 3.2 Other Guidance:
- National Planning Policy Framework (2019)
 - National Planning Practice Guidance
 - The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

4.0 CONSULTATIONS

4.1 Highways Engineer

No objection, subject to a condition requiring the provision of 4 secure cycle storage spaces.

5.0 REPRESENTATIONS

- 5.1 Publicity dates (full Covid-19 lockdown started 24 March 2020)

- Neighbour letters sent : 18/06/2020, expiry 30/07/2020
- 1st Site Notice displayed : 02/07//2020, expiry 13/08//2020
- 2nd Site Notice displayed : 29/07/2020, expiry 07/09/2020
- 3rd Site Notice displayed : 06/08/2020 expiry 18/09/2020

5.2 During the application it was brought to officer attention that site notices displayed at the property had been removed on two occasions. As such, new site notices were produced and displayed and the consultation date was extended on the application both times.

5.3 A petition with 139 signatures has been received objecting to the proposal and the neighbouring application on the following grounds:

- Issues with site notices being removed;
- Work already started;
- Doubt over HMO list;
- Overconcentration of HMOs in densely populated area, objection to providing more;
- Lack of parking;
- Crime and safety;
- Anti-social behaviour and public drinking; and
- Reduction in nearby housing prices.

5.4 5 representations have been received from neighbouring residents objecting to the proposed development on the grounds of:

- Insufficient parking;
- Issue with site notices being removed;
- More HMOs in the area;
- Anti-social behaviour;
- Noise and disturbance;
- Impact on house prices; and
- Work already started.

6.0 COMMENT

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

- The principle of development;
- Design;
- The standard of accommodation;
- Impact on amenity;
- Highways / parking;
- Impact on the Solent Special Protection Areas

6.2 Principle of the use

6.3 Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a mixed use - retail (Class A1) and residential (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.

6.4 There are no policy provisions relating to the site that would restrict the loss of the retail unit. Given the otherwise residential character of the area, which features a number of

similar shop conversions, the principle of converting the property to a singular residential use is considered to be acceptable.

- 6.5 Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended November 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 6.6 The 10% threshold contained within the HMO SPD applies to an area within a 50m radius of an application site. In this instance the 50m radius incorporates 27 out of the 34 flats within 'The Willows' though excludes those flats within 'Harrison House' Stampey Court' and '167-171 Twyford Avenue'. Of the properties within the 50m radius, 2 are in HMO use. It is also noted that the neighbouring property (No.253 Twyford Avenue) is also applying for use as a HMO. If both of these applications were granted it would bring the percentage of HMOs in the area to 5.12%, which would remain lower than the 10% threshold above which an area is considered to be imbalanced.
- 6.7 Within a petition submitted by local residents they also mentioned further properties, No.240 Twyford Avenue and 88 Gruneisen Road, as being HMOs. While this may be the case, neither are within the 50m radius and as such do not affect the balance of the prescribed area. Within the petition The Willows, Osbourne House and Atlanta House are also referred to as being HMOs. However, these are flat blocks and are not defined as Housing in Multiple Occupation.
- 6.8 A second strand of the policy seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: *"An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:*
- *granting the application would result in three or more HMOs being adjacent to each other; or*
 - *granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."*
- 6.9 The proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.
- 6.10 The proposed change of use is therefore considered to be acceptable in principle, subject to the other material considerations.
- 6.11 Design
- 6.12 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular respect the character of the city.
- 6.13 The proposed windows are considered to be suitable in terms of their alignment with the existing upper floor windows. They would be appropriately recessed and the proposal would retain the existing features either side of the fascia. The wall surrounding the window would be rendered. It is noted that a number of similar shop front conversions

are visible throughout the road and the proposal would be considered to be in keeping within the existing streetscene. The design and appearance is therefore considered to be appropriate for the context within which it is set, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

6.14 Standard of accommodation

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

(HMO SPD-OCT 2019)	Area provided:	Required standard:
Lounge	17.5m ²	11m ²
Bedroom 1	16m ²	6.51m ²
Shower room	4.7m ²	3.74m ²
Dining room	15.2m ²	11m ²
Kitchen	12.5m ²	7m ²
Bedroom 2	27m ²	6.51m ²
Bedroom 3	16.99m ²	6.51m ²
Bedroom 4	10.5m ²	6.51m ²
WC	1.6m ²	undefined
Bathroom	5m ²	3.74m ²
Total	126.99m²	58.78m²

6.16 Having regard to the required standards set out on pages 8 and 9 of the HMO SPD (Oct 2019), all the bedrooms and communal spaces would exceed the minimum spaces requirements. Furthermore, they would all benefit from a good standard of light, outlook and a suitable layout.

6.17 Additionally while not a requirement of the HMO SPD, the property also includes some external amenity space in the form of a rear courtyard garden.

6.18 Impact on amenity

6.19 The HMO SPD (October 2019) 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.

6.20 It is acknowledged in Appendix 5 of the SPD that HMOs often result in an increased number of neighbour complaints, with the keywords mentioned within the complaints relating to mess, waste, and concerns with anti-social behaviour. Further, HMOs within the application ward (Nelson) experience approximately 15 times more complaints than non-HMOS (though the small sample size for this area, skews the numbers).

6.21 It is noted that there are two other registered HMOs identified within the area immediately surrounding the application site (No.276 Twyford Avenue and No.2A Gruneisen Road), both of which are Class C4 (HMOs) and therefore are not as intensive in use as larger Sui Generis HMOs. The property is also located near the junction of Twyford Avenue (A3) and Gruneisen Road. Twyford Avenue is a busy through road serviced by bus routes and the area therefore already has a degree of ambient noise associated with it. Additionally the adjoining neighbour to the south (No.249 Twyford

Avenue) functions as a take away (Sui-Generis) at ground floor level, which produces a level of ambient noise within the area, especially into the evenings.

6.22 The property immediately fronts the roadways and as such bins and bicycles would have to be stored at the rear. This would have been no different to the retail use, which additionally would have received deliveries and customer footfall generating additional noise and disturbance. It is acknowledged that the adjoining property is also applying for C4 usage, however as mentioned above the existing daytime noise would likely be similar to the existing retail use, and the adjoining takeaway and noise of the road would mask noise later into the evening.

6.23 As such, given that there is not an overconcentration of HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful to nearby residential amenity at this particular point in time.

6.24 Highways/Parking

Twyford Avenue is a classified road (A3) and provides a strategic link within the local highway network. It has a wide single carriageway with pedestrian footways at the site frontage where traffic flow is restricted to one way northbound. Parking is restricted on street at the site frontage by double yellow lines although is not restricted on the opposite side of the road. Few of the properties in this area have off street parking provision and consequently the demand for residents parking often exceeds the space available particularly during the evenings and at weekends.

6.25 No traffic assessment has been provided, however, given the small scale of the development, the Council's Highways Engineer is satisfied that the proposal would not have a material impact on the local highway network.

6.26 The site currently comprises of 3 bedroomed flat with mixed retail use on the ground floor with no cycle storage or off street parking provided. The parking expectation for the residential element on the site is 1.5 spaces and 2 cycle spaces. The proposal removes the retail use of the site and increases the bedrooms from 3 to 4.

6.27 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 4 bedroom HMO (C4) / residential (C3) is 2 vehicle spaces and 4 secure cycle parking spaces per dwelling. As a consequence the effect of the proposal is to increase the parking shortfall associated with the site by 0.5 car spaces and 2 cycle parking spaces.

6.28 Whilst the application proposes the removal of the retail use, the parking demand associated with the retail use is likely to have occurred during the day, when there would be a lower demand for on-street parking.

6.29 No parking survey information has been submitted to demonstrate on-street parking capacity to accommodate the 0.5 space shortfall within a 200m walking distance of the application site. However, given the quantum of the additional shortfall being less than a parking space, it is not considered that a refusal of this application on the grounds of lack of parking could be upheld in the event of an appeal.

6.30 The highways officer has also suggested a condition requiring the provision of 4 secure cycle storage spaces. It is considered that there is sufficient space at the rear of the property to accommodate bicycle storage and bin storage and the cycle storage would be secured by condition.

