

# **PLANNING COMMITTEE 8 DECEMBER 2021**

**10:30 AM COUNCIL CHAMBER,  
GUILDHALL**

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

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

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

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

### **REPORTING OF CONSULTATIONS**

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

### **APPLICATION DATES**

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

### **HUMAN RIGHTS ACT**

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

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

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# 01

21/01129/FUL

WARD: CHARLES DICKENS

**SITE OF FORMER VICTORIA BATHS, LAND IN VICTORIA PARK & LAND TO THE SOUTH OF RAILWAY LINE ANGLESEA ROAD PORTSMOUTH**

**CONSTRUCTION OF A NEW TWELVE-STOREY TEACHING AND LEARNING BUILDING (USE CLASS F1(A) EDUCATION) AND ASSOCIATED LANDSCAPE AND ACCESS WORKS**

**LINK TO PUBLIC ACCESS WEBSITE:**

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qx220smo0mp00>

**Application Submitted By:**

Freeths LLP  
FAO Mr Daniel Hyde

**On behalf of:**

University Of Portsmouth Higher Education Corporation

**RDD:** 26th July 2021

**LDD:** 16th November 2021

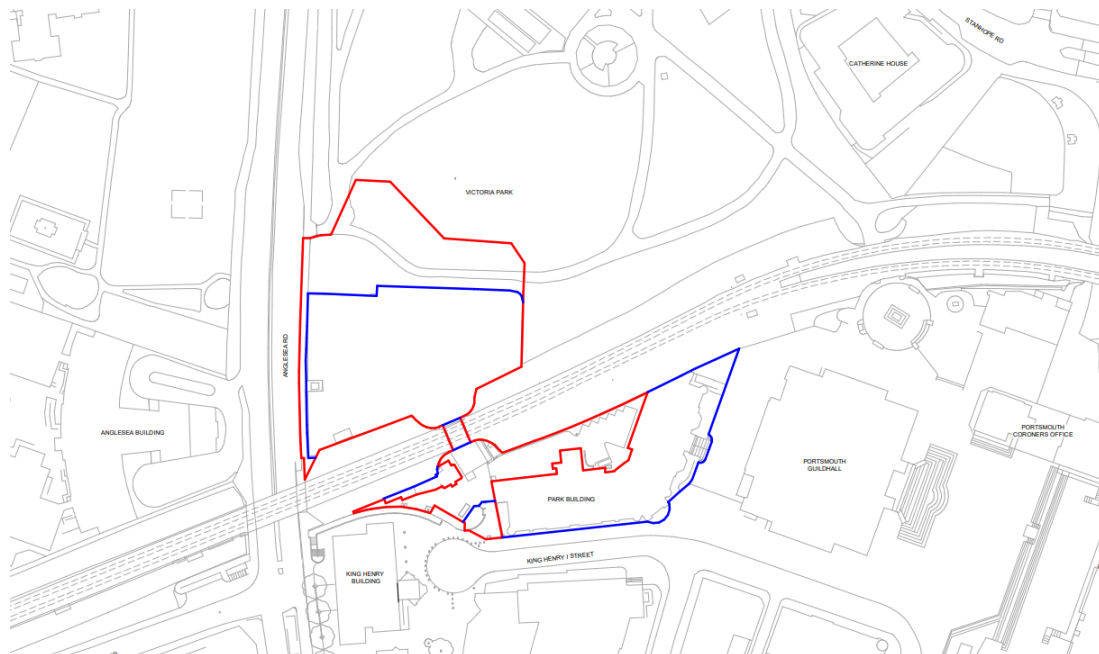
## **1. SUMMARY OF MAIN ISSUES**

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

- Principle of Development;
- Design and impact on the character and appearance of the area and associated heritage assets
- Physical impact on the park, overshadowing and reduced sunlight.
- Impact on amenity;
- Highways impacts;
- Sustainable design & construction;
- Ecology & impact on the Solent Special Protection Areas;
- Other matters.

### 1.2 Site and surroundings

1.3 The application site comprises the former Victoria Swimming Centre which is now levelled and enclosed with hoardings. It is bounded by Victoria Park to the north and east, the railway line to the south and Anglesea Road to the west. Additional land is included to the south of the railway, forming part of the University of Portsmouth's Park Building, and the tunnel beneath the railway. A small part of Victoria Park is also within the application site, as shown below (a blue line indicates applicant's land ownership, a red line indicates the application site). None of the land within the Park is to be sold to the applicant.



- 1.4 The new building would be sited on the northern part of the site, with the southern part used mainly for access and parking from the Guildhall area. The northern part of the site benefits from dropped kerbs accesses directly from the A3 Anglesea Road.
- 1.5 The southern site currently forms part of servicing and parking areas associated with the University's King Henry and Park Buildings. Vehicular access to this area is through stone and brick gate pillars off King Henry I Street leading to a turning area and car parking for staff of the University's Buildings. The railway underpass access into the site faces onto this area, however, it is currently blocked with a single storey service building that would be demolished.
- 1.6 In terms of planning policy, the site lies within the Portsmouth City Centre, where Policy PCS4 applies, and it is allocated for tall buildings development by Policy PCS24. The site and the surrounding area is designated Conservation Area: the Guildhall & Victoria Park, Conservation Area No 18, which includes numerous listed buildings, structures and scheduled monuments. Victoria Park is a Grade II Registered Park and Garden. The nearby listed buildings include the Park Building (Grade II), The Guildhall (Grade II), and St John's Cathedral (Grade II).
- 1.7 Photographs of the site:



Photo 1: Looking south-east across Victoria Park.



Photo 2: The site and north elevations of the Park Building, with the Guildhall tower to the left.



Photo 3: Looking east along the site's northern boundary to the park.



Photo 4: Looking east Anglesea Road

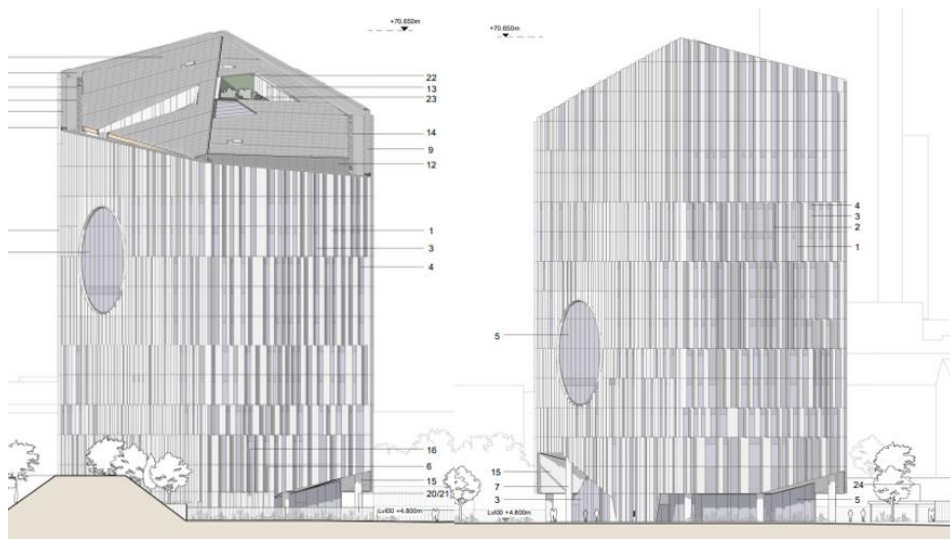
## 1.9 The proposal

- 1.10 The application seeks planning permission for the construction of a 12-storey (a maximum height of 65.85m, a maximum of 21,701m<sup>2</sup> Gross Internal Area, 24,899 sq.m Gross External Area) building housing teaching and administrative facilities for around 4,720 people (including an estimated 750 employees in academic and support functions).
- 1.11 The proposal includes the opening of the railway walkway linking with King Henry I Street to reinstate the former underpass pedestrian access. The building would be set back from the Park edge by a minimum of 6.2m, set back from Anglesea Road by a minimum of 5.2m, and lie to the north of the railway land by a minimum of 12.5 m.
- 1.12 As shown below, the building would have chamfered edges and a 6-sided building form. The roof height would be angled and would slope down towards the east. The main features of the building would include a glazed entrance facing north and two, large circular oculus windows, on the northern and southern elevations.



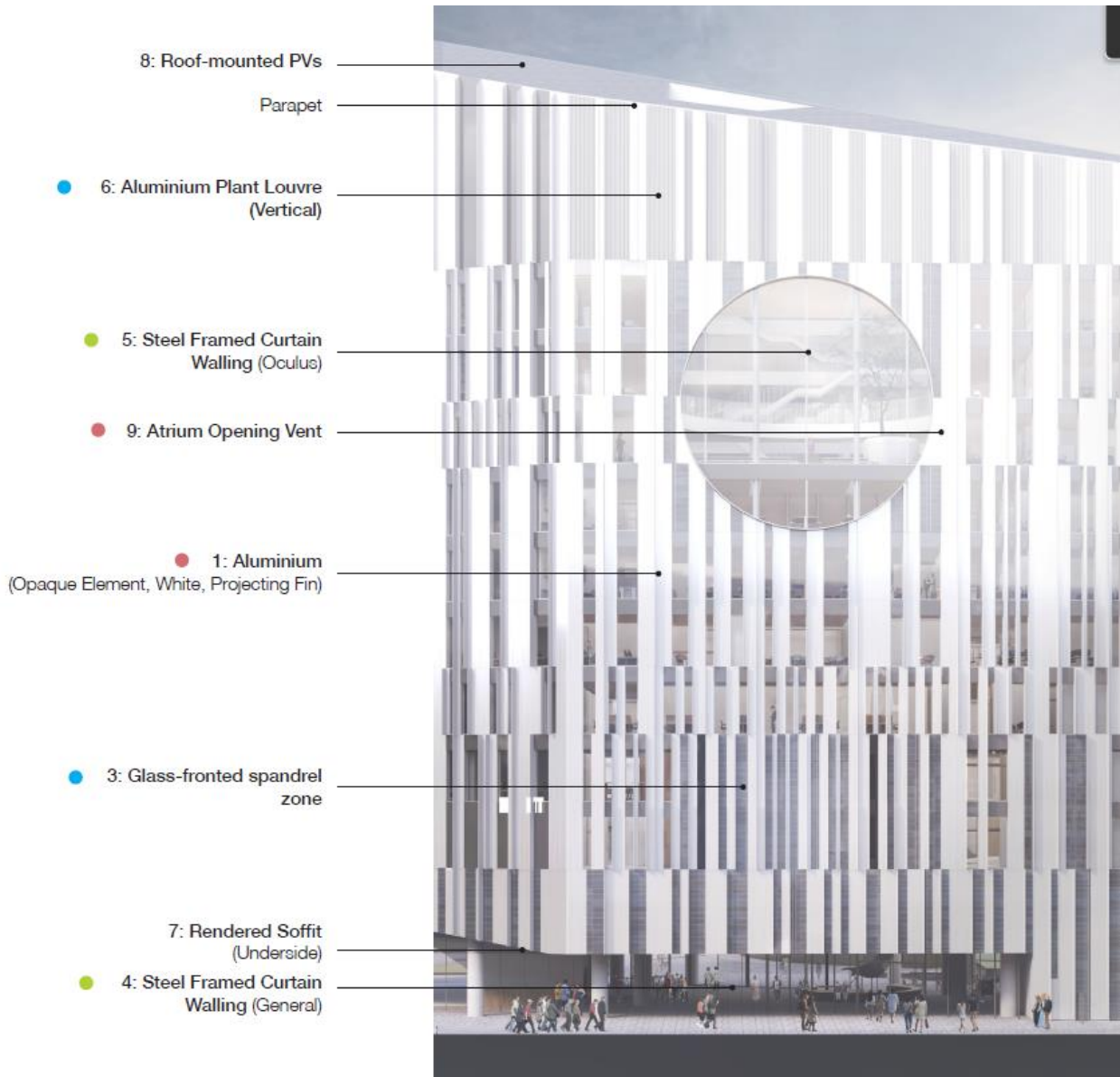
Northern Elevation

Southern Elevation



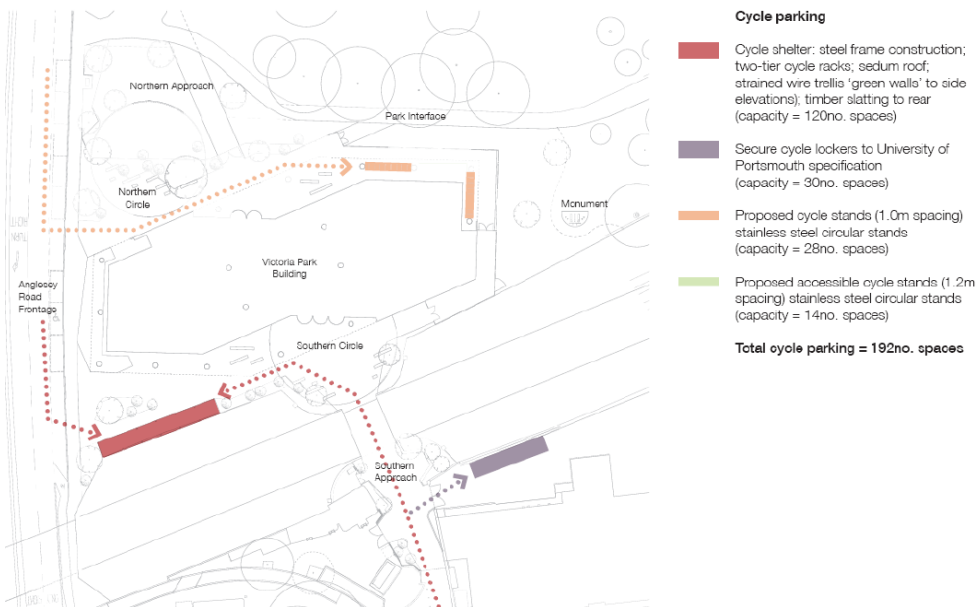
Eastern and Western Elevations

1.13 The external materials would include aluminium cladding (opaque and white) with projecting fins, a ceramic back-painted spandrel and aluminium framed fixed windows. The rooftop would be covered with a photovoltaic array.



