

PLANNING COMMITTEE 23RD FEBRUARY 2022

**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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TIPNER INTERCHANGE TIPNER LANE PORTSMOUTH PO2 8AN

OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR THE CONSTRUCTION OF A MULTI-STOREY TRANSPORT HUB (UP TO 28.5M ABOVE EXISTING GROUND LEVEL) INCORPORATING A PARK AND RIDE FACILITY AND ANCILLARY USES (UP TO 840SQM), WITH ACCESS FROM JUNCTION 1 ON THE M275. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT

[WEB LINK: 22/00024/OUT | OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR THE CONSTRUCTION OF A MULTI-STOREY TRANSPORT HUB \(UP TO 28.5M ABOVE EXISTING GROUND LEVEL\) INCORPORATING A PARK AND RIDE FACILITY AND ANCILLARY USES \(UP TO 840SQM\), WITH ACCESS FROM JUNCTION 1 ON THE M275. THE PROPOSAL CONSTITUTES EIA DEVELOPMENT | TIPNER INTERCHANGE TIPNER LANE PORTSMOUTH PO2 8AN](#)

Application Submitted By:

Ms Alison Broderick, Savills

On behalf of:

Portsmouth City Council

RDD: 7th January 2022

LDD: 30th April 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee for determination as the applicant is Portsmouth City Council and it is in the interest of the public for the application to be determined by the Planning Committee.
- 1.2 Following this item's refusal by the Planning Committee of 29th June 2021, the applicant has resubmitted an amended proposal with further information to address those reasons for refusal
- 1.3 The main issues for consideration in the determination of this application are as follows:
 - The principle of the development
 - Need for the development (reduce car use in city centre, air quality, etc.)
 - Encourage modal shift
 - Consideration of the other matters reserved for consideration at a later date:
 - Impact on heritage assets - buried and above ground
 - Access
 - Appearance
 - Landscaping
 - Layout
 - Scale

2.0 SITE AND SURROUNDINGS

- 2.1 The 3.13ha site is located approximately 3 km north of the city centre of Portsmouth east of and adjacent to Junction 1 of the M275 motorway, from which it has access. The site and surrounding area falls within the administrative area of Portsmouth City Council within the Nelson Ward.

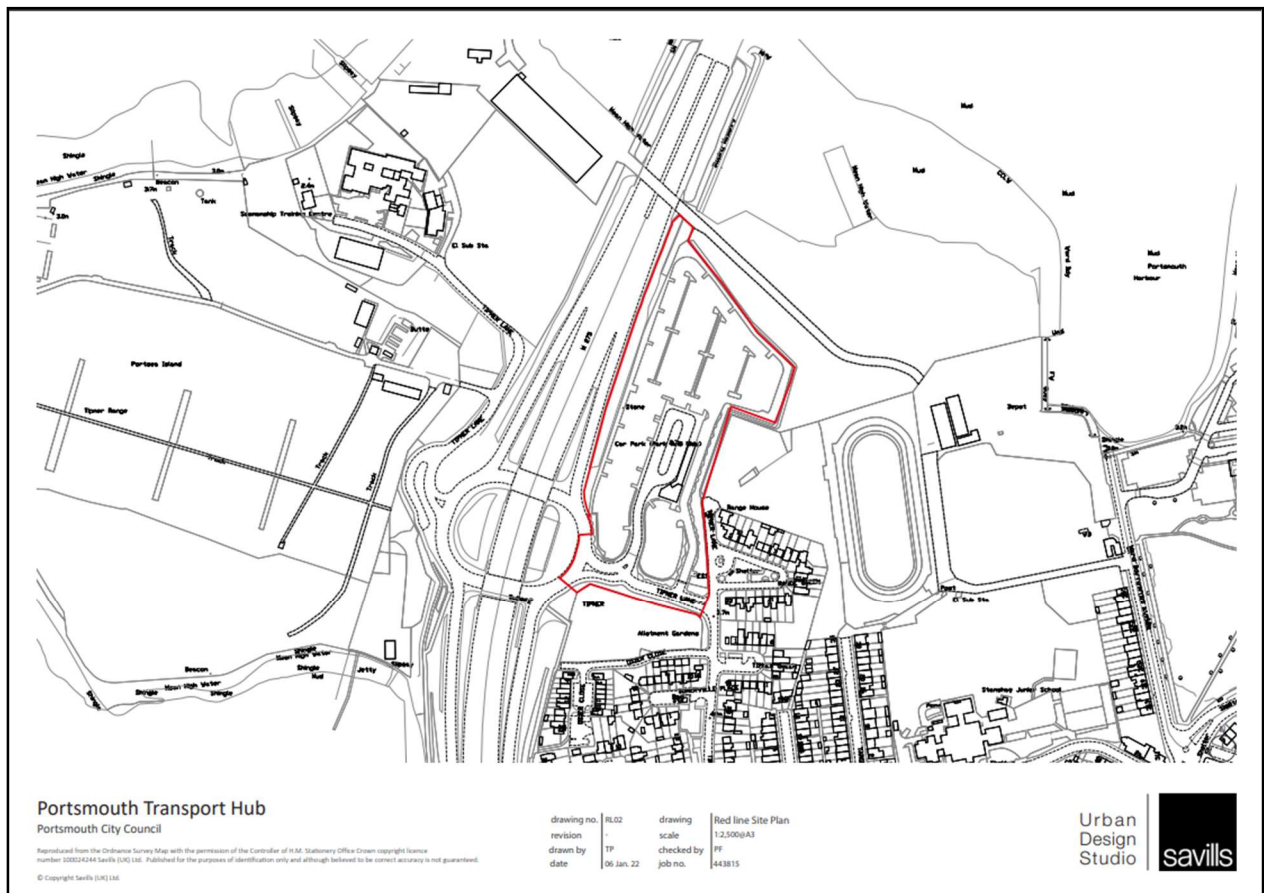


Figure 1 - Site Plan

- 2.2 The site is currently used as a Park and Ride facility with a capacity of 665 car parking spaces and as such, it is largely dominated by hardstanding with a centrally located bus shelter comprising a small single storey waiting room with attached canopy and benches. There are also peripheral landscaping and habitats including introduced shrub, species rich hedgerow and amenity grassland located within the Site boundary.
- 2.3 The site levels vary slightly across the Site, with the highest point of the Site located along the western boundary with the M275 at approximately 5.83m Above Ordnance Datum (AOD). Generally, the higher points on the Site are located towards the centre and vary from 4.6m AOD to 3.9m AOD. The Site then slopes away towards the boundaries, before increasing in height at the boundaries themselves. There are also a number of isolated high points across the Site itself. The site lies directly to the east of junction 1 of the M275 which runs in a north-south direction connecting Portsmouth City Centre to the south with the M27 to the north.
- 2.4 The existing Park and Ride facility provides 665 car parking spaces, including three disabled spaces and two spaces for Electric Vehicle (EV) charging. The Park and Ride facility is currently open from 6.30am to 8.30pm on Monday to Friday, 7.30am to 8pm on Saturdays and 8.30am to 6.45pm on Sundays and runs every day except for Christmas Day and New Year's Day.

- 2.5 A building with a waiting room is centrally located within the Site and is accessed from the car park via at-grade marked zebra crossings. The Park and Ride operates in a 'Pay and Display' fashion with ticket machines located throughout the car park. Users can also tap and pay using a smartcard whilst travelling on the bus.
- 2.6 The site's environs are in an area currently undergoing significant change, with Tipner identified as a strategic site in PCC's Local Plan with the potential to contribute towards the overall regeneration of the City and the ability to play a major part in delivering a significant proportion of the development identified for the future of Portsmouth. Significant residential and other development is planned at Tipner, with outline permission for 518 homes at Tipner East, located to the east and north of the Site, already in place. To the west of the M275 is Tipner West where there are aspirations for the creation of circa 1,250 homes and 30,000m² of business space.

3.0 DESCRIPTION OF DEVELOPMENT

- 3.1 As set out in the Planning Statement accompanying the application, the site is currently a Park and Ride facility with spaces for up to 665 cars.
- 3.2 The Development Proposals comprise the 'Portsmouth Transport Hub' incorporating a Park and Ride as a new multi-modal transport hub. The Development Proposals incorporate a multi-decked Park and Ride, which will replace the surface car parking areas of the existing Park and Ride. Bus access into the bus stop area would be unchanged from the existing layout and vehicle access and egress would remain as per the existing arrangement (i.e. via Tipner Lane). However, the access arrangements are a parameter at this stage, allowing flexibility to accommodate an additional access point and any minor changes in highway geometry. The access into the multi-deck structures would be via reconfigured circulating aisles within the at-grade car park.
- 3.3 The Development Proposals will consist of a multi-deck building up to 28.5 metres (93.5 ft) in height (above existing ground levels) and include the possibility of the use of the roof for parking with solar canopies above, together with building integrated landscaping as shown in the green infrastructure parameter plan. The Development Proposals will provide a maximum of 2,650 car parking spaces and provision for cycle parking, including other transport and associated uses.
- 3.4 Given the scale of the proposed Park and Ride and the number of people transferring from car to bus and vice versa, there is sufficient footfall and activity to support some small or modest ancillary commercial and leisure uses. The planning application and Parameter Plans therefore make provision for incorporating such uses in key locations likely to be convenient to users: the uses would fall primarily within use Class E (Commercial, Business and Service)¹. Other ancillary uses fall within the umbrella of the transport hub and may include:

¹ In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)

- Cycle hub - for example this could have space for the storage of a large number of bicycles, plus changing facilities, and a bike servicing/maintenance facility.
 - Car rental/car club return facility.
 - Bicycle/scooter hire and return facility.
 - Parcel/freight micro consolidation / collection point.
 - Public toilets / changing facilities - full range of facilities to include changing rooms.
 - Passenger lounge likely to include a travel information point / kiosk.
 - Manager's office administration offices
 - Car maintenance area – dedicated parking bay/maintenance area – capable of windscreen/tyre replacement, car valet service
- 3.5 As set out on the application form, up to 840sqm of Class E 'uses' could be provided. According to the applicant, evidence from other major transport interchanges (e.g. large rail stations), indicates that such uses can be supported by passenger transfers, providing convenient outlets for goods, services and leisure activity at a location that will in time be a key transport node at the centre of the wider Tipner regeneration area. These ancillary uses are optional, but provision has been made and their inclusion in the detailed scheme will be determined based on further market assessment and analysis of demand.
- 3.6 It is anticipated that the Development Proposals would operate 24 hours a day, 7 days a week (excluding Christmas Day and New Year's Day), including the ancillary commercial and leisure uses subject to demand. The Development Proposals would be designed in such a way that they could be phased so as to provide transport and parking facilities as the demand/need builds over time.
- 3.7 Under the current development programme for the project, and subject to planning permission, construction of the Park and Ride is expected to commence in 2023 and will be phased.
- 3.8 The phasing will also ensure that parking for cars is available at all stages of the build-out, either on site or by utilising other Council owned land in the area accessible from Junction 1 of the M275. The objective will be to safeguard a minimum of 300 parking spaces during construction for continued public use.
- 3.9 Paragraphs 5.11 to 5.19 of the Planning Statement submitted with the application set out likely operational arrangements.
- 3.10 The expanded Park and Ride will provide up to 2,650 spaces in place of the current Park and Ride facility (which provides 665 spaces at surface level) alongside a replacement Park and Ride bus facility, pickup/drop-off facilities (including for taxis) and servicing for the complementary land uses proposed on the site. The additional spaces will be housed within a new structure set over eight levels (including the ground level), with circulation between them served by internal ramps.
- 3.11 A new ground floor terminal facility will be provided, integrated with the new transport hub building, which will provide sheltered waiting facilities for passengers and may also house a small consolidation centre, and storage areas. It is anticipated this could incorporate an area of short-stay car parking for use by customers of the consolidation centre or for use by motorists picking-up / dropping-off passengers or to any of the land uses associated with the development. It is anticipated that provision for servicing the bus terminal facility

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

and wider land uses will also be provided and a segregated taxi pick-up and drop-off facility.

- 3.12 The upper floors of the multi-storey car park will transfer to ground level via stairs and lifts, and it is anticipated that there would be a number of lift cores containing three lifts per core, with one of these located immediately adjacent to the Park and Ride terminal facility.
- 3.13 Access to the site will continue to utilise the existing arrangements via Tipner Lane with segregated entry/exit arrangements for vehicles accessing the car park, pick-up and drop-off areas, servicing and the Park and Ride bus facility. However, these may need to be reconfigured to suit the hub model, so whilst the points of access and egress are indicated in the movements' parameter plan, their precise design will be a reserved matter for the detailed design stage. The movements parameter plan also shows a third point of access from Tipner Lane, that may be required, depending on the interchange model selected. Separate entry and exit barriers will control ingress and egress to the multi-storey car park with only those motorists wishing to park and transfer onto the Park and Ride bus needing to pass through the barriers, with unfettered access to the pick-up and drop-off, taxi, servicing and Park and Ride bus area.
- 3.14 The indicative designs are based on different, but equally acceptable, transport interchange models – the detailed design process will assess the merits of these different models. The land use parameter plan contains a large zone configured to accommodate all the possible transport interchange models. The model will include a passenger concourse for boarding/alighting Park and Ride buses connect to the Park and Ride terminal facility, the taxi and general public pick-up/drop-off areas, the short-stay parking area for the consolidation centre and to cycle parking facilities which will also be provided adjacent to the concourse. All these arrangements will be evaluated as part of a detailed design optioneering exercise, which will determine the optimum transport interchange model and Park and Ride building configuration within the land use and building height parameters that have been set though this outline planning application.
- 3.15 Additional capacity at the Park and Ride is aimed at capturing both commuter and leisure-based trips, and has been assessed on the basis that 95% of spaces will be occupied at peak. It is proposed to operate as a 24-hour facility, with extended bus services likely to operate between 05:00 - midnight. It is envisaged that a wide range of user types will be attracted to use the service, including weekend tourists, staff/visitors to the Port and University, other regular commuters, frequent shoppers and evening leisure users.
- 3.16 To support increased bus patronage at the Park and Ride, additional bus services will be required to ensure there is sufficient capacity to transfer users into the city. Forecasts suggest that during peak times, buses will need to increase from the current six services per hour, to approximately 38 per hour. The bus routes and destinations will be subject to review, both prior to construction and once operational, to ensure services continue to align with passenger demand.
- 3.17 The design and operational principles outlined above are reflected in a number of illustrative outline concept designs in the Design and Access Statement. An assessment of the extent to which these concept designs are in accordance with planning policy is set out in Section 7 of the Planning Statement in relation to Policies PCS15, PCS23 and PCS24. The detailed design will include a landscape design based on the landscape parameter plan, with a strong landscaping framework on the periphery of the site – much of the existing Park and Ride landscaping will be incorporated into the new design, including some larger tree species where these are compatible with maintaining the integrity of the underlying clay cap that ensures past land contamination is kept insitu and without being mobilised.

