

PLANNING COMMITTEE

31 AUGUST 2022

1030 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

21/01726/FUL

WARD: DRAYTON & FARLINGTON

111 HAVANT ROAD PORTSMOUTH PO6 2AH

CONSTRUCTION OF FIVE-STOREY BUILDING TO PROVIDE 55 RETIREMENT APARTMENTS (USE CLASS C3), WITH ASSOCIATED VEHICLE ACCESS FROM HAVANT ROAD, CAR PARKING AND LANDSCAPING, AFTER DEMOLITION OF EXISTING CAR SHOWROOM AND DWELLING (RESUBMISSION OF 21/00684/FUL)

LINK TO DOCUMENTS:

[21/01726/FUL | Construction of five-storey building to provide 55 retirement apartments \(Use Class C3\), with associated vehicle access from Havant Road, car parking and landscaping, after demolition of existing car showroom and dwelling \(Resubmission of 21/00684/FUL\) | 111 Havant Road Portsmouth PO6 2AH](#)

Application Submitted By:

Mr Matthew Shellum
Planning Issues Ltd

On behalf of:

Churchill Retirement Living Ltd

RDD: 25th November 2021

LDD: 25th February 2022

1 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee due to it being a Major-category development, and due to the number of objections (twenty-one).
- 1.2 This proposal is the re-submission of planning application 21/00684/FUL. The application was refused on 24th November 2021 under delegated powers and allowed at appeal 25th July 2022, following a public inquiry. Although planning consent has therefore been achieved for the first application (21/00684/FUL), the Applicant wishes to pursue this second, alternative scheme to decision. If a second consent is achieved, the Applicant would choose which scheme to implement.
- 1.2 The previous proposal was to provide 54 retirement apartments with the external courtyard with an 'owner's lounge' (a shared communal space) sited to the rear of the site. The building was 4 storeys in height and was of a more 'traditional design'.
- 1.3 The planning application was refused for the following reasons:

Unsympathetic design

1. *The proposed development by virtue of its overall size, position and overall appearance, is considered to be overly dominant and out of character with its locality. As such it is considered that the proposed development with constitute an unduly prominent and incongruous feature in the Havant Road streetscene, and into Penarth Avenue. The proposal would thus fail to provide an excellent standard of architectural design and would*

not contribute positively to the street scene. The proposal would therefore be contrary to the aims and objectives of policies PCS13 and PCS23 of the Portsmouth Plan and the provisions of the NPPF.

Lack of appropriate amenity space

2. The development proposal by virtue of the location and shade of the private and shared amenity areas would fail to provide appropriate amenity space. The proposal is contrary to the aims and objectives of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan which promote sustainable development.

SPA mitigation

3. In the absence of a suitable agreement to secure appropriate mitigation measures for the increase in recreational disturbance and increased discharge of nitrogen and phosphorous into the Solent water environment, the development would be likely to have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF, policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations 2017 [as amended].

- 1.4 In considering the appeal, with regards to the design and character of the development proposal in relation to the first reason for refusal, the Planning Inspector considered that:

"Whilst the appeal scheme would be prominent in the streetscene it would not be dominant given the overall width of Havant Road at this point. For this reason, a four storey scheme would be in keeping with the character of this part of Havant Road. It would be of sufficient scale and appearance to accord with the prevailing character of the surrounding area. Both its footprint and elevational treatment are sufficient to ensure that it would be of a scale, density and layout that would not adversely impact on the streetscene. The detailing included in the scheme is sufficient to provide interest and to diffuse the elevations despite the length of the frontage. For these reasons, I conclude that the scheme would not adversely affect the character and appearance of the area and does not conflict with Policy PCS23."

- 1.5 With regards to the second reason for refusal the inspector considered that the private amenity space provisions to be acceptable by commenting that:

"...Whilst I acknowledge the Council's concerns over the quality of some of the spaces, on balance there would be sufficient communal space around the building which could compensate for the shortcoming of the areas identified by the Council"

- 1.6 This second application will be assessed having due regard to the Planning Inspector's considerations and assessments, which resulted in the previous application being allowed at appeal, as the Inspector's decision is a key material planning consideration.

2. Site and Surroundings

- 2.1 This application site is situated on the northern side of Havant Road and is currently occupied by a car showroom and private dwelling between Carmarthen Avenue to the west, and Penarth Avenue to the east. The site slopes upwards from Havant Road and the existing buildings on the site are up to two-storey in height.

- 2.2 The site's frontage is currently dominated by the showroom vehicles; this presently provides the site with a weak built form. The site's structures are low level in height, consisting of 1.5 to 2 storey buildings. Access to the site is from Havant Road, via a driveway which also provides access to residential properties to the rear (north). These adjacent dwellings were granted planning permission in 2006 (reference. A*23802/AE).

- 2.3 Immediately to the west of the site is a modern four storey building comprising 27 sheltered apartments known as 'Carrick Court', (Allowed at appeal in 2014 (ref. 13/00386/FUL). Carrick Court is of a smaller form and less dominating expanse than the proposal site.
- 2.4 To the east of the site, across the road from Penarth Avenue, is a two-storey semi-detached dwelling, along with several other dwellings albeit primarily detached. These properties have a substantial setback from the Havant Road streetscene, which makes up the site's wider context.
- 2.5 The properties immediately to the south of the site, inclusive of Nightingale Court (156-160 Havant Road) which is retirement complex. This is important, as this development forms part of the site's visual context particularly when the site is approached from both the east and west of Havant Road. Nightingale Court has a considerable set back from the Havant Road streetscene frontage which provides a significant degree of visual relief, minimising the development's dominance on the streetscene and pedestrians. The site's mixed frontage, consisting of effective soft landscaping coupled with parking also effectively softens the presence on the development from within the streetscene.



Figure 1: Proposed Site Plan

Development Proposal

- 3.1 The development proposal is for the construction of a part five-storey and part four-storey building to provide a total 55 owner-occupied retirement apartments (Use Class C3), with associated vehicle access from Havant Road, car parking and landscaping, after the demolition of the existing car showroom and dwelling.
- 3.2 The building's main entrance lobby would be centrally located to the rear of the building, accessed from a footpath running along the building's western side boundary from Havant Road. To the west of this would be the site's existing driveway access which leads to the adjoining properties to the north within Orchard Gate.
- 3.3 The rear of the property would provide the site's parking provision of 26 spaces.

- 3.4 The site's external private amenity space would be located along the site frontage along Havant Road. The internal 'owners lounge' would be centrally located and sited at the front of the building, opening out onto an outdoor seating area.
- 3.5 A buggy store is to be provided along the eastern side of the building, directly adjacent to the building's secondary, eastern side entrance from Penarth Avenue, known as the shoppers' entrance.
- 3.6 Due to the rising ground level, the building would present five storeys to the front on Havant Road, and four storeys to the rear. Some ground floor flats would have their own mini terraces/balconies, and some upper storey flats facing Havant Road would have their own balconies. The top floor would be recessed from the building's frontage and the sides, with those residents having access to the larger roof terraces.
- 3.7 In comparison to the previous scheme, the proposal has now omitted the pitched roof and incorporated a flat roof design. The building would be clad in red brick and render, with grey timber-effect cladding to the roof, the lower ground would consist of a darker brick.
- 3.8 The development would provide 35 x 1 bedroom apartments, 19 x 2 bed apartments, and 1 x 3 bed apartment.

Lower ground floor level

3 x 1 bedroom apartments
2 x 2 bedroom apartments

Refuse room in the north-west of the building
Owners' lounge Lifts and stairs and WC.

Ground floor level

10 x 1 bedroom apartments
4 x 2 bedroom apartments
Office, Reception, Buggy store to the east at 'Shoppers' entrance'.

First floor level

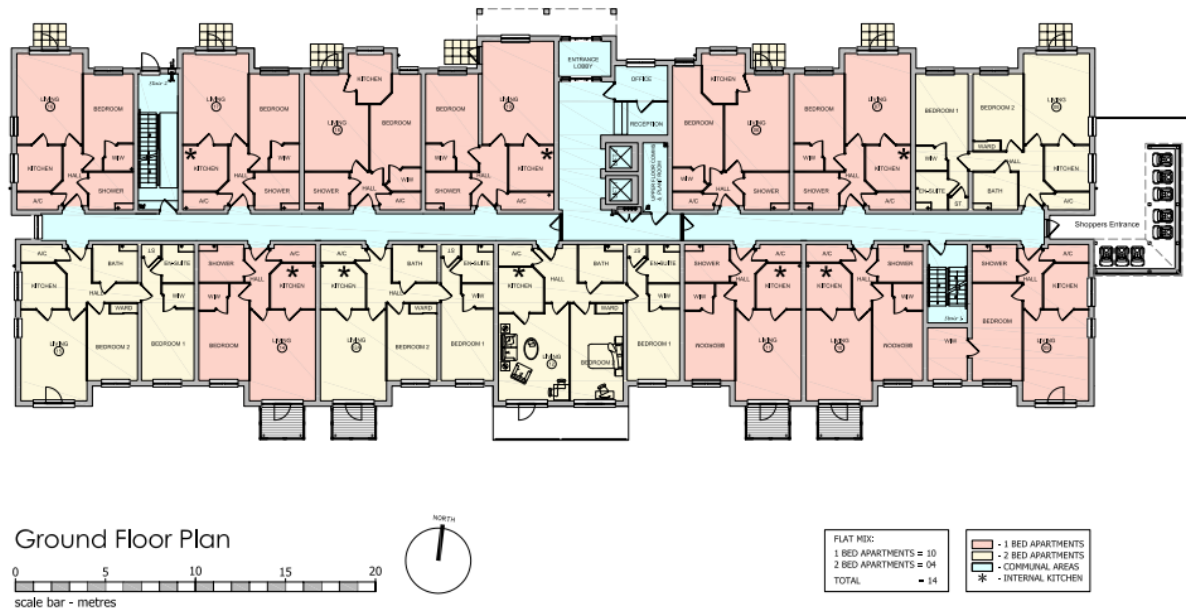
10 x 1 bedroom apartments
4 x 2 bedroom apartments

Second floor level

9 x 1 bedroom apartments
5 x 2 bedroom apartments

Third floor level

3 x 1 bedroom apartments
4 x 2 bedroom apartments
1x 3 bedroom apartments



4. POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are:

- PCS13 (A Greener Portsmouth),
- PCS15 (Sustainable Design and Construction),
- PCS17 (Transport),
- PCS19 (Housing Mix, Size and Affordable Homes
- PCS23 (Design and Conservation)

Other Guidance

- The Housing standards SPD and the Technical Housing Standards - nationally described space standards
- Sustainable Design & Construction SPD (January 2013)
- Reducing Crime Through Design SPD (March 2006)
- Achieving Employment and Skills Plan (July 2013)
- Solent Recreation Mitigation Strategy (2017)
- Parking Standards and Transport Assessments (July 2014)

National Planning Policy Framework

Still at the heart of the revised NPPF (July 2021) is a presumption in favour of sustainable development which means approving development proposals that accord with development plan policies without delay (para 11). However, the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being determined (para 179).

The NPPF describes the purpose of the planning system is to contribute to the achievement of sustainable development and the three dimensions to achieving it: economic, social and environmental. The proposal should be assessed against development management policies in the NPPF.

5. CONSULTATIONS

Natural England - No objection subject to appropriate mitigation being secured by way of Nutrient Neutrality and financial contribution to the Solent Recreational Mitigation Partnership

Southern Gas Network - No objection raised

Portsmouth Water - No objection raised

Environment Agency - No objection raised subject to conditions

Hampshire Fire & Rescue Service - No objection raised

Ecology - No objection raised, subject to the imposition of conditions.

Landscape Group - Supportive of the proposal

Highways Contractor (Colas) - No objection

Highways Engineer - No comments received.

Tree Officer - No objections

Coastal And Drainage - Overall the applicant has undertaken a good level of investigation and design and the Drainage Strategy appears sound, with further matters to address.

Regulatory Services - No Objection raised subject to conditions

Contaminated Land - No objection raised subject to conditions

6. REPRESENTATIONS

6.1 Twenty-one Letters of objection were received, and one letter of support.

6.2 The objection comments raised were as follows:

- Overdevelopment of the site
- Concerns over height of the building
- Increase in localised flooding
- Over saturation of retirement homes in the locality
- Environmental impact by virtue of the increase in occupants
- Insufficient parking
- Increase in traffic generation
- Highway safety concerns

- Impact on bats
- Impact on local services
- Preference of the original proposal
- Proposal has not overcome the previous reasons for refusal
- Impact on outlook of neighbours
- Poor quality of private amenity space
- These properties don't hold their value

The support letter raised the following points:

- The proposal would improve the character of the area
- Retirement homes should be evenly distributed through the city
- New design is out of character with the area
- Having the same design of fencing would be better in keeping with the area
- There is a need for more elderly accommodation
- New plans overcome the previous reasons for refusal

7. Planning Assessment

7.1 The main issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration include:

- (i) The principle of retirement flats in this location;
- (ii) The design including whether a substantially taller building is appropriate;
- (iii) Trees and landscaping;
- (iv) Standard of accommodation, and impact upon surrounding residents
- (v) Sustainable design and construction;
- (vi) Highways implications
- (vii) Affordable housing
- (viii) Environmental considerations
- (ix) Sustainable construction
- (x) Refuse and recycling
- (xi) Drainage and flooding
- (xii) Solent Special Protection Areas (SPAs).

Principle of Development

7.2 Policy PCS10 outlines the strategy for the delivery of housing within the city over the plan period, stating that new housing will be promoted through conversions, redevelopment of previously developed land and higher densities in defined areas. This is supported by para 61 of the revised NPPF which states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people [etc]...)".

7.3 The site lies within a predominantly residential area and forms part of a larger site that was allocated for residential development within the Portsmouth City Local Plan 2006 (Policy DF2 - 109b & 111-113 Havant Road which allocated 20 homes,).

7.4 *"This site comprises a car dealership (Alan Day Honda) on the Havant Road frontage, along with land to the rear occupied by a tool hire business. Both sites were identified as 'category B' non-conforming uses as part of the survey work for the previous local plan, but neither has been the subject of any recent reported problems. The site area extends*

*to 0.36 ha and is capable of accommodating at least 20 dwellings, taking account of the location of the site and the character of the surrounding residential area. The redevelopment of the site must retain a suitable access to the adjoining residential properties (numbers 109 and 109a Havant Road). Given the past use of this site as a garage, including fuel storage, developers must have regard to the requirements of policy DC21 to ensure that any contamination issues are addressed'. The rear part of the site was developed for 9 dwellings (4 x flats and 5 x houses), following planning permission in 2006 (ref. A*23802/AE)."*

- 7.5 The NPPF states that decisions on planning application 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 states that the adopted plan policies are deemed to be out-of-date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.6 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. The Council can presently demonstrate 3.8 years supply of housing land. 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 deemed to be unacceptable in principle, the reasons for which are detailed below.

The design of the proposal and its impact on the character of the area

- 7.7 The revised NPPF in paragraphs 124 and 127 state that development should “*add to the overall quality of the area*” and “*respond to local character and history and reflect the identity of local surroundings*”. The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
- 7.8 The development proposal would see the creation of a five storey building of a flat roof appearance, although the building would have an additional storey, the building would sit marginally lower than the previous proposal and would incorporate a flat roof by omitting the pitched roofs. The top floor of the building has been recessed from all sides, with recessive-coloured cladding (grey) in order to help reduce the perception of the building's mass and scale.
- 7.9 The proposal was re-designed after the refusal of the previous application, but prior to the Appeal being Allowed. The design of the development was an attempt to improve the design, scale and massing of the proposal. By doing so, the building has been set down in height, and set further back into the site, this has been achievable by relocating the private amenity space from the rear to the front as well as the re-siting of the owners' lounge. The change in form and siting of the building was in response to officer criticism to the previous iteration, and for the development proposal to sit better within the streetscene.

- 7.10 Taking into consideration the Inspector's assessment of the development proposal for the allowed appeal, where he considered the design to be acceptable, having reviewed the reduction in presence of the building, together with its reduced height and perception within the streetscene, in addition to the subjectivity of design it is considered that the design of the proposal is acceptable. Some may find the first application's more traditional design preferable to the present scheme's design, or vice-versa. The Inspector found the first acceptable, and it is considered that the second is acceptable also, in this road of mixed design and scale.
- 7.11 Therefore, the development proposal by virtue of the fall-back position, its set-back from the road frontage, reduction in height and overall appearance, is considered to be of an acceptable design and appearance and would satisfactorily integrate with the character and locality.

Trees and landscaping

- 7.12 It is the view of Officers that the landscaping elements of the development proposal as a whole are better considered than the previous proposal which was allowed at appeal, where several concerns were raised, which now have been addressed. Principally that the building has been set further back from the road to the south, allowing more space on the southern side of the building which is the sunniest aspect. This optimises the warmer location for residents sitting out enjoying the fair weather.
- 7.13 Green space around the rear of the building is now tighter to the parking area, but still provides a minimal amount of defensive space around ground floor flats. Since this is the northern aspect, this will be mostly in shade, so less useful to the residents.
- 7.15 The development proposal also incorporates some planting around the car park boundary on the north side that would help soften the car park perception and character. The planting palette also seems well considered and should provide some pleasing qualities and an attractive overall scheme.
- 7.16 In conclusion the development is considered to allow appropriate private amenity garden space for residents to use effectively, the re-siting of the internal communal area to the south is also a welcomed addition for residents to have access to and enjoy outdoor garden spaces for relaxation, sunshine and fresh air.

Standard of accommodation, and impact upon surrounding residents

- 7.17 Policies PCS19 and PCS23 of the Portsmouth Plan support the principles of sustainable development as set out in the National Planning Policy Framework, which includes the provision of a good standard of living environment and ensuring the protection of amenity of neighbouring and local occupiers as well as future residents and users of the development. PCS19 of the Portsmouth Plan, Housing Standards SPD and the 'Technical Housing Standards - Nationally Described Space Standard' require that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 7.18 The rooms within the apartments would all provide a good standard of accommodation. The proposed floorplans show that the units would all have a good standard of light and outlook from windows to habitable rooms. A number of the apartments have access to balconies, the majority of these balconies front onto Havant Road which may experience some road noise.
- 7.19 The communal areas and owners' lounge would be to the front of the site, running along the building's frontage, this would be a marked improvement on the previous proposal where the communal areas were in a shaded location to the rear.

- 7.20 Due to separation distances, I do not consider the proposal would unduly impact upon surrounding residential amenity, by way of overbearing impact, light loss or overlooking.

Highways and parking

- 7.22 The development proposal would include 26 car parking spaces for 55 units, to the north of the site, with cars entering the site from Havant Road. The development proposes to utilise the existing driveway to provide access to the flats.
- 7.23 In terms of parking, the Portsmouth City Council parking standards are set out in the 'Parking Standards and Transport Assessments' Supplementary Planning Document (SPD), and are as follows: - 1-bed - 1 parking space plus 1 cycle space; - 2 or 3-bed - 1.5 parking spaces plus 2 cycle spaces. The plans propose 27 parking spaces, which would be below the policy requirement. A relaxation in the parking standards is normally only considered appropriate for highly accessible locations and the onus is on the applicant to justify any reduction.
- 7.24 The application has been accompanied with a supporting statement, which advises that the first occupants of these apartments, would often be at an age of 80 years old and whilst residents might move in with a car, this is usually very quickly given up, with residents being able to walk to the high street as well as other local shops and facilities. Due to the demographic of the occupants, the shortfall of parking in this instance is considered to on balance be acceptable. As part of this conclusion, I note the presence of bus services on Havant Road, Cosham Train station being a mile away, some shops and services on Havant Road, and Cosham Town Centre less than a mile away. In considering the appeal, the Inspector did not deem the shortfall in parking in the first scheme to be detrimental to the area.

Affordable Housing

- 7.25 Policy PCS19 at paragraph 5.21 & 5.22, *it states that "The council will always seek the maximum reasonable amount of affordable housing in new developments, so as to meet the identified need in the city. However, if there are specific circumstances associated with the development which would render the development economically unviable the council will negotiate over the amount and type of affordable housing. In such situations, developers will be expected to freely disclose the scheme's financial details to the council so that they can be closely scrutinised and validated. The council will conduct a robust and rigorous analysis of the financial viability of the proposed scheme and will only negotiate on this basis when it is satisfied that the full amount of affordable housing cannot be provided. In such situations, developers will be expected to provide as much as would be possible without rendering the development unviable. If it is necessary for the council to obtain independent advice on the financial viability of a scheme then applicants will be expected to meet the costs of this independent assessment. It is considered that the provisions of this policy will ensure that new development in Portsmouth creates sustainable communities providing a variety of decent sized housing.*
- 7.26 The Portsmouth Plan requires the provision of an element of affordable housing. For a scheme of more than 15 dwellings, the requirement is for 30% on-site provision, which should comprise 70% social rented and 30% intermediate products.
- 7.27 On a scheme providing 55 apartments, the policy-compliant provision would be 16.5 units (rounded-up to 17). In this instance that would mean a provision of 12x 1bedroom apartments and 6x 2bedroom apartments. As the demand for affordable retirement homes of this nature is relatively low compared to demand for other age groups, the contribution would be focussed on general needs affordable housing.

The matter of affordable housing and financial viability was addressed in the first application. The Local Planning Authority (LPA) had viability independently assessed and it accepted that the scheme could not provide affordable housing and an acceptable degree of profit. The LPA sought to secure a legal agreement for a viability review, given that the scheme could have been completed some years after consent, with finances altering. The Planning Inspector, however, noted that National Planning Policy Guidance states that LPAs should set out in their Local Plan where review mechanisms may be appropriate, and that Policy PCS19 does not. As such, no review mechanism was attached, and the same conclusion should be attached to this second application, if it again accepted that the scheme again cannot provide affordable housing and an acceptable degree of profit.

- 7.28 The applicant has provided a Viability Appraisal with a nil affordable housing contribution. This was the conclusion with the first application, by the Local Planning Authority and the Planning Inspector. The Council's viability appraiser has reviewed the submission and concluded that in comparison with the previous scheme iteration (54 apartments of a slightly different mix), this means that the viability is slightly more positive, however the position is still marginal. Whilst the current scheme includes an additional apartment, the average sizes of the 1 and 2 bed units have decreased in comparison with the previous scheme therefore the overall increase in saleable floor area is relatively small. Overall, the outcome is consistent with the previously assessed scheme, which is considered to be appropriate in the circumstances. Therefore it has concluded that the nil approach to affordable housing provisions in this instance is also accepted.. .

Environmental considerations

- 7.29 The site has a history of potentially contaminative uses, including a farm c.1869-1910, and a motor car garage and filling station from c.1934-1982 which had a licence to store petroleum of up to 17,025 gallons. It is currently in use as a car showroom with forecourt. The report has included the review of adjoining site information including reports held by the Contaminated Land Team (CLT) provided at pre-application consultation, together with a Land Use Enquiry report.
- 7.30 It recommends two phases of site investigation be carried out in order to assess the ground conditions present, and later assess the presence and state of underground fuel storage tanks. It has not considered potential asbestos within the current buildings on site. Given the site history and the sensitive nature of the proposed end-use, conditions are requested. The process is explained further at https://www.gov.uk/guidance/land_contamination-risk-management, and is summarised in the PCC Contaminated Land Guidance for Developers. Prior to demolition the CLT requires the presence of asbestos, within the building (and also within the ground) to be considered in the preliminary risk assessment for the proposed development. The potential presence of asbestos must be investigated prior to demolition of the existing buildings as this may compound land contamination issues. Once this has been carried out the Phase 1 Desk Study can be updated to include a conceptual model in diagrammatic format and/or network diagram to help inform the scope and location of site investigation works. Given the site history and the sensitive nature of the proposed end-use, the use of conditions are requested.
- 7.31 The Environment Agency have advised that as this application is for the redevelopment of a site on superficial head deposits overlying the chalk bedrock which is designated a Principal Aquifer and where historical contamination is likely to be present, conditions be attached to any planning permission granted,

Refuse and recycling

- 7.32 The development proposal would include a dedicated internal refuse room for recycling and waste. The room is to be accessed by residents through the internal corridor which is

to be collected by the Lodge Manager. The site is considered to provide an appropriate level of waste storage provisions and therefore is generally considered acceptable from a waste perspective.

Drainage and flooding

- 7.33 The application has been accompanied by a drainage report, which was updated in February following a request for further information from the Council's Drainage Officer. The surface water and foul water elements need to be kept separate until off site in line with PCS12 of The Local Plan.
- 7.34 The Coastal Partners were consulted and have confirmed that they raise no objection in principle to the proposed development from a tidal flood risk perspective. The site is currently located within the Environment Agency's present day Flood Zone 1 (lowest risk), and is predicted to remain so until at least 2115. Therefore it can be considered at low risk (less than 1 in 1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event.
- 7.35 The Council's Officers are satisfied that the applicant has undertaken a good level of investigation and design and the Drainage Strategy appears to be appropriate.

Special Protection Areas (SPA) mitigation

- 7.36 The application site is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and would lead to a net increase in residential accommodation. The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected. There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shoreline of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 7.37 Paragraph 179 of the NPPF (Habitats and biodiversity) states that *"To protect and enhance biodiversity and geodiversity, plans should:*
a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 7.38 Paragraph 182 of the NPPF states that *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

Recreational Disturbance - Wading birds

- 7.39 As set out in the (Solent Recreation Mitigation Strategy - Portsmouth City Council), the city council is part of the Solent Recreation Mitigation Partnership set up to coordinate efforts from local authorities to ensure that the Special Protection Areas (SPAs) continue to be

protected. SPAs are internationally recognised for their habitat value, particularly for overwintering coastal birds, which need to be able to feed and rest undisturbed. Research has shown that new homes in proximity to these areas lead to more people visiting the coastline for recreation, potentially causing additional disturbance to the birds. Within the Portsmouth area there are the Portsmouth Harbour SPA, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

7.40 The Solent Recreation Mitigation Strategy (December 2017) and its charging schedule is effective in the Portsmouth City Council area from 1st April 2018. The Partnership's final Solent Recreation Mitigation Strategy contains measures to protect the SPAs from recreation disturbance from proposed new housing up to 2034. The mitigation measures are to be funded by developer contributions for each net additional dwelling within a 5.6km radius of the SPAs.

7.41 The figures Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings for the 2021- 2023/24 period ("the Nitrate Strategy"), are as follows:

1 bedroom: £390
2 bedrooms: £563
3 bedrooms: £735
Flat Rate £652

The development comprises of 35 X 1 bedroom units (£13,650), 19 X 2 bedroom units (£10,697), and 1 x 3 bedroom unit (£735) so the total contribution towards recreation disturbance is £25,082.

7.42 Paragraph 180 of the NPPF states that: "*When determining planning applications, local planning authorities should apply the following principles a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

7.43 The applicant has shown a willingness to enter into a 106 agreement to secure the mitigation, as the development will have a likely significant effect on the SPAs, subject to the completion of a satisfactory S106 agreement, the proposal would comply with policy PCS13, The Solent Recreation Mitigation Strategy (2017) and Paragraph 182 of the NPPF.

Nitrates and Nutrient Neutrality

7.44 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth City Council wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy. The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first.

7.45 These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued

by the Council's continuous programme of installation of water efficiencies into its own housing stock, and more latterly by the purchase of credits on the open market from the Hampshire and Isle of Wight Wildlife Trust. The latter would be made available to a major-category new development such as this.

- 7.46 The Council's Mitigation Strategy sets out what the credit per new unit for major schemes will be charged at. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to mitigation. In this case, the applicant has previously advised that they are willing to provide the necessary mitigation.

The applicant has shown a willingness to enter into a S111 Agreement for the necessary mitigation strategy.

- 7.47 Other ecology:
A letter of representation was received making reference to the potential for the presence of bats. The Ecologist has been consulted on the development and has recommended a condition is imposed ensuring that the development is carried out in accordance with the measures set out within the accompanying Bat Report.

CIL

- 7.48 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.
- 7.49 The proposal would result in the creation of 55 new dwellings totalling 4664.7sqm of GIA floorspace. If existing building discount can be applied to the 1301.65sqm of existing GIA floorspace, the likely CIL chargeable amount will be £525,721.63. A CIL Form 1 was submitted with the application and the estimate is based on the measurements provided.

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

- 7.50 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 7.51 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

Conclusion and Planning Balance

- 7.52 With respect to the 5 year housing supply set out earlier in this report, the NPPF states that permission should be granted unless either of its two tests are met.
- 7.53 The overall design of the development proposal, having due regard to the Inspector's comments in allowing the recent appeal on the site, is a material consideration and as such, the design of the proposal is acceptable as a refusal on design grounds would be unlikely to be upheld at appeal.
- 7.54 The re-siting of the private amenity area that was previously at the rear of the site to the front would provide future residents with greater access to natural sunlight and daylight, although the Inspector did not consider the quality of the amenity space to be an issue, these previous concerns raised by the LPA within the last application have also been addressed.
- 7.55 The development proposal would provide much needed housing within the City and the impact on the SPA can be mitigated. On this basis, the proposals constitute Sustainable Development and planning permission should be granted.