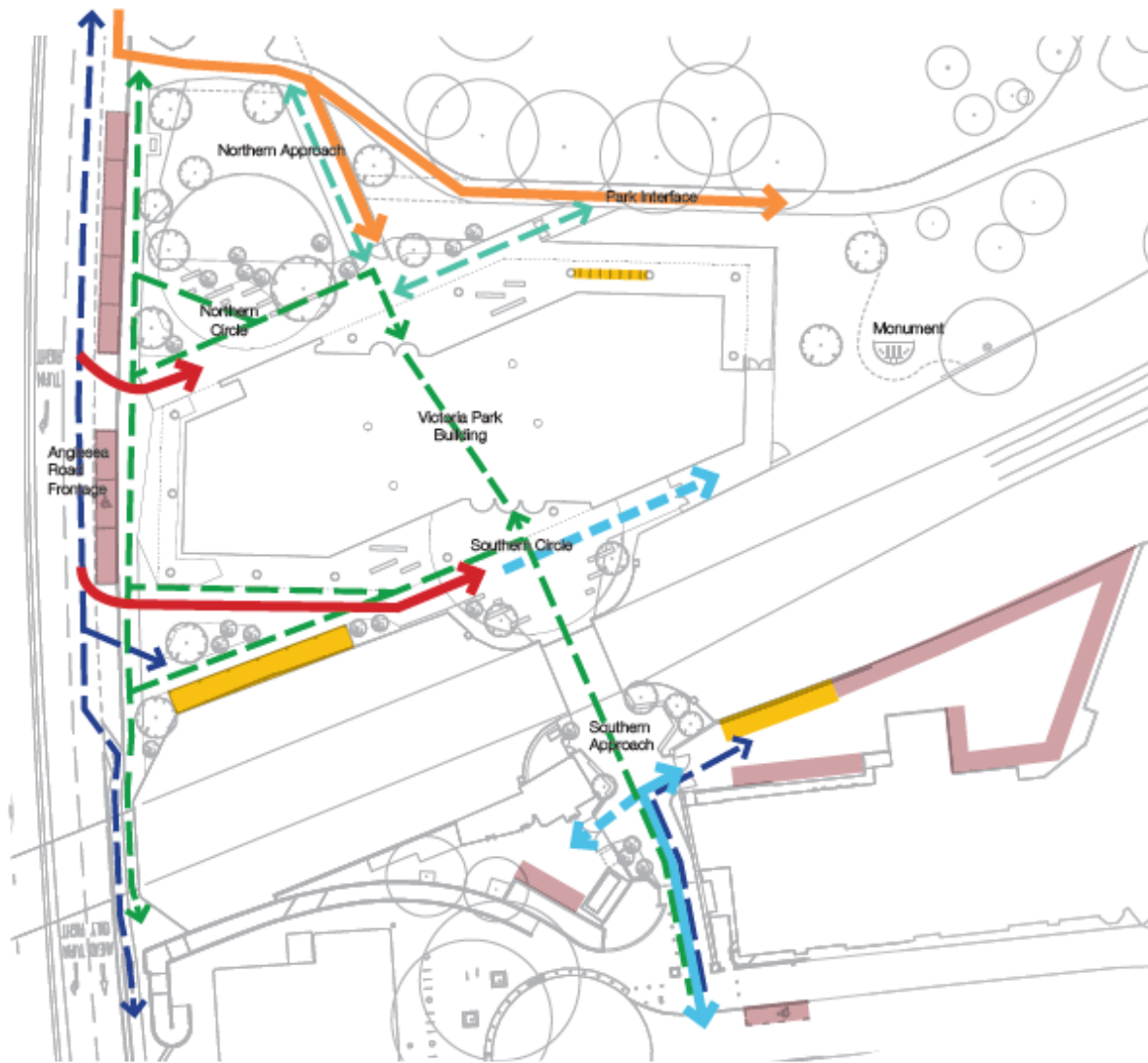


1.14 The development would provide no on-site parking for either staff or students. The application proposes 192 cycle spaces with the majority of cycle parking to be located within the southern parts of the site in a form of sheltered cycle parking and lockers, as shown below.



1.15 Vehicular access for emergency only would be provided from Anglesea Road and for servicing from King Henry I Street via an upgraded route under the Victoria rail arch to Park Building. An informal drop-off area would be provided towards the south of the site along King Henry I Street. The diagram below, indicates the detailed access strategy.





Access, circulation & maintenance plan

- |  |   |  |  |
|--|---|--|--|
|  | Primary pedestrian circulation              |  | Maintenance/ servicing vehicle access        |
|  | Pedestrian access during park opening hours |  | Occasional maintenance access - mobile crane |
|  | Cycle access                                |  | Cycle parking                                |
|  | Vehicle access                              |  | Vehicle parking (blue badge & maintenance)   |
|  | Emergency vehicle access                    |  |  |

1.16 A hard and soft landscaping scheme, including pedestrian routes around the perimeter of the building linking with Victoria Park and beyond also forms part of the proposal as well as a lighting strategy including downlighting within the undercrofts, pole-mounted lighting columns to direct light onto primary circulation spaces, up-lighting to trees and feature lighting in the underpass.

1.17 The drainage strategy proposes to drain the site to an existing public sewer located to the west of the site on Anglesea Road, using a flow control to limit discharge to required flow rates. The area to the south of the railway would utilise existing private drainage. In addition, Sustainable Urban Drainage (SuDS) would be implemented in

the form of attenuation (a perforated pipe system provided below permeable paving), porous paving and open water features.

- 1.18 The foul drainage strategy proposes to utilise connections to the below-ground network at the “Break Chamber” manhole, a pump station located below the proposed building's basement slab as well as to an existing private manhole located on the Anglesea Road pavement.
- 1.19 Internally, the building would provide a general and specialist teaching and learning accommodation, a 500 seat didactic lecture theatre and two 250 seat collaborative lecture theatres, learning, research and innovation, student support services, general administrative space and facilities for conferences. There would be a 'market hall' entrance area including ground floor café and reception area, and a restaurant and external roof terrace (580m<sup>2</sup> restaurant providing approximately 100 covers). The restaurant would primarily cater for students and staff but would also be used for conferences and other university events.
- 1.20 The building's operational hours are proposed to be 07:00-00:00, including flexibility to open later for evening events. The pedestrian gates to the park would be closed daily at dusk, in accordance with the closure of the rest of the park entrances.
- 1.21 The proposed building would house existing departments (primarily the Faculty of Business and Law and the Faculty of Humanities and Social Sciences) which currently are accommodated within other University buildings. The relocation of these departments would free up buildings and associated land creating an opportunity for future redevelopment.
- 1.22 Planning history
- 1.23 **A\*22405** - Rebuild Public Baths. Permission. 22.12.1958
- 1.24 **09/00910/CON** - Demolition of the existing building. Conservation Area Consent. 25.08.2009
- 1.25 **11/00072/CON** - Demolition of single storey building adjacent to railway underpass to facilitate access from King Henry I Street to Victoria Park. Conservation Area Consent. 21.03.2011
- 1.26 **11/00071/FUL** - Construction of 33 storey student halls of residence, and 6 storey building for the University of Portsmouth, including re-opening of underpass below railway line to provide pedestrian link from King Henry I Street to Victoria Park. Conditional Permission. 03.06.2011
- 1.27 **21/00002/EIASC**R - Environmental Impact Assessment Screening Opinion for the proposed construction of new teaching and learning building (Class F1). EIA not required.

## 2. POLICY CONTEXT

### 2.1 Portsmouth Plan (2012):

- PCS4 Portsmouth city centre
- PCS13 a greener Portsmouth
- PCS14 a healthy city
- PCS15 sustainable design and construction
- PCS17 transport
- PCS23 design and conservation
- PCS24 tall buildings

### 2.2 Portsmouth City Local Plan (2001 - 2011) - retained policy January 2012:

- Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan.

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

### 2.4 Other guidance:

- National Planning Policy Framework (2021);
- National Planning Practice Guidance;
- National Design Guide (2019);
- The City Centre Masterplan (2013);
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- Tall Buildings SPD (2012);
- Sustainable Design & Construction SPD (January 2013);
- Reducing Crime Through Design SPD (March 2006);
- Achieving Employment and Skills Plans (July 2013);
- Air Quality And Air Pollution SPD (March 2006);
- Guildhall & Victoria Park, Conservation Area No 18, Guidelines for Conservation.

### 2.5 Emerging policies in the New Portsmouth Local Plan

The emerging policies currently are at an early stage and carry limited weight, however they indicate the future vision for the City and in particular the City centre. The key points are:

- Transport policies emphasise the need to reduce the need to travel, prioritise walking, and cycling, and support and encourage use of public transport modes and improve accessibility to local facilities, ensuring safe and suitable access for all users. Support for infrastructure for charging plug-in electric vehicles and other ultra-low emission vehicles
- Sustainability: Non-residential development of more than 1000 sq metres (gross floorspace) expected to meet BREEAM 'Excellent'. Public realm projects would require an appropriate assessment against the Civil Engineering Environmental Quality Assessment and Awards Scheme (CEEQUAL), or an equivalent scheme. Climate change: emphasis on fabric efficiency (cooling, heating and lighting).
- Support for the University of Portsmouth in the enhancement and development of its estate and campus to enable it to deliver high-quality and world-renowned facilities and education.
- Improvement to entrances, edges and approaches to Victoria Park to increase its attractiveness and use.

### 3. CONSULTATIONS

- 3.1 **Natural England** - no comments offered as the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 3.2 **Hampshire Ecologist** - no objection subject to condition(s) securing appropriate bird/bat boxes and a sensitive lighting scheme.
- 3.3 **PCC Conservation Officer** - the siting of a building in this location is accepted; agrees with conclusions contained in submitted Heritage Statement in respect of impacts on the Park Building, The Guildhall and the Conservation Area; notes the development would have a minor impact on the setting of the Roman Catholic Cathedral. In terms of impact on Victoria Park, increasing a buffer zone between the Park and the development to allow the Park to perform its historical and current task as per the original design and avoiding further eroding of its aesthetic value (how we experience the Park) which contributes to its overall significance should be a key consideration. In the context of its neighbours in terms of built heritage and the enjoyment of Victoria Park, re-assessment should be given to the massing. The re-opening of the railway arch giving access to King Henry I Street is welcomed, and it will acknowledge and illustrate the ongoing development of the City and the Park's function within it. The arch should be visible when walking along that boundary with the proposal. Development of this scale should achieve a high level of heritage gain which would be delivered by incorporating this element.
- 3.4 **Historic England** - identifies less than substantial harm through the erosion of the setting of the grade II listed Park Building and Guildhall; notes it is the Local Planning Authority's duty to conclude whether the public benefits of the proposal outweigh the identified harm to the conservation area and its designated heritage assets.
- 3.5 **Hampshire Archaeologist** - no objection subject to a condition securing an appropriate level of archaeological recording informed by a clear understanding of the nature of the proposed foundation/impact and the putative archaeology of the site.
- 3.6 **Network Rail** - no objection, identifies numerous construction and operational safety and other matters to be agreed between Network Rail and the applicant.
- 3.7 **Office for Nuclear Regulation** - no comments, recommends that the PCC Emergency Planning Board is consulted instead.
- 3.8 **PCC Emergency Planning** - have no concerns for this development and its impact on the off-site emergency planning arrangements under Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2019.
- 3.9 **Portsmouth Water** - no adverse comments from a groundwater quality perspective as the site is located outside a Source Protection Zone for one of our public water supply sources.
- 3.10 **Southern Water** - no objection subject to condition securing acceptable details of the proposed means of foul sewerage and surface water disposal.
- 3.11 **Lead Local Flood Authority** - no objection, comments only in relation to infiltration testing and details of on-site rainwater strategy.
- 3.12 **Southern Electric** - no objection, comment only, advises the applicant to be aware of live electricity cables within the area of works.

- 3.13 **Hampshire Fire & Rescue Service** - no objection.
- 3.14 **Hampshire Constabulary (Crime Prevention Design Advisor)** - Victoria Park and King Henry I Street are both places from which regular reports of crime and disorder are received; underpasses are places with a higher vulnerability to crime and disorder, recommends a number of safety measures, including (but not limited to) CCTV cameras; high level of lighting; removal of cycle anchor points from the underpass.
- 3.15 **Local Highway Authority** - no objection, the proposal would not result in a severe cumulative impact upon the highway network or a risk to highway safety. Conditions recommended (vehicular access details, kerbs reinstatement, travel plan).
- 3.16 **PCC Contaminated Land Team** - no objection, subject to conditions: standard investigative study and testing, with subsequent mitigation as necessary.
- 3.17 **PCC Community Infrastructure Levy (CIL) Officer** - the proposed development is for educational use, so has no CIL liability (£0 charge).
- 3.18 **PCC Environmental Health** - do not envisage any adverse impacts or loss of amenity.
- 3.19 **PCC Waste Management Service** - no objection.
- 3.20 **PCC Parks and Open Spaces** - raises concerns, including over impact of additional footfall on Victoria Park and no mitigation proposed, including support the outcomes of the National Lottery funded project; overshadowing and its impact on existing trees, biodiversity value and amenity areas; the area proposed for the southern footpath is prone to flooding; proposed planting is not in keeping with Victoria Park; inappropriate access on the northern approach; locking arrangements; land ownership including access for maintenance/emergency vehicles.
- 3.21 **PCC Landscape Group** - raises concerns over impact on Victoria Park (overshadowing, wind, additional footfall); an awkward approach through a railway tunnel; concerns over landscaping scheme, including the choice of planting.
- 3.22 **PCC Arboricultural Officer** - no objection, the content of the Arboricultural Impact Assessment is accepted and agreed.
- 3.23 **Coastal Partners** - no objection in principle re tidal flood risk, advises that the applicant prepares a Flood Warning & Evacuation Plan in accordance with advice from the Environment Agency, and for occupants of the building to sign up to the Environment Agency's Flood Warning Service.
- 3.24 **Building Control Partnership** - comments only, matters raised relate to access and facilities for fire-fighting appliances and personnel; re-use of existing piles and placement of new piles; fire engine turning area to the south.
- 3.25 **The Portsmouth Society** - raises objection on the basis of shading of large areas of the park and having a deleterious effect on the flora and fauna. Supports design and sustainable design measures incorporated in the building, but considers lack of consideration was given of the need for a crossing on Anglesea Road.
- 3.26 **Environment Agency** - no comments received.
- 3.27 **Civil Aviation Authority** - no comments received.
- 3.28 **Health & Safety Executive** - no comments received.

- 3.29 **Marine & Coastguard Agency** - no comments received.
- 3.30 **Defence Estates (SW Region)** - no comments received.
- 3.31 **Air Ambulance** - no comments received.
- 3.32 **The Gardens Trust** - no comments received.
- 3.33 **Hampshire Garden Trust** - no comments received.
- 3.34 **The Royal Society for the Protection of Birds** - no comments received.
- 3.35 **PCC Disability Access Advisor** - no comments received.
- 3.36 **PCC Asset Management Service** - no comments received.
- 3.37 **PCC Planning Policy** - no comments received.
- 3.38 **PCC City Centre Manager** - no comments received.
- 3.39 **PCC Health Development Manager** - no comments received.

#### **4. REPRESENTATIONS**

- 4.1 Eight public representations have been received. This consists of seven objections and one letter of support.
- 4.2 Matters of objection are as follows:
- it's far too big; overbearing effect on Anglesea Road; casting a shadow on Anglesea Road;
  - unsuitable use to its location;
  - disruption of the visual skyline, the size of this proposed building will clash disastrously with the existing skyline;
  - completely out of character with its surroundings;
  - disruption of sunlight and associated solar warming due to the buildings size and location, this will not only impact the parks users but also the flora, including some of it's (possibly protected) trees;
  - the building will have significant and permanent negative effects on the social benefit Victoria Park provides;
  - impact on the special character of the park the 'Victoria Park and Guildhall conservation area', would completely block out of the view of the Guildhall;
  - this proposal is the antithesis of what stood on the site before and the old swimming pool should serve as a good indicator as to the correct density for this particular site.
  - From the Friends of Victoria Park: most of the building will be above the tree line, and since it is also very deep, most of the view south will be of this building. The illusion of tranquillity will be lost to future generations. Any loss of sunlight constitutes a loss to the whole community. The area immediately under the shadow cast will be the new events space of the forthcoming National Lottery Heritage Fund project programme for the park.