4.0 RELEVANT PLANNING HISTORY

- 4.1 As taken from the Planning Statement prepared by Savills, the planning history of the site and immediately adjacent area comprises the following:
- i. Application 11/00363/FUL. Planning permission was granted on the 31st of January 2012 for site clearance including demolition, remediation and land raising by 0.25m on Parcel I, II & III, up to 4.5m AOD on Parcel IV at Tipner East, Portsmouth including associated compound and facilities. This application covered a wider area of land, within which lies the current red line application area.
 - ii. Application 12/00561/FUL. Planning permission was granted on the 13th of September 2012 for a hybrid application including in detail for a Park & Ride facility with access, landscaping, boundary treatment and associated works and in outline for a single-storey passenger waiting facility. The outline part of the application covered detailed matters of access, layout and scale only.
 - iii. Application 13/00853/FUL. Planning permission was granted on the 10th of October 2013 for construction of a Park & Ride facility with a single-storey passenger waiting building/canopy, together with access, landscaping, boundary treatment and associated works, including maintenance access route, on land to the east of the M275. This permission has been implemented.
 - iv. Application 20/00457/OUT. 'Construction of a multi-storey transport hub and car park for up to 2,650 cars (up to 35m AOD) incorporating a park and ride facility, bicycle hub/parking, taxi rank; car hire/club; scooter and bicycle rental facility; public conveniences; landscaping; and ancillary offices and units within use classes A1, A2, A3, D1 and D2, with access from junction 1 on the M275' was refused at Planning Committee (reference 20/00457/OUT). The reason for refusal was: "Due to the lack of adequate justification for the need for a 2,650 spaces park and ride facility, along with the proposed access arrangements and the proposed height of the building this would cause unacceptable harm to the amenities of local residents and the local area contrary to Policies PCS1 and PCS17 within the Portsmouth Plan and the National Planning Policy Framework 2019."

Surrounding Planning History

- 4.2 Planning permission was granted on the 7th April 2010 (09/01568/FUL) on land at the M275/Tipner Lane for the construction of a new motorway junction off the M275, comprising northbound and southbound on/off slips (and associated noise barriers and ancillary street furniture including road signage/gantry and lighting), to include the construction of a roundabout partly on Tipner Lane with access maintained to/from Tipner Lane as well as new access to the proposed on/off slips and a dedicated busway southbound alongside the M275 between the proposed roundabout on Tipner Lane and the Rudmore Roundabout at Twyford Avenue. This application was implemented, and the interchange is in use.
- 4.3 There have been a number of planning permissions / resolutions to grant permission (subject to s106 agreements) for residential development and some employment relating to land to the north and east of the site owned by the Tipner Regeneration Company (TRC) and Homes England. These planning permissions / resolutions approved about 626 new dwellings in a range of flatted blocks (of between 5.5-8.5 storeys in height) and individual houses across four sites – land remediation has been advanced across some of this land, but the new homes have yet to be commenced. The relevant application numbers and their status are:

10/00849/OUT (TRC - extant); 11/00362/OUT(HCA - lapsed); 13/00202/OUT(HCA - lapsed); 13/00203/OUT (HCA - lapsed); 15/01854/REM (HCA - lapsed).

- 4.4 Whilst the outline application for land remediation and 518 dwellings by TRC is valid, it is noted that the Reserved Matters relating to the appearance of the dwellings and CHP plant and landscaping must be made by 30th March 2022. It is understood that reserved matters covering these details are very unlikely to be submitted by the end of March 2022, so the prospect of the layout and scale of development proposed in the outline planning application from 2012 being built is remote.
- 4.5 In September 2021, Bellway Homes submitted a full planning application for 203 new homes on the former Homes England land east of the Park and Ride site (21/01357/FUL) – this application has yet to be determined.

5.0 POLICY CONTEXT

- 5.1 Having regard to S38(6) of the Planning and Compulsory Purchase Act 2004, namely that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 The development plan relevant to the determination of this application, comprises:
- The Portsmouth Plan (adopted 2012)
 - The Portsmouth City Local Plan Saved Policies (adopted 2006)
 - The Hampshire Joint Minerals and Waste Plan (adopted 2013)
- 5.3 Regard will also be had to the National Planning Policy Framework and the relevant planning practice guidance (2021).
- 5.4 Other policy documents relevant to the determination of this application comprise:
- Portsmouth Transport Strategy 2021-2038 (LTP4) (adopted October 2021).
 - Portsmouth Transport Implementation Plan 2022/23 – 2024/25.
 - Gear change: A bold vision for cycling and walking (2020).
 - Bus Back Better (2020).
- 5.5 The Portsmouth Plan sets out the vision and objectives for Portsmouth up to 2027. Of the eight objectives in the plan, Objectives 1, 2 and 8 are applicable in this case:
1. To make Portsmouth an attractive and sustainable city
 2. To make Portsmouth an accessible city with sustainable and integrated transport
 3. To develop Portsmouth as a city of innovation and enterprise, with a strong economy and employment opportunities for all
 4. To make Portsmouth a city in which everyone feels and is safe
 5. To deliver affordable/quality housing where people want to live
 6. To encourage and enable healthy choices for all and provide appropriate access to health care and support
 7. To enhance Portsmouth's reputation as a city of culture, energy and passion offering access for all to arts, sport and leisure
 8. To ensure there is adequate supporting infrastructure for the new development and growth of the city
- 5.6 Policies within the plan relevant to the determination of this application comprise:
- PCS1 - Tipner
 - PCS10 - Housing Delivery
 - PCS11 - Employment Land
 - PCS12 - Flood Risk
 - PCS13 - A Greener Portsmouth

- PCS14 - A Healthy City
- PCS15 - Sustainable Design and Construction
- PCS17 - Transport
- PCS23 - Design and Conservation
- PCS24 - Tall Buildings

5.7 In addition, there are a number of saved policies from the Portsmouth City Local Plan 2001 - 2011 (2006), which remain valid and form part of the Development Plan:

- DC21 Contaminated Land – this states that development on contaminated land will only be permitted where measures can be taken to deal with the contamination to ensure the long-term safety of the development and management of the site.
- PH1 Portsmouth Harbour Coastal Zone – this states that development within the defined Portsmouth Harbour Coastal Zone must have regard to the coastal setting and landscape, public access to the waterfront, navigation within the Harbour and nature conservation interests.

5.8 Regard must also be had to:

- The Tall Buildings SPD (2012)
- Developing Contaminated Land Guidance note
- Solent SPA SPD (April 2014)
- Air Quality and Pollution SPD (March 2006)
- Parking Standards and Transport Assessments SPD (July 2014)
- Sustainable Design and Construction SPD (January 2013)
- Reducing Crime Through Design SPD (March 2006)

6.0 CONSULTATIONS

6.1 **Historic England:** No objection to the application on Heritage grounds.

6.2 **National Highways (formerly Highways England):** No objection, subject to a condition requiring submission of a Construction Traffic Management Plan and advising that an Operational Management Plan should also be secured either by way of a planning condition or a S106 agreement.

6.3 **Gosport Borough Council:** No comment

6.4 **Hampshire County Council (archaeology):** No objection subject to a condition to secure further investigations to ensure that the paleo-environmental remains impacted upon by deep construction are recorded and understood.

6.5 **Hampshire County Ecology:** Objection. More information required from the applicant in respect of bird surveys (autumn and spring migrations), given the location of the site in close proximity to the Portsmouth and Langstone Harbours SPA.

6.6 **Crime Prevention Design Advisor** Highlights a number of issues that will need to be considered during preparation of the reserved matters application:

- Surveillance – good surveillance will be required, consideration will have to be given as to how it is to be provided: natural, formal (manned guarding) and electronic (CCTV) – CCTV an Operational Requirement (OR) should be drawn up to accompany the reserved matters application.
- Layout of the Public Realm – whilst the public realm should provide some amenity it should not provide a recreation facility.
- Layout of the other facilities on the site
- Boundary treatments – the development should be enclosed within a robust boundary treatment at least 1.8m high

- Lighting – both the car parking decks and the public realm will need lighting to the appropriate British Standard, BS 5489-1:2020 or BS EN 12464.
- Separation of the car parking decks from the other facilities – to provide for the security of motor vehicles, preventing access to those without vehicles parked on car parking decks is essential

6.7 **Local Highways Authority:** No objection subject to the following condition:

Prior to the commencement of any phase of development the details and phasing of a safety improvement comprising a lane gain, to negate the departure from design standards associated with the merging length authorised for the M275 northbound on slip, shall be submitted to and approved by the LPA. No phase of development shall be brought into use until such an improvement in accordance with that written approval and agreed phasing have been carried out. For the avoidance of doubt any necessary improvements must be informed by up-to-date modelling of traffic movements at the junction and using the M275 motorway at this point.

Reason: To ensure that the development provides the necessary highway improvements as required by Portsmouth Plan PCS17 (2012)

6.8 **Contaminated Land:** No objection subject to conditions to secure (i) prior to commencement, a desk study, a phase 2 site investigation and a remediation method statement; and (ii) prior to occupation, a stand-alone verification report.

6.9 **Tree Officer:** Observations: the content of arboricultural report Ref: MH/Tipner ParkandRide/Tres/Impct Dated 29 March 2020 (Resubmitted) produced by Mark Hinsley Arboricultural Consultants Ltd. is accepted and agreed. The existing landscape is less than 10 years old and initially struggled to establish due to poor landscape management post planting. Those trees which have successfully established and are of good form should be retained in situ where possible at all costs. Drawing on experience from a previous role I suggest the current landscape proposal of 'Dry rills' provides an opportunity for misuse and encourages anti-social behaviour.

Recommendations:

1. The trees identified as being of good quality which will be impacted upon by the proposal are to be prepared for transplanting in advance and reused throughout the development site within the landscaping scheme.
2. The landscape proposal be revised to minimise opportunity for misuse and anti-social behaviour.
3. A detailed method statement is to be provided to support 1. Above.
4. A post planting management plan is to be provided to support 1. Above.

6.10 **Mineral and Waste Consultation:** No objection.

6.11 **Coastal And Drainage:** No objection, subject to consideration of the following - (i) FRA 7.3.6 - LLFA welcomes the modelling parameters including sea level rise and the 1/500 yr sea level. (ii) FRA 7.4.1 - the proposed hydrocarbon interceptor will need to be located in an area accessible to maintenance vehicles, bearing in mind they are usually gully tankers for assets of this type. This should be within the site boundary of the car park. (iii) FRA 7.5 - please specify which department within PCC is proposed for future maintenance. Have they been advised of this? (iv) FRA 7.5.1 - Filter Drain maintenance cannot be incorporated into an existing highway maintenance regime as that is subject to PFI and PCC car parks do not fall under this remit. Please also clarify exactly what needs to be done and frequency thereof. (v) At outline application stage, the proposed Drainage Strategy seems sound and the LLFA agrees with the proposed approach and with proposed upsizing of pipework and installation of a hydrocarbon interceptor. (vi) The

application would be fine to be subject to standard drainage condition wording. There is not enough detail in the design to pass this aspect currently.

6.12 No comments have been received from the following consultees at the time of drafting this report:

- Defence Estates (SW Region)
- Environment Agency
- Natural England
- Queen's Harbour Master
- RSPB
- Hants & IOW Wildlife Trust
- Southern Gas Network
- Southern Water
- Coastal Partners:
- Landscape Group:
- Highways Contractor (Colas):
- Environmental Health
- Road/Footpath Closure
- Planning Policy
- Naval Dockyard Society (NDS)

Should comments be received from any of the above listed consultees before the scheduled Planning Committee (PC), it would be reported to the PC by way of a Supplementary Matters update.

7.0 REPRESENTATIONS

7.1 As of 10 February 2022, 4 representations have been received, concerned with the following issues:

- Scale, bulk, mass and height of proposed building
- Noise and disruption
- Loss of a view - NB this is not a material planning consideration
- Increased pollution due to increase in vehicle (cars and buses) movements
- Why no alternative site outside of the city has been considered
- Potential for antisocial behaviour
- Detrimental impact on future development at Tipner East and West
- Unsubstantiated need

8.0 COMMENT

8.1 As set out in Paragraph 47 of the NPPF 2021, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'

8.2 This is an application for Outline Planning Permission with All Matters Reserved and as such is a way of establishing the principle of development. As all matters are now reserved, the report below sets out detailed consideration to the use and amount of development.

8.3 The previous outline planning application to redevelop this site with a multi storey transport hub building was refused in July 2021. Distilling the reason for refusal, it was apparent that the Committee were concerned with the lack of adequate justification for the need for a 2650 space park and ride facility and that combined with the proposed height of the building would cause unacceptable harm to the amenities of local residents and the local area.

- 8.4 The main issues for in the determination of this application are therefore considered to be as follows:
1. The principle of and need for the development
 2. Consideration of the other matters reserved for consideration at a later date, namely:
 - Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network (please note that, if means of access is a reserved matter, details of the area where access is to be situated must still be provided)
 - Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture
 - Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated
 - Layout - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development
 - Scale - the height, width and length of each building proposed within the development in relation to its surroundings.
 3. Impact on heritage assets - buried and above ground
 4. Ancillary commercial and leisure uses
 5. Impact on residential amenity
 6. Impact on trees
 7. Flood risk and drainage
 8. Ecology and Impact on the Solent Special Protection Areas.
 9. Contaminated land
 10. Public safety and amenity (crime)
 11. Other matters raised in representations

The Principle of and Need for the development

- 8.5 Chapter 4 of the Planning Statement submitted with this application sets out the applicant's justification and need for the development.
- 8.6 The existing park and ride facility provides 665 car parking spaces and has been operational since April 2014. This application seeks outline consent, inter alia, for a 'multi storey Transport Hub incorporating a park and ride facility'. Whereas the previous application (20/00457/OUT), refused in July 2021, specified a car park of up to 2650 spaces, this application does not set a specific number, but the design scenarios considered in the design and access statement submitted with the application do provide for a maximum of 2650 spaces.
- 8.7 The principle of a park and ride in this location, notwithstanding one that would be almost four times the capacity, in this location is established due to it being well served by the strategic and primary road network and being located outside of the recently created Clean Air Zone.
- 8.8 The need and justification for this enlarged park and ride facility stems from a number of factors. These include:
- In the context of the Council's Climate Change emergency, declared in March 2019, to reduce vehicle emissions in the City centre. Whilst the proposed Park and Ride is not required to address current breaches of air quality standards, it

could facilitate further improvements in air quality in the City in the long term, offering significant benefits.