6.31 Waste

- 6.32 The storage of refuse and recyclable materials is located at the rear and this would remain unchanged and is considered acceptable.
- 6.33 Impact on the Solent Special Protection Area
- 6.34 The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in the number of bedrooms within the residential accommodation.
- 6.35 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 6.36 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment. Mitigation of the impact is required for any development that would result in a net increase in residential development / population.
- 6.37 In this case, the proposal would not result in a net increase in dwellings and whilst the number of bedrooms would increase by 1, the maximum occupancy (6 persons), would remain the same as that of the existing 3-bedroom unit. It is therefore determined that the development would not result in an impact on the integrity of the SPA and no mitigation is required.
- 6.38 Conclusion
- 6.39 Having regard to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012)

RECOMMENDATION

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant **Conditional Permission** subject to agreement being received from Natural England that no mitigation is required in relation to the impact of the development on the Solent Special Protection Areas.

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.

Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Elevations - PG50212004 Rev A; Floor Plans - PG50212001 Rev A; Block Plan - 1:500@A4.

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, 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 unless otherwise agreed in writing by the LPA.

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).

PRO-ACTIVITY STATEMENT

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

253 TWYFORD AVENUE PORTSMOUTH PO2 8NY

CHANGE OF USE FROM MIXED PURPOSES - RETAIL (CLASS A1) AND RESIDENTIAL (CLASS C3) - TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPANCY), WITH ASSOCIATED ALTERATIONS TO SHOPFRONT AND INSTALLATION OF ROOFLIGHT (AMENDED DESCRIPTION)

Application Submitted By:

Mrs Carianne Wells
Thorns Young Ltd

On behalf of:

Mr Andy Tindall

RDD: 16th March 2020

LDD: 12th May 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 Procedural

1.2 Members may recall this application was deferred from your Committee meeting of 9th December 2020, due to a notification omission concerning contact with the parties who had requested the Deputation process. Naturally, that will be rectified with the new meeting today. The item was originally brought to the Planning Committee due to a petition containing 139 signatures objecting to the proposal.

1.3 The main issues for consideration relate to:

- The principle of development;
- Design;
- The standard of accommodation;
- Impact on amenity;
- Highways / parking;
- Impact on the Solent Special Protection Areas

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site

2.2 This application relates to a two-storey end-of-terrace corner property located on the western side of Twyford Avenue (A3) and southern side of Gruneisen Road. The unit features an existing vacant retail unit with a frontage along Twyford Avenue and Gruneisen Road at ground floor level, with an existing 4-bedroom residential unit at ground and first floor level. The property features an existing rear garden and has a separate pedestrian access along Gruneisen Road. The surrounding area is primarily residential, although there are a number of commercial units, converted commercial units and flats within the area.

2.3 Proposal

- 2.4 Planning permission is sought for the change of use from a mixed use retail (Class A1) and residential (Class C3) to purposes falling within Class C3 (Dwelling House) or C4 (House in Multiple Occupation), with associated alterations to shopfront.
- 2.5 The existing shop front would be removed and two windows would be installed with a similar size and rhythm to the existing first floor windows. The existing shop entrance would be replaced with a window with similar proportions to that of the existing property.
- 2.6 The proposed elevations were amended during the course of the application due to concerns around the design of the proposal. The windows on the east elevation now align with the existing first floor fenestration and all windows are shown to be recessed from the front elevation by a minimum of 1 one bricks depth. Additionally the proposal would include the installation of one front rooflight.
- 2.7 The internal accommodation would comprise the following:

Ground floor - Lounge, one bedroom, kitchen/dining room; and
First floor - Three bedrooms and two shower rooms.
- 2.8 It was noted on site that a side/front dormer had been constructed. Following discussions with the applicant about the likely unacceptability of the dormer, it was removed from the property and the roof returned to its previous condition.
- 2.9 Planning history
- 2.10 None.
- 2.11 It is noted that concurrently to this application, the neighbouring property (No.251 Twyford Avenue) is applying to Change of use from mixed use - retail (Class A1) and residential (Class C3) - to purposes falling within Class C3 (Dwelling House) or C4 (House in Multiple Occupation), with associated alterations to shopfront under planning ref: 20/00376/FUL.

3.0 POLICY CONTEXT

- 3.1 The relevant policies within the Portsmouth Plan Portsmouth Plan (2012)
- PCS17 (Transport)
 - PCS20 (Houses in Multiple Occupation)
 - PCS23 (Design and Conservation)
- 3.2 Other Guidance:
- National Planning Policy Framework (2019)
 - National Planning Practice Guidance
 - The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

4.0 CONSULTATIONS

4.1 Highways Engineer

No objection, subject to a condition requiring the provision of 4 secure cycle storage spaces.

5.0 REPRESENTATIONS

- 5.1 Publicity dates (full Covid-19 lockdown started 24 March 2020)
- Neighbour letters sent : 18/06/2020, expiry 30/07/2020
 - 1st Site Notice displayed : 02/07//2020, expiry 13/08//2020
 - 2nd Site Notice displayed : 29/07/2020, expiry 07/09/2020
 - 3rd Site Notice displayed : 06/08/2020 expiry 18/09/2020
- 5.2 During the application it was brought to the officer's attention that site notices displayed at the property had been removed on two occasions. As such, new site notices were produced and displayed and the consultation date was extended on the application both times.
- 5.3 A petition with 139 signatures has been received objecting to the proposal and the neighbouring application on the following grounds:
- Issues with site notices being removed;
 - Work already started;
 - Doubt over HMO list;
 - Overconcentration of HMOs in densely populated area, objection to providing more;
 - Lack of parking;
 - Crime and safety;
 - Anti-social behaviour and public drinking; and
 - Reduction in nearby housing prices.
- 5.4 5 representations have been received from neighbouring residents objecting to the proposed development on the grounds of:
- Insufficient parking;
 - Issue with site notices being removed;
 - More HMOs in the area;
 - Anti-social behaviour;
 - Noise and disturbance;
 - Impact on house prices; and
 - Work already started.

6.0 COMMENT

- 6.1 The main determining issues for this application relate to the following:
- The principle of development;
 - Design;
 - The standard of accommodation;
 - Impact on amenity;
 - Highways / parking;
 - Impact on the Solent Special Protection Areas
- 6.2 Principle of the use
- 6.3 Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). The property currently has a lawful use as a mixed use - retail (Class A1) and residential (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.
- 6.4 There are no policy provisions relating to the site that would restrict the loss of the retail unit. Given the otherwise residential character of the area, which features a number of

similar shop conversions, the principle of converting the property to a singular residential use is considered to be acceptable.

- 6.5 Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended November 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 6.6 The 10% threshold contained within the HMO SPD applies to an area within a 50m radius of an application site. In this instance the 50m radius incorporates 27 out of the 34 flats within 'The Willows' though excludes those flats within 'Harrison House' Stampey Court' and '167-171 Twyford Avenue'. Of the properties within the 50m radius, 3 are in HMO use. It is also noted that the neighbouring property (No.251 Twyford Avenue) is also applying for use as a HMO. If both of these application were granted it would bring the percentage of HMOs in the area to 6.66%, which would remain lower than the 10% threshold above which an area is considered to be imbalanced.
- 6.7 Within a petition submitted by local residents they also mentioned further properties, No.240 Twyford Avenue and 88 Gruneisen Road, as being HMOs. While this may be the case, neither are within the 50m radius and as such do not affect the balance of the prescribed area. Within the petition The Willows, Osbourne House and Atlanta House are also referred to as being HMOs. However, these are flat blocks and are not defined as Housing in Multiple Occupation.
- 6.8 A second strand policy seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. Paragraph 1.22 (a) states: *"An application for HMO development would be deemed to be failing to protect the amenity, and the provision of a good standard of living environment, for neighbouring and local occupiers where:*
- *granting the application would result in three or more HMOs being adjacent to each other; or*
 - *granting the application would result in any residential property (C3 use) being 'sandwiched' between two HMOs."*
- 6.9 The proposed development would not result in three or more Class C4 HMO's being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.
- 6.10 The proposed change of use is therefore considered to be acceptable in principle, subject to the other material considerations.
- 6.11 Design
- 6.12 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular respect the character of the city.
- 6.13 The proposed windows are considered to be suitable in terms of their style and alignment with the existing upper floor windows. They would be appropriately recessed and align with the proposed windows on the neighbouring property. The walls surrounding the windows would be rendered. It is noted that a number of similar shop

front conversions are visible throughout the road and the proposal would be considered to be in keeping with the existing streetscene. The design and appearance is therefore considered to be appropriate for the context within which it is set, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