4.3 Matters of support were received from Stephen Morgan MP, as follows:

- the building will further enhance the University's already well-established reputation as an anchor institution in our city, putting Portsmouth on the map at a national and global level;
- the building will offer an impressive step change in the quality of the surrounding public realm and its accommodation;
- the building would also enhance the University's already important contribution to our City's economy. An economic impact study calculated that in 2019/20, the university created an economic contribution of £505 million Gross Value Added (GVA) and 7,130 jobs in Portsmouth; £658 million GVA and 8,800 jobs in the Solent Region; and £1.4 billion GVA and 14,910 jobs in the UK;
- the University has ambitions to make the building net zero carbon ready, integrated solar panels which will produce renewable power;
- a wildflower garden would promote biodiversity.

4.4 **Publicity dates**

- Neighbour letters sent: 27.08.2021
- Site Notices displayed: 02.09.2021
- Press Notice published: 03.09.2021

**5. COMMENT**

5.1 Principle of Development

5.2 The application site is located within a City Centre location where Policy PCS4 applies. The policy as a whole encourages development that will transform the city centre into the economic, social and cultural focus of south east Hampshire by providing a wide range of uses (such as retail, employment, and cultural facilities) that add to the vitality and vibrancy of the city and support economic growth. The City Centre Masterplan SPD (January 2013) is also relevant. It expands upon this policy and sets a vision '*to transform the city centre into the economic, social and cultural focus of southeast Hampshire and to create a prominent and welcoming city centre identifying this should be a place for people to work, shop, live and visit.*'

5.3 Furthermore, a planning permission (11/00071/FUL) has been previously granted on this site for a construction of 33 storey student halls of residence, and 6 storey building for the University of Portsmouth, including re-opening of underpass below railway line to provide pedestrian link from King Henry I Street to Victoria Park. The development was implemented by way of foundations work and as a result the site has an extant permission, i.e. that development could be continued.

5.4 The determination of the application will be subject to important considerations set out in the rest of this report but otherwise the principle of this development is considered to be acceptable.

5.5 Design and impact on the character and appearance of the area and associated heritage assets

5.6 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*"

- 5.7 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.8 Policies PCS23 (Design & Conservation) and PCS24 (Tall Buildings) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; and provides protection of important views. PCS4 states: *'The buildings in the city centre will be the architecture that defines the city and should be of exceptional quality...Collectively they should create a city centre of which Portsmouth can be proud. The city centre is the ideal place for extraordinary designs for ordinary buildings such as offices and housing as well as key landmarks such as new shopping facilities and public art. In addition, the public realm and landscaping of new developments should also be of an exceptional quality.'*
- 5.9 The City Centre Masterplan SPD (January 2013), expands upon these policies and sets a vision for the redevelopment of the city centre: *'The Vision: to create a vibrant and successful city centre that is the beating heart of our great waterfront city. This centre will include welcoming gateways, beautiful streets, lively and distinctive spaces and delightful buildings, whilst enhancing the city's heritage assets. The area will be transformed into a quality place where people choose to live, work, study, visit and invest'*.
- 5.10 As recommended by the NPPF (Paragraph 133), the proposal was presented to the Design South East Review Panel during the course of pre-application discussions (28/05/2021). The Panel were generally supportive of the proposal commending the detailed and clear presentation of *"a well thought-through proposal for a new academic building that has the potential to be a valuable addition to the University of Portsmouth campus"*. The Panel recognised the proposal as a *"considered response to a complex site comprising multiple constraints"*.
- 5.11 *The following key comments were also made:*
- 1. 'Address the southerly approach to the building from King Henry I street and create a public area by removing the morgue and other structures in this space and relocating relevant uses.*
  - 2. Work much more closely with the council's Parks and Open Spaces team and Landscape Architects to ensure a collaborative approach to placemaking and a strengthened relationship with Victoria Park.*
  - 3. Raise the environmental ambitions; as a substantial public-sector building this should be an exemplar carbon net-zero project.*
  - 4. Further develop the edge conditions of the site to successfully celebrate the journey from beyond the site boundary, into the site and to the building itself.*



5. *Reconsider the amenity strategy, with greater consideration given to where the recreational and leisure uses will be when Victoria Park is closed. If there is the opportunity for outdoor amenity in the southern area of the site to the north of the railway, this should be described in a situated ground floor plan drawing.*

6. *Strengthen the landscaping strategy and optimise the bio-diversity contribution as far as possible, including within the building.*

7. *Incorporate further depth and relief into the façade, to form a closer visual link with the original sculptural aspirations and sense of connection to the city'.*

- 5.12 Whilst the various aspects of the design have not changed in response to this feedback, Officers consider this not to be necessary to support it. In terms of landscaping and how it would fit within the Park, discussions with the Parks Team are ongoing. This is set out in more detail in the following paragraphs.
- 5.13 Informed by the Panel's feedback, in terms of massing, scale and form, Officers consider the proposal would be sympathetic to its surrounding context and the six-sided form would be an acceptable addition to the existing cluster of tall buildings in the City Centre. The orientation of the massing would address appropriately against the railway viaduct and the archway. The oculi windows would create a visual connection between the building and the Park.
- 5.14 Due to its height, the building would be visible from many short and long-distance viewpoints, as well as in the context of heritage assets located nearby. The application is supported by a Visual and Landscape Impact Assessment which explores the townscape character of the site and the surrounding context and evaluates the change resulting from the proposed development (also taking into consideration cumulative impacts resulting from future developments, such as the tower at 56 Arundel Street, north of the city centre between the M275 and the former Tricorn car park on Market Way, etc. as well as planned development opportunities in the immediately surrounding area of 'Station Street' and identified in the City Centre Masterplan SPD).
- 5.15 The Assessment recognises that "*The architecture within the local area is of mixed styles including a range from Victorian to early 21st Century development with a number of features contributing positively to the local townscape value.*" It classes the application site as of a low visual value and the immediate context as of a high value. The Assessment then concludes that the visual impacts of the proposal would be localised and that the townscape is tolerant of change in the form of a high quality built development. The visual impacts of the completed development are expected to be largely beneficial. This is due to the contribution of the proposal to townscape improvements relating to legibility and quality of architecture, appropriate scale for the existing context, a high-quality frontage onto Victoria Park, as well as transformation of the existing derelict land into a location for ambitious, forward-thinking and sustainable architecture.
- 5.17 Aside from Heritage matters, Officers concur with these findings and, for the above reasons, consider the development to be an appropriate addition to the existing townscape, which already contains a number of tall buildings. In terms of long-distance views, such as from Portsdown Hill, Portchester Castle or Gosport Waterfront, the proposed development would be seen within the context of other tall buildings located in the City centre and Gunwharf Quays etc. and would not significantly alter the City skyline. In reaching this conclusion, Officers place significant weight on the specific design concept, the architectural detailing and high quality materials and finishes indicated within the application drawings and supporting information. Deviation from these particulars could compromise the overall design concept resulting in a materially

different proposal for which a separate judgement of acceptability would need to be made.

- 5.18 The application proposes a detailed soft and hard landscaping scheme, within the Applicant's land, as well as in Victoria Park. The proposed soft landscape strategy includes a wildflower meadow, linear beds and additional trees. The PCC Parks and Open Spaces Department and the PCC Landscape Group raised concerns over the choice of planting in the park area and how it would relate to the character of Victoria Park. Further discussions with the applicant are ongoing and the details of species, location and number would be secured with an appropriately worded condition to be discharged before the proposed development is first occupied. Details of any landscape works to and maintenance of any land outside of the applicant's ownership would be subject to relevant agreements and licenses from the PCC Property Team and PCC Parks and Open Spaces.
- 5.19 In terms of impacts on heritage assets, the National Planning Policy Framework (2021) expects development to be classified as either causing no harm, less than substantial harm, or substantial harm. The application is supported by a Built Heritage Statement that concludes that some elements of the scheme would cause a 'less than substantial harm' to the significance of the Grade II listed Park Building and Guildhall, the Guildhall and Victoria Park Conservation Area and the Grade II Registered Park and Garden, Victoria Park. Historic England, as a statutory consultee, commented that the proposal "*would harm the character and appearance of the conservation area by introducing a building of a size that is incongruous with the late 19th century urban grain*" and the setting of the Grade II listed Park Building and Guildhall. Consequently, Historic England recommended that the identified less than substantial harm is balanced by the Local Planning Authority against the public benefits of the proposal, in line with Paragraph 202 of the NPPF (2021). This planning balance is undertaken in the concluding sections of this report.
- 5.20 Physical impact on the park, overshadowing and reduced sunlight
- 5.21 Concerns have been raised by consultees and third parties as reported above, over the resultant overshadowing and reduced sunlight in the Victoria Park. The application is supported by a Daylight, Sunlight and Overshadowing Assessment. The Assessment adopts the methodology recommended by the Building Research Establishment (BRE) report BR209, 'Site layout planning for daylight and sunlight: A guide to good practice', second edition, 2011. The guidance for existing open spaces requires that at least half of the open space should receive at least two hours of sunlight on 21<sup>st</sup> March and should not be reduced to less than 0.8 times its former value (existing situation) with the proposed development in place. The Assessment identified that currently Victoria Park has a baseline of 99.85% of its area receiving at least two hours of sunlight on 21<sup>st</sup> March. With the proposed development this value would reduce to 99.47%, which is above the BRE compliance level (for illustration, the existing (grey) and resultant (yellow) shadow paths on 21<sup>st</sup> March are shown on the diagrams below). Therefore, it is concluded that the proposed development would be acceptable in terms of resultant permanent and transient overshadowing.



Figure 7—6 Transient overshadowing between 7.00 and 20.00 from the measured sunlight hours caused by the proposed and surrounding buildings at the 21<sup>st</sup> of March

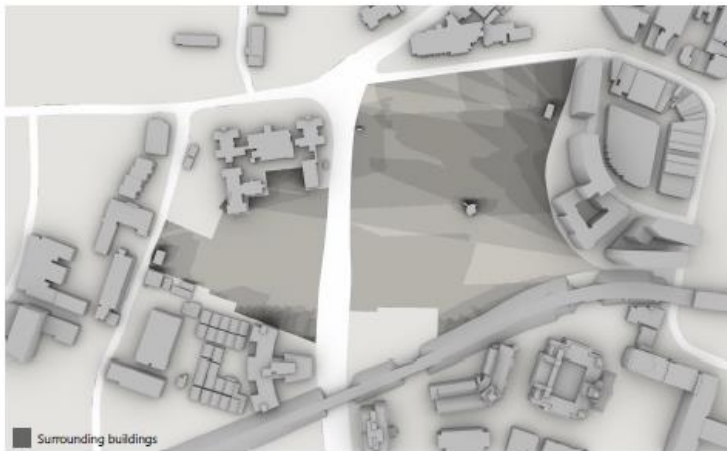
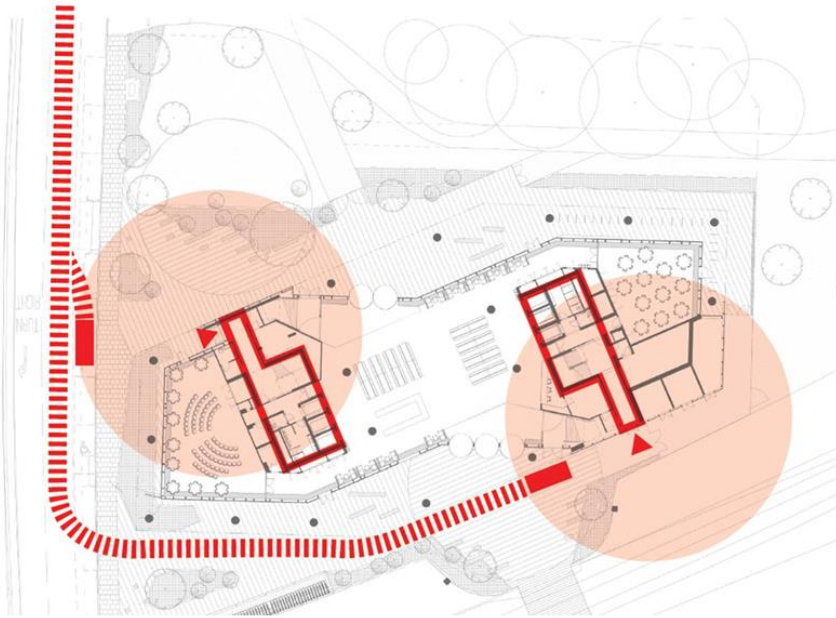


Figure 7—7 Transient overshadowing between 7.00 and 20.00 from the measured sunlight hours caused by the surrounding buildings at the 21<sup>st</sup> of March

- 5.22 In terms of impact on the trees located within Victoria Park, the submitted Arboricultural Impact Assessment confirms that the reduction in light levels would be unlikely to have a significant effect on the growth or health of the trees. Direct sunlight is not essential for tree growth and growth is much more likely to be limited by the availability of water and nutrients in a heavily compacted rooting environment. The Council's Arboricultural Officer supports the findings and recommendations of the submitted Assessment.
- 5.23 Concerns have been raised over increase in footfall and use of the park by students accessing and existing the building. Whilst there is a potential for the intensification of use of Victoria Park, this would not be different from intensification of use of any other public open space in the City as a result of a new development that attracts people to the City to live, work, visit or study. The Council's current Infrastructure List (under Regulation 123) lists infrastructure which may be wholly or partly funded by existing funds obtained through Community Infrastructure Levy. The list includes funds towards, inter alia, green infrastructure (including play areas, open spaces and parks) and recreational facilities (including cultural and sports facilities).
- 5.24 Impact on amenity
- 5.25 Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect amenity.

- 5.26 Most of the surrounding buildings are either of such a distance away from the development as for the development not to result in an unacceptable loss of light or overshadowing, and/or they are in education/office use. The Daylight, Sunlight and Overshadowing Assessment mentioned above assessed potential impacts on nearby buildings, in terms of sunlight and overshadowing using BRE standards. Overall, the Assessment identifies that any adverse impact would be minor in degree, with 99.5% of assessed windows meeting the BRE criteria for sunlight and 97.4% of windows meeting the criteria for daylight.
- 5.27 In addition, the PCC Environmental Health Officer has commented that the proposed development would unlikely to result in any adverse impacts or loss of amenity and no objection has been raised. Therefore, Officers consider the proposal to be acceptable in terms of impact on amenity.
- 5.28 Highways impacts
- 5.29 The application site is located within a highly accessible City Centre location, a short walk from a wide range of shops, services, employment, recreational facilities, University facilities and transport connections including Portsmouth and Southsea railway station.
- 5.30 The application and the supporting Transport Statement has been considered by the Local Highways Authority (LHA) who raises no objection to the proposal. The LHA noted that the new southern link would be welcomed as it would reduce the number of pedestrians using and gathering on footways along Anglesea Road. The new tunnel link would help to guide building users towards the safe crossing point at Anglesea Road and help to reduce the risk of accidents.
- 5.31 Vehicle access points to the site would only be required for maintenance purposes and for emergency vehicles. The vehicle crossover to the southern edge of the site accessible from Anglesea Road would be retained to allow access to the plant compound proposed to be located in the south-east corner of the site. The LHA is content that the proposed access arrangement would be safe.