- In the context of the UK Government's policy of net zero carbon emissions and the Council's declared Climate Change emergency, to reduce emissions of greenhouse gases (carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O)) from private vehicle movements in the City centre.
- Enable increased modal shift, improving journey time reliability and ease congestion.
- Provide improved connectivity to the Port and other key economic nodes in the City Centre.
- To reduce congestion in the City Centre so as to reduce visual and noise impacts and traffic congestion and thereby create a more healthy and safer pedestrian environment.
- To unlock City Centre parking sites to facilitate sustainable regeneration (City Centre North etc).

8.9 With regard to air quality, concentrations of nitrogen dioxide (NO_x) in Portsmouth is of significant concern, with 10 locations in the city recording annual average concentrations above the objective standard in 2019. DEFRA identified Portsmouth as one of a number of cities where concentrations of nitrogen dioxide are unlikely to be reduced without swift action, hence the introduction of the Clean Air Zone in November 2021. Whilst an expanded Park and Ride is not required to address current exceedances of current air quality standards, it could have a positive impact on some areas of exceedance (e.g. A3 Alfred Road and A3 Commercial Road) as there is potential to reduce the number of private cars travelling along these roads if they can be encouraged to use the Park and Ride, with an associated beneficial effect on air quality in the city and helping to meet the legal requirements for air pollution concentrations in Portsmouth. Providing additional mitigation over and above the measures designed to address current exceedances contained in the Council's approved Air Quality Local Plan will provide additional resilience to counter growing traffic levels in the near term and the possible imposition of more stringent air quality standards in the medium to long term.

8.10 Modal shift initiatives outlined in LTP4 suggest that existing car users driving to the city centre will change their preferred transport choice including increased use of the Park and Ride. Priority towards sustainable travel such as cycling, walking and public transport, which will help to develop cleaner air and healthier lifestyles for everyone who lives, works, visits and studies here. Furthermore, key employers in Portsmouth have also identified a need for spaces in the proposed Park and Ride such as the Port, Hospital and Gunwharf Quays. Demand for the Port is significant and the needs case for additional parking within the Transport Hub to provide overflow parking is essential in supporting the increase in calls for the cruise liners.

8.11 Future development plans for Portsmouth include the redevelopment of city centre car parks and the development of housing sites within the city centre. This will result in the net loss of city centre parking spaces and displacement to the Park and Ride. Regeneration within the City will help to create more jobs and will attract more visitors into the City Centre. Portsmouth holds a number of events during the summer such as Victorious and seasonal football matches; the Transport Hub would support pressure on parking and reduce trips into the City Centre. Total anticipated future demand for parking will continue to increase. There are supply and demand factors that affect the need for an expanded Park and Ride – a reduced supply of city centre parking balanced by an increase in Park and Ride capacity will lead to a shift in user demand to a more sustainable City centre access modal.

8.12 This outline planning application has assessed 2,650 spaces, which is considered to be a reasonable assessment of the core demand/need at this stage. In the event there is

demand/need for parking above this level, such would need to be addressed by further transport and environmental assessments as part of any future planning application.

- 8.13 Consequently, the expansion of the Portsmouth Park and Ride has the potential to make a lasting and significant contribution to improving the health of Portsmouth's people, economy, visitors and communities and will form part of the transition of the Portsmouth to a more vibrant, sustainable and liveable City. In addition, an expanded Park and Ride would facilitate opportunities for growth generating development and regeneration through the potential release of some existing City centre parking sites, especially those serving destinations that could be accessed easily by public transport.
- 8.14 In addition, officers consider that significant weight does need to be given to national policy on climate change and air quality. The Government has committed to net zero emissions by 2050. The government also published a Clean Air Strategy in 2019 alongside plans to fund measures to tackle air quality issues in UK cities. Portsmouth is one of those city authorities required to take forward new measures developed with and funded by central government to reduce air pollution levels and in that regard has argued that if air pollution levels and current traffic and congestion levels are to be improved in the city centre then an enhanced Park and ride facility is required to accommodate the displaced cars.
- 8.15 With regard to traffic congestion, the requirement for a 2650 space facility is based on a need to address peak capacity issues and to encourage further modal shift away from private car use particularly within the City Centre. This would support the emerging Parking Strategy that is being developed for the city, which will recognise the need to provide quality transport alternatives to the private car, including improved public transport options such as the expansion of the Park and Ride. The Development Proposals are also in accordance with, and supported by, the recently adopted Portsmouth Transport Strategy (Local Transport Plan 4) (2021-2038): Policy D:

The Portsmouth Park & Ride (P&R) at junction 1 of the M275 was opened in 2014 and currently has 665 car parking spaces. Nearly half of all traffic entering the city passes the park and ride on the M275 and therefore expanding the park & ride, alongside reducing parking provision within the city means that more traffic can be intercepted before it reaches the city centre, while still ensuring people can get into the city quickly and conveniently. This policy is a key part of reducing pollution and congestion and delivering cleaner air. The expansion of the park and ride will support regeneration of the city centre, enabling more effective management of city centre parking and the potential re-purpose of some car park sites alongside supporting the transformation of public transport in the city

Our proposals for the expansion of the park & ride site include multi-decked parking to provide a total of up to 2,650 parking spaces including electric vehicle charging and a transport hub that may provide cycle parking, taxi rank, car club and bicycle rental facility, public conveniences, landscaping, and ancillary offices and units (page 34, LTP4).

- 8.16 Consequently, officers are of the opinion that the expansion of the Portsmouth Park & Ride has the potential to make a lasting and significant contribution to improving the health of Portsmouth's people, economy, visitors and communities and will form part of the transition of the Portsmouth to a more vibrant, sustainable and liveable City. In addition, an expanded Park & Ride would facilitate opportunities for growth generating development and regeneration through the potential release of some existing City centre parking sites, especially those serving destinations that could be accessed easily by public transport.

Consideration of Matters Reserved for Consideration at a Later Date

(a) Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network (please note that, if means of access is a reserved matter, details of the area where access is to be situated must still be provided)

- 8.17 Whereas with the previous application, access was a matter for consideration at the outline stage, access has now been reserved for consideration at the reserved matter stage. Notwithstanding this, as shown on the plan below, the primary vehicular access would be from the roundabout at J1 on the M275 with scope for additional pedestrian / cycle access from Tipner Lane and the development proposed on Tipner East.
- 8.18 National Highways have raised no objection to the proposal subject to a condition requiring the submission and approval of a Construction Traffic Management Plan which should include but not be limited to construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. Agreed details should be fully implemented prior to start of construction works. In addition, National Highways would support any local planning authority requirement for an Operational Management Plan, be it secured via condition or through a S106.

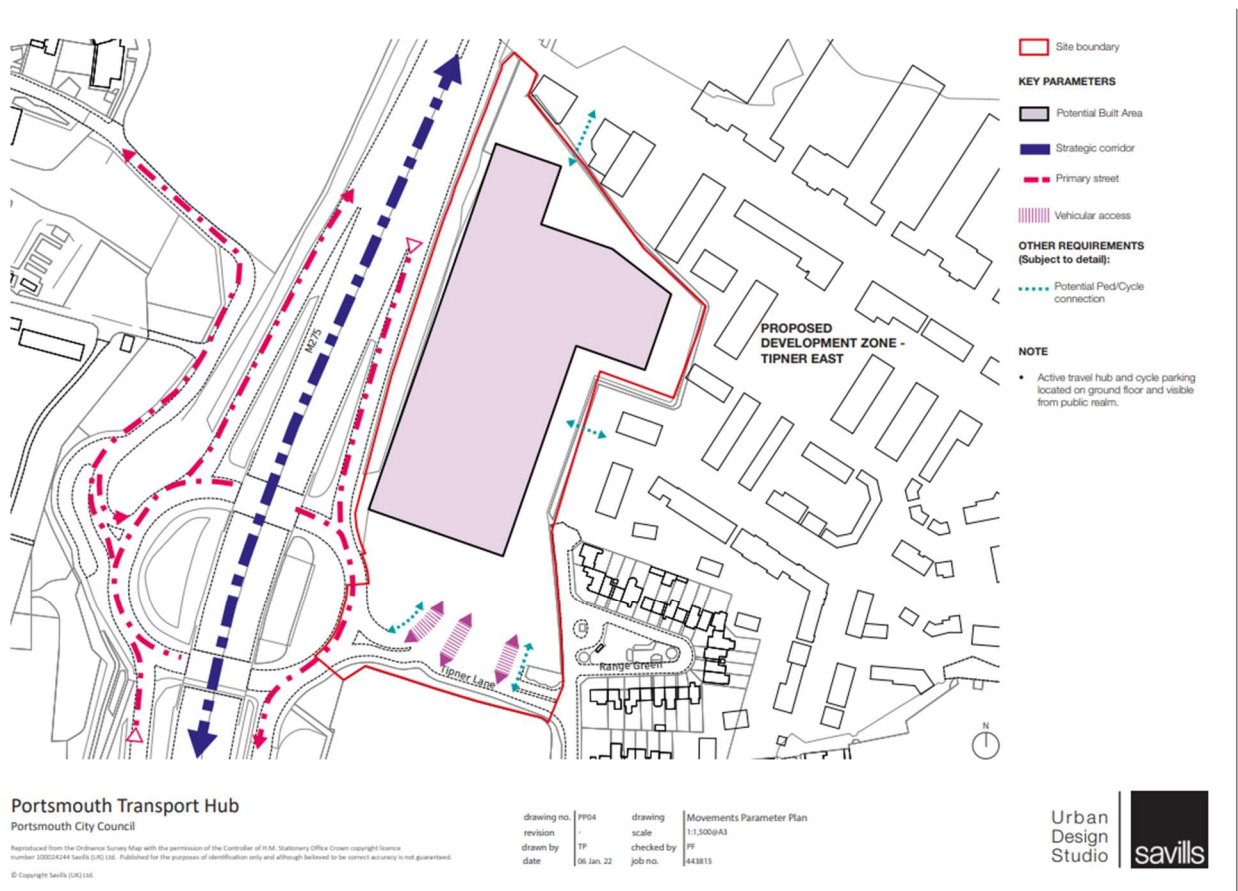


Figure 2 - Movement Parameter Plan

- 8.19 The Local Highway Authority (LHA) have commented that whilst the proposal will not generate additional traffic movements on the M275 to the north of the site and is likely to

reduce traffic movements to the south, the proposal would significantly increase the movements both onto and off the M275 at junction 1. The key issues from a traffic perspective are whether or not these access arrangements are safe and the junction has sufficient capacity.

- 8.20 The Transport Assessment (TA) largely relies on that developed to inform the previous application (20/00457/OUT) and reviews that to ensure it remains valid. Whilst this review addresses most of the issues raised in the LHA representation to the earlier application, it does not explicitly address the safety concerns arising from the increased use of northbound on slip which has a substandard merging length.
- 8.21 Policy PCS1 Tipner makes policy provision for a P&R facility on this site providing between 900 and 1800 spaces. The extent of the development now proposed significantly exceeds this quantum and has not been assessed through the local plan process. That is not to say that such development would not be acceptable, rather that the impacts have not been assessed through that process. A departure from the design standards for the current north bound on slip to the M275 was authorised on the basis of a park and ride site with an 1800 vehicle capacity. This should now be revisited given the increased scale of the proposal.
- 8.22 The TA uses the SRTM as the basis for traffic modelling assessment which was found sound in the review of the scoping report for 20/00457/OUT. Table 3-4 of the TA and paragraph 3.5.8 report that the existing junction operates well within capacity with minimal queuing and delay. However, this does not specifically reference the safety concerns for the northbound on slip as was sought in the LPA response to the TA scoping report and was raised in representation on 20/00457/OUT. Paragraph 6.2.5 of the TA reports the highest demand for the facility being only 61% of the capacity whilst the TA considers two scenarios being 70% and 90% occupancy rates with accumulation profiles determined from the M275 traffic flow which shows good correlation with that drawn from surveys of a similar facility in Oxford. This seems a reasonable basis on which to establish an accumulation profile. This analysis determines a peak arrival period for 738 arrivals between the 0800-0900 and peak departure period for 715 departures between 1700-1800. This requires an increase in the bus services from 6 to 38 per hour during the peak periods. The application does not explain how such numbers of buses will be accommodated practically although it is understood that services will not layover on site when the peak service demand is not required.
- 8.23 With regard to this issue, the Transport Assessment Statement of Conformity contains a revised estimate of a maximum of 17 buses anticipated to visit the facility during the peak hours. This assumes that those buses are all practically loaded to capacity despite currently serving 3 different routes. Given that demands will vary on each of the routes, the LHA consider it likely that that the routes with higher demands will require service supplements in the peak periods resulting in perhaps 20 buses visiting the facility in the peak hours. Assuming these service 4 different routes it would be reasonable to expect 5 buses to be on site at any one time. Whilst the LHA is satisfied that there is sufficient space on site to accommodate such demand (and consequently am satisfied that this is acceptable in the context of the outline planning application), it would be sensible, at detailed design stage, to provide for different bus stands for each route as these will need to operate independently although at the same time.
- 8.24 In assessing the impact of the scheme, the background traffic surveys have been increased from 2016 surveys using TEMPRO growth factors to 2019 and 2036. Paragraph 7.2.2 of the TA suggests that this is as agreed with PCC through the scoping stage although the LHA raised specific concern regarding that approach in response to the scoping note saying *'However I am less comfortable with the proposal to use 2016 traffic levels and apply growth factors to those to determine 2019 traffic levels. 2016 traffic flows are now 3 years out of date and potentially 4 years by the time of the*

application and these should be refreshed. The traffic flow predictions should take account of consented sites and land allocations made in the local plan. At the time of the previous application the then reduction in traffic flows arising from COVID restrictions made it impossible to undertake reliable traffic surveys at that time. However, despite the previous concerns that the 2016 data was out of date these surveys have not been revisited in the intervening period and are now significantly out of date. Furthermore the 2019 predictions used in the earlier TA have not been updated to the current year. As a consequence, the modelling should be revisited and updated accordingly. Having said that in the considered scenario the highest degree of saturation on the Tipner roundabout is 76% found on the M275 southbound off slip during the am peak period and having reviewed the LHA traffic count data and compared variations between 2016 and 2021 it is unlikely that the changes will have been sufficient to raise capacity concerns.