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

- i. Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.
- ii. Nitrate neutrality mitigation for the Special protection Areas

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

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - 10111DT-PLOC

Site Plan - 10111DT- PA201

Lower Ground Floor - 10111DT-PA202

Ground Floor Plan - 10111DT- PA203

First Floor Plan - 10111DT- PA204

Second Floor Plan - 10111DT- PA205

Third Floor Plan - 10111DT- PA206

Roof Plan - 10111DT- PA207

South Elevation - 10111DT- PA208

East Elevation - 10111DT –PA211

North Elevation - 10111DT- PA209

West Elevation - 10111DT-PA210

Landscape Strategy Plan - JBA 21-094-SK02

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

- 3) Prior to above ground construction works, details of the external materials and finishes within the development hereby approved shall be provided in writing and approved by the local planning authority.

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

- 4) Before the development hereby is first occupied or such other period as may otherwise be agreed in writing with the local planning authority, facilities for the storage of buggies, refuse and recyclable materials shall be provided in accordance with drawings agreed by the local planning authority in advance and made available for use by the residents of the development hereby permitted, and The facilities approved pursuant to the above shall thereafter be permanently retained for the stated purposes at all times.

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

- 5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and

- archaeological sites and ancient monuments.

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. Further info is available at: <https://www.gov.uk/guidance/land-affected-by-contamination>.

- 6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

- 8) 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 ensure that appropriate measures are in place for the disposal of water waste from the site.

- 9) The use of piling another penetrative methods shall not be carried out by any other means other than in accordance with those methods and details which are to be submitted and approved in writing from the local planning authority.

The development shall be carried out in accordance with the approved details.

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

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

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

- 12) The development works hereby permitted shall not commence into the Construction Environmental Management Plan (CEMP) is provided to the council and approved in writing. The development shall accord with the CEMP and shall continue for as long as construction is taking place at the site, unless otherwise agreed in writing with the local planning authority.

- 13) The Development shall proceed in accordance with the measures set out in Section 6.3 'MITIGATION OF EFFECTS ON ROOSTING BATS' and 6.4 'OTHER EFFECTS AND MITIGATION MEASURES' of the Bat Emergence Return to Roost Survey Report by Tetra Tech (July 2021) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details. Reason: to ensure the favourable conservation status of bats.

- 14) A detailed scheme of biodiversity enhancements to be incorporated into the development and their management regime, shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. Reason: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

- 15) At no time shall the be developed hereby approved be occupied by persons other than:

- i) a person of aged 60 years or over
- ii) a person aged 55 years or older living as part of a single household with a person identified in i), or
- iii) a person aged 55 years or older who were living as part of a single household with the person identified in i) who has since died.

- 16) Prior to the commencement of construction works a scheme for insulating habitable rooms on against road traffic noise shall be submitted to the local planning authority. The approved scheme shall then be implemented before the first occupation of the building and thereafter retained. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms:

Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB,

Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45db.

FORMER CAR PARK, STAUNTON STREET, PORTSMOUTH.

CONSTRUCTION OF PART ONE, PART TWO, PART THREE, PART FOUR STOREY BUILDING TO FORM STUDENT HALLS OF RESIDENCE (CLASS C1) COMPRISING 40NO. STUDIO BEDROOMS, COMMON ROOM, GYM, AND ASSOCIATED REFUSE AND CYCLE STORAGE

[21/01102/FUL | Construction of part one, part two, part three, part four storey building to form Student Halls of Residence \(Class C1\) comprising 40no. studio bedrooms, common room, gym, and associated refuse and cycle storage \(description amended and amended plans received\) | Car Park Staunton Street Portsmouth](#)

Application Submitted By:

Pick Up Town Planning
FAO Mr Matthew Pickup

On behalf of:

Mr Paul Rex

RDD: 30th September 2021
LDD: 26th October 2021

1. SUMMARY OF MAIN ISSUES

- 1.1 The application has been brought to the Planning Committee for determination as it is a major development and due to the number of objections (six) and Cllr. Cal Corkery has called the application in and objected on the grounds of impacts on residential amenity by way of overlooking and overshadowing.
- 1.2 The main issues for consideration are:
- The principle of the development;
 - Design and character;
 - Impact on residential amenity;
 - Flood risk;
 - Highway Impacts;
 - Impact on nature conservation interests.
 - Other Issues

2. SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

Site and Surroundings

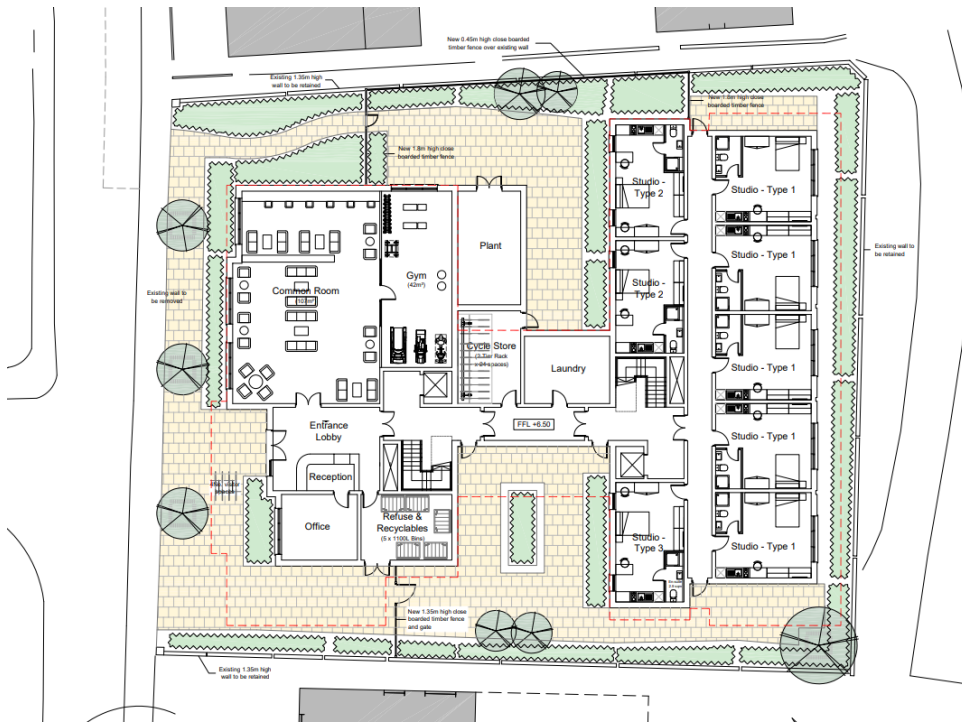
- 2.1 The application relates to the former car park on the east side of Staunton Street. The site is roughly rectangular in shape and measures 0.14 ha. The site's eastern boundary is marked by Lower Wingfield street.

- 2.2 To the north are residential properties and flats, to the south west and west are multi-storey student accommodation developments and to the south east lies the Cornwallis Community Orchard and public play area.
- 2.3 Further beyond to the north is further residential development and the All Saints Church and beyond to the south is the City Centre shopping area centred around Cascades Shopping Centre and Commercial Road.
- 2.4 The site is not within nor adjacent to a Conservation Area. The nearest Listed Building is the Grade II Listed All Saints Church approximately 55 metres to the north of the site.
- 2.5 The surrounding area has a very mixed character which comprises two storey red brick terrace properties, three storey brick and render block of flats, and blocks of student accommodation of between 5 and 11 stories in height. The site itself is currently vacant having previously been used as a car park and is dominated by hardstanding with a single skin brick wall around its boundaries that measures approximately 1m in height.
- 2.6 The application site is not, other than being classified as previously developed or brownfield land, subject to any specific Local Plan Designations.

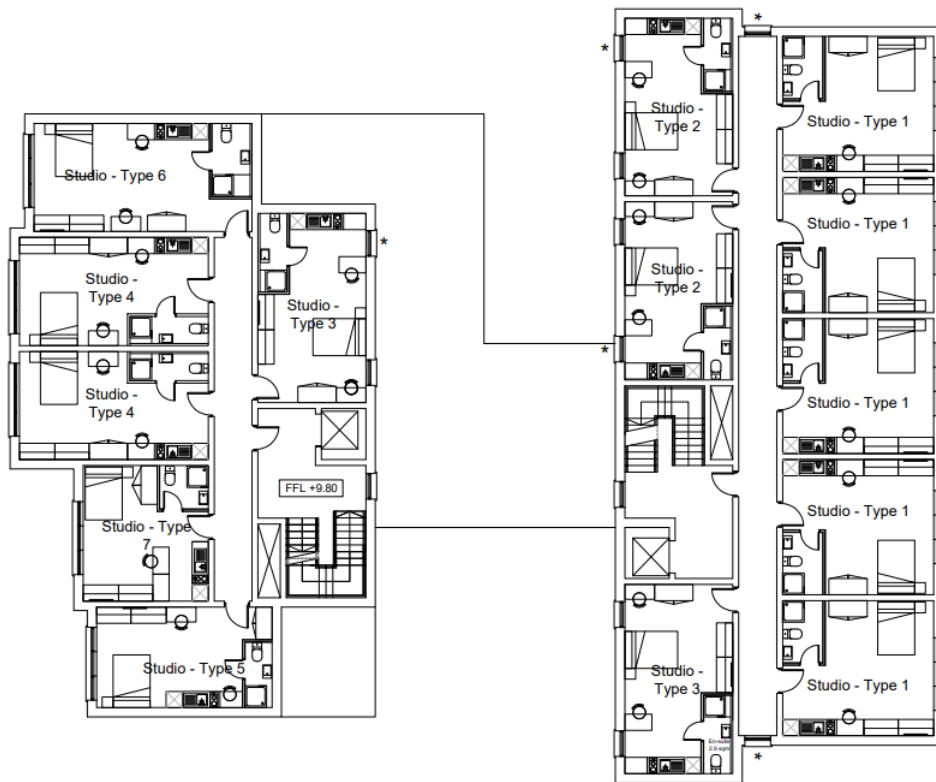
Proposal

- 2.7. Planning permission is sought for the erection of a 4 storey student accommodation block comprising 40 bedspaces. The block would comprise an H shaped footprint with the front and rear elements comprising a 3 and 4 storey structure with a single storey link within the middle of the two outer elements.
- 2.8 The ground floor would contain 8 student studio rooms together with the common room, gym, laundry, office and reception, bin refuse and cycle store and entrance lobby. 14 rooms would be on the first floor, 11 on the second and 7 rooms on the third floor.
- 2.9 The overall design proposed is that of a contemporary flat roof block with stepped elevations and would be formed of brick with render and large window openings. The indicative images submitted by the applicant show a light colour materials palette. The building would be surrounded with hard and soft landscaping.
- 2.10 The images below show the Proposed Site/Ground Floor Plan, First, Second and Third Floor Plans and Proposed Front/Staunton Street Elevation:

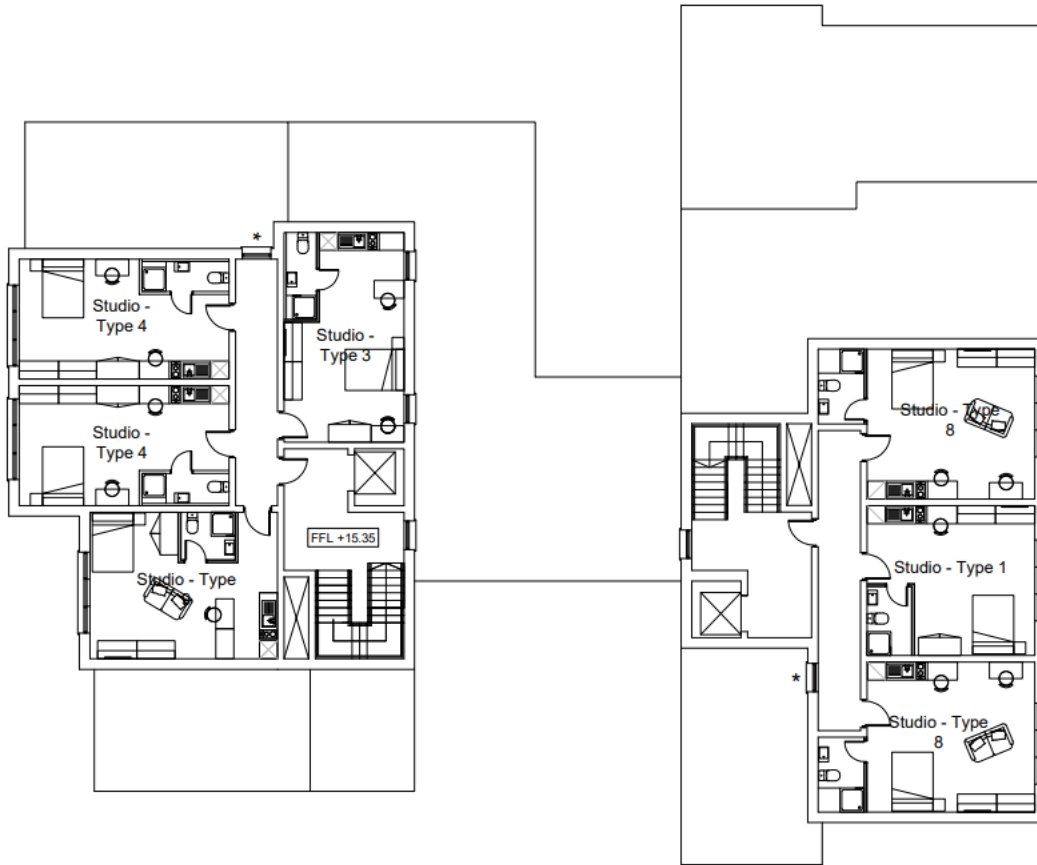
Proposed Site/Ground Floor Plan:



Proposed First Floor Plan:



Proposed Third Floor Plan:



Proposed Staunton Street (Front) Elevation/Street Scene:



(Red Dotted Line demarks elevation as per the application when originally submitted)

Planning History

The site's planning history relates to the former car park which is not of relevance to the current proposal.

3. POLICY CONTEXT

3.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the relevant policies within the Portsmouth Plan (Jan 2012) would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), and PCS23 (Design and Conservation).

Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan, the Solent Recreation Mitigation Strategy and Interim Nutrient Neutral Mitigation Strategy (November 2019) would also be material to the determination of the application.

Student Halls of Residence Supplementary Planning Document October 2014 (Student SPD)

4. CONSULTATIONS

Natural England

- 4.1 No objection subject to the Appropriate Assessment and Condition regarding Special Protection Areas.

Landscape Officer

- 4.2 No objection. Concern raised about mediocre design: turns it back on the open space to the rear, and potential to overshadow and overlook neighbouring properties.

Ecology

- 4.3 Site of limited ecological value. Propose landscaping condition, to include information on the species to be used. Also condition requiring details of biodiversity enhancements .

Highways Engineer

- 4.4 No objection. Prior to any works commencing, contact should be made with the highways authority to ascertain whether additional agreements/consents are required

Environmental Health

- 4.5 No objection subject to a noise condition relating to noise from any on-site plant.

Contaminated Land Team

- 4.6 No objection subject to conditions. Additional reference is made to contamination below.

Arboriculture Officer

- 4.7 No objection. Reference is made to TPO tree TPO/50/T1 that is outside of the site - the root protection area is dominated by hardstanding and ~~that~~ roots are unlikely to be present in the site.

Drainage

- 4.8 No objection subject to a condition regarding surface water drainage measures and SuDS.

5. REPRESENTATIONS

- 5.1 Six objections have been received from local residents. The objections and concerns can be summarised as follows:

- Noise and disturbance from students;
- An overdevelopment of the site and the surrounding area;
- Anti-social behaviour from drink and drug talking/dealing and associated need for police visits, harassment, damage to property etc.;
- Impacts on natural light;
- Impacts on overlooking and privacy;

- Students, and vulnerable residents, are intimidated and impacted by the residents of the bail hostel;
- Increased need for parking and impacts on highway safety;
- The area needs 2 storey family housing; and
- Student accommodation is not suitable for a residential area.

5.2 Cllr. Corkery objects to the proposal on grounds of the impacts on residential amenity owing to overlooking and loss of light/overshadowing.

6. COMMENT

6.1 The main issues for consideration are:

- The principle of the development;
- Design and Impact on heritage assets;
- Impact on residential amenity;
- Flood risk;
- Highway Impacts;
- Impact on nature conservation interests; and
- Other Issues

The principle of the development

6.2 The site comprises a vacant former car park located to the east of Staunton Street located within an area that comprises both residential and student accommodation to the north of the City Centre. The car park is understood to have closed at some point in 2017.

6.3 The 2012 Portsmouth Core Strategy states that the City Council will work the University to develop appropriate student accommodation. In addition, paragraph 120(c) of the NPPF makes it clear that substantial weight should be given to the value of using suitable brownfield land to provide homes and other identified needs. Furthermore, the subtext to Policy PCS21 states that the City Council will, in order to provide the homes it needs, need to ensure land is used efficiently. With the University attracting in the region of 28,000 students, the majority of which are full time resident students, together with the objectives of paragraph 120 of the NPPF, the proposal is acceptable in principle.

6.4 Furthermore, and while not forming part of the adopted Development Plan, Appendix 1 of the 2006 Local Plan (Saved Policies) refers to the provision of student accommodation where it is in easy walking or cycling distance if university buildings; respects the local townscape and does not result in the net loss of the existing housing stock. The application site is located approximately 1 mile from the main cluster of University building representing an approximate 15/20 minute walk and there are regular bus services served by stops on Commercial Road approximately 150m from the site. Further, there would be no net loss of the existing dwelling stock as part of the proposal. With regard to the scale of the surrounding townscape, as set out below in more detail, the proposed student accommodation would respect the variety of built form in the immediate vicinity including 2 storey detached properties and the 11 storey Wingfield House

Design

6.5 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element. The key planning objectives seek to help to build strong, vibrant and healthy communities; create well-designed and safe built environments and to contribute to protecting and enhancing natural, built and historic environments. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Paragraph 130 sets out that developments should: ensure that they function well

and add to the overall quality of an area; be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.

- 6.6 In addition, Policy PCS23 of the Portsmouth Core Strategy (2012) states, inter alia, that new development must be well designed and, in particular, respect the character of the city. A range of guiding principles include the need for excellent architecture, public and private spaces, the need to relate well to the city's heritage and to be of an appropriate scale, density, layout, appearance and materials in relation to the particular context.
- 6.7 The site is located opposite the junction of Staunton Street and All Saints Street, an area that is characterised by its range of built form in terms of its height, scale, appearance and materials.
- 6.8 Immediately to the north east are 2 storey red brick residential properties, to the south west is Kingcome House, a 5 storey block of residential flats. The built form on the opposite side of Staunton Street comprises a three storey red brick and rendered flatted block known as 2 All Saints and to the south west of the junction is Wingfield House, an 11 storey white rendered student accommodation block. It is this variety in the scale, appearance and materials that defines the character of the surrounding context.
- 6.9 The student block, as first submitted comprised a 5 storey structure that was wider than now proposed and contained 59 studio student bedrooms and associated communal facilities. Following concern from officers regarding the height and the sensitivities imposed by the 2 storey dwellings to the north, the applicant has reduced both the footprint of the building and height to the 4 storey building now proposed.
- 6.10 The Staunton Street frontage, as revised, comprises a stepped 3 and 4 storey design that measures approximately 8.5 to 12m high respectively. The design steps up into the site away from the dwellings to the north with the northern elevation being approximately 8m from no. 44 Staunton Street to the north. To the rear the building steps up from 2 to 4 stories that measure approximately 6, 8.5 and 12m in height respectively. The design steps up into the site with the 2 storey element being sited approximately 5m from the flank elevation of no.8 Lower Wingfield Street. With the neighbouring built form ranging from 2 storey dwellings that measure approximately 7m in height to the adjacent Kingcome House that measures approximately 14m; the revisions to the scheme are appropriate.
- 6.11 The progressive increase in height from north to south, in conjunction with the separation distance from the flank elevation to the 2 storey properties to the north is considered to represent an appropriate transition from the 2 storey dwellings to the north to the 5 storey Kingcome House to the south. Furthermore, the proposal, by virtue of the separation across Staunton Street itself, respects the scale of 2 All Saints to the north west opposite the site.
- 6.12 In addition to ensuring new development is of an appropriate scale that respects the surrounding context, Policy PCS23 also seeks that the architecture design of new buildings is excellent and takes account of changing buildings.
- 6.13 Notwithstanding the variety in the scale and height of the surrounding building their architectural design and detailing also varies considerably.
- 6.14 The 2 storey properties to the north are traditional red brick properties with pitched roofs, chimneys and porches while to the north west 2 All Saints comprises a red brick development with pitched roof and vertical rendered banding with projecting gables. Kingcome House is a 4 storey building with a 5th floor within a mansard roof comprised of light and dark bricks, timber cladding and tiles for the roof. Wingfield House is an 11 storey flat roof block with dark brick ground floor and white cladding above.

- 6.15 The applicant has provided images of the proposal which shows a light brick building that is characteristic of those within the area with lighter horizontal banding throughout. The windows frame would be a dark grey in colour with contrasting cladding between the glazing panels.
- 6.16 Policy PCS23 ensures new developments take account of their context and, and with the variety in the scale and architectural design of the in the surrounding area, it is considered that the proposed stepped form and appropriate materials would respect the surrounding character and context.
- 6.17 The Landscape Officer raised concern that the building would turn its back on the eastern side of the site. The eastern elevation while not having any openings other than windows, would provide for active natural surveillance to the park to the east while the proposed hedging would provide for a degree of security and a green defensible buffer between the individual rooms and the open space thereby providing for an appropriate balance between best practice urban design principles and the need for site security.

Impact on residential amenity

- 6.18 Policy PCS23 also requires, inter alia, that new development protects the amenities of existing residents while requiring a good standard of amenity for future occupants.

Existing Residents

- 6.19 Each of the objections received have referred to the potential for noise and disturbance impacts arising from music, drinking and other antisocial behaviour from students that would exacerbate such issues caused by the bail hostel.
- 6.20 With regard to noise and disturbance, the introduction of new student accommodation into the area has the potential to give rise to additional noise. However, the use of the building is to provide for private residence of students. Such a use is unlikely to give rise to any undue levels of noise and disturbance as it would be akin to a residential use. Furthermore, the applicant has submitted a Management Plan that sets out how aspects of the accommodation would be managed. This includes 24 hour management that would comprise an on-site concierge during the working day, CCTV, out-of-hours contact numbers, 24 hour salaried student wardens; the use of a secure 'fob entry' system to the block itself; the provision of a 24 hour residents phone number for local residents to raise issues with staff if issues arise, and the student move-in and move-out procedure (15 minute drop off/pick up times over the course of a few days). Furthermore, additional aspects including the student move-in/move-out arrangements would be secured by way of the Section 106.
- 6.21 Furthermore, the Environmental Health Officer has reviewed the proposal and has not raised any objection to the scheme on such grounds regarding the potential for any undue levels of noise and disturbance.
- 6.22 Moreover, the Environmental Protection Act 1990 would protect against any undue levels of noise and disturbance from any property and any other statutory nuisance. In addition to this, The Anti-Social Behaviour, Crime and Policing Act 2014 would give protection against any such anti-social behaviour. Furthermore, the block will have a management company that would allow local residents to raise concerns about any harmful levels of noise and disturbance coming from any of the occupants.
- 6.23 The building does however have the potential to impact upon the levels of light received to the garden areas of the properties to the north.
- 6.24 The applicant has submitted shadow analysis plans for 21st March, June, September and December for 9am, midday and 3pm. The Plan for the 21st March, as set out in the BRE Guidance,

demonstrates that all the gardens will receive direct sunlight for most of the morning and early afternoon.

- 6.25 The site and surrounds are currently significantly overshadowed in December. The submitted December shadow plan confirms that the proposal would make a negligible difference in December.
- 6.26 The shadow plans confirm that the development would fully accord with the BRE Guidance with the surrounding gardens receiving good levels of sunlight and that the development would not therefore materially, impact the levels of daylight and sunlight experienced by the rear gardens of the residential properties to the north.
- 6.27 Kingcome House is to the south of the site and as such there would be no loss of sunlight and daylight to the north facing windows and as such the amenities of Kingcome House residents will be unaffected.
- 6.28 With regard to overlooking, the scheme initially proposed side facing windows to the north and south ends of the internal corridors. Whilst these are non-habitable areas and would be of obscure glass the applicant has, in revising the scheme omitted these windows on the 2nd and 3rd floors. These windows would now only be on the ground and first floors. With the only side facing windows serving non-habitable circulation corridors there would be no loss of privacy.

Future Occupants

- 6.29 Following from the potential for overlooking, the block, by virtue of the 'H shaped' footprint of the development, several of the facing windows within the development have the potential to overlook other student rooms. The applicant has proposed an alternate/offset obscure glazing to several of the rooms that would prevent any loss of privacy to the future students themselves. These rooms would still have a 'first' window that would not be obscurely glazed, so affording residents their outlook.
- 6.30 The City Council has an adopted sets out information and guidance on, inter alia, the need, location and standards for student accommodation. The SPD requires that there is a variation in the room type provided with sizes ranging from 7sq.m for single rooms to 10-15 sq.m for single en-suite rooms to 19.5 sq.m where clusters of 6 - 10 students are sharing a kitchen.
- 6.31 The proposed rooms would all have their own en-suite and kitchen facilities and range in size from 21 sq.m to 32 sq.m which would exceed the space standards set out in the SPD. In addition, the ground floor would contain a common room that measure 140 sq.m together with a gym (42 sq.m) and outdoor space that measure approximately 175 sq.m together with the necessary laundry, refuse and cycle store and plant room.
- 6.32 The proposal would, with rooms that all exceed the internal space standards together with the common room, gym and outdoor space, ensure future students all have a good standard of accommodation thereby complying with the objectives of Policy PCS23 and the 2014 Student Halls of Residence SPD.

Flood Risk

- 6.33 The site is within Flood Zone 1, areas at least risk of flooding.
- 6.34 The drainage engineer has requested a condition ensuring a drainage strategy is provided and agreed that should include infiltration tests and the SuDS methods to be employed based on the ground condition information.

Highway Impacts

- 6.35 The City Council's Parking Standards SPD sets out the level of parking that would be required for certain developments. For Student Accommodation this is dependent upon the finding of a Transport Assessment with some provided for visitors and staff.
- 6.36 Furthermore, Manual for Streets states that a walkable distance is approximately 800m/10minutes. An upper distance of 2km is set as a distance suitable for replacing short car journeys with walking. The application site is located approximately 150m from bus stops on Commercial Road, one of the key bus routes into and out of the city centre and approximately 1.3km from the University cluster to the south of Queen Street, just under 1km to Portsmouth & Southsea train station, 600m from the large Tesco superstore and shops and facilities around Commercial Road. The site is also located immediately abutting an area designated in the Student Accommodation SPD where lower parking will be expected.
- 6.42 It is considered that by virtue of the site's highly accessible and sustainable location that future students would be comfortably within the Manual for Streets walking distance. It is considered therefore that the proposal, without any designated parking, is appropriate in this location and would not thereof have any material impact on the local highways network nor any impact that could, pursuant to paragraph 111 of the NPPF be considered severe.

Impact on nature conservation interests

- 6.42 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 6.43 There are two potential impacts resulting from the student accommodation proposed as part of this development. The first being potential recreational disturbance around the shorelines of the harbours, and the second being from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 6.44 Officers have submitted an Appropriate Assessment, dated 14th June 2022, to Natural England who have subsequently confirmed that they raise no objection to the proposal subject to the necessary mitigation being secured. The mitigation contribution for the recreation disturbance is £3,520. This is calculated as half the cost of a 5 bedroom dwelling ($\pounds 880/2 = \pounds 440 \times 8$) as every 5 student rooms are classed as one 5 bedroom dwelling. Regarding the nitrate neutrality mitigation, the applicant would need to offset 14.58 kg TN/yr.
- 6.45 The recommendation is for the Committee to recommend the granting of permission subject to the completion of the Section 106 legal Agreement to secure the mitigation payment for both the recreational bird disturbance and nitrate neutrality.
- 6.46 In terms of the biodiversity value of the site itself, the City Council's Ecology Officer has stated that the site is currently of negligible value and that while tree and shrub planting has been shown in the proposals they would require information on the proposed species that would need to be native. A condition set out below requires the submission of a details landscaping scheme which will include details on the species.
- 6.47 In addition, and pursuant to Policy PCS13 it is considered appropriate to impose a further condition to ensure biodiversity enhancement measures and a detailed management plan are Provided.

Other Issues

- 6.48 Approximately 55m to the north northwest of the site is the Grade II Listed Church known as All Saints. Policy PCS23 ensure, in effect, that new development does not harm the city's historic

townscape and cultural heritage. It is considered that due to the intervening built form, the 2 All Saints block of flats, and the scale and variety of built form in the immediate vicinity, that the proposed accommodation block will not have a harmful impact on the setting of the church.

