

PLANNING COMMITTEE 23 MARCH 2022

10:30 AM COUNCIL CHAMBERS,
GUILDHALL

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

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

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

APPLICATION DATES

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

HUMAN RIGHTS ACT

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

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

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01

20/00558/FUL

WARD:NELSON

205 LONDON ROAD HILSEA PORTSMOUTH PO2 9AJ

CONSTRUCTION OF 3-STOREY REAR EXTENSION TO FORM 8 FLATS (FOLLOWING DEMOLITION OF EXISTING EXTENSION)

LINK

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QB1P
HPMOHWH00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QB1PHPMOHWH00)

Application Submitted By:

Square Peg Bureau
FAO Mr Tom Irwin

On behalf of:

Ms Edwards
Malins Group

RDD: 28th May 2020

LDD: 24th July 2020

1. SUMMARY OF MAIN ISSUES

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

- Principle of development
- Design and impact on the character and appearance of the area
- Impact on residential amenities
- Highway safety and car parking provision
- Ecology and impact on sites designated for nature conservation
 - Ecology on site
 - Nutrient neutral development
 - Recreational disturbance
- Sustainable Design & Construction

1.2 Site and surroundings

1.3 The application site is located on the northern side of London Avenue, close to the junction with London Road. The site accommodates a 3-storey extension to 205 London Road which accommodates 3, 2-bedroom flats, including flats located within a lower ground floor which is approximately 900m below street level. The site is bounded by a low brick boundary wall and benefits from a vehicular access and a dropped kerb located on the south-western boundary. The access leads onto a hard-surfaced area which accommodates 2 car parking spaces and a row of bin stores located adjacent to the northern boundary.

1.4 The northern boundary of the site abuts residential gardens associated with flats located in 207 London Road as well as single and two storey building used as a store/workshop. The western boundary of the application site abuts vehicular access drive running alongside the rear boundaries of the properties located within Mornington Terrace.

- 1.5 Whilst the immediate area is of predominantly residential in character, there are some commercial buildings nearby, including a commercial garage located directly opposite the application site on London Avenue. Further south of the site is the North End district centre which provides a range of shops and facilities for everyday needs.

In terms of built form, the areas to the west of London Road are often characterised by long streets occupied by uninterrupted two-storey terrace Victorian housing. The areas to the east of London Road are less dense with semi-detached properties. There also examples of more modern residential and commercial architecture scattered across the surroundings in a random way.

- 1.6 The site is located within easy walking distance to services and facilities located alongside London Road in North End to the south. North End provides shops and services for day to day needs as well as bus stops for public transport to other parts of the City.
- 1.7 In planning policy terms, the site is located within an area where residential development is required to be nutrient neutral and to provide mitigation of recreation disturbance. The site is not a subject of site-specific policies and there are no other planning constraints on site or nearby that would direct or restrict development on this site.
- 1.8 Photographs of the site:



Application site: modern extension connecting to original building



View from London Avenue looking east towards the site



Nearby flat development



View along London Avenue

- 1.9 The proposal

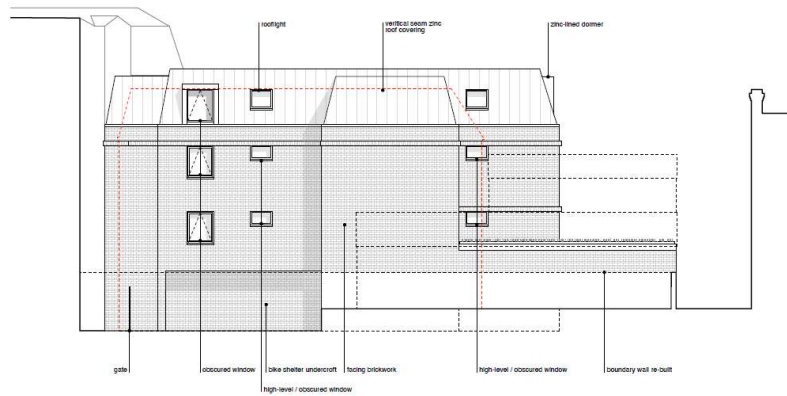
- 1.10 The application seeks planning permission to demolish the existing 3 storey side extension and construct a new 3 storey extension with a further accommodation in the roof space served with dormer windows. The extension would project further to the side than existing, by approximately 3.2m. The extension would incorporate a modest 3 storey projection at rear to accommodate a stairwell. The maximum roof height would be higher than existing by approximately 0.8m.
- 1.11 The existing brick boundary wall would be extended across London Avenue in line with the width of the proposed extension.
- 1.12 The proposed extension would accommodate 8, 1-bedroom flats.
- 1.13 The proposed development would incorporate a cycle storage and a separate bin storage within the rearmost parts of the site, and two car parking spaces. The vehicular access arrangements would remain as existing.



Proposed front elevation



Proposed side elevation



Proposed rear elevation

1.14 Planning history

1.15 **A*15238/AC** - Construction Of 3-Storey Rear Extension To Form Three Flats With Associated Car Parking/Refuse/Cycle Store, External Alterations To Side Elevation And Boundary Wall Up To 2 Metres In Height (Amended Description). Conditional Permission. 17.06.2005.

1.16 **A*15238/AB** - Conversion To 8 Flats, Insertion Of New Door & Access Steps To Basement Flat, Formation Of Dropped Kerb Fronting London Ave To Access Car Park For 6 Vehicles After Demolition Of Existing Garage (Revised Scheme). Conditional Permission. 25.10.1996.

1.17 **A*15238/AA** - Conversion To Form 8 Flats, Insertion Of New Door & Access Steps To Basement Flat & Formation Of Dropped Kerb Fronting London Avenue To Access Car Park For 8 Vehicles (After Demolition Of Existing Garage). Conditional Permission. 23.04.1996.

2. **POLICY CONTEXT**

2.1 Portsmouth Plan (2012):

- PCS10 housing delivery
- PCS13 a greener Portsmouth p.101
- PCS15 sustainable design and construction
- PCS16 infrastructure and community benefit
- PCS17 transport
- PCS19 housing mix, size and the provision of affordable homes
- PCS23 design and conservation

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

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

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- National Design Guide (2019);
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014);

- Sustainable Design & Construction SPD (January 2013);
- The Solent Recreation Mitigation Strategy (2017);
- The Interim Nutrient Neutral Mitigation Strategy (2019).

3. CONSULTATIONS

- 3.1 **Natural England** - no objection subject to mitigation.
- 3.2 **HCC Ecology** - no objection subject to an informative in respect of legal protection of bats.
- 3.3 **Environmental Health** - no objection subject to condition.
- 3.4 **Contaminated Land** - no objection subject to conditions.
- 3.5 **Highways** - no material impact on the operation of the local highway network; under-provision of car parking would impact on residential amenity, air quality and pollution; existing parking shortfall of 2.5 spaces would increase to 6 spaces. Recommend refusal.

4. REPRESENTATIONS

4.1 Publicity dates

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

4.2 At the time of writing this report no representations had been received

5. COMMENT

5.1 Principle of Development

- 5.2 The National Planning Policy Framework (NPPF) states that decisions on planning applications should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 182). The NPPF also states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, the NPPF states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.3 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply, and the proposed development would contribute towards meeting housing needs through a net gain of 9 dwellings. Planning permission should therefore be granted unless either test (i) or test (ii) above is met, or an appropriate assessment has concluded that the project would have a significant effect on a habitats site. The proposed development has been assessed on this basis and is still deemed to be acceptable in principle, the reasons for which are detailed within this report.
- 5.4 The application site is located in an urban area where built development is considered acceptable in principle, subject to compliance with relevant planning policies, in particular those safeguarding quality design, residential amenity, highway safety and ecology.

5.5 Design and impact on the character and appearance of the area

5.6 The design of the proposed development has been amended to incorporate a stronger separation from the retained building fronting onto London Road. The proposed balconies have been removed and the proportions of windows altered to achieve more vertical emphasis and better relationship with the main building façade. The dormer windows have been reduced in size to sit more comfortably within the roof slope, and the fenestration on the side wall improved with more vertical proportions and additional windows to make reduce the amount of solid wall on this elevation and create an opportunity for better surveillance. In addition, the width of the stairwell full-height glazing in the side elevation has been narrowed to reduce its visual prominence from the public vantage points. Finally, whilst opportunities for landscaping are limited on this site, a space for planters has been allocated at the lower ground and a green roof system has been incorporated over the ground floor bin store/communal entrance and over one of the lower ground floor units.

5.7 Of importance is also the proposed construction of the building which would achieve higher level of sustainability than the existing building.

5.8 Following these amendments, it is considered that the proposed development would now appear sympathetic to the retained part of the building as well as the nearby streetscenes.

5.9 Impact on residential amenities

5.10 The proposed development would replace a currently existing built form of a similar scale. The main additional bulk arising from the proposal would be located directly opposite one of the first floor south-facing windows in the commercial store/workshop to the north. However, as the space appears to be served by another window facing east, the loss of outlook would not affect the overall amenity experienced within the commercial space to an unacceptable degree that would justify refusal of this application.

5.11 Given the proposal's scale, mass and detailed design, including details of fenestration, it is not considered that the resultant impact on residential amenity of the adjacent neighbours, in respect of light, outlook and privacy, would amount to a demonstrable harm.

5.12 No objections from adjacent occupiers have been received.

5.13 In terms of standard of accommodation, the submitted plans indicate that the proposal would meet the 'Technical housing standards - nationally described space standard' (NDSS) requirements in order to achieve a reasonable size of each flat appropriate to the number of its occupants. It is noted that the four flats located within the western part of the building would have a bathroom without a window. However, given that bathrooms are not habitable rooms and in light of the overall standard of amenity, in terms of light, outlook and privacy in the remaining parts of the flats, this concern does not justify a refusal. Therefore, it is considered that the application complies with Policy PCS23, Policy PCS19 and the supporting Housing Standards SPD in respect of standard of living environment.

5.14 Highway safety and car parking provision

5.15 The proposed development would incorporate a dedicated and secure bike storage for 16 bicycles within the rear courtyard. This exceeds the requirements set out in the adopted Parking Standards & Transport Assessments (SPD).

In terms of car parking provision, the existing site currently benefits from 2 car parking spaces and the proposal would retain this provision. In accordance with the Parking Standards & Transport Assessments (SPD), this would increase the existing shortfall of on-site parking from 2.5 spaces to 6.

The Local Highway Authority commented that it would be unlikely that additional traffic generated from the development would materially impact on the highway network. However, the Authority noted that "*There is insufficient space to accommodate the shortfall on street, and therefore the development is likely to result in increased instances of vehicles being parked illegally or indiscriminately, with implications for highway safety. It would also make it more inconvenient for local residents to find a place to park, with implications for air quality / pollution and residential amenity.*"

Officers note, however, that the proposed development would replace the three existing two-bedroom apartments with eight, 1-bedroom apartments, resulting in an uplift of only 2 bedrooms. The proposed flats, being 1-bedroom flats, would be more suitable for single people or couples. It is unlikely that the flats, given their size and limited outdoor amenity space, would attract families. Moreover, the development would be within easy walking distance of services and facilities, including shops for day to day needs and bus stops for public transport to other parts of the city. The development would also provide cycle provision in excess of the SPD requirements. As such, Officers consider that this would reduce the need for the occupiers of the proposed development to have a private car, therefore the potential maximum numbers of cars owned by residents would unlikely to increase as a result of the proposed development. Thus, the under-provision of on-site car parking spaces can be reasonably justified.

5.16 Ecology and impact on sites designated for nature conservation

5.17 • Ecology on site

5.18 The application is supported by a Preliminary Roost Assessment and Bat Emergence Survey reports (Wychwood Environmental, May 2020) which confirms that no evidence of bats was found during visual inspection. It has been concluded that the building presents low-negligible roost potential. The HCC Ecologist agrees with the findings.

5.19 The site is covered with outbuildings or hard surfacing. There are no trees or other planting within the site that could create potential for species habitat. Therefore, the ecological value of the site is limited. Net gain in local biodiversity could be achieved through the introduction of swift bricks and a new bat roost features, along with native planting incorporated within the landscaping scheme. On-site biodiversity enhancement measures are recommended to be conditioned.

5.20 • Nutrient neutral development

5.21 The site is located within an area where a requirement for a development to be nutrient neutral applies.

5.22 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.

5.23 To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal would result in net increase of 5 units of overnight residential accommodation which will potentially have an adverse impact through greater nitrates being discharged into the Solent catchment area thereby having an adverse impact on the integrity of the designated European sites.

5.24 A precautionary approach is required to be adopted. An Appropriate Assessment has been carried out, with it being concluded that an adverse impact on the integrity of the European

sites can be ruled out subject to appropriate mitigation. Natural England supports this approach.

- 5.25 A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.
- 5.26 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.27 The applicant has agreed that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.28 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), subject to the developer securing them in line with the INNMS through an appropriate legal agreement. Subject to this legal agreement and a planning condition requiring mitigation to be in place prior to first occupation of any dwellings, the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would therefore not affect the integrity of the SPA through deterioration of the water environment.
- 5.29 Given the limited availability of mitigation 'Credits', the difficulty of calculating future projections and to ensure that development continues to take place with the associated economic benefits and the provision of new homes, it is also considered necessary and reasonable to restrict the implementation period of any permission to one year.
- 5.30
- Recreational disturbance
- 5.31 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.
- 5.32 The adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that with mitigation secured by way of legal agreement and planning condition, it can be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance. Natural England supports this approach and an appropriate financial contribution will be secured towards mitigation with a legal agreement before planning permission is granted.
- 5.33 Sustainable Design & Construction

- 5.34 Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes. The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes.
- 5.35 As such, the standards of energy and water efficiency that will be required from new residential development are as follows:
- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
 - Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).
- 5.36 A condition is recommended to ensure that the energy and water efficiency standards are met.
- 5.37 In addition, the applicant has confirmed commitment to meet or exceed building regulations standards for energy efficiency, water usage as well as to promote sustainable travel modes through the provision of cycle parking and limited car parking. Rebuilding the existing property, would improve the eco-credentials of the site by reducing water and energy use with smart meters, modern gas heating and energy efficient appliances. Heat loss (and therefore energy use) would also be significantly improved with up-to-date construction methods and materials such as high performing window units, cavity wall and roof insulation.
- 5.38 The proposed green roof would not only enhance biodiversity on the site (as currently there is none) it would also help to slow the attenuation levels of stormwater to the mains sewer - further aided by the addition of water butts (which could be used by residents for cleaning their bikes).
- 5.39 Finally, it has been confirmed that being able to undertake this re-development would also enable the complex remedial works to the original building on the corner, which is of an architectural value to the local area and therefore would constitute a public benefit.
- 5.40 Planning balance
- 5.41 Whilst the submission does not outline the benefits of the proposed development, the proposal would make a contribution towards the provision of housing by providing 5 additional residential units in time when the Council cannot demonstrate a 5 year housing land supply. In addition to this social benefit, an economic benefit would be made in the form of employment generated during the construction phase. The new residents would also boost the vitality and viability of the centres and services.
- 5.42 The development would also improve the visual aesthetics and safety of the site and the immediate area, and the proposed planting scheme would increase the biodiversity value of the site, which is currently covered with hard standing and does not create any opportunity for ecological habitats.

- 5.43 The rebuilding of the existing property would reduce the consumption of water and energy, and would enable remedial works to the original building on the corner, which is of an architectural value to the local area and therefore would also constitute a public benefit.
- 5.44 Any concerns in relation to the impacts on residential amenities of adjacent neighbours have been resolved through a detailed design and other matters, such as nitrates, recreational impacts and sustainable construction can be controlled and managed through the recommended conditions.
- 5.45 This weighs in favour of the proposed development.
- 5.46 However, the Local Highway Authority notes that the development would result in the existing shortfall of on-site car parking increasing from 2.5 spaces to 6, likely leading to increased instances of vehicles being parked illegally or indiscriminately, with possible implications for highway safety, air quality and residential amenity.
- 5.47 However, the NPPF (2021) in paragraph 111 is clear that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 5.48 Officers note that the proposal would provide eight, 1-bedroom apartments, likely to attract single occupants or couples rather than families. Therefore the potential maximum number of cars owned by residents of the proposed development would unlikely to increase. In light of the benefits identified above and the aim of paragraph 111 of the NPPF, the fact that prospective residents may need to search for a car parking space, affecting in a very limited manner their residential amenity and air quality, does not justify a planning refusal and does not outweigh the balance in favour of this development.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution prior to first occupation;

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

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

Conditions:

Time Limit

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

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

Approved Plans

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location plan 0179[PL]001 A

Proposed site plan 0179[PL]102 C
Proposed ground floor plan 0179[PL]103 C
Proposed lower ground floor plan 0179[PL]104 C
Proposed first floor plan 0179[PL]105 C
Proposed second floor plan 0179[PL]106 C
Proposed roof plan 0179[PL]107 C
Proposed front elevation 0179[PL]110 C
Proposed side elevation 0179[PL]111 C
Proposed rear elevation 0179[PL]112 A
Design & Access Statement
Bat Emergence/Re-Entry Survey For: 205 London Rd, North End, Portsmouth PO2 9AJ
by Wychwood Environmental Ltd, 21 May 2020
Daytime Potential Roost Assessment (PRA) letter of report: 205 London Rd, North End,
Portsmouth PO2 9AJ, Ref: WEc_PO2, May 2020
Preliminary Investigation Report by Soils Limited, Job Reference: 18339/PIR_R26, April 2020.
Reason: To ensure the development is implemented in accordance with the permission granted.