- 8.25 M275 merge and diverge assessments have been undertaken for the south bound off and northbound on slips from the Tipner interchange although this is incorrectly referenced in paragraph 7.3.1 to be the north bound on and off slips. Whilst this does not find any capacity shortfall with the existing arrangements it does not address the issues of safety arising from the substandard length of the northbound merging slip. This was a specific area of concern raised in the LPA response to the scoping document and in response to the previous application which has not been addressed in the TA. If lane 1 of the outbound M275 became the northbound off slip with 2 lanes maintained beneath the interchange and the northbound on slip forming the third lane allowing weaving beyond, the issue of the substandard merging slip length would be resolved. In order to ensure the safety of this slip it is both necessary and proportionate to require the implementation of such an arrangement prior to the commencement of use of any expansion of the P&R site and this should be secured by condition. Subject to such conditions being imposed on any consent requiring that buses do not layover on site and the above safety improvement to the northbound M275 on slip and explanation of how the increase in bus services required to service at site of this scale will practically be accommodated the LHA raises no objection to this application.

(b) Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 8.26 As set out in the Design and Access Statement (DAS) submitted with but not forming part of the application and on the parameter plans, the design concept for the proposed development has evolved within, and is entirely compatible with, the parameter plans. Two design scenarios have been presented in the Design and Access Statement both of which envisage a multi deck transport Hub building up to 24.5 mAGL in height. It should be noted that the parameter plans remain as design concepts that give an indication of the intended form and appearance of the building with final designs being subject to approval of the reserved matters by PCC through the planning application process.

(c) Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

- 8.27 The parameter plan above gives a very general indication of proposed landscaping. Suffice to say that a detailed landscape plan to screen and integrate the building will need to form part of the reserved matters application process.



Portsmouth Transport Hub
Portsmouth City Council

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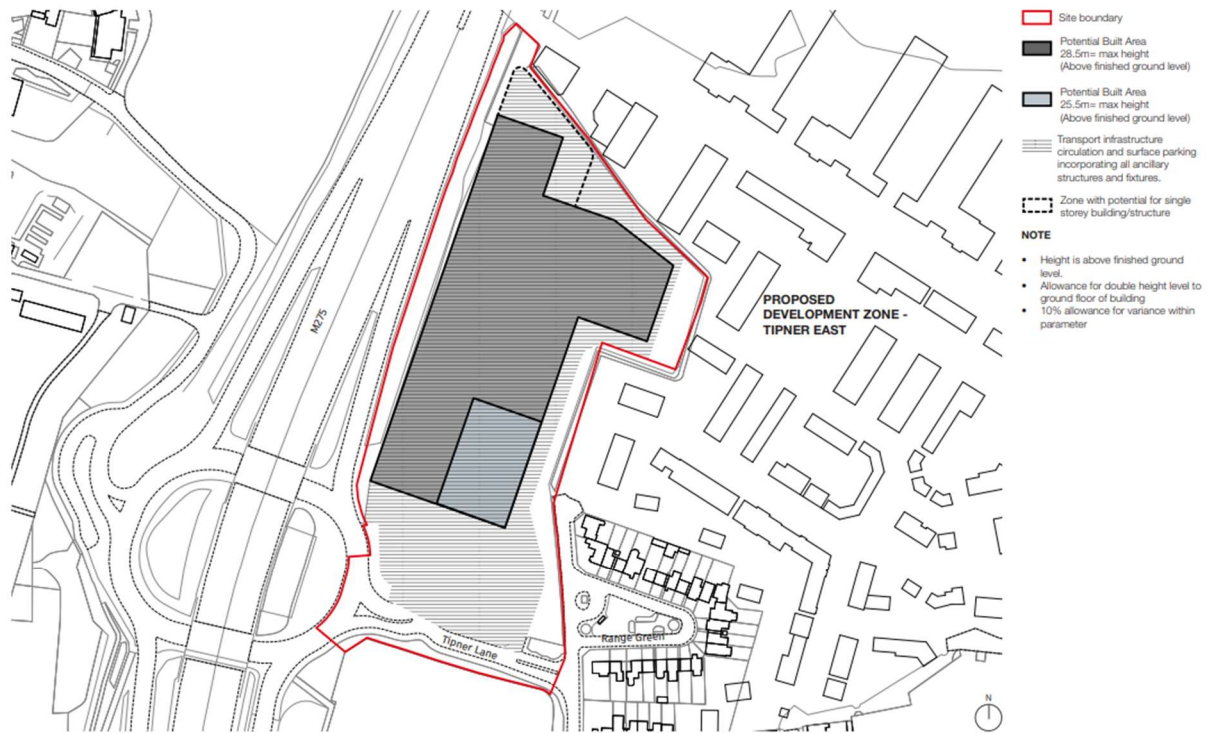
drawing no.	FP03	drawing	Landscape Parameter plan
revision	-	scale	1:1,500@A3
drawn by	TP	checked by	PF
date	06 Jan. 22	job no.	443815

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Figure 3 - Landscape Parameter Plan

(d) Scale and Layout

- 8.28 In terms of scale, The Building Heights Parameter plan, shows that building would rise up to a maximum of 28.5 metres above the existing ground level at its highest point. This will form part of a multi-storey transport interchange incorporating a Park and Ride facility with space for up to 2,650 cars. The maximum width of the built form shown on the parameter plans is up to 73m metres, extending to 107m at its northern end. There would be 5 metres separation from the motorway to the west and between 3 and 6 metres separation to the residential development boundary to the east.
- 8.29 Whilst the plan below shows a substantial building occupying 47% of the site area (red line boundary), as set out in the Design and Access statement submitted with this application, future detailed planning applications will be required to work within the limits of the Parameter Plans that recognise the need to limit harm to existing and future residents.
- 8.30 Given this, the Design and Access statement recognises that it will not be possible or the intention of Portsmouth City Council to deliver a development that utilises the full extent of the Parameter Plan, but merely provide the opportunity to investigate multiple detailed designs to create an efficient and attractive Transport Hub.



Portsmouth Transport Hub
Portsmouth City Council

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drawing no.	FP01	drawing	Building Heights Parameter Plan
revision	-	scale	1:1,500@A3
drawn by	TP	checked by	PF
date	06 Jan. 22	job no.	443815

Urban Design Studio | savills

Figure 4 - Building Heights (Scale) Parameter Plan

- 8.31 However, the site has been identified in Policy PCS24 as one of eight locations within the city suitable for tall buildings. As set out in the tall building statement submitted with the application, the development proposals respond with a design concept that will create a landmark ‘gateway’ building. Design iterations and consultation have been undertaken as part of the planning application process, including presentations to the project approval group within PCC and public consultation. It is considered that the building will relate well to its context, responding to the approved Tipner East development and existing residential development to the east and south east. The Portsmouth Park and Ride / transport hub concept has also been influenced by the Tipner West concept to establish synergy of design and importantly, realise the ambition of creating a gateway onto Portsea Island and into the city.
- 8.32 With regard to layout, this is governed by the proposed access arrangements which are to maintain the existing vehicular access point off Tipner Lane.
- 8.33 On this basis, in terms of layout/land uses within the site, the parameter plans submitted with the application clearly show the majority of the site dedicated to vehicular access and egress and car-parking. The proposed layout shows the proposed building to be aligned north south parallel to the M275 adjacent to the site boundary to the west and for vehicular access to be obtained off Tipner Lane to the south, as per the existing arrangement.
- 8.34 As discussed below in respect of residential amenity, the layout of the building and its scale would pose issues for the outline scheme permitted on adjacent land but due to the shape of the site available and the need to maximise the number of car parking spaces there is considered to be little scope for laying out the site in an alternative way.

Other Considerations:

Impact on heritage assets

- 8.34 The NPPF and policy PCS23 gives presumption in favour of the conservation of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification. The site is not located within a conservation area and contains no above ground heritage asset. However, there are a number of heritage assets in close proximity [circa 1.2km]. These include:
- a. Portchester Castle [including the Scheduled Monument, Grade I Listed Castle and Grade I Listed St Mary's Church]
 - b. Tipner Magazine Buildings and Associated Structures [including four Grade II listed buildings], and
 - c. HMS Excellent [including the Grade II listed Quarterdeck Block and Drill shed]
 - d. Hilsea Lines Conservation Area
 - e. Hilsea Lines Scheduled Ancient Monument
- 8.35 Paragraphs 194 and 199 - 208 of the NPPF 2021 are considered to be relevant to this application.

Above ground heritage assets

- 8.36 The group of assets which make up Portchester Castle are located just over 2km to the north-west of the site boundary, they have been assessed together as a group as they are part of the same historic complex. Only those assets at Portchester Castle which have views across Portsmouth Harbour and are of very high significance have been included as part of the assessment. The group of assets which make up Portchester Castle are located in the Portchester (Castle Street) Conservation Area (Fareham Borough Council, 2015).
- 8.37 The group of assets which make up the Tipner Magazine Buildings are located around 240m to the north-west of the site boundary they have been assessed together as they are located in close proximity and are all historically associated, forming a group. A 'magazine' is a store for arms, ammunitions and explosives for military use; in this case, these early magazine buildings were designed to store gunpowder.
- 8.38 The pair of assets which make up HMS Excellent: Quarterdeck Block (A2) and Drill Shed (A7) are located around 600m to the south-west of the site boundary and date to the mid to late 19th century. They are located within the HMS *Excellent* Royal Navy shore establishment sited on Whale Island. They have been assessed together as they are located in close proximity and are historically associated, forming a strong group.
- 8.39 The pair of assets - Hilsea Lines Conservation Area and Hilsea Lines Scheduled Ancient Monument are further afield albeit there is openness of water between the site and the Hilsea Lines and the Mid-Victorian fortifications.
- 8.40 Although the development would be in some cases visible in south-easterly views from some of the heritage assets, it would not have an impact on the setting or harm the significance of those heritage assets in terms of how the assets are understood or appreciated. Views to the south-east towards the site, although part of those assets' views, do not contribute to historic setting or significance. The proposed development would have no impact on the important aspects of the assets' setting, such as their relationship as an individual and/or a group and their relationship with the other structures in Portsmouth and the Harbour.
- 8.41 It is concluded that the proposed development would result in no harm to these assets as the views of the development are not substantial enough to have an impact on their settings or significance.

Buried heritage assets

- 8.42 Based on the nature of the existing site, which has historically been built up following remediation the only main potential impact is from deep piling for the proposed structure. The piling method and density is not known at this time, nor the depth of the likely pile caps.
- 8.43 Any archaeological remains within the footprint of each pile would be removed as the pile is driven downwards. The severity of the impact would therefore depend on the pile size, type and pile density. Where the piling layout is particularly dense, it is in effect likely to make any surviving archaeological remains, potentially preserved between each pile, inaccessible in terms of any archaeological investigation in the future. Augured piles/continuous flight auger (CFA) piles would minimise the impact upon possible archaeological remains whereas vibro-compacted piles may cause additional impact through vibration and deformation of fragile surrounding remains, in particular at the level of the water table.
- 8.44 Likely potential remains that could be impacted would be limited paleoenvironmental remains (alluvial deposits) present below modern made ground at depths below 2.7–4.6mbgl. Based on the nature of the remains, this would result in less than substantial harm.
- 8.45 Survival potential across the site is predicted to be high, due to historic land raising and minimal intrusive development. Consequently, any potential remains would have been preserved below historic dumping/ground raising layers, present within the alluvial or possibly brick earth deposits below. Based on the likely depth, the main potential impact would derive from piled foundations within the footprint of the proposed Park and Ride structure.
- 8.46 Although the site has the potential to contain archaeological remains, in light of the nature of the proposed impact – limited to localised piling– along with the depth of any archaeological remains that might be present, it is not considered feasible or warranted to carry out further site-based archaeological investigation of the site. Potential palaeo environmental evidence or Prehistoric foreshore remains would be present within deeply buried alluvial deposits and based on their likely depth, it is not possible to reasonably sample such remains.

Ancillary commercial and leisure uses

- 8.47 As set out earlier in this report, the Park and Ride facility would include smaller, ancillary commercial and leisure uses, to support the principal site function and the users of the site. While planning policies would normally expect most of these commercial and leisure uses to locate in local centres, it is also common and acceptable for ancillary and supporting facilities to exist outside of local centres at a facility such as this, which serves positive and significant city-wide purposes. These uses would add to the attractiveness of the facility, and so contribute to some degree towards the number and frequency of use of the Park and Ride. Given this supportive role for a specific function, and its location away from other local centres, it would not materially adversely affect the vitality and viability of any other local centre.

Impact on Adjacent Residential Amenity;

- 8.48 The proposed development, if built out in line with the scale parameters outlined above, could have a significant effect on residential amenity in terms of overshadowing and being overbearing to the future occupiers of both the Bellway / Homes England site to the east of the site and the VIVID Housing Limited development to the North.
- 8.49 With regard to the development proposed on the Bellway / Homes England site, there is a live planning application under consideration (Ref. 21/01357/FUL). This is currently

undergoing some revision by the applicant in the light of concerns expressed by officers with regard to the scheme as originally submitted. Unfortunately, the revised plans will not have been submitted by the time this application is presented to Planning Committee so it is difficult to assess exactly what these impacts will be. However having regard to the design considerations as set out in the Design and Access statement submitted with this application, it is clear that the promoters of this Park and Ride scheme are aware of the fact that both sites will be coming forward for residential development in the near future and as such it is expected that the detailed design of the Park and Ride will address the constraints imposed when the residential layouts for both sites are received into the public domain.

- 8.50 A further impact on future residential occupiers would be noise. The Park and Ride / Transport Hub would operate 24 hours a day, 7 days a week (excluding Christmas Day and New Year's Day). However, site activity would normally be considerably less overnight, with correspondingly lower noise levels resulting from traffic movements as probably the principal noise source to nearby residents (existing or future). There is an existing level of background noise, from the motorway especially and given distance separations, the concentration of use outside of night time, and noise measures to be provided as part of the detailed design stage at Reserved Matters, it is not considered that undue noise effects to nearby residents would accrue.

Trees and landscaping

- 8.51 The site is already landscaped and has relatively young trees and other vegetation whose environmental and aesthetic contribution would continue to grow. A substantial part of this existing landscape would be retained, especially along the western boundary and in the southern half of the site and augmented with further planting. Some trees would be dug-up and transplanted to a new location within the site. Also, the proposed landscaping of the building itself would enhance the environmental and aesthetic contribution. These matters will be further addressed by conditions and the future Reserved Matters application.
- 8.52 In terms of concerns in respect of inadequate planting and design, these matters fall beyond consideration of this submission and will be subject of detailed assessment at a later, reserved matters stage (scale, appearance, landscaping).

Ecology

- 8.53 The Council's Ecological advisers have expressed concerns that the current application lacks sufficient detail for it to be determined at this stage. However, this issue is being looked into and an update will be provided by way of a Supplementary Matters update.