- 6.49 In addition to the standards for the accommodation itself the Student Accommodation SPD refers to the management of the landscaping, maintenance and refuse and recycling issues associated with the accommodation itself. The application has submitted a Management Plan that sets out how such matters are to be addressed.
- 6.50 As noted above, each of the rooms will provide students with a small kitchenette. Each kitchenette would require ventilation and extraction plant and as such it is appropriate to impose an extraction equipment condition that has been requested by Regulatory Services.

Conclusion

- 6.51 Having regard to all of the material planning matters which have been explored above, it is considered that the proposal would represent a positive addition to Staunton Street that would respect the character and context of the built form in the surrounding area, would not materially impact upon the amenities of neighbouring properties, would afford future student occupants with a good standard of living, the location is in an accessible and sustainable location and subject to the conditions set out below the development would secure the necessary ecological aspects. Having considered that there would be no significant/unacceptable adverse impacts on residential amenity, heritage assets, the surrounding highway network, flood risk and nature conservation interests, the development would contribute to the achievement of sustainable development as required by the NPPF.

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

- iii. Mitigation of the development with respect to the recreational disturbance to the Special Protection Areas.
- iv. Nitrate neutrality mitigation for the Special protection Areas

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

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the development the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been completed within three months of the date of this resolution.

RECOMMENDATION Conditional Permission

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.

Time Limit

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

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

Approved Plans

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

19.3144.101_P8
19.3144.102_P9
19.3144.103_P9
19.3144.104_P9
19.3144.106_P7
19.3144.107_P6
19.3144.108_P5

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

Land Contamination

3) (i) 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.

Construction Environmental Management Plan

4) (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).

Employment & Skills Plan

5) Unless otherwise agreed in writing with the Local Planning Authority, no works associated with the construction of the development hereby permitted (including foundations and drainage works) shall commence until 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).

Materials

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

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

ii) a sample panel (minimum 2 metres square) for each of the proposed masonry types to demonstrate: colour; texture; bedding and bonding pattern; mortar colour and finish has been installed at the application site and approved in writing by the Local Planning Authority; and

(b) The development shall be carried out in full accordance with the schedule of materials and finishes agreed pursuant to part (a)i) of this Condition; and the sample panels approved pursuant to part (a)ii) of this Condition retained on site for verification purposes until completion of the construction works.

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

Noise Insulation and Ventilation

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until an Acoustic Design Statement and Ventilation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Statement shall be drafted as per guidance within ProPG Planning and Noise - New Residential Development Guide 2017, the Acoustics Ventilation and Overheating Residential Design Guide 2020 and informed by a Thermal Comfort Analysis for the building which will detail the periods of time temperatures within habitable rooms are likely to exceed 21 degrees Celsius; and

(b) The development shall thereafter be carried out and permanently operated in full accordance with the Acoustic Design Statement and Ventilation Strategy approved pursuant to part (a) of this Condition.

Reason: To ensure comfortable living conditions with habitable rooms in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Acoustic Protection - Gym

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those of demolition and construction of the building's foundations, shall take place until a scheme of acoustic works for the proposed gym has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall ensure:

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

SPA Mitigation - Nitrates

9) The building hereby permitted shall not be occupied until a scheme for the mitigation of the effects of the development on the Solent Waters Special Protection Areas arising from discharge of nitrogen and phosphorus through waste water, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of nutrient neutrality in accordance with the published mitigation strategies of the Council. In the event that the proposal is for the physical provision of mitigation to achieve nutrient neutrality that provision shall be provided in accordance with the approved scheme before the first study bedroom is occupied/brought into use.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, would not have an adverse effect on the integrity of on a European site within the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

Biodiversity Enhancements

10) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development works other than those associated with the demolition and construction of the building's foundations shall take place until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority; and

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

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

Reason: To enhance biodiversity at the site in accordance with Policy PCS13 of the Portsmouth Plan (2012), the aims and objectives of the National Planning Policy Framework (2021) and the Natural Environment and Rural Communities Act 2006.

Drainage

11) Prior to the commencement of development a Surface Water Drainage Strategy & Surface Water Flood Risk Mitigation Report shall be submitted to an approved in writing by the Local Planning Authority. The drainage works shall then be implemented as approved and retained in perpetuity. The Surface Water Drainage Strategy shall include full infiltration test results and associated SuDS details to be used on site.

Reason: In the interests of surface water drainage management and flood risk mitigation in accordance with Policy PCS12 of the Portsmouth Local Plan (2012).

Landscaping

12) (a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied/brought into use until detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; and

(b) Unless otherwise agreed in writing with the Local Planning Authority, the hard landscaping schemes approved pursuant to part (a) of this Condition shall completed prior to first occupation of the building hereby permitted; and

(c) The soft landscaping schemes approved pursuant to part (a) of this Condition shall be carried out within the first planting/seeding season following the first occupation of the building. Any trees/shrubs which, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

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

Bicycle Storage

13) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until bicycle storage facilities have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to: details of any storage structures, lockers, maintenance facilities, electric changing points, security measures to protect cycles and users; and

(b) 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 (2012).

Refuse Storage

14) (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, recyclable materials and food waste have been provided in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority; and

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

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

Obscure Glass

14) The windows annotate on the approved plans as having obscure glass shall be installed and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012).

Site Management

15) The Site Management Plan (Staunton House Student Halls of Residence, Student Management Plan, April 2021) shall be established and implemented prior to the occupation of the building hereby permitted and retained as such.

Reason: In the interests of the amenities of future occupants and existing neighbouring properties in accordance with Policy PCS23 of the Portsmouth City Local Plan (2012).

24 BEACH ROAD SOUTHSEA PO5 2JH

CONVERSION FROM GUEST HOUSE (CLASS C1) TO FORM 3 NO. ONE BEDROOM SELF CONTAINED FLATS (CLASS C3); ALTERATIONS TO INCLUDE SECOND FLOOR REAR EXTENSION AND ENLARGED REAR DORMER; REPLACEMENT OF EXISTING WINDOW WITH FRENCH DOOR TO GROUND FLOOR REAR ELEVATION

LINK TO ONLINE DOCUMENTS;

[21/00935/FUL | Conversion from guest house \(Class C1\) to form 3 no. one bedroom self-contained flats \(Class C3\); alterations to include second floor rear extension and enlarged rear dormer; replacement of existing window with French door to ground floor rear elevation | 24 Beach Road Southsea PO5 2JH \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/planning/21/00935/FUL)

Application Submitted By:

Mr John Pike of Pike Planning

On behalf of:

Mr Aleksander Hapunik of AC Properties Limited

RDD: 9th August 2021

LDD: 4th October 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections (six) received as well as a call-in request from Councillor Smyth.

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

- The principle of development;
- Design and Impact on the character and appearance of the conservation area;
- Standard of accommodation
- Impact on residential amenity;
- Highway Implications;
- Waste;
- Flooding, and;
- Impact on the Solent, national and internationally designated sites.

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a substantial, three storey terraced dwelling located on the northern side of Beach Road, as shown in **Figure 1** below. The property is neither statutory or locally listed and falls within the East Southsea Conservation Area. There are no listed buildings within the vicinity of the site.

2.2 The dwelling is currently vacant having last been used as a guest house (Class C1) with five bedrooms. The property forms part of a stucco faced originally uniform designed terrace of mid nineteenth century dwellings (Nos 2-44), originally built as Beach Terrace, that have been much altered externally since originally built. The terrace is largely two-storey with three-storey end and centre pavilions and originally had small, pitched roof dormers on each two-storey property. These dormers have largely survived on most properties maintaining the visual rhythm of the terrace, albeit a number of bigger front

dormers have been installed. The terrace is set back behind short front gardens and several gardens have been made into hardstanding to accommodate car parking with the loss of front boundary walls, gate pillars and gates.

- 2.3 The surrounding area is predominantly residential in character with two and three-storey dwellings. The southern side of Beach Road comprises two-storey red brick terrace dwellings with two-storey bays; but with some 1930s housing with some original details at the eastern end.

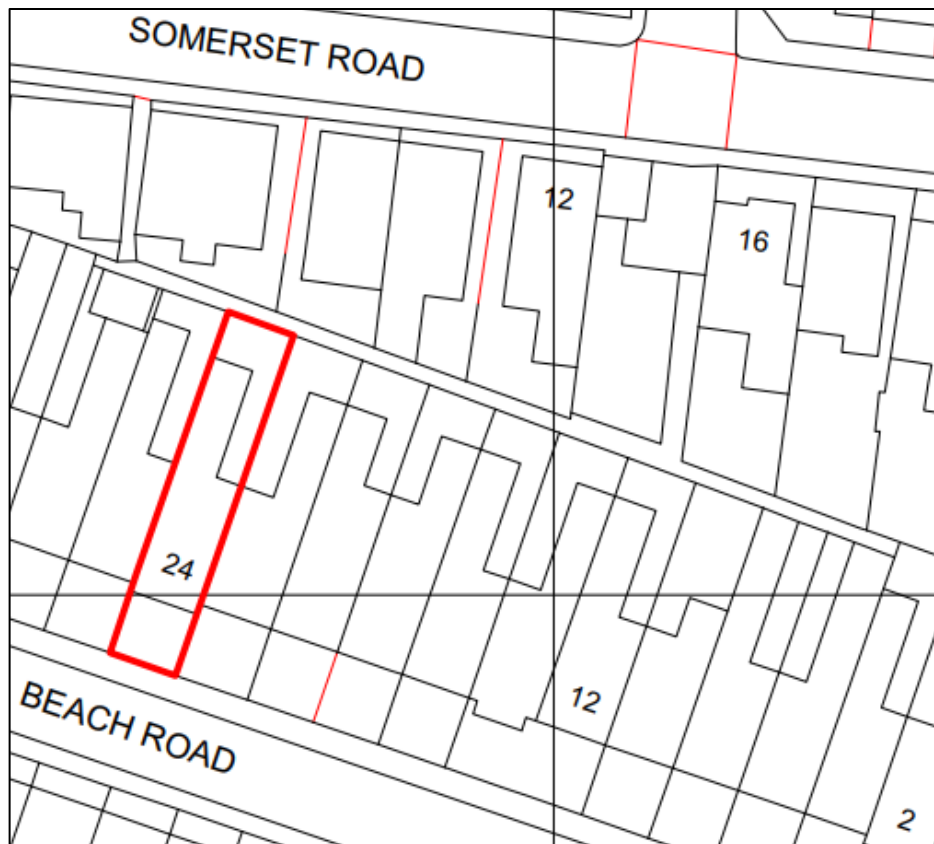


Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the conversion of the existing guest house (Class C1) into 3 x one bedroom self-contained flats (Class C3) as shown in **Figure 2** below.
- 3.2 The proposed flats would be accessed via the existing entrance onto Beach Road and would be arranged with one flat occupying each floor of the building. The ground floor flat (Unit 1) would provide a 1 bedroom, 2 person flat with 55 square metres of internal floorspace and private amenity garden space to the rear. There would be a living room/dining/ kitchen to the front and an ensuite bathroom and one double bedroom to the rear.
- 3.3 The first floor flat (Unit 2) would provide a 1 bedroom, 1 person flat with 42 square metres of floorspace. There would be a living room/dining/kitchen to the front and a double bedroom and a bathroom to the rear.
- 3.4 The second floor flat (Unit 3) would provide a 1 bedroom, 1 person flat with 37 square metres of floorspace. The flat would provide a double bedroom, kitchen and bathroom to the front and a living/dining room to the rear.
- 3.5 External alterations to the property would include the replacement of the existing rear dormer at second floor roof level with an enlarged dormer and the replacement of the

existing ground floor rear window with French door providing access to the rear garden as shown in **Figure 3** below.

The low level front boundary wall would also be removed, and the kerb dropped to facilitate the provision of two car parking spaces within the front garden hardstanding area accessed from Beach Road.

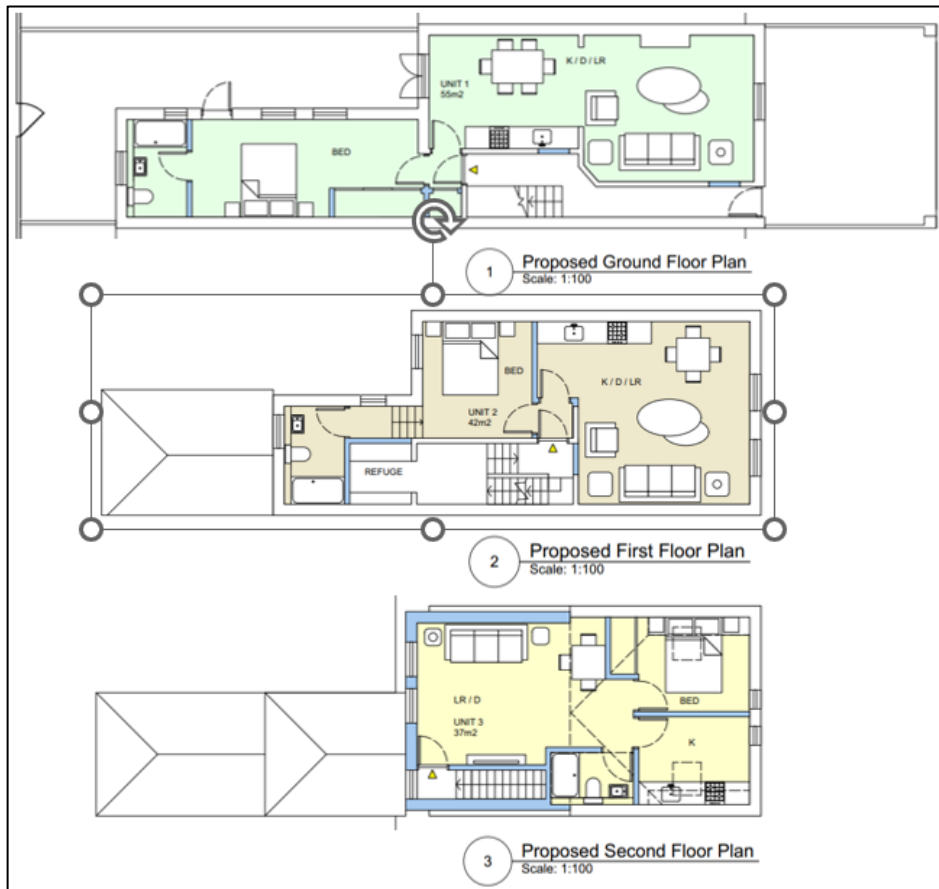


Figure 2 - Proposed Plans

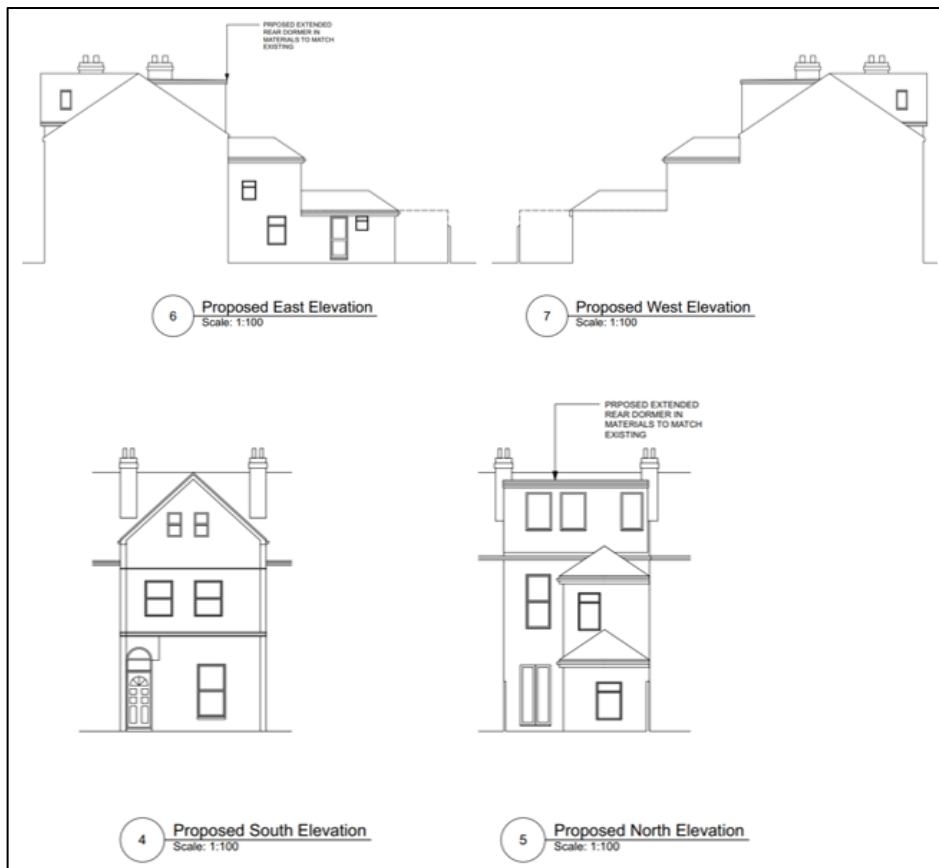


Figure 3 - Proposed Elevations

4.0 PLANNING HISTORY

4.1 The following planning history is directly relevant to the applicant site:

- **A*34118/AA** - planning permission for change of use to a guesthouse approved in February 1988.
- **A*34118/AB** - planning permission for alterations to front elevation; insertion of Velux windows to roof slopes; insertion of dormer to rear roof slope approved in December 1991.
- **A*34118/AC** - planning permission for retention of alterations to front elevation refused in November 1992.

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS10 (Housing Delivery)
- PCS12 (Flood Risk)
- PCS13 (A Greener Portsmouth)
- PCS17 (Transport)
- PCS19 (Housing mix, size and the provision of affordable homes)
- PCS23 (Design and Conservation)

Other Guidance

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

- National Planning Practice Guidance (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)

6.0 CONSULTEE RESPONSES

6.1 Environment Agency - no objection subject to a condition requiring the development to be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment.

6.2 Highways Engineer - no objection subject to the provision of 3 secure cycle spaces on the site and a condition requiring details of the 2 car parking spaces to be provided within the front garden area.

6.3 Waste Management Service - No comments received.

7.0 REPRESENTATIONS

7.1 A Site Notice was displayed on 13/08/21, a Press Notice was made in The News on 10/08/21 and Neighbour letters were sent on 11/08/21. The public consultation period formally ended on 03/09/21.

7.2 6 objections received from nearby residents raising the following concerns:

- Lack of family housing;
- Flats would be out of keeping with the character of the Conservation Area;
- Impact on listed building;
- Poor standard of accommodation;
- Noise and disturbance;
- Increase in crime and anti-social behaviour;
- Increase in traffic;
- Exacerbation of existing parking problems;
- Increase in flooding; and
- Access concerns.

8.0 COMMENT

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

- The principle of development;
- Design and impact on the character and appearance of the conservation area;
- Standard of accommodation;
- Impact on neighbouring residential amenity;
- Highways and parking;
- Waste;
- Flooding; and
- Impact upon the Solent national and internationally designated sites.

The principle of development

- 8.2 The application site is not subject to any land use policy restrictions which restrict new dwellings on this site.
- 8.3 Furthermore, there is a recognised need for new housing within Portsmouth, as outlined in Policy PCS10 (Housing Delivery) of the Portsmouth Plan. The provision of new housing would also accord with the general housing delivery objectives set out within the National Planning Policy Framework (NPPF). Paragraph 60 of the NPPF (July 2021) states: *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 8.4 In addition, Policy PCS10 of the Portsmouth Plan states that: *'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas'*.
- 8.5 National policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.6 The starting point for the determination of this application is the fact that Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting housing needs. Planning permission should therefore be granted unless either test (i) or test (ii) above is met. The proposed development has been assessed on this basis and is deemed to be acceptable in principle as a residential development with reasonable access to jobs, shops, services and public transport. However, the specific impacts of the proposal must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

Design and Impact on the character and appearance of the conservation area

- 8.7 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and of an appropriate scale, layout, appearance and materials in relation to the particular context in which it is set.
- 8.8 There are a number of front and rear dormers on the northern side of Beach Road, the nearest rear dormers being at Nos. 6, 8, 20 and 44 Beach Road. The proposal would include the replacement of the existing rear dormer extension constructed in the 1990's with a wider dormer extension together with the insertion of a French door to replace the existing ground floor rear window to provide access to the rear garden.
- 8.9 The replacement rear dormer extension would not be visible from Beach Road and would be set below the existing roof ridge and away from the eaves. The extension would sit comfortably within the rear roofslope being of a modest scale and appearance and clad in tiles to match the existing roof of the building. Similarly, the ground floor French door would replace an existing window in a similar position to the rear of the property and would be in keeping with the style and appearance of the existing fenestration of the building.

- 8.10 As such, the proposal is considered to be in keeping with the appearance of the host building and surrounding properties on Beach Road and would preserve the character and appearance of the East Southsea Conservation Area.

Standard of accommodation

- 8.11 The NPPF states at paragraph 9 that "*pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes*". Paragraph 17 states that one of the core planning principles is to "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".
- 8.12 Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the Nationally Described Space Standard (NDSS 2015) requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 8.13 The existing guest house building lends itself well to conversion to three one bedroom residential units. The ground floor flat (Unit 1) would have a gross internal floor area of 55m², the first floor flat (Unit 2) would have a gross internal floor area of 42m² and the second floor flat (Unit 3) would have a gross internal floor area of 37m². All three flats would meet the minimum size standards set out in the Nationally Described Space Standards. The floor layouts and configurations of the proposed units are well laid out with adequate natural lighting, room sizes, living spaces, access and circulation space to provide satisfactory living accommodation for future occupiers.
- 8.14 Given the constraints of the site, it is not possible to provide either practical useable communal or private amenity space for the units (Units 2 and 3) on the upper floors of the building as part of the proposed conversion. The proposed layout would, however, provide the largest of the one bedroom units (Unit 1) on the ground floor with sole access to the existing rear garden area, which is considered to be acceptable.

Impact on neighbouring residential amenity

- 8.15 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 8.16 Having regard to the neighbouring residential properties surrounding the site, the footprint of the building would remain unaltered. The positioning of the proposed replacement rear roof dormer and ground floor replacement French door would be the same as the existing arrangement and would not lead to any undue loss of outlook, privacy or light occurring to neighbouring residential properties. Neighbouring properties to the north, east, west and south of the site are considered to be sufficiently distant and appropriately sited so as not to be significantly affected by the proposal.
- 8.17 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that flats result in higher levels of crime or security concerns than a guest house (Class C1).
- 8.18 In terms of the conversion of this terraced property into three flats, given the likely occupancy of the flats would not represent an increase in the number of occupants or

activity within the vicinity of the site, there would be no undue impact on the amenity of neighbouring residential occupiers in terms of noise and disturbance.

- 8.19 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

Highways and parking

- 8.20 Beach Road is an unclassified residential road with few of the terraced dwellings along its entirety having off street parking provision. As a consequence, the demand for parking by local residents exceeds the capacity to accommodate this on street particularly overnight and at weekends. Beach Road and those roads in the immediate vicinity of the site are included in the local controlled parking zone. The parking zone, however, is currently over sub-scribed with 1904 permits issued, compared with 1543 available spaces.
- 8.21 Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 1 bedroom dwelling is 1 vehicle space and 1 cycle space, creating a total parking requirement of 3 parking spaces and 3 cycle parking spaces for the proposed development.
- 8.22 The existing 5-bedroom guest house is currently entitled to apply for residential permits within the controlled parking zone equal to the number of existing bedrooms. As such, the proposal would in effect reduce the overall parking shortfall on the site from 5 to 3 car parking spaces.
- 8.23 The application has detailed that 2 car parking spaces are to be provided within the existing forecourt, however, no details regarding this arrangement has been provided. The Council's Highways Engineer has raised no objection to the proposal subject to conditions requiring details of the 2 car parking spaces to be provided within the front garden area together with the provision of 3 secure cycle spaces within the site.
- 8.24 Although the ground floor flat could have a rear garden cycle store, the other two flats would need theirs on the front forecourt. Along with waste bins, there is not enough room for both of the two parking bays proposed. However, given the highly sustainable location with Southsea town centre, Albert Road and even more local shops and leisure, the excellent seafront amenity, buses, and the shortfall in the five year housing supply, there is no reason to withhold planning permission on the matter of parking.

Waste

- 8.24 The storage of refuse and recyclable materials would remain unchanged, being located in the front garden area, and an objection on waste grounds would not form a sustainable reason for refusal. A condition is proposed that will secure full details of waste storage for the proposed residential units.

Flooding

- 8.25 The property is located within Flood Zone 3 and is therefore at some risk of flooding. The current design tide level is 3.2mAOD (the 0.5% probability tidal event), rising to 4.3m AOD for the same event in 2115 when considering the effects of climate change and sea level rise. The site could therefore be subject to significant depths of flooding over its lifetime, assumed to be 100 years for residential development. Finished floor levels of the ground floor are to be set at 1.50mAOD. Worst case flood depths could therefore reach 2.8 metres deep, leading to significant and dangerous inundation of the proposed self-contained ground floor dwelling.

- 8.26 Policy PCS 12 in the Portsmouth Plan relates to flood risk. This policy seeks to reduce flood risk by assessing the level of risk when making site allocations and considering planning applications. In respect of major planning applications, priority will be given to sites at a lower risk of flooding by using the sequential test. The application proposals are defined as “minor development” where the sequential test does not apply. Mitigation through design and layout of development in respect of risk to people and damage to property in the event of flooding should be considered. Furthermore, effective emergency response plans should be put in place.
- 8.27 A Flood Risk Assessment (FRA) has been submitted with the application which considers flooding risk. The proposed mitigation measures outlined include the provision of safe refuge within the building on the first floor for the ground floor occupant(s). This is considered to be acceptable given the current residential use of the building and the lack of scope to raise the finished floor levels to an appropriate level above the design flood level. It is, however, critically important that the future occupiers of the property are aware of the need to prepare for a flood, and that there is a flood warning and evacuation plan in place prior to occupation.
- 8.28 The FRA indicates that road levels are identical to the finished floor levels (1.50mAOD). Therefore, flood depths to the access routes are likely to reach depths similar to those (~2m) indicated above. Technical Report FD2320/TR2 ‘Flood Risk Assessment Guidance for New Development’ classifies such flood depths as posing a danger for all people, including children, the elderly, the general public and the emergency services. In considering the above however, due consideration should be taken to the impacts of the Southsea Coastal Scheme (due for completion in 2026) on the flood risk of the local area which will provide a 1 in 200 year standard of protection and will therefore significantly reduce the risk of flooding over the assumed 100 year lifetime of the development. There will remain a significant risk in the intervening years for a ground floor residential unit, and from the risk of breach or overtopping of the defences once complete.
- 8.29 No objection has been raised by the Environment Agency to the proposal subject to a condition being attached to any permission granted requiring the development to be carried out in accordance with the FRA submitted and the following mitigation measures to be fully implemented prior to occupation:
- Refuge to be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat; and
 - Prior to occupation, a Flood Evacuation Plan being produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.
- 8.30 Subject to the above condition, the proposals would comply with Policy PCS12 of the Portsmouth Plan (2012) and Paragraph 160 of the NPPF.

Impact on the Solent national and internationally designated sites

- 8.31 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 a 5-bedroom guest house (Class C1) to 3 x 1-bedroom flats, 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 designated sites. This matter needs the ratification of Natural England after the

submission of an 'Appropriate Assessment' from the Local Planning Authority, this ratification is currently being sought.

- 8.32 A second strand of concern with respect to the Special Protection Areas is of recreational bird disturbance, especially when/if occupiers take a dog for a walk on the harbours. The existing use would be unlikely to have guests with dogs, while flat-occupiers could have such pets. Therefore, mitigation of the effects of the proposed occupation is needed and can be secured via legal agreement for the Bird Aware scheme. Again, this matter will need the ratification of Natural England, which is currently being sought. Assuming Natural England concurs with the above position, a legal agreement will be required.

Community Infrastructure Levy (CIL)

- 8.33 The development would not be CIL liable as there would only be a 3.5sqm increase in the Gross Internal Area of the application property.

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

- 8.34 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.35 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

- 9.1 The proposal would contribute to the Council's five year housing supply providing a good standard of living accommodation for future occupiers and being of an appropriate design within the local context and having no significant adverse effect on local amenity.
- 9.2 Having regard to all material planning considerations and representations it is concluded that the proposed development is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

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

- (a) receipt of the positive response of Natural England to the Local Planning Authority's 'Appropriate Assessment', and;

- (b) the satisfactory completion of a Legal Agreement to secure the necessary mitigation for the effects of recreational disturbance on the Special Protection Areas.

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

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

Conditions

Time Limit:

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

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

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plans; and Proposed Plans Elevations 003 A.

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

Materials:

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

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012).

Cycle Storage

- 4) Prior to first occupation of the development, secure and weatherproof bicycle storage facilities for 3 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 (2012).

Car Parking

- 5) Prior to first occupation of the development, details of a functional car parking space within the front garden area of the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter.

Reason: To ensure the development accords with the aims of policy PCS17 of the Portsmouth Plan (2012).