Contaminated Land

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

a) The developer must pre-screen the building for asbestos and confirm that asbestos is not present. Where one exists, the building's asbestos register must be obtained and unless asbestos is known to not be present an intrusive asbestos refurbishment and demolition survey conducted in accordance with HSG264. The mitigation scheme to control risks to future occupiers must be verified. The scheme must be written by a suitably qualified person and shall be submitted to and approved by the LPA prior to demolition.

b) A *Phase 1 desk study* (undertaken following best practice including *BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'*) documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required (the sampling rationale for all proposed sample locations and depths should be linked to the conceptual model).

and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA.
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.

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

a) A *Phase 2 site investigation* report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with *BS10175:2011+A2:2017* and *BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'*). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and once this '*Phase 2*' report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A *Phase 3 remediation method statement* report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby

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

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

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

Mitigation - Special Protection Areas

6) (a) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment have been submitted to and approved in writing by the Local Planning Authority; and

(b) The development shall then be carried out in full accordance with both schemes of mitigation approved pursuant to part a) of this condition with any mitigation measures for (ii) thereafter permanently retained as approved.

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

Construction/Demolition Environmental Management Plan

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

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

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

Materials

8) (a) Notwithstanding the submitted details, no development works other than those of demolition, and construction of the building's foundations shall take place until a full and detailed schedule of all materials and finishes (including a samples board) to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

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

Reason: To secure a high quality finish of development on a prominent site in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Architectural Detailing

9) (a) Notwithstanding the submitted details, prior to completion of the concrete structure, precise constructional drawings of key architectural features at a 1:20 scale (or such other appropriate scale as may be agreed) shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to:

- Windows: window frame profile/dimensions; method of opening; colour treatment; reveal depth and detailing; junctions at headers and cills; relationship with internal floors and ceilings;

- Doors: reveals, edges and corners.

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

Reason: To secure a high quality appearance to a building on a prominent and important site having regard to the specific weight that has been placed on the need for high quality of design and detailing in the interests of visual amenity in accordance with Policies PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Boundary treatment

10) The buildings shall not be first occupied until:

(a) details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority, and

(b) these means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Land levels

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

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

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

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

Sustainable Design & Construction:

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

a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

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

Bicycle Storage

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

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

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

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

Car Parking

14) The development hereby approved shall not be occupied until spaces have been laid out and provided for the parking and manoeuvring of vehicles in accordance with the approved plan and these spaces shall thereafter be reserved for such purposes at all times.

Reason: In the interest of highway safety in accordance with policy PCS17 of the Portsmouth Plan.

Refuse Storage

15) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved plans; and

(b) The facilities approved pursuant to parts (a) of this Condition shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2021).

Soft Landscaping

16) (a) Before development proceeds above slab level, details of soft landscaping, including details of green roofs, shall be submitted to the local planning authority and approved in writing.

(b) Development shall be carried out in accordance with the details approved pursuant to part (a) of this Condition and implemented prior to occupation or in the first planting and seeding season following the occupation of the building, whichever is the sooner.

(c) Any plants approved pursuant to part (a) of this Condition which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Hard Landscaping

16) (a) Before development proceeds above slab level, details of hard landscaping shall be submitted to the local planning authority and approved in writing.

(b) Development shall be carried out in accordance with the details approved pursuant to part (a) of this Condition and implemented prior to occupation of the building, whichever is the sooner.

Reason: To ensure the appearance and setting of the development is satisfactory in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Noise

17) (a) Prior to the commencement of construction, an acoustic design statement shall be submitted to and agreed in writing with the local planning authority as per the guidance within the ProPG Planning and Noise - New Residential Development Guide 2017 and the Acoustics Ventilation and Overheating Residential Design Guide 2020.

(b) The mitigation measures approved pursuant to part (a) of this Condition shall thereafter be implemented and retained to avoid unreasonable and prevent unacceptable acoustic conditions within habitable rooms.

Reason: To ensure that internal noise levels are appropriate to protect the amenity of residents of the development in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Biodiversity protection and enhancement

18) Before development proceeds above slab level, a suitable scheme for the biodiversity enhancement measures shall be submitted to the local planning authority and approved in writing. Development shall be carried out in accordance with the approved scheme and implemented prior to occupation.

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

INFORMATIVE

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Mitigation and enhancement measures detailed in Section 4.0 of the Bat Emergence Survey Report (Wychwood Environmental, May 2020) should be followed. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from a professional ecologist.

PRO-ACTIVITY STATEMENT

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

02

20/00720/HOU

WARD: EASTNEY & CRANESWATER

39 GRITANWOOD ROAD SOUTHSEA PO4 9JR

PROPOSED FIRST FLOOR REAR EXTENSION.

WEB LINK: [20/00720/HOU | PROPOSED FIRST FLOOR REAR EXTENSION. | 39 GRITANWOOD ROAD SOUTHSEA PO4 9JR \(PORTSMOUTH.GOV.UK\)](#)

Application Submitted By:

The Steven Barlow Partnership
FAO Steven Barlow

On behalf of:

Miss Abigail Charlotte Levy

RDD: 2nd July 2020

LDD: 27th August 2020

SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee as the Local Planning Authority has received objections.

Site and surroundings

- 1.2 This application relates to an end of terrace dwelling on the north side of Gritanwood Road in a primarily residential area characterised by a mixture of designed dwellings. No 39 is immediately attached to No. 41 to the east. The terrace comprises 4 similar properties.
- 1.3 No. 37 to the west is also one of small terrace of 4 dwellings and is separated from the application property by pedestrian accesses to the rear amenity space. The application site backs onto Bransbury Road to the north which is also a residential street.
- 1.4 The front of the property has vehicular hardstanding for 1 or 2 vehicles behind a small ornate wall and gates.
- 1.5 The application property is pebble-dashed as are most of the dwellings in the immediate vicinity with each displaying different detailing or personalisation.

Proposal

- 1.6 The proposal involves a first floor rear extension which will sit over an existing single storey flat roofed extension.
- 1.7 The extension will be white rendered with plain tile roof and white PVCu window frames which match the ground floor of the dwelling.
- 1.9 Planning history
- 1.10 None

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 (Feb 2019) would also be relevant in the determination of this application.

CONSULTATIONS

- 3.1 None.

REPRESENTATIONS

- 4.1 Five objections have been raised by local residents objecting to the proposal on following grounds:
1. Loss of privacy.
 2. Loss of light
 3. Insufficient size of plot
 4. One resident questions whether the original extension can support this addition
- 4.2 The planning issues raised are considered below. The matter of construction is an issue for building regulations rather than planning control. The application has not been subject of amendment

COMMENT

- 5.1 The determining issues within the application relate to:
- The principle of development;
 - Design; and
 - Impact on neighbours amenity.

Principle of development

- 5.2 The application relates to an existing dwellinghouse, within the urban area where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

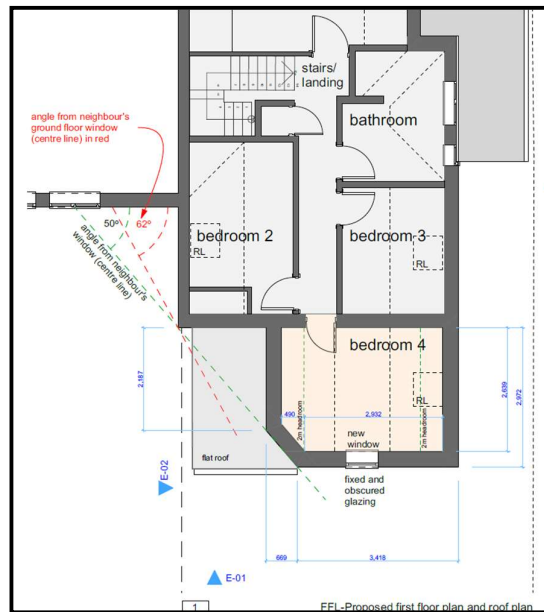
Design

- 5.3 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city and respectful in terms of the host dwelling, being of an appropriate design and size appearing appropriate when read in context.
- 5.4 The rear extension would be fairly modest in terms of its dimensions and would not extend the footprint of the main dwelling, siting over an existing rear extension. It will be set-in away from the attached dwelling, No. 41.
- 5.5 The pitched roof design would be appropriate to the design of the pitched roof of the main dwelling and the ridge would be 0.8 metres lower than the host dwelling. Being to the rear of the dwelling it would have no impact on the street scene.

- 5.6 The proposed first floor window is on the rear elevation and the roof lights are at high level and would be sympathetic to the existing openings within the dwelling.

Amenity

- 5.7 Policy PCS23 of the Local 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. The NPPF also requires development to provide a good level of amenity for all new and existing occupants of land and buildings.
- 5.8 The 45 degree guide has also been used to assess the impact of the proposed extension on the outlook from or daylight to the adjoining neighbouring dwelling, number 41 Gritanwood Road.
- 5.9 Due to the positioning of the properties, the host dwelling already falls within the 45 degree line of the closest ground floor and first floor windows of number 41 Gritanwood Road. A line has been drawn from the centre of the closest first floor neighbouring window to the corner of the existing two storey element of the property (which measures at a 50 degree angle). The proposed extension has been designed and positioned so that it would not project beyond this 50 degree angle. The outlook from and daylight to this neighbouring window would therefore be unaffected by this first floor extension.
- 5.10 A dash line has been drawn from the centre of the closest ground floor window to the corner of the existing two storey element of the property (which measures at a 62 degree angle). The first floor extension would be positioned so that it would not project beyond this 62 degree angle. The outlook from and daylight to this neighbouring window would therefore not be negatively impacted by this first floor extension.



- 5.11 Furthermore, the extension would be set back from the eastern boundary by approximately 1.79metres and the roof of the proposal would be pitched away from the eastern boundary.
- 5.12 The angled design, pitched roof and distance to the eastern boundary would therefore ensure that the first floor rear extension would not result in any negative impact upon the outlook from or daylight to number 41 Gritanwood Road.

- 5.13 The first floor rear extension would fall outside of the 45 degree line from the closest neighbouring windows of number 37 Gritanwood Road. The extension would not result in any negative impact in terms of overlooking as the window proposed in the rear elevation would be obscurely glazed and fixed shut below 1.7 metres above the floor level of the room in which it would be installed. The roof lights to be situated on the east and west elevations would not result in any overlooking as they would be positioned 1.7 metres above the floor level of the room in which they would be installed
- 5.14 The site backs onto the rear gardens of dwellings in Bransbury Road. Whilst the extension has a small rear facing first floor window it is considered that the distance is such that no adverse amenity issues will arise. As such it is considered that the development will not result in material loss of privacy, overbearing impact or loss of daylight and sunlight.

Conclusion

- 5.15 The proposal is not considered to result in an overbearing impact towards its neighbouring residents or give rise to a sufficient loss of light or outlook to justify refusing permission. As such, having regards to its acceptable principle and design, the proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF (Feb 2019).

RECOMMENDATION Conditional Permission

Conditions

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

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

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

0652-01 002 03 02-07-20
0652-01 003 03 02-07-20
0652-01 004 02 18-06-20
0652-01 005 03 02-07-20
0652-01 006 03 02-07-20
0652-01 007 02 18-06-20
0652-01 008 02 18-06-20

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

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

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

PRO-ACTIVITY STATEMENT

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

GARAGE 2 FURNESS ROAD SOUTHSEA PO5 2JL**RETROSPECTIVE APPLICATION FOR THE USE OF ADJACENT LAND AND GARAGES FOR PURPOSES ANCILLARY TO MAIN WORKSHOP INCLUDING REPAIRS, STORAGE AND PARKING****LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=QHTYKAMOLCD00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=qhtykamolcd00&activetab=summary)

Application Submitted By:

Andrew R Dunks Ltd
FAO Mr Andrew Dunks

On behalf of:

Mr Luke Semmens
Semmens of Southsea Ltd.

RDD: 7th October 2020

LDD: 8th March 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is included on the Planning Committee agenda due to the number of objections received.

1.2 The main considerations in the determination of this application are:

- Principle of Development;
- Design and Impact on the Conservation Area;
- Residential Amenity;
- Highway Implications; and
- Flood Risk

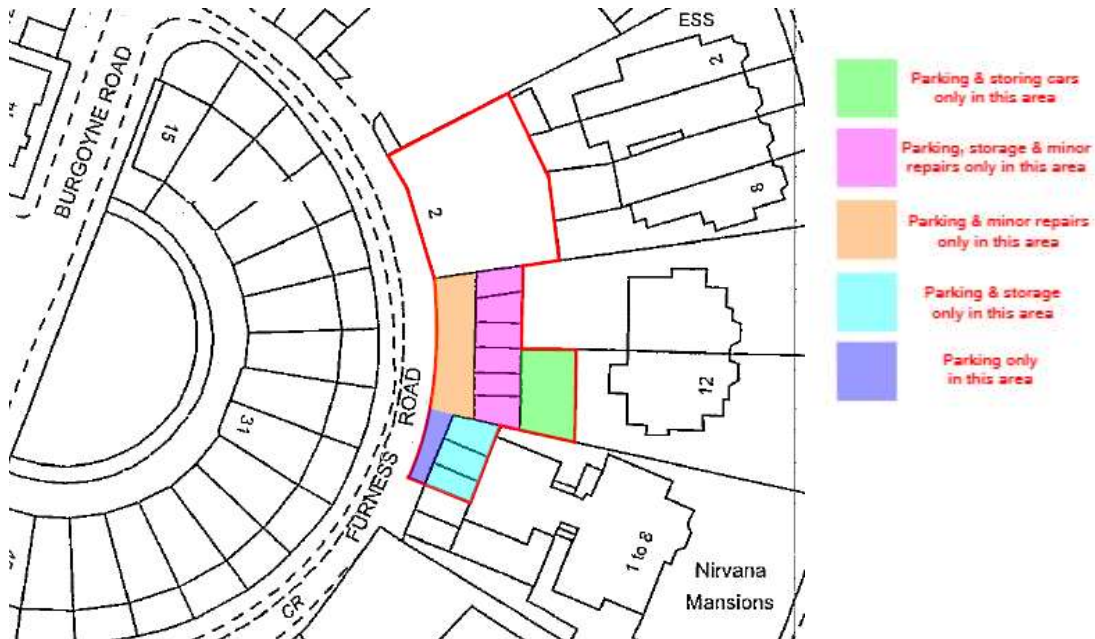
1.3 Site and Surroundings

1.4 This application relates a single-storey, commercial unit and nine attached garages located on the eastern side of Furness Road. The commercial unit is currently used as a garage (Use Class B2) and the nine garages attached to the commercial garage are currently used for storage and the parking of vehicles. The surrounding area is predominantly residential in character and consists of a combination of dwellinghouses and self-contained flats. The application site is located within the East Southsea conservation area (no.19) and flood zone 2.

1.5 Proposal

Planning permission is sought to use the nine garages, the forecourt forward of the garages and an area of land behind the garages for purposes ancillary to the main workshop. These purposes would include the storage of materials, vehicles and minor repairs. No external alterations are proposed to the existing workshop and garages. A

detailed plan has been submitted as part of the application which outlines the proposed uses for the garages, forecourt and land behind the garages.



1.6 Relevant Planning History

1.7 20/01144/ADV - Retrospective application for the display of non-illuminated signage. Application currently pending consideration.

1.8 A*33317/A - Use of lock-up garages & forecourts in connection with the authorised use of the adjoining motor vehicle repair garage. Refused 30.07.1987

1.9 A*33317 - Use of 6 lock-up garages & forecourts in connection with authorised use of adjoining garage for motor vehicle repairs. Refused 17.02.1987. This application was refused for the following reason;

'The proposal would facilitate the consolidation of a non-conforming industrial use which is detrimental to the amenities of nearby residential occupiers and could lead to an intensification of that use by generating increased traffic movements and additional noise and disturbance'

1.11 Following the refusal of application reference: A*33317/A, an enforcement notice was served which was appealed by the applicant. The enforcement notice was later quashed by the Planning Inspectorate and planning permission was granted for the car parking and storing of vehicles in connection with the authorised use of the adjoining workshop, subject to the condition that the garages and forecourts shall be used only for the parking and storage of vehicles and shall not be used for the repair, servicing or paint spraying of any vehicle at any time.

2.0 POLICY CONTEXT

2.1 PCS12 (Flood Risk), PCS17 (Transport; and PCS23 (Design and Conservation).

- 2.2 The aims and objectives of the revised NPPF (2021) and the East Southsea Conservation Area Guidelines (no.19) would also be relevant in the determination of this application.

3.0 CONSULTATIONS

- 3.1 Highways Engineer - This is a retrospective application for the use of adjacent land and garages for purposes ancillary to main workshop including repairs, storage and parking. I have considered the documents submitted in support of the application and would make the following comments:

Furness Road is an unclassified residential street mainly providing rear access to properties along Burgoyne Road and Eastern Villas Road. Furness Road is a single carriageway with no footways on either side. Parking is restricted along the entirety of the road by double yellow lines.

No traffic assessment has been provided in support of this application, however given the small scale of the development, I am satisfied that the proposal would not have a material impact upon the local highway network.

Portsmouth City Council's Parking SPD does not give an expected level of vehicle spaces for non-residential developments rather requires applications to make an assessment of parking demand and demonstrate how this can be satisfied.

The submitted application form details that the proposal will increase the number of parking spaces by 9 spaces, providing a total of 33 parking spaces, whilst retaining the same number of employees at the site.