Flood risk and drainage

- 8.54 The Council's Drainage Engineer, and Southern Water lead on comments concerning drainage of the site and area. The site lies within Flood Zone 1 (lowest risk), with the access parallel to the site's northern boundary lying within Zones 2 and 3. These matters have been considered in the Applicant's submissions, and both consultees have raised no objections subject to conditions requiring usual matters of foul and surface water sewerage disposal, incorporating a Sustainable Drainage Strategy with associated detailed design, management and maintenance plan. Those conditions are attached.

Contaminated land

- 8.55 The Council's Contaminated Land Team and the Environment Agency lead on comments concerning land contamination. The legacy of industrial use of the site presents a high risk of contamination that could be mobilised during construction to cause pollution, including to controlled waters beneath and around the site. These matters have been considered in the Applicant's submissions, and both consultees have raised no objections subject to a series of important conditions requiring usual matters of

site investigation, remediation, verification of remediation, and subsequent monitoring and maintenance. Those conditions are attached.

Public safety and amenity (i.e., crime)

- 8.56 Crime prevention would be important at a site that is remote from other land uses, that is open all day and night, and which may have periods of limited activity, i.e. limited natural surveillance from passers-by/other users. As set out earlier in this report, the Crime Prevention Design Advisor seeks the following matters be addressed: site layout and landscape form, physical security features being incorporated into the building and site design, natural, formal and electronic surveillance, lighting, façade treatment, and boundary treatments. As an Outline application with consideration of Access, Appearance, Landscaping, Layout and Scale reserved, these important details will be significant considerations in the forthcoming Reserved Matters application. Planning Officers will work closely with the Applicant and Crime Prevention Design Advisor to address these satisfactorily.
- 8.57 Third party objections have been received concerned about anti-social behaviour, including dangerous driving. These will be addressed as part of the wide variety of issues and corresponding measures discussed above.

Other Matters Raised in Representations

- 8.58 Third party comments are noted, and the majority have been addressed in the main body of the report, as set out above, and/or by conditions below, and/or will be addressed in the future Reserved Matters submission.

9.0 Conclusion

- 9.1 The application accords with the general principles and objectives of the Local Plan and the NPPF, for the broad and over-lapping areas of transportation, accessibility, sustainability, air quality, and the local economy. Subject to a series of important conditions and the future consideration of the Reserved Matters, the Local Planning Authority consider the proposals accord with those general principles and objectives without unacceptable impact on matters including local character, nearby residential amenity, trees, heritage, ecology, flood risk and drainage. Also the application would meet the Economic, Social and Environmental objectives of the NPPF, would thereby constitute Sustainable Development, and as such is recommended for conditional Approval.

RECOMMENDATION Conditional Permission

RECOMMENDATION I: That delegated authority be granted to the Head of Development Management to add/amend conditions where necessary.

(Pre-commencement conditions in BOLD)

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

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

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

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

3. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following documents and plans:
 - a. Location Plan at 1:1250 scale,
 - b. Block Plan at 1:500 scale
 - c. Parameter Plans Drawing Pack including:
 - i. Building Heights Parameter Plan (ref. PP01)
 - ii. Land Use Parameter Plan (ref. PP02)
 - iii. Landscape Parameter Plan (ref. PP03)
 - iv. Movements Parameter Plan (ref. PP04)
 - d. Planning Statement (December 2021)
 - e. Design and Access Statement (December 2021)
 - f. Tall Building Statement (TBS – January 2022)
 - g. Tree Survey / Arboricultural Report (March 2020)
 - h. Flood Risk Assessment (FRA – January 2022)
 - i. Environmental Statement, including Non-Technical Summary and Appendices, in accordance with the Environmental Impact Assessment Regulations 2017 (April 2020)
 - j. Information to Inform Habitats Regulations Assessment (April 2020)
 - k. Transport Assessment Statement of Conformity inc. Transport Assessment (January 2022)

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

4. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - i. A construction programme including phasing of works;
 - ii. 24 hour emergency contact number;
 - iii. Hours of operation;
 - iv. Expected number and type of vehicles accessing the site;
 - v. Deliveries, waste, cranes, equipment, plant, works, visitors;
 - vi. Size of construction vehicles;
 - vii. The use of a consolidation operation or scheme for the delivery of materials and goods;
 - viii. Phasing of works;
 - ix. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
 - x. Programming;
 - xi. Waste management;
 - xii. Construction methodology;
 - xiii. Shared deliveries;
 - xiv. Car sharing;
 - xv. Travel planning;
 - xvi. Local workforce;
 - xvii. Parking facilities for staff and visitors;
 - xviii. On-site facilities;
 - xix. A scheme to encourage the use of public transport and cycling;
 - xx. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - xxi. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - xxii. Locations for storage of plant/waste/construction materials;
 - xxiii. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - xxiv. Arrangements to receive abnormal loads or unusually large vehicles;

- xxv. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xxvi. Any necessary temporary traffic management measures;
- xxvii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xxviii. Arrangements for temporary facilities for any bus stops or routes;
- xxix. Method of preventing mud being carried onto the highway;
- xxx. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To ensure the protection of the residential amenity of neighbouring residents and businesses and the safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in accordance with Policy PCS17 and PCS23 of the Portsmouth Plan (2012) and to mitigate any adverse impact from the development on the M275 Motorway and to ensure that the M275 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980

5. No development shall take place until an assessment on the potential for noise from the development, including any plant and equipment, affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers and in accordance with Policy PCS23 of the Portsmouth Plan (2012).

6. No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, and in accordance with Policy PCS15 of the Portsmouth Plan (2012).

7. No development shall take place including any works of demolition until the developer/occupier enters into an agreement with the City Council to produce and implement a strategy that aims to maximise the opportunities for local residents to access employment offered by the development. The approved strategy shall be undertaken in accordance with an agreed timetable.

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).

8. Unless otherwise agreed in writing with the location planning authority, no works pursuant to this permission (including Demolition) shall commence until a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites has been submitted to and approved in writing by the Local

Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

Reason: To protect designated sites and green infrastructure in accordance with Policy PCS13: A Greener Portsmouth of the Portsmouth Plan (2012).

- 9. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:**
- a. A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).**
 - b. A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation (Phase 2' report).**
 - c. A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.**

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

- 10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the prior written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the guidance contained within National Planning Policy Framework (2021).

- 11. Piling and/or investigation boreholes using penetrative methods shall not be carried out other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the guidance contained within National Planning Policy Framework (2021) and Position Statement N of 'The Environment Agency's approach to groundwater protection'.

12. **Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.**

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

13. **Before commencement of the relevant phase of the development hereby approved, no work that involves the breaking of surfaces, excavation, piling, drilling or otherwise penetration of the ground shall take place at the site until an Archaeological Written Scheme of Investigation (WSI) for the site as a whole and/or for each phase has been submitted to and approved by the local planning authority in writing and the implementation of that WSI has been secured. The works shall thereafter be carried out in strict accordance with the approved WSI. The WSI will include all the details about staffing, methods, details of all processing, research, analysis, accessible and useable archive and a full report for publication etc.**

Reason: In the interests of protecting and/or conserving evidence of the City's early heritage and development by assessing any archaeological potential across the site and ensure information is preserved by record for any future generations, in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and guidance contained within National Planning Policy Framework (2021).

14. **Prior to the commencement of any phase of development the details and phasing of a safety improvement comprising a lane gain, to negate the departure from design standards associated with the merging length authorised for the M275 northbound on slip, shall be submitted to and approved by the LPA. No phase of development shall be brought into use until such an improvement in accordance with that written approval and agreed phasing have been carried out. For the avoidance of doubt any necessary improvements must be informed by up-to-date modelling of traffic movements at the junction and using the M275 motorway at this point.**

Reason: To ensure that the development provides the necessary highway improvements as required by Portsmouth Plan PCS17 (2012).

15. **Prior to first use of the development hereby approved, a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development, shall be submitted for approval in writing by the Local Planning Authority. The development shall be constructed in full accordance with the sustainability statement prior to occupation.**

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate, and in accordance with Policy PCS15 of the Portsmouth Plan (2012).

16. **Prior to first use of the development hereby approved, a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.**

Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with Policy PCS23 of the Portsmouth Plan (2012).

17. **Prior to first use, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: To enhance biodiversity in accordance with PCS13 of the Portsmouth Plan (2012) and guidance contained within National Planning Policy Framework (2021).

18. The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions (i)c.

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.

19. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: The submitted planning application indicates that boreholes will need to be installed at the development site to investigate potential land contamination. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement, which poses a risk to groundwater quality.

21/01287/CPE

WARD: ST THOMAS

83 MARGATE ROAD SOUTHSEA PO5 1EY

APPLICATION FOR A CERTIFICATE OF LAWFUL DEVELOPMENT FOR USE AS A SEVEN PERSON/ SEVEN BEDROOM HOUSE IN MULTIPLE OCCUPATION

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QYRCN8MOLNX00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qyrcn8molnx00)

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Simon Birmingham

RDD: 1st September 2021

LDD: 30th November 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before the Planning Committee at the request of Councillor Vernon Jackson.
- 1.2 The sole issue for consideration in the determining of this application is whether the increase from six occupants to seven occupants in an existing Class C4 House in Multiple Occupation would result in a material change of use as defined under s55 of the Town and Country Planning Act 1990 and therefore whether planning permission is required.
- 1.3 Site
- 1.4 This application relates to a two-storey, mid-terrace property located on the northern side of Margate Road. The application site is located within the St Thomas Ward.
- 1.5 Proposal
- 1.6 This application seeks to demonstrate that increasing the number of occupiers in an existing lawful HMO by one to make it a seven person House in Multiple Occupation (HMO) would not result in a material change of use and therefore would not require planning permission.
- 1.7 Relevant Planning History
- 1.8 Planning permission was granted in 2021 (reference: 20/01165/FUL) for the flexible use of the existing C4 HMO to purposes falling within Classes C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). Therefore the property currently has permission to be used as Class C4 HMO by up to six unrelated individuals. The Applicant provided tenancy agreements from 2011 onwards, and Council Tax records exist for 2010 onwards, to demonstrate the property had already been in Class C4 use for several years.

1.9 The Local Planning Authority (LPA) has also received an application at the same premises (reference: 21/00883/FUL) which is seeking planning permission for the change of use from a Class C4 HMO to a larger House in Multiple Occupation (Sui-Generis). This application will also be considered by the Planning Committee on this same agenda.

2.0 POLICY CONTEXT

Not applicable.

2.1 CONSULTATIONS

None.

3.0 REPRESENTATIONS

3.1 Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in October 2021. Four letters of objection have been received from three households and can be summarised as follows;

- a) A lawful development certificate application has been submitted to avoid the requirement of planning permission, this is not what certificate of lawful developments are for, they are trying to find loopholes to expand the use;
- b) Concerns regarding anti-social behaviour, parking, noise disturbance, waste;
- c) Request attention is given to comments which have been submitted objecting to planning application reference: 21/00883/FUL;
- d) Overdevelopment of the site, over-populated, sometimes people move-in before a decision is made;
- e) Please make sure all residents are aware of these applications.

4.0 COMMENT

4.1 Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not to be carried out, except with planning permission. However not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the TCPA, 'development' is defined as the making of a material change in the use of any buildings or land. For a change to be material there must some significant difference in the character of the activities from what was going on previously as a matter of fact and degree.

4.2 It is considered that in this instance, the increase in occupancy from a six person, six bedroom House in Multiple Occupation to a seven bedroom, seven person House in Multiple Occupancy would not result in a significant difference in the character of the activities that would occur within the property or the character of the area. Therefore, there would not be a material change of use, and so planning permission is not required.

4.3 This view is supported by the recent Campbell Properties enforcement appeals dated 29th April 2021. The Planning Inspector considered a number of similar changes of use at six different properties and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to six occupants to seven, and a change in occupancy from up to six occupants to eight would not result in a material change of use. While the Inspector recognised the increase of one or two occupants would result in a more intensive use of the property, he was of the opinion that there would not be material effects arising from a seventh or eighth resident. The Inspector was of the opinion the change of use from a six person to seven or eight person HMO was a continuation of the existing use.

- 4.4 Having regard to the above and the appeal decisions being a material planning consideration, the LPA is of the opinion that increasing the number of occupants at no.83 Margate Road from six to seven persons would not result in a material change of use, meaning planning permission would not be required and the proposed change of use is lawful.
- 4.5 Matters Raised in the Representations
- 4.6 Concerns raised in relation to planning application: 21/00883/FUL have been fully addressed in the officer's report which is included elsewhere on today's agenda. As described in Paragraph 3.1 above, the correct application publicity was carried out.
- 4.8 Conclusion
- 4.9 The LPA is of the opinion that increasing the number of occupants at no.83 Margate Road from six to seven persons would not result in a material change of use as defined under s55 of the Town and Country Planning Act 1990, meaning planning permission would not be required and the proposed change of use is therefore lawful.

RECOMMENDATION

Grant Certificate of Lawfulness

83 MARGATE ROAD SOUTHSEA PO5 1EY

CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPANCY (CLASS C4) TO SEVEN BEDROOM/SEVEN PERSON HOUSE IN MULTIPLE OCCUPANCY (SUI GENERIS).

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QUJKW5MOJQX00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qujkw5mojqx00)

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Simon Birmingham

RDD: 11th June 2021

LDD: 6th August 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections, as well as due to the requests of Councillors Vernon-Jackson and Rob Wood.

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

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

1.3 Site and surroundings

1.4 The application site is a two storey terraced dwelling in a predominately residential area.

1.5 The Proposal

1.6 The Applicant has sought planning permission for the change of use of the property from the current lawful use of as a Class C4 House in Multiple Occupation (HMO) with up to six individuals living together, to allow up to 7 individuals to live together as an Sui Generis HMO. This change in occupancy will involve the repurposing of internal rooms but no external operational development forms part of this application.

1.7 Planning History

1.8 Concurrently to this application, the applicant has submitted an application for a Certificate of Lawful Development for existing use as house in multiple occupation with seven bedrooms for occupation by seven persons, under planning ref: 21/01287/CPE. This application is considered elsewhere on this same Committee agenda.

1.9 The change of use from house in multiple occupancy (class C4) to purposes falling within classes C3 (dwelling house) or C4 (house in multiple occupancy) was granted conditional permission in 12th March 2021 under planning ref: 20/01165/FUL. The

Applicant provided tenancy agreements from 2011 onwards, and Council Tax records exist for 2010 onwards, to demonstrate the property had already been in Class C4 use for several years.

- 1.10 The Applicant also has a planning application for the same proposals (from Class C4 to a seven person HMO) next door at no. 85, ref. 21/00747/FUL, pending decision in due course.