Refuse Storage

- 6) Prior to first occupation of the development, details for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The facilities approved 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).

Flooding

- 7) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref [June 2021/ Flood Risk Assessment | 24 Beach Road, Southsea, Portsmouth, PO5 2JH and compiled by John Pike]) and the following mitigation measures it details:

- Refuge will be provided at first floor level for the use of the prospective occupant of the proposed ground floor flat.
- Prior to occupation, a Flood Evacuation Plan shall be produced and displayed within the building so as to be clearly visible to all occupiers, should an extreme flood event occur.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy PCS12 of the Portsmouth Plan (2012) and the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Water use

- 8) 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:
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).

04

21/00624/FUL

WARD: DRAYTON & FARLINGTON

2 CHALKRIDGE ROAD, PORTSMOUTH, PO6 2BE

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

[21/00624/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Class C3 \(dwellinghouse\) and Class C4 \(house in multiple occupation\) | 2 Chalkridge Road Portsmouth PO6 2BE](#)

Application Submitted By:

Applecore PDM Ltd

On behalf of:

Mr Alan Kleyn

RDD: 26th April 2021

LDD: 24th October 2021

6.0 SUMMARY OF MAIN ISSUES

- 6.1 This application is brought before Planning Committee due to three objections having been received.
- 6.2 The main issues for consideration in the determination of the application are considered to be as follows:
- The principle of development;
 - Standard of accommodation;
 - Parking;
 - Waste;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent national and internationally designated sites.

7.0 SITE AND SURROUNDINGS

- 7.1 The application relates to a two-storey, semi-detached dwellinghouse (Class C3) located on the southern side of Chalkridge Road as shown in **Figure 1** below. The dwellinghouse is set back from the road with a small front garden which sits below road level. To the rear of the property is an enclosed garden. The existing layout comprises of a living/dining room, kitchen, dining room, utility room and WC at ground floor level and garage, three bedrooms and a bathroom at first floor level.
- 7.2 The application site is within a predominantly residential area characterised by a mixture of single and two-storey detached and semi-detached post-war housing.



Figure 1 - Site Location Plan

8.0 THE PROPOSAL

8.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to interchangeable dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4). Class C4 use allows up to six individuals living together, but the Applicant has confirmed the occupation would be for a maximum of five persons.

8.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), utility room, WC with wash basin and Kitchen/Dining Communal room; and
- First Floor - Four bedrooms (each with a shower, toilet and handbasin ensuite)

8.3 There would be no external operational development forming part of this application with the exception of an indicative siting of a cycle store within the rear garden, details of which could be secured by planning condition, and the conversion of the garage into a bedroom which includes replacement of the garage door with a window.

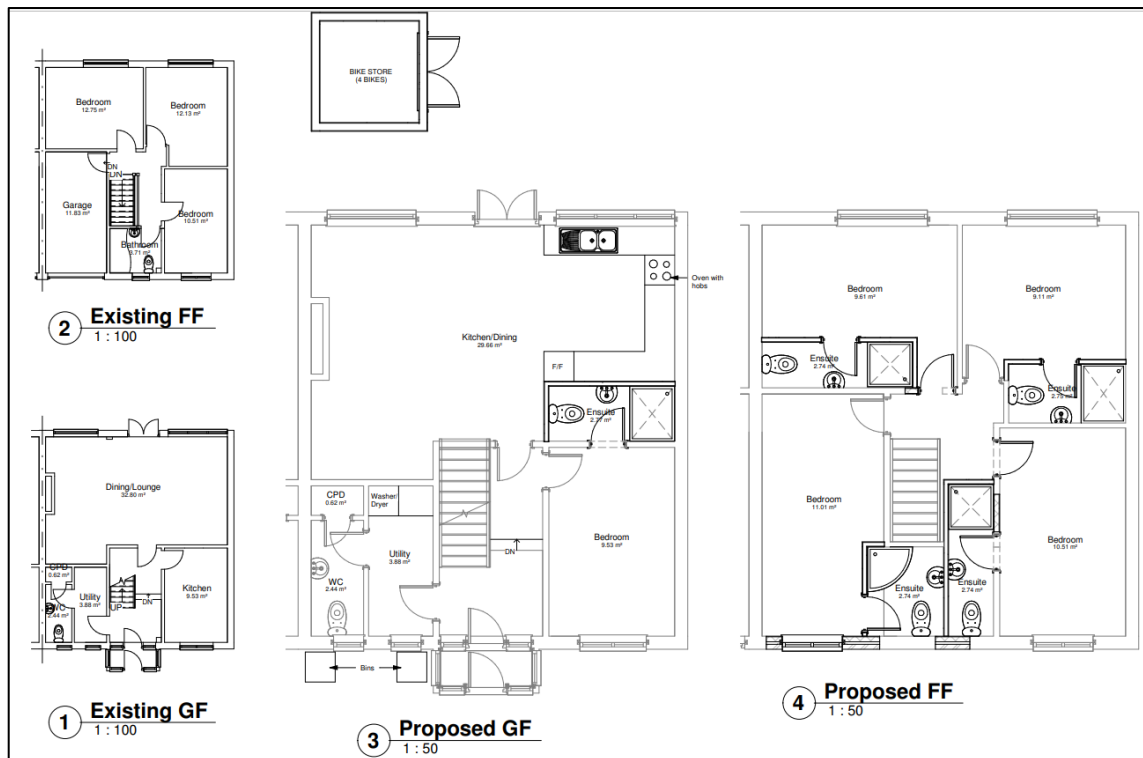


Figure 2 - Existing and Proposed Plans

9.0 PLANNING HISTORY

9.1 There is no planning history for the property.

10.0 POLICY CONTEXT

Portsmouth Plan (2012)

10.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

Other Guidance

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

- National Planning Practice Guidance (revised 2021)
- The Parking Standards Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

11.0 CONSULTATIONS

11.1 Private Sector Housing - No comments received.

11.2 Highways Engineer - No objection to the proposal.

12.0 REPRESENTATIONS

12.1 A Site Notice was displayed on 03/06/21 and Neighbour letters were sent on 13/05/21. The public consultation period formally ended on 14/07/21.

12.2 In response, 3 representations have been received from nearby residents objecting to the proposed development for the following reasons:

- Loss of family home;
- Overlooking and loss of privacy;
- Security concerns;
- Increase in noise and disturbance;
- Loss of garage; and
- Lack of car parking provision leading to an increase in traffic and on-street parking demand.

13.0 COMMENT

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

- The principle of development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent national and internationally designated sites.

Principle of development

13.2 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 share basic amenities such as a kitchen or bathroom*'

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

13.4 Based on the information held by the City Council, of the 24 properties within a 50 metre radius of the application site, there are no confirmed HMOs (Class C4) as shown in **Figure 3** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

13.5 Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.16%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 - Existing HMOs within 50m of the application site

13.6 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.

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

Standard of accommodation

13.8 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 would be occupied by five people, as the Applicant has proposed, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	9.53m ²	6.51m ²
Bedroom 2 (first floor)	11.01m ²	6.51m ²
Bedroom 3 (first floor)	10.51m ²	6.51m ²
Bedroom 4 (first floor)	9.11m ²	6.51m ²
Bedroom 5 (first floor)	9.61m ²	6.51m ²

Communal Kitchen/Dining room (ground floor)	29.66m ²	24m ² (for five people)
Ensuite shower room 1 (ground floor)	2.77m ²	2.74m ²
Ensuite shower room 2 (first floor)	2.74m ²	2.74m ²
Ensuite shower room 3 (first floor)	2.74m ²	2.74m ²
Ensuite shower room 4 (first floor)	2.75m ²	2.74m ²
Ensuite shower room 5 (first floor)	2.74m ²	2.74m ²
Utility room (ground floor)	3.88m ²	Undefined
WC (ground floor)	2.44m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

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

13.10 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.

Impact on neighbouring living conditions

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

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

13.13 Concerns have been raised in the representations regarding potential security concern as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime or security concerns than a Class C3 dwellinghouse. Overlooking and loss of privacy is also raised as a concern, but there would be no material difference from the existing property use.

13.14 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 as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.

13.15 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

Highways/Parking

- 13.16 Chalkridge Road is an unclassified residential street with the majority of semi-detached dwellings along its entirety. The majority of properties have off street parking facilities accessed via vehicle crossovers from Chalkridge Road. Chalkridge Road and those in the immediate vicinity of the site are included in the local controlled parking zone BC to which future residents of this HMO would be eligible. The parking zone is currently under subscribed with 307 permits issued compared with 692 available spaces.
- 13.17 The site currently comprises of a 3 bedroom dwelling with the proposed application seeking to convert the garage into a 4th bedroom whilst reconfiguring the lounge and kitchen area to create a 5th bedroom. The City Council's Parking Standards SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for the existing 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compares with the requirement for a 4+ bedroom HMO which is 2 spaces and 4 cycle spaces.
- 13.18 No parking is proposed as part of this application, and the conversion of the garage means the loss of the on-site space (if the garage was not used for other domestic storage, as many are). The shared front driveway with No.4 Chalkridge Road would be retained. No parking is permitted on this driveway so as not to prevent the access to the garages from being blocked. Consequently, the proposal increases the on-street parking demand by 0.5 vehicle spaces and reduces the provision on site by 1 space resulting in a net increase of a 1.5 space shortfall. However, the issue of resident's permits does not exceed the capacity of the parking zone and the additional parking demand can be accommodated on street within a reasonable walking distance of the site. It is therefore considered that an objection on car parking standards would not be a sustainable reason for refusal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.
- 13.19 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located. Access to the proposed cycle store would be achieved around the side of the house. The requirement for cycle storage is recommended to be secured by condition.

Waste

- 13.20 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 the Solent national and internationally designated sites

- 13.21 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 designated sites.

Community Infrastructure Levy (CIL)

13.22 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

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

13.23 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

13.24 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

14.0 CONCLUSION

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

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

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

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

Approved Plans:

- 10) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan; Block Plan; and Dual Use Plans PG.6064.21.3.

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

Cycle Storage:

- 11) 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.

05

21/01717/FUL

WARD: NELSON

58 GLADYS AVENUE PORTSMOUTH PO2 9BQ

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

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R32W7ZMOG5200](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R32W7ZMOG5200)

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Legg
Synergy Wealth Creation LTD

RDD: 24th November 2021

LDD: 20th January 2022

1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to the request of Councillor Daniel Wemyss and seven letters of objection.

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

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

1.1 Site and surroundings

1.2 This application relates to a two storey mid terrace property situated on the eastern side of Gladys Avenue. The application site comprises of; a living area, dining room, kitchen, conservatory and separate WC at ground floor level and three bedrooms, bathroom and separate WC at first floor level.

1.3 This application seeks planning permission for the flexible use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As such, planning permission is now required in order to interchange between the uses of a Class

C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom.

2 The Proposal

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

2.2 This change in occupancy will involve the repurposing of most of the rooms. In addition to this, the existing rear conservatory would have a new roof and dry lined walls and converted into a utility room. Also, the loft would be extended to the rear to provide two new additional bedrooms under permitted development rights to facilitate the change of use from C3 to C3 or C4 use.

2.3 NB: This application is currently under appeal for non-determination.



Figure 1: Existing and proposed floor plans

2.4 Planning History

2.5 21/00147/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 notification required and refused on 19/01/2022 (depth and bulk resulting in unneighbourly and overly dominant form of development).

3 **POLICY CONTEXT**

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

4 CONSULTATIONS

4.4 Private Sector Housing

- 4.5 No objection or adverse, comments raised.
- 4.6 They commented that based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 4.7 Based on the plans provided. All en-suites must be of a sufficient size to allow adequate activity space. Wash hand basins must be installed in all en-suites and the shower room. Appropriate sizes for washing facilities and activity space can be found in the metric handbook.

4.8 REPRESENTATIONS

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

- Overconcentration of HMO's
- Parking issues
- Anti-social behaviour
- Size of extension
- Pressure on infrastructure
- Loss of family homes
- Pollution from vehicles

4.9 COMMENT

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

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

5 Principle

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

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

- 5.5 In this case the application site is in lawful use as a C3 dwellinghouse. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as maximum proportion of HMO dwellings to C3, single household, dwellings. It is noted that the relevant 50m radius area currently has 2 HMOs out of 59 properties as shown in figure 2 below. This proposal would change the current figure of 3.39%, to 5.08% and therefore remains below the 10% threshold. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a 3 adjacent HMOs next to each other. As this proposal would not result any of these scenarios, these considerations are not brought into effect.

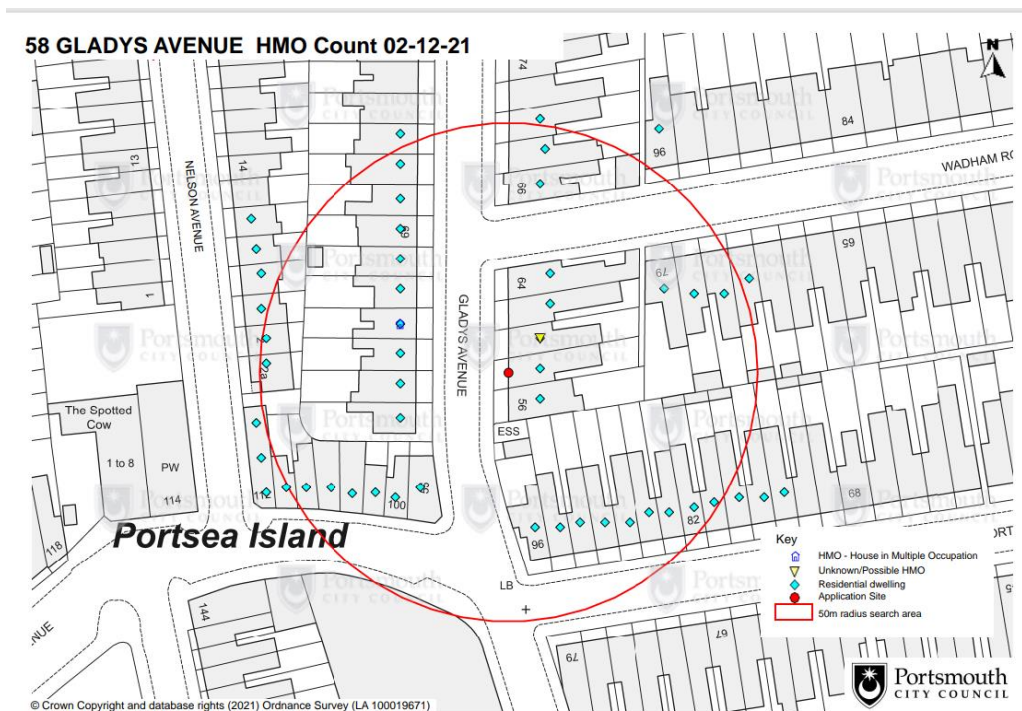


Figure 2: HMO data count map (50m radius)

5.6 **Standard of accommodation**

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

5.8

Room	Area Provided:	Required Standard:
Bedroom 1	18.7m ²	6.51m ²
Ensuite B1	2.95m ²	2.74m ²
Bedroom 2	18.2m ²	6.51m ²
Ensuite B2	3.0m ²	2.74m ²

Bedroom 3	19.9m ²	6.51m ²
Ensuite B3	2.68m ²	2.74m ²
Bedroom 4	14.7m ²	6.51m ²
Ensuite B4	2.64m ²	2.74m ²
Bedroom 5	14.10m ²	6.51m ²
Ensuite B5	2.82m ²	2.74m ²
Bedroom 6	18.53m ²	6.51m ²
Ensuite	2.71m ²	2.74m ²
Ground Floor WC	1.52 m ²	1.17m ²
Lounge	14.9m ²	14m ²
Combined Living Space	25.68m ²	22.5sqm (based on 10m ² sized bedrooms)
Utility room	8.06m ²	No separate standard

- 5.9 As is shown in the table above, all of the bedrooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Given the bedrooms all meet or exceed 10sqm, the size expected of the communal living area is 22.5sqm, and 25.68m² combined living space would be provided. Additionally, a separate living room and a separate utility room would be provided.
- 5.10 The combination of ensuites would provide a suitable overall arrangement of sanitary. However, ensuite to bedrooms 3 and 6 would fall short of required room size by approx. 0.06sqm and 0.03sqm respectively but this small shortfall is not considered a reason to warrant a refusal. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.11 As such, it is considered the proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing and the proposals would accord with the SPD.
- 5.12 **Impact on neighbour amenity**
- 5.13 If operated as Class C4, the proposal would increase the accommodation of the existing 3-bedroom dwellinghouse(C3) by 3 extra bedrooms. While this could have a proportionate increase in activity within and coming and going from the property, this a small increase in the number of residents is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse(C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a HMO. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance/disturbance.
- 5.14 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would not be significantly harmful at this particular point in time.
- 5.15 The loft extension would be implemented under permitted development and so any effects on privacy or overlooking cannot be assessed as part of this planning application.
- 5.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations

on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of the proposed C3/C4 HMO would not be significantly.

- 5.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

5.18 Amenity and Parking

- 5.19 The proposal would increase the accommodation of the existing property by 3no bedrooms. The increase is not considered to have a demonstrable impact on the parking need over and beyond the existing. As existing, there is no on-site parking being provided but is met on-street and due to site constraints no off-street parking.

- 5.20 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. A 4+ bedrooms has an expected demand for 4 cycle parking spaces.

- 5.21 According to the submitted drawing no. PG.6222- 21-4, the property will provide 4no. weatherproof bicycle storage facilities. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

5.22 Waste

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

5.24 Impact on 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 to flexible C3/C4 use. The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on overnight stays nor therefore on the Solent Protection Areas or result in an increased level of nitrate discharge.

6 CONCLUSION

- 6.4 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. Having regard to all material planning consideration and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (2021).

7 RECOMMENDATION

7.1 Approve subject to the following conditions:

Time limit

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

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

Approved plans

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

- Location Plan - 58 Gladys Avenue
- Block Plan - 58 Gladys Avenue
- PG.6222- 21-4 - Dual Use Plan

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

Cycle storage

3) Prior to first occupation, details and plans of a covered, enclosed, secure and weatherproof bicycle parking facilities (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 4 bicycles and shall thereafter be retained for the parking of bicycles at all times.

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

22 BURLINGTON ROAD PORTSMOUTH PO2 0DP

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=DOCUMENTS&KEYVAL=RCO53TMOK3E00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=RCO53TMOK3E00)

Application Submitted By:

Collective Studio
FAO Edward Kercher

On behalf of:

Mr K Patel

RDD: 31st May 2022

LDD: 27th July 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to Planning Committee due to the number of objections (8).

1.2 The main issues for consideration relate to:

- The principle of development;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents; and
- Impact upon the Solent Special Protection Area and Ramsar sites.

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and surroundings

1.5 This application relates to a two-storey 6-bed terraced dwelling, which is located on the eastern side of Burlington Road.

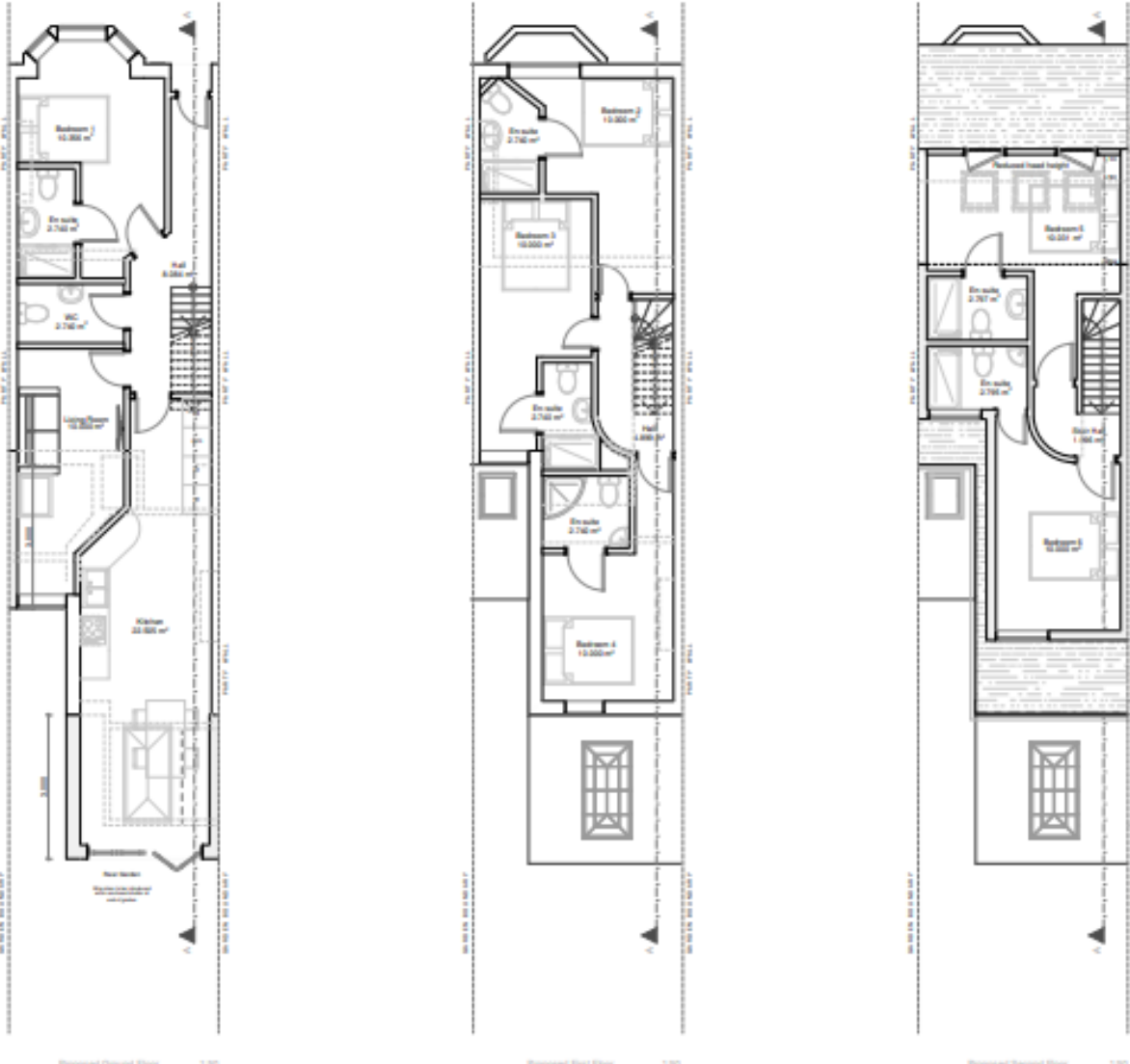
1.6 Proposal

1.7 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C4 (house of multiple occupancy) or Class C3 (dwelling house). Concurrently, and under Permitted Development Rights, the conservatory would be replaced with a single storey rear extension on the same footprint, and a roof extension provided.

1.8 The proposed internal accommodation comprises the following:

- 1.9 Ground Floor - one bedroom with ensuite, WC, Living Room and kitchen/diner
 First Floor - three bedrooms with ensuites
 Second Floor - Two bedrooms with ensuites

1.10 The applicant's proposed plans show the following:



1.11 Planning History

1.12 There is no planning history at the site.

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

3.0 REPRESENTATIONS

- 3.1 A total of 8 objections have been received on this application. The objections can be summarised as:
- Parking
 - Loss of amenity to neighbours
 - Erosion of a family orientated area
 - Loss of family home
 - Sets a precedent for other developments in the area
 - Properties on this road are not big enough for HMO use

4.0 COMMENT

- 4.1 The main determining issues for this application relate to the following:
- The principle of development;
 - The standard of accommodation;
 - Impact upon amenity of neighbouring residents;
 - Parking; and
 - Impact upon the Solent Special Protection Area and Ramsar sites.
- 4.2 Principle of development
- 4.3 Permission is sought for the change of use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwelling house). 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.
- 4.4 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.



- 4.5 Based on information held by the City Council, of the 78 properties within a 50 metre radius of the application site, 3 existing HMOs are identified. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. No other HMOs have been identified by Councillors or Residents.
- 4.6 Two HMO's were missed off the original dataset (5 Burlington Road, 51 Farlington Road), but they are now included in the 3 identified above. 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 5.1%. This would fall below the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 4.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. Neither of these cases would apply to this application.
- 4.8 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.

4.9 Standard of Accommodation

- 4.10 The application seeks the opportunity to use the property as either a C3 dwellinghouse or C4 HMO which would, in planning terms, allow occupation by up to six individuals.

(HMO SPD October 2019)	Area provided (msq):	Required Standard (msq)
Bedroom 1	10.4	6.51
<i>Ensuite 1</i>	<i>2.74</i>	<i>2.74</i>
Bedroom 2	10	6.51
<i>Ensuite 2</i>	<i>2.74</i>	<i>2.74</i>
Bedroom 3	10	6.51
<i>Ensuite 3</i>	<i>2.74</i>	<i>2.74</i>
Bedroom 4	10	6.51
<i>Ensuite 4</i>	<i>2.74</i>	<i>2.74</i>
Bedroom 5	10	6.51
<i>Ensuite 5</i>	<i>2.795</i>	<i>2.74</i>
Bedroom 6	10	6.51
<i>Ensuite 6</i>	<i>2.795</i>	<i>2.74</i>
Kitchen/Dining	22.5	22.5
WC with Basin	2.7	No requirement
Living Room	10	No requirement where combined kitchen/dining is provided.

- 4.11 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 also 'The Standards for Houses in Multiple Occupation' document dated September 2018. The separate living room is not required as the kitchen-diner meets the standard, yet it is provided.
- 4.12 The combination of ensuites and the shared ground floor 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.
- 4.14 Impact on amenity
- 4.15 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.
- 4.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 of the SPD discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area in this case, it is considered that the impact of one further HMO would not be significantly harmful.
- 4.17 Highways/Parking
- 4.18 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 materially greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards would not be a sustainable reason for refusal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.

4.19 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where 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 but this is not an atypical arrangement. The requirement for cycle storage is recommended to be secured by condition.

4.20 Waste

4.21 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.

4.22 Appropriate Assessment - Special Protection Area and Ramsar sites

4.23 Whilst it is acknowledged that there are ongoing issues around the eutrophication 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 C4 or C3 use with no net increase in overnight stays, both C3 and C4 use classes enabling occupancy of the property by up to 6 unrelated persons living together as a single household. The development would therefore not give rise to likely significant effects on these national and internationally designated sites.

5.0 Conclusion

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

RECOMMENDATION Conditional Permission

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.

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 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.

Rear extension:

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the rear extension shown shall be constructed.

Reason: To ensure that adequate shared living space is made for the number of occupiers, in accordance with the HMO SPD 2019.

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.

07

22/00085/FUL

WARD: COPNOR

VOYAGER PARK NORTH PORTFIELD ROAD PORTSMOUTH PO3 5FX

CONSTRUCTION OF 2 BUILDINGS COVERING TOTAL OF 3850SQM FLOORSPACE (GROSS EXTERNAL AREA) IN 3 UNITS, FOR USE AS GENERAL INDUSTRIAL PURPOSES (CLASS B2), STORAGE & DISTRIBUTION (CLASS B8) AND/OR OTHER INDUSTRIAL PURPOSES (CLASS E(G)(III)); WITH ANCILLARY OFFICES, ASSOCIATED CAR PARKING, SERVICE YARD AND ALTERATION TO VEHICULAR ACCESS

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R62IG3MOHF100](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R62IG3MOHF100)

Application Submitted By:

Hale Architecture

On behalf of:

Canmoor

RDD: 21st January 2022

LDD: 3rd May 2022

1.0 SUMMARY OF MAIN ISSUES

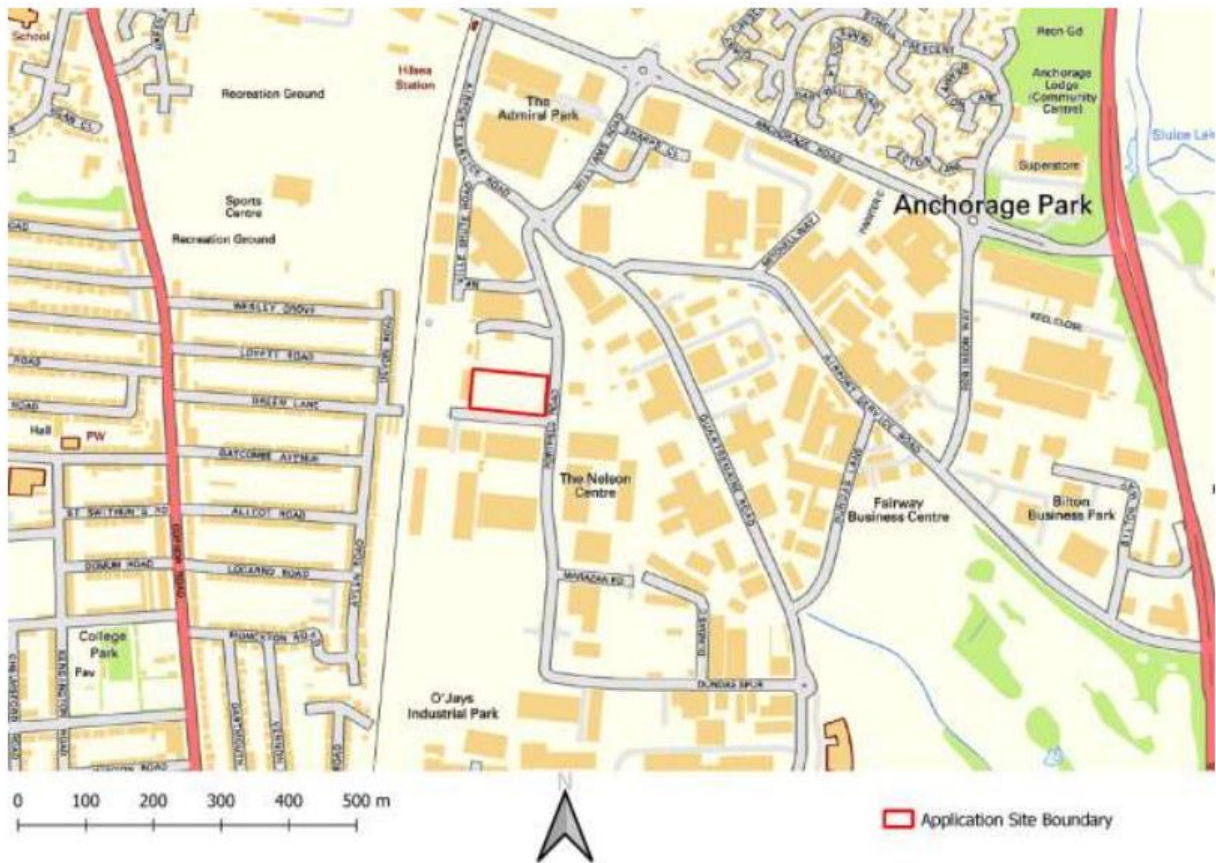
1.1 This application is brought before Planning Committee as it is a Major-category development, and due to the objection of the Local Highways Authority.