*Fire engine access*

- 5.32 Any historic dropped kerbs not to be used in association with the proposed development would be reinstated to full height kerbs. Works to the Highway would be subject to the relevant legal agreements including any Traffic Regulation Orders needed to alter parking/loading restrictions.
- 5.33 In terms of trip generation, the LHA is content that any additional staff movements are unlikely to result in a material impact upon the highway network given that these trips would be occurring throughout the day and not all at peak times. Furthermore, there is not practically any capacity improvements to be made within the city centre highway network and as such the management of trips can and should be managed through the University's own travel plan.
- 5.34 In terms of student vehicular movement, the LHA is content that the on-street and off-street parking provision around the city centre area would likely to be sufficient to accommodate the demand for parking, particularly as much of this demand would likely be operating a relatively fast turnover with lectures typically only being 1-2hrs in duration. Student parking demand can and should also be managed via the University Travel Plan, with use of the City's Park & Ride and the University's own bus service encouraged.
- 5.35 Turning to conferencing facilities within the development, the LHA notes that these would be a consolidation of more disparate existing facilities in other buildings and would bring them closer to the city centre and therefore transport links. It is also noted that conferences generally only take place outside of term time and therefore there would be no crossover with day-to-day teaching/learning activities. The building capacity itself would limit use and therefore the impacts would be expected to be similar or more likely less than the "business as usual" uses. The University also actively promotes sustainable travel choices to their visitors including making use of Park & Ride and train services and do not issue permits for any of their car parks. Therefore, it is expected many visitors would likely use sustainable forms of transport to access the building.
- 5.36 The cycle parking would be in line with BREEAM standards, the vast majority of which would be in secure lockers.

5.37 Highways, as well as ecological impacts arising from construction traffic can be controlled and managed through a Construction Environmental Management Plan (CEMP).

#### 5.38 Sustainable design & construction

5.39 All new development in the City must comply with the relevant sustainable design and construction standards as set out in Policy PCS15 and the 'Sustainable design and construction' SPD. Both the policy and SPD require that non-residential developments which involve the construction of more than 500sqm of new floorspace must achieve a BREEAM level of 'excellent' from 2013 onwards.

5.40 The application is supported by a Sustainability Statement which sets out the proposed sustainable, low and zero carbon (LZC) technologies to be incorporated within the building, including:

- Heating and cooling via air source heat pumps.
- Reuse of existing pile foundations on the site.
- Low VOC (volatile organic compounds) finishes to ensure indoor air quality.
- LED lighting scheme.
- Low energy chilled beam system with free cooling from the chalk aquifer below the building
- Sealed façade to minimise heat loss and to protect from noise and air pollution.
- Natural light into the heart of the building.
- Floor void air distribution to offer enhanced air quality.
- High performance façade.
- Solar PV roof.

5.41 In addition, the building would be entirely without gas combustion, minimising local air quality impacts; it would incorporate recycled materials, including recycled aggregates in mass concrete, cement replacement in structural concrete, and recycled steel. Moreover, the project aims to divert 95% of construction waste from landfill and incorporates storage to allow appropriate segregation of waste in operation to facilitate reuse and recycling.

5.42 Internally, amongst other sustainable features mentioned above, the water fixtures and fittings would be highly efficient to minimise water consumption.

5.43 Overall, the proposed strategies aim to achieve a BREEAM 'Outstanding' standard, which exceeds the requirements of Portsmouth Plan Policy PCS15. In terms of CO<sub>2</sub> emissions, the proposed design would achieve an approximately 15% improvement of the minimum requirements of Part L of the Building Regulations without the use of LZC technologies and approximately 40% improvement with the use of these technologies. The reduction in CO<sub>2</sub> emissions through the use of LZC technologies is approximately 30%, which is greater than the 10% reduction required by PCS15, demonstrating compliance with the policy.

#### 5.44 Ecology & impact on the Solent Special Protection Areas

5.45 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 as a Special Protection Area, 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.

- 5.46 The application is supported by an Ecological Appraisal which assesses the effects of the proposed development on the ecology of the site and the surrounding area and including a desk study and Phase 1 habitat survey, extended to identify and assess habitat features of significance and with potential to support protected species, and a ground level assessment of any buildings and trees on site to support roosting bats.
- 5.47 The Appraisal reveals no bats or evidence of bats, that the site has potential to support breeding birds but not any other protected or priority species, and that the site is located a sufficient distance away from the statutory and non-statutory designated sites to result in a significant adverse effect on the sites.
- 5.48 The proposal would provide biodiversity enhancement through, inter alia, soft landscaping and green roofs, and the vegetated embankment alongside the railway line would be unaltered and would remain as an ecological corridor.
- 5.49 Natural England, as a statutory consultee, offered no comments on the application as it has been concluded that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 5.50 The HCC Ecologist has also commented and raised no objection subject to a condition securing appropriate bird/bat boxes and a sensitive lighting scheme.
- 5.51 In light of the above, subject to conditions, Officers consider the application to be acceptable in terms of impacts on ecology.
- 5.52 Any ecological impacts arising from construction can be controlled and managed as part of the Construction Environmental Management Plan (CEMP).
- 5.53 Other matters
- 5.54 A portion of the application site includes the Council's land. The application proposes to use this land for a soft and hard landscaping as well as for construction works compound. Details relevant to the construction works, post-construction maintenance, as well as associated short or long-term agreements or licences and any fees would be agreed between the PCC Parks, the PCC Property Team and the applicant.
- 5.55 In terms of detailed drainage strategy (surface water and foul), the Environment Agency did not offer comments. The Coastal partners and the Lead Local Flood Authority commented on the submission and did not raise objection. Therefore, the application is considered acceptable in terms of flooding and drainage. Southern Water has confirmed there is infrastructure capacity to accommodate additional drainage resulting from the proposed development and any associated connections will be agreed with and licensed by Southern Water. Southern Water raised no objection to the application subject to a condition securing acceptable details of the proposed means of foul sewerage and surface water disposal. Subsequent to that, more detail has been provided by the applicant in order to satisfy the requirements of the recommended condition. At the time of writing this report, further comments from Southern Water are awaited.
- 5.56 In terms of fire safety, Building Control Partnership commented that the fire engine turning area to the south of the building would not meet the size standard specified in the Building Regulations. The applicant has confirmed that the building overhang would allow for a large appliance to pass under and therefore meeting the standard.
- 5.57 Network Rail has provided comments on the application and specified detailed matters to be agreed between Network Rail and the applicant.

- 5.58 In terms of archaeology, the HCC Archaeologist raised no objection subject to a condition securing an appropriate level of archaeological recording informed by a clear understanding of the nature of the proposed foundation/impact and the putative archaeology of the site. Further discussion between the applicant's archaeologist and HCC identified a specific area within the application site that would be a subject of archaeological evaluation and mitigation.
- 5.59 In respect of concerns over crime, in particular in relation to Victoria Park and King Henry I Street being both places from which regular reports of crime and disorder are received, Officers consider that the improved lighting, CCTV coverage, carefully selected planting species together with the additional activity resulting from the use of the proposed development as well as the presence of the building with its illuminated entrance, would animate the areas near the underpass and satisfactorily reduce the opportunity for crime.
- 5.60 Planning balance
- 5.61 The application proposes to re-use a brownfield site located within a prominent, City Centre location for the provision of a high architectural quality, low carbon, landmark academic building. The proposed development would enhance not only the University's teaching and learning facilities, but also the City's built context and, most of all, the competitive advantage of Portsmouth in attracting skilled professionals and young talent. This is particularly important at times when cities no longer operate locally or nationally but are a part of multinational urban network influenced by global economies and investment that has the potential to improve their local prosperity and global urban ranking.
- 5.62 In addition, the proposal would allow further future investment and improvement in the City Centre following the demolition and/or re-use of out-dated University buildings to be vacated once the proposed development can be occupied. This is particularly important for the recovery of the City from the effects of the pandemic.
- 5.63 Furthermore, in terms of more localised benefits, the application proposes to restore the north-south pedestrian underpass to Victoria Park which would reinstate an important pedestrian link with the wider City Centre. In addition, the associated public realm enhancements of this area together with an increased activity would contribute towards improved public safety and security.
- 5.64 The proposal would provide biodiversity enhancement through, inter alia, a soft landscaping, green roofs, provision of planting to benefit pollinators and other invertebrates, utilisation of native species and species with a known benefit to wildlife, incorporation of bat and/or bird nesting boxes and insect hotels.
- 5.65 The submitted assessments demonstrate that the proposal would have acceptable impacts on Victoria Park and surrounding amenities, in particular in terms of overshadowing and sunlight. Potential highway implications have been satisfactorily addressed not to cause an unacceptable impact on highway safety or the road network.
- 5.66 In terms of short-term benefits, the construction phase, planned over 24 months, would create new jobs that would also increase demand for local businesses and services contributing towards the vitality and viability of the City Centre and wider city economy.
- 5.67 Officers place significant weight on the above public benefits.



- 5.68 Historic England identified a 'less than substantial harm' from the proposed development through the erosion of the setting of the grade II listed Park Building and Guildhall. In particular, the proposed development's visibility behind the buildings when viewed from the east and south-east would remove the ability to appreciate their decorative rooflines which contribute to their architectural interest.
- 5.69 In accordance with Paragraph 202 of the NPPF (2021) Officers note the public benefits of the proposed development, as detailed above, and consider that these benefits would outweigh the identified harm to the conservation area and its designated heritage assets. Officers also consider that the proposal represents the highest possible standard of design and architecture that would respect the local scale, elevations, features and materials, in line with the requirements set out in the Guildhall and Victoria Conservation Area: Guidelines for Conservation. Finally, given the building's high profile, it is considered that the proposed location is the best location for the proposed development and that any harm identified has been minimised through design to the greatest extent possible.
- 5.70 Officers consider the scheme to be of a high quality with important benefits to the City, and that it would constitute Sustainable Development. As such, it is recommended for planning permission.

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

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

### **Conditions**

#### **Time Limit**

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

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

#### **Approved Plans**

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

NVPB-FCBS-XX-10-DR-A-0201 Rev P05 Status S2, GA PLAN - LEVEL 00  
NVPB-FCBS-XX-10-DR-A-0202 Rev P05 Status S2, GA PLAN - LEVEL 01  
NVPB-FCBS-XX-10-DR-A-0203 Rev P05 Status S2, GA PLAN - LEVEL 02  
NVPB-FCBS-XX-10-DR-A-0204 Rev P05 Status S2, GA PLAN - LEVEL 03  
NVPB-FCBS-XX-10-DR-A-0205 Rev P02 Status S4, GA PLAN - LEVEL 04  
NVPB-FCBS-XX-10-DR-A-0206 Rev P05 Status S2, GA PLAN - LEVEL 05  
NVPB-FCBS-XX-10-DR-A-0207 Rev P05 Status S2, GA PLAN - LEVEL 06  
NVPB-FCBS-XX-10-DR-A-0208 Rev P05 Status S2, GA PLAN - LEVEL 07  
NVPB-FCBS-XX-10-DR-A-0209 Rev P05 Status S2, GA PLAN - LEVEL 08  
NVPB-FCBS-XX-10-DR-A-0210 Rev P05 Status S2, GA PLAN - LEVEL 09  
NVPB-FCBS-XX-10-DR-A-0211 Rev P05 Status S2, GA PLAN - LEVEL 10  
NVPB-FCBS-XX-11-DR-A-0212 Rev P05 Status S2, GA PLAN - LEVEL 11  
NVPB-FCBS-XX-12-DR-A-0213 Rev P05 Status S2, GA PLAN - LEVEL 12  
NVPB-FCBS-XX-B1-DR-A-0200 Rev P05 Status S2, GA PLAN - BASEMENT  
NVPB-FCBS-XX-RF-DR-A-0214 Rev P05 Status S2, GA PLAN - ROOF  
NVPB-FCBS-XX-ZZ-DR-A-0010 Rev P03 Status S2, SITE LOCATION PLAN - EXISTING  
NVPB-FCBS-XX-ZZ-DR-A-0011 Rev P03 Status S2, SITE LOCATION PLAN - PROPOSED

NVPB-FCBS-XX-ZZ-DR-A-0025 Rev P02 Status S2, SITE DEMOLITION PLAN  
 NVPB-FCBS-XX-ZZ-DR-A-0020 Rev P03 Status S2, SITE PLAN - EXISTING  
 NVPB-FCBS-XX-ZZ-DR-A-0021 Rev P03 Status S2, SITE PLAN - PROPOSED  
 NVPB-FCBS-XX-ZZ-DR-A-0022 Rev P02 Status S2, SITE TOPO PLAN - EXISTING  
 NVPB-FCBS-XX-ZZ-DR-A-0700 Rev P03 Status S2, GA SECTIONS  
 NVPB-FCBS-XX-ZZ-DR-A-0801 Rev P02 Status S2, GA ELEVATION - NORTH  
 NVPB-FCBS-XX-ZZ-DR-A-0802 Rev P02 Status S2, GA ELEVATION - EAST  
 NVPB-FCBS-XX-ZZ-DR-A-0803 Rev P02 Status S2, GA ELEVATION - SOUTH EAST  
 NVPB-FCBS-XX-ZZ-DR-A-0804 Rev P02 Status S2, GA ELEVATION - SOUTH  
 NVPB-FCBS-XX-ZZ-DR-A-0805 Rev P02 Status S2, GA ELEVATION - WEST  
 NVPB-FCBS-XX-ZZ-DR-A-0806 Rev P02 Status S2, GA ELEVATION - NORTH WEST  
 NVPB-FCBS-XX-ZZ-DR-A-0852 Rev P02 Status S2, ILLUSTRATIVE CONTEXT ELEVATION - EAST  
 NVPB-FCBS-XX-ZZ-DR-A-0853 Rev P02 Status S2, ILLUSTRATIVE CONTEXT ELEVATION - SOUTH EAST  
 NVPB-FCBS-XX-ZZ-DR-A-0855 Rev P02 Status S2, ILLUSTRATIVE CONTEXT ELEVATION - WEST  
 NVPB-FCBS-XX-ZZ-DR-A-0856 Rev P02 Status S2, ILLUSTRATIVE CONTEXT ELEVATION - NORTH WEST  
 NVPB-LUC-XX-00-DR-L-1001 Issue P02 GENERAL ARRANGEMENT - NORTH 1 OF 2  
 NVPB-LUC-XX-00-DR-L-1002 Issue P02 GENERAL ARRANGEMENT - SOUTH 2 OF 2  
 NVPB-LUC-XX-11-DR-L-1010 Issue P02 GENERAL ARRANGEMENT - ROOF TERRACE  
 NVPB-LUC-XX-DR-L-4001 Issue P02 OUTLINE SOFTWARES PLAN  
 NVPB-LUC-XX-00-DR-L-2001 Issue T01 HARD SURFACING PLAN  
 TRUNCATION MODEL AND PROPOSED AREA OF EVALUATION PLAN by RPS Group, CH01328  
 NVPB-BHE-XX-XX-RP-YI-0003 Revision P02 ACCESS STATEMENT, 28 June 2021  
 NVPB-BHE-XX-XX-RP-YI-0003 Revision P02 AIR QUALITY ASSESSMENT, 18 June 2021  
 NVPB-BHE-ZZ-ZZ-PR-YS-0001 Revision P01 Daylight, Sunlight and Overshadowing Assessment, 2 July 2021  
 NVPB-FCBS-XX-XX-RP-A Design & Access Statement  
 JCH01328 ARCHAEOLOGICAL DESK-BASED ASSESSMENT, 29 June 2021  
 NVPB-BHE-XX-XX-RP-YM-0001 0044603 Revision P03 Ecological Appraisal, 23 June 2021  
 NVPB-BHE-ZZ-ZZ-RP-YS-0401 Revision P03 Solar Glare Assessment, 2 July 2021  
 NVPB-BHE-XX-XX-RP-YW-0001 0044603 Revision P02 Wind Microclimate Assessment, 18 June 2021  
 NVPB-BHE-ZZ-ZZ-RP-C-0002 0044603 Revision P02 Drainage Strategy Report, 2 July 2021  
 JCH01328 Built Heritage Statement v.1.4, 29 June 2021  
 NVPB-BHE-XX-XX-RP-CG-0001 0044603 Revision P03 Ground Engineering Desk Study, 29 June 2021  
 NVPB-BHE-XX-XX-RP-CG-0004 0044603 Revision P02 Geotechnical and Geoenvironmental Interpretative Report, 29 June 2021  
 1808 Arboricultural Impact Assessment, 15 October 2021  
 NVPB-BHE-ZZ-ZZ-RP-YA-0001 0044603 Revision P03 Noise and Vibration Report, 2 July 2021  
 TOWN PLANNING STATEMENT, 19 July 2021  
 NVPB-BHE-ZZ-ZZ-RP-YS-0001 0044603 Revision P03 Sustainability Statement, 28 June 2021  
 NVPB-BHE-ZZ-ZZ-RP-C-0004 0044603 Revision P04 Transport Statement, 20 July 2021  
 Reason: To ensure the development is implemented in accordance with the permission granted.