6.14 Standard of accommodation

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

6.16 (HMO SPD-OCT 2019)	Area provided:	Required standard:
Lounge	22.5m ²	11m ²
Bedroom 1	14.2m ²	6.51m ²
Kitchen/Dining room	22.5m ²	24m ²
Bedroom 2	25.2m ²	6.51m ²
Bedroom 3	12.3m ²	6.51m ²
Bedroom 4	15.2m ²	6.51m ²
Shower room	3.7m ²	3.74m ²
Shower room	3.2m ²	3.74m ²
Total	126.99m²	58.78m²

6.17 Having regard to the required standards set out on pages 8 and 9 of the HMO SPD (Oct 2019) it is considered that all the bedrooms and communal spaces exceed the minimum spaces requirements. Further, they all benefit from a good standard of light, outlook and a suitable layout. The only exception is the shower rooms, which would be very slightly below standard, but this minimal shortfall in bathroom floorspace is not considered to be a significant concern.

6.18 Additionally while not a requirement of the HMO SPD, the property also includes some external amenity space in the form of a rear courtyard garden.

6.19 Impact on amenity

6.20 The HMO SPD (October 2019) 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.

6.21 It is acknowledged in Appendix 5 of the SPD that HMOs often result in an increased number of neighbour complaints, with the keywords mentioned within the complaints relating to mess, waste, and concerns with anti-social behaviour. Further, HMOs within the application ward (Nelson) experience approximately 15 times more complaints than non-HMOS (though the small sample size for this area, skews the numbers).

6.22 It is noted that there are 3 other registered HMOs identified within the area immediately surrounding the application site (No.276 Twyford Avenue, No.2A Gruneisen Road, and 20 Gruneisen Road). These are Class C4 (HMOs) and therefore are not as intensive in use as larger Sui Generis HMOs. The property is also located at the junction of Twyford Avenue (A3) and Gruneisen Road. Twyford Avenue is a busy through road serviced by bus routes and the area therefore already has a degree of ambient noise associated with it. Additionally one of the properties to the south (No.249 Twyford Avenue) functions as a

take away (Sui-Generis) at ground floor level, which produces a level of ambient noise within the area, especially into the evenings.

- 6.23 While the property immediately fronts the roadways, it does benefit from a side access to the rear garden, which would allow for convenient storage of bins and bicycles and alleviate concerns regarding waste and cycle storage. Additionally the retail use would have generated noise and disturbance through deliveries and customer footfall. It is acknowledged that the adjoining property is also applying for C4 usage, however as mentioned above the existing daytime noise would likely be similar to the existing retail use and the nearby takeaway and noise of the road would mask noise later into the evening.
- 6.24 As such, given that there is not an overconcentration of HMOs within the surrounding area, it is considered that the impact of one additional HMO would not be significantly harmful to nearby residential amenity at this particular point in time.
- 6.25 Highways/Parking
- 6.26 Twyford Avenue is a classified road (A3) and provides a strategic link within the local highway network. It has a wide single carriageway with pedestrian footways at the site frontage where traffic flow is restricted to one way northbound. Parking is restricted on street at the site frontage by double yellow lines although is not restricted on the opposite side of the road. Few of the properties in this area have off street parking provision and consequently the demand for residents parking often exceeds the space available particularly during the evenings and at weekends.
- 6.27 No traffic assessment has been provided, however, given the small scale of the development, the Council's Highways Engineer is satisfied that the proposal would not have a material impact on the local highway network.
- 6.28 The site currently comprises of 4 bedroomed flat with mixed retail use on the ground floor with no cycle storage or off street parking provided. The proposal removes the retail use of the site and reconfigures the existing 4 bedrooms.
- 6.29 Portsmouth City Councils Parking SPD expects that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ Sui Generis) with 4 or more bedrooms should provide 2 car parking spaces per dwelling. The current property does not benefit from off-street parking and as there would be no change to the parking requirement, it is not considered that an objection on lack of parking could be sustained. It is also noted that there would have been further parking demand associated with the retail use, although this would have been more likely during the day than in the evenings when the pressure for parking is greater.
- 6.30 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. The proposed 4-bedroom property would require 4 cycle parking spaces and there is an existing rear outbuilding which could be used for this purpose. The provision of cycle storage would be secured by condition.
- 6.31 Waste
- 6.32 The storage of refuse and recyclable materials is located at the rear and this would remain unchanged and is considered acceptable.
- 6.33 Impact on the Solent Special Protection Area

- 6.34 The application site is within 5.6 m of Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in the number of bedrooms within the residential accommodation.
- 6.35 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 6.36 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment. Mitigation of the impact is required for any development that would result in a net increase in residential development / population.
- 6.37 In this case, the proposal would not result in a net increase in dwellings or bedrooms. It is therefore determined that the development would not result in an impact on the integrity of the SPA and no mitigation is required.
- 6.38 Conclusion
- 6.39 Having regards to all material considerations, raised representations and planning policy, it is concluded that the development is acceptable.

RECOMMENDATION

RECOMMENDATION I - That delegated authority be granted to the Assistant Director Planning & Economic Growth to grant **Conditional Permission** subject to agreement being received from Natural England that no mitigation is required in relation to the impact of the development on the Solent Special Protection Areas.

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.

Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Floor Plans - Project Number 01; Proposed Elevations - PG50222002 Rev A; and Block Plan - 1:500@A4.

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

3) Prior to first occupation of the property as a House in Multiple Occupation, 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 unless otherwise agreed in writing by the LPA.

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).

PRO-ACTIVITY STATEMENT

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

APPENDIX A

44-66 PALMERSTON ROAD, SOUTHSEA, PO5 3QG

MIXED USE REDEVELOPMENT OF FORMER DEBENHAMS DEPARTMENT STORE TO COMPRISE CIRCA 2,300SQM GROUND FLOOR COMMERCIAL SPACE (TO INCLUDE USE CLASSES A1/A2/A3/A4/B1/D1/D2) AND CHANGE OF USE AND 2 STOREY EXTENSION OF UPPER FLOORS TO COMPRISE 106NO. 1, 2 AND 3 BED APARTMENTS; DEMOLITION OF REAR STORAGE UNITS AND CONSTRUCTION OF 36NO. NEW 1 AND 2 BED APARTMENTS, WITH ASSOCIATED LANDSCAPING, ACCESS AND PARKING.

Application Submitted By:

JLL

FAO Mr Aiden Murray

On behalf of:

Mr Shaun Adams

National Regional Property Group

RDD: 17th July 2020

LDD: 16th October 2020

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination due to the size of the scheme.

1.2 The key issues in the determination of the application are

- Principle of the development;
- Impact on heritage assets
- Visual appearance
- Spatial layout
- Impact on amenity of neighbouring residents;
- Standard of accommodation;
- Highways and Transport
- Planning obligations;
- Environmental matters
- Special Protection Areas

1.3 Site and surroundings

1.4 The application relates to the former Debenhams department store and land to the rear of the building. The store is an impressive three storey purpose built commercial unit at the junction of Osborne Road to the south and a pedestrianised section of Palmerston Road to the east. Reconstructed following bomb damage sustained in World War II, the brick faced building provided a significant retail presence within Southsea Town Centre until its closure in January 2020. It is currently used as an indoor market.

1.5 The building is neither statutory nor locally listed, it does however have a number of interesting and elegant architectural features that contribute to its local historic significance. In combination with the former Knight and Lee department store opposite, the two buildings

provide distinctive and popular local landmarks that form the gateway to the pedestrianised section of the town centre and contribute significantly to the character of the area.

1.6 The site is set in an urban context and the boundary encompasses an irregular shaped plot with a land area of approximately 0.61 hectares. To the rear, the parcel of land which fronts Tonbridge Street and in the applicant's ownership currently has several outbuildings, extensions and some parts are laid to hardstanding and used as a car park. This area served as a service yard for the Debenhams store.