2.0 **POLICY CONTEXT**

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

3.0 **CONSULTATIONS**

- 3.1 Private Sector Housing: The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.

4.0 **REPRESENTATIONS**

- 4.1 13 representations have been received from neighbouring residents, objecting to the application on the following grounds:
 - a) Too many HMOs in the area (over the 10% threshold);
 - b) Impact on local infrastructure from over-population;
 - c) Lack of Parking;
 - d) Noise and Disturbance;
 - e) Anti-social behaviour;
 - f) Work already commenced;
 - g) Waste and rubbish; and
 - h) Need for family housing.

5.0 **COMMENT**

- 5.1 The main issues to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

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

5.4 In this case the application site is already in lawful use as an HMO and the application has been made to recognise the intention to increase its occupation by 1 occupants. As such the application is not considered, on its individual facts to create any material impact on the balance of the community in the area. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as a maximum proportion of HMO dwellings to C3, single household, dwellings. As the minor increase in occupancy does not change this mix of dwellings the proposal has no impact on this guidance. For reference, it can be noted however that the relevant 50m radius area is currently made up of 36 HMOs out of 92 properties, a percentage of 39.1%. This proposal of course has no effect on that percentage. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a number of HMOs next to each other. As this proposal does not involve the creation of a new HMO these considerations are not brought into effect.

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

Room	Area Provided:	Required Standard:
Bedroom 1	10.48m ²	6.51m ²
Ensuite B1	2.86m ²	2.74 m ²
Bedroom 2	10.48m ²	6.51m ²
Ensuite B2	2.86m ²	2.74 m ²
Bedroom 3	11.69m ²	6.51m ²
Ensuite B3	2.82m ²	2.74 m ²
Bedroom 4	11.29m ²	6.51m ²
Ensuite B4	2.86m ²	2.74 m ²
Bedroom 5	13.54m ²	6.51m ²
Ensuite B5	2.86m ²	2.74 m ²
Bedroom 6	10.7m ²	6.51m ²
Bedroom 7	10.61m ²	6.51m ²
Shower room	4.61m ²	3.74m ²
Combined Living Space	26.03m ²	22.5m ²
WC	1.4m ²	1.17 m ²

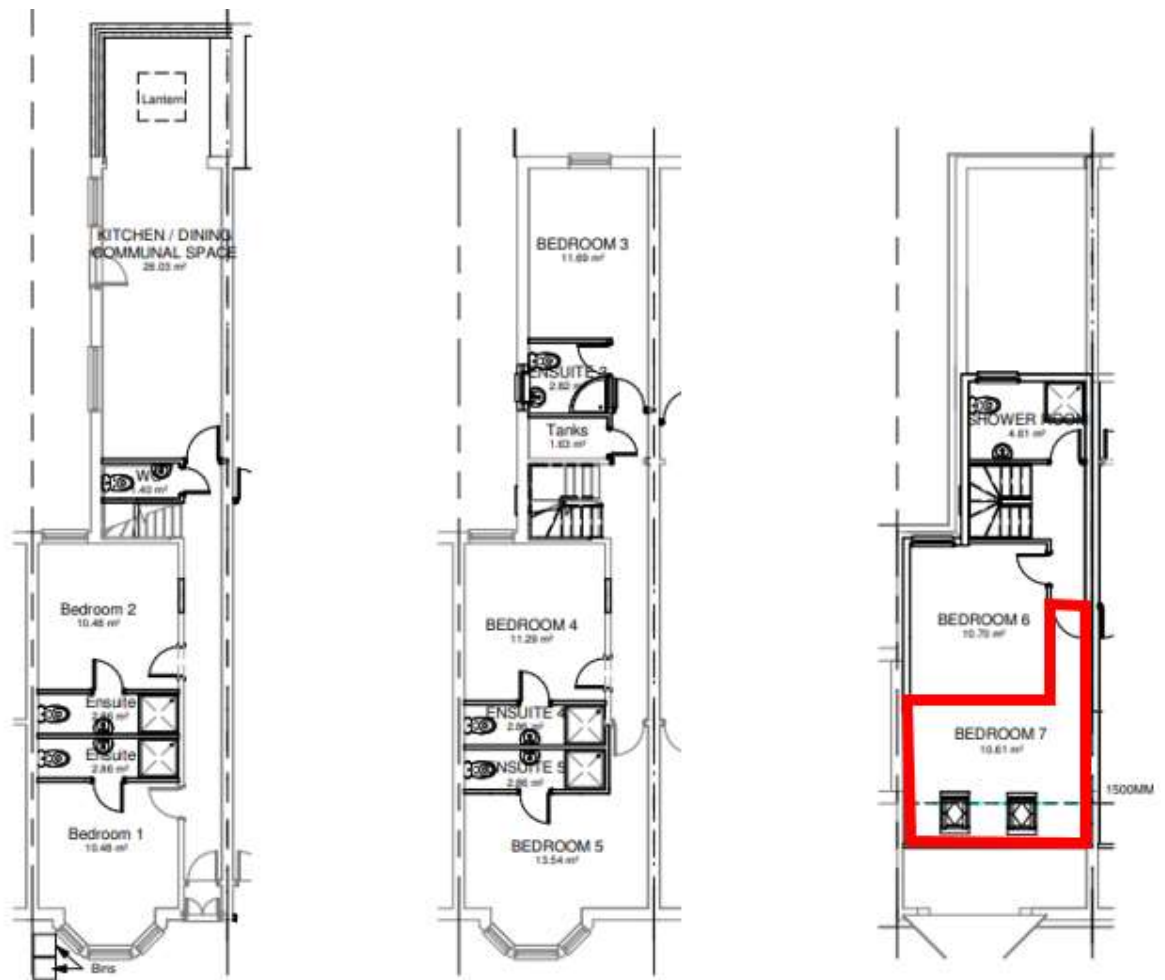


Figure 5: The only change proposed within the property is the use of the room outlined in red above, from a room labelled as a study, to the proposed seventh bedroom.

5.6 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space standards except for the combined living space. However the HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements for combined living accommodation in circumstances where all bedrooms are at least 10m² and the accommodation is otherwise acceptable as communal space. On the basis of the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.

5.7 Amenity and Parking

5.8 The proposal would increase the occupancy of the existing HMO by 1 occupants. While this would have a proportionate increase in activity within and coming and going from the property this small increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area.

5.9 Similarly the minor increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of

HMO with 4 or more bedrooms. Consequently the proposal remains in accordance with the Council's adopted guidance on parking provision.

5.10 Other Material Considerations

5.11 A key and overriding consideration in this case is the necessity to recognise the fall-back position available to the applicant; that is the position they could take if this application is refused. In this case the addition of only 1 occupant to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not be carried out, except with planning permission. However not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the Town and Country Planning Act 1990 'development' is defined as making of a *material* change in the use of any buildings or land. Whether or not a change is a material change is a matter of fact and degree to be assessed on its own merits. Members will note a recent joint appeal decision (the 'Campbell Properties' appeal dated 29 April 2021) wherein the Inspector considered a number of similar changes of use and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to 6 occupants to an occupancy up to 7 occupants, and a change in occupancy from up to 6 occupants to an occupancy of up to 8 occupants was not considered to be a material change of use notwithstanding it moved the classification of the dwellings outside of Use Class C4 of the Use Classes Order. While every application must be considered on their own individual merits these examples provide clear guidance on the correct interpretation of s55 of the TCPA and that appeal decision is considered to be a material consideration in the determination of similar applications.

5.12 In the circumstances of the case the subject of this report it is considered that the increase in occupancy does not result in a significant difference in the character of the activities that would occur under the proposed occupation compared to the existing lawful use as a HMO with up to six occupants. As such it is considered that the change of use is not material and planning permission is not required for the increase in occupancy described in the application. The Applicant therefore has a fall-back position of being able to lawfully carry out the change in occupation without the benefit of Planning Permission.

5.13 The objection points concerning intensity / character of use of the property and effect on the wider area are covered by the text above. With respect to work already commenced, it is not known what the works alleged may be and whether they require planning permission. Action is unlikely pending the decision on the current application.

5.14 Impact on Special Protection Areas

5.15 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, the applicant's above fall-back position would allow the occupation of the site without Planning Permission. As such it is considered that the proposal would not amount to development and therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.16 **CONCLUSION**

5.17 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. However notwithstanding the compliance or otherwise of the proposal with the policies of the Local Plan it is noted that on the details of this case the changes in the character of activities are not sufficiently significant, as a matter of fact and degree, to be considered to result in a material change in the use of this dwelling. As such

planning permission is not required for the use described in the application and the proposal could be carried out as a fall-back position irrespective of the determination of this application. This is considered a material consideration of overriding weight, and unconditional planning permission should therefore be granted.

RECOMMENDATION

Unconditional Permission

Conditions: None

25 BATTENBURG AVENUE PORTSMOUTH PO2 0SJ

RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF DORMER TO FRONT ROOF SLOPE

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R1L8YSMON3R00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R1L8YSMON3R00)

Application Submitted By:

Robert Tutton Town Planning Consultants Ltd
FAO Mr Robert Tutton

On behalf of:

Mr C. Stokes

RDD: 26th October 2021

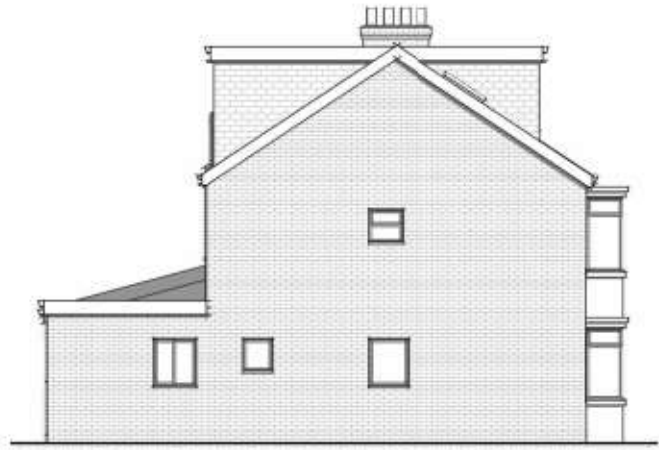
LDD: 4th January 2022

1.0 SUMMARY OF MAIN ISSUES

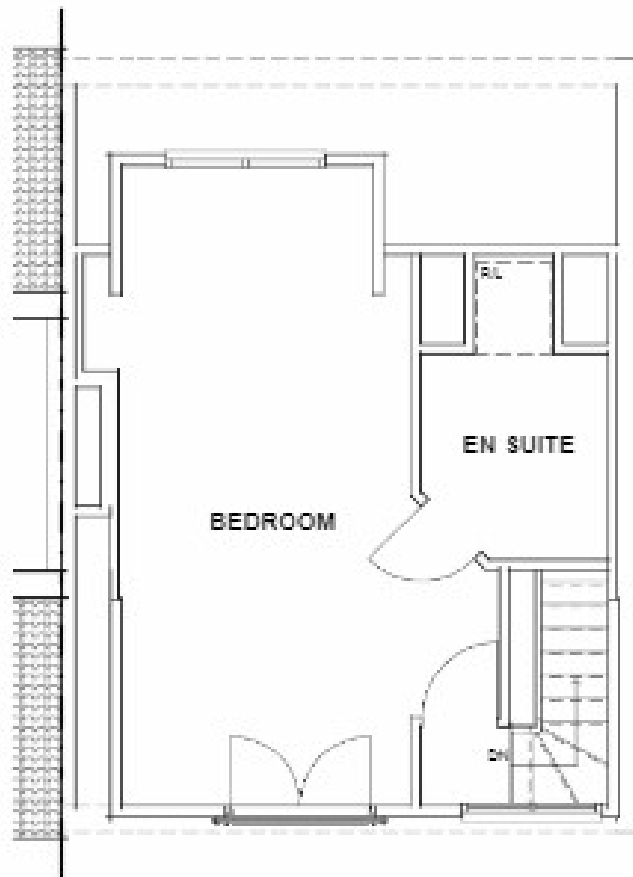
- 1.1 The main issues for consideration are the visual appearance of the dwelling and the character and appearance of the surrounding area.
- 1.2 The application was presented to the Members Information Service on 21st January, and was called for decision at Planning Committee by Councillors Payter-Harris and Wemyss.
- 1.3 Site
- 1.4 This application relates to a semi-detached dwelling located at the junction of Battenburg Avenue and Kearsney Avenue in the Hilsea Ward. It has been subject to significant roof enlargements, front and rear.
- 1.5 Proposal
- 1.6 The proposal seeks retrospective planning permission for the construction of a front dormer window, the structure has been in place for approximately 4 years. It is located centrally above the double bay window on the principal elevation.
- 1.7 This existing dormer window measures approx. 2.5m in width, 2m in height and 3m in depth. It has a flat roof and has been finished in tile hanging to match the existing dwelling with a white uPVC window.



Front (South)
1 : 100



Side (West)
1 : 100



Second Floor
1 : 50

- 1.8 This is the fifth application on the site for the same form of development, it was previously the subject of three retrospective planning applications (17/02031/PLAREG, 18/01322/PLAREG & 19/00265/HOU) and refused each time. The fourth application (19/01563/HOU) was returned by the Local Planning Authority to the Applicant as Invalid as it was not materially different to previous submissions. Two of the three refusals were

appealed (17/02031/PLAREG and 19/00265/HOU) and the appeal was dismissed on both occasions by the Planning Inspector.