1.2 The determining issue for the application is whether this is sustainable development, having regard to

- the principle of the proposal on protected employment land (including requirements for an Employment and Skills Plan),
- whether the proposal would be acceptable in design terms,
- flood risk,
- highway implications,
- sustainable design and construction and
- the amenity of adjoining occupiers.

2.0 SITE AND SURROUNDINGS

2.1 The application site covers 0.7ha. It is a rectangular shaped parcel of land currently made up of two plots, largely comprised of hardstanding and enclosed by metal palisade fencing. The western plot is in use for container storage and the eastern plot is now vacant but last used for the storage of bottled gas. There is an existing substation on the east boundary.



2.2 The site is located on the west side of Portfield Road, within the Voyager Park Industrial Estate, which forms a part of the larger established Airport Industrial Estate. Portfield Road is a two-way single carriageway that runs in a north south alignment and has double yellow lines present along its length, to prohibit on-street parking. It is approximately 1.5 km to the A27 and M27/A3(M) beyond. The site is linked to the A2030 (Eastern Road) via the Williams Road junction onto Anchorage Road (to the north) or Dundas Spur (to the south).



2.3 Hilsea railway station is located around 0.6km to the north, on the Portsmouth-Waterloo main line and services to the west and east. The nearest bus stops are located on Anchorage Road, approximately 600m (circa 8- minute) walking distance to the north of the site; these stops benefit from a bus shelter and seating, with timetable information, served by services 21 and 621 that links The Hard/city centre with Farlington and Havant.

2.4 The closest residential properties are located 150m to the west, on the opposite side of the railway line. Adjoining the application site are other industrial and commercial uses. The site topography is generally a consistent and gentle fall from south to north, with highest land in its south-east corner. The site is within the Indicative Floodplain (Flood Zone 2).

3.0 PROPOSAL

3.1 Planning permission is sought for three units, in two buildings, covering 3850sqm (gross external area) for purposes as general industry (Class B2 use), storage and distribution (Class B8 use) and/or other 'light' industry (Class E(g)(iii) use), with parking and landscaping. The floorspace figure includes a modest element for ancillary offices.

3.2 The units would be standard industrial-commercial buildings of metal cladding and low-pitched roofs. Two existing site access would be retained, as would landscaping to the southern and eastern boundaries. The Applicant states employment at 100 persons, based on industrial use of all three units. No proposed hours of use are specified.



Figure 3: Proposed site Layout.

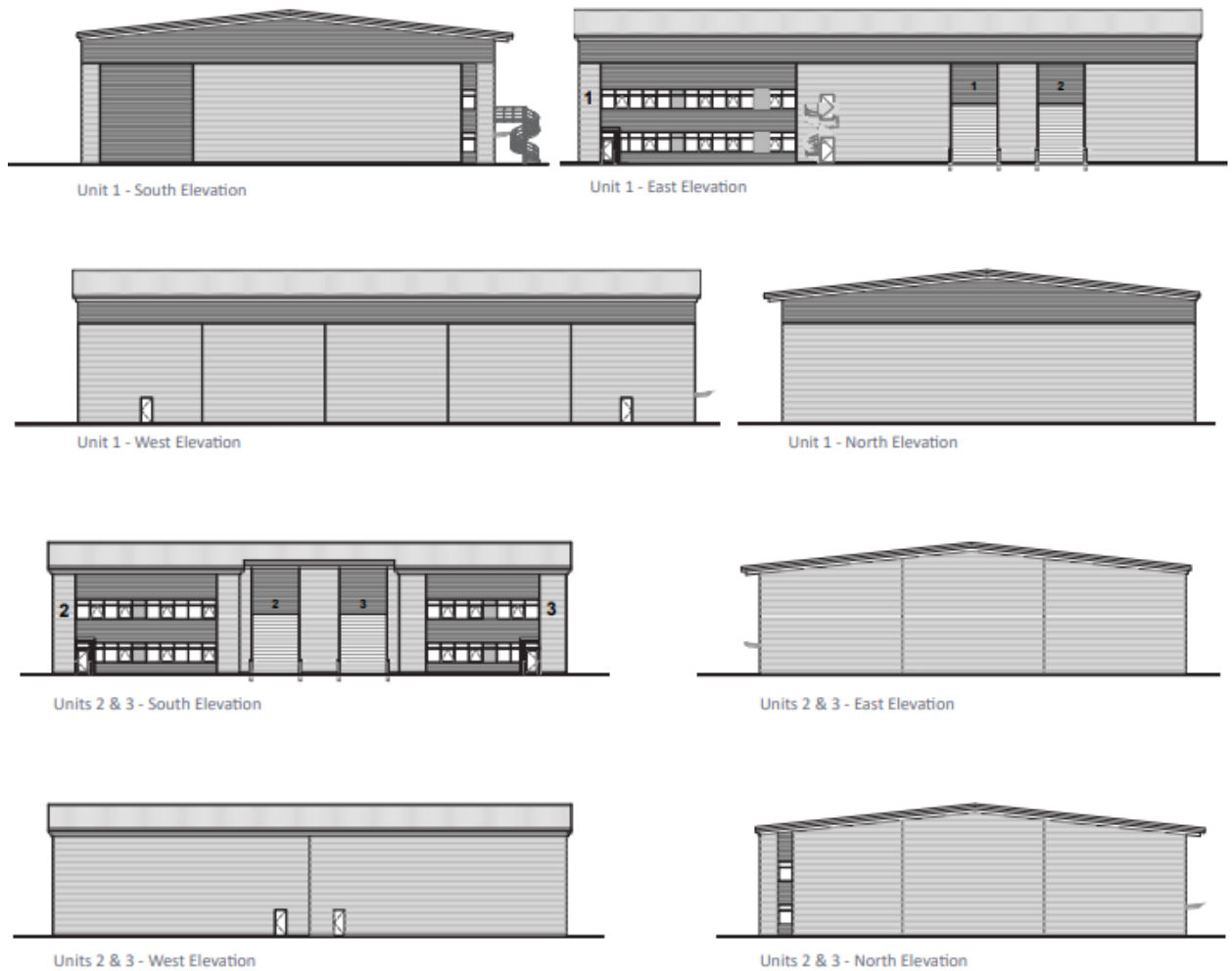


Figure 4: Proposed elevations

3.3 Supporting documents accompany the application: Design & Access Statement; Air Quality Assessment; Ecological Impact Assessment; Flood Risk Assessment; Transport Statement; Travel Plan; Energy Statement; and, Tree Survey.

4.0 PLANNING HISTORY

4.1 'Voyager Park', formerly known as Blueprint, is within an established industrial area (served by Airport Service Road, Quartremain Road and Dundas Lane) and historically been used for the purposes of a gas works and depot.

4.2 There is an extensive planning history but, in short, a significant proportion of 'Voyager Park' has been developed pursuant to the original outline planning permission, granted in March 1990. At that time, full permission was granted for the main access road [now Portfield Road] and sewers; there were also Reserved Matters approvals for landscaping of the wider estate.

4.3 There are two specific planning records for Units 3B and 3D of 'Voyager Park', as follows:

- 10/00535/FUL - Change of use of land for stationing self-storage containers (Class B8) [etc]
Conditional Permission dated 2 August 2010 (at Unit 3B);
- 11/01066/FUL - Change of use to open storage (Class B8), new access... and fixed auto gas storage container and dispenser #.
Conditional Permission dated 7 February 2012 (at Unit 3D);

(# Related consent under 11/01073/HAZ - to store up to 100 tonnes of LPG, by 'Calor Gas Ltd')

5.0 POLICY CONTEXT

5.1 The relevant policies within The Portsmouth Plan would include:

PCS11 (Employment Land), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation), and saved policy DC21 (site contamination) of the Portsmouth City Local Plan.

5.2 The site is located on the city's existing employment land identified in policy PCS11 (read in conjunction with Map 19, p.86) of the Portsmouth Plan. The policy promotes a flexible supply of good quality office, manufacturing and warehouse land/floorspace totalling a target of 243,000 sqm by 2027 as part of the PUSH Economic Development Strategy that this site would contribute towards.

5.3 The revised National Planning Policy Framework (July 2021) and the following relevant Supplementary Planning Documents would also be material to this application:

- The Parking Standards and Transport Assessments SPD
- Achieving Employment and Skills Plan SPD and
- Sustainable Design & Construction SPD

6.0 CONSULTATIONS

6.1 Natural England

The proposed development will not have significant adverse impacts on designated sites and no objection raised.

6.2 Ecology

The site is considered to be of low ecological value. The proposed soft landscaping plan and the measures detailed within the submitted ecology report are considered to address any negative impacts from the proposals. No objection raised, subject to imposition of a planning condition to secure implementation of measures detailed in the applicant's ecological impact assessment (Reason: to ensure the safeguard of protected species and no net loss in biodiversity).

6.3 Highways Engineer

Recommendation: objection - insufficient parking provision.

Site access is proposed via the existing private industrial estate road, which has a junction with Portfield Road. Both the junction with Portfield Road and accesses to the proposed units have an appropriate geometry and visibility. The submitted Transport Statement (TS) determines that the developments will generate in the order of 16-17 additional vehicle movements in the peak periods if used for industrial purposes; this would not have a material impact on the operation of the local highway network.

The TS (at para's 4.12-4.13) bases occupation on the following: "According to the Employment Density Guide (3rd Edition) published by the Homes and Communities Agency, B2 uses generate the most employees per sqm of floor area when compared to E(g)(iii) and B8. Assuming the B2 density of 1 staff per 36 sqm, there would be 55 staff at Unit 1, 23 at unit 2 and 22 at Unit 3."

As originally submitted, the development created 41 car parking spaces (4 bays for disabled users), and four loading bays for operational vehicles; 22 spaces were provided for Unit 1 and 19 spaces for Units 2 and 3. The SPD which considers Parking Standards and Transport Assessments does not provide parking standards for non-residential developments but requires the applicant to make a credible assessment of the parking demand for the specific proposal. In this case, the applicant's TS finds that if used for warehousing then the parking provision would be sufficient to meet the anticipated demand. However, if used for industrial purposes there would be a shortfall in parking provision of up to 11 spaces with shortfalls of 7, 2 and 2 spaces respectively for each unit. Furthermore, the design is such that the parking facilities provided for each unit would not be shared practically. In this light, it is apparent that the proposal would not provide sufficient provision for parking even using the applicant's own assessment of demand in the event of the units being used for industrial purposes. There is no scope to accommodate this shortfall on the neighbouring highway network and therefore the Local Highways Authority (LHA) must recommend that this application be refused. If, however, the proposal was modified such to exclude uses other than storage and distribution then the LHA would not wish to oppose the proposal on this basis.

The site layout has since been amended to provide some additional parking (with further information added to the TS); consequently the predicted parking accumulations in the applicants TS assuming use as Class B2 or E(g)(iii) industrial units establishes the following comparisons:

Unit	Demand	Provision
1	29	30
2	12	11
3	11	10

Given the spatial relationship between the units, whilst it seems plausible that units 2 and 3 may share the parking spaces provided for those units it is unlikely that visitors to those units would utilise any space capacity available in the car park for unit 1 and vice versa.

There is no scope to accommodate the two space parking shortfall associated with units 2 and 3 on the neighbouring highway network and if the applicant is not prepared to accept a condition excluding uses other than storage and distribution in those units then this could justify a reason for refusal and due weight should be given in the determination of the application.

6.4 Contaminated Land Team

The site was previously an area of 'retained land' associated with Hilsea Gasworks. In operation for around 80 years, the site is located to the north of the formal operations area and used as a storage area for both coal and coke, with associated railway sidings. After decommissioning the Gasworks, an extensive remediation program was undertaken to remove the coal ash present on-site, however clean fill was not imported across the whole site. The application site was then developed under ref 11/01066/FUL, where a condition was implemented to ensure the integrity of the remedial measures and hard capping across the development area. Given the proximity to the contaminative uses mentioned above, together with the sensitive nature of the proposed end-use and groundwork requirements, then (specified) conditions should be imposed.

6.5 Coastal And Drainage

The Flood Risk Assessment and Finished Floor Level of the proposed units at 4.1m AOD are acceptable; the overall Drainage Strategy appears suitable in principle. However, more information required (to specified issues, including pipe capacity, infiltration and maintenance - from the point of connection to the public sewers).

Following a CCTV check of the sewers, the LLFA do not see a requirement for anything further to be undertaken. The groundwater results are a little disappointing, however also now satisfied that the Ground Investigation has covered the infiltration feasibility. It appears the sewers are in suitable condition to connect the new development and represents an acceptable outlet for the site, given that the surface water sewer eventually outlets to Great Salterns Lake. In line with PCS12, as stated in FRA, the run-off cannot be increased from the current 40% impermeable area (since Great Salterns Lake has environmental importance, which needs to be protected in line with the Water Framework Directive).

6.6 Environment Agency

This site is located on River Terrace Deposits which are underlain by the Chalk (designated Secondary A and Principal Aquifers respectively). Shallow groundwater is likely to be present and given the industrial nature of the area there is the potential for contamination to be present. Therefore, no objection raised subject to the conditions specified (Reason: to protect controlled waters).

6.7 Environmental Health

No comments or concerns raised regarding this proposal.

6.8 Southern Electric

No comments received.

6.9 Regulatory Services

No concerns raised regarding this proposal.

7.0 REPRESENTATIONS

7.1 None received.

8.0 COMMENT

8.1 The determining issue for the application is whether this is sustainable development, having regard to

- the principle of the proposal on protected employment land (including requirements for an Employment and Skills Plan),

- whether the proposal would be acceptable in design terms,
- flood risk,
- highway implications,
- sustainable design and construction and
- the amenity of adjoining occupiers.

Principle of development

8.2 The site is located on existing protected employment land. The principle of a flexible use for general industrial (Class B2), other 'light' industrial (now Class E(g)(iii)) or storage and distribution (Class B8) uses would be acceptable on an established industrial estate.

8.3 The new Class E: 'Commercial, Business and Service' was introduced in Sept 2020, replacing Class B1. Class E covers a broad range of land uses some that you would typically expect to find in a high street or other location well served by public transport alternatives and that may not necessarily represent the most suitable location or compatibility with policy PCS11 of the Portsmouth Plan. PCS11 states: "The city council will promote office, manufacturing and warehouse (B1, B2, B8) development in existing industrial and business estates"; the policy does recognise service uses that support them, where appropriate in nature to an industrial estate location.

8.4 The Achieving Employment and Skills Plan SPD states at para 2.1 that new development in the city can contribute towards providing training and employment opportunities for local residents and at para 2.3 that an E&SP is required for commercial development of 1000sqm floorspace or larger. The planning obligation would be secured by Section 106 planning agreement.

Design

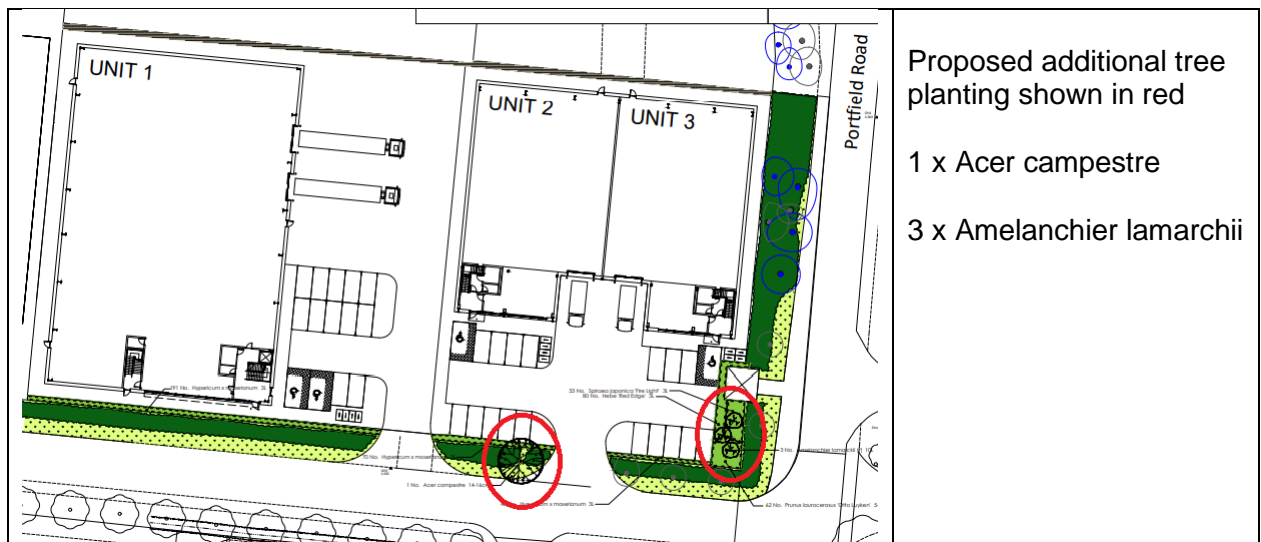
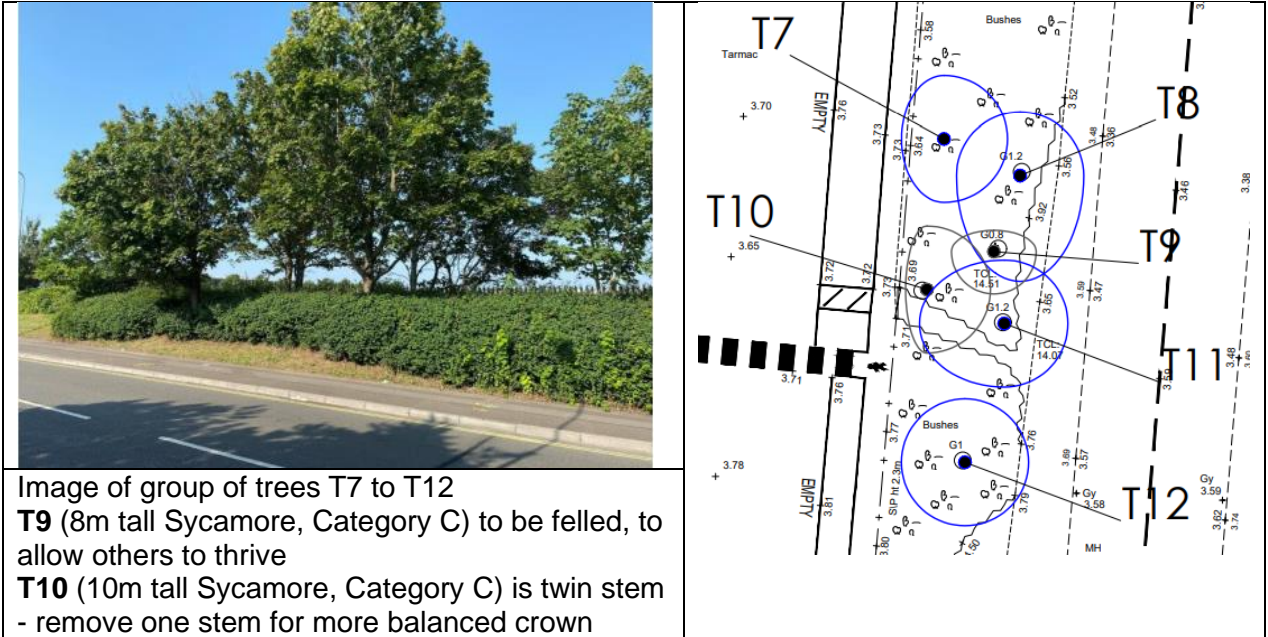
8.5 The applicant's supporting Design & Access Statement comments:

"...the development of 3 industrial warehouse units for B2, B8 & E(g) uses...reflects the current demands of the regional and local market. These units will provide modern and flexible employment facilities that will not only add to the employment opportunities in the area but to also enhance the overall appearance of the Estate... The proposed development will be contained in 2 buildings, 1 single unit and one pair of units, providing 3 units in total. Each unit has been designed to have its own designated car park and service area which allow for all vehicle movements and manoeuvring within the proposed site. Each unit has been designed to create a clear separation of uses within their plot, with the offices located prominently on each unit and with an active frontage provided to the front of each unit facing the estate road.

There is no clear existing design approach applied to either Voyager Park or Airport Industrial Estate so the appearance of the buildings has been considered to be simple and well-proportioned...designed to complement the existing buildings on the estate, as well as being contextual to the surrounding building fabric...use of a limited pallet of cladding types and finishes...predominantly in a light metallic silver colour ('Sirius') with darker zones of cladding to the office frontages, which emphasize the buildings entrances, and above loading doors ('Orion'). Vertical fins break up the massing of the cladding, to create interest and provide good practice detailing for current cladding techniques as well as define certain functions of the building from the exterior.

The subtle variations in the use of profiled steel cladding materials gives emphasis to the office and loading door elements of the building portraying a welcoming presence and scale. The remaining façades have been kept simple to provide a clean aesthetic that is sympathetic to the surrounding context but with same detailing as the front façades."

8.6 There is established tree and hedgerow planting within grass verges on the two road frontages. Two existing Sycamore trees, affected by the proposal, are of lower quality - one to be felled and one part of a twin stem would be removed, to rebalance the crown. Four additional trees would be planted, one the road frontage and a group of three within the site. The DAS comments "A zone of landscaping is proposed between the development and the roads to east and south. Some of the existing trees of high quality in this area are to be retained and enhanced with additional tree and shrub planting as well as natural grassed areas. The scheme uses a variety of trees, shrubs and native species which will combine to create varied and attractive landscape for the proposal to sit within." Most of the tree and hedgerow planting on the road frontages is already existing and additional soft landscaping of the site would be very limited in nature.



8.7 The simple form and overall appearance of the design is considered to relate appropriately to the site and its surroundings, to accord with policy PCS23 of the Portsmouth Plan.

Flood risk

8.8 The site is within the Indicative Floodplain (Flood Zone 2). Flood Risk Assessment is submitted in support of the application, which concludes the flood risk from tidal flooding, surface water flooding, sewer flooding and groundwater is assessed to be low. Nevertheless,

the site benefits from flood defences along the city's eastern seaboard to Langstone Harbour and it is expected to be protected during such tidal flood event. Moreover, as part of the North Portsea Island CFERM Scheme, these flood defences are currently being upgraded (Phase 4B). The scheme would provide one of the highest standards of flood protection in the country outside of London and designed for protection against a 1 in 500 year coastal event.

8.9 The proposed sustainable drainage strategy, informed by the findings of the FRA, is considered acceptable. There was recognition of the potentially limited capacity for drainage due to the underlying chalk and unsuitable clay content, however, the ground investigation has addressed infiltration feasibility. The main sewers are in a suitable condition for surface water/foul sewerage disposal (following CCTV survey of pipe capacity), suitable connection points identified and the landowner shall be responsible for the maintenance of the pipes from the point of the agreed proposed connection to the public sewer.

Highways

8.10 The site is proposed to be accessed via the existing private industrial access road serving the estate, which has a junction with Portfield Road. The LHA is satisfied that both the junction with Portfield Road and accesses proposed to each of the proposed warehouses have an appropriate geometry and visibility. The Transport Statement (TS) submitted with the application determines that the developments will generate in the order of 16-17 additional vehicle movements in the peak periods if used for industrial purposes. The LHA is satisfied that this would not have a material impact on the operation of the local highway network.

8.11 The LHA has raised objection to inadequate car parking to serve the development. Amendments to the site layout initially to provide some additional parking provision to serve units 2 and 3 were followed by an additional 8 spaces for unit 1, if a second service bay door is taken out of operation (for B2 or E(g)(iii) uses) but optionally available to serve B8 use.

8.12 The SPD which considers Parking Standards and Transport Assessments does not provide parking standards for non-residential developments; the SPD requires that the applicant make a credible assessment of the parking demand for the specific proposal.

8.13 The applicant's TS finds that if used for storage and distribution (B8) purposes, then the parking provision would be sufficient to meet the anticipated demand. However, for industrial purposes (B2 or E(g) uses) there would be a shortfall in parking provision. Furthermore, the design is such that the parking facilities provided for each unit would not be shared practically. The applicant's intentions are that *'Each unit has been designed to have its own designated car park and service area... Each unit has been designed to create a clear separation of uses within their plot.'* In this light, the LHA comment that it is apparent that the proposal would not provide sufficient provision for parking even using the applicant's own assessment of demand in the event of the units being used for industrial proposes. There is no scope to accommodate this shortfall on the neighbouring highway network and therefore the LHA recommends that this application be refused. The LHA comment, however, if the proposal was modified such to exclude uses other than storage and distribution (particularly for unit 1) then the LHA would not wish to oppose it.

8.14 The applicants comment that *"B8 planning use only to Unit 1 is too restrictive and will exclude too many potential occupiers. This has serious impact on value and as a consequence the viability of the project"*; their compromise solution proposes 8 additional spaces for unit 1, if a second service bay door is taken out of operation (for B2 or E(g) uses) but optionally available to serve B8 use.

8.15 Consequently, reference to the predicted parking accumulations in the applicant's TS assuming use as industrial units establishes the following comparisons:

Unit	Demand	Provision
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1	29	30
2	12	11
3	11	10

8.16 The LHA conclude there is no scope to accommodate the two space parking shortfall associated with units 2 and 3 on the neighbouring highway network and if the applicant is not prepared to accept a condition excluding uses other than storage and distribution in those units then this could justify a reason for refusal and you should give this issue due weight in your determination of the application.

8.17 The TS contends: the units will likely be a mixture of B2 and B8 uses; an Applicant experienced with the market and likely occupiers of these units that considers the parking provision will meet the needs of future occupiers; with climate emergencies being declared by the vast majority of Local Authorities, it is inappropriate to account for the worst case scenario of parking demand especially when the PCC Car Parking Standards do not specify a maximum or minimum car parking provision; post-COVID, the nature of employment is changing to become increasingly more flexible in terms of home working with hybrid working systems more likely to be implemented for light industrial uses where the employment in question is more likely to be deliverable from home (ie administration work as opposed to more industrial operational work).

8.18 Conversely, the specific design intention is for each unit to have its own separate parking and service areas (rather than a more flexible shared parking arrangement) and all the units could be used for industrial purposes. However, having regard to all of the above factors and an amended site layout with additional parking as far as practicable, the limited identified parking deficit is, on balance, considered to be outweighed by flexible employment opportunities at the site to adapt to current and changing regional and local demands. Since the highway and parking implications of alternative uses within Class E have not been assessed in the TS, with potential to have a different highway impact, pattern of demand or greater parking deficit it is considered reasonable and necessary to preclude any other uses in Class E, except (g)(iii), by planning condition.

8.19 The LHA has also identified shortcomings of the rather generic Framework Travel Plan, submitted thus far (given the speculative nature of this development, for potentially different uses). Following occupation of any building for B2, B8 or E(g)(iii) use an updated Travel Plan would be required, following baseline survey, and a £5000 contribution to facilitate monitoring over a 5 year period to be secured by S106 planning agreement.