1.7 The Southsea area is an eclectic mix of historic and contemporary architecture which together form a characterful location. The pedestrian precinct to the east provides the main retail focus of the centre with a mix of retailer units, cafes and a library, with smaller independent boutiques, cafes and restaurants further to the north on Marmion Road.

1.8 The area surrounding the site has strong residential references immediately to the west and north on Portland and Kent Roads respectively. Many of the other surrounding buildings on adjacent streets incorporate residential uses above commercial premises with Osborne Road, Clarendon Road and the southern section of Palmerston Road containing a greater mix of restaurants and drinking establishments.

1.9 The site is not located wholly within a conservation area (the northern tip along Tonbridge Street lies in the Owen Southsea Conservation Area catchment) and does not contain any statutorily listed structures. However, there are a number of heritage assets in the locality, including the Grade II Listed Portland Terrace on Portland Road to the west and Grade II Listed St Jude's Church on Kent Road. There are several conservation areas in the vicinity with the immediate ones being - 'Owens Southsea' to the north-west and 'Stanley Street' to the south east.

1.10 The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan. The area is well served by bus routes with two bus stops immediately in front of the building along Osborne Road. The nearest railway stations at Portsmouth & Southsea and Fratton are both located approximately 2km to the north. A pedestrian footpath is gained via alleyways from Palmerston Road as well as Osborne Road.

1.11 Proposal

1.12 Full planning permission is sought for alterations, extensions and change of use of the Debenhams building; the demolition of existing extensions / outbuildings in the rear area and the erection of a new block to provide a mixed-use scheme of 142 residential units and up to 2300 square metres (sq.m.) of flexible commercial and retail space. The plans include details of communal amenity spaces for the proposed flats, landscaping, car and cycle parking and pedestrian and vehicular access and servicing routes. The two main elements of the proposed development shall be referred to as Blocks A and B henceforth. The proposal was originally for 157 flats, but has been amended during the course of the application.

1.13 **Block A** - relates to the extension and alterations to the existing 3 storey building which is the former Debenhams store. It is proposed to be extended upwards with two additional storeys creating a 5 storey building and on the west (Portland Road) elevation, the building's footprint would also be extended with a 3/5 storey extension.

1.14 There are various alterations proposed to the existing building to include recessed balconies within the existing window apertures on the street facing elevations. To the rear, the

various extensions and outbuildings within the service yard, and a substantial part of the main Debenhams building, would be demolished for an open concept courtyard area. These changes with the extensions would provide 106 residential units spread across the upper 4 floors. The ground floor would comprise of smaller flexible commercial spaces totalling approximately 2300 sq.m along the ground floor active street frontages on Palmerston, Osborne and Portland Roads. The subterranean section of the building would be repurposed and used for car parking. The altered and extended building with the demolition of outbuildings would provide:

- Car parking and cycle storage at basement level
- Commercial (approximately 2300 sq.m of flexible retail and office space) across the ground floor
- Residential use (106 units) across first to fourth floors.
- Communal amenity space is provided at first floor level in the form of a podium courtyard

1.15 **Block B** - relates to the demolition of extensions and outbuildings within the rear area of the site fronting Tonbridge Street. These would be replaced with a new 3 storey apartment block (4 storey height due to under croft parking) which would provide:

- Car parking and cycle storage at ground floor
- Residential use (36 residential units) across first to third floors.

1.16 The accommodation schedule breaks down as below:

Unit type	Block A	Block B	Total
1 Bed Apartment	59	24	83
2 Bed Apartment	45	12	57
3 Bed Apartment	2	0	2
Total	106	36	142

The Applicant states that the development's finances do not allow for the provision of Affordable Housing, so all the flats proposed would be for sale and/or rent on the open market.

1.17 A total of 86 residents parking and 9 visitor parking spaces are to be provided with a proposed allocation of 11 spaces for the non-residential floor area. In addition, 250 cycle spaces are also provided with 160 labelled as long stay. The parking areas would be spread over the ground floor of Block B and the basement area of Block A.

1.18 Vehicular access points are indicated as being from Tonbridge Street and Portland Road with a new ramp created for accessing the basement area of Block A. Residential access would be mainly from the Osborne Road elevation for Block A and Tonbridge Road / Portland Road for Block B. The commercial areas on the ground floor would be accessed from the Osborne Road elevation in the main.

1.19 Amended plans have been received during the application process to address design concerns and also matters raised by the Highway Engineer and Landscape Architects. The most significant of the various changes is the reduction in scale of Block B with the loss of a storey - originally the fourth floor which comprised of 12 flats. The design of Block A has been refined on the street elevations with setbacks on the other elevations.

1.20 The parking layout has been redesigned, which included the removal of 4 parking spaces following concerns raised by the Highway Engineer. The landscaping scheme of the site has also been expanded to include planting pockets on the ground floor level.

1.21 **Listed Building Consent** - As part of the complete development proposal, listed building consent is concurrently sought elsewhere on this agenda under reference 20/00621/LBC specifically relating to the proposed demolition of the outbuildings and extensions within the rear yard of the Debenhams's building some of which have curtilage listing and lie within the Owen's Southsea Conservation Area.

1.22 The applicant has submitted a range of documents in support of the application

- Design and Access Statement
- Flood Risk Impact Assessment
- Ecological Impact Assessment
- Heritage Statement
- Noise impact Assessment
- Land Contamination Assessment
- Statement of Community Involvement
- Transport Statement
- Employee / Residential Travel Plan
- Viability Report

1.23 Planning History

1.24 None of relevance to the current application.

1.25 Relevant history of neighbouring site - Land rear of Portland Hotel - 13/00409/FUL & 13/01123/FUL

1.26 This site lies to the rear (east) of Portland Terrace, off Tonbridge Road, just to the north of the proposed Block B. Planning permission was sought firstly for the construction of 4 storey building fronting Tonbridge Street comprising coffee shop (within Class A3) to ground floor with 6 flats over and detached cycle store (13/00409/FUL). A later resubmission under 13/01123/FUL was for the construction of 4 storey building fronting Tonbridge Street comprising Healthcare clinic (within Class D1) to ground floor with 6 flats over and detached cycle store.

1.27 Both applications were refused planning permission by the City Council on amenity and design impact and on heritage asset grounds. The decision was overturned on appeal and planning permission was granted. The Inspector concluded that overall heritage assets would be conserved in a manner appropriate to their significance in line with the Framework and the living conditions of nearby residential occupiers will not be harmed.

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (NPPF) (2019), the relevant policies within the Portsmouth Plan (2012) would include: PCS10 (Housing Delivery), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density) and PCS23 (Design and Conservation).

2.2 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan, The Southsea Town Centre Area Action Plan (2007), the Parking Standards SPD, the Solent Recreation Mitigation Strategy and Interim Nutrient Neutral Mitigation Strategy (2019) and the

Solent Recreation and Mitigation Strategy (2017) would also be material to the determination of this application.

3.0 CONSULTATIONS

3.1 Portsmouth Water -

No objection to the scheme however prior consent must be sought at implementation stage.

3.2 Hampshire Fire and Rescue Service -

No objection and advice provided as to where to find information about best practise.

3.3 County Archaeologist -

No objection

3.4 Hampshire Swift -

No objection subject to planning conditions aimed at enhancing biodiversity.

3.5 Waste Management Services -

The Team raised no objection in principle but have requested additional details and clarification on the number of bins proposed and if any of these would be for commercial use. Suggestions have also been made in relation to the correct positioning of the bins on the ground floor rather than the proposed basement levels.

3.6 Southern Water -

Noted that supply can be provided for the development and a formal application would be required. Southern Water will have to be involved in the design of land drainage and surface water discharge for an efficient project delivery.

3.7 Environmental Health - The Team has recommended the omission of the street facing balconies. Whilst raising no objection in principle to other elements of the development, conditions to minimise negative impact are requested.