As a consequence I do not believe the likely traffic generation or parking demand to be materially different to that of the existing use and in that light I would not like to raise a highway objection to this proposal.

- 3.2 Environmental Health Officer - As this application is retrospective and the business has been in operation for a number of years I have searched our complaints database and can confirm that we have received complaints in relation to emissions from vehicles, emissions from the use of the oil burner and noise.

Upon investigation we did not obtain any evidence to demonstrate that there were breaches under the Clean Air Act or a statutory noise nuisance. Should further complaints of this nature be received this can be dealt with under the Environmental Protection Act or the fore mentioned legislation.

It is, however, recommend that all vehicle repairs are carried out in the workshop and that the testing of car horns are not carried out between the hours of 18:30pm - 08:00am. In summary, I wish to raise no objections to this application being granted.

- 3.3 Environmental Health Officer (further comments received 8/7/21) - With regards to the applicants request to carry out works on the forecourt to carry out minor repairs, I do not foresee this having an impact upon the amenity in relation to noise as long as no power tools are used. Would the applicant be mindful to accept a condition specifying the types of work that can be carried out on the forecourt i.e. changing light bulbs and windscreen wipers. I would recommend that tyre changing is NOT carried out in the forecourt area, due to the hydraulic type tools that are used to remove and replace the lug nut/bolts on the vehicles wheels.

3.4 Arboricultural Officer - No objection, subject to a condition requiring regular maintenance.

4.0 REPRESENTATIONS

4.1 Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in January 2021.

4.2 16 letters of support from 15 households have been received and can be summarised as follows;

- a) Staff are considerate and helpful;
- b) Proposal would allow the garage to be more accessible for customers with disabilities;
- c) No concerns regarding access;
- d) Supporting small businesses;
- e) Would make the business more efficient;
- f) Proposal would not have an increased impact on safety or neighbour amenity;
- g) Would contribute to the local economy;
- h) Improve parking in the area; and
- i) No concerns regarding noise.

4.3 1 comment has been received highlighting potential issues relating to parking and increased air pollution

4.4 13 letters of objection from 7 households been received and can be summarised as follows;

- a) Proposed development would be contrary to a previous appeal decision which allowed use of garages and forecourts to only be used to store vehicles;
- b) Increased volume of traffic leading to parking and access issues;
- c) Increased air and noise pollution;
- d) Storage of tyres and oil would result in a fire risk;
- e) Increase danger for employees on site as a result of increased traffic;
- f) Removal of trees on site;
- g) Query regarding land ownership and covenants;
- h) Impact on the amenity of neighbouring properties;
- i) Loss of garden land;
- j) Impact on value of neighbouring properties;
- k) The build will cause overshadowing and overlooking to neighbouring properties; and
- l) Concerns regarding adverts and impact on the conservation area.

5.0 COMMENT

5.1 Principle of the development

5.2 The application site is not subject to any restrictive land use policies and furthermore, this application relates to the expansion of an established use on the site. Having regard to paragraph 81 of the National Planning Policy Framework (2021) which states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, it is considered that the proposal would help improve the usability and viability for existing and future users of the business in accordance with the aims and objectives of the National Planning Policy Framework (2021).

Therefore, the principle of the development is considered to be acceptable, subject to compliance with the relevant material planning considerations which will be considered below;

5.3 Design, Landscaping and Impact on the Conservation Area

5.4 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and in particular, respect the character of the city.

5.5 No external alterations are proposed to the existing workshop and garages as part of this application.

5.6 In terms of landscaping, concerns were raised by the Local Planning Authority regarding the removal of a tree to the rear of the garages to create a parking area. Consequently, the applicant has submitted a landscape plan which indicates approximately a third of this part of the site would be retained for planting while the remainder would be covered in gravel to allow the parking of vehicles. The applicant is proposing to plant either field maple, strawberry, hawthorn or whitebeam trees. These options have been discussed with the Council's arboricultural officer who considers these to be suitable species for this location and has raised no objection to the landscape plan. Should planning permission be granted, a condition would be imposed to secure appropriate landscaping.

5.7 This application relates to an existing garage and with the relevant conditions, the proposal is considered to have a neutral impact on the East Southsea conservation area (no.19).

5.8 Residential Amenity

5.9 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.

5.10 This application has been the subject of a site visit during which the impact on the amenity of all adjoining properties was considered.

5.11 Having regard to the previous appeal decision which granted permission for the first six garages and forecourt to be used for parking only, the applicant has confirmed repairs would be carried out in and on the forecourt of the first six garages. However, the repairs would include the checking of tyres, batteries, fluid and the changing of bulbs and windscreen wipers. Due to the minor nature of the repairs, it is not considered the works would have a harmful impact on the amenity of neighbouring properties in terms of noise. The Council's Environmental Health Team (EHT) have been consulted on the application and have raised no objection subject to a condition preventing the use of power tools on the forecourt. Furthermore, the LPA suggest a further condition is imposed restricting the hours repairs can be carried out in the garages and the forecourts.

5.12 Concerns have been raised in the representations regarding the impact the proposal would have on air quality. The proposal seeks to store vehicles and materials in the garages and carry out minor repairs on the forecourt and within the first six garages. Due to the nature of the proposal which would consist of minor repairs to stationary vehicles, it is not considered the development would have a significant impact on air quality.

5.13 With regards to concerns regarding the storing of hazardous materials on site. The applicant has confirmed tyres, oil, car parts and scrap metal would be stored in the

garages. The EHT have confirmed the Health and Safety Executive would be the enforcing body with regards to hazardous materials and fire risk.

- 5.14 While the majority of repair works would still take place in the existing main workshop, it is acknowledged due to the siting of the application site in a predominantly residential area and the close proximity of neighbouring properties, the proposal may have some impact on the amenity of the occupiers of these properties. However, with the relevant conditions which would restrict the type of repairs that can be carried out outside the main workshop, the hours these repairs can be carried out and replacement planting to provide screening for properties to the south east, it is not considered the impact would be sufficiently harmful to withhold planning permission and would be in compliance with policy PCS23 of the Portsmouth Plan (2012).
- 5.15 Highway Implications
- 5.16 The existing site is accessed from Furness Road and this access would be retained as part of the proposal. The application site currently has approximately 24 parking spaces, 12 within the main workshop and an additional 12 within the first six garages and forecourt. As part of the proposal an additional 9 car parking spaces are proposed within the 3 garages (shaded blue on the site plan), the forecourt (shaded purple) and area of open space to the rear of the property (shaded green).
- 5.17 The three garages shaded blue on the site plan are owned by the applicant and currently used for storage and therefore the change of use of these garages is not considered to result in any loss of parking. At present, during peak times, cars often wait outside the workshop on the highway until there is space in the workshop. This application seeks permission to allow cars to park within the garages shaded blue on the site, the forecourt in front of these garages and on an area of land behind the garages. This would prevent cars waiting on Furness Road which could avoid potential highway safety and amenity issues. The Local Highways Authority have been consulted on the application and have raised no objection.
- 5.18 Flood Risk
- 5.19 The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult The Environmental Agency for minor development within Flood Zone 2 or 3, however, paragraph 164 of the National Planning Policy Framework (2021) states all applications should be supported by a site-specific flood-risk assessment but in this instance a sequential or exception test is not required. The applicant has submitted a Flood Risk Assessment as part of this application.
- 5.20 This application relates to a dwellinghouse which is classified as being 'less vulnerable' in the flood risk vulnerability classification set out in Annexe 3 of the National Planning Policy Framework (2021). Having regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance and the nature of the proposal, the development is deemed appropriate.
- 5.21 Matters Raised in the Representations
- 5.22 Issues relating to property covenants and property value are not material planning considerations.
- 5.23 Concerns have been raised in the representations regarding the ownership of the garages. This has been raised with the applicant who has confirmed he is the sole owner of the garages.

5.24 Conclusion

5.25 This application seeks to improve the usability and viability of an existing garage. Whilst consideration has been given to the previous planning history and to the enforcement appeal relating to the site, officers consider that with the relevant conditions these matters have been addressed. As such, the proposal is considered to accord with policies PCS12, PCS17 and PCS23 of the Portsmouth Plan and is therefore recommended for planning permission subject to conditions as set out below.

RECOMMENDATION Conditional Permission

Conditions:

Approved Plans

- 1) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan (dated 6.10.20); and Site Layout Plan 5477/500 Rev D.

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

Restriction on Power Tools

- 2) Unless otherwise agreed in writing by the Local Planning Authority, only repairs to vehicles which require the use of hand tools shall be carried out in the six garages and on the forecourt (shaded pink and orange on site plan reference: 5477/500 Rev D). Repairs which require the use of power tools are not permitted outside of the main workshop.

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).

Restriction on Operating Hours of Garages and Forecourt

- 3) Unless otherwise agreed in writing by the Local Planning Authority, repairs to vehicles shall only be carried out in the six garages and on the forecourt (shaded pink and orange on site plan reference: 5477/500 Rev D) between the hours of 08:00 and 18:00 Monday to Saturday.

Reason: In the interests of protecting the residential amenity of occupiers of surrounding properties in accordance with policy PCS23 of the Portsmouth Plan (2012).

Car Horn Testing

- 4) Unless otherwise agreed in writing by the Local Planning Authority, the testing of car horns shall only be carried out between the hours of 08:00 and 18:00 Monday to Saturday.

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).

Landscaping

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the soft landscaping scheme shall be carried out in accordance with the details shown on the soft landscaping plan ref: Planting Layout 5477/200 in the first planting season. Any trees or plants which, within a period of five years from the date of planning permission being granted, which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interest of visual amenity to achieve a high quality development in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012).

PRO-ACTIVITY STATEMENT

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

GARAGE 2 FURNESS ROAD SOUTHSEA PO5 2JL

RETROSPECTIVE APPLICATION FOR THE DISPLAY OF NON-ILLUMINATED SIGNAGE

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?KEYVAL=QHTYKBMOLCE00&ACTIVETAB=SUMMARY](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?keyval=qhtykbmolce00&activetab=summary)

Application Submitted By:

Mr Andrew Dunks
Andrew R Dunks Ltd.

On behalf of:

Mr Luke Semmens
Semmens of Southsea Ltd.

RDD: 7th October 2020

LDD: 8th March 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is included on the agenda because of the number of objections received.

1.2 The main considerations within this application:

- Visual and Aural Amenity; and
- Impact upon public amenity and safety.

1.3 Site and Surroundings

1.4 This application relates a single-storey, commercial unit and nine attached garages located on the eastern side of Furness Road. The surrounding area is predominantly residential in character and consists of a combination of dwellinghouses and self-contained flats. The application site is located within the East Southsea conservation area (no.19) and flood zone 2.

1.5 Proposal

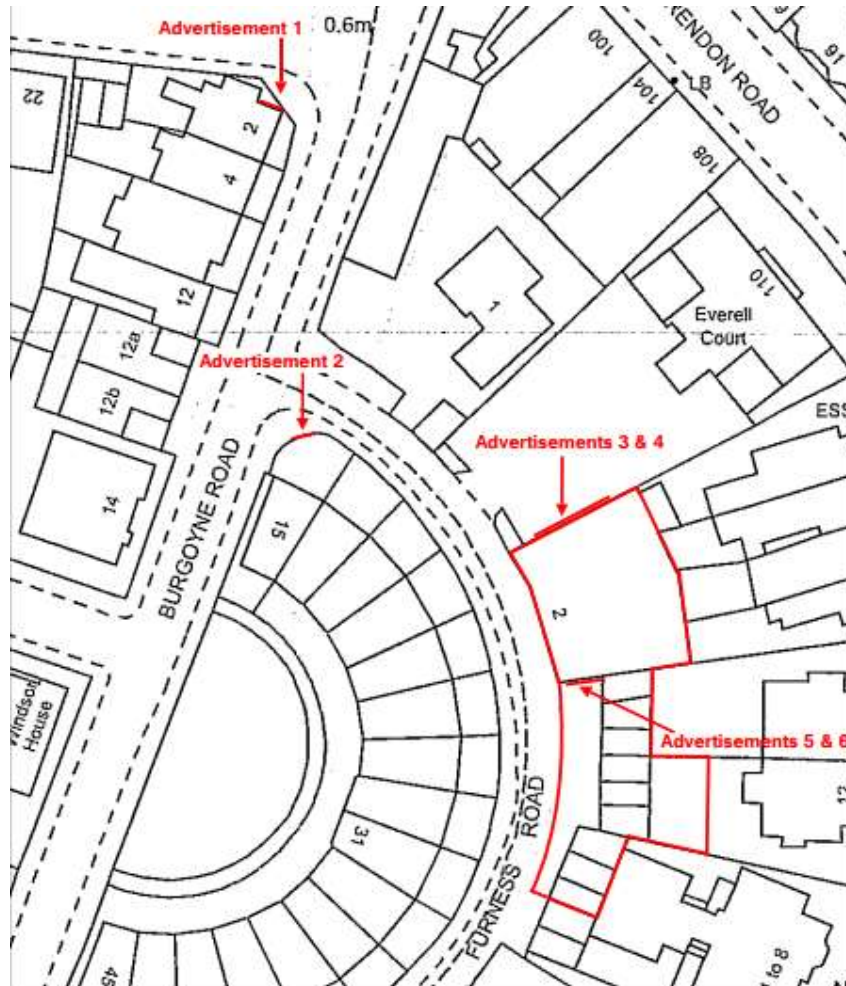
1.6 Advertisement consent is sought for the retention of six non-illuminated directional signs. All signs are made of plastic with a white background and grey and blue text. The dimensions for each sign are as follows;

1.7 Sign 1 - 1.2m in height, 2.4m in width and the base of the sign is situated 3 metres above ground level.

1.8 Sign 2 - 0.6m in height, 1.2m in width and the base of the sign is situated 1.5 metres above ground level.

1.9 Sign 3 - 0.7m in height, 2.1m in width and the base of the sign is situated 3metres above ground level.

- 1.10 Sign 4 - 0.6m in height, 4.7m in width and the base of the sign is situated 3.9m above ground level.
- 1.11 Sign 5 - 0.8m in height, 2.5m in width and the base of the sign is situated 1.9m above ground level.
- 1.12 Sign 6 - 0.7m in height, 0.7m in width and the base of the sign is situated 3m above ground level.



1.13 Relevant Planning History

- 1.14 20/01143/PLAREG - Retrospective application for the use of adjacent land and garages and purposes ancillary to main workshop including repairs, storage and parking. Application currently pending consideration.

2.0 POLICY CONTEXT

2.1 The relevant policies within the Portsmouth Plan (2012) would include:

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

- 2.2 In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.
- 2.3 Under the section 'Achieving well-designed places', paragraph 136 of the National Planning Policy Framework (July 2021) refers to advertisements, noting that the quality and character of places can suffer when advertisements are poorly sited and designed.

3.0 CONSULTATIONS

- 3.1 Local Highways Authority - No objection.

4.0 REPRESENTATIONS

- 4.1 Neighbour notification letters were sent out to all adjacent properties, and a site notice displayed in January 2021.

- 4.2 4 letters of support has been received and can be summarised as follows;

- a) Signs are not intrusive, do not cause inconvenience and are helpful;
- b) Have been in situ for some time with no formal objections; and
- c) Not illuminated and do not pose a danger to the public

- 4.3 8 letters of objection from 4 households have been received and can be summarised as follows;

- a) Signs are unsightly and unnecessary;
- b) Query whether applicant has permission; and
- c) Harmful to the conservation area

5.0 COMMENT

- 5.1 Visual and Aural Amenity

- 5.2 Due to the location of the application site, falling within the East Southsea conservation area (no.19), when determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.3 Whilst having careful regard to the historic character of the surrounding area, it is considered the non-illuminated advertisements do not appear obtrusive within the surrounding area. The signs have a functional design and are considered to preserve the character and appearance of the East Southsea conservation in accordance with policy PCS23 of the Portsmouth Plan (2012) and s.72 of the Listed Buildings and Conservation Areas Act 1990 (as amended).

- 5.4 Impact upon public amenity and safety

- 5.5 The signs due to their location and siting are unlikely to pose any impact upon the public amenity or safety aspects. The signs do not obstruct any highway surveillance camera, speed cameras or security cameras. The signs are non-illuminated and are not considered to distract road users or highway safety by reason of their size, scale and location. As such, the proposal is considered to be in accordance with the contents of

Section 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended).

5.6 Matters Raised in the Representations

5.7 One objector has queried whether the applicant has the permission of the owners of no's 2 and 15 Burgoyne Road to display the signs outside their properties. The applicant has confirmed in their application form they do not own these properties but the relevant permission to display the advertisement has been obtained. The LPA have notified the occupiers of these properties as part of the neighbour consultation process, however, no comments have been received.

5.8 Conclusion

5.9 In the opinion of the Local Planning Authority, the display of the non-illuminated signs are considered to be appropriate in design terms and in relation to the surrounding area and therefore not harmful to visual or aural amenity. Furthermore, the display of the signs would not affect public safety. The signs are therefore considered to be in accordance with Policy PCS17 and PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

RECOMMENDATION Conditional Consent

Conditions:

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic signal, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Additional Condition:

Approved Plans

6) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings: Application form; Location Plan (dated 06.10.20); Site Layout Plan 5477/500 Rev A; Advertisement 1 drawing no. 5477/1; Advertisement 2 drawing no. 5477/2; Advertisement 3 &4 drawing no. 5477/3; Advertisement 5 &6 drawing no. 5477/4.

Reason: In the interests 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).