8.20 In simple conclusion, in the 'worst-case' scenario (all units in B2 and/or E(g)(iii) use), Unit 1 has a parking over-provision of one space, and Units 2 and 3 have a parking under-provision of two spaces, a net under-provision of one space. This is very minor. The Local Highways Authority has not identified any conflict with NPPF Para 111, which states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. As such, there is no reason to withhold planning permission on highway grounds. The Travel Plan will encourage travel by sustainable means.

Sustainable design and construction

8.21 The council's Supplementary Planning Document for 'Sustainable Design & Construction' states:

"For full applications the city council expects, and strongly encourages, a pre-assessment estimator or design stage assessment and certificate to be submitted as part of the application. However this will not be required so as to give applicants the flexibility to approach the issue as they wish" (at para 2.15) and "If no design stage assessment is submitted, conditional planning

permission may still be granted. However the conditions will require full compliance with policy PCS15" (at para 2.19).

8.22 Although applicants are strongly encouraged to provide BREEAM pre-assessment, none has been provided. An Energy Statement, however, acknowledges relevant policy PCS15 and does not present a case that its requirements are unfeasible or unviable. For non-domestic development this policy requires at least 'Excellent' level and to use Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions from the development by 10% as part of the selection of measures to meet the overall BREEAM level. The Energy Statement concludes the 10% LZC energy technologies can be met by photovoltaics on the buildings' roofs.

8.23 In accord with para 2.22 of the SPD, planning conditions are considered reasonable and necessary to be imposed for both pre-commencement and pre-occupation, to demonstrate that the anticipated 'Excellent' level and other specified credits are achieved.

Amenity

8.24 A supporting Air Quality Assessment details the potential air quality impacts associated with the construction and operation of this proposal; the report concludes that air quality should not be viewed as a constraint to planning and the proposed development conforms to the principles of NPPF and the local plan. The consultation response by Regulatory Services raise no comments or concerns. The application site is located within a wider established industrial estate and as a result of the moderate scale of the proposed works, this development would not be considered to have any significant impact on the amenity of the nearest adjoining occupiers in Devon Road. No restriction to the hours of operations at the site are considered necessary, given the distance from the nearest housing.

Community Infrastructure Levy (CIL) liability

8.25 Portsmouth City Council introduced its CIL charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2022 basic rate is £156.32/sqm. Most new development that creates over 99sqm of gross internal area (or creates a new dwelling) is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available.

8.26 In this case, imposition of a planning condition limiting Class E to the specific uses only sought by the applicant - to E(g)(iii) or B2 or B8 has a zero-rate for CIL.

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

8.27 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

8.28 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this

application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSIONS

9.1 Having regard to all material planning considerations including consultation responses it is concluded that the proposal represents sustainable development, where a minor deficit in parking provision is outweighed by the employment opportunities at an established industrial estate, in accordance with the relevant policies of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION I Delegated authority to grant **Conditional Permission** subject to the applicant first entering into a Section 106 Agreement to secure (1) an Employment and Skills Plan and (2) Travel Plan including contribution to monitoring of £5,000

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

RECOMMENDATION III That delegated authority to granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

Conditions/reasons for the conditions are:

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:

Existing Site Location Plan - 21055 PL-1000;
Existing Site Plan - 21055 PL-1001;
Proposed Site Plan - 21055 PL-1002_P2;
Proposed GA's - 21055 PL-1003 Unit 1_P1;
Unit 1 - Proposed Elevations - 21055 PL-1004_P2;
Units 2 & 3 - Proposed GA's - 21055 PL-1005_P1;
Units 2 & 3 - Proposed Elevations - 21055 PL-1006_P1;
Proposed Site Plan for E(g)(iii) B2 and B8_21055 PL-1007_P1;
Detailed Soft Landscape Plan - 21-077-P-03B; and,
HERON-CYCLE-SHELTER (manufacturer's details).

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

Site contamination/remediation

- 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 and potential contaminants associated with those uses. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for a site investigation scheme, with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).
 - b) A 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. The report shall include a detailed assessment of the risk to all receptors that may be affected, including those off-site (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, detailing proposals for future maintenance, monitoring and arrangements for contingency action 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 (Phase 3 report).

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

Verify remediation

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 and demonstrate that site remediation criteria have been met. 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 of the Portsmouth City Local Plan 2001-2011 and the NPPF (2021).

Other potential contamination

5) If, during development, contamination not previously identified is found to be present at the site, due for example to historical industrial usage, 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, and 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 of the Portsmouth City Local Plan 2001-2011 and the NPPF (2021).

Piling

6) Piling 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 protect groundwater in a particularly sensitive location where the proposed development site is located upon a Principal Aquifer and piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways, in accordance with policy PCS12 of the Portsmouth Plan and the NPPF (2021).

Surface water infiltration

7) 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 protect groundwater in a particularly sensitive location where the proposed development site is located upon a Principal Aquifer and the previous industrial use of the site presents risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) that could pollute controlled waters, in accordance with policy PCS12 of the Portsmouth Plan and the NPPF (2021).

Implement soft landscaping

8) All tree and shrub planting in the approved details of soft landscaping as shown on the Soft Landscape Plan (by bea landscape design ltd) drawing no.21-077-P-03_B shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or shrubs which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To secure an appropriate quality setting for the development in the interests of the visual amenity of the area and to protect biodiversity, in accordance with policies PCS13 and PCS23 of the Portsmouth Plan and the principles of good design in the NPPF (2021).

Safeguard existing trees

9) No development shall commence on site until a scheme for the safeguarding of all trees and hedgerow planting not scheduled for removal during the course of the site works and building operations and in accordance with British Standard:5837 (2005) has been submitted to

and approved in writing by the Local Planning Authority. All trees and hedgerows to be protected shall be fenced along an alignment to be agreed with the Local Planning Authority with:

- a) 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b) 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Ecological enhancement

- 10) (a) The proposed ecological enhancement measures described in the Ecological Impact Assessment (prepared by Clarkson & Wood, dated December 2021) shall be implemented in full before the development is first brought into use and a verification report to demonstrate implementation of the approved biodiversity enhancement measures shall have been submitted to and approved in writing by the local planning authority; and
- (b) the approved ecological enhancement measures shall thereafter be retained, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve and enhance biodiversity, in accordance with policy PCS13 of the Portsmouth Plan, the NPPF and the Natural Environment and Rural Communities Act 2006.

External materials

- 11) The development shall be carried out in accordance with the approved details for external materials/colours/finishes to be used on the walls and roof of any building/structure as shown on the 'External Materials' schedule received 2 August 2022 (or such alternative comparable materials of type, texture and colour as may be submitted to and approved in writing by the local planning authority beforehand).

Reason: In order to secure the quality of the approved development is not materially diminished on the completed scheme, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF (2021).

Access alterations

- 12) The development hereby permitted shall not be brought into use until the approved alterations to the existing points of access shown on the site plan drawing no.21055-PL-1002_P2 has been constructed.

Reason: In order to provide satisfactory access in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Provide & retain parking at units 2&3

- 13) Before the pair of Units 2&3 to the development hereby permitted are first brought into use the proposed parking for:
 - (a) 21 vehicles; and
 - (b) secure/weatherproof bicycle storage facilities (HERON shelter and 'Sheffield' hoops);

in the positions shown on drawing no.21055-PL-1007_P1 shall have been constructed/surfaced, marked out and made available for use. The approved vehicle parking and bicycle storage facilities shall thereafter be retained for parking purposes at all times.

Reason: To ensure adequate parking for cars and cycles is provided to serve the development in the interests of highway safety and to encourage alternative transport modes, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF (July 2021).

Provide & retain parking at unit 1

14) Before Unit 1 to the development hereby permitted is first brought into use the proposed parking for:

(a) 30 vehicles to serve any purposes within Class B2 and Class E(g)(iii) in the positions shown on drawing no. 21055-PL-1007; or 23 vehicles to serve any purposes within Class B8, in the positions shown on drawing no.21055-PL-1002_P2; and

(b) secure/weatherproof bicycle storage facilities (HERON shelter and 'Sheffield' hoops) in the positions shown on drawing no.21055-PL-1007_P1;

shall have been constructed/surfaced, marked out and made available for use. The approved vehicle parking and bicycle storage facilities shall thereafter be retained for parking purposes at all times.

Reason: To ensure adequate parking for cars and cycles is provided to serve the development in the interests of highway safety and to encourage alternative transport modes, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF (July 2021).

No storage in the open

15) At no time shall any goods or materials, including any waste/recyclable materials, be kept or stored in the open at the site, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the appearance of the site and ensure adequate parking is retained to serve the development in the interests of highway safety, in accordance with policy PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF (2021).

No other use in Class E

16) Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or other enactment modifying or revoking that Order, use within Class E hereby permitted shall be limited to purposes within sub-section E(g)(iii) only and for no other purpose within sub-sections E(a) to E(f) (inclusive) or E(g)(i)/E(g)(ii) of that Class without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To prevent use with potentially different employment generation or other incompatible activity/highways/parking implications in the context of a protected employment site, to meet the objectives of policies PCS11 and PCS17 of the Portsmouth Plan and the NPPF (2021).

Sustainable construction (BREEAM)

17) No construction shall commence until written documentary evidence has been submitted to the local planning authority proving that the development will achieve a minimum of Excellent of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits from issue TRA 02, which evidence shall in the form of a BREEAM pre-assessment estimator prepared by a licensed assessor and submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

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.

BREEAM certification

18) Within three months of first occupation/use of any part of the development, written documentary evidence shall be submitted to, and approved in writing by, the local planning authority proving that the development has achieved a minimum of level Excellent of the Building Research Establishment's Environmental Assessment Method (BREEAM), including two credits in issue ENE 04 and two credits in issue TRA 02, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.

2 CAPSTAN HOUSE TOWER STREET PORTSMOUTH PO1 2JR

RECONSTRUCT THIRD FLOOR IN REVISED FORM TO INCLUDE ROOF TERRACE; PROJECTING WINDOW AT SECOND FLOOR LEVEL; SECOND/THIRD FLOOR REAR HEIGHT EXTENSION AND INSTALLATION OF DOORS TO 'WYLLIE' ARCH AT REAR

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=R7EZ8MMOI2G00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=R7EZ8MMOI2G00)

Application Submitted By:

Mr John Pike
Pike Planning

On behalf of:

Mr and Mrs Daryl and Charlotte Cornelius

RDD: 17th February 2022

LDD: 15th April 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is being heard by the Planning Committee due to the receipt of three objections.
- 1.2 The principal matters to address include:
 - Principle;
 - Design and impact on the Conservation Area and nearby Heritage assets; and
 - Amenity.
- 1.3 Site and surroundings
- 1.4 The application relates to the second and third floor of a four-storey property located on the eastern side of Tower Street, northern side of Tower Alley and western side of Broad Street. The existing building features a three-storey main body, finished in a plain white render, with a lead mansard roof which is set in from the edge of building. The building features two side facing (north and south) juliet balconies with a recessed balcony to the western elevation of the building, looking west towards the Solent. To the rear of the site (fronting Broad Street) is a decorative arch feature called the 'wyllie' arch. For clarity the building is divided into two flats, one on the ground and first floor, and the application site on the second and third floors.
- 1.5 The areas to the north, south and east of the site are primarily residential and have a mixed character, with a variety of 3, 4 and 5 storey buildings. To the immediate north of the site is a large single storey warehouse. To the south of the site there is the Grade I Listed Building 'The Gun Battery' and 'The Round Tower'. The building is also located within the 'Old Portsmouth' Conservation Area No.4.
- 1.7 Proposal
- 1.8 Planning permission is sought for the re-construction of the third floor (mansard roof) to include an extended roof terrace facing west, which would be built over a proposed

projecting bay window at second floor level. In addition, there is proposed a minor upwards extension towards the existing second floor element at the eastern end of the building, which currently contains the internal staircase. A set of three, small, south-facing windows at second floor would be re-modelled in to one new window. Lastly a set of doors would be installed within the 'wyllie' arch at the rear (east) to allow access directly onto Broad Street.

- 1.9 The alterations to the roof would be finished in standing seam zinc with grey aluminium doors and window with a frameless glass balustrade.

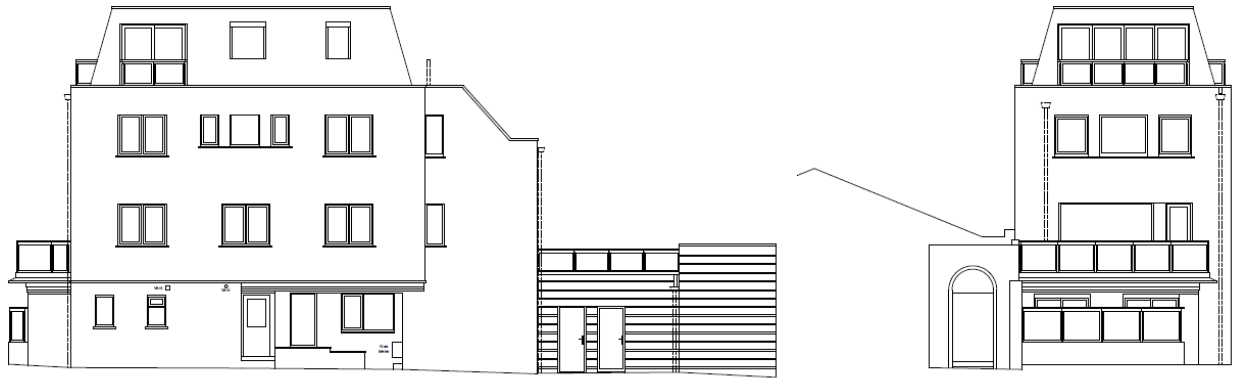


Figure 3 Existing south (side) and west (front) elevations

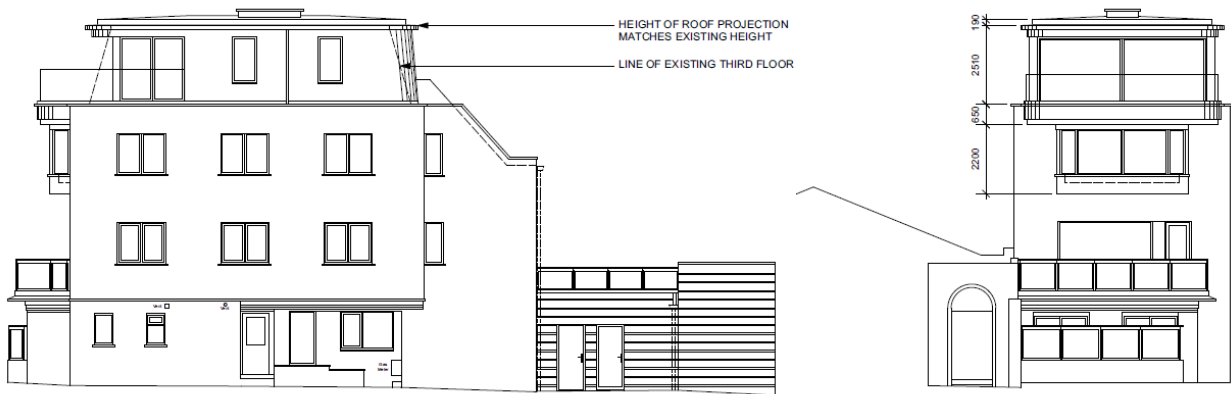


Figure 4 Proposed south (side) and west (front) elevations

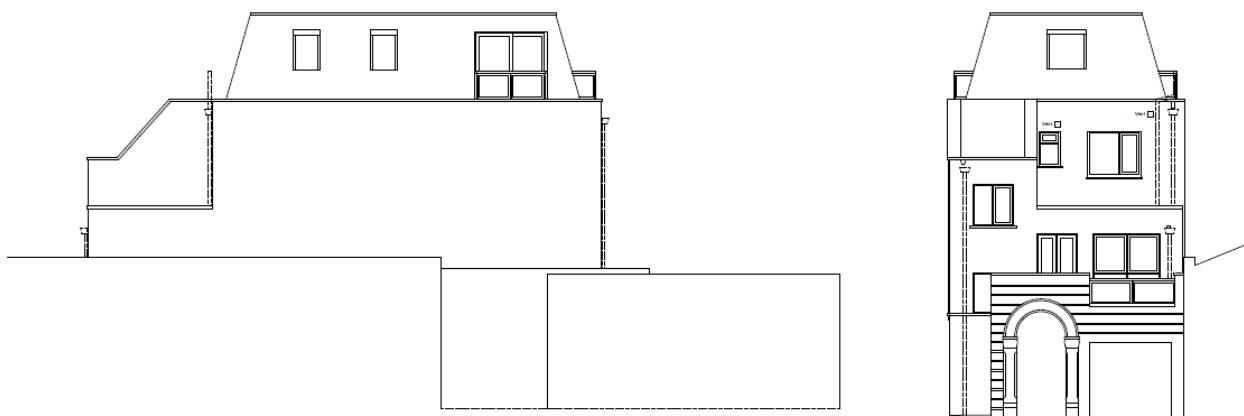


Figure 5 Existing north (side) and east (rear) elevations

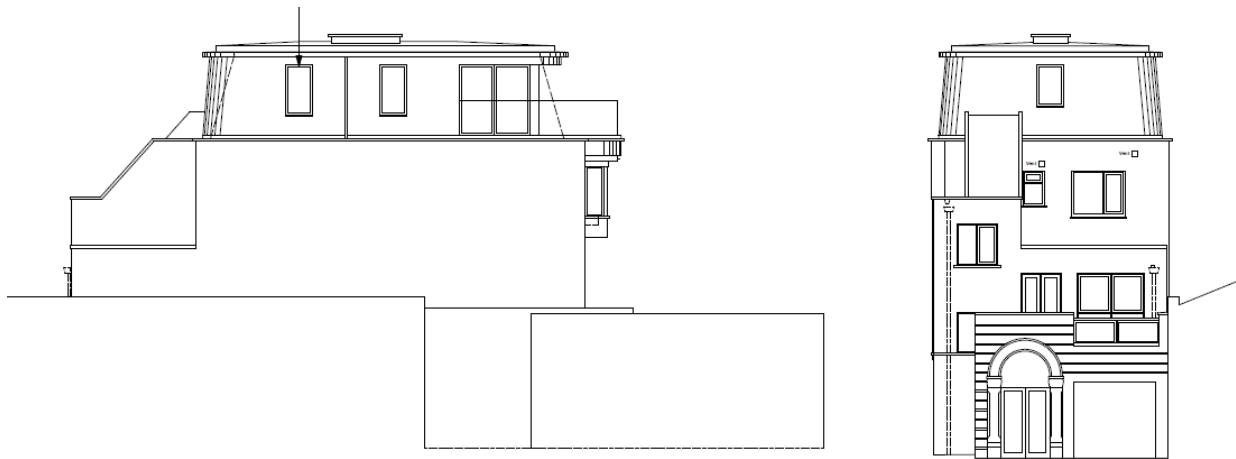


Figure 6 north (side) and east (rear) elevations

1.10 Planning History

- 1.11 Planning permission was granted for the construction of a mansard roof (after removal of existing roof structure) including balconies to south and west elevations in 2005 under planning ref: B*16823/AC.
- 1.12 Planning permission was granted for the conversion to form two maisonettes including part single, part 2/3 storey rear extension in 2011 under planning ref: 11/00140/FUL.
- 1.13 Conservation Area Consent was granted for the demolition of the rear boundary wall and removal of Wyllie arch for inclusion in the rear extension mentioned above in 2011 under planning ref: 11/00141/CON

2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation),
- 2.2 The Council's published Conservation Area guidelines of Old Portsmouth are also relevant to this proposal.
- 2.3 The aims and objectives of the revised NPPF (2021) would also be relevant in the determination of this application.

3.0 **CONSULTATIONS**

3.1 Conservation officer

3.2 Notwithstanding the importance of the Conservation Area and the contribution to its significance derived from views towards and from the Round Tower and other important nearby heritage assets, Planning policy is clear that change (even quite significant change) can be contemplated here. The building sits within a 'conservation' not a 'preservation area', implicit within this designation is an acceptance of managed change and also where appropriate of design approaches which can further 'evolve' buildings within their setting

3.3 The proposal would not create a fundamentally 'new' building within its context. Rather an adaption of an existing structure that retains sufficient similarity with the original to ensure that the proposal is considered of sufficient merit overall to secure conservation support.

4.0 **REPRESENTATIONS**

- 4.1 Three objections have been raised by local residents objecting to the proposal on the following grounds:
- (a) Top heavy appearance of the proposed roof alteration;
 - (b) Out of character design and appearance of the roof alterations;
 - (c) Impact upon the ground floor neighbours through the projecting bay, and a loss of light;
 - (d) Impact on the setting of The Round Tower;
 - (e) Appearance and form of the proposed extension to the internal rear staircase;
 - (f) Loss of light from increase height of the proposed extension to the internal rear staircase;
 - (g) Increase in shadowing of ground floor flat;
 - (h) Overdevelopment; and
 - (i) Lack of publicity (* Officer response below).

*The scheme was fully advertised in accordance with Portsmouth City Council's Statement of Community involvement which included letters to adjoining neighbours, a site notice and newspaper publicity.

5.0 COMMENT

5.1 The determining issues within the application relate to:

- The principle of development;
- Design and impact on the Conservation Area and nearby Heritage assets; and
- Impact on neighbour amenity.

5.2 Principle of development

5.3 The application site is an existing residential property, where extensions and alterations are considered to be acceptable in principle subject to relevant material considerations.

5.4 Design and impact on the Conservation Area and nearby Heritage assets

5.5 Policy PCS23 Design and Conservation Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5.6 As a conservation area is a designated heritage asset, the provisions of paragraph 196 of the NPPF also apply in consideration of an application which has the potential to affect the character and appearance of a conservation area. Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

5.7 Policy PCS23 of the Portsmouth Plan requires excellent architectural quality in new buildings and changes to new buildings, development that relates well to Portsmouth's history and protection and enhancement of important views and settings of key buildings.

5.8 The Conservation Area guidelines state that "*extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape*" and where "*extensions are permitted they should match the existing original property in respect of design, materials and detail. The size of an extension should not overpower the original building size*".

5.9 The guidelines also recognize that "*where large extensions are permitted, they might be better designed to complement the original, so that both can be recognised and appreciated*".

- 5.10 The scheme has been reviewed by the Council's Conservation Officer, who has provided the following comments: *"The proposal amounts to a relatively modest (but still appreciable/noticeable) rebuilding/ 'remodelling' of the upper floor, (and to a lesser extent other elements) of the property is proposed. It is important to note however, that this would not alter/increase the building's height..."*
- 5.11 *...Within its context the proposed changes to the building are notable and will result in an appreciable alteration to its appearance. They are not however considered to represent a genuinely radical or excessively high impact design departure. Despite the change in character that would derive from the alterations at third floor level, the addition of the second floor bay, and the revised palette of materials and the related changes in tone colour and texture they would engender, there are also strong elements of continuity that remain here, including the building's white rendered walls, a very similar overall form - with relatively limited change confined in the main to the third floor, and the retention of a very high proportion of existing window and door openings*
- 5.12 *The key question here, is whether the level of change is sufficient to be considered 'harmful' to the character and appearance of the Old Portsmouth Conservation Area, and as such whether a refusal of planning Permission could be justified on heritage/ conservation grounds. On balance it is argued here that within its immediate and wider context the proposal still fulfils the legislative requirement to, at a minimum, 'preserve' the character and appearance of the conservation area."*
- 5.13 Given the above analysis of the scheme, it is not considered that it would result in harm towards the character and appearance of the Conservation Area or the setting of the nearby Listed Buildings, and so would be in general accordance with PCS23, the Conservation Area guidelines, the NPPF and the Listed Buildings and Conservation Areas Act. It is not considered the proposal would materially affect the setting of the Grade I Listed assets to the south, nor would the new window and new door to the Wyllie arch cause any harm to heritage assets.
- 5.14 Amenity
- 5.15 Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development 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.
- 5.16 As detailed the proposed scheme would not increase the height of the third floor of the property and only results in a change in the overall pitch/form of the roof. This change would be considered to have a negligible impact on any surrounding neighbours in terms of a loss of light or overshadowing.
- 5.17 The front facing (west) balcony would be extended, however it is only considered to result in a slight increase in the opportunity for overlooking, which would not result in harm through a loss of privacy towards the surrounding or below occupiers. Additionally, the changes to the windows would be limited to alterations towards existing openings and the scheme does not present any new opportunities for overlooking.
- 5.18 The additional height and sloping depth of the extended staircase to the rear (east) would at worst result in a very minor loss of light to the first-floor conservatory roof and rear terrace of the flat below and be viewed from that flat's rear terrace. Given the limited extent of the change it is not considered to result in a harmful relationship. Further the conservatory room is served by rear facing windows which provide light and outlook.

- 5.19 It is not considered that the front bay window would result in a harmful degree of overshadowing towards the occupiers of the ground/first floor flat's front balcony, given its overall size and projection.
- 5.20 Given the above, it is not considered that the scheme would result in any significant harm towards the surrounding neighbours, and so accords with PCS23 and the NPPF.
- 5.21 Equality Duty and Human Rights
- 5.22 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 5.23 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010
- 5.24 Conclusion
- 5.25 The proposal is not considered to result in harm to heritage assets, principally the Conservation Area and nearby Listed Buildings. Neither would it have an overbearing impact on neighbouring residents or give rise to a sufficient loss of light or outlook or privacy to justify refusing permission. As such, the proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF (Feb 2021).

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Plan numbers

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

Location Plan - 0001 A;
 Proposed Floor Plans (Sheet 1) - 0200 B
 Proposed Floor Plans (Sheet 2) - 0201 A
 Proposed Floor Plans (Sheet 3) - 0202 A
 Proposed Elevations (Sheet 1) - 0203 A; and

Proposed Elevations (Sheet 2) - 0204 A;

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

Materials and details

(a) Prior to commencement of building works on site, a detailed schedule of materials and finishes to external surfaces; and fenestration and door to Broad Street (including material, colour, opening mechanism and reveals) 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 amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan.

UNICORN ROAD, CASCADES APPROACH, MARKETWAY AND CHARLOTTE STREET,
PORTSMOUTH, PO1 4RL

CONSTRUCTION OF A NEW SECTION OF CARRIAGEWAY TO CREATE A TWO-WAY BUS LANE ALONG UNICORN ROAD INTO CASCADES APPROACH, WITH NEW CYCLE LANE PROVISION, LIGHTING AND DRAINAGE, AND REALIGNMENT OF CASCADES CAR PARK ENTRANCE. ASSOCIATED HIGHWAY IMPROVEMENT WORKS, ALONG UNICORN ROAD, MARKETWAY AND CHARLOTTE STREET, INCLUDING THE RECONFIGURATION OF THE EXISTING HIGHWAY AND AMENDMENTS TO UNICORN ROAD JUNCTION FROM THE PORTSMOUTH NAVAL BASE, REMOVAL AND PROVISION OF NEW CROSSING POINTS AND CYCLE LANE PROVISION. TREE REMOVAL, LANDSCAPING AND ASSOCIATED ENGINEERING AND TEMPORARY CONSTRUCTION WORKS INCLUDING A TEMPORARY SITE OFFICE.

[22/00958/CS3 | Construction of a new section of carriageway to create a two-way bus lane along Unicorn Road into Cascades Approach, with new cycle lane provision, lighting and drainage, and realignment of Cascades car park entrance. Associated highway improvement works, along Unicorn Road, Marketway and Charlotte Street, including the reconfiguration of the existing highway and amendments to Unicorn Road junction from the Portsmouth Naval Base, removal and provision of new crossing points and cycle lane provision. Tree removal, landscaping and associated engineering and temporary construction works including a temporary site office. | Unicorn Road, Cascades Approach, Marketway and Charlotte Street Portsmouth PO1 4RL](#)

Application Submitted By:

Mrs Joanne McLeod
Stantec

On behalf of:

Portsmouth City Council

RDD: 29^h June 2022

LDD: 29th September 2022

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the application being a Council own application.
- 1.2 The key issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Design and heritage;
 - Landscape, trees and green infrastructure;
 - Transport, access and sustainable travel;
 - Flood risk and surface water drainage;
 - Pollution and climate change; and
 - Ecology, biodiversity and impact upon the Solent national and internationally designated sites.

2.0 SITE AND SURROUNDINGS

2.1 The application site, as shown in **Figure 1** below, is located in the northern part of Portsmouth City Centre within the vicinity of Unicorn Junction. The site comprises approximately 1.29 hectares of land within a commercial part of the city centre that includes the HM Naval Base, Portsmouth (HMNB Portsmouth), car parks, retail land uses and heritage assets. Unicorn Road junction and Marketway form one of the main north/south vehicular routes through the city providing access to Southsea, Old Portsmouth and Portsea.