3.8 Drainage Team - 'There is very little detail in relation to current and/or proposed drainage of the development. I would be in agreement with a Condition for Drainage in this respect. The applicant will need to be aware that if the building currently drains in part by downpipes onto the highway, this will not be acceptable in the proposals. There does appear to be an opportunity for green roof, which could add amenity value and reduce run-off, betterment is always welcome

3.9 There also appears to be a lack of investigation into groundwater, and although I'm not aware of groundwater issues in the area it may be wise to employ groundwater flooding mitigation techniques in the basement, such as non-return valves, chest height services, tanking etc.'

3.10 Contaminated Land Team

No objection raised in principle subject to conditions.

3.11 Housing Team

No comments received

3.12 Highways Authority -

3.13 The Highways Engineer raised initial concerns relating to:

- The width of the one way access ramp which will obstruct the flow of traffic on Portland Road,
- Low headroom on the surface undercroft area
- Number of parking spaces for residential which is below the SPD requirement; and will have a resultant impact on displacing and inconveniencing local residential parking.

3.14 Following receipt of amended drawings, the Engineer has updated comments confirming the continued lack of passing space on the ramp to the basement. Also the two disabled bays to the north of the surface level car park are not well related to the building access.

3.15 Design and Conservation Consultant

3.16 Objects (scheme not considered capable of conservation support).

3.17 Updated comments received in response to amendments to the plans state -'The concessions made by the applicant so far are welcomed. Nevertheless, no effort has been made to address concerns expressed around the siting, footprint, scale, massing, and height of the new build extension to the west of the building (addressing Portland Road).

3.18 I revert to the comments initially provided: Pulling away (by at least one 'bay') and stepping down (by at least one storey) the proposed western projection to the building. Addressing Portland Road - I remain concerned at the impact of this element of the scheme on the setting of the adjacent listed terrace, and believe that this issue should be satisfactorily addressed before the scheme is considered capable of support.'

3.19 With reference to Block B; the Consultant commented on the proximity of the block coupled with the deep proposed footprint and potential impact on the settings of the heritage asset.

3.20 Natural England -

3.21 Objects to the proposal due to the lack of information to inform a Habitats Regulations Assessment, including a nutrient budget and proposed mitigation and have requested for additional information.

4.0 REPRESENTATIONS

4.1 The applicant undertook a wide community involvement exercise before submitting the application. At the time of report compilation there were seven individual letters of representation; five objecting and two in support with reservations.. Concerns raised are summarised as follows:

- A lack of affordable housing provision
- Vehicular and cycle parking provision is inadequate
- Insufficient information has been provided for members of the public to make a full assessment of the impacts of the development on the surrounding highway

network. The application does not accord with the requirements of the Parking Standards Supplementary Planning Document.

- Provision of sustainable means of transport is inadequate in terms of number of electric charging points and security around the cycle store spaces.
- Negative impact on neighbouring residential amenity in terms of loss of daylight, overlooking and loss of privacy due to the proposed upper floor extension and resultant relationship with neighbouring residential properties

4.2 The comments received in support of the application can be summarised as follows:

- Provision of additional residential units in Southsea is welcome.
- Convenient site for the relocation of local GP surgery

5.0 COMMENT

5.1 Having regard to the site and the details of the proposed development, relevant planning policy at the local and national levels; and the consultation responses and representations received, the determining factors in the consideration of the proposal are discussed in turn below.

5.2 Principle of development

5.3 The application site is located within the 'Primary frontage' of the town centre as defined by Policy STC3 of the Southsea Town Area Action Plan (2007). Policy STC3 states that within the primary frontage, planning proposals for town centre uses (as set out by STC2), other than A1 shops, will only be granted permission if at least 75% of the primary frontage would remain within A1 use after the development is completed. Based on most recent monitoring figures, the level of Class A1 frontage within the Primary Frontage area stands at 78% as of Nov 2019. This figure undoubtedly has been affected by the closure of Debenhams and the adjacent John Lewis premises.

5.4 Policy STC2 of the Area Action Plan (AAA) notes that within the Town Centre as a whole, planning permission will be granted for retail and commercial uses interspersed with Offices to aid footfall in the centre. The AAA is supported by the National Planning Policy Framework which requires local planning authorities to pursue policies supporting the viability and vitality of town centres.

5.5 The applicant proposes 6 'smaller and flexible' commercial spaces on the ground floor of Block A to include Classes A1/A2/A3/A4/B1/D1/D2 ranging from approximately 270 sq. m to 410 sq. m. It must be noted that during the course of the application, the use class order has seen some significant changes. Since 1 September 2020, some of the Use Classes A, B and D as proposed have been revoked and superseded by a new use class schedule (E). The Local Planning Authority would not seek to control the specifics of the actual uses that would result within the range proposed, it would be the landowner's choice to fill the units as they see fit; and given the much greater flexibility introduced by the recent changes to the Use Classes Order, the landowner would have much flexibility over future changes.

5.6 It is considered that the principle of the retention and re-use of the ground floor of the building for commercial purposes is acceptable and the proposed range of uses is also

consistent with the policy requirements of STC2. The scheme would result in a net loss in the commercial floor space however the retention and extension of the ground floor commercial space is positive as is the residential use above.

- 5.7 Subject to other policy considerations discussed below, it is considered the proposal would provide a mix of uses that would have the potential to contribute significantly to the vitality and vibrancy of the Town Centre and therefore the principle can be supported.
- 5.8 On the residential provision element, the application site is located in an area consisting of a mix of commercial and residential buildings. The existing back land form of the proposed Block B site may be at odds with the prevailing local residential environs but the NPPF sets out government's priority to deliver a sufficient supply of new homes to meet housing requirements.
- 5.9 The NPPF states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.10 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site.
- 5.11 The NPPF states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118d of the NPPF, substantial weight should therefore be given to the value of the development of brownfield land in meeting housing need.
- 5.12 The Debenhams building has been vacant for almost a year now following the closure of the store and its use as an indoor market is considered to be an underutilisation of the site. The site is in a highly sustainable location and the proposed development would provide 142 residential units on brownfield land which would make a significant contribution towards achieving the Council's housing targets whilst retaining an active commercial and retail frontage at ground floor level. Given the above considerations, the principle of the development proposed complies with the adopted development plan and the Southsea Area Action and can be supported by Officers.
- 5.13 The proposal however needs to satisfy other policy considerations relating to design in the context of the impact on heritage assets, affordable housing provision, residential standards and mix of units, impact on amenity, highways matters and infrastructure amongst others which are discussed below.

5.14 Impact on heritage assets

- 5.15 The NPPF and policy PCS23 gives presumption in favour of the conservation of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification. As part of the application, listed building consent is sought as various outbuilding and extensions are to be demolished to facilitate the building of Block B along Tonbridge Street. And this has been dealt in a separate report.
- 5.16 The site is not wholly located within a conservation area and contains no listed or locally listed buildings. However, there are a number of heritage assets in close proximity. These include:
- Owens Southsea Conservation Area spans which spans the west/south of the site.
 - Portland Terrace Grade II listed building is located along the western boundary of the site
 - St Jude's Church to the north along Kent Road.
- 5.17 Other conservation areas (notably Castle Road and Stanley Road) and numerous listed buildings are located within a 1km radius of the site. Some of these outbuildings proposed to be demolished are just within the conservation area and also have curtilage listed status.
- 5.18 The NPPF advises at paragraph 192 that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.19 Paragraph 193 of the NPPF states "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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm." This, the document further reiterates include the setting of a heritage asset.
- 5.20 With regards to the significance of the asset; Portland Terrace (1846-49) is unique in the city of Portsmouth (and also rare locally) as an excellent well preserved and carefully maintained example of a Regency style terrace. The terrace was designed by the noted and locally important Thomas Ellis Owen - The 'Father of Southsea' and makes a positive and critical contribution to the townscape, setting and character of this part of Southsea. The value and importance of this building should therefore not be underestimated or set aside in the consideration of this proposal.
- 5.21 As detailed elsewhere in this report, the scale, character, and existing townscape of the land to the rear of the former Debenhams building -Tonbridge Street suggest that it is capable of and would perhaps benefit from development whose basic design parameters such as footprint, siting, scale, height, massing and material palate, are sympathetic and subservient to the designated heritage asset (Portland Terrace) which frames and encloses the western aspect of this space. It could also present a better townscape form,

appearance and activity to the back land / service-like environment of Tonbridge Street.