THE PARADE TEAROOMS WESTERN PARADE SOUTHSEA PO5 3JF**CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION TO PROVIDE STORAGE AND FREEZER FACILITIES**

WEB LINK: [20/01167/FUL | CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION TO PROVIDE STORAGE AND FREEZER FACILITIES | THE PARADE TEAROOMS WESTERN PARADE SOUTHSEA PO5 3JF \(PORTSMOUTH.GOV.UK\)](https://www.portsmouth.gov.uk/20/01167/FUL)

Application Submitted By:

JB Architecture
FAO Mr Jimmy Bessant

On behalf of:

Mr Mark Hogan
The Parade Tea Rooms

RDD: 12th October 2020

LDD: 2nd April 2021

1.0 SUMMARY OF MAIN ISSUES**1.1 Site**

1.2 This application relates to the Parade Tearooms located to the north-west corner of Southsea Common on Western Parade, just to the south of its junction with Castle Road. The building is completed largely in painted brickwork with large areas of glazing along the western elevation. There is also a timber entrance feature to the eastern elevation which includes an area of raised planting and a bicycle storage area. The northern section of the building remains in use as an electricity sub-station.

1.3 The site is located within Southsea Common, one of three registered parks within the city which in this particular location is characterised by wide open spaces with views out towards the Solent. A number of mature holm/turkey oaks immediately adjacent to the application site soften the backdrop to the 'Common' which is formed by striking 5/6-storey Victorian terraces. Of the three roads behind the Common, it is noted that Western Parade has retained the most consistent character making a significant contribution to the character and appearance of the 'Seafront' Conservation Area in which the application site is located and the adjoining 'Castle Road' Conservation Area. The site is also located within the indicative flood plain (Flood Zone 3).

1.4 Proposal

1.5 Planning permission is sought for the construction of single storey front extension to provide storage and freezer facilities.

1.6 The proposed extension would measure 4.75m in width, 2.8m in depth and 2.9m in height with a flat roof, to finish flush with the existing building. The extension would be finished in timber cladding, with the Parade Tearooms logo on the northern elevation.

- 1.7 The proposed extension would remove the existing area of raised planting (a memorial garden) as well as relocating the existing external bike railings. Two small window boxes are proposed to the front of the site, under the existing front facing windows.
- 1.8 Planning History
- 1.9 Concurrently to this application, there is an application at the site to remove condition 4 of 16/00497/PLAREG to allow the external kitchen door to remain open for ventilation as required, which is yet to be determined under planning ref: 21/01191/VOC.
- 1.10 Planning permission was refused by Committee Decision in April 2017 (ref. 17/00215/FUL) for the change of use of land from open space to Class A3 (cafe/restaurant) associated with the existing café/restaurant use, the construction of raised balcony and planters to the west elevation, and landscaping works including the construction of raised planters to the eastern elevation.
- 1.11 The two reasons for refusal were:
- 1.12 *1. The development would result in the net loss of protected open space within the 'Common' and a healthy tree which would compromise the integrity of the city's green infrastructure network where significant pressures on this limited resource exist. In the absence of sufficient wider public benefits to outweigh this harm, the proposal would be contrary to the aims and objectives of Policy PCS13 of the Portsmouth Plan.*
- 1.13 *2. The proposed balcony/raised terrace would, by virtue of its position to the western elevation of the building and projection into a registered Park and Garden (the 'Common' Grade II) and conservation area, detract from the crisp and clean architectural quality of the existing building, introduce visual clutter to an otherwise uncluttered environment, would result in the physical loss of a healthy tree and open space within the Common where its significance is derived from a high degree of openness and uncluttered views. The proposal would therefore, fail to preserve the character and appearance of the 'The Seafront' Conservation Area and the setting of the 'Common' without adequate public benefit to outweigh the identified harm. The proposal would be contrary to the aims and objectives of the National Planning Policy Framework and policy PCS23 of The Portsmouth Plan.*
- 1.14 Planning permission was granted in October 2016 (ref.16/01293/FUL) for the enclosure of the external bicycle storage area to form an internal store with the relocation of the bicycle stores and extension of footpath to the northern boundary.
- 1.15 Retrospective permission was granted in June 2016 (16/00497/PLAREG) for the change of use of part of building to form cafe (Class A3) to include external alterations and single storey extensions after removal of existing canopy. This included a number of minor changes to the scheme previously approved in 2015.
- 1.16 Planning permission was granted in April 2015 (ref.15/00380/FUL) for the change of use of part of building to form cafe (Class A3) to include external alterations and single-storey extensions after removal of existing canopy.
- 1.17 Conditional permission was granted by the Planning Committee in August 2010 (ref 10/00660/FUL) for external alterations to the building including the installation of louvres and shutters beneath the existing canopy to form two Class A1 kiosks. An application to renew this permission was also granted planning permission by the Planning Committee in September 2013 (ref 13/00712/FUL).

2.0 POLICY CONTEXT

- 2.1 The relevant policies within Portsmouth City Local Plan 2001-2011 would include: DC21 (Contaminated Land), PCS13 (A Greener Portsmouth), PCS23 (Design and Conservation), PCS9 (The seafront),
- 2.2 The aims and objectives of the revised NPPF (Feb 2019) would also be relevant in the determination of this application.

3.0 CONSULTATIONS

3.1 Environmental Health

Further to the above application there are no outright objections to the proposed development, however there is no detail regarding the proposed refrigeration plant, I would therefore suggest the following condition should permission be considered appropriate.

- 3.2 *Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority including proposed measures to mitigate any identified observed adverse effect levels. Upon approval all mitigation measures shall be implemented prior to the commencement of the use and thereafter maintained.*

3.3 The Gardens Trust

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

- 3.4 If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

3.5 Asset Management Service

We have reviewed the proposed plans and submitted documents and do have a number of concerns in regards to this proposal. We are aware that at the time of the business opportunity being offered the footprint of the site was clearly articulated through the development process. We are concerned about a loss of public open space in an area of the city with a high level density of residential properties. Many of these properties do not have their own open space and therefore the role of public space in this part of the city is essential in providing additional space for local residents.

- 3.6 The attached Design and Assess statement makes no reference to the loss of public open space or the benefits which the loss of this space would make to local residents. The only benefits articulate are in regards to the development on the business.
- 3.7 In our view the proposed extension of the building does not enhance the appearance of the building in its Conservation Area. We also perceive that potentially there is a root protection area for consideration with the adjacent trees, consideration of which would need to be viewed by the Planning Arboricultural Officer.
- 3.8 Our belief is that this business had operated for a number of years within the current footprint of the space and that it should therefore be reasonable for them to be able to continue to do so without the proposed building extension.

3.9 Historic England

No objections.

3.10 Contaminated Land Team

No objection subject to two conditions.

3.11 Arboricultural Officer

No objection subject to the development being carried out in accordance with the Tree Protection Plan

4.0 REPRESENTATIONS

4.1 18 comments have been received in respect of the application, 10 raising objections and 8 in support.

The grounds for the objections are:

- (a) Increase noise and disturbance;
- (b) Loss of memorial garden;
- (c) Existing noise from deliveries;
- (d) Loss of parking - storage van parked on the road;
- (e) Not complying with existing conditions;
- (f) Incremental expansion;
- (g) Loss of protected open space;
- (h) Poor design;
- (i) Air pollutions;
- (j) Nearby trees;
- (k) Light pollutions; and
- (l) Kitchen door being left open.

4.2 In addition Councillor Symes has also raised an objection on the following grounds:

- a) Encroachment on open space;
- b) Lack of compliance with existing conditions; and
- c) Loss of memorial garden.

5.0 COMMENT

5.1 The relevant determining issues are:

- Principle of the proposed development;
- Design, including impact on heritage assets;
- Impact on residential amenity;
- Other matters including those raised within representations.

5.2 Principle

5.3 The application site is located within Southsea Common, one of three registered Parks and Gardens within the city. The Common provides much of the seafront with its open character and is an important part of the city's network of 'green infrastructure'. The proposed single storey extension would also be situated on land designated as protected open space by Policy PCS13 of the Portsmouth Plan. The Policy states:

5.4 *'The city council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways: Protect green infrastructure by:*

- Refusing planning permission for proposals which would result in the net loss of existing areas of open space, as shown on map 21, 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 which outweigh the harm...

5.5 *Enhance green infrastructure by:*

- Improving Southsea seafront for recreational users, visitors and wildlife'

5.6 Policy PCS9 and the supporting Seafront Master Plan Supplementary Planning Document seek, amongst other things, to ensure that all new development contributes towards the revitalisation of the Seafront, tourism and wider regeneration strategy for Portsmouth. This will be achieved by, but not limited to: Upgrade and improve the seafront and its facilities while maintaining its open and traditional character, Make the seafront a vital, vibrant space where people can experience the natural environment, enjoy the views of the Solent and take part in leisure and cultural activities throughout the year and Preserve the open nature of the seafront, which defines the character of the area and provides a different seafront experience to many comparable seaside towns and cities and is important to Portsmouth's sense of place.

5.7 In light of these policies and supporting documents it is clear that the city council has a desire to improve facilities along the seafront for residents and visitors to the area. However, a balance has to be struck between providing these facilities whilst preventing the loss of existing natural features, in this case protected open space, which is a unique characteristic of the city's seafront.

5.8 When originally granting planning permission for the tearooms and its associated extensions in 2015 (15/00380/FUL), the proposal resulted in the loss of more protected open space than was initially envisaged (80sq.m). However, a view was taken that the public benefits resulting from the reuse of a long term vacant and neglected building, the significant visual improvements to the building and the contribution it would make to the Conservation Areas and the Common, the potential improvement to crime prevention objectives, and the improved facilities for visitors and users of the Common would have outweighed the presumption against the loss of protected open space. The tearooms are now operating, and in combination with the alterations to the external appearance, make a positive contribution to the area and the aims and objectives of the Master Plan.

5.9 The construction of the extension would remove an existing memorial garden (raised area of planting) located to the north east of the site, as well as relocating four existing cycles' racks. The memorial garden is to be replaced with plaque relocated to the eastern elevation of the building. The area of land is otherwise paved, besides the aforementioned raised planting (memorial garden). The extension to the unit would result in a further loss of 15sqm of protected open space. The additional space within the extension would function as walk in freezer and recycling storage and would re-position the cycle storage.

5.10 The applicant, within their Design and Access Statement, has not acknowledged the loss of protected open space. They have however explained the overall rationale for the development stating that:

"We are at our capacity in both the seating and kitchen areas, however, it has increased to the maximum level over the period that we have been here, by up to possibly 80% more from the day we opened. This has resulted in daily deliveries 6 days a week, which could be reduced to 2 through good management of our stock, thus improving the carbon footprint, and less noise and disturbance to the residents.

We currently only have 3 under counter freezers in the kitchen, hence the 6 day deliveries.

The need for other stock, such as all of our takeaway stock, e.g. boxes, bags and cutlery, and also other dry goods has also increased, meaning less storage areas. We have had to purchase a large van recently in order to store these items outside of the tea rooms

This proposal is not profit based, but purely to make the business more efficient."

- 5.11 Therefore the justification for the extension is to allow the business to operate more efficiently and to reduce the noise and disruption to the local residents caused by deliveries. It is noted from public representations that the noise and disturbance caused by deliveries to the site, is a continual issue at the site. However it is also noted that the applicants do not appear to be operating within the conditions of their original permission in relation to delivery times. These concerns have been brought to the attention of Enforcement in order to review if they are breaching the original permission, it is noted above that an application (21/01191/VOC) has been made in order to resolve one of these breaches, relating a side door which was conditioned to be closed when not in use.
- 5.12 When considering the overall scale of South Common, the loss of protected open space proposed by this application is very minor. The area in question is paved and provides little amenity value given its tight location in a corner. Additionally it is considered that the additional storage space could reduce the deliveries to the site and therefore reduce the effect on the amenity issues of residents in respect to parking and disturbance caused by deliveries. Which would provide a benefit towards the nearby residential occupiers. It is therefore considered that on balance the proposal would be considered acceptable in principle, subject to the below material considerations.
- 5.13 Design, including impact on heritage assets
- 5.14 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the NPPF requiring that new development should be of an excellent architectural quality; create public and private spaces that are clearly defined as well as being safe, vibrant and attractive; relate well to the geography and history of Portsmouth and protect and enhance the city's historic townscape and its cultural and national heritage.
- 5.15 In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Due to the inclusion of the Common on the register of Historic Parks and Gardens, the same statutory duty of consideration would apply. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.16 The 'Seafront' Conservation Area guidelines state that: *'The most notable feature of this conservation is that it is almost entirely open space...The open nature of this area with the retention of an extensive open space between sea and buildings is relatively unusual for seaside resort. The section of Common between Duisberg Way, Southsea Terrace and Western Parade has several avenues of tree - Holm Oaks, and surviving Elms. The Holm Oaks are around the perimeter of this area adjoining Western Parade/Southsea Terrace in front of the buildings' The document makes reference to the reduction/limiting of visual clutter and the retention of existing tree cover which has become an integral part of the Southsea scene.'*
- 5.17 While relatively minor in scale, the proposed extension would remove an existing area of raised planting, that slightly overgrown, does positively contribute to the appearance of

the site. Two smaller planters are proposed along the same elevation in order to mitigate against this loss of greenery. The proposed extension would finish flush with the existing built form on the site. It is acknowledged that the area besides the raised bed, offers little to the appearance of the site as a whole. The use of timber boarding, while not a traditional material for the area would be acceptable in the commercial context of the site. Further enhanced by the other detailing including the signage. Overall the proposal is considered to have a neutral impact towards the character and appearance of the Conservation Area and is therefore acceptable in its overall design.

5.18 Impacts upon amenity

5.19 Representations have made reference to existing issues associated with the operation of the tearooms in terms of noise and disturbance from comings and goings and deliveries. The LPA is unable to consider these matter within the existing application for the extension. While the extension would provide more space for storage, the previous conditions relating to delivery times would still apply. The applicant and supporter have highlighted that the additional dedicated storage space could reduce the number of deliveries happening on site a week. While this may be the case, it could also allow the business to provide more covers and deliveries and simply increase the footfall at the site. Further, from the comments received the issue does not seem to be with the conditions hours, but with the applicant not complying with these conditions. Enforcement are aware of the issues and investigating the alleged breaches.

5.20 As the proposed area would be used for refrigeration, Environmental Health have proposed a condition requiring a noise report to be submitted and approved prior to installation and this is considered to be reasonable.

5.21 Conclusion

5.22 In summary, the proposal is considered that on balance the development should enable the business to operate more efficiently by reducing the number of deliveries to the site that currently cause disturbance to local residents, which would provide sufficient public benefit to outweigh the minor loss of public open space

RECOMMENDATION Conditional Permission

Conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 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: PL.393.20 - 01; PL.393.20 - 03; and PL.393.20 - 05.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
 - a) An Initial Risk Assessment Report (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, and considering the inclusion of preliminary site investigation (if required) to summarise the likely ground conditions and associated risks at the site; and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,

b) A Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and future site users on completion of the development. It shall include the nomination of a competent person to oversee the implementation of the method statement and include detail on how these measures will be recorded during the works (to include, but not be limited to a daily diary produced by the nominated competent person overseeing the works, and waste consignment notes for disposal of soils excavated from site).

4) 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, documentation to evidence implementation of the method statement as agreed in line with condition (i)b above. This may include a daily diary of the nominated competent person overseeing the works, waste consignment notes for excavated soils etc.

5) Prior to the installation of any fixed plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority including proposed measures to mitigate any identified observed adverse effect levels. Upon approval all mitigation measures shall be implemented prior to the commencement of the use and thereafter maintained.

The reasons for the conditions are:

1) To comply with Section 91 of the Town and Country Planning Act 1990.

2) To ensure the development is implemented in accordance with the permission granted.

3) 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.

4) 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.

5) In order to protect the amenity of neighbouring occupiers in accordance with Policy PCS23 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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

INFORMATIVE

All the previous conditions attached within the previous permission (16/00497/PLAREG) continue to apply.

06

21/01383/FUL

WARD: HILSEA

**38 OPHIR ROAD, PORTSMOUTH PO2 9EN
CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS
C4 (HOUSE IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLING HOUSE).**

LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QZL03ZMOM3F00>

Application Submitted By:

Applecore PDM Ltd

FAO Mrs Carianne Wells

On behalf of:

Mr Andy Tindall

RDD: 17th September 2021

LDD: 15th November 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application has been brought to the Planning Committee because there have been a large number of objections received. There is also a deputation request.

1.2 The main issues for consideration relate to:

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

2.0 SITE AND SURROUNDINGS

2.1 This application relates to a two-storey, mid-terrace property located on the northern side of Ophir Road. The dwelling is set back from the road by a small front forecourt and to the rear of the dwelling is an enclosed garden. The existing layout comprises of a lounge, dining room, kitchen and conservatory at ground floor level, two bedrooms and an additional bedroom or study at first floor level and a bedroom in the roof space.