**Contaminated Land: Prior to Demolition / Commencement**

3) No demolition works shall occur until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

- a) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive

asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

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

#### **Contaminated Land: Prior to Ground Works**

4) No works (referring to ground works and/or amendment to the substructure) pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A risk assessment report (or addendum submission) updating the conceptual model in both the desk study report (*Ground Engineering Desk Study NVPB-BHE-XX-XX-RP-CG-0001 P03 Buro Happold Dated 29th June 2021*), and site investigation report (*Geotechnical and Geoenvironmental Interpretative Report NVPB-BHE-XX-XX-RP-CG-0004 P02 Buro Happold Dated 29th June 2021*). This update is to be undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the building(s), land, and wider area, including obtaining and reviewing reports, petroleum storage records. The report shall update the conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for any further site investigation, if necessary, along with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 and 2 report). 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 confirm it can be made so by remediation ('Phase 1 and 2 report').

b) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion ('Phase 3' report).

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

#### **Contaminated Land: Prior to Occupation**

5) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 4) b above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance

with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions 4b.

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

### **Archaeological Evaluation**

6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until the applicant has secured a programme of archaeological evaluation for the area identified on a Truncation Model and proposed area of evaluation plan (by RPS Group, CH01328), in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority. The WSI should secure an appropriate level of archaeological evaluation ahead of development to ensure that the impact of development on the archaeology of the Portsmouth defences is described to inform future archaeological mitigation.

Reason: To ensure an appropriate level of archaeological monitoring and recording having regard to the potential for features of archaeological interests to have survived within this location in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (2021).

### **Archaeological mitigation**

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until the applicant has secured a programme of archaeological mitigation of impact, in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority. The WSI should secure an appropriate level of archaeological monitoring during the relevant stages of development to ensure that archaeological evidence associated with the Portsmouth defences is recognised and recorded; and

(b) The development shall thereafter continue in full accordance with the WSI approved pursuant to part (a) of this condition.

Reason: To ensure an appropriate level of archaeological monitoring and recording having regard to the potential for features of archaeological interests to have survived within this location in accordance with Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (2021).

### **Construction/Demolition Environmental Management Plan & Construction Traffic Management Plan**

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission (including demolition) shall commence until a Construction Environmental Management Plan (CEMP) including a Construction Traffic Management Plan to cover both demolition and construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: development site compound and hoarding; method of demolition; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas; storage of materials; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/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 demolition and construction works are 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 in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### **Drainage**

9) Notwithstanding the submitted details no works pursuant to this permission shall commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the detail approved.

Reason: In order to ensure minimise flows into the public sewerage network and minimise risks of flooding at adjoining sites and properties in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Drainage (SUDs)**

10) Unless otherwise agreed with the Local Planning Authority in writing, no occupation of the building shall take place until the SUDs scheme for this site has been completed in accordance with the approved plans.

Reason To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Land levels**

11) Notwithstanding the submitted details, no development works other than those of demolition shall take place until:

(a) details of levels, including finished floor levels for the building hereby approved, access roads, footpaths existing and proposed levels of public open space areas and the existing and proposed site contours, shall be submitted to and agreed in writing by the Local Planning Authority.

(b) The development shall only proceed in accordance with the approved details pursuant to (a) of this Condition.

Reason: In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building, in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012), and the National Planning Policy Framework (2021).

### **Landscaping**

12) (a) Notwithstanding the submitted details, no development works other than those of demolition and construction of the building's foundations shall take place until a detailed schedule of a scheme of hard and soft landscaping for the public realm around the building, within the applicant's land ownership and within the land owned by the Portsmouth City Council as indicated on the submitted plans, and also including the roof terrace, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include as a minimum

- vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (ie. furniture, any signs, lighting etc.);
- any proposed and existing functional services above ground (ie. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- boundary treatment, including enclosures and their location, and
- implementation programme.

(b) The development shall be carried out in full accordance with the schedule of materials and species agreed pursuant to part (a) of this Condition and shall be implemented so that planting is carried out no later than in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

(c) All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To secure a high quality setting to the development and ensure adequate external amenity space for future users of the building in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### **Landscape Management Plan**

13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years for all landscape areas within the application site but not within the applicant's land ownership shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To secure a high quality setting to the development and ensure adequate external amenity space for future users of the building in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### **Locking of gates**

14) Notwithstanding the submitted detail, prior to first occupation of the building hereby approved, details of all gates and other openings into the Victoria Park and a plan for managing the locking and unlocking of the gates, including locking and unlocking times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the activities associated with the development hereby approved integrate positively with the operation of the Victoria Park, and to safeguard public amenity and safety in accordance with Policies PCS23 of the Portsmouth Plan (2012).

### **Employment & Skills Plan**

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

(b) The development shall then be carried out in accordance with the Employment & Skills Plan approved pursuant to part (a) of this Condition.

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

### **Vehicle Access**

16) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation of the building, details of vehicle accesses and footway reinstatement shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority); and

(b) The works shall be carried out in accordance with the details approved pursuant to part (a) of this condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980 before the building is first brought into use.

Reason: In the interests of maintaining a safe and efficient highway network in accordance with Policy PCS17 of the Portsmouth Plan and Paragraph 32 of the National Planning Policy Framework.

### **Travel Plan**

17) Notwithstanding the submitted details, prior to first occupation of the building hereby approved, a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

Reason: To minimise impact on the surrounding highway network and to encourage the use of more sustainable modes of transport in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

### **Cycle parking**

18) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until precise details of all bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development shall be occupied/brought into use until its associated bicycle storage facilities have been provided and made available for use in accordance with the details approved pursuant to part (a) of this condition.

(c) The bicycle storage facilities approved pursuant to part (a) of this condition shall thereafter be permanently retained for the storage of bicycles at all times.

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

### **Materials**

19) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until:

i) a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a)i) of this Condition.

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

### **Architectural Detailing**

20) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until precise constructional drawings of key architectural features at a 1:20 and 1:5 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:

- Windows, including oculus: window frame profile/dimensions; method of opening; spandrel panels; perforated panels; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings;
- Glazing and surroundings to ground level including: frame profile/dimensions; doors and glazing types; infill panels; colour treatment;
- Fins
- Roof terrace features including: railings; glazing; handrails; planters;
- Roof mounted photovoltaic panels;
- Soffit treatments;
- Ventilation louvre panels;
- Plant exhaust flues;

- Columns;
  - Lighting;
  - CCTV cameras;
  - The siting and appearance of any permanent, externally-mounted equipment/platforms/cradles required for the cleaning and maintenance of the external surfaces of the building.
- (b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this Condition.

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

**Architectural & Security Lighting** (this also deals with Ecologist's requirement)

21) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition, and construction of the building's foundations shall take place until details of all external lighting schemes (architectural and security, during the operational life of the development) including the number, siting, appearance and specification of any luminaires and details of an on-going maintenance and management strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall take into account: the prominent location of the site within the city centre; height; pedestrian and highway safety; impacts on wildlife immediately outside the existing railway corridor; and residential amenity; and

(b) The lighting schemes approved pursuant to part (a) of this Condition shall be fully implemented as an integral part of the development, completed prior to first occupation of the building and thereafter permanently retained and operated in accordance with the approved maintenance and management strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity having regard to the scale, appearance and prominence of the proposed building, and public safety and to minimise impacts of lighting on the ecological interest of the site, in accordance with Policies PCS13, PCS23 and PCS24 of the Portsmouth Plan (2012), the Tall Buildings SPD (2012), the National Planning Policy Framework (2021) and the aims and objectives of the Reducing Crime Through Design SPD (2006).

**Ecology - biodiversity enhancements**

22) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until a detailed scheme of biodiversity enhancements, to include but not limited to the provision of green roofs, bat and bird boxes, wildflower planting and wildlife links with a mix of native and wildlife friendly shrub or hedge species along the southern boundary of the northern part of the site, to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.

(b) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall be carried out as an integral part of the construction process and verified through photographic evidence submitted to the Local Planning Authority within 6 months of first occupation; and

(c) The scheme of biodiversity enhancements approved pursuant to part (a) of this Condition shall thereafter be permanently retained.

Reason: To enhance biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan (2012), the aims and objectives of the National Planning Policy Framework (2021).



### **Biodiversity Protection**

23) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with measures detailed in Section 1.12.1 'Mitigation measures' of the in the approved Ecological Appraisal (NVPB-BHE-XX-XX-RP-YM-0001 Revision P03, dated 23 June 2021) for the protection of biodiversity on site and nearby. Reason: To ensure the protection of retained habitats and species utilising the application site in accordance with Policy PCS13 of the Portsmouth Plan, the aims and objectives of the National Planning Policy Framework (2021).

### **Refuse Storage**

24) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until facilities for the storage of refuse and recyclable materials have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority; and

(b) The facilities approved pursuant to parts (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).

### **Tree Protection**

25) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the approved Arboricultural Impact Assessment, dated 15 October 2021 (ref. no. 1808) for the safeguarding of trees located within the application site and nearby, within Victoria Park on the boundary with the site not scheduled for removal during the course of the site works and building operations; and

(b) Such methods of safeguarding and protection as set out by part (a) of this condition shall be maintained for as long as construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and to preserve the setting of the neighbouring Registered Park & Garden and conservation area in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

### **TV/Radio Reception**

26) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a baseline TV/radio reception report that records survey data of the existing television and radio equipment signals in the locality; and

(b) Within three calendar months of substantial completion of the building shell, a report to assess the impact the development hereby permitted may have upon television and radio equipment signals in the locality shall be submitted to the Local Planning Authority for approval; and

(c) Within three calendar months of approval of part (b) of this Condition, a detailed scheme to mitigate any significant adverse effects upon TV/radio reception created by the presence of the development upon the occupiers of nearby properties shall be submitted to and approved in writing by the Local Planning Authority; and

(d) Any mitigation measures required by part (c) of this Condition shall be implemented within three calendar months of approval, or within such other period of time as approved in writing by the Local Planning Authority, and thereafter permanently retained.

Reason: To protect occupiers of properties in the vicinity of the site from any adverse impact on TV/radio reception, in accordance with the aims and objectives of the National Planning Policy Framework (2021) and Policy PCS23 of the Portsmouth Plan (2012).

### **Fixed Plant & Equipment Details**

27) (a) Notwithstanding the submitted details, prior to the installation of any fixed plant, mechanical equipment or associated noise attenuation measures, precise details to include: an assessment of noise from the operation of the plant and equipment undertaken using the procedures within British Standard BS4142:2014 and an associated maintenance programme, shall be submitted to the Local Planning Authority for approval in writing. Appropriate measures shall be implemented to ensure that the cumulative noise level from the operation of any proposed plant or equipment will not exceed the following noise levels 1m from the façade of any habitable room; LAeq(1hr) 42dB (07:00 - 23:00hrs) and LAeq(15min) 38dB (23:00 - 07:00hrs); and

(b) Any fixed plant, mechanical equipment or associated noise attenuation measures approved pursuant to part (a) of this Condition shall be installed and thereafter permanently retained and operated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

### **Sustainable Design & Construction**

28) Unless otherwise agreed in writing with the Local Planning Authority, before the building hereby permitted is first brought into use, written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved a minimum level of 'Excellent' in the Building Research Establishment's Environmental Assessment Method (BREEAM), which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global.

Reason: To ensure that the development as built will minimise its need for resources in the interests of mitigating the effects of climate change in accordance with Policy PCS15 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Cleaning & Maintenance**

29) (a) Unless otherwise agreed in writing with the Local Planning Authority, before the building hereby permitted is first brought into use a scheme for the external cleaning and maintenance of the building shall be submitted to and approved in writing by the Local Planning Authority. (b) The development shall be carried out in full accordance with the scheme approved pursuant to part (a) of this Condition and thereafter maintained in accordance with the approved cleaning and maintenance programme.

Reason: To maintain a high quality external appearance to a tall and prominent building in the interests of visual amenity in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings SPD (2012).

### **External Equipment**

30) 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, other than that shown on approved drawings, no structure, plant or apparatus, including equipment for heating, cooling or ventilation purposes, nor satellite antennae, flues, ducts, grilles, vents, soil stacks, pipes, cabinets or similar shall be externally mounted on the building including any works permitted by Part 16 of Schedule 2 of that Order without the prior express permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To ensure this prominent building and its roof remains free of visual clutter in the interests of visual amenity having regard to the specific design of this tall building in accordance with Policies PCS23 and PCS24 of the Portsmouth Plan (2012) and the Tall Buildings Supplementary Planning Document (2012).

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

## REPORT BACK

### **1.0 INTRODUCTION**

- 1.1 The Planning Committee resolved to grant this application at the meeting of 26<sup>th</sup> January 2021, subject to conditions and delegating to Officers the resolution of the necessary Section 106 legal agreement. Members requested a subsequent update report concerning the outcome of the legal agreement, this is the report requested.
- 1.2 Members requested the report to inform them of the outcome of the matter of Affordable Housing.  
For completeness, the legal agreement also addressed matters of mitigation for the effects on the Special Protection Areas (for Recreational Bird Disturbance, and Nitrates), and the provision of the GP surgery (with the Applicant using 'reasonable endeavours' to enter into the Health Facility Agreement, for lease with the NHS).
- 1.3 Affordable Housing
- 1.4 To re-cap, a development of this size has a corresponding policy expectation for the provision of Affordable Housing. That however may be significantly affected by the financial viability of the scheme, and also in this instance, by Vacant Building Credit. Vacant Building Credit is a central Government initiative set out in the National Planning Policy Guidance (NPPG), designed to encourage the re-use of vacant buildings. It provides a financial credit equivalent to the gross floorspace of relevant vacant buildings being brought back into use or demolished on a development site. The credit is offset against the floorspace of the proposed development, and then whatever difference left (if the proposed development is bigger than the existing) is applied as a proportion against what the Affordable Housing contribution would have been. In this instance, as the existing, vacant floorspace was only slightly less than the proposed floorspace, a very limited Affordable housing contribution arose with only four dwellings required to be provided to fully meet the policy requirements of the Portsmouth Local Plan, and even those would still be subject to an assessment of financial viability. As a financial contribution to allow for off-site provision, the equivalent sum is £249,000.