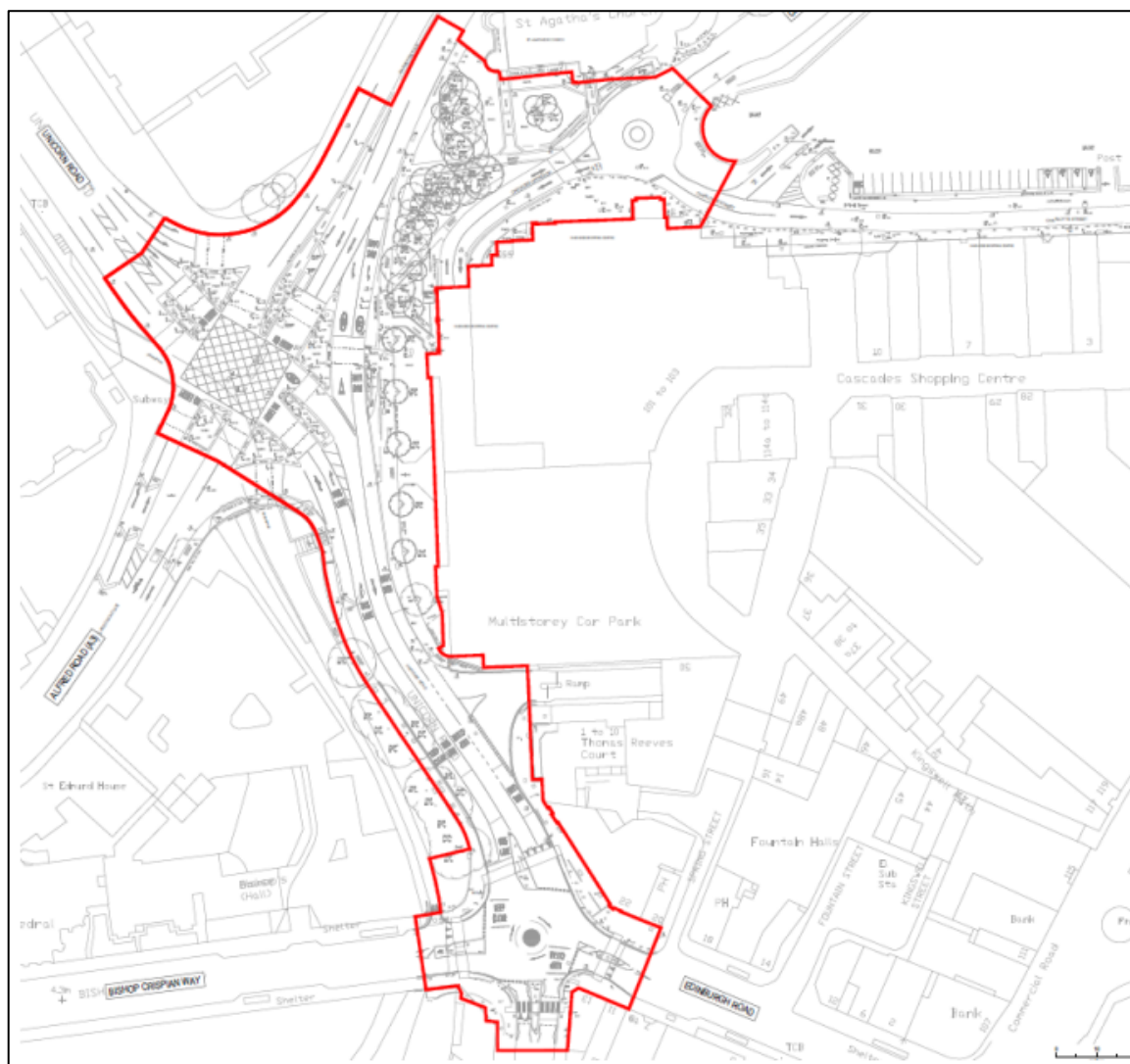


Figure 1 - Site Location Plan

- 2.2 The site largely consists of adopted highway and pedestrian footpaths and includes small areas of amenity grassland and trees, open space to the south of St Agatha's Church and land within the boundary of Cascades Shopping centre. The southern boundary of the site commences at Unicorn Road/Bishop Crispian Way/Stanhope Road roundabout. The site boundary continues along Unicorn Road to the junction with Marketway and incorporates this junction and sections of Alfred Road and Marketway.
- 2.3 The site extends along Cascades Approach and includes land immediately to the north of Cascades Approach and to the south of the A3 which consists of a grassed strip of land

with trees and amenity land immediately to the south of St Agatha's Church (Grade II* listed building) that comprises of grass, planting and trees. The boundary of the site runs along Cascades Approach and includes land within the boundary of Cascades shopping centre including the entrance to the multistorey car park.

- 2.4 Immediately to the north of the site is St Agatha's Church (Grade II* listed building) which is enclosed by the A3 to the northwest and open space and Cascades Approach to the south. To the northeast of St Agatha's Church, is an area of open space consisting of trees and grass areas intersected by footways. Marketway (A3) lies to the north of St Agatha's Church with Unicorn Road beyond providing access to HMNB, Portsmouth.
- 2.5 To the east and south of the site is Cascades Shopping Centre. There is a multi-storey car park within Cascades Shopping centre, with access provided off Cascades Approach. To the east and in between Charlotte Street and Cascades Approach is the NCP level car park. Unicorn Road provides access to the Cascade Shopping Centre's service area and a route into the southern parts of the city centre. To the west of the site is St John's Cathedral, the Cathedral Discovery Centre and car park. To the southwest of the site, and to the south of St Crispian's Way, is Victoria Park.
- 2.6 The nearest train station is Portsmouth and Southsea which is located along Commercial Road, approximately 250m to the south of the site. The nearest bus stop is St Agatha's bus stop off the A3 Marketway.
- 2.7 The Portsmouth Plan Core Strategy Proposals Map (2012) identifies that the Site is located in the defined Portsmouth City Centre (Policy PCS4) and is located in the 'Commercial Road Shopping Area'.
- 2.8 The following statutory designated sites for nature conservation are within 2 km of the Site:
 - Solent and Dorset Coast Special Protection Area (SPA);
 - Portsmouth Harbour Ramsar and Special Protection Area (SPA); and
 - Portsmouth Harbour Site of Special Scientific Interest (SSSI).
- 2.9 There are heritage assets located in adjacent to the application site. The most pertinent of these, in relation to the proposed development is the grade II* listed St Agatha's Church which is immediately adjacent to the Site boundary. The site also lies adjacent to the Guildhall and Victoria Park Conservation Area (No.18). A small part of the application site, which includes a proposed footway, is within/immediately adjacent to this conservation area (CA). Within this CA is Cathedral Church of St John the Evangelist, Grade II Listed Building. To the southwest of the site is Victoria Park, a Registered Park and Garden (Grade II listed). There are several listed structures within Victoria Park including monuments and memorial structures.
- 2.10 Victoria Park is designated as a Network Opportunity Area. These are areas which have been identified by the Hampshire Biodiversity Information Centre (HBIC) on behalf of the Local Nature Partnership (LNP) as areas which can allow species to move easily between areas of ecological value.
- 2.11 The application site is one of four projects forming part of the South East Hampshire Rapid Transit (SEHRT) programme, which is a regional highway improvement scheme that aims to improve connectivity within the city region and transform the way people travel between Portsmouth and the surrounding towns. The SEHRT programme, as shown in **Figure 2** below, includes the upgrade of four busy areas in Portsmouth city centre, including:

- City Centre North (Unicorn Road Junction) – the proposed development.
- City Centre South (Junctions of Commercial Road, Stanhope Road & Station Street) – replace the mini roundabout with a crossroads traffic light junction and provision of a new controlled pedestrian crossing on Isambard Brunel Road - Not part of this planning application.
- Lake Road Corridor - A new westbound bus lane between Lake Road roundabout and Cornmill Street roundabout, improve the existing roundabout at Lake Road to provide safer and more direct crossing facilities for people walking and cycling, add dedicated cycle paths along Lake Road and improve landscaping - Not part of this planning application.
- City Centre North (Charlotte Street) - The existing gated highway between Charlotte Street and Commercial Road to be converted into a bus lane. This will involve changing the surface of the eastern end of the road, past the adjoining smaller roads, to a red bus lane surface - Not part of this planning application.

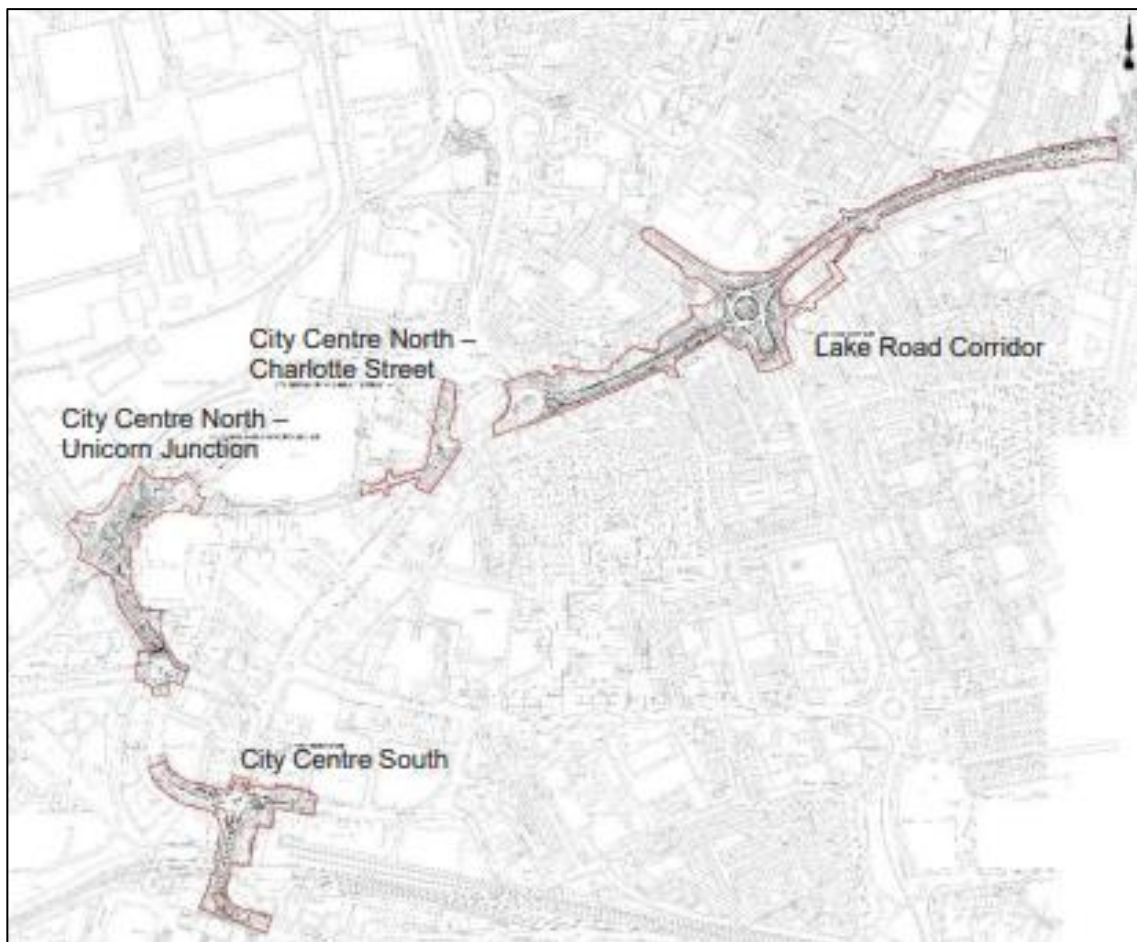


Figure 2 - Location of the four SEHRT schemes

2.12 In summary, these four schemes are proposed to improve traffic flow in identified areas of the city, introduce bus only routes to facilitate faster and more reliable journeys and make the bus a more attractive mode of sustainable travel and enhance active travel modes by improving the area for walking and cycling. This application only relates to the City Centre North (Unicorn Road Junction) scheme.

3.0 THE PROPOSAL

3.1 Planning permission is sought for the following:

- The construction of a new section of carriageway (approximately 70m) to create a new two-way bus lane that includes cycle lane provision along Unicorn Road to connect into Cascades Approach, with new lighting and drainage, and realignment of Cascades car park entrance;
- Tree removal to facilitate the works and landscape mitigation;
- Reconfiguration of the 50m left slip road from Marketway (A3) into Unicorn Road;
- Amendments to the Unicorn Road junction from Portsmouth Naval Base;
- Realignment of the bus lane along Unicorn Road from the roundabout junction Unicorn Road Bishops Crispian Way / Edinburgh Road;
- Provision of footways, the removal of existing and provision of new pedestrian crossing points and a tiger crossing and cycle provision;
- Associated works including new drainage infrastructure, excavation of road box to enable pavement construction, kerbing, road markings, signage street lighting and road resurfacing; and
- Associated engineering and temporary construction work including a temporary site office.

3.2 The proposed works are outlined in further detail below:

New section of carriageway

- 3.3 The proposal would include the construction of a new section of carriageway (approximately 70m) to create a new two-way bus lane along Unicorn Road into Cascades Approach. The new section of road would be to the south of St Agatha's Church (Grade II* listed building) and would replace the pedestrian only route that connects Unicorn Road to Cascades Approach. This would involve the removal of trees and associated existing landscaping as set out in the '*Landscape, trees and green infrastructure*' section below.
- 3.4 Hackney Carriage (taxis) would be able to use the new bus lane. The new section of carriageway would also include a shared cycle lane and footpath (3m width) to maintain pedestrian access. The works would include the realignment and reconfiguration of Cascades car park entrance and exit along Cascades Approach to tie into the newly constructed carriageway. Egress from the car park would be reconfigured to allow a right turn only and new signage would be provided. The southern arm of Cascades Approach roundabout would be realigned to suit the new bus lane alignment.

Implementation of a bus lane

- 3.5 A two-way bus would be implemented along Unicorn Road from the roundabout junction - Unicorn Road Bishops Crispian Way / Edinburgh Road. The highway improvement works include the realignment of the eastern kerb and associated strengthening of pavement materials. There would also be amendments to the road markings and finish surface colour (proposed to be red in colour) for the bus lanes. This bus lane would connect into the new section of carriageway created along Unicorn Road. Hackney Carriage (taxis) would be able to use the bus lane.

Reconfiguration of the left slip road from Marketway into Unicorn Road

- 3.6 The proposal would also involve the reconfiguration of the 50m left slip road from Marketway into Unicorn Road, including the reconstruction of the carriageway, drainage, maintaining lighting and traffic signals. This is to provide adequate space to construct the new bus link.
- 3.7 This part of the scheme would also involve the removal of the northern pedestrian crossing points from the west to the east sides of Unicorn Road junction. The existing highway would be reconfigured to facilitate the closure of access to Unicorn Road from Portsmouth Naval Base, i.e., traffic would not be able to travel straight on and only turn left or right. This would be delivered by adjusting the geometry of the eastern traffic island onto Unicorn Road.

Pedestrian Crossing

- 3.8 A tiger crossing is proposed to the north of the Unicorn Road/Stanhope Road/Bishop Crispian Way roundabout. Changes would be made to the existing splitter island, the kerbs on either side of the carriageway and the road markings as part of these works. Additional lighting would likely be implemented to highlight the pedestrian priority. The lighting design would enhance the highway at this tiger crossing to illuminate this location.
- 3.9 The informal crossing to the east of the Cascades Approach / Charlotte Street roundabout would be retained. With a new uncontrolled crossing added to Charlotte Street to the east of the roundabout.

Cycleways and footpaths

- 3.10 Current areas of footpath on the eastern side of Unicorn Road would be adjusted from block paving to asphalt. This would involve full excavation of the existing pavement materials and street furniture and replacement with a new pavement suitable for infrequent vehicular loading. This newly constructed pavement would be used as a shared footway/cycleway.
- 3.11 A new cycleway link would be provided from the western footway of Unicorn Road onto the existing parallel shared footway/cycleway to the east of Unicorn Road.

Associated highway improvement works

- 3.12 The proposed development would also involve the construction of new drainage infrastructure, excavation of a road box to enable pavement construction. Kerbing, road markings, red finish, and street lighting are also proposed.

4.0 PLANNING HISTORY

- 4.1 The following planning history is directly relevant to the applicant site proposal:
- 22/00001/EIASCR - Request for an Environmental Impact Assessment Screening Opinion for proposed highways works in and around the city centre associated with the South East Hampshire Rapid Transit (SEHRT) regional highway improvement scheme - opinion issued on 27th January 2022 confirming that the proposal would not be classed as an EIA development and does not require the submission of an Environmental Statement.

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS4 (Portsmouth city centre)
- PCS13 (a greener Portsmouth)
- PCS14 (a healthy city)
- PCS17 (Transport)
- PCS23 (design and conservation)

Other Guidance

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

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- City Centre Masterplan SPD (2013)
- Portsmouth Local Transport Strategy (2021)
- Portsmouth City Centre Development Strategy (2021)
- The Portsmouth City Corporate Plan (2020/2021)
- The Decarbonising Transport – A Better, Greener Britain (DfT, 2021)

6.0 CONSULTATIONS

6.1 Defence Estates (SW Region): No comments received.

6.2 Historic England: No objection. In this case, Historic England do not consider it necessary to offer any advice.

6.3 National Highways: No objection.

6.4 Environment Agency: No comments received.

6.5 Natural England: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

6.6 Portsmouth Water: No comments received.

6.7 Cycle Forum: No comments received.

6.8 First Bus: Wholeheartedly support the creation of a new two-way bus lane along Unicorn Road and into Cascades Approach. The new bus lane will mean buses will be able to take a far more direct route between the northern and southern end of the city centre, making journeys by bus quicker and more convenient. It will also allow buses to avoid Marketway, which can be particularly congested at key times. This will make bus journeys more enjoyable both for tourists and local residents who wish to access the shops and other services in the city centre.

- 6.9 Coastal Partners: No objection in principle to the proposed development from a tidal flood risk perspective. The site is shown to lie within the Environment Agency's present day Flood Zone 1, therefore is considered to be at minimal risk (less than 1 in 1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event. However, the Partnership for Urban South Hampshire Strategic Flood Risk Assessment (SFRA) shows small pockets of flood zone 2 and 3 within the red line boundary from 2055 increasing over time, and in particular the junction with Edinburgh Road. Given that the submitted Flood Risk Assessment developed by Stantec, dated June 2022, states that the design life of the highway scheme is 40 years, this should be taken into consideration, and where possible, mitigation measures should be incorporated.

For information, the present day 1 in 200 year extreme tidal flood level for Portsmouth Harbour according to the SFRA is 3.2 mAOD, increasing to a predicted 4.3 mAOD by the year 2115 (design tide level). However, the SFRA is in the process of being updated to be in line with current climate change guidance. The latest guidance for calculating climate change sea level allowances can be found here: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#sea-level-allowances

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning implications in making their decisions.

- 6.10 Hampshire Fire & Rescue Service: No objection. There are no buildings proposed as part of the proposed road works to the area except temporary areas for the site office and no changes proposed that will affect the access to buildings in the area during and after the works.
- 6.11 Ecology: No objection. The HRA report submitted screens out Likely Significant Effects on the qualifying features of European Sites within 5 km, both resulting from the project alone and in-combination effects with other plans or projects and on this basis concludes that no Appropriate Assessment is required. Natural England considers that likely significant effect on designated sites can be ruled out on the basis of distance and lack of direct suitable connectivity and therefore raises no objection to the scheme. Ecology agrees with this conclusion, on the basis of the plans submitted. The scope, evaluation and conclusions of the ecological assessment is considered to be acceptable, and no further survey is required to support the planning submission.

The vegetation on site is assessed as being suitable for use by common nesting birds and mitigation is proposed. Although the Lombardy Poplars are to be removed, the ash and London plane trees are to be retained and their root zones protected throughout the construction work. These measures should be included within a Construction Environment Management Plan covering the site work and this document should be secured by means of a suitable pre-commencement planning condition.

Habitat enhancements are proposed in the form of native species wildflower, hedge and ornamental planting and this is welcomed. These measures should be included within a Landscape Environment Management Plan or similar and agreed and secured by pre-commencement condition. The LEMP should be supported by drawings and state management aims, objectives and prescriptions and set out a monitoring and review process to ensure that the proposed habitat enhancements are successful.

If secured, monitored and managed, the habitat enhancements proposed should provide a meaningful improvement to the biodiversity currently present within the site, and are therefore in line with current legislation and policy requirements.

6.12 Equalities And Diversity Officer: No objection raised to the proposal.

6.13 Landscape Group: While the Landscape Strategy shows improvements around St Agatha's Church and along the Cascades Elevation, there is concern about the loss of trees to enable this development considering this lies in the vicinity of an Air Quality Management Area. It is understood that it will not be feasible to construct this route without the loss of trees and there is limited scope to mitigate this within the site boundary, however, there may be scope to mitigate this in the wider area and this should be considered.

It is understood that due to the constraints of the site being adjacent to the future development of the city centre north, there would not be much point to look along Charlotte Street and Hope Street / Market Way further north, as it could be years until this might happen, however other sites along the A3 corridor, or even at other locations within the city where air quality is a problem might be an option. Also, there may be an opportunity to include a few trees to the North elevation of the cascades within the site boundary. The other opportunity, not necessary for tree planting due to sight lines, but for greening improvements to the central reserves leading up to the Unicorn Rd /A3 crossing just south and west of the site boundary could help, these are currently large areas of hard paving.

6.14 Arboricultural Officer: No objection. The content of Arboricultural Impact Assessment 49902-100-002 dated 8th May 2022 is accepted and agreed. It is accepted that mitigation planting will not be undertaken on a 1:1 basis due to space constraints.

6.15 Archaeology Advisor: No comments received.

6.16 Highways Contractor (Colas): No objection. Before any works take place at this location, including any Demolition works, a Pre Start Joint site meeting will be required to discuss the works. This Pre Start Meeting will be for Highway coordination purposes.

6.17 Highways Engineer: No comments received.

6.18 Environmental Health: No comments received.

6.19 Conservation and Heritage: No objection subject to a condition requiring full details of landscaping being attached to any permission granted.

6.20 Contaminated Land Team: No objection subject to conditions relating to ground works and a contamination verification being attached to any permission granted.

6.21 Road/Footpath Closure: No comments received.

7.0 REPRESENTATIONS

7.1 A Site Notice was displayed on 30/06/22, a Press Notice on 08/07/2022 and Neighbour letters were sent on 30/06/22. The public consultation period formally ended on 29/07/22.

7.2 In response, two representations have been received with one representation of support and one representation objecting to the proposed development.

7.3 The representation of support_makes the following points:

- The proposed development will help visitors and residents get around the city centre whether they are travelling by bus, foot, motor vehicle or bicycle. As a result, retail offer within the city centre will be boosted both now and, in the future, protecting our city centre against further decline.
- This new lane will play in a key role towards reducing traffic around the city centre by allowing buses to avoid congestion and heavy traffic on Market Way, especially at busy times.
- The improvements to cycling facilities will help people travelling by bicycle to connect to the Hard and surrounding areas safely.

7.4 The representation of objection raises the following concerns:

- Noise and disturbance at night during the course of construction

8.0 COMMENT

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

- The principle of development;
- Design and heritage;
- Landscape, trees and green infrastructure;
- Transport, access and sustainable travel;
- Flood risk and surface water drainage;
- Pollution and climate change; and
- Ecology, biodiversity and impact upon the Solent national and internationally designated sites.

The principle of development

- 8.2 The NPPF supports the need for infrastructure (including a genuine choice of transport modes) to support the large-scale delivery of homes and extensions to existing settlements (paragraph 73, NPPF). Chapter 9 of the NPPF includes policy on sustainable transport.
- 8.3 The application site is located in Portsmouth city centre. Overall, the city centre is made up of nine district localities. Policy PCS4 of the Portsmouth Local Plan sets out the policy for the City Centre. The application site is largely located within Area 1 – Commercial Road shopping area with part of the scheme also being within Area 4 – The Guildhall Area. The northern section of Area 1 is acknowledged as being in need of regeneration and Policy PS4 references the poor layout of the road network.
- 8.4 The City Centre Masterplan SPD (2013) supplements Policy PCS4 and is a material consideration in determining planning applications and helps to explain how Policy PCS4 will be implemented. For the Commercial Road Shopping Centre area part of the city, it identifies improvements including supporting the reconfiguration of the road network and improving pedestrian connectivity (paragraph 2.4).
- 8.5 The SPD seeks to address four key issues, one of which is '*enhancing transport and access by all modes of travel*' (paragraph 3.2). Paragraph 3.15 goes on to say that '*one of the overall aims of the Council is to create an integrated transport network to enable people to make informed choices about their modes of travel and reduce dependence on*

the private car. The city centre is key in delivering those aims as it is an important focus for transport' (paragraph 3.15).

- 8.6 Policy PCS17 further states that the Council will work with its partners to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network. The policy includes a range of measures, including promoting walking and cycling and improved integration with other modes; and the creation of Bus Rapid Transit (BRT) routes in the short to medium term.
- 8.7 The Portsmouth Local Transport Strategy (2021) includes a priority towards sustainable travel and the strategic objectives are to deliver cleaner air; prioritise walking and cycling; transform public transport, and support business and protect assets. It recognises the need to support the future growth of the city with transport integral to this and other future development. There is significant opportunity to improve the environment for public transport, with dedicated bus lanes, and work with operators to transform bus services. The shift from car to bus travel would support the objective to deliver cleaner air, support carbon reduction, reducing congestion and improving the city's economy (page 17). The Strategy supports the SEHRT projects, more street space will be dedicated to these schemes and local bus networks, leading to faster and more reliable journey times (page 22). SEHRT will facilitate future growth (Policy K) in Portsmouth.
- 8.8 The Portsmouth City Centre Development Strategy (2021) includes a City Centre Framework Master Plan Area which identifies challenges that the city is facing including climate change, a transport network under pressure and poor air quality.
- 8.9 The Portsmouth City Corporate Plan – Our plan for recovery and renewal 2021/2022, sets out a vision for Portsmouth in 2040 that includes '*a city with easy travel*' for which the priorities are '*supporting people to live active, healthy lives*', '*taking positive action to tackle climate change*', and '*Enabling greener, healthier and better-connected*'. The projects listed to deliver this priority include Buses – SEHRT (page 18).
- 8.10 The proposed development would provide a new bus-only corridor so that buses avoid becoming caught in and adding to congestion in the city centre particularly along Marketway, which is a popular route for many bus and coach services travelling in and out of Portsmouth city centre and to the Hard Interchange, which provides a connection to train and ferry services. The scheme supports the provision of sustainable transport measures to encourage the use of public transport. The proposals also include footpaths and cycle lane provision which are proposed to encourage and enhance active travel.
- 8.11 The four city centre SEHRT schemes, as outlined in '*The Proposal*' section above, are proposed to improve traffic flow in identified areas of the city, introduce bus only routes to facilitate faster and more reliable journeys, make the bus a more attractive mode of sustainable travel and enhance active travel modes by improving the area for walking and cycling.
- 8.12 The proposal, through the provision of a new section of road and highway improvement works to create a bus lane and enhanced cycling and pedestrian provision, would contribute to the adopted policy aims. This includes policy concerned with delivering a sustainable transport network in the city centre that encourages people to use public transport and active travel and would make it a more attractive means for people to make their journeys into and out of and within the city centre.
- 8.13 As such, the proposal complies with NPPF policy, Policy PCS4 of the Portsmouth Local Plan (2012) and the City Centre Master Plan SPD (2013). The proposal would also

support the Portsmouth Local Transport Strategy (2021) and the Portsmouth City Corporate Plan (2021/22) vision for creating 'a city with easy travel'.

Design and heritage

- 8.14 Policy PCS23 of the Portsmouth Local Plan identifies that all new development must be well designed and, in particular, respect the character of the city. It includes a list of policy criteria for the design of new development. The policy also requires new development to protect and enhance the city's historic townscape and its cultural and natural heritage.
- 8.15 The proposal will enhance bus connections through the construction of a new section of carriageway to create a new two-way bus lane, which will also be accessible to Hackney Carriages and cycle lane along Unicorn Road into Cascades Approach. It will allow buses to avoid Unicorn Junction, resulting in a reduction in travel time into and out of the City Centre.
- 8.16 The additional cycleway / footway enhancements will encourage sustainable travel for pedestrians and cyclists, offering a realistic alternative to travelling by car and will improve connectivity. The proposal includes the provision of a new tiger crossing to the southern end of Unicorn Road, to improve the safety for pedestrians and cyclists crossing the carriageway. The existing eastern footway of Unicorn Road will be changed to a shared footway/ cycleway.
- 8.17 There are three elements of Unicorn Junction that will be amended as part of the proposed development, which are as follows:
- 1) The western arm, out of the HMNB, Portsmouth, will have the straight on manoeuvre on to Unicorn Road removed - this will be through the increase in size of the eastern traffic island and the adjustment of road markings;
 - 2) The existing two lane segregated left turn lane from Marketway onto Unicorn Road will be reduced to a single lane and the alignment will be adjusted - the removal of the (bus) lane can be accommodated by the inclusion of the new link between Cascades Approach and Marketway; and
 - 3) The crossings to the east (onto and from Unicorn Road) will be removed to ensure that bus journey time reductions are made. A new tiger crossing will be installed at the junction of Bishop Crispin Way and Unicorn Road.
- 8.18 There are heritage assets in proximity to the application site. The closest heritage asset is St Agatha's Church, a grade II* listed building located immediately to the north of the application site. Immediately to the southwest of Unicorn Road is Guildhall & Victoria Park Conservation Area Number 18. A small section of the corner of this CA lies within the application site where a footway is proposed. Within this CA is the Cathedral Church of St John the Evangelist, Grade II Listed Building. To the southwest of the site is Victoria Park, a Registered Park and Garden (Grade II listed). There are several listed structures within Victoria Park including monuments and memorials.
- 8.19 The application is supported by a Heritage Statement, which fully considers the impact of the proposal on designated heritage assets within the vicinity of the site. The Statement sets out the historical baseline for St Agatha's Church and recognises that the church is nationally significant given its designation (Grade II*). It includes a '*Statement of Significance*' describing its evidential, historic, aesthetic and communal values. The '*Statement of Effect*' (Section 6 of the Heritage Statement) assesses the effects of the proposal upon St Agatha's Church.