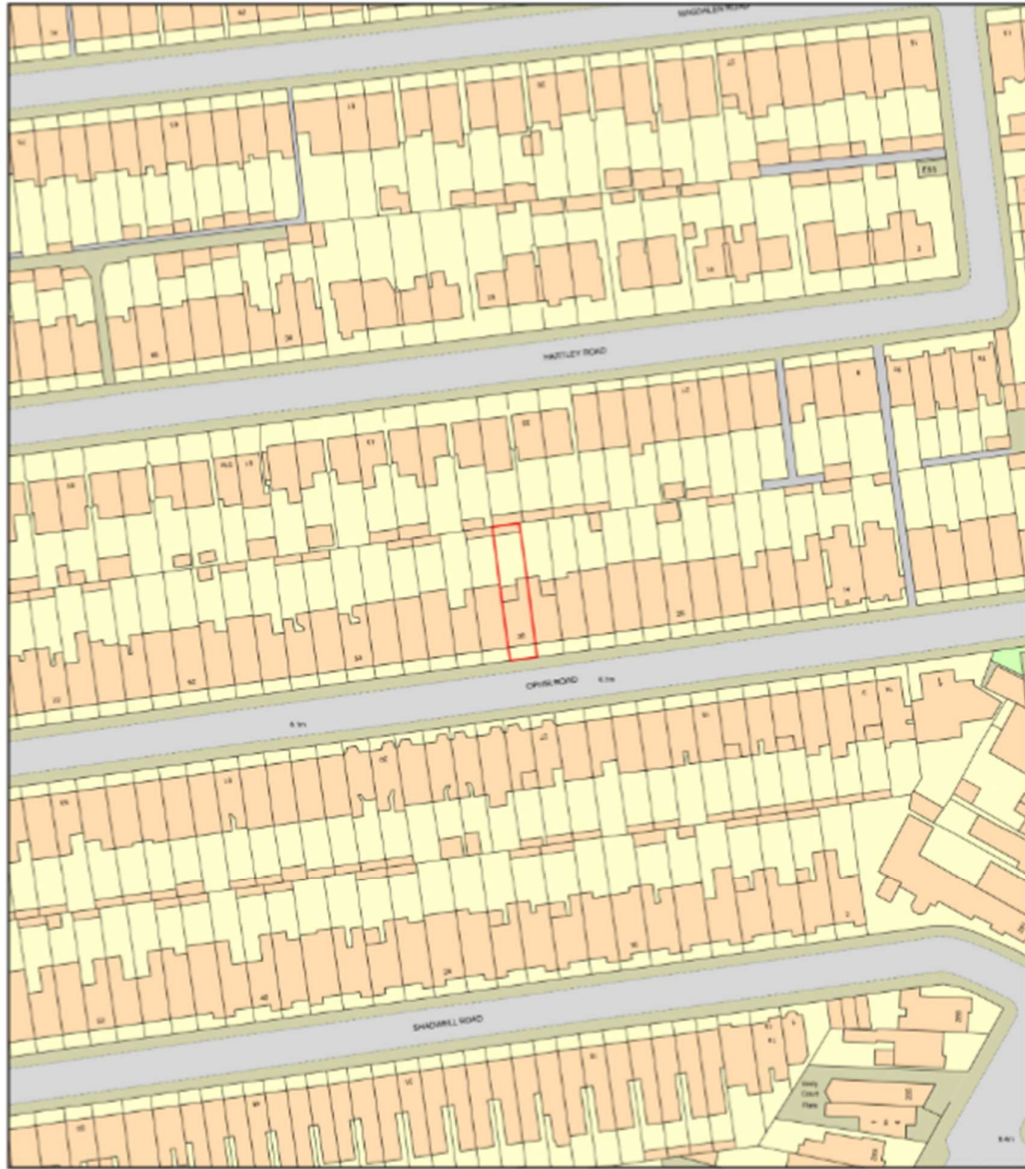


Figure 1- Site Location Plan

2.2 The application property is located within a predominantly residential area characterised by Edwardian, two storey terraced properties. A number of the properties have been subdivided into flats, however, no.36 to the west and no.40 to the east are both Class C3 single family dwellinghouse. A search of recent planning permissions indicates that planning permission was granted on February 2018 for an HMO at No. 5 Ophir Road (17/01929/FUL).

3.0 PROPOSAL

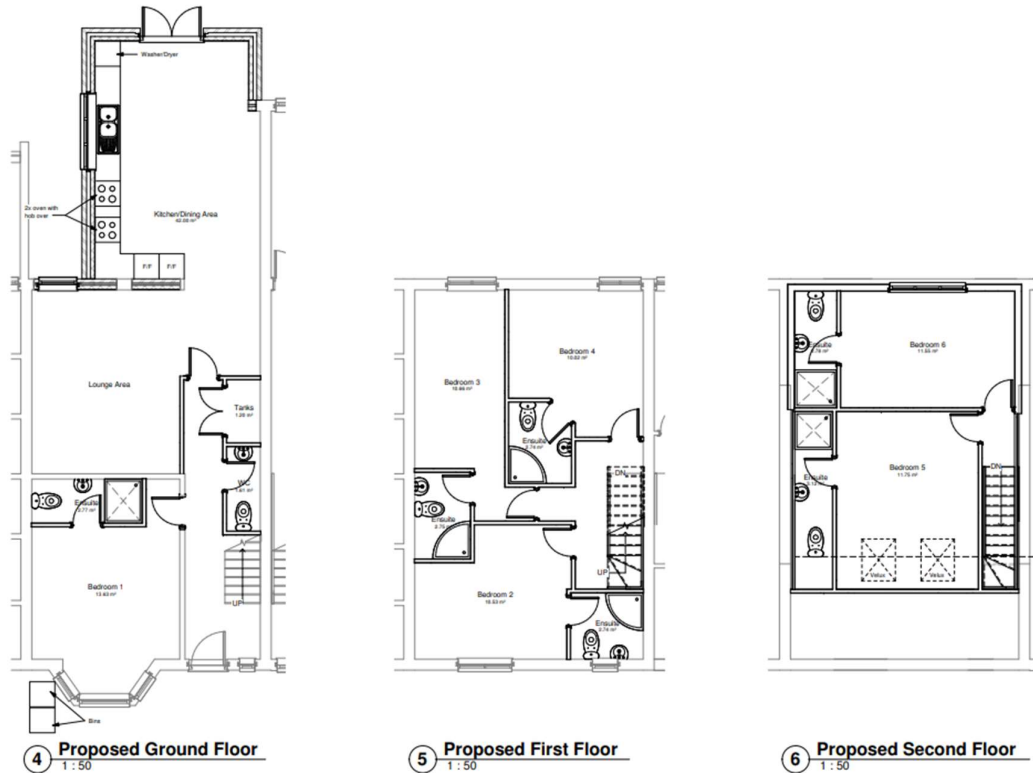
3.1 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation). The application also proposes the demolition of the conservatory and remodelling and enlargement of the kitchen/ dining area.

3.2 The proposed internal accommodation would comprise the following:

- Ground Floor - Bedroom with ensuite toilet and shower, lounge area, kitchen/ dining area and WC
- First Floor - Three bedrooms, all with ensuite bathrooms
- Second Floor - Two bedrooms, both with ensuite bathrooms

3.3 External alterations would include the demolition of the conservatory and remodelling and enlargement of the ground floor kitchen/ dining area, and the installation of 2 roof lights on the front slope of the roof. Additional planning permission is also sought for the construction of a single storey bike store in the rear garden.

- 3.4 The proposed ground floor extension is to be built pursuant to permitted development rights and the grant of prior approval under application reference 21/00067/GPDC. A second floor rear roof dormer is also proposed (supporting the 6th bedroom) and would be similarly built as permitted development. Based upon elevational drawings received, the roof dormer would appear to meet the permitted development criteria. The bike store would also benefit from permitted development rights pursuant to Part 1 Class E.



4.0 PLANNING HISTORY

- 4.1 21/00067/GPDC - Construction of single-storey rear extension that comes out a maximum of 6m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves - Prior approval granted 11/06/21
- 4.2 Complaints were received by the Enforcement Team about building work being carried out over the weekend (Ref 21/04126/ENQ) and that the proposed extension is larger than the extension granted prior approval (Ref. 21/00067/GPDC)

5.0 POLICY CONTEXT

- 5.1 Portsmouth Plan (2012)
- PCS17 (Transport)
 - PCS20 (Houses in Multiple Occupation)
 - PCS23 (Design and Conservation)
- 5.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.
- 5.3 Other guidance:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance (2014)
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
 - The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (Oct 2019)

6.0 CONSULTATIONS

- 6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. Based on the plans provided. The ensuites must be of a sufficient size to allow adequate activity space. Wash hand basins must be installed in all ensuites and the shower room. The ensuites for bedrooms 1, 3, 4, 5 and 6 should have adequate ventilation
- 6.2 Design & Engagement Officer - There appear to be no existing or possible/unknown HMOs within the search area.

7.0 REPRESENTATIONS

- 7.1 Site notices were displayed 11/10/21, expiry 01/11/21

- 7.2 Neighbour letters sent 11/10/21, expiry 01/11/21
- 7.3 A total of 31 letters of objection have been received (of which 4 are from one property and 2 from another) raising the following concerns;
- a) The proposals will result in the loss of family homes which will negatively impact upon the character of the street/ area
 - b) The location is not appropriate for HMOs which should instead be in a more central location, with better public transport services, shops, services, etc.
 - c) There are too many HMOs in the area with 10 houses converted into 2 flats and one HMO
 - d) The existing sewage and drainage system is not be able to cope with the additional demands
 - e) Increases in waste water will have a negative impact upon water quality in the nearby SPAs
 - f) The proposal will result in an increase pressures on on-street parking, and which could result in an extra 12 cars on the street
 - g) The proposals will have a negative impact on air quality and road safety from the additional cars
 - h) The proposals will have a negative social impact with noise, disturbance, crime and anti-social behaviour from future residents
 - i) The conversion work is being carried out prior to planning permission being granted
- 7.4 A deputation request has been received from one local resident.
- 7.5 Additionally, a petition containing 160 signatures has been received raising concerns regarding the effectiveness of local HMO policies and other concerns which have been listed above. It is noted the petition relates to a number of HMO planning applications, including this application. While the comments in the petition are noted, limited weight has been given to the petition.

8.0 COMMENT

- 8.1 The main issues for this application relate to the following:
- The principle of Development
 - The standard of accommodation
 - Impact upon amenity neighbouring residents
 - Parking
 - Waste
 - Impact upon the Solent Protection Areas
 - Any other raised matters
- Principle of development
- 8.2 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.
- 8.3 Policy PCS20 of the Portsmouth Plan states that application for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 8.4 Based on the information held by the City Council there are no other confirmed HMOs within a 50m radius of the application site. Within this 50m radius (including the application site) there are 55 properties. This number takes into account any properties which have been subdivided into flats. The addition of the proposal would result in 1.82% of properties being an HMO within the 50m radius, thus falling well within the 10% threshold.
- 8.5 Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs.
- 8.6 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

- 8.7 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).
Standard of accommodation
- 8.8 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. On the basis the property (in either C3 or C4 use) could be occupied by up to six individuals the room sizes have been assessed against the space standards for an HMO.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	13.63 m ²	6.51 m ² (or 11 m ² for two occupiers)
Ensuite bathroom	2.77 m ²	2.74 m ²
Communal living area lounge/ kitchen / dining room	42 m ²	34 m ² or 22.5 m ²
WC	1.61 m ²	1.17 m ²
Bedroom 2 (first floor)	10.53 m ²	6.51 m ² (or 11 m ² for two occupiers)
Ensuite bathroom	2.74 m ²	2.74 m ²
Bedroom 3 (first floor)	10.66 m ²	6.51 m ² (or 11 m ² for two occupiers)
Ensuite bathroom	2.75 m ²	2.74 m ²
Bedroom 4 (first floor)	10.02 m ²	6.51 m ² (or 11 m ² for two occupiers)
Ensuite bathroom	2.74 m ²	2.74 m ²
Bedroom 5 (second floor)	11.75 m ²	6.51 m ² (or 11 m ² for two occupiers)
Ensuite bathroom	3.12 m ²	2.74 m ²
Bedroom 6 (second floor)	11.55 m ²	6.51 m ² (or 11 m ² for two occupiers)
En-suite bathroom	2.78 m ²	2.74 m ²

Table 1.0 - HMO SPD (OCT 2019)

- 8.10 The bedrooms and communal living area (lounge/ kitchen / dining area) would exceed the minimum size requirements. The combination of ensuites and a shared WC on the ground floor would provide a suitable overall arrangement of sanitary facilities.
- 8.11 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- Impact on neighbouring living conditions
- 8.12 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by 3 - 6 unrelated persons as an HMO.
- 8.13 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 1.9 and 1.10 of the SPD discusses the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 8.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would not be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- Highways/Parking
- 8.15 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater

- than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.
- 8.16 The Councils Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The planning officer is satisfied that there is sufficient space to manoeuvre a bicycle through the property. Terrace properties are common across Portsmouth and this approach has previously been accepted for new HMOs in the city. The requirement for cycle storage is recommended to be secured by condition.
- Waste
- 8.17 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- Impact on Special Protection Areas
- 8.18 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- Other Matters raised in the representations
- 8.19 Concerns have been raised regarding the adequacy of the sewage and drainage system to accommodate the proposed development. However, it is considered that the use of the property would not have a significantly greater impact on the local drainage system than the existing use of the property as a C3 dwelling which could be occupied by the same, fewer or more persons.
- Conclusion
- 8.20 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION Conditional Permission

Conditions:

Time Limit

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

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

Approved Plans

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan; Block Plan; Dual Use Plans PG6069.21.1; PG6089.21.02A

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

Cycle Storage

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

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

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.

LAND ADJACENT TO JAMES CALLAGHAN DRIVE PORTSMOUTH

CONSTRUCTION OF A TWO STOREY RESEARCH AND DEVELOPMENT UNIT WITH ASSOCIATED LANDSCAPING, PARKING AND HARDSTANDINGS

LINK TO DOCUMENTS:

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=r3sv01mo0jp00>

Application Submitted By:

Mr Mark Willis
Harrington Design Architects

On behalf of:

Mr Sean Codling
CTS Europe Ltd

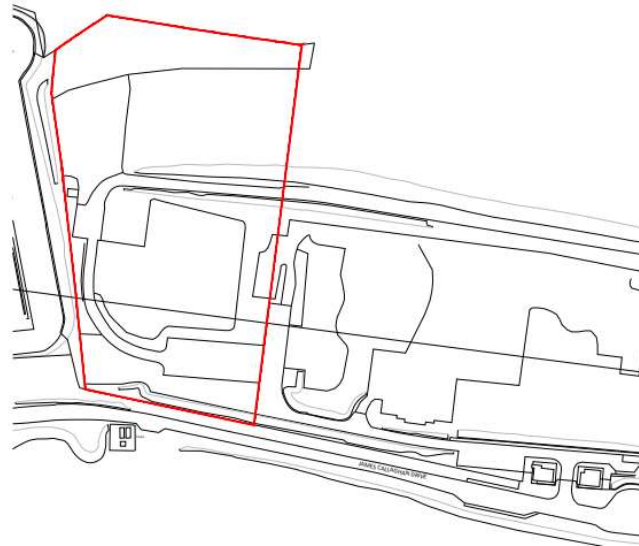
RDD: 5th November 2021

LDD: 7th February 2022

1. SUMMARY OF MAIN ISSUES

- 1.2 The development site straddles two local planning authorities' boundaries, namely Portsmouth City Council and Winchester City Council. In accordance with the guidance contained in PPG, the applicant has submitted identical applications to each local planning authority. However, each local planning authority can only assess development which is located within their administrative area. This local planning authority can only assess the proposed development located within Portsmouth area, namely construction of a two storey research and development unit with associated landscaping, parking and hardstanding. Development located outside of the Portsmouth area mainly consists of landscaping.
- 1.3 The key matters for consideration in the determination of the application are as follows:
- Principle of development
 - Design and impact on the character and appearance of the area, including heritage assets
 - Highways safety and car parking
 - Sustainable design and construction
 - Ecology and Impact on designated nature conservation sites
 - Other matters
- 1.4 Site and surroundings
- 1.5 The application site is located to the north of James Callaghan Drive and forms the westernmost part of the former Ministry of Defence's Portsdown Main Site. The eastern boundary of the site abuts the Fort Southwick and the northern boundary the administrative boundary of Portsmouth City Council, beyond which lies the Winchester City Council's countryside.
- 1.6 The site, being a part of a larger developed site, benefits from a shared vehicular access onto James Callaghan Drive, located approximately 150m east of the application site.