- 5.22 In relation to the design impact of Block A, important views which are valued can be gained of the listed building from Portland and Osborne Roads. It is also noted that the southern flank side of the listed terrace has interesting designed details which would be obscured with any built form on this part of the block. The proposed extension to the western elevation of the existing department store would be 12 metres away from the listed block. Although the design incorporates a setback of the built form on this elevation, the proximity would result in a strong level of encroachment into the setting of the listed terraced block eroding the significance of the design details. For this reason, it is considered this element of the proposal would have an adverse impact on the character of the adjacent Grade II listed Portland Terrace and is therefore considered unacceptable.
- 5.23 With regards to impact of Block B to the north of the site on heritage assets, the proposal is for a new block of 3 storeys to occupy a rather constrained plot of land. It is acknowledged that the rear of the Portland Terrace is less architecturally imposing than the front as it has to a certain extent been 'scarred' by the addition of later and visually unsympathetic metal fire escapes and the space it partially encloses is more utilitarian in character than other nearby public realm. These factors however do not automatically justify the excessive footprint and scale proposed. It is considered that the importance of the heritage asset has not been given the weight it justifies in the rationalisation of the applicant around their proposal.
- 5.24 Overall, it is considered the proximity of the western side extension to Block A, in combination with the height, scale and massing of Block B would be read at key points within an arc surrounding the site and would have an unnecessarily dominant and therefore negative impact on the setting of the heritage asset.
- 5.25 The Design and Conservation Consultant has commented that it would appear the scheme has been conceived in the absence of a genuinely heritage 'centric' understanding and interpretation of the site, and has been insufficiently motivated by a desire to conserve the setting of the nearby asset. The Consultant was of the view that as the design of the scheme currently stands, it was not considered capable of conservation support and a refusal of permission would be justified on conservation grounds alone. A position Officers agree with.
- 5.26 The Applicant in support of the application has cited an approved (via appeal) mixed use scheme at a site nearby (reference 13/00409/FUL & 13/01123/FUL) as a benchmark for this application. That scheme was however a 4 storey building on a small built footprint to provide 6 residential units in a derivative 'pastiche' style. Its material finish and design detail sought to emulate the appearance of the adjacent Portland Terrace.
- 5.27 The reasoning articulated in an Appeal Inspector's summation in fact lends some weight to the City Council's current position on the negative impact the current application would have on the heritage assets. The application under consideration does not copy the design and material choice of the neighbouring listed terrace and it is on a much grander scale than the example appeal scheme.

- 5.28 It should also be noted that the differences in scale, height, and stylistic approach taken to the appeal site contrast significantly with the proposal currently under discussion. In light of this and notwithstanding the concession of principle which the decisions confer; the two schemes are not effectively comparable. For this reason, it is not considered that in and of itself the said appeal lend decisive and irrefutable weight in support of the current proposal, whose fundamental parameters and therefore impacts would be much greater.
- 5.29 Although the proposed development did not benefit from an initial comprehensive engagement with the Council before the formal submission, observations and suggestions were put forward to the applicant out of which some changes have been forthcoming. Notwithstanding, the changes do not fully address concerns raised as per the updated comment received from the Design and Heritage Consultant above.
- 5.30 In conclusion, the proposed development would have adverse impacts on the local heritage assets. It is considered that the public benefits of the redevelopment of the site in the form of significant new housing numbers and reuse of commercial floorspace would not outweigh the substantial harmful impact of the development on the adjacent Grade II listed heritage assets and conservation area and the development would be contrary to plan policy PCS23 and the objectives of the NPPF.
- 5.31 Visual Appearance
- 5.32 The proposal would see the retention of the building's decorative brick facades which would be sensitively repaired/restored to maintain the bulk of the building in its original form. The most significant change to the existing building would be the addition of a contemporary two storey roof structure with a flat roof. Materials are proposed to be lightweight and finished in a dark grey profiled glazing and metal cladding to contrast with the masonry of the existing lower floors. The additional storeys as proposed would be set behind the existing brick façade and roof parapet and would contain a series of simple fenestration detailing to align with windows below. Along the Osborne and Palmerston Road elevations; the elaborate entrance pediment features would be retained and followed through to the new upper floors to match the original for continuity.
- 5.33 The mansard roof design of Block A is bold and does not seek to replicate the style or form of the host. While a deeper setback would have been appropriate in this location to reduce the level of prominence, it not thought the overall impact of the roof extension is contentious.
- 5.34 To the rear, it is proposed Block B would be rendered in an off white colour with grey fenestration details to provide interest. In this very urban setting and with the varied form of building material palette in the immediate area, it is considered the external appearance of the blocks would complement the site settings. The right balance between variety and continuity would be achieved.
- 5.35 Spatial layout
- 5.36 The current proposal has been positively amended in terms of the general design, layout and massing. Overall, the principles behind the perimeter block layout have been

incorporated into the design philosophy. Documentation in support of the application after revisions suggests that the proposal is appropriate as it would be subservient to neighbouring buildings due to the loss of the fourth floor of Block B.

- 5.37 Attention should however be focussed on the excessive footprint of the new block and its proximity to the adjacent Grade II listed building. At a proposed length of 57 metres, 38 of which will be along Portland Terrace with a separation of less than 14 metre, the new block will dominate Tonbridge Street overshadowing its neighbours within the street scene. Additionally, the indicative drawings show the ground floor undercroft area of Block B as dedicated to parking with the large expenses of hard landscaping and pockets of green scattered around the perimeter as an afterthought. It has been mentioned in this report that the Tonbridge Street approach to the site is harsh and uninviting; the proposed plan to further exacerbate this concern is not considered acceptable.
- 5.38 The development as a whole would yield a density of approximately 233 dwellings per hectare (dph); in sharp contrast with the area average of 68dph as outlined in the Urban Characterisation Study of Southsea. It is acknowledged that rear of the application site area is unattractive and currently has an impact on the setting of neighbouring listed buildings. This in itself is not necessarily a justification for unsustainable development or that the site represents a development opportunity.
- 5.39 Notwithstanding the fundamental points raised regarding the principle of development in general planning terms, it is considered that the construction of a building of this scale would neither preserve nor enhance the character and appearance of this back land location and will do nothing in its wider design approach to aid place-making.
- 5.40 Site security remains an important issue to address with the applicant with a future submission, in particular access to the undercroft/basement parking areas, with respect to personal safety. A future submission could also further address aspects of elevational design, at the new roof to Block A, for example.
- 5.41 Impact on amenity of neighbouring residents
- 5.42 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. The proposed building would be located to the rear of a number of properties within Portland Terrace. The application is accompanied by a noise impact assessment and the Design and Access statement shows a sun path analysis the purpose of which is to demonstrate that neighbouring residential amenity would not be affected by the proposal.
- 5.43 The results of the submitted information are not disputed, however the impact of a development on residential amenity is not limited to loss of light. The four storey height and massing of Block B is such that it is considered that it would result in an increased sense of enclosure and outlook to the rear of Portland Terrace and as such result in a significant loss of amenity for occupiers. It is acknowledged that there is an existing and closer outbuilding on site however, this stands at 2 storeys with a modest footprint.