- 1.9 The most recently refused scheme (19/00265/HOU) sought permission for an almost identical front dormer to the current proposal, but with a pitched roof instead of the existing flat roof form. The scale of the dormer since the last application is otherwise unchanged. The previous reason for refusal is listed below:
- 1.10 *"The front dormer window would, by reason of its unsympathetic appearance and prominence within the streetscene, amount to an incongruous, over dominant and visually obtrusive feature, harmful to the visual appearance of the existing dwelling and the character and appearance of the surrounding area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 (Design and Conservation) of the Portsmouth Plan."*

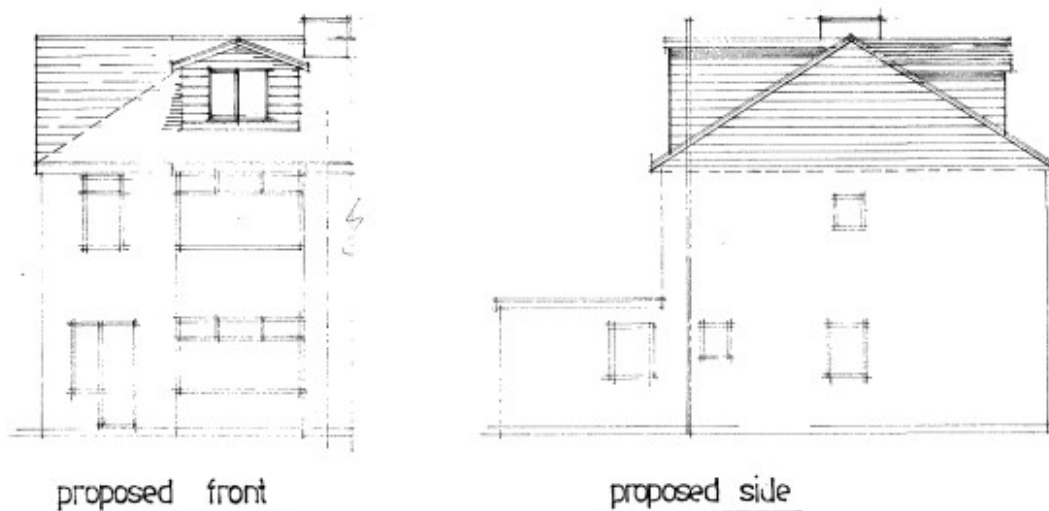


Figure 6 above elevations: the third application, refused and dismissed at appeal, 19/00265/HOU

- 1.11 This decision was appealed (APP/Z1775/D/19/3232801) and the appeal dismissed, with the Inspector's concluding statements being:
- 1.12 *"I conclude that the appeal proposal would cause significant harm to the character and appearance of the host property and the wider surrounding area. It would therefore be contrary to Policy PCS23 of the Portsmouth Plan 2012 which, amongst other matters, requires new development to be well-designed, and seeks excellent architectural quality with respect to changes to existing buildings, with regard being paid to achieving appropriate scale and appearance for a particular context. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework which requires high quality design."*
- 1.13 The property is also the subject of an ongoing enforcement appeal (APP/Z1775/C/21/3280709 & APP/Z1775/C/21/3280723).
- 1.14 Planning history
- 1.15 Besides the above referenced applications, there is no other relevant planning history associated with the application site.

2.0 POLICY CONTEXT

- 2.1 The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation),
- 2.2 The aims and objectives of the revised NPPF (2021) would also be relevant in the determination of this application.

3.0 CONSULTATIONS

- 3.1 None.

4.0 REPRESENTATIONS

- 4.1 7 representations have been received in respect of the application, offering support to the proposal on the following grounds:
- a) No local opposition to the development;
 - b) No impact upon neighbouring amenity;
 - c) HMOs in the surrounding area have been allowed;
 - d) Work improves the property and local area;
 - e) Nearby residential development at St Nicholas Church causes more issues;
 - f) No consultation with neighbours in surrounding roads;
 - g) Work has been carried out to a high standard;
 - h) Identical front dormer at No.37 Battenburg Avenue; and
 - i) Waste of time, money and disturbance from removal.

5.0 COMMENT

5.1 Design

- 5.2 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.
- 5.3 The proposal, as referenced above, is largely unchanged from the previous appeal decision on the site (APP/Z1775/D/19/3232801) albeit retaining the existing flat roof instead of replacing it with a pitched roof. The Inspector's previous comments are still relevant that the dormer runs too high to the ridge and is incongruous given its overall depth and height. The development is still prominent and visually dominant to the recipient property; exasperated by the property's location on a corner plot. It is considered that this application has not overcome the previously identified reason for refusal and the Planning Inspectorate's previous decision is still relevant and is a material consideration.
- 5.4 The applicant has attached the plans for the existing dormer window at 37 Battenburg Avenue to the plans for this submission, in order to draw a comparison between the two. This property was raised previously to the Inspectorate, with the most recent appeal decision (APP/Z1775/D/19/3232801) stating: *"Based on my site inspection, I concur with the previous Inspector that the visual prominence of No.37, due to building positioning and building lines, is less pronounced within the street-scene than the corner appeal site*

property and that the dormer at No.37 is set below the ridge height. I am not persuaded that the dormers at Nos. 37 and 86 make a positive contribution to the street-scene."

- 5.5 In order to support their application, the applicants have noted the road formed part of the Urban Characterisation Study published by the City Council in 2011 which described the area as having "...a fairly regimental grid pattern" where even slight variations would help "...differentiate one street from another and add interest to the street-scene." The applicants considered the front dormer at No.37 Battenberg Avenue added such visual interest and say they decided to make a similar positive contribution. However, the Officers would not consider the installation of the front dormer at no. 25 to be a 'slight variation' to the property - it required planning permission and neither the LPA nor the Planning Inspector would grant it planning permission because of its effect on the property and the streetscene.
- 5.6 As clearly demonstrated above, the front dormer at No.37 Battenburg Avenue was previously considered by both the LPA and the Planning Inspectorate in their previous decisions and did not considered it be comparable to no. 25, given the more visible location of no. 25 on a street corner.
- 5.7 Impact on amenity
- 5.8 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.9 The proposed front dormer window is not considered to represent a significant impact on neighbouring amenities in terms of an increased sense of enclosure or a loss of privacy.
- 5.10 Representations of support made by neighbours
- 5.11 Of the matters raised not already addressed in the report above:
- HMOs in the surrounding area have been allowed;
 - Nearby residential development at St Nicholas Church causes more issues;
 - No consultation with neighbours in surrounding roads;
- 5.12 Developments within the local area (in this case at St Nicolas's Church and a nearby HMO) have no bearing on the acceptability of this application.
- 5.13 The officers can confirm that the publicity was carried out in accordance with guidelines.
- 5.14 Conclusion
- 5.15 The front dormer window, by reason of its unsympathetic appearance and prominence within the streetscene, amounts to an incongruous, over dominant and visually obtrusive feature, harmful to the visual appearance of the recipient dwelling and the character and appearance of the surrounding area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to Policy PCS23 (Design and Conservation) of the Portsmouth Plan.

RECOMMENDATION Refuse

- 1) The front dormer window would, by reason of its unsympathetic appearance and prominence within the streetscene, amount to an incongruous, over dominant and visually obtrusive feature, harmful to the visual appearance of the existing dwelling and the character and appearance of the surrounding area. The proposal is therefore contrary to the

principles of good design set out in the National Planning Policy Framework and to Policy PCS23 (Design and Conservation) of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

KING GEORGE V PLAYING FIELDS NORTHERN ROAD PORTSMOUTH PO6 3AA

CONSTRUCTION OF SINGLE STOREY SPORTS PAVILION, TO PROVIDE CHANGING ROOMS, CAFE, KITCHEN, OFFICES, RECEPTION AREA AND ANCILLARY SPACES, WITH ASSOCIATED LANDSCAPING AND PARKING AND CONSTRUCTION OF 2NO. ARTIFICIAL GRASS PITCHES

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=R400VJMOGJA00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=R400VJMOGJA00&activetab=SUMMARY)

Application Submitted By:

Kath Pirie
Portsmouth City Council

On behalf of:

Portsmouth City Council

RDD: 10th December 2021

LDD: 14th March 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is included on the agenda because Portsmouth City Council is the land owner and the applicant, and because the proposal is a Major category application.
- 1.2 The main issues for consideration are:
 - The principle of the proposed development;
 - Scale, design and appearance;
 - Impact on nearby heritage assets;
 - The amenity of adjoining occupiers;
 - Access, transport impact and parking;
 - Ecology, landscaping and trees;
 - Contaminated Land;
 - Drainage; and
 - Sustainable design and Construction
- 1.3 Site
- 1.4 This application site relates to King George V playing fields which are located to the west of Northern Road and to the east of the A27. The application site is bounded on the north side by the Cosham to Southampton railway line and beyond the railway line are residential properties. To the south of the site is Lynx House which is a grade II listed building and is currently occupied by HMRC. The seven storey Roebuck House which is currently in use as offices but has planning permission to be granted into self-contained flats, lies on the opposite side of Northern Road. The existing site outlined in red on the location plan is approximately 11.8 hectares and benefits from a vehicular and pedestrian access from Northern Road and pedestrian access from the north and western boundaries of the site. The application site consists of playing fields, a two-storey pavilion located on the eastern side of the site and a car park located in the south east corner of the site.

- 1.5 While ground levels on the site are fairly even, the site is set down from Northern Road at the north-east corner of the site where the road rises to clear above the railway line and there are steps leading down to the existing pavilion from the pavement. The site is not located in a conservation area and the site is not considered to be of archaeological importance. The site is not subject to a Tree Preservation Order (TPO), however, the application site is protected open space as designated by policy PCS13 of the Portsmouth Plan (2012).
- 1.6 Proposal
- 1.7 Planning permission is sought for the construction of a single-storey sports pavilion following the demolition of the existing sports pavilion. The pavilion would have an L-shaped footprint with a gross floor area of approximately 826m² and maximum height of 8.3 metres. The northern part of the building would consist of changing rooms with access to the sports pitches. The southern part of the building would consist of offices, two meeting rooms and a café which would be accessible to the public. An outdoor terrace would face west across the playing fields. The building would be finished in a mix of brick and metal standing-seam cladding, with the latter used for the roof also.
- 1.8 Planning permission is also sought for the installation of two artificial grass pitches with associated flood lighting and fencing surrounding the site. The fencing will be 4.5m high black colour powder coated galvanised steel mesh, with gates to match. There would be 15 no. floodlights, on 15m high galvanised steel columns, fitted with LED lamps. Some spectators could stand around the periphery of the pitches in a 3m wide strip around the facility.
- 1.9 Access to the site would be largely unaltered, however, the existing car park would be extended and realigned to accommodate 103 parking bays which would include 5 disabled bays and up to 10 electrical vehicle charging bays. There would be ten part-time employees. Hours of use are proposed at 1700 - 2200 hours Monday to Friday, and 0800 - 2200 hours weekends and Bank Holidays.
- 1.10 The application is accompanied by the following reports: Transport Assessment; Transport Plan; Phase 1 Geo-Environmental Assessment; Ground Investigation Report; Sustainability Appraisal; Flood Risk Assessment and Drainage Strategy; Ecological Impact Assessment; Biodiversity Net Gain Assessment; and Consultation Report.



1.11 Relevant Planning History

1.12 A*20579/A - Sports Pavilion. Conditional Permission 1958.

2.0 POLICY CONTEXT

2.1 In addition to the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS15 (Sustainable Design and Construction), PCS16 (Infrastructure and Community Benefit), PCS17 (Transport), and PCS23 (Design and Conservation). The Parking Standards Supplementary Planning Document (SPD) would also be a material consideration. Saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan would also be a material consideration.

2.2 Supplementary Planning Documents

2.3 The following Supplementary Planning Documents (SPDs) are also applicable to the proposal: including:

- Reducing Crime Through Design SPD (March 2006)
- Parking Standards and Transport Assessments (July 2014)
- Sustainable Design and Construction SPD (January 2013)

3.0 CONSULTATIONS

3.1 Crime Prevention Design Advisor - During the period 10th January 2021 to 9th January 2022 Hampshire Constabulary received 18 reports of incidents occurring within the playing field. Of relevance to this application are 1 report relating to arson of a motor vehicle and 8 reports of motor cycles being ridden within the park.

Advice has been provided for the applicant's attention regarding crime prevention measures.

- 3.2 Ecology - Conditions are requested for an ecological remediation strategy and verification report to be submitted to the Local Planning Authority for approval.
- 3.3 Natural England - No objection.
- 3.4 Network Rail - Advice provided for the applicant's attention regarding works adjacent to Network Rail land.
- 3.5 Sport England - No objection.
- 3.6 Arboricultural Officer - No objection.
- 3.7 Coastal and Drainage - Condition requiring amended drainage strategy to be submitted.
- 3.8 Conservation Consultant - It is considered that on balance, the proposal would result in a low/ moderate degree of harm to the significance of the asset, when balanced against the public benefits accruing from the proposal, it is considered capable of conservation support.
- 3.9 Contaminated Land - A pre commencement and pre occupation condition are requested.
- 3.10 Environmental Health - The nearest noise sensitive receptors are situated at Roebuck House, Gurnard Road and Colwell Road located across a busy main road and railway line respectively. Any potential noise is likely to be activity from football matches and spectators. As the distances from each to the proposed site is approximately 100m away and the applicant has proposed further screening using shrubs, trees and bushes against the already existing trees, this service has no concerns regarding noise from the proposed site.

Regarding the proposed flood lighting, it is recommended the applicant ensure the times the flood lights are in use and their positions are carefully considered but should any complaints arise as a result of their use, this is best dealt with under Statutory Nuisance Legislation.

- 3.11 Local Highways Authority - No objection subject to a condition requiring matches to be scheduled to allow time for the first user group to vacate the site before the second group arrives.

4.0 REPRESENTATIONS

- 4.1 The applicants have submitted a Statement of Community Involvement, which outlines various ways in which the local community has been kept updated about the proposed development. This has included a survey and community drop-in events.
- 4.2 PCC publicity dates:
- 4.3 Neighbour letters sent: 21st December 2021; expiry 26th January 2022.
- 4.4 Site notice displayed: 5th January 2022; expiry 26th January 2022.
- 4.5 Press notice displayed 31 January 2021; expiry 21st January 2022.
- 4.6 One letter of objection has been received raising concerns that the extension and alteration of the existing car park is contrary to the Council's Transport Strategy LTP4 (Local Transport Plan 4) which promotes sustainable transport.

5.0 COMMENT

5.1 Principle of development

5.2 Portsmouth City Council has worked with the Football Association, Football Foundation and local football clubs and stakeholders to create a plan for Portsmouth which forms part of the a national roadmap for the development of grassroots sport. The Football Foundation, Premier League, The FA and Government have all committed funds to deliver these plans. As set out within the design and access statement, Portsmouth's plan was completed in 2020 and the plan identifies the need for at least five more artificial grass pitches in Portsmouth alongside grass pitches and changing facilities. The King George V playing fields is identified in the plan as a key opportunity site for local game development.

5.3 The site is currently designated as open space by policy PCS13 of the Portsmouth Plan (2012). Policy PCS13 (A Greener Portsmouth) seeks to protect, enhance and develop the green infrastructure network within Portsmouth and the policy states planning permission will be refused where there is a net loss of existing open space and those which would compromise the overall integrity of the green infrastructure network in the City, unless there are wider public benefits from the development that outweigh the harm. In this instance, the proposed development would be ancillary to the existing playing fields and would improve usability of the designated open space. The proposal is considered to be in compliance with policy PCS13 of the Portsmouth Plan (2012), and also PCS14 'Healthy City'.