- 1.7 The application site has been cleared off the former MOD buildings and now consists of grassland, hardstandings and access roads.
- 1.8 As mentioned above, the site is adjacent to the Fort Southwick which is a Scheduled Ancient Monument and a Listed Building Grade I. The land immediately to the north is within the Winchester City Council's countryside. The open nature of this land and the location of the development site on the hill mean that the site can be seen from long-distance viewpoints located to the north as well as the south.
- 1.8 In planning policy terms, the site is located in an area allocated for employment development by Policy CM 8. There are records relevant to this site which reveal its archaeological potential for possibly pre-historic evidence of human activity (barrows/enclosures/finds etc.).
- 1.10 The site is also located in a very sensitive area, surrounded by Fort Southwick Ramparts Site of Importance for Nature Conservation (SINC) immediately to the west (designated for its woodland and calcareous grassland), James Callaghan Drive Road Verge of Ecological Importance (RVEI) and SINC immediately to the south (designated for its calcareous grassland), beyond which is Portsdown Site of Special Scientific Interest (SSSI) (designated for supporting a rich chalk grassland flora and a rich and diverse insect fauna).
- 1.11 Location plan



1.12 Photographs of the application site:



View towards the North



View towards the East and South-East

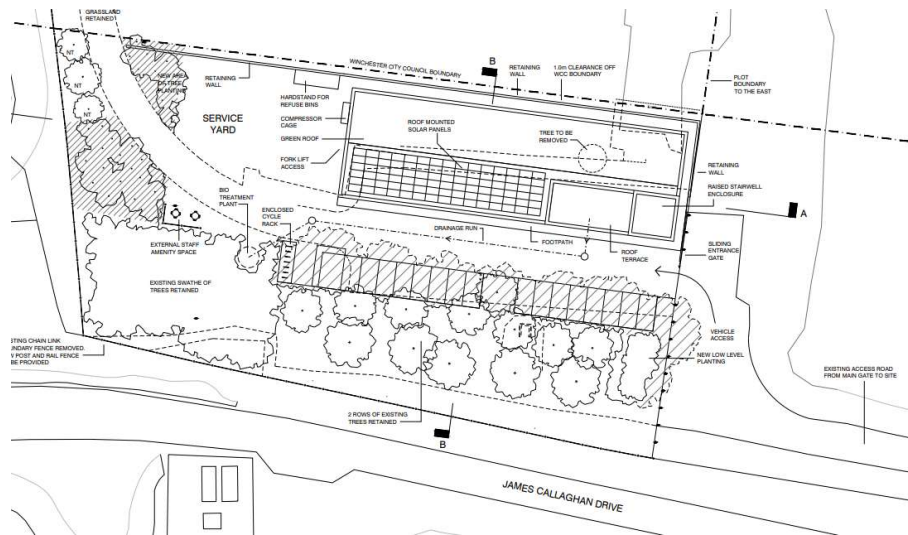


View towards the West and North-West

1.13 The Proposal

1.14 The application seeks full planning permission for the construction of a 2-storey (between approximately 8.6m - 11m high) building for the purposes of class E(g)(iii) uses, including research and development, production, training, workshop areas, office and drawing studio space. The total floorspace would be approximately 1400m².

- 1.15 The development would be facilitated by associated landscaping, parking and service yard. The car parking and hard surfaces would be situated to the south of the building and to the north of the existing sycamore tree line.
- 1.16 The application proposes 17 car parking spaces and 14 cycle parking spaces (a covered cycle rack for the storing of bicycles located near the proposed building. There would be a provision of a shower, changing and locker facilities within the building.
- 1.17 The site would be further enhanced by areas of soft landscaping consisting of native species on the western boundary.
- 1.18 The existing wire mesh and concrete post fence would be removed and replaced with a timber and rail fence.
- 1.19 Vehicular access arrangements would be retained, with the internal road network within the wider site providing access onto the main gate at James Callaghan Drive.
- 1.20 There would be a dedicated area for deliveries and servicing to the south of the building, with 4 deliveries expected per day (on average). The largest vehicles expected on site are 10 m rigid lorries (once or twice per month) and refuse collection vehicle.
- 1.21 Proposed site layout



- 1.22 The proposed design would be contemporary, with predominantly horizontal emphasis but also some vertical articulation around the main entrance which would face the south. The colour pallet would be muted and natural. The building would benefit from horizontal windows and partly green walls. The windows and doors would be dark grey aluminium.

1.23 Proposed elevations



1.24 Planning history

1.25 There is no relevant planning history for this site.

2. POLICY CONTEXT

2.1 Portsmouth Plan (2012)

- PCS11 employment land
 - PCS13 a greener Portsmouth
 - PCS15 sustainable design and construction
 - PCS17 transport
 - PCS23 design and conservation
- 2.2 Portsmouth City Local Plan (2001 - 2011) (saved policies)
- DC21 (Contaminated Land) of the Portsmouth City Local Plan
 - CM8 (Portsdown Hill)
- 2.3 Other guidance
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - National Design Guide (2019);
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014);
 - Sustainable Design & Construction SPD (January 2013);
- 2.4 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

3. CONSULTATIONS

- 3.1 **Historic England** - no objection. Whilst the proposal will result in a change to the immediate setting on Fort Southwick and there may be a low amount of harm from the construction of the laboratory, we consider the impact is on the lower end of less than substantial harm. There will be a benefit, both in terms of the site aesthetically but particularly in terms of that part of the site which lies within the Winchester District where this will be returned to open downland.
- 3.2 **HCC Archaeology Advisor** - no objection, the potential for archaeological remains to survive within the site as 'very low', the proposals would result in a minor beneficial impact on the setting of the monument.
- 3.3 **Environment Agency** - no objection subject to conditions in respect of remediation strategy, verification report, previously unidentified contamination, SuDS infiltration of surface water into ground and piling and using penetrative methods in ground.
- 3.4 **Local Lead Flood Authority** - no objection, subject to conditions (surface water layout, foul water layout, construction materials, infiltration tests and ground investigation (as necessary), SuDS strategy)
- 3.5 **Natural England** - no objection subject to a Construction Environmental Management Plan (CEMP) being secured with a condition.
- 3.6 **HCC Ecology** - no objection subject to conditions in respect of a scheme of biodiversity enhancements, a scheme of sensitive lighting, a Construction Environment Management Plan, and works carrying out in accordance with the measures detailed in the Ecological report.
- 3.7 **Local Highway Authority** - the additional traffic generation would not have a material impact on the operation of the local highway network; adequate parking provision is made on the site such that vehicles are unlikely to park on the public highway; the site access meets the relevant design standards; however, the inaccessibility of the proposal by sustainable travel options and safety of people who choose to use such modes of travel, such as cycle or foot raises concern and on that basis the application should be refused.

- 3.8 **Winchester City Council** - no response.
- 3.9 **The Southwick Estate** - no response.
- 3.10 **PCC Landscape Group** - comments made, no objection.
- 3.11 **PCC Contaminated Land Team** - no objection subject to conditions.
- 3.12 **PCC Tree Officer** - no objection.

4. REPRESENTATIONS

4.1 Publicity dates

- Neighbour letters sent: 16.12.2021
- Site Notices displayed: 30.01.2021
- Press Notice published: 24.12.2021

4.2 At the time of writing this report no representations had been received

5. COMMENT

5.1 Principle of development

5.2 The application site is not identified for employment development, but the wider area of Portsdown Hill is covered by a saved Policy CM8 of the 2006 Portsmouth Local Plan. The Policy states that:

5.3 *"Proposals for development of previously-developed sites will be permitted provided that the new use is compatible with its location and does not detract from the landscape value of the Hill having regard to matters of visual impact and prominence. Development will also be evaluated against the following criteria:*

- *the merits of the design both of itself and in relation to its surroundings;*
- *the degree and nature of landscaping and the retention of natural features;*
- *the impact on nature conservation;*
- *the impact on archaeological sites.*

5.4 Whilst this policy does not specify uses which would be considered acceptable in this location, it is considered that the proposed employment use would be much more suitable than residential, given the context of the site, its limited access to public transport and the nature of adjacent uses.

5.5 In light of the above, Officers consider that the development site is located within an area where a development consisting of an office building for the purposes of class E(g)(iii) uses, including research and development, production, training, workshop areas, office and drawing studio space is acceptable in principle, subject to compliance with other relevant planning policies, including those safeguarding quality design, heritage assets, ecology, highways safety and landscape value.

5.6 Design and impact on the character and appearance of the area, including heritage assets

5.7 As described above, the building would be of a two storey height with a flat roof. External materials would include timber effect cladding panels, dark grey aluminium frames as well as green walls. Due to the relatively modest size of the building and detailed design, the building would satisfactorily blend in within its surroundings not to appear too obvious.

- 5.8 The application is supported by a Landscape and Visual Appraisal which assessed the visual and landscape impact of the development from a wide range of long and short-distance points, such as from different locations in James Callaghan Drive, a public footpath east of the Portchester Castle Scheduled Monument, the western end of Marina Keep in Port Solent and various points to the north of the site.
- 5.9 The Assessment has concluded that whilst the modern building would appear to contrast with the historic Fort Southwick, such contrasts already exists in other parts of the City, such as the Dockyard and the Mary Rose Visitor Centre. Furthermore, the retention of sycamore trees would further reduce the visibility of the southern elevation. The proposed landscaping to the west would create a substantial visual buffer between the development and the Fort. The visibility of the building and parked cars would be limited from public viewpoints to the south due to the existing landform. Whilst visibility of the site from Southwick and surrounding Winchester's countryside would be more prominent, the effect would be negligible. Overall, it has been concluded that whilst the development would introduce change, it would not cause visual or landscape harm. In fact, some elements of the proposal, such as removal of existing unsightly features, would create a beneficial effect.
- 5.10 In light of the results of the Assessment and in the absence of objection from the Winchester City Council, as the neighbouring Authority, Officers conclude that the proposed development, subject to appropriate details of external materials and landscaping, is considered acceptable in terms of design and its impact on the character and appearance of the immediate and wider area.
- 5.11 In respect of impacts on heritage assets, the application is supported by a Heritage Assessment which concludes that the proposed development would not result in harm to the setting or significance of the adjacent Fort Southwick, which is a Scheduled Monument and Grade I Listed Building. It has been noted that the Fort has been redeveloped with a large car park and modern buildings which altered its setting. In addition, the application site, as currently exists, does not positively contribute towards the setting of the Fort.
- 5.12 Historic England was consulted on the application and raised no objection despite identifying a less than substantial harm to the setting of the Fort Southwick. Historic England has confirmed that the development has been designed in line with their expectations in that it would return the site which lies within the Winchester City Council to an open downland which would have a positive impact on the setting of Fort Southwick. The visual improvement of the site as a consequence of this proposal has also been noted as a public benefit of the proposal.
- 5.13 Finally, in terms of archaeology, the application is supported by an Archaeological Impact Assessment which concludes that the potential for buried archaeological remains to survive at the site is very low, and if any buried archaeology is present, it is likely to be of local significance only.
- 5.14 HCC Archaeologist was consulted on the application and concurred with the conclusions within the Archaeological Impact Assessment. No objections has been raised.
- 5.15 Ecology and Impact on designated nature conservation sites
- 5.16 Whilst the application site is located in an ecologically sensitive area, the proposed development would result in the removal of some areas of concrete associated with the previous use of the site and re-establishment of approximately 4,900 square metres of calcareous grassland. Furthermore, the proposed building would support a green wall, and this can be secured with a planning condition.
- 5.17 The application is supported by an Ecological Impact Assessment which reveals that the site supports a small populations of slow-worm and common lizard. The site has also been

assessed as having suitability to support tree roosting bats, foraging and commuting bats, badger, breeding birds, invertebrates and European hedgehog.

- 5.18 The Assessment recommends a wide range of mitigation measures, including but not limited to a Construction Environmental Management Plan (CEMP) prepared and implemented as part of the construction phase, a broad-leaved plantation woodland within the north of the site to be retained and buffered by a minimum of 15 metres with no access to this buffer during the construction phase, a creation of approximately 4,900 square metres of calcareous grassland habitat, an ecologically sensitive lighting scheme, a provision of two cavity roost units installed on the southern and eastern elevations, and ecologically responsible timing of clearance and construction works.
- 5.19 The HCC Ecologist has commented that the precautionary measures set out in the Ecological Impact Assessment are appropriate and any loss of natural features on site, such as trees, has been compensated through the creation of areas of calcareous grassland, which is a Priority Habitat, and new scrub/tree planting. Subject to appropriate conditions, no objection has been raised.
- 5.20 Natural England has also been consulted and raised no objection subject to a condition securing a Construction Environmental Management Plan (CEMP).
- 5.21 Highways safety and car parking
- 5.22 The proposed development would result in a creation of approximately 1400 m² of research and development floorspace that would be supported by 17 car parking spaces and 14 cycle parking spaces.
- 5.23 As stated above, the existing vehicular access arrangements would remain unaltered.
- 5.24 The application is supported by a Transport Assessment and swept path analysis for large vehicles, including refuse vehicles.
- 5.25 The Local Highway Authority (LHA) has been consulted and noted that the additional traffic generation would not have a material impact on the operation of the local highway network and an adequate parking provision has been made on the site. The site access has been considered acceptable and in accordance with relevant design standards.
- 5.26 However, the inaccessibility of the proposal by sustainable travel options and safety of people who choose to use such modes of travel, such as cycle or foot raises the LHA's concern and on that basis the application has been recommended for refusal.
- 5.27 In response, the applicant has submitted a further transport statement which highlights that the site has not been precluded from employment development in the past. Transport infrastructure is already in place at and adjacent to the site. Other businesses operate already in James Callaghan Drive and adjacent sites, including significantly larger businesses such as BAE Systems and QinetiQ as well as a driving test centre and a car dealership based at the adjacent Fort Southwick. Moreover, given the nature of the operations of the business that would occupy the site, there would be a significant reliance on use of a vehicle by staff as well as visitors and suppliers, etc.
- 5.28 Following re-consultation, the LHA maintains its position in recommending refusal.
- 5.29 It is the Local Planning Authority duty to conclude whether the public benefits of the proposal outweigh the harm identified by the LHA. This consideration is undertaken in the concluding section of this report.
- 5.30 Sustainable design and construction

- 5.31 Policy PCS15 (sustainable design and construction) requires non-domestic development with a net increase in floorspace of more than 500m² to contribute to addressing climate change in Portsmouth and, unless otherwise agreed with the City Council, to achieve at least "Excellent" BREEAM standard. The Policy also recognises that not in all cases achieving this level of standard is possible and therefore it allows a degree of flexibility.
- 5.32 In this case, the application is supported by a BREEAM pre-assessment report which shows that the proposed development has achieved a BREEAM score of 48.4% with all minimum standards for 'Very Good' being achieved. This translates into a BREEAM rating of 'Good'. This means that the aspiration to achieve 'Very Good' is possible. The Assessment explains that, due to the nature and restrictions of the site, such as its size and the presence of large vehicles turning on site, an 'Excellent' rating cannot be achieved. Given these site circumstances, Officers consider that it is reasonable to apply the flexibility allowed by the Policy itself and conclude that, despite limitations, the development is in accordance with the Policy.
- 5.33 Planning balance
- 5.34 Whilst the submission does not outline the benefits of the proposed development, the proposal would re-use previously developed land as an employment site facilitating the expansion of a business, creating additional employment opportunities and injecting economic growth into the local area. In addition, the proposal would enhance the aesthetics of the site by replacing excessive hardstandings with a well-designed building and enriched soft landscaping scheme. The application proposes a suite of ecological enhancements on site, including a more robust boundary screening to the west of the site. Historic England noted that the improved boundary screening as well as the overall visual improvement resulting from the re-development of the site, would improve the setting of the Fort Southwick, a Scheduled Monument and Grade I Listed Building. Furthermore, the return of the site which lies within the Winchester City Council to open down land, has been noted as an important public benefit of the proposal.
- 5.35 The proposal does not raise concerns over impact on amenity or archaeology, and other matters, such as contaminated land, surface water treatment and protection of trees on site can be controlled and managed through the recommended conditions.
- 5.35 This weighs in favour of the proposed development.
- 5.36 However, the Local Highway Authority identified harm in the proposal, namely in the inaccessibility of the application site by sustainable travel options. The LHA commented that the development would be unsafe for people wishing to access it either by cycle or foot.
- 5.37 Nevertheless, the NPPF (2021) in paragraph 111 is clear that: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 5.38 In this case, Officers note that the proposal would provide 17 car parking spaces and the applicant confirmed that, due to the nature of the operation of the business, the employees, contractors, suppliers and other visitors of the site are most likely to rely on a vehicle to travel to or from the site. Therefore, there is no reasonable prospect of significant numbers of pedestrians and cyclists entering or leaving the application site as a consequence of the proposed development and refusing the application on this basis would not be justified.
- 5.39 In conclusion, it is considered that as it is unlikely that the proposed development would generate significant pedestrian and/or cyclist movement, the wide ranging benefits identified above outweigh the balance in favour of this development.

RECOMMENDATION

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

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

Conditions:

Time Limit

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

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

Approved Plans

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

Location and Block Plan, drawing number 100;

Site Plan, drawing number 101;

Floor Plans as Proposed, drawing number 102;

South and East Elevations as proposed, drawing number 103;

North and West Elevations as proposed, drawing number 104;

Proposed Sections, drawing number 105;

Tree Plan, Impact Assessment and Method Statement, drawing number

MW.21.0126.TPP.REVA

Archaeological Impact Assessment, reference number AH1292;

Ecological Impact Assessment, reference number 21.0029.0002.F1, Final Document (Revision 1), January 2022;

Heritage Statement, reference number AH1197;

Landscape and Visual Appraisal, reference number LLD2258-LPL-REP-001 Rev 04;

Preliminary Investigation Report, reference number 19144/PIR_R26;

Transport Statement, reference number MS/GJ/AT/ITB16717-001a;

Further Transport Statement, by i-Transport LLP, dated 03 February 2022;

BS5837 Tree Surveys: Guidance on use and implementation by Arbor-Call Ltd;

Design and Access Statement, reference number 20007/106;

BREEAM Pre-Assessment Report, reference number 503411.

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

Contaminated Land

3) 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, in accordance with saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan (2001 - 2011).

Contaminated Land

4) 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)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 3)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, in accordance with saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan (2001 - 2011).

Previously unidentified contamination

5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site, in accordance with saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan (2001 - 2011).

SuDS infiltration of surface water into ground

6) No drainage systems for the infiltration of surface water to the ground are permitted other than with the 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 prevent controlled waters from contamination from surface water infiltration, in accordance with saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan (2001 - 2011).

Piling and using penetrative methods in ground

7) Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details. Reason: To prevent controlled waters from contamination from piling and using penetrative methods, in

accordance with saved Policy DC21 (Contaminated Land) of the Portsmouth City Local Plan (2001 - 2011).