- 5.44 There are several habitable room windows within the rear elevation of Portland Terrace and the siting of the Block B would result in separation distances between the rear and front of the two building of 13 metres and 16 metres at the maximum. Effort has been made to align windows along the western elevation of the new Block B so the most direct views out would be averted. This design approach may go some limited way to address the loss of privacy; however it does not address the concern of loss of outlook and the sense of enclosure residents of both blocks will experience, as well as loss of light to existing residents in Portland Terrace. It is considered the scale and siting of the proposed development would result in significant loss of amenity for neighbouring occupiers.
- 5.45 Standard of accommodation
- 5.46 Policy PCS19 of the Portsmouth Plan states that developments should be of a reasonable size appropriate to the number of people the dwellings are designed to accommodate. It is required that developments meet specific space standards (formally PCC's own standards but now in accordance with the Nationally Described Space Standards), apart from in exceptional circumstances where it can be shown that the standards are not practicable or viable.
- 5.47 The Nationally Described Space Standards set a minimum size for 1bed/2persons flats at 50sq.m; 2bed/3person and 2bed/4person flats at 61 and 70 sq.m respectively. The internal floor areas and room sizes of the proposed flats have been documented in the Applicant's submissions as meeting these nationally described space standard. However a random sample measurement of several of the flats in both Blocks A and B indicates that some of the units fall short of national standards. This matter is ongoing with the Applicant between report publication and the meeting date
- 5.48 With regard to the housing mix, policy PCS19 recommends that 40% of new dwellings across the City should have three or more bedrooms whilst the remaining 60% should be split between one and two bedrooms to meet different housing needs in the City. The proposed housing mix comprises 83 no. 1 bed; 57 no. 2 bed; and only 2 no. 3 bed. This mix is skewed towards first time buyers and an argument can be made about the density proposed and its impact on the mix of units, none of which of course are houses with gardens, which is generally more sought-after by families. Given the highly sustainable location and flatted nature, I would not wish to insist upon the application of this particular policy.
- 5.49 To the north eastern wing of Block A, the second bedroom in the proposed end flats from the first to the third floor would have limited outlook due to the relationship of the Debenhams building with the neighbouring retail unit to the north. The 6 windows would be separated from the adjacent wall by an alleyway which would have an impact on outlook from these habitable rooms. Additionally, the Council's Environmental Health Team have raised concerns in relation to the air quality in the area and impact on the proposed street facing balconies and terraces,
- 5.50 Overall, it is considered the standard of accommodation to be afforded to future occupier can be improved at the site and Officers are willing to explore various solutions to

overcome some of the shortcomings with the applicant.

- 5.51 The development would provide some balconies, a shared podium terrace at Block A, and be very close to the fantastic outdoor resource of the seafront and Southsea Common. As such, I am satisfied that outdoor amenity would be acceptable.
- 5.52 Highways and Transport
- 5.53 The Portsmouth Parking Standards SPD sets out the expected level of parking that should be provided within new residential developments. The proposal would result in 142 additional units with 2300 square metres of commercial floor space. For the level of development proposed, the SPD determines a parking expectation of 172 resident + 11 visitor car parking spaces and 220 cycle parking with a parking assessment to be provided in relation to the non-residential elements.
- 5.54 The 250 proposed number of cycle parking spaces exceeds SPD requirement however there is a shortfall in the level of vehicular parking spaces provided which is at 86 for residents and 9 for visitors. The accompanying travel plan indicates that only flats in Block A have been catered for in terms of vehicular parking. The proposed 36 flats in Block B are to be considered as 'car free'.
- 5.55 In the absence of adequate on-site parking provision and a convincing justification for the reduced provision, the LHA commented that the proposal would significantly increase the local parking demand by 88 spaces making it more inconvenient for residents to find a place to park with consequent implications for residential amenity. The result in both instances will be vehicles being parked indiscriminately and residents driving around the area hunting for a parking space with the consequent implications for air quality / pollution.
- 5.56 Whilst the comments of the LHA are noted, the weight given to them must be limited as they do not concern highway safety. The application site is in a highly sustainable location and the SPD explains 'the Council recognises that, given the nature of available development sites in the city, it will not always be physically possible to accommodate the expected standard on site.
- 5.57 The planning assessment of this application must strike a balance between the matters raised by the LHA, the policy presumption in favour sustainable development and the contribution the development would make towards meeting the city's identified housing need as set out within Policies PCS10, PCS19 and PCS21 of Portsmouth Plan.
- 5.58 On other matters, the LHA requested that the vehicular access along Portland Road needed to be widened as the current arrangement as proposed was found to be unsuitable for trucks and larger delivery vehicles. The Applicant has on this occasion failed to make these changes to the access citing an example of a residential development in Southampton where a similar arrangement as proposed has worked successfully. Additionally, concerns were raised in relation to the head room of the undercroft parking area of Block B which is found to be restricted and unsuitable HGV's and again these concerns have been ignored by the applicant.

- 5.59 Overall, given that little information has been submitted in relation to the said development in Southampton to aid a like for like comparison, Officers are unable to support the application on highways grounds on the basis of safety and potential negative impact on the operation and capacity of the local highway network.
- 5.60 The Council's Waste Team has commented on the application and requested for further information on the waste storage and collection arrangement. A suggestion was also made in relation to the positioning of some bins from the basement area to the ground floor for ease of access. These matters can be secured through an appropriately worded planning conditions and no concerns are raised.
- 5.61 Planning Obligations
- 5.62 Policy PCS19 seeks 30% affordable housing from sites capable of accommodating 15 or more residential units and at a 70:30 social / affordable rent and intermediate tenure split. In exceptional circumstances however, where it is not practical or viable to provide on-site affordable housing, provision can be from an alternative site or a financial contribution towards securing affordable housing elsewhere in the city. This will be considered when both on and off-site provision has been shown to be impossible.
- 5.63 The development as proposed is currently for 142 residential units and the expectation is for 43 of these units to be affordable. The developer has however made no provision for affordable housing on site and there is no indication contributions will be made elsewhere in the City. The required procedure in such circumstance is for the Applicant to submit a Development Viability Assessment to set out the scheme's finances which is then assessed by the LPA; one such report was submitted as part of the application bundle.
- 5.64 This report has been reviewed by Dixon Searle Partnership (DSP), a firm of independent viability consultants selected by the Council and their report has been shared with the applicant and Council Officers.
- 5.65 The applicant's viability assessment used a standard residual land valuation (RLV) model to help establish whether it was financially viable to include any affordable housing. The RLV was derived by assessing the assumed value of the completed development (based on values as at the point of application) and deducting from this the development costs, including the developer's profit. The Applicant included an assumption of a profit of 20% for an open market scheme and assumed blended 17.65% profit (on GDV) for a policy-compliant scheme (i.e. with Affordable Housing) for the sake of the assessment. The National Planning Practice Guidance advises, for the purpose of Plan making, that 15-20% of GDV may be considered a suitable return to developers for open market developer, and a lower level for affordable housing.
- 5.66 The Applicant's calculations showed both the policy-compliant scheme and the open market scheme to be in 'deficit', at £3,706,944 and £1,985,340 respectively. Meaning that however, with the same baseline cost and value figures re-presented, but with a lower developer's profit inputted, both schemes would 'break even'. It has been calculated that would be achieved with 6.9% profit on the policy-compliant scheme, and 14.9% profit on the open market scheme. Therefore, were the developer to accept a

lower profit than the broad market acceptance of 15-20%, I believe both a policy-compliant scheme or an open market scheme are deliverable, based on the Applicant's figures.

- 5.67 Notwithstanding the above, DSP have assessed the developer's inputs, and does not agree with them all. They consider the following are too high: Ground Rent Yield, Build Costs, Legal Fees, Profit (should be 17.5%). DSP also re-consider the Development Timings – they use a monthly distribution of costs and revenues rather than the submitted quarterly basis. DSP have re-run the finances on the above basis and conclude that both the policy-compliant scheme and the open market scheme would actually be in surplus, whilst also achieving 17.5% profit. The surpluses would be £716,011 (for an affordable housing policy compliant scheme) and £2,688,815 (for a 100% market housing scheme).
- 5.68 DSP have noted in their summations - In summary, we consider that the scheme's viability appears to have been understated. We have not found a nil AH Affordable Housing position to be justified or suitable from a viability point of view. In our view, the scheme has the potential to support up to the fully policy compliant level of affordable housing based on the available information at this stage.
- 5.69 It must be noted that the figures used for the Consultant's assessment were based on the development as was originally submitted. Since revisions in early November, 15 units have been designed out and an updated review is awaited. It is however not anticipated that the updated Appraisal awaited (to account for the 15 fewer units now proposed) will significantly change the scheme's viability. If so, and based upon the LPA's consultants' analysis, it is expected the development will continue to be able to make provision for Affordable Housing.
- 5.70 The exact nature and location of such housing would be negotiated and agreed and could include offsite provision through financial contribution if it was felt that this would be more appropriate in discussion with the Council's Housing team. It should also be noted that the 'surplus' anticipated, of at least £716,011 (subject to review of the scheme with 15 fewer units) can also be required to contribute to funding the necessary mitigation costs for nitrate neutrality, discussed elsewhere in this report, and secured through a s106 agreement.
- 5.71 In light of the overall recommendation for refusal (see below), no s106 agreement has been progressed on this site, and as such these matters remain reasons for refusal, however In the event of all other matters being resolved/found to be acceptable to Members, the application could be approved, with the Applicant being required to enter into a legal agreement to secure Affordable Housing. Failure to enter into such a legal agreement for these purposes, though, would still constitute a Reason for Refusal.
- 5.72 Environmental matters:
- 5.73 Contaminated land
- 5.74 The Team has confirmed there is the potential for contamination to exist on the site due to its location and past use. A number of suggestions to update the applicant report have

been made and it is expected that further information would be required to assess the level of contamination and agreement would be required for mitigation. This information could be requested and secured by condition.