- 1.5 With respect to financial viability, the Applicant made his submissions and responded to Local Planning Authority's (LPA) questions and rebuttals, with the LPA taking independent consultancy advice. The scheme as projected was agreed by the LPA not to yield normal and reasonable profit levels. Therefore, and also in accordance with the NPPG, it was agreed that the development should not have to make Affordable Housing provision. However, as is standard practice, it is recognised that the *actual* development finances, which become realised many months or years after the calculations at planning application stage, may differ from the projections. The legal agreement therefore includes a Review Mechanism, so that were the scheme to achieve normal profit levels, monies would be required to be paid towards Affordable Housing, up to the cap of £249,000. And should that figure be passed, further monies would then be required as a contribution towards Nitrates mitigation, which is otherwise subsidised in this instance by the Council's own Credit Bank in line with the Council's adopted interim mitigation strategy. That sum would not exceed £583,458. Lastly, mitigation for Recreational Bird Disturbance will be paid by the developer: £58,352 into the Bird Aware scheme.
- 1.6 The legal agreement has been completed and the Planning Application was granted Planning Permission on 10<sup>th</sup> November.
- 1.7 Heritage matters
- 1.8 Prior to the issuing of the Decision Notice, a further Heritage matter arose and was addressed, as set out below. It is included in this Report Back for completeness.
- 1.9 The former Knight & Lee Building lies opposite (east) to the former Debenhams store. The Knight & Lee Building, and the various development proposals at the site, were considered as part of the Officer and then Members' assessment of the application at the former Debenhams store, on 26<sup>th</sup> January. Since that date, the former Knight & Lee building was afforded statutory listing, in May. Officers have therefore given consideration whether this change in status of the adjacent building should lead to a different consideration of the proposal at the application site.
- 1.10 The Applicant submitted a revised Heritage Statement, in which in very simply summary it was concluded that the proposed development would cause 'less than substantial harm' (and at the 'lower-moderate end of that scale'). Although not a Statutory consultee for this application, the LPA considered it appropriate to consult the Twentieth Century Society on the changed heritage circumstances opposite the application site.
- 1.11 The Twentieth Century Society objected to the then still-live application at the former Debenhams site. The comments are briefly summarised as: the two-storey roof extension is too substantial, notwithstanding its setback, impacting on the host building and the Grade II Knight & Lee opposite. They did not believe the harm is justified, as it was possible to convert the building while maintaining the existing roofline or having a much smaller extension.
- 1.12 The LPA noted it had already considered the former Knight & Lee site in its assessment of the application. The LPA considered that the amended heritage status of the former Knight & Lee building did not change its assessment of the merits of the proposals at the former Debenhams store. The LPA considered that the less than substantial harm of the proposals upon the setting of the newly-listed building opposite was outweighed by the significant public benefits of the proposed development, including principally the re-use of vacant town centre buildings, and the provision of a large number of new dwellings at a highly sustainable location. The development therefore was still deemed to pass the policy tests of the National Planning Policy Framework, no further assessment was required, and the application could still be granted planning permission upon completion of the legal agreement discussed above.

15 SHADWELL ROAD PORTSMOUTH PO2 9EH

**APPLICATION TO REMOVE CONDITION 4 OF 20/01540/FUL TO ALLOW OCCUPANCY FOR MORE THAN 4 RESIDENTS AND USERS**

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Christian Reynolds

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXDH8QMOKZX00>

**RDD:** 5th August 2021

**LDD:** 11th November 2021

**EOT:** 10<sup>th</sup> December 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 The application is being presented to the Planning Committee as it seeks to remove an occupancy condition imposed by the Committee on Planning Application 20/01540/FUL at its meeting on 21 July 2021. The condition restricts occupancy to four persons, due to the Committee's concern about the adequacy of the property's accommodation (specifically the communal living space) for occupation by six persons that Class C4 would normally confer.

1.2 Site and Surroundings

1.3 The application site comprises a two-storey, mid-terrace dwelling located on the southern side of Shadwell Road. The dwelling is set back from the highway with a shallow-walled forecourt. To the rear of the dwelling is an enclosed garden backing on to properties fronting Oriol Road.

1.4 The area surrounding the application site is primarily residential and characterised by terraced properties.

1.5 Proposal

1.6 The application seeks to remove condition 4 of 20/01540/FUL to allow occupancy for more than 4 residents.

1.7 The applicant refers to the National Planning Policy Framework statement that conditions should only be imposed "*where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*" and challenges whether the condition restricting occupation to only 4 persons meets those tests. The Agent notes that the kitchen is 11.01sqm and the dining room is 14.57sqm and all bedrooms are in excess of 10sqm and concludes that the condition is

incorrect as the proposal accords with policy PCS19 of the Portsmouth Plan (2012), The Houses in Multiple Occupation Supplementary Planning Document (October 2019) and the aims and objectives of the National Planning Policy Framework (2021) and provides the required space for 6-10 occupants.

## 1.8 Planning History

20/01540/FUL - Change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) and Class C4 (house in multiple occupation) - conditional permission dated 23 July 2021.

Condition 4:

The occupation of the development hereby approved shall be limited to 4 [four] residents and users.

Reason: The living accommodation, specifically the communal living space would only provide a good standard of living environment for 4 [four] residents and users to accord with Policy PCS19 of the Portsmouth Plan (2012), the Houses in Multiple Occupation Supplementary Planning Document (October 2019) and the aims and objectives of the National Planning Policy Framework (2021).

## 2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within The Portsmouth Plan would include: PCS20 (Houses in Multiple Occupation (HMOs)), PCS19 (Housing mix, size and affordable homes), PCS17 (Transport), PCS23 (Design and Conservation),
- 2.2 In addition to the above policies, the aims and objectives of the revised National Planning Policy Framework (NPPF) (July 2021), the Council's Houses in Multiple Occupation SPD (October 2019) and Parking Standards and Transport Assessment SPD (July 2014) would also be relevant in the determination of this application.

## 3.0 **CONSULTATIONS**

- 3.1 None

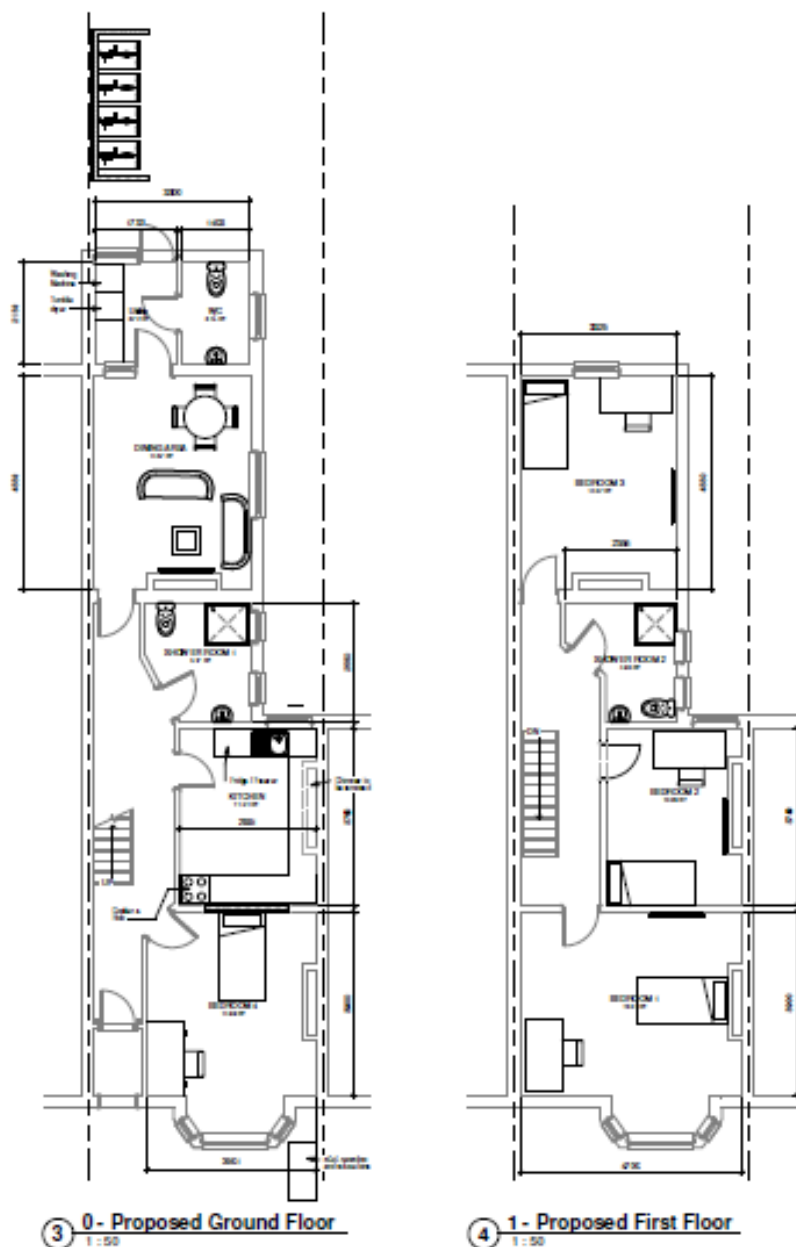
## 4.0 **REPRESENTATIONS**

- 4.1 9 letters of objection (from 7 addresses) and 1 petition of objection (160 signatures from 132 properties primarily in Oriel Road, Shadwell Road, Wadham Road and Ophir Road) have been received, raising the following issues:
- a) call for the council to place a hold on HMO's in this style of property and conduct a review of the policy due to the over development of existing family housing stock into cramped, low quality and poorly managed HMO's causing a negative impact on the community;
  - b) shortage of family homes - existing family homes should be retained;
  - c) the community is concerned about the shift in both the placement and scale of these developments; concern that developers are using policies originally intended for residents to make minor alternations to their homes to over develop them into residential business; using the HMO SPD as a design standard to produce the smallest possible spaces creating social issues;
  - d) do not give up resident democratic rights to have these applications reviewed by elected councillors;
  - e) the planning committee have already broken the principles of its own planning policies by allowing 3 HMO's in a row;
  - f) question the validity of the first decision being considered without the proper democratic representation due to Covid;

- g) the condition is supported as it stops overdevelopment;
- h) the infrastructure, parking availability and services cannot support more occupiers;
- i) need occupancy condition on any C4 applications until there is control over permitted development rights;
- j) consideration should be given to vulnerable residents next door.

## **5.0 COMMENT**

- 5.1 The principle of the flexible Class C3/C4 use has already been established under planning permission 20/01540/FUL. Therefore the only issue for consideration is the standard of accommodation and whether it could support up to 6 residents as opposed to the 4 as limited by Condition 4 of the planning permission.
- 5.2 Standard of Accommodation
- 5.3 The initial application sought a flexible C3/C4 use. The applicant confirmed at the time that the 4 bedrooms would be single occupancy and the layout was considered to satisfy the standards for a 4 person HMO.
- 5.4 However, a Class C4 HMO permission would in planning terms allow occupation by up to six individuals. Since three of the four bedrooms meet the minimum size standards for double occupation, the room sizes were also assessed against the space standards for a 6 person HMO and found to meet the standards for a 6 person HMO. The recommendation to the Planning Committee therefore was for a Class C4 HMO permission which would not have had any occupancy restriction beyond the six persons allowed in Class C4. The Committee however had a concern about occupancy by six persons, especially with respect to the size of the communal living spaces. The proposed floor plans are below:



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

(HMO SPD -October 2019)	Area Provided	Required Standard
Bedroom 1	19.51m <sup>2</sup>	11m <sup>2</sup> (if a double)
Bedroom 2	10.28m <sup>2</sup>	6.51m <sup>2</sup> (if a single)
Bedroom 3	14.57m <sup>2</sup>	11m <sup>2</sup> (if a double)
Bedroom 4	14.88m <sup>2</sup>	11m <sup>2</sup> (if a double)
Shower Room 1 with w.c.	5.17m <sup>2</sup>	3.74m <sup>2</sup>
Shower Room 2 with w.c.	4.85m <sup>2</sup>	3.74m <sup>2</sup>
WC (ground floor)	3.16m <sup>2</sup>	Undefined
Dining Room/Living area	14.57m <sup>2</sup>	14m <sup>2</sup>
Kitchen (6 or more persons)	11.01m <sup>2</sup>	11m <sup>2</sup>
Separate Utility Room	3.72m <sup>2</sup>	Undefined



- 5.6 A footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018 for applications where no 'separate' living space is provided in the dwelling (that means instead of a combined living-kitchen room, there are two separate rooms, namely dining and kitchen (please see table below)).
- 5.7 'The Standards for Houses in Multiple Occupation' document was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the room space sizes expected where individual communal rooms are proposed, rather than an open plan layout.
- 5.8 In this case, the room labelled 'dining area' has an indicative layout for sitting and dining, and the kitchen is separate. All 4 bedrooms are over 10m<sup>2</sup>. For an HMO accommodating between 6-10 people, the separate kitchen and dining room satisfy the standards where no 'separate' living area is provided.

Space - Minimum requirements (based on 10m <sup>2</sup> sized bedrooms)						
Number of people	Sleeping	*Kitchen	*Dining	Living	Open plan/ combined into a single room	Shower/Bathroom
3 - 5	10m <sup>2</sup>	7m <sup>2</sup>	11m <sup>2</sup>	-	15.5m <sup>2</sup>	2.74m <sup>2</sup> / 3.74m <sup>2</sup>
6 - 10		11m <sup>2</sup>	14m <sup>2</sup>		22.5m <sup>2</sup>	

*\*These are the room space sizes expected where individual rooms are proposed, rather than open plan.*

- 5.9 To conclude, the proposed internal layout meets a straightforward appraisal against the Council's adopted space standards, for six persons. In fact, it easily exceeds the standards, by virtue of *all* the rooms being larger (many by a clear amount) than the minimum space standards, *and* there being an extra utility room (thereby freeing up space in the kitchen). As well as meeting size requirements, it is considered that the configuration/layout of the property and rooms is acceptable for six persons.
- 5.10 Other matters raised by objectors:
- 5.11 Many of the objection points are general matters, including of principle, policy, parking, services, residential amenity and community balance that, aside from the size standards, were settled with the previous consent, so are not rehearsed again. Otherwise, remaining points to address are:
- \* a row of 3 HMO's was not created by the grant of planning permission 20/01540/FUL (15 Shadwell Road) and planning permission 20/00485/FUL (13 Shadwell Road), which were both considered at the same Planning Committee as no.17 Shadwell Road is not an HMO but in a Class C3 use where care is provided.
  - \* there is also an objection reference made of 'vulnerable residents next door'. The occupation of the application property by six people would not be expected to have a materially different effect on the neighbours than by four unrelated people sharing, or by family Class C3 occupation dwelling.

## 6.0 Conclusion

- 6.1 Having regard to all material planning considerations and representations it is concluded that the removal of Condition 4 of planning permission 20/01540/FUL to allow up to 6 people to occupy the property when in use as a Class C4 HMO is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan and the objectives of the National Planning Policy Framework (NPPF) (2021).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1) The development hereby permitted shall be begun no later than 23/07/24 (which is the latest implementation date for the previous permission 20/01540/FUL).