Construction Environmental Management Plan

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP), to cover all construction phases, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: development site compound and hoarding, including details of storage of construction materials/chemicals and equipment; dust suppression; chemical and/or fuel run-off from construction into nearby watercourse(s); waste disposal; noise/visual/vibrational impacts; measures to ensure no materials, machinery, vehicles or works will encroach on the nature designated sites; cleaning of the wheels and bodies of vehicles leaving the site; construction vehicle routing; site access management; working hours & times of deliveries; loading/offloading areas;; site office facilities; contractor parking areas; method statement for control of noise, dust and emissions from demolition/construction work;

and

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

Reason: To protect the amenity of nearby occupiers, to protect manage environmental risks and to ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 and Policies PCS23 of the Portsmouth Plan (2012).

Tree Protection

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in full accordance with the approved plan (MW.21.0126.TPP Rev A) and the BS5837 Tree Surveys Guidance on Use and Implementation for the safeguarding of trees located within the application site and nearby not scheduled for removal during the course of the site works and building operations; and

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

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period and in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

Biodiversity Enhancements

10) Prior to commencement, a detailed scheme of biodiversity enhancements and associated management regimes, to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. The measures are to include, but not limited to, creation of calcareous grassland, tree and scrub planting, creation of green walls/roofs, installation of bird and bat boxes and reptile hibernacula, enhancement of existing woodland on site, etc. Development shall subsequently proceed in accordance with any such approved details.

Reason: To enhance biodiversity on site in accordance with Policy PCS13 of the Portsmouth Plan and the National Planning Policy Framework (2021).

Lighting Scheme

11) Prior to the commencement of development activities, a scheme of sensitive lighting (during the operational life of the development), designed to allow dark corridors along the boundaries, to minimise impacts on wildlife, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved lighting scheme shall be implemented in accordance with the approved details.

Reason: To protect biodiversity on site and to ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan and the National Planning Policy Framework (2021).

Mitigation/Compensation/Enhancement Measures

12) Unless otherwise agreed with the Local Planning Authority in writing, the development hereby approved shall proceed in accordance with the measures detailed in Section 5.0 Assessment Of Ecological Effects And Mitigation/Compensation/Enhancement Measures of the revised Ecological Impact Assessment (Revision 1) by ECOSA Ltd. (January 2022).

Reason: To protect biodiversity on site and to ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan and the National Planning Policy Framework (2021).

Surface water drainage

13) Before the development hereby approved commences, details of surface water drainage (including a surface water layout, a foul water layout, details of construction materials, infiltration tests and ground water investigation (if necessary) and any permissions that are or will be required by Southern Water) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details.

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

Materials

14) (a) Notwithstanding the submitted details, no development works shall commence until a detailed schedule of materials and finishes to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and

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

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

Boundary treatment

15) The buildings shall not be first occupied until:

(a) details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority, and

(b) these means of enclosure have been implemented in accordance with the details thus approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Car parking provision

16) The development hereby approved shall not be brought into use until space has been laid out and provided for the parking of a vehicle in accordance with the approved plans. This space shall thereafter be reserved for such purposes at all times.

Reason: In the interest of highway safety and in accordance with Policy PCS17 of the Portsmouth Plan (2012).

Bicycle Storage

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

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

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

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

Soft Landscaping

18) (a) Before development proceeds above slab level, details of soft landscaping shall be submitted to the local planning authority and approved in writing.

(b) Development shall be carried out in accordance with the details approved pursuant to part (a) of this Condition and implemented prior to occupation or in the first planting and seeding season following the occupation of the building, whichever is the sooner.

(c) Any plants approved pursuant to part (a) of this Condition which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Hard Landscaping

19) (a) Before development proceeds above slab level, details of hard landscaping shall be submitted to the local planning authority and approved in writing.

(b) Development shall be carried out in accordance with the details approved pursuant to part (a) of this Condition and implemented prior to occupation of the building, whichever is the sooner.

Reason: To ensure the appearance and setting of the development is satisfactory in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Employment & Skills Plan

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

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

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

INFORMATIVES

Requirement for an environmental permit

Please be advised that the discharge of treated sewage effluent associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from us. The Applicant has already been in contact with us for pre-permitting advice, but a permit has not yet been applied for. Details of the permit are still to be finalised and until the permit application has been formally accepted there is no guarantee that a permit will be granted. A permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit. General 'Environmental Permitting Guidance' can be found at –

<https://www.gov.uk/environmental-permit-check-if-you-need-one>

327 QUEENS ROAD FRATTON PORTSMOUTH PO2 7LY

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

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R5ANPRMOH2S00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R5ANPRMOH2S00)

Application Submitted By:

Collective Studio
FAO Kercher

On behalf of:

Wheelhouse

RDD: 6th January 2022

LDD: 9th March 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections received in response to the application and due to a request of Copnor Ward Member Councillor Swann (who has also objected, his comments are set out later in this report).

1.2 The main issues for consideration relate to:

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

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

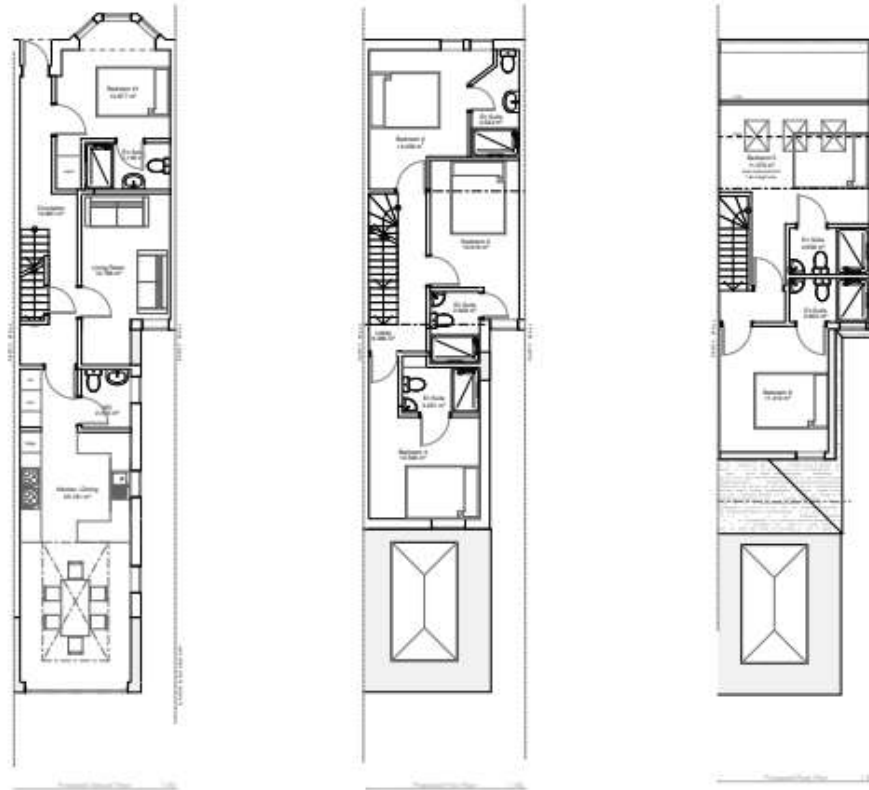
1.5 This application relates to a two-storey (with dormer roofs added) mid-terrace dwelling, which features a single storey bay window and is located on the northern side of Queens Road. The property is set back from the roadway by a front forecourt and benefits from a rear garden.

1.6 Proposal

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

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - One bedroom (with an ensuite), Living room, WC a combined Kitchen/Dining room; and
 First Floor - Three bedrooms (each with their own ensuite)
 Second Floor - Two bedrooms (each with their own ensuite)
- 1.10 The submitted drawings indicate a rear dormer and single storey rear extension which are to be constructed. The applicant has confirmed that these works will be undertaken as permitted development and will fully accord with the limitations and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the application relates to the use of the property only.
- 1.11 The applicant's plans state the bedrooms would be single occupancy.



1.12 Planning History

1.13 No relevant planning history.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

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

2.3 Other guidance:

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

3.0 CONSULTATIONS

3.1 Private Sector Housing

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

4.0 REPRESENTATIONS

4.1 23 representations have been received from the nearby residents, objecting to the proposal in the following grounds:

- a) Loss of privacy from rear dormer;
- b) Loss of light from the rear dormer and single storey extension;
- c) Increase noise from rear communal space and garden;
- d) Increased anti-social behaviour;
- e) Floor risk and impact of sewer system;
- f) Excessive size of extension resulting in an unneighbourly impact;
- g) Queries over if the extension is Permitted Development;
- h) Impact of scaffolding;
- i) Increase parking demand;
- j) Strain of Health and Local services;
- k) Loss of family housing;
- l) Existing number of HMOs in area;
- m) Concerns over accuracy of HMO Database (i.e. No.302 Queens Road not included in initial data);
- n) Work started prior to application being submitted;
- o) Dimensions not shown on the drawings;
- p) Waste and rubbish;
- q) Impact on property value;
- r) Increase in air pollution;
- s) Lack of public notification; and
- t) Unfair/unequal distribution of Council Tax.

4.2 Councillor Swann has also submitted an objection comment and requested to make a deputation. His objection raises the following points:

- a) Loss of family housing, adverse effect on community;
- b) Increased pressure on medical services;
- c) increase in noise, waste and rubbish;
- d) A request that all HMO applications are halted until the HMO Database can be reviewed;
- e) More road congestion, less parking;
- f) Building work being carried out without prior-approval;
- g) Footings being dug over the public sewer pipe; and
- h) Scaffolding interfering with neighbours light and privacy.

5.0 COMMENT

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

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

5.2 Principle of development

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

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



- 5.5 Based on information held by the City Council, of the 70 properties within a 50 metre radius of the application site, 1 HMO was originally identified (no. 315 Queens Road). Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 5.6 It is noted that one property within the 50m radius have been sub-divided into flats (No. 350 Queens Road), but these are not HMOs and so are not part of the data count.
- 5.7 Local representations also suggested that a number of properties to the west of 354 Powerscourt Road may be in use as HMOs. These properties (Nos. 336-354 Powerscourt Road) where the subject of additional investigation, through a review of their recent Council Tax Records. All appear to be in C3 usage.
- 5.8 One HMO (No.302 Queens Road) was missed of the original dataset. Following Officer Investigation, no further HMOs have been uncovered and none have been removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.28%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.9 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.
- 5.10 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012) and the supporting HMO SPD.
- 5.11 Standard of Accommodation
- 5.12 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, allow occupation by up to six individuals.

(HMO SPD October 2019)	Area provided:	Required Standard
Bedroom 1	10.877 sq.m	6.51 sq.m
Ensuite B1	3.19 sq.m	2.74 sq.m
Kitchen/Diner	25.18 sq.m	34 sq.m or 22.5 sq.m
WC	2.36 sq.m	1.17 sq.m
Living Room	10.78 sq.m	2.74 sq.m
Bedroom 2	10.45 sq.m	6.51 sq.m
Ensuite B2	3.54 sq.m	2.74 sq.m
Bedroom 3	10 sq.m	6.51 sq.m
Ensuite B3	2.82 sq.m	2.74 sq.m
Bedroom 4	10.5 sq.m	6.51 sq.m
Ensuite B4	3 sq.m	2.74 sq.m
Bedroom 5	11.37 sq.m	6.51 sq.m
Ensuite B5	2.95 sq.m	2.74 sq.m
Bedroom 6	11.21 sq.m	6.51 sq.m
Ensuite B6	2.8 sq.m	2.74 sq.m

- 5.13 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018.
- 5.14 The combination of ensembles and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.15 Impact on amenity
- 5.16 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.
- 5.17 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 5.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.19 Highways/Parking
- 5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with six bedrooms. This results in an under provision of 0.5 spaces against the existing use of the property. It is not considered the likely parking demand is significantly greater than the occupation of the property as a Class C3 dwellinghouse. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.
- 5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage is proposed as well as front forecourt where bicycles could be stored. This requirement can be secured by condition. The storage of refuse and recyclable materials would remain unchanged.
- 5.22 Waste
- 5.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.24 Special Protection Areas
- 5.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 occupants), and as such it is not considered to represent a net increase in overnight stays. The development would therefore not have a likely

significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.26 Other matters

- 5.27 The request from Cllr Swann to pause the determination of all HMO applications within the Copnor Ward until a full and detailed review of HMO's already in the area has taken place is noted. However, on the basis the LPA has adopted policies in place to consider the impacts of HMO developments, it would be considered unreasonable not to progress applications that have been submitted for consideration. Failure to determine planning applications within statutory or agreed timescales would allow the applicant to appeal to the Planning Inspectorate against the non-determination of the application. Separate mechanisms are in place to review adopted planning policies which will be undertaken in consultation with Members and the public. In the meantime, it is considered that the data sources and further checks that officers carry out are robust enough to base decisions upon.
- 5.28 Neighbours have raised a number of additional objections in response to those comments, as mentioned above the rear dormer is considered Permitted Development and therefore impacts towards neighbours through a loss of privacy or light cannot be considered.
- 5.29 As touched on above it is not considered that the proposal would result in an significantly increase in noise, anti-social behaviour, parking demand, waste or air pollution.
- 5.30 The development would also not considered to result in any increase in flood risk, if the extension has been built over a sewage pipe that is not a Planning consideration and is a matter for Building Control.
- 5.31 The extension as proposed would meet the criteria of Permitted Development and not require Prior-Approval or Planning Permission. Therefore concerns over its size cannot be considered within the application.
- 5.32 Scaffolding is not controlled by the Planning regime, though concerns have been brought to the attention of Building Control and Health and Safety.
- 5.33 It is not considered that the proposal in itself would result in a significant impact towards the provision of Health and Local services.
- 5.34 The HMO SPD established in what situations the change of use is acceptable from family housing, in this instance the application accords with that policy.
- 5.35 As shown above, the HMO data has been fully investigate by the case officer who is confident with its accuracy.
- 5.36 Work has started on site. However this is undertaken at the applicant's risk of permission being refused on the scheme, and should permission be refused, the expediency of taking enforcement action would be explored.
- 5.37 The publicity was carried in accordance with the Planning requirements and fully advertised.
- 5.38 The impact of the development on nearby property values is not a material planning consideration.
- 5.39 There is no requirement for dimensions to be shown on drawings simply that they are shown to scale.

5.40 Council Tax distribution is not a material planning consideration.

5.41 Conclusion

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

RECOMMENDATION Conditional Permission

Time Limit:

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

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

Approved Plans:

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Plans - 073 PL03; and Elevations - 073 PL04.

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

External works as shown:

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Elevations - 073 PL04., namely the construction of the single storey rear extension, shall be completed.

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

Cycle Storage:

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

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

PRO-ACTIVITY STATEMENT

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

**QUEEN ALEXANDRA HOSPITAL SOUTHWICK HILL ROAD PORTSMOUTH PO6 3LY
APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING
PERMISSION 21/00848/OUT (FOR THE DEVELOPMENT OF NEW EMERGENCY DEPARTMENT), IN
REGARD TO DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING**

Application Submitted By:

Turley
FAO Mr Mervyn McFarland

On behalf of:

Mr Simon Wilson
Portsmouth Hospital University NHS Trust

RDD: 4th June 2021

LDD: 6th September 2021

[22/00062/REM | Application for approval of reserved matters pursuant to outline planning permission 21/00848/OUT \(for the development of new Emergency Department\), in regard to details of layout, scale, appearance and landscaping | Queen Alexandra Hospital Southwick Hill Road Portsmouth PO6 3LY](#)

1.0 BACKGROUND

- 1.1 This application is included on the agenda due to the scale of the development.
1.2 Outline planning permission was granted in July 2021 under 21/00848/OUT for the construction of a new Emergency Department at the Queen Alexandra Hospital. Outline planning permission was granted subject to the following 12 conditions;

Condition 1	Time Limit Outline
Condition 2	Reserved Matters
Condition 3	Approved Drawings
Condition 4	Contaminated land
Condition 5	Drainage Strategy
Condition 6	Construction Environmental Management Plan
Condition 7	Employment and Skills Plan
Condition 8	Biodiversity enhancements
Condition 9	Contaminated land verification
Condition 10	Noise Assessment
Condition 11	BREEAM standard
Condition 12	Landscape implementation

- 1.3 The outline planning permission established the principle of the development of a new emergency department in this location, together with the means of vehicular access to the development, with all other matters relating to the detailed appearance, scale, layout and landscaping to be dealt with under this reserved matters application.
- 1.4 It should be noted that a separate application has been submitted 22/00135/DOC to discharge conditions 4a (contamination), 5 (drainage), 7 (employment & skills), 8 (biodiversity) and 10 (noise) of the outline approval. This application is currently under consideration.
- 1.5 The arrangements for vehicular access have been established by the outline planning consent and is therefore not a Reserved Matter. Notwithstanding this application provides additional detail on the arrangements for vehicular and pedestrian access to the new Emergency Department.
- 1.6 The main matters for determination of this reserved matters application are as follows:
- Layout, massing & height
 - Materials & appearance
 - Landscaping
 - Transport & access