5.75 Drainage

5.76 The site lies within Flood Zone 1 and is therefore at low risk of flooding. The application is supported by a detailed flood risk assessment which the Council's Drainage Engineer after review has found to be lacking in detail on a drainage strategy. The Team has also noted that ground water investigation is lacking in the report. These can however be secured by an appropriately worded condition to ensure that the development would achieve satisfactory drainage and not increase flood risk to the site in accordance with Policy PCS12 of the Portsmouth Plan. There was also the suggestion for the Applicant to explore 'green roof' opportunities.

5.77 Biodiversity and Biodiversity Impact

5.78 Policy PCS13 of the Portsmouth Plan seeks to enhance and develop the City's green infrastructure network and ensure that developments achieve a net gain in biodiversity value where possible.

5.79 The nature of the site is such that there are very limited opportunities for biodiversity to thrive. The application is supported by an Ecology report, which notes that the site has limited ecological value, comprising predominantly hardstanding around the buildings and only species that occur within buildings will be found on site. The report notes that outbuildings on site were determined to have the potential to accommodate bats and foraging birds but follow up field assessments were inconclusive on the presence of either.

5.80 Given the limited ecological value of the existing site, the proposed development offers the potential to create an enhancement in biodiversity and the submitted report includes a mitigation and enhancement plan. Measure proposed to achieve this include 16 bat boxes and 16 bird boxes installed on all elevations of Blocks. There is an objection raised by Hampshire Swift with regards to the inadequacy of the measures being taken by the applicant however, what is proposed are 2 blocks of flatted development and not 142 separate residential units. More could be done but Officers welcome these measures as outlined. In the event of a consent being granted, a condition to address ecology and sustainability measures would be attached.

5.81 In addition to the bird and bat boxes, revisions to the layout of the blocks has expanded the soft landscaping that would be achieved through the development. It is considered these measures as outlined in the submitted Ecology Report would improve biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan.

5.82 Impact on the Solent Special Protection Areas

5.83 The Conservation of Habitats and Species Regulations 2017(as amended) and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for

which Portsmouth Harbour is designated, or otherwise affect protected species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

- 5.84 It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure as well as an increase in nitrogen and phosphorus input into the Solent causing eutrophication.
- 5.85 Recreational pressure:
- 5.86 In relation to recreational pressure, the Solent Recreation Mitigation Strategy (Bird Aware), which came into place in April 2018, sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. Appropriate mitigation in the form of a financial contribution towards the Solent Recreation Mitigation Strategy can be secured through a legal agreement. In the event of a consent being granted. This development would be required to make a contribution of £60,188 on this year's rates via legal agreement.
- 5.87 Nitrates:
- 5.88 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy.
- 5.89 The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicants to explore their own Mitigation solutions first. These solutions could be:
Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or, Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation.
- 5.90 If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development. The Council's Mitigation Strategy will then sets out the charging amount per new dwelling.
- 5.91 Having regard to the above, the applicant has confirmed that they are unable to provide nitrate mitigation via Option 1 or 2 and would therefore like to provide mitigation using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition could be imposed on the development which prevents occupation until the mitigation is actually

provided, i.e. the credits are purchased.

5.92 Therefore in response to the objection raised by Natural England, the nitrates mitigation could be provided by way of the condition and legal agreement subject to further consultation with Natural England. For this reason, it is not considered the development would have a significant detrimental effect on the features of the Solent Special Protection Areas. However, and as explained elsewhere in this report, the development is not supported for other reasons and so a legal agreement will not be progressed. Therefore, in the absence of an appropriate legal agreement to secure mitigation for the above matters, the effects of the development on the SPAs constitutes a further Reason for Refusal.

5.93 Community Infrastructure Levy (CIL)

5.94 The development would be liable for contributions towards the Council's Community Infrastructure Levy (CIL), the money from which would be used to improve infrastructure throughout the city. This could include improvements to flood defence infrastructure, public open spaces, public realm enhancements and contributions to city wide strategic schemes.

6.0 CONCLUSION

6.1 This application raises a number of issues which require careful attention and these have to be balanced in light of the assessment carried out above. On the one hand, the application site is well-located within an urban area close to amenities such as shops, services, public open space and public transport and is acceptable in principle for a mixed residential / commercial development. The development would also provide the benefit of contributing towards housing supply in the City which currently cannot demonstrate a 5 year housing supply.

6.2 Unusually for a scheme of this scale, the Applicant did not engage the Local Planning Authority prior to making the application. As there is no objection in principle to the uses, the roof top extensions to Block A, and a much smaller Block B, the Applicant was invited to amend the scheme, with significant changes necessary. Such changes were not forthcoming as part of the amended plans.

6.3 The development as proposed is considered to be lacking in quality and there are several material considerations which the scheme falls short on: the scale-of Block B is not considered appropriate for the site context. The development would have undue negative impact on the amenity of residents of the neighbouring Portland Terrace. The residential provision is also considered to be below the usual required standard with some proposed internal areas not meeting national minimum standards. This is in addition to the poor outlook that will be afforded to future residents (Block B).

6.4 From the applicant's own service arrangement plan, it is clear there will be highway conflict as the basement ramp off Portland Road is too narrow and so would cause vehicles to back up on to the highway.

6.5 The development also crucially fails to enhance heritage assets at the neighbouring Grade II listed building and the Owen's Southsea Conservation Area and the benefits do not outweigh the harm it would cause. Finally, the viability report submitted has been found in an

initial review to be unacceptable in justifying the lack of provision of affordable housing on the site.

6.6 In light of the above, the harm posed by the development demonstrably outweighs the benefits. I consider the development unacceptable as it constitutes unsustainable development and should be refused for the reasons stated below.

Recommendation REFUSAL

Reason(s) for refusal

1. The proposed development by virtue of the siting and scale of Block B would be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development. The block would be out of character and would fail to relate appropriately to its surrounding context. The development fails to provide an excellent standard of design and would therefore be contrary to the aims of the NPPF (2012) and Policy PCS23 of the Portsmouth Plan (2012).
2. The development, by virtue of its scale and position would not preserve or enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of the adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework (2019) and to Policy PCS23 of the Portsmouth Plan (2012).
3. Elements of the proposed development, by virtue of its scale and position would adversely affect amenity for existing surrounding residents, and for its own future residents, due to poor light, outlook and privacy. The proposal is therefore contrary to the National Planning Policy Framework (2019) and Policy PCS23 of the Portsmouth Plan (2012).
4. In the absence of a suitable legal agreement to secure appropriate mitigation measures for the increase in recreational disturbance and increased discharge of nitrogen and phosphorous into the Solent water environment, the development would have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF (2019), Policy PCS13 of the Portsmouth Plan (2012) and the Conservation of Habitats and Special Regulations (as amended) (2017).
5. The application fails to propose Affordable Housing, yet the Local Planning Authority considers there is sufficient finance for the development to meet this policy requirement. In the absence of a suitable legal agreement to secure Affordable Housing, the proposal conflicts with PCS19 of The Portsmouth Plan (2012) and the provisions of the National Planning Policy Framework (2019).
6. The submitted Transport Assessment fails to justify the impact the proposed new ramp access would have on highway capacity and the free flow of traffic on the neighbouring carriageway. It is concluded the proposal would have a detrimental impact on local highway capacity therefore would be contrary to Policy PCS17.