5.4 Scale, design and appearance and impact on nearby heritage assets

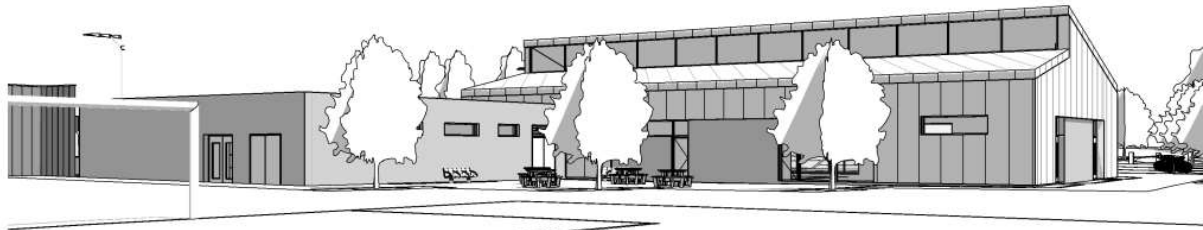
5.5 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.

5.6 The proposed pavilion would consist of an 'L-shaped' building which host a combination of a flat roof and a pitch roof. The single storey building would have a maximum height of 8.3 metres. The building has a modest and unimposing appearance within its setting. Having regard to the 5m high bank along the eastern boundary of the site which adjoins Northern Road, a significant extent of its overall mass would sit within an 'enclave' when viewed from Northern Road. This would assist in mitigating the wider visual impact of the building.

5.7 The existing pavilion was subject to an arson attack in 2018 and as a result is currently unusable, therefore, the applicants have explained the elevations have been designed to be deliberately simple and robust materials have been chosen due to concerns regarding vandalism. Materials would include facing brickwork for the flat roof element of the building which would contain the changing rooms. Materials for the southern wing of the building would include zinc panels for the roof and wall. The building will incorporate shutters so the building can be securely locked when not in use. While the proposed materials are considered acceptable in principle, should planning permission be granted, it is suggested a condition is imposed requiring details of the proposed materials including the security shutters are submitted to the Local Planning Authority for approval.



Ground level view from south east looking northwest towards building frontage



Ground level view from west side of building looking east towards rear sides of building

PCC DESIGN GROUP |

- 5.8 In terms of impact on the setting of the Grade II listed Lynx House to the south of the site (1970-71, Foster Associates), the Council's conservation consultant has been consulted on the application. In their comments they acknowledge Lynx House was built on land which previously formed part of the playing fields and was originally intended to be a temporary building. Therefore the relationship between the listed building and the playing fields is considered to be incidental as opposed to a conscious design choice. Furthermore, the listed building would be situated more than 100m from the proposed pavilion and sports pitches and views from Lynx House to the proposal would be interrupted by the presence of existing and proposed landscaping. Consequently, the proposal is considered to result in a low/moderate degree of harm to the significance of the heritage asset, however, when balanced against the public benefits from the proposal, it is considered to be capable of conservation support.
- 5.9 To conclude, the scale and design approach is considered to be appropriate in relation to the surrounding buildings, in accordance with Policy PCS23 of the Portsmouth Plan and the design principles set out within the National Planning Policy Framework (NPPF).
- 5.10 Impact on the amenity of neighbouring properties
- 5.11 Policy PCS23 of the Portsmouth Plan states that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.12 The nearest residential properties are located in Colwell Road to the north of the site and there would be distance of approximately 30 metres from the proposed all-weather pitches and floodlights. They would be separated by the railway line, and a belt of mature, mostly deciduous trees along the playing fields' northern boundary. Having regard to the separation distances involved and intervening trees, it is not considered that the proposed building would result in any significant loss of outlook, light or privacy to these neighbours.

- 5.13 A very important consideration for the impact on neighbours would relate to increased noise and light pollution. The Council's Environmental Health (EH) team have been consulted on the application and given the separation distance between properties on Colwell Road to the north and Roebuck House to the east, which are separated from the application site by a railway line and main road respectively, the Environmental Health Officer has raised no objection to the proposal in terms of noise. However, having regard to the proposed floodlighting, the Environmental Health officer has requested the application ensures the times the floodlights are in use and their positions are carefully considered to avoid complaints. A condition would be applied requiring details of the proposed external lighting including illuminance, hours, and to minimise effects on wildlife around the facility to be submitted to and approved by the Local Planning Authority.
- 5.14 Access, transport impact and parking
- 5.15 The existing site is accessed via a vehicular access from Northern Road which is shared with Lynx House. This access would be retained and would serve the new pavilion and sports pitches. There is a separate pedestrian access leading from Northern Road with steps and slope down to the existing pavilion which would also be retained.
- 5.16 The application site currently has 50 vehicle parking spaces and this would be extended to create 103 parking bays, including 5 disabled parking bays and 10 electrical charging bays. A grasscreate area to the north of the proposed pavilion has been identified as an area for potential overflow car parking which would provide an additional 46 spaces. Furthermore, 40 cycle spaces would be provided in the form of Sheffield stands which would be located in the forecourt to the east of the proposed pavilion.
- 5.17 The application is supported by a Travel Assessment (reference: 303547 which suggests that not all pitches would be in use at one time with the flood lit pitches more likely to be occupied in the evening. The Travel Assessment includes suggestions on what management measures could be introduced to promote a sustainable travel and avoid an accumulation of cars on the site. The Local Highways Authority have been consulted on the application and have raised no objection to the proposal subject to a condition requiring match times to be staggered to allow time for the first users of the site to leave before the second users arrive. Following discussions with the Local Highways Authority and the applicant, it has been agreed this requirement will be incorporated into a Travel Plan which would be secured via condition.
- 5.18 In terms of accessibility, the site is well served by buses, with 7 routes stopping within nearby Cosham Bus Interchange, providing links to various parts of the city and beyond. Cosham railway station is approximately 0.2 miles from the site and the site is also well linked to cycle routes. Therefore there is the potential for visitors to use public transport to travel to and from the site.
- 5.19 Ecology, landscaping and trees
- 5.20 Policy PCS13 of the Portsmouth Plan seeks to protect, enhance and develop the city's green infrastructure and requires development to achieve a net gain in biodiversity where possible.
- 5.21 The application is supported by an Ecological Impact Assessment; Biodiversity Net Gain Assessment which confirmed the presence of a roost of common and soprano pipistrelle bats in the pavilion. The County Ecologist has been consulted on the application and has requested several conditions are imposed to ensure bat roosting features and a detailed scheme of biodiversity enhancements are incorporated into the development. These details would be secured via condition.

5.22 With regards to landscaping, to ensure adequate mitigation is provided in the form of planting as suggested within the Design and Access Statement and submitted plans, a suitably worded landscaping condition would be imposed.

5.23 With regards to trees, no existing trees would be removed as part of the proposal. The Council's arboricultural officer has been consulted on the application and has raised no objection.

5.24 Contaminated Land

This application is supported by a Phase 1 Geo-Environmental Desk Study Report and Ground Investigation Report. The Council's Contaminated Land Team have been consulted on the application and have requested a pre-commencement condition requiring a remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminated soils. In addition to this, the CLT have requested a condition requiring a verification report to be submitted to the Local Planning Authority prior to the development being brought into use.

5.25 Drainage

The site lies within Flood Zone 1 and is therefore at low risk of flooding but the Applicant has submitted a Flood Risk Assessment and Drainage Strategy, which the Council's Drainage Engineer has been consulted on. The Drainage Engineer has confirmed the drainage strategy is lacking sufficient detail relating to the drainage of the proposed pitches and the proposed paved area to the east of the proposed pavilion. Therefore it is suggested, a condition is imposed requiring a detailed drainage strategy to be submitted to and approved by the LPA prior to the commencement of works.

5.26 Sustainable design and construction

5.27 Policy PCS15 of the Portsmouth Plan requires all new development to contribute to the aims of addressing climate change through energy efficient design. The application is supported by a design and access statement which sets out a number of energy efficiency features which have been incorporated into the design of the pavilion;

- Use of good quality materials to improve insulation and reduce the overall energy consumption;
- Development will be powered using electricity from the national grid and on site batteries, which store energy from photovoltaic (PV) panels. PV panels are proposed on the roof of the pavilion
- Heating and hot water will be provided from an air source heat pump.

5.28 The project has been designed to meet a minimum of 19% over Building Regulations Approved Document Part L requirements. The delivery of these standards can be required through a suitably worded planning condition.

5.29 Conclusion

5.30 The proposed development relates to a site which was is protected open space as designated by policy PCS13 of the Portsmouth Plan (2012). The development proposed is in accordance with the relevant development plan policies and it would provide Portsmouth and the wider Hampshire area with a much needed sports facilities. It would be of an appropriate design within the local context, acceptable with regard to highway capacity and safety, and would have no significant adverse effect on local amenity. It is recommended, therefore, that planning permission be granted subject to the conditions set out in this report.

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: Site Location Plan 2330/1100/P2; Elevations Shutters Open 2330/1310/P2; Elevations Shutters Closed 2330/1311/P2; Floor Plans 2330/1210/ P2; Sections 2330/1410/P2; Demolition of Existing Pavilion 2330/1101/P2; Landscape Proposals Artificial Grass Pitches (AGP's) 2330/LA/5302 P1; Landscape Proposals Sports Pavilion & Parking Area 23301/LA/5303P1; and Landscape Proposals Whole Park Plan 2330/LA/5304 P1.

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

Contaminated Land - Remediation Strategy

3) No ground works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) a remediation method statement report.

The remediation method statement report shall summarise the risks on site using a conceptual model in accordance with BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'. The conceptual model shall include including diagram and plan showing potential contaminant linkages (including consideration of potential asbestos), with network diagram showing which pollutant pathways may still form unless the site is remediated. The conceptual model shall be cross referenced to the sampling scheme. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. The report shall then detail the remedial scheme and measures to be undertaken to avoid risk from contaminants and ground gases when the development hereby authorised is completed (including any proposals for future maintenance and monitoring). The mitigation for ground gases, requires the submission of information referred to as a design report, 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. These two documents, and the installation brief must be included in or appended to the Remedial Method Statement report. The report will detail how the remedial measures will be verified on completion. Either separately, or within the report, it shall detail a competent person to oversee the implementation of the remedial scheme.

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 - Verification Report

4) Unless otherwise agreed in writing, the development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3 above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. 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 (3)b.

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

Materials

5) Notwithstanding the details shown on the approved plans, no construction works above foundation/slab level shall take place at the site until details, including samples, of the type, colour and texture of external materials (including security shutters) and windows has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development, in the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Construction Environment Management Plan

6) Unless otherwise agreed in writing by the Local Planning Authority, no works shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006 .

Biodiversity Enhancements

7a) Unless otherwise agreed in writing by the Local Planning Authority, a detailed scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate in a measurable way an overall net gain in bio diversity.

b) The approved biodiversity enhancements shall then be carried out before the development hereby permitted is occupied and a verification report shall be submitted to and approved in writing by the local planning authority that the approved biodiversity enhancements shall have been carried fully in accordance with the approved scheme;

c) These biodiversity enhancements shall thereafter be retained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Scheme of Sensitive Lighting

8 a) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of works, a scheme of sensitive lighting (during the operational life of the development), designed to allow dark corridors in sensitive areas to minimise impacts on wildlife, shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter the lighting scheme shall be implemented and retained in accordance with the approved details.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Bat Roosting Features

9 a) Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 4no. integrated bat roosting features such as bat tubes or bat bricks (not including bat boxes) shall be incorporated into the design of the new building and prior to first occupation of the development, a verification report to demonstrate implementation of the bat roosting features shall be submitted to and approved in by the Local Planning Authority.

b) The roosting features shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Mitigation Measures

10) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted, shall be carried out in accordance with the measures set out in Section 5.0 "Mitigation and Compensation Measures" of the submitted Ecological Impact Assessment report by BWB Consulting (November 2021) unless varied by a European Protected Species (EPS) license subsequently issued by Natural England; and,

(b) Thereafter, the mitigation measures will be permanently maintained and retained in accordance with the approved details.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Landscaping

11) The development hereby permitted shall not be first occupied/brought into use until details of a soft landscaping scheme detailing species; planting sizes; spacing and density/numbers of trees/shrubs to be planted, including the net increase in trees within the site from current numbers; the phasing and timing of planting; and the provision for future maintenance have been submitted to and approved in writing by the Local Planning Authority;

(b)The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is the sooner; and

(c) Any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting and to mitigate the loss of green infrastructure at the site as a result of the development works in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Travel Plan

12 a) Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the development hereby permitted, details of an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measurable objectives and targets, and incorporate arrangements for monitoring; and,

b) the measures approved pursuant to part (a) of this condition shall be fully implemented and thereafter permanently retained.

Reason: To deliver sustainable transport objectives including reductions in the use of private cars (particularly single occupancy journeys) and increased use of public transport, walking and cycling, improve road safety and personal security for pedestrians and cyclists, in accordance with the aims and objectives of the National Planning Policy Framework (2021) and Policies PCS17 & PCS23 of the Portsmouth Plan (2012).

Parking

13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the development hereby permitted, all car parking spaces, internal roadways, crossing points and pedestrian routes allowing for the safe ingress and egress to/from the site as shown on approved plan no.2330/LA/5303P1 shall be laid out and made available and retained thereafter for the lifetime of the development.

Reason: To ensure adequate parking and access is provided to serve the development in the interests of highway safety, in accordance with policy PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Cycle Storage

14) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the development hereby permitted the bicycle provisions shown on the approved plan no. 2330/LA/5303P1 shall be provided and shall thereafter be retained for the parking of bicycles and 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 (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Drainage Strategy

15) Unless otherwise agreed in writing, no development shall take place at the site until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority, to include:

- Drainage layout including pipe sizes, manhole locations, and attenuation details;
- Confirmation of infiltration testing;

- Details of foul and surface water connections;

The drainage strategy shall thereafter be implemented in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority).

Reason: In order to ensure adequate capacity in the local drainage network to serve the development that might otherwise increase flows to the public sewerage system placing existing properties and land at a greater risk of flooding, in accordance with Policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

External Lighting

16) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be first occupied until;

(a) details of external lighting and floodlighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

(b) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part (a) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (a).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the area, to reduce light spillage and to comply with Policies PCS23 and PCS15 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Operating Hours for Flood Lighting

17) Unless otherwise agreed in writing by the Local Planning Authority, the floodlighting hereby approved shall not be used outside the hours of 08.00am to 10.00pm.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Sustainable Construction

18) Unless otherwise agreed in writing by the Local Planning Authority, the building hereby approved shall achieve a level of sustainability equivalent to BREEAM Very Good. Within six months of the first occupation of the building, a post-completion certificate demonstrating how the development has met the minimum standards required by this condition, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.