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

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

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 within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

**23 ORIEL ROAD PORTSMOUTH PO2 9EG**

**APPLICATION FOR THE CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)**

**LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QWN6DOMOKS800](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qwn6domoks800)

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Andy Tindall

**RDD:** 22nd July 2021

**LDD:** 13th October 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to Planning Committee at the request of Councillor Wemyss and due to the number of objections/deputations received by the Local residents.

1.2 The main issues for consideration relate to:

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

**1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY****1.4 Site and surroundings**

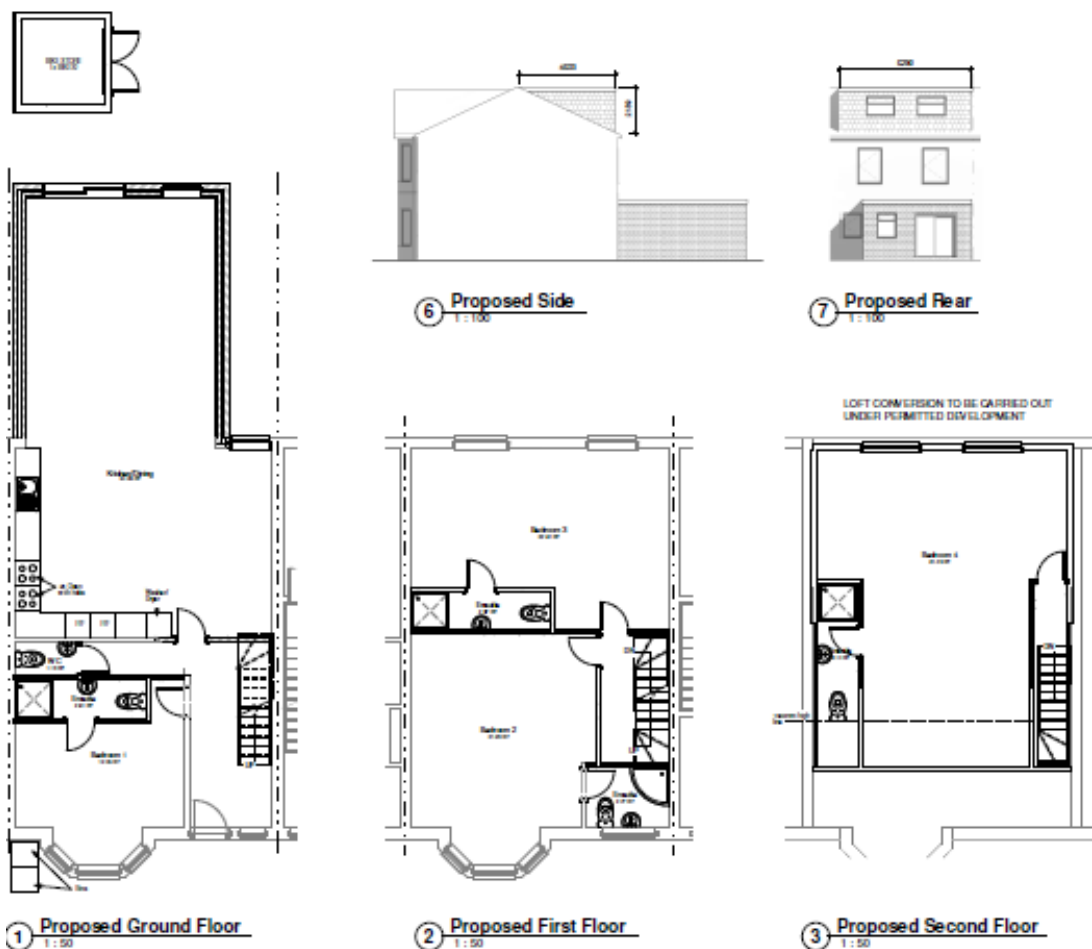
1.5 This application relates to a two-storey mid-terrace dwelling, which features a two-storey bay window and is located on the southern side of Oriel Road. The property is set back from the roadway by a short front forecourt and benefits from a rear garden.

**1.6 Proposal**

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Kitchen/Dining room, and a WC with handbasin;  
 First Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite); and  
 Second Floor - One bedroom (with a shower, toilet and handbasin ensuite).
- 1.10 The property as existing does not yet have the second floor dormer and loft conversion, shown on the plans. The ground floor extension was granted through prior-approval (21/00047/GPDC) and was added to the plans during the course of the application, for completeness. The extension can be built whether the property is in Class C3 or C4 use. The rear dormer and loft conversion would be constructed under Permitted Development Rights to facilitate the enlargement of the property, whether it is in Class C3 or C4. Given that the enlargements are Permitted Development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application.
- 1.11 The applicant's plans state the bedrooms would be single occupancy, but Class C4 allows for habitation by up to six individuals and so the proposals will be assessed as such.



1.12 Planning History

- 1.13 An application for prior-approval for the construction of a single storey rear extension to the property in March 2021 planning ref: 21/00047/GPDC, was determined as 'Prior Approval not required'

## **2.0 POLICY CONTEXT**

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

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

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

### **2.3 Other guidance:**

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

## **3.0 CONSULTATIONS**

### **3.1 Private Sector Housing**

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would not require to be licenced under Part 2, Housing Act 2004.

### **3.2 Highways Engineer**

Standing Advice

## **4.0 REPRESENTATIONS**

4.1 Site notice displayed 26/08/21, expiry 16/09/21

4.2 Neighbour letters sent 19/10/21, expiry 16/09//21

4.3 21 objection comments from 19 addresses have been received to the application from the neighbouring residents on the following grounds:

- (a) Other HMO's in the road;
- (b) Increased noise;
- (c) Increase waste and rubbish;
- (d) Parking issues;
- (e) Loss of family housing;
- (f) anti-social behaviour;
- (g) Sewage and drainage concerns;
- (h) Impact on mental health;
- (i) Air quality concerns;
- (j) Crime - anti-social behaviour;
- (k) High existing population;
- l) 21 HMOS in the surrounding area;
- (m) Safety of the building;
- (n) No neighbour notification letter sent to one property
- (o) Lack of site notice;
- (p) Works undertaken prior to application;
- (q) Standard of accommodation;
- (r) Number of flat conversions in the road; and
- (s) Increase nitrates runoff.

4.4 Additionally five deputation requests have been received from local residents and one deputation request has been received by Councillor Wemyss, as well as his request to call the Application for Committee decision.

## 5.0 COMMENT

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

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

### 5.2 Principle of the use

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

5.4 Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.



- 5.5 Based on information held by the City Council, of the 53 properties within a 50 metre radius of the application site, no HMOs were originally identified. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.6 The LPA has received applications relating to No.78 Oriel Road (21/01446/FUL); 38 Ophir Road (21/01383/FUL) and 15 Shadwell Road (21/01162/VOC), which are proposing the change of use from dwellinghouse (Class C3) to purposes falling within Class C3 or Class C4 (HMO), these applications are currently pending consideration. However, it should be noted these properties fall outside of the 50m radius and therefore do not affect the count data for this site.
- 5.7 Following Officer Investigation of the identified HMOs, no other HMOs have been uncovered or removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 1.4%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.8 A further policy strand introduced seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance.

5.9 These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

5.10 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).

5.11 Standard of Accommodation

5.12 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals with all but one of the four bedrooms meeting the minimum size standards for double occupation.

5.13 Whilst the applicant has confirmed the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

(HMO SPD -October 2019)	Area provided:	Required Standard
Bedroom 1	12.45 sq.m	6.51 sq.m (or 11sqm for two occupiers)
Ensuite B1	2.81 sq.m	Undefined
Combined Living space	54.05 sq.m	34 sq.m
WC	1.19 sq.m	Undefined
Bedroom 2	21.2 sq.m	6.51 sq.m (or 11sqm)
Ensuite B2	2.77 sq.m	Undefined
Bedroom 3	22.81 sq.m	6.51 sq.m (or 11sqm)
Ensuite B3	2.97 sq.m	Undefined
Bedroom 4	31.49 sq.m	6.51 sq.m (or 11sqm)
Ensuite B4	3.14 sq.m	Undefined

5.14 The bedrooms and communal living area would greatly exceed the minimum size requirements for six individuals, and the combination of ensuites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light, and would have suitable configuration/layout, as well as size.

5.15 Impact on amenity

5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by 3 - 6 unrelated persons as an HMO.

5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.



- 5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.19 Highways/Parking
- 5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with five or six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.
- 5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage is proposed. This requirement can be secured by condition. The storage of refuse and recyclable materials would remain unchanged.
- 5.22 Waste
- 5.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.24 Special Protection Areas
- 5.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 5.26 Other matters
- 5.27 Objections were made re publicity: that there was no site notice, and that the next-door-but-one neighbour was not notified. The latter is correct: our guidance is to notify adjoining neighbours and display a site notice to cover those further away. It is confirmed that a site notice was displayed, and adjoining neighbours were notified by individual letters.
- 5.28 Conclusion
- 5.29 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

## **RECOMMENDATION**

## **Conditional Permission**

### **Conditions**

#### **Time Limit:**

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

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

#### **Approved Plans:**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Plans and Elevations - PG.6068.21.2 Rev B; Location Plan - 23oriel500; and Block Plan - 23oriel500.

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

#### **External works as shown:**

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing PG.6124.21.1 Rev C, namely the construction of the rear dormer and the rear extension, shall be fully completed.

Reason: To ensure that adequate and useable spaces are provided within the communal living area and bedrooms in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

#### **Cycle Storage:**

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

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

### **PRO-ACTIVITY STATEMENT**

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

210 CHICHESTER ROAD PORTSMOUTH PO2 0AX

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

**LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QWP9GGMOKT700](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qwp9ggmokt700)

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Vandenberghe  
Roma Investment Holdings Ltd

**RDD:** 23rd July 2021

**LDD:** 20th September 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought to Planning Committee at the request of Copnor Ward Member Councillor Swann.

1.2 The main issues for consideration relate to:

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

**1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY**

1.4 Site and surroundings

1.5 This application relates to a two-storey mid-terrace dwelling, which features a two-storey bay window and is located on the southern side of Chichester Road, west from its junction with Preston Road. The property is set back from the roadway by a short front forecourt and benefits from a rear garden.

1.6 Proposal

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - One bedroom (with an ensuite), Kitchen/Dining room, utility room and a WC; and  
 First Floor - Two bedrooms (each with their own ensuite)  
 Second Floor - Two bedrooms (each with their own ensuite)
- 1.10 The submitted drawings indicate the conversion of the loft space with the construction of a dormer extension to the rear roof slope and the upgrading of the rear conservatory (replacing the roof with an insulated, tiled roof). The applicant has confirmed that these works will be undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application relates to the use of the property only.
- 1.11 The applicant's plans state the bedrooms would be single occupancy, but Class C4 allows for habitation by up to six individuals and so the proposals will be assessed as such.



1.12 Planning History

1.13 No relevant planning history.

**2.0 POLICY CONTEXT**

2.1 Portsmouth Plan (2012)

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

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

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

### **3.0 CONSULTATIONS**

#### **3.1 Private Sector Housing**

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

#### **3.2 Highways Engineer**

Chichester Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off-street parking facilities with the majority of parking accommodated through unrestricted on-street parking. The demand for parking on-street regularly exceeds the space available particularly in the evenings and weekends.

3.3 No traffic assessment has been provided, however given the small scale of the development, the Local Highway Authority (LHA) is satisfied that the proposal would not have a material impact on the local highway network.

3.4 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 5 bedroom HMO at 2 vehicle spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2.

3.5 Notwithstanding the policy conflict and absence of information regarding the availability of on-street parking, given the quantum of the additional shortfall being only half a parking space, the LHA do not believe refusal of this application on these grounds could be upheld in the event of an appeal. Therefore the LHA would not wish to raise a highway objection to this proposal.

### **4.0 REPRESENTATIONS**

4.1 Site notice displayed 19/08/2021, expiry 16/09/2021

4.2 Neighbour letters sent 19/08/2021, expiry 16/09/2021

4.3 10 objection comments from 7 addresses have been received to the application from the neighbouring residents on the following grounds:

- (a) Too many sub-divided properties in street;
- (b) Houses in use as HMOs in area illegally;
- (c) Parking issues;
- (d) Too many HMOs in area;
- (e) Excessive noise and anti-social behaviour;
- (f) Change in the character of the area; and
- (g) No neighbour notification letter received (for two nearby properties)

- 4.4 Additionally, Councillor Swann has also submitted an objection comment and requested to make a deputation. His objection echoes many of the point above as well as issues relating to:
- (h) Loss of family housing;
  - (i) Increased pressure on medical services;
  - (j) increase in waste and rubbish;
  - (k) Lack of publicity of HMO applications generally; and
  - (l) A request that all HMO applications are halted until the HMO Database can be reviewed.

## **5.0 COMMENT**

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

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

5.2 Principle of development

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

5.4 Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.



- 5.5 Based on information held by the City Council, of the 53 properties within a 50 metre radius of the application site, 1 HMO was originally identified. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.6 The LPA is aware of other similar planning applications within the surrounding area at No.237 Chichester Road (ref. 21/01388/FUL), No.215 Chichester Road (ref.21/01221/FUL), No. 142 Chichester Road (20/01404/FUL), No.192 Laburnum Grove (21/00817/FUL), 19 Paddington Road (ref.21/01386/FUL) and No.51 Paddington Road (19/01913/FUL & 21/00904/NMA). However, it should be noted that the application at No.215 Chichester Road has been withdrawn, and the others are outside the 50m radius of the application site. Therefore, these properties and uses do not affected the data count for this application. Six properties within the 50m radius have been sub-divided into flats (Nos. 185, 187, 189, 196, 202 and 211 Chichester Road), but these are not HMOs and so are not part of the data count.
- 5.7 Following Officer Investigation of the identified HMOs, no other HMOs have been uncovered or removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.77%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

- 5.8 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.
- 5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.
- 5.10 Standard of Accommodation
- 5.11 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals with all but one of the five bedrooms meeting the minimum size standards for double occupation (11 sqm). Whilst the applicant has stated the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

(HMO SPD -October 2019)	Area provided:	Required Standard
Bedroom 1	14.67 sq.m	6.51 sq.m
Ensuite B1	3.16 sq.m	Undefined
Combined Living Space	31.89 sq.m	34 sq.m
Utility	3.72 sq.m	Undefined
WC	1.1 sq.m	Undefined
Bedroom 2	14.99 sq.m	6.51 sq.m
Ensuite B2	3.46 sq.m	Undefined
Bedroom 3	17.07 sq.m	6.51 sq.m
Ensuite B3	3.33 sq.m	Undefined
Bedroom 4	10.02 sq.m	6.51 sq.m
Ensuite B4	2.74 sq.m	Undefined
Bedroom 5	11.22 sq.m	6.51 sq.m
Ensuite B5	3.81 sq.m	Undefined

- 5.12 It can be seen that the combined living space falls 2.11sqm short of the requirement. However, the utility room, which houses facilities that would otherwise be in the combined living space, exceeds that shortfall. Also/alternatively, a footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the flexible communal space standards which can be expected where all bedrooms are over 10 sq.m. Since all the bedrooms are over 10sqm, the combined living space can be reduced from 34m<sup>2</sup> to 22.5m<sup>2</sup>. The proposed layout would meet the minimum size requirements.
- 5.13 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018.