2.0 SITE AND SURROUNDINGS

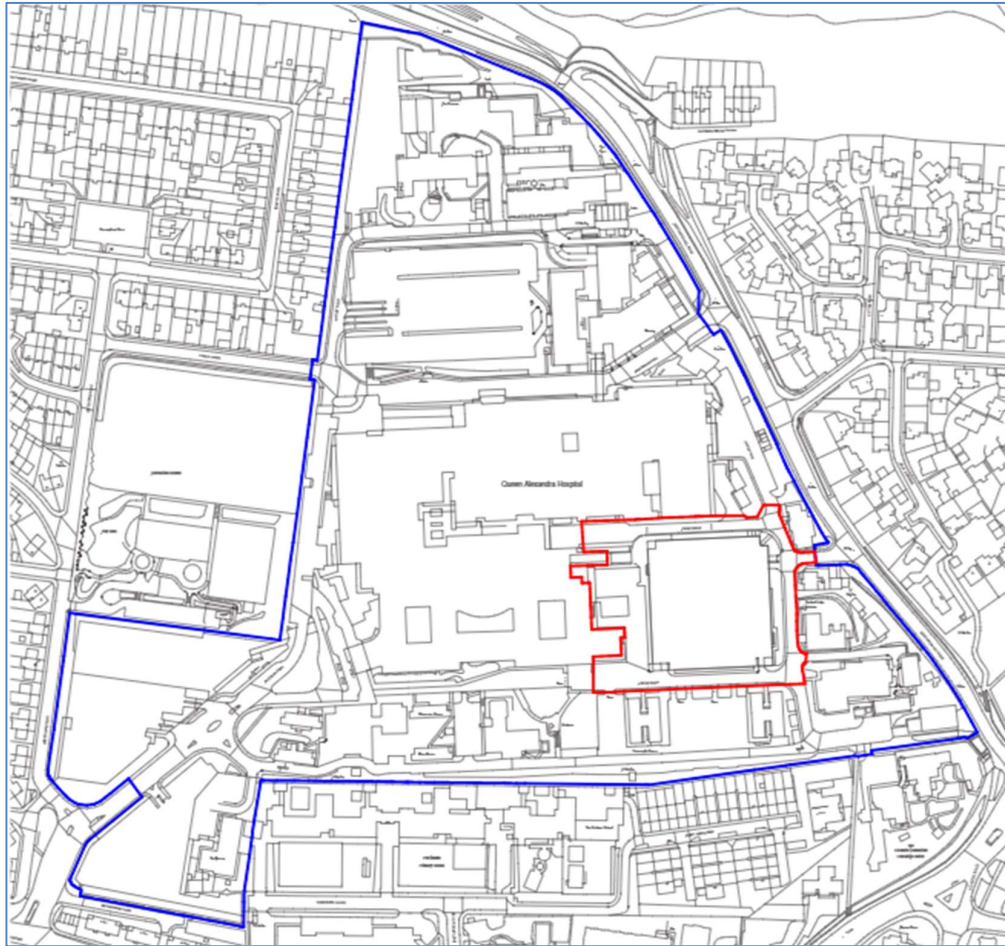


Figure 2- Site location plan

- 2.1 The application site, which covers an area of 1.035 hectares, lies on the east side of the hospital site, where there is currently a two-storey decked staff car park. The existing decked car park provides 505 car parking spaces and 17 disabled car parking spaces. Access to the East Car Park is currently gained from Hunter Road via Southwick Hill Road (B2177) located to the east of the site.
- 2.2 Curie Road runs along the northern side of the site and currently acts as a service road to the main hospital building. The main hospital buildings lie to the north and west, and to the east there are some smaller ancillary hospital buildings and a wellness centre. To the south there are two high rise blocks of flats occupied as doctor and nurses accommodation. Beyond the site boundary to the south is a small residential estate on Dame Judith Way. There are further residential properties further to the east on the opposite side of Southwick Hill Road.
- 2.3 The main hospital buildings to the west and north are between 6 and 8-storeys high and there are 9-storey tower blocks to the south. To the east of the site there are some smaller ancillary hospital buildings, ranging between 1 and 3-storeys.

3.0 PROPOSAL

- 3.1 As established by the outline planning permission, the existing two storey east car park will be demolished and replaced with the new Emergency Department building. The footprint of the new facility will remain substantially the same as the current car park structure.
- 3.2 Accommodation will be provided over four levels with Level A (ground floor) providing 216 staff car parking spaces, as well as space for cycle and motorcycle parking and plant rooms. A vertical circulation core is to be built to the west of the parking area, providing access to the upper floors.
- 3.3 Level B (first floor) will contain the main Emergency Department accommodation, including Urgent Care Department and the Paediatrics Emergency and Urgent Care department. The main entrance shall be located on the north elevation of the building. On the east side, a dedicated ambulance access area will be provided with separate direct access to the Emergency Department. As established in the outline planning permission ambulances will gain access the Emergency Department from Hunter Road.



Figure 3- Rendered Perspective View of East Elevation

- 3.4 Level C (first floor) will provide accommodation for staff changing rooms, seminars/ training rooms, offices, welfare facilities, cleaning rooms and a large plant room. An external staff terrace will also be provided on the north side of the building. A link corridor to the main hospital building will also be provided on this floor. Level D will be the roof which will accommodate the approved photovoltaic array. A link will also be provided to the main hospital building.

4.0 PLANNING HISTORY

- 4.1 The hospital has an extensive planning history. The most recent and relevant permissions are as follows:

- 21/00848/OUT - Outline permission for demolition of existing car park structure and construction of building to accommodate emergency department, with link to main hospital and parking at ground floor level; formation of emergency vehicle and pedestrian drop off zones; reconfiguration of internal highways; associated landscaping, infrastructure and ancillary works (principles of access to be considered) - conditional consent, 23rd July 2021
- 21/00232/FUL - Construction of four level multi-storey car park with elevated link bridge and associated landscaping - conditional permission, 1 April 2021
- 20/01256/FUL - Construction of 72 bed, two storey hospital ward with enclosed link to rehabilitation centre and access ramp, to include reconfiguration of car park, service yard and associated landscaping - conditional permission, 10 December 2020
- 20/00257/FUL - Installation of pipework with associated services, canopy, hardstanding and barriers - conditional permission, 29 April 2020
- 19/01688/FUL - Construction of elevated gantry with access building, to include canopy structure, retaining wall, screens to conceal services and associated hard and soft landscaping - conditional permission, 16 January 2020
- A*36713/AE - Application for approval of reserved matters for planning permission A*36713/AC - conditional approval, 1 April 2004
- A*36713/AC - Construction of up to eight storey hospital building (up to 79,000 sqm floorspace), associated car parking with new access from Southampton Road, and residential development of up to forty dwellings - conditional outline planning permission, 29 April 2003.

5.0 POLICY CONTEXT

- 5.1 Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications.
- 5.2 Policies and guidance provided in the following have been taken into consideration in the assessment of the proposals, including;
- National Planning Policy Framework (2021)
 - Portsmouth Plan (2012)
 - Portsmouth City Local Plan (2001-2011)(saved policies)
 - Consultation Draft Portsmouth Local Plan
- Portsmouth Plan (2012)
- 5.3 The relevant policies within the Portsmouth Plan (2012) include;
- PCS12 (Flood Risk)
 - PCS13 (A Greener Portsmouth)
 - PCS14 (A Healthy City)

- PCS15 (Sustainable Design and Construction)
 - PCS16 (Infrastructure and Community Benefit)
 - PCS17 (Transport)
 - PCS23 (Design and Conservation)
- 5.4 The relevant policies within the Portsmouth City Local Plan 2001-2011 (Adopted 2006), include;
- Saved Policy CM6 (Queen Alexandra Hospital)
 - Saved Policy DC21 (Contaminated Land)
- 5.5 Other relevant policy guidance apply:
- National Design Guide (2019)
 - National Planning Practice Guidance
 - Achieving Employment and Skills Plans Supplementary Planning Document (2013)
 - Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- 6.0 CONSULTATIONS**
- 6.1 Extensive consultations have taken place but no comments have been received on this reserved matters application. This is unsurprising as the same consultees were consulted on the outline planning application and any concerns raised have been addressed at this stage.
- 7.0 REPRESENTATIONS**
- 7.1 PCC publicity dates:
- Neighbour letters sent: 2nd February 2022; expiry 23rd February 2022
 - Newspaper advertisement: 11th February 2022; expiry 4th March 2022
 - Site notice displayed: 4th March 2022; 25th March 2022 (please see recommendation)
- 7.2 No representations have been received to date.
- 8.0 COMMENT**
- 8.1 The outline planning permission granted in July 2021 established the principle of development on the site, and the means of access to the site. The outline planning permission is also subject to a number of planning conditions on matters such as contaminated land, drainage, biodiversity noise impacts, BREEAM and landscaping. These matters will be dealt with by Officers under a separate Discharge of Condition application (22/00135/DOC). This report considers the following matters
- Layout, massing & height
 - Materials & appearance
 - Landscaping
 - Transport & access
 - Other
- Layout, massing & height
- 8.2 The reserved matters proposals are consistent with indicative plans submitted with the outline planning application and will have a similar footprint to the existing car park.
- 8.3 In terms of massing and height the latest design will be lower than the main hospital buildings to the east and north and taller than some of the buildings on the east side of the site, but having regard to the variety in building heights existing across the hospital campus, this is not considered to be unacceptable.
- 8.4 In summary, having regard to the layout, massing and height the proposed development is considered appropriate within its context and accords with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 127 of the National Planning Policy Framework (2019).
- Materials & appearance
- 8.5 The external appearance of the new building has been designed to harmonise with the main PFI hospital building located to the west and which has been mainly clad with a mixture of metal and terracotta panels, with decorative orange coloured ceramic tiles. Clear glass windows and colourful solid glazed panels make up the fenestration of the building.
- 8.6 Through the use of materials and finishes the applicant has sought to provide some variation over the three principal levels of the building. At Level A, the car park level, on the south and west elevations the concrete structure will be exposed. The east façade will be clad in a blue brick, similar to the brick used elsewhere on the hospital site at ground level, while the north elevation will be below ground level. Level B which accommodates the clinical accommodation and is the public facing element of the scheme, will be clad in mix of vertical coloured and terracotta panels used elsewhere in the main hospital building. At the northern elevation a green wall will be

- provided. The office and ancillary accommodation and plant rooms at Level C will be constructed in a lighter weight grey composite aluminium panel.
- 8.7 The proposed building materials and finishes to be used in the construction of the new Emergency Department have been carefully selected to complement and reflect the materials used on nearby, recently constructed buildings. With a similar material palette used on all recent the new development within the hospital campus there is emerging a visual coherence and clear identity to the QA Hospital. This approach is supported by officers and accords with the aims of Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 127 of the National Planning Policy Framework (2019).
- Landscaping
- 8.8 As the site is previously developed there are limited opportunities for soft landscaping. In terms of hard landscaping the proposals are for the use of tarmacadam, concrete kerbs, contract colour concrete tactile paving and resin system road surfaces at Level A which will accommodate the car parking. At Level B hard landscaping will form the emergency patient drop off area and the area for the ambulance bays and drop off.
- 8.9 A small area of soft landscaping comprising new trees, shrubs, grass and wildflower mix is proposed to the east of the building, adjacent to Hunter Road. Two green walls are also proposed, the first is to be located at the north east of the building and will serve to screen views of the ambulance bays from the patient drop-off area while the second will be located at the north-west to screen views of the service yard. The green walls will be formed by growing climbing plants on a mesh frame, with a mix of fast growing hardy evergreen plant species proposed, including *hedera helix*, *tricuspidate* and *jasmine*.
- 8.10 A preliminary landscaping strategy was submitted with the outline submission. The landscaping strategy established the landscaping design principles for the scheme, which the more detailed landscaping proposals submitted with this application are consistent with.
- 8.11 The proposed landscaping strategy accords with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 127 of the National Planning Policy Framework (2019).
- Transport & access
- 8.12 The arrangements for vehicular access have been established by the outline planning consent, and therefore is not a reserved matter. Notwithstanding, this application provides an additional level of detail on the arrangements for vehicular and pedestrian access to the new Emergency Department.
- 8.13 As approved under the outline consent, the proposal would be accessed from the southernmost entrance, which leads to Hunter Road within the Hospital grounds with the access layout designed to provide clear distinctions between public and blue light vehicle zones, with key access points as follows:
- Blue light vehicles - access via Southwick Hill Road and Hunter Road, leading to a parking area for 16 ambulances to the east of the building, with direct access to Level B of the new ED
 - Public emergency drop off - via Southwick Hill Road and Curie Road with a drop-off area provided on the north side of the proposal, with access to Level B
 - Staff parking - access via Southwick Hill Road, Hunter Road and Lister Road, with vehicle access to Level A on the south side of the new building
- 8.14 In relation to parking provision, the outline consent granted planning permission for 216 staff car parking spaces. The current proposals will also provide 216 staff car parking spaces.
- 8.15 This application does not propose any fundamental amendments to these arrangements. However, since outline planning permission was granted in July 2021 the detailed design of the new Emergency Department has evolved with the key detailed design modifications set out in the following paragraph.
- 8.16 A drop of area for patients requiring emergency treatment shall be located to the north of the new building, on Curie Road. Drivers will then be able to park in either the north car park or the multi storey car park. The entrance to the staff car park will be from Lister Road. Ambulances have a dedicated access on the eastern side of the building on Hunter Road, at the same point as the entrance to the upper level of the current decked car park. Ambulance parking bays will be provided at Level B to the east of the building and at Level A between the new Emergency Department and the existing hospital building.
- 8.17 All of the above detailed design changes are necessary to ensure easy access and circulation for the public, ambulances and staff. The proposals therefore accord with Policy PCS17 of the Portsmouth Plan (2012) and guidance contained within paragraph 109 of the National Planning Policy Framework (2019).



Figure 4 - CGI of perspective from south west

Other matters

8.18 All other matters relating to the scheme, including amenity issues were addressed at the outline stage with conditions attached to the outline which will mitigate the impact of the development on hospital users and neighbouring residents, including condition 7 which requires a detailed noise assessment of any plant or equipment to be carried out before installation and to agree any necessary mitigation. The submission and approval of a Construction Environmental Management Plan (CEMP) is also a condition of the approval (condition 6) and has been imposed to mitigate the negative impact of noise and disturbance during construction.

8.19 With these safeguards in place it is considered that the development can be accommodated without harming the amenities of existing patients or nearby residential properties, in accordance with Policy PCS23 of the Portsmouth Plan (2012) and guidance contained within paragraph 180 of the National Planning Policy Framework (2019).

Conclusion

8.20 This reserved matters application seeks approval for the layout, scale, appearance and landscaping for the scheme. The design of the new Emergency Department is of a high quality and will deliver an improved quality of health services for Portsmouth and satisfies the relevant policy requirements of the Portsmouth Plan and the National Planning Policy Framework (NPPF).

RECOMMENDATION - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant reserved matters approval after the site notice expires on the 25th March 2022 subject to the following conditions.

Conditions:

Approved Drawings

1. Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings -
 - Planning Statement - January 2022 Turley
 - Design and Access Statement - HD0012-ADA-06-ZZ-PP-A/01100 rev P03 / January 2022
 - Location Plan - HD0012-ADA-06-ZZ-ZZ-A/01000
 - Block Plan / Site Plan - HD0012-ADA-06-ZZ-M2-A/01001
 - Proposed Floor Plan - Level A HD0012-ADA-06-AA-M2-A/01020 rev P02
 - Proposed Floor Plan - Level B HD0012-ADA-06-BB-M2-A/01021 rev P01
 - Proposed Floor Plan - Level C HD0012-ADA-06-CC-M2-A/01022
 - Proposed Floor Plan - Level D HD0012-ADA-06-DD-M2-A/01023
 - Proposed Elevation - North HD0012-ADA-06-ZZ-M2-A/01030 rev P01
 - Proposed Elevation - East HD0012-ADA-06-ZZ-M2-A/01031 rev P01
 - Proposed Elevation - South HD0012-ADA-06-ZZ-M2-A/01032 rev P01
 - Proposed Elevation - West HD0012-ADA-06-ZZ-M2-A/01033 rev P01
 - Proposed Sections - AA and BB HD0012-ADA-06-ZZ-M2-A/01040

- 3D Visualisations - Existing and Proposed HD0012-ADA-06-ZZ-M2-A/01050
- 3D Visualisations - North, South, and West Elevations HD0012-ADA-06-ZZ-M2-A/01051 rev P01 Proposed Landscape Plan - Level A HD0012-ADA-06-AA-M2-A/01045 rev P02
- Proposed Landscape Plan - Level B HD0012-ADA-06-BB-M2-A./01046
- Typical Layout for Photo Voltaic Panels and Major Plant - RAM-SKETCH-A-07-01-22 rev I01
- Level C Plant Layout Drawing - RAMBOLL SKETCH-C 16/12/21 rev I01
- Typical Visual Assessment of Plant Views from Roadways RAM-SKETCH-B-07-01-22 rev I01
- Highways Technical Note Mode
- Tracking shown on Level A and B Floorplans HD0012-ADA-06-AA-M2-A/01020 rev P02 & HD0012- ADA-06-BB-M2-A-01021 rev P01
- Landscape Management Plan (SA05) NH 060122 NHS Trust

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

Landscape implementation

2. (a) The landscaping of the site shall be carried out in accordance with the details approved under Condition 2 in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner;

(b) Any trees or plants which, within a period of 5 years from the date of Practical Completion of the landscaping scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).

Installation of photovoltaic panels

3. Plans showing the layout and installation of photovoltaic panels on the roof shall be submitted as detailed in the Solar Edge PV Energy Designer Report (Dated 25th October 2021) and approved prior to the opening of the new Emergency Department. The photovoltaic panels should be installed in accordance with the approved plans unless otherwise agreed.

Reason: In the interest of visual amenity, in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan (2012).