- 5.14 The combination of en-suites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.15 Impact on amenity
- 5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.
- 5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.19 Highways/Parking
- 5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with five or six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.
- 5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage is proposed. This requirement can be secured by condition. The storage of refuse and recyclable materials would remain unchanged.
- 5.22 Waste
- 5.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.23 Special Protection Areas
- 5.24 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

## 5.25 Other matters

5.26 The request from Cllr Swann to pause the determination of all HMO applications within the Copnor Ward until a full and detailed review of HMO's already in the area has taken place is noted. However, on the basis the LPA has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies which will be undertaken in consultation with Members and the public. In the meantime, it is considered that the data sources and further checks that officers carry out are robust enough to base decisions upon.

5.27 Lastly, two nearby properties complain that they did not receive neighbour notification letters (204 and 207 Chichester Road). They are correct that they were not sent letters - our guidance is to notify *adjoining* neighbours and display a site notice to cover those further away, such as these two properties. It is confirmed that a site notice was displayed, and adjoining neighbours were notified by individual letters.

## 5.28 Conclusion

5.29 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

## **RECOMMENDATION                      Conditional Permission**

### **Time Limit:**

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

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

### **Approved Plans:**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - TQRQM21204121513827; Block Plan - TQRQM21204121420265 dated 20/9/21 and PG.6124.21.1 Rev C.

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

### **External works as shown:**

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing PG.6124.21.1 Rev C, namely the upgrading of the conservatory to provide a fully insulated and tiled roof (to building regulations standard), shall be completed.

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

**Cycle Storage:**

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

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

**PRO-ACTIVITY STATEMENT**

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

**06**

21/01386/FUL

WARD: COPNOR

19 PADDINGTON ROAD PORTSMOUTH PO2 0DU

**CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION).**

**LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QZQC9MMOM5I00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qzqc9mmom5i00)

**Application Submitted By:**

Applecore PDM Ltd.  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Andy Tindall

**RDD:** 20th September 2021

**LDD:** 16th November 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 The main issues for consideration relate to:

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

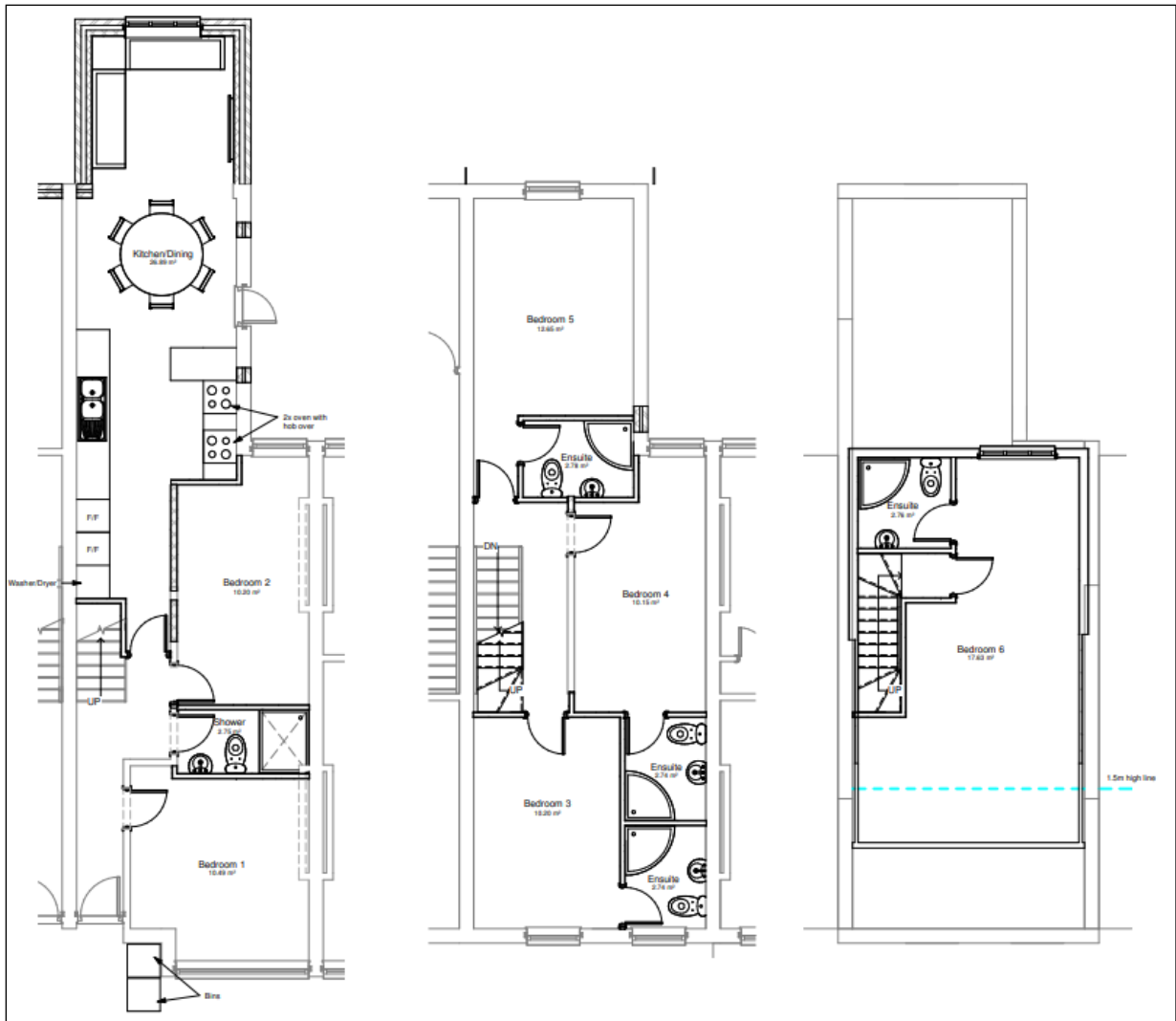
2.0 Site and surroundings

2.1 This application relates to a two-storey mid-terrace dwelling located to the western side of Paddington Road which extends between Laburnum Grove to the north and Chichester Road to the south. The property is set back from the highway by a small front forecourt and benefits from a small enclosed garden to the rear.

2.2 Internally the dwelling comprised two reception rooms and a kitchen at ground floor with three bedrooms and a bathroom at first floor level. However, the property is currently undergoing refurbishment and enlargement including the construction of a small ground floor rear extension and a dormer roof extension to the rear roof slope. The applicant has confirmed that these works are being undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended). As such the application relates to the use of the property only.

- 2.3 The surrounding area is residential in character with similar terraced properties laid out in a grid pattern.
- 2.4 Proposal
- 2.5 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house of multiple occupancy).
- 2.6 The proposed internal accommodation would comprise:
- Ground Floor - Two bedrooms, a combined Kitchen/living/Dining room, and a shower room (with toilet and basin);
  - First Floor - Three en-suite bedrooms (each en-suite with shower, toilet and basin);
  - Second Floor - One en-suite bedroom (each en-suite with shower, toilet and basin).
- 2.7 The applicant's plans state the bedrooms would be single occupancy.
- 2.8 Amended drawings have been provided showing an alternative ground floor layout to overcome initial concerns raised by both the Local Planning Authority and Private Sector Housing.



## 2.9 Planning History

2.10 No relevant planning history.

## 3.0 POLICY CONTEXT

3.1 Portsmouth Plan (2012):

- PCS17 (Transport);
- PCS20 (Houses in Multiple Occupation);
- PCS23 (Design and Conservation).
  
- In accordance with the National Planning Policy Framework (NPPF) 2019 due weight has been given to the relevant policies in the above plan.

3.2 Other guidance:

- National Planning Policy Framework (2021);
- National Planning Practice Guidance;
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019).

## **4.0 CONSULTATIONS**

### **4.1 Private Sector Housing**

4.2 Based on the layout and sizes provided, the property would be required to be licenced under Part 2 Housing Act 2004. Based on the initially submitted drawings, parts of kitchen/dining room appear to be restricted for usable space and will require a verification visit.

4.3 These comments were based on the proposed drawings as originally submitted which have now been amended to improve both the size and layout of the communal space.

### **4.4 Highways**

4.5 Paddington Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off-street parking facilities with the majority of parking accommodated through unrestricted on-street parking. The demand for parking on-street regularly exceeds the space available particularly in the evenings and weekends.

4.6 No traffic assessment has been provided, however given the small scale of the development, the Local Highway Authority (LHA) is satisfied that the proposal would not have a material impact on the local highway network.

4.7 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO at 2 vehicle spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2.

4.8 Notwithstanding the policy conflict and absence of information regarding the availability of on street parking, given the quantum of the additional shortfall being only half a parking space the LHA do not believe refusal of this application on these grounds could be upheld in the event of an appeal. Therefore the LHA would not wish to raise a highway objection to this proposal.

## **5.0 REPRESENTATIONS**

5.1 A site notice displayed on 13<sup>th</sup> October 2021  
Neighbour letters were sent on 5<sup>th</sup> October 2021.

5.2 13 letters of objection have been received from local residents. Their concerns can be summarised as follows:

- Too many HMOs and sub-divided properties in the area;
- Parking and cumulative impacts of similar developments in the area;
- Impact on the family character of the area;
- Need for more family homes;
- Lack of local infrastructure to support increased populations;
- Increased noise, crime and anti-social behaviour;
- Increased number of applications for HMOs in the area;
- Maintenance issues associated with rented properties;
- No public benefit from these applications
- Impact on property value;

- Work has already commenced at the property and
- Noise and disruption during development works.

5.3 An additional letter of objection has also been received from Copnor Ward Member Councillor Swann echoing many of the points above. Cllr Swann has also requested that all HMO applications in the Copnor Ward be halted until a full and detailed review of HMO's already in the area has taken place.

## 6.0 COMMENT

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

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

### 6.2 Principle of development

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

6.4 Policy PCS20 of the Portsmouth Plan states that applications for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.





- 6.5 Based on information held by the City Council, of the 81 properties within a 50 metre radius of the application site one property is known to be in use as an HMO (14 Lyndhurst Road). This is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis. Whilst there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA, no further potential HMOs have been drawn to the attention of the LPA for investigation.
- 6.6 The LPA is aware of other similar planning applications within the surrounding at No.210 Chichester Road (ref.21/01098/FUL), No.215 Chichester Road (ref.21/01221/FUL), No.237 Chichester Road (21/01388/FUL), No.192 Laburnum Grove (21/00817/FUL) and No.51 Paddington Road (19/01913/FUL & 21/00904/NMA). However, it should be noted that the application at No.215 Chichester Road has been withdrawn and the others all fall outside of the 50m radius of the application site. Therefore, these properties and uses do not affected the 'count data' for this application. It is also noted that only 1 property within the 50m radius has been sub-divided into flats (No.211 Chichester Road).
- 6.7 Therefore, based on information held by the City Council, as the granting of planning permission would increase the proportion of HMOs to just 2.47% (2/81), it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.
- 6.8 A further policy strand introduced in July 2018, and amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.

6.9 In light of the above, the principle of development would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.

6.10 Standard of Accommodation

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

(HMO SPD - October 2019)	Area provided:	Required Standard
GF - Bedroom 1	10.49 sq.m.	6.51 sq.m.
GF - Bedroom 2	10.20 sq.m.	6.51 sq.m.
GF - Combined Living Space	26.89 sq.m.	34.0 sq.m.
GF - Shower room	2.75 sq.m.	3.74 sq.m.
FF - Bedroom 3	10.20 sq.m.	6.51 sq.m.
FF - Bedroom 3 en-suite	2.74 sq.m.	undefined
FF - Bedroom 4	10.15 sq.m.	6.51 sq.m.
FF - Bedroom 4 en-suite	2.74 sq.m.	undefined
FF - Bedroom 5	12.65 sq.m.	6.51 sq.m.
FF - Bedroom 5 en-suite	2.78 sq.m.	undefined
SF - Bedroom 6	17.63 sq.m.	6.51 sq.m.
SF - Bedroom 6 en-suite	2.76 sq.m.	undefined

6.12 Whilst the communal living space for the building would fall 7.1sq.m. short of the required standards set out in the table above, a footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the flexible communal space standards which can be expected where all bedrooms are over 10 sq.m. and is applied equally to planning applications. The guidance states that where all bedrooms exceed 10sq.m., as is the case here, the combined living space can be reduced from 34sq.m to 22.5sq.m.

6.13 The proposed communal space would meet this minimum size requirement and has been reconfigured since the original submission to increase its size and provide a revised layout taking into account its limited width in part. The submitted drawings now show a kitchen extending through the narrower part of the space, a dining table for six individuals and a seating area towards the rear looking into the garden. Whilst this space is compact, it would exceed the minimum space standard by 4.39sq.m., it has been demonstrated that the layout would be useable and is considered to provide an adequate communal living space for the intended number of occupants. I consider the bathroom/ensuites arrangement are also suitable for the occupancy proposed.

6.14 Overall, it is considered that the proposal would provide an adequate standard of living environment for future occupiers complying with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation'.

#### 6.15 Impact on amenity

6.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.

6.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful. Having regard to this material consideration, it is considered that there would not be a significant impact on residential amenity from the proposal

#### 6.18 Highways/Parking

6.19 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with 3 bedrooms would be 1.5 off-road spaces, although it is accepted that the level of parking demand for a Class C3 dwellinghouse with 4 bedrooms, following the construction of the dormer extension as permitted development would be 2 off-road spaces.

6.20 Having regards to the Parking Standards SPD, the LHA consider that the typical level of parking demand created by this development is unlikely to be significantly greater than the existing Class C3 Dwellinghouse and that an objection on car parking standards could not be sustained on appeal. The existing property could equally be occupied by a large family with adult children, each owning a separate vehicle.

6.21 It is noted that there are a number of similar planning applications within the surrounding area and representations refer to the cumulative impact of such developments on parking where demand for on-street spaces regularly exceeds that available. However, on the basis that this application is unlikely to result in an increased parking demand, and that the Council's adopted parking standards identifies that HMOs generate a similar level of parking demand to large family dwellings, there is no evidence to suggest that the cumulative impact of such developments are resulting in significant impacts.

6.22 The Councils adopted Parking Standards sets out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where the submitted drawings indicate the provision of a cycle store. The provision of bicycle storage can be secured through planning condition. The storage of refuse and recyclable materials would remain unchanged.

#### 6.23 Special Protection Areas

6.24 Whilst potential impacts of recreational disturbance and nitrates entering the Solent water environment are acknowledged, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in dwellings or overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas.

## 6.25 Other matters

6.26 Representations make reference to noise and disturbance created by on-going development works at the property. However, this application relates solely to the future use of the property and as set out above, the on-going works currently taking place at the site do not require the express permission of the LPA. Other legislation beyond the planning system is available to minimise impacts caused by building works.

6.27 The request from Cllr Swann to pause the determination of all HMO applications within the Copnor Ward until a full and detailed review of HMO's already in the area has taken place is noted. However, on the basis the LPA has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies which will be undertaken in consultation with Members and the public.

6.28 Impact on property value is not a material planning consideration.

## 6.29 Conclusion

6.30 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

# **RECOMMENDATION                      Conditional Permission**

## **Conditions**

### **Time Limit:**

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

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

### **Approved Plans:**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan, Block Plan and PG6075.21.1 Rev-B.

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

**Bicycle Storage:**

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

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

**PRO-ACTIVITY STATEMENT**

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