- 8.20 The Heritage Statement concludes that *'the Scheme will not have any direct impacts upon St Agatha's Church. The Scheme will not diminish the significance of the interior or the church nor impact upon its architectural merits. Potential indirect impacts upon the heritage significance to the Church derive from changes to the setting to the south of the Church.'*
- 8.21 The layout of the proposal has been developed collaboratively in consultation with the Council's technical officers and other stakeholders. The road alignment has been moved further south away from St Agatha's Church to respond to pre-application comments made by the Council's Heritage officer. The proposed Landscape Strategy, as discussed in further detail in the *'Landscape, trees and green infrastructure'* section below, has been carefully designed to take account of St Agatha's Church and its setting.
- 8.22 Overall, the change to the setting of St Agatha's Church resulting from the proposal is considered likely to be *'beneficial, comprising a small heritage benefit to the overall significance of the Church through enhancement of its setting'* (paragraph 6.5.5 of the Heritage Statement). The Heritage Statement identifies that *'The scheme will result in a small amount of change to the landscape that will enhance the heritage values contributing to significance in a meaningful way. As such the proposals by design are in accordance with paragraphs 194 – 205 of the NPPF 2021'* (Heritage Statement, Executive Summary).
- 8.23 No objection has been raised by either Historic England or the Council's Heritage officer to the proposal. As the proposed development is considered likely to be *'beneficial...through enhancement of its setting'* (paragraph 6.5.5 of the Heritage Statement) of St Agatha's Church, it is not necessary to set out the public benefit of the scheme as required by NPPF paragraph 202. Notwithstanding this, the public benefits of the proposal are clear - it would provide sustainable travel options, improving public transport accessibility and connectivity; and would reduce carbon emissions and other pollutants associated with car travel. The proposal would also support the Portsmouth City Corporate Plan (2021/22) vision for creating *'a city with easy travel'*.
- 8.24 The public benefit of the proposal would also include landscape enhancements to the setting of St Agatha's Church. *'The landscape strategy will serve to enhance the communal and aesthetic values of the Church in particular, resulting in an increased appreciation of architectural aspects of the Church itself as well as increased potential for use and involvement in the associated amenity space'* (paragraph 6.5.3 of the Heritage Statement).
- 8.25 The proposal is the outcome of a collaborative and iterative design process between the Council's technical officers and stakeholders and reaches an optimum design solution that represents the best approach to achieving the Council's overarching sustainable development objectives. The proposal would sensitively respect the character of the area and the setting of nearby heritage assets and complies with the NPPF and Policy PCS23 of the Portsmouth Local Plan.

Landscape, trees and green infrastructure

- 8.26 Section 12 of the NPPF includes policy on *'Achieving well-designed places'* and paragraph 131 identifies that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Policy and decisions should ensure that new streets are tree-lined, opportunities are taken to incorporate trees elsewhere in developments, appropriate measures are in place to

secure long-term maintenance of newly-planted trees and existing trees are retained where possible.

- 8.27 Policy PCS13 of the Portsmouth Local Plan states the Council will work collaboratively to protect, enhance and develop the green infrastructure network. Planning permission will be refused for proposals which would result in the net loss of existing areas of open space and 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.
- 8.28 Policy PCS13 also sets out that it should be ensured that development is informed and influenced by the presence of trees on site. *'If the removal of any tree is unavoidable because it would be in best arboricultural practice a replacement tree of a least equal values to that lost should be planted on site unless it is shown to be impractical to do so.'* With respect to enhancing green infrastructure, this includes improving the quality and multifunctionality of the city's green infrastructure assets, particularly those of low value to cater for wildlife and the community, improve linkages and wherever possible by improving accessibility to parks and gardens by foot, cycle and public transport.
- 8.29 None of the trees on the site are protected by a Tree Preservation Order (TPO). Trees T54 - T71 are located within the Guildhall and Victoria Park Conservation Area. The combined tree surveys submitted as part of the Arboricultural Impact Assessment (AIA) identify a total of seventy-six tree features (75 individual trees and one group of trees) within proximity of the development. To accommodate the proposed carriageway alignment, 24 of these trees (14 B grade trees (trees of moderate quality and value), 9 C grade trees (trees of low quality and value) and 1 U grade tree (trees with serious structural defects, dead, dying, seriously diseased or in very poor condition with a likely remaining life span of less than 10 years) will need to be removed to facilitate the development. There is no alternative to the removal of these trees if the Council is to achieve the important movement (and so environmental) benefits proposed as part of the scheme.
- 8.30 The very best mitigation is being provided on-site as part of the proposal with specific measures being recommended in the AIA to protect the remaining trees on site from the impact of hard surfacing modifications, new landscaping, and demolition of a low wall. A watching brief is recommended for the duration of works involving installation of hard surfacing within the Root Protection Area (RPA) of A grade tree T69 and B grade trees T70 and T72 and during removal of wall foundations within the RPA of B grade trees T46, T47, T48, T49, and T50 due to the raised potential to encounter tree roots in these locations (see para 8.1.5 of the AIA).
- 8.31 In summary, the proposals include the retention of existing trees where possible, proposed ornamental hedging, trees, plants, species rich and herbaceous woodland seeding, modest maintenance ground cover and amenity features. The proposals include three proposed trees to provide instant impact. New soft landscaping will also be installed within the RPA of moderate quality B grade trees T16, T17, T20, T21, T22, T23, T45, T46, T47, T48, T49, and T50. This, coupled with the Council's programme of tree planting across the city will ensure appropriate mitigation for the trees to be lost.
- 8.32 The landscape proposals have been designed to respect St Agatha's Church and its setting; this is considered in the Heritage Statement (see paragraph 6.5.3). As part of the Landscaping Strategy, views to St Agatha's Church will be opened up with the removal of four Poplars and their replacement with a medium sized broad leaved focal tree that provides biodiversity and seasonal visual amenity benefits. The removal of the hornbeam trees along Cascades Approach to facilitate the delivery of the new road and cycleway provides the opportunity to create and frame views to the southern aspect of St Agatha's

Church. The crown lifting of the existing Hornbeam trees and new hedgerow and shrub curtilage planting along the church boundaries are proposed to respect the setting and views of St Agatha's Church. These soft planting treatments respond to the scale of the church and do not detract from its form.

- 8.33 The proposed Landscape Strategy includes greening along Unicorn Road through the retaining and improving the rooting environment of six pollarded plane trees along the Cascades western façade. It is proposed that this is achieved by removing sections of the existing boundary wall and hard paving from the Root Protection Area (RPA) to carry out de-compaction works to increase air circulation and enabling topical application of nutrients. The trees RPA will be given a soft treatment to improve long term filtration and aeration to the root mass. This change from hard to soft surface around the base of the trees will boost the tree health and likely extend its lifespan, safeguarding against the premature loss of the existing green infrastructure providing shading and cooling potential along the proposed cycleway/footway.
- 8.34 The Cascades frontage will be enhanced with a new clipped hedge helping to delineate the boundary edge where the sections of wall have been removed. This will provide increased greening and visual amenity along the pedestrian and cycle route. Existing pockets of grass along the Cascades frontage will be enhanced with wildflower seeding and shrub beds to provide seasonal interest and opportunities to attract pollinators and increase biodiversity. Seating areas will provide places for pedestrians and cyclists to rest in the shade on route to other destinations. A new street tree is proposed at St Thomas Court to reflect the tree planting on the opposite side of the road, to enhance an area that is currently devoid of green infrastructure.
- 8.35 No objection has been raised by the Council's Arboricultural officer to the proposal. Final details of hard and soft landscaping, including its maintenance and management, are to be secured by condition. It is accepted that mitigation planting will not be undertaken on a 1:1 basis due to space constraints.
- 8.36 As set out above, the design rationale for the Landscape Strategy has been carefully devised to respond to the proposed developments urban setting reflecting on opportunities and constraints that exist. The Landscape Strategy respects St Agatha's Church and its setting. The proposed Landscape Strategy will improve the quality and multifunctionality of the city's green infrastructure and provides new green infrastructure that enhances and improves the existing environment. It further provides connectivity and encourages active travel through providing improved access. For instance, the proposals divert the pedestrian footpath, at the Cascades Approach/Charlotte Street roundabout away from the road and towards the church promoting circulation and access. The Landscape Strategy provides green pedestrian routes that link to other nearby green areas such as the open space to the northeast of St Agatha's Church and to Victoria Park and Gardens to the southwest of the application site.
- 8.37 As such, the proposal responds to NPPF policy and will be in accordance with Policy PCS13 of the Portsmouth Local Plan.

Transport, access and sustainable travel

- 8.38 National and local transport planning policy is concerned with promoting sustainable transport. Chapter 9 – sustainable transport of the NPPF Paragraph 104 states that transport issues should be considered at an early stage so that: "*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking*

and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.

- 8.39 Paragraph 111 of the NPPF (2021) states 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”. As the proposal is for a highway improvement scheme, local transport policy is pertinent to the principle of the scheme and Policy PCS17 of the Portsmouth Local Plan, as set out above, is relevant.
- 8.40 Policy PCS14 identifies that the council will work to create a healthy city and improve the health and well-being of its residents, which includes making it easier to walk and cycle in Portsmouth.
- 8.41 Policy DCS26 Access onto the Primary and Distributor Roads (Portsmouth Local Plan, 2006, Saved Policies) identifies that proposals which would result in a net increase in the number of access points onto the primary and distributor roads will not normally be permitted. The Portsmouth Local Transport Strategy (2021) includes a priority towards sustainable travel and the strategic objectives are to deliver cleaner air; prioritise walking and cycling; transform public transport, and support business and protect assets.
- 8.42 The proposal supports the provision of public transport through the construction of a new section of carriage way to create a new two-way bus lane along Unicorn Road to connect into Cascades Approach. This will encourage and promote bus use as a result of improved bus journey times and reliability. The proposals will also ease congestion.
- 8.43 The proposed development will further enhance active travel opportunities through improving cycling and walking facilities. It provides cycling lanes and enhances pedestrian connectivity to open spaces, St Agatha’s Church, Cascades shopping centre and other destinations in the area. In addition, the proposal is expected to reduce car travel which could reduce carbon emissions and other pollutants associated with car travel.
- 8.44 Overall, the proposal supports the national and local adopted planning policy to encourage a modal shift in transport from car to active travel and is considered to comply with paragraphs 104 and 11 of the NPPF and Policies DCS26, PCS14 and PCS17 of the Portsmouth Local Plan.

Flood risk and surface water drainage

- 8.45 The Site lies within Flood Zone 1 ‘Low Probability’, which is the flood zone with the lowest probability of flooding. As the application site is greater than 1ha, a Flood Risk Assessment (FRA) has been submitted. Flood Zone 2 is present adjacent to the site (north west within the Naval Base).
- 8.46 The NPPF (Chapter 14) aims to ensure flood risk is considered at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. In exceptional circumstances where new development is necessary in flood risk areas the policy also aims to ensure it is safe, without increasing flood risk elsewhere, and where possible reducing flood risk overall.
- 8.47 Policy PCS12 of the Portsmouth Local Plan identifies that the council will ‘*Assess the level of flood risk in making allocations and considering planning applications, in particular by reference to strategic and site specific flood risk assessments. Flood risk will be avoided by applying the sequential test to planning applications*’.

- 8.48 The FRA (in Section 3.6 – Vulnerability) assesses the application site against the NPPF flood risk vulnerability classification (contained in Annex 3 of the NPPF). The proposal is classified to be essential infrastructure that is appropriate for Flood Zone 1 (FRA, paragraph 3.6.3). Section 3.7 of the FRA identifies that as the site lies within Flood Zone 1, it is at the lowest risk of flooding, and is therefore considered to have passed the Sequential Test and the Exception Test does not need to be carried out. Section 3.11 of the FRA considers the potential impacts of climate change. Surface Water Drainage is considered in Section 4 of the FRA. As explained in Section 4.2 of the FRA, the proposed surface water drainage strategy can be split into two distinct Network areas; A) where existing impermeable area is being retained (i.e., highway to highway), and B) locations where vegetated areas are becoming impermeable (i.e., soft landscaping to highway).
- 8.49 For Network A, the carriageway is being reconfigured, but the impermeable area will remain unchanged. Although there is no change to impermeable area, in accordance with planning policy and guidance that advises that SuDs, in the form of open or near surface systems employing natural processes, should be used where possible, it is proposed to improve the current drainage mechanism by integrating drainage grips and a swale to attenuate the flow down to a rate of 4.8 L/s (FRA, Paragraph 4.2.8).
- 8.50 For Network B, in this location a new carriageway is being constructed in place of vegetation. It is proposed to use gullies and a pipe network to convey water to an existing 900mm Southern Water sewer. A hydrobrake will be installed to restrict the flow to a rate of 4.8 L/s upstream of the discharge location. The pipe network upstream of the hydrobrake provides the appropriate volume of storage to not require other forms of attenuation (FRA, paragraph 4.2.14). Opportunities to integrate SuDs have been considered, there is not the opportunity at this location (see FRA, paragraph 4.2.15).
- 8.51 The FRA concludes that where possible SuDs have been integrated in the proposed drainage network along with flow controls to manage the surface water within the site boundary. Modelling of the existing and proposed networks has estimated that the overall discharge from the site area will be reduced, which is seen to be a betterment in line with local and national planning policy (FRA, section 4.4.2).
- 8.52 As such, the proposal complies with the NPPF and Policy PC12 of the Portsmouth Local Plan.

Pollution and climate change

- 8.53 The NPPF has an overarching environmental objective, including to minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy (paragraph 8, NPPF). Specifically, the NPPF sets out that the environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account from an early stage of a proposal to ensure any need for avoidance and mitigation of adverse effects have been taken into account (paragraph 104, NPPF).
- 8.54 Chapter 14 of the NPPF sets out requirements in order to meet the challenge of climate change and flooding, and Chapter 15 sets out how proposals should contribute to conserving and enhancing the natural environment, including preventing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution. The NPPF states that new development should ensure that it is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (Chapter 15, paragraph 185, NPPF).

- 8.55 Policy PCS14 of the Portsmouth Local Plan identifies that the council will work to create a healthy city and improve the health and well-being of its residents, this includes improving air quality in the city through implementing the Council's Air Quality and Air Pollution SPD and Air Quality Action Plan.
- 8.56 The application is accompanied by a draft Construction Environment Management Plan (CEMP) which identifies that '*Best practice construction Site management techniques will be implemented to avoid/reduce the generation of excessive waste, dust, noise, lighting, noise and vibration the measures set out in this CEMP*'.
- 8.57 The sub-sections below refer to specific policy and identifies how the application proposal considers:
- Noise and Vibration;
 - Contamination Land;
 - Air Quality;
 - Emissions and Climate Change; and
 - Lighting.

Noise and Vibration

- 8.58 NPPF paragraph 185 states that developments should mitigate and reduce noise to a minimum potential adverse effect, avoiding significant adverse effects.
- 8.59 The Noise Policy Statement for England (NPSE) (2010) sets out the long-term vision on Government noise policy: "Promote good health and a good quality of life through the effective management of noise within the context of Government Policy on sustainable development".
- 8.60 The proposal is unlikely to significantly change the environmental noise climate and there are no residential properties in proximity of the site that would be affected. As such, there is no requirement for a Noise Assessment to accompany the application.
- 8.61 The CEMP sets out operating hours for the proposed construction work (Section 4.9) and identifies the 'prior notice and agreement will be sought with the Council where work outside of the above stated working hours is required. Notification will normally be made in writing ten working days in advance, with justification for deviation from permitted hours and details of alternative noise limits or similar that will be adhered to (either within a Construction Method Statement or in supplemental correspondence)' (Paragraph 4.9.6). The CEMP covers other aspects related to noise during the construction period to protect amenity.

Contaminated Land

- 8.62 The NPPF states that decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments (paragraph 183).
- 8.63 Where a site is affected by contamination, responsibility for securing a safe development rest with the developer and/or landowner (paragraph 184).
- 8.64 Policy DC21 of the Portsmouth Local Plan identifies that permission will only be granted for development on or new contaminated land where appropriate and sufficient measures can be taken to deal with the contamination.
- 8.65 The planning application is accompanied by a Phase 1 Ground Conditions Assessment (Phase 1 GCA) comprising a desk study, tier 1 (preliminary) qualitative contamination risk assessment, and a preliminary ground stability appraisal. The Assessment identifies a moderate risk to human health for construction/ maintenance workers, but risk estimation is reduced to low following measures set out in paragraph 5.3.5 to mitigate the risk such as wearing appropriate protective clothing.
- 8.66 Section 5.4 – Risk Evaluation and Recommendations of the Phase 1 GCA sets out that the Tier 1 preliminary risk assessment has identified that the possible pollutant linkages are generally low risk with the exception of Property (Buildings) / Heritage, Property – Animal or Crop Effect and Ecological Systems all with a Very Low Risk Estimate (paragraph 5.4.1). The collection of site-specific data from an intrusive investigation is required. It is considered that given the site setting and the proposed development there are unlikely to be risks which require significant management (paragraph 5.4.2).
- 8.67 Given the relatively low level of risk and the nature of the proposed redevelopment it is anticipated that any requirement to carry out Phase 2 geo-environmental intrusive investigations can be satisfactorily dealt with by incorporation of a suitable condition and the proposed scope of work is set out in Section 6.0 of the Assessment. The report includes the recommendation that a detailed UXO risk assessment is carried out by a UXO specialist for the scheme.
- 8.68 As set out above, the risk of contamination has been addressed in the Phase 1 GCA, which includes mitigation and identifies that the risk of contamination is low or very low risk. The CEMP reiterates the mitigation measures in the Phase. Final details of contamination remediation and verification are to be secured by condition.
- 8.69 As such, the proposal would comply with NPPF policy and Policies DC21 and PSC14 of the Portsmouth Local Plan.

Air Quality

- 8.70 Paragraph 174 (e) of the NPPF states that development should not contribute to, adversely affect, or risk unacceptable levels of air pollution, and should, wherever possible, help to improve local environmental conditions (including air quality). Paragraph 186 states that development should “*sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*”

- 8.71 The NPPF goes on to state that proposals should focus on whether the development can be integrated effectively with existing uses, and where the operation of an existing use could impact the proposed development, suitable mitigation should be put in place prior to completion of development (paragraph 187 of the NPPF). Policy PCS14 of the Portsmouth Local Plan identifies that *'The Council will work to create a healthy city and improve the health and well-being of its residents by...improving air quality in the city through implementing the councils Air Quality and Air Pollution SPD and Air Quality Action Plan...'*
- 8.72 An Air Quality Screening Assessment (AQSA) has been submitted with the application. The Council has declared five Air Quality Management Areas (AQMAs) due to exceedances of the annual mean NO₂ objective. The application site is not located within an AQMA, the closest AQMA to the site is the Portsmouth No.11 AQMA, which includes an area stretching from Marketway to Lake Road to the M275, which is approximately 260m from the site (AQSA). Portsmouth is also designated as a Clean Air Zone. The AQSA sets out the risk of construction dust impacts, the main potential effects are annoyance and loss of amenity caused by dust soiling, human impacts caused by PM₁₀ and damage to ecological sites due to dust deposition (paragraph 5.1.1).
- 8.73 As there are greater than 100 residential properties located within 100m of the Proposed Development Site, the sensitivity of the area surrounding the Site to human health impacts and dust soiling is judged to be 'medium' (paragraph 5.1.4). There are between 1 and 10 residential properties located within 20m of roads extending up to 50m of the site and as such the sensitivity of dust soiling of the area surrounding roads along which material may be tracked is judged to be 'medium' (para 5.1.5).
- 8.74 The AQSA reports that as there are no sensitive ecological receptors within 50m of the Site or roads along which material may be tracked, the study area is not considered to be sensitive to potential impacts on sensitive ecological receptors (paragraph 5.1.7). The risk of construction dust impacts, without mitigation are set out in Table 5-1 of the AQSA and are considered to be low risk or negligible risks. The construction activities have the potential to create dust. During construction it is recommended that in accordance with the IAQM guidance a package of mitigation measures is put in place to minimise the risk of elevated PM₁₀ concentrations and dust soiling in the surrounding area. With mitigation in place the construction impacts are judged as being *'not significant'* (paragraph 7.1.3).
- 8.75 Section 6 of the AQSA sets out mitigation for the construction phase, described under communication, management, construction and track out. Under management, it includes to develop and implement a dust management strategy. No mitigation is required for the operational stage. Section 5.2 of the AQSA considers Road Traffic Emissions Impacts as a result of the proposals and reports that the proposals will result in the removal of 1,252 buses per day from the A3 Marketway between Unicorn Road and Hope Street and an increase of buses on the new Bus Link of 1,252 per day (paragraph 5.2.1, AQSA). There are no residential receptors located on the A3 Marketway or the proposed Bus Link where there is a change in traffic flows. The proposals are not anticipated to impact PCCs ability to comply with the NO₂ limit value along the A3 as the proposals do not alter the composition of flows on either of the two links identified as exceeding the annual NO₂ limit value (paragraph 5.2.3).
- 8.76 Given the likely traffic flows, the lack of residential receptors along the roads experiencing a change in flows greater than 100 AADT HDV, there is not considered to be a risk of significant air quality impacts due to traffic associated with the proposed development and no further assessment is considered necessary (paragraph 5.2.4). Paragraph 7.1.5 of the AQSA concludes that *'The Proposed Development is therefore considered to be in accordance with the requirements of the NPPF, and relevant local and national guidance regarding air quality.'*

- 8.77 The CEMP summarises that the main air pollutants the main air pollutants of concern related to construction are dust and fine particulate matter (PM10) associated with on-site construction activities and off-site track out (paragraph 7.2.1). Section 7.3 of the CEMP sets out standard mitigation measures from the IAQM guidance (IAQM, 2014) that are recommended, considering the outcomes of the construction dust risk assessment.
- 8.78 As such, it is considered that the proposal complies with the NPPF and Policy PCS14 of the Portsmouth Local Plan.

Emissions and Climate Change

- 8.79 Paragraph 154 of the NPPF states that new development should help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 8.80 The Decarbonising Transport – A Better, Greener Britain (DfT, 2021) sets out the governments commitments and the actions needed to decarbonise the entire transport system in the UK.
- 8.81 The Council has set an ambitious target – to achieve net-zero carbon emissions by 2030, with a climate emergency declared by the council in March 2019. To work towards this target, a multi-organisation climate board has been established. This will support the city's transition to carbon neutrality with more sustainable travel (Portsmouth Local Transport Strategy, page 11).
- 8.82 The proposal encourages and promotes bus use, reduces the need for car and provides greater travel choice including opportunities for active travel all of which support reducing greenhouse emissions and tackling climate changed. It is therefore considered that the proposal complies with the NPPF and Policy PCS14 of the Portsmouth Local Plan.

Lighting

- 8.83 The NPPF (paragraph 185(c)) advises that new development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 8.84 The proposal has been designed to use high efficiency LED luminaires focusing the light on the carriageway carpet to minimise light spill. The CEMP sets out operating hours for the proposed construction work (Section 4.9) and identifies that prior notice and agreement will be sought from PCC when working outside of these hours. During winter months, work may continue during hours of darkness within normal working hours subject to adequate artificial lighting to illuminate the works in question. However, where artificial lighting is proposed this will be subject to environmental restrictions as noted in the CEMP (paragraph 4.9.7). The impact of lighting will be controlled during the construction phase through the CEMP which is to be secured by condition.
- 8.85 As such, the proposal complies with the NPPF and Policy PCS14 of the Portsmouth Local Plan.

Ecology, biodiversity and impact upon the Solent national and internationally designated sites

- 8.86 National and local planning policy is in place to protect and enhance the natural environment and improving biodiversity. The Environment Act 2021 requires development

to achieve a 10% net gain for biodiversity, however there is two year transition period meaning this requirement is expected to apply from early November 2023 onwards.

- 8.87 NPPF paragraph 174 identifies that, decisions should contribute to enhancing the natural and local environment by minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate (NPPF, paragraph 180(d)).
- 8.88 Policy PCS13 of the Portsmouth Local Plan sets out the policy on how the city council will work collaboratively to protect, enhance, and develop the green infrastructure network, and includes the Council's statutory duties for European sites and national designated SSSIs and policy for locally designated sites. The Council will also ensure that development retains and protects biodiversity value of the development site and protects a net gain wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated.

Ecological Assessment Report

- 8.89 An Ecological Assessment Report (EAR) has been submitted with the application. There are no statutory designated areas either within the Site or directly adjacent. Portsmouth Harbour, which is designated as a Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) is located approximately 1.8 km northwest of the application site at its closest point. The application site falls within the Impact Risk Zone (IRZ) for the Portsmouth Harbour SSSI with new transport proposals, including road infrastructure highlighted as one of the categories whereby the Council should consult Natural England on the likely risks of the proposals prior to determination of any planning application.
- 8.90 The EAR reports that there are no non-statutory designated sites within the site or within a 1 km radius. Victoria Park which is located adjacent to the Site is designated as a Network Opportunity Area. These are areas which have been identified by HBIC on behalf of the Local Nature Partnership (LNP) as areas which can allow species to move easily between areas of ecological value. No Habitats of Principal Importance (HPI) were identified on MAGIC (environmental mapping) within the 1 km search radius. The predominant habitat within the Site is road/ hard standing with limited areas of vegetated habitats associated with the grounds of St Agatha's Church and adjacent to the east of Unicorn Road.
- 8.91 Based on the ecological baseline which has been gathered, the ecological features that require further consideration include Portsmouth Harbour SPA, Ramsar, SSSI, and other designated sites associated with the Solent Marine Sites. With regard to the Portsmouth Harbour SPA, Ramsar and other European designated sites within 10 km of the application site, these require consultation with Natural England and are subject to a Shadow Habitats Regulation Assessment (HRA) due to the potential for the proposal to adversely affect these designated areas. Section 3.4 of the EAR reports on protected and notable species baseline and Chapter 4 identifies that protected species including bats and birds require further consideration.
- 8.92 With regards to the other ecological features which have been identified, it is considered that the majority of potential impacts can be avoided or mitigated for through appropriate design (embedded mitigation) and implementation of industry standard construction practices as detailed in the EAR. The proposed vegetation on site is assessed as being suitable for use by common nesting birds and mitigation is proposed. Although the

Lombardy Poplars are to be removed, the ash and London plane trees are to be retained and their root zones protected throughout the construction work. Details on the implementation of the Landscape Strategy and ecological mitigation will be secured by condition. The application is supported by a Landscape Strategy that incorporates planting that will enhance biodiversity. The planting of native, single species hedge and formal planting of species will provide a good nectar source for invertebrates. The proposals also include hedges and wildflower mix. The EAR identifies that given the application site currently comprises habitats of low intrinsic ecological value, it is considered that the Landscape Strategy provides meaningful enhancement and a biodiversity net gain in accordance with policy requirements.

- 8.93 Measures to avoid loss of habitats as well as provide enhancements for biodiversity are to be included within the landscape design and measures to protect breeding birds during construction works, protected retained habitats and the wider environment are included within the report. These measures will be detailed within a CEMP to be secured by condition.
- 8.94 The EAR concludes that '*Subject to the completion of the shadow HRA, given the limited ecological value of the Site, the measures which are to be implemented to protect breeding bird and retained habitats, and the provision for biodiversity within the landscape design it is considered that the proposals are compliant with relevant legislation and planning policy at all levels.*'

Shadow Habitat Regulation Assessment

- 8.95 A Shadow Habitat Regulation Assessment (SHRA) accompanies the application. The Assessment sets out the methodology and identifies that '*The nature of the Project and distance from European Sites limits considerations of potential Likely Significant Effects to those arising indirectly from the proposed Project. This SHRA will therefore focus on potential pollution and disturbance impacts resulting from the Project on the following sites only and will first go through the screening assessment before identifying whether Appropriate Assessment is required.*'
- 8.96 The sites considered include:
- Portsmouth Harbour Ramsar/SPA;
 - Solent and Dorset Coast SPA;
 - Solent and Isle of Wight Lagoons SAC;
 - Solent and South Hampton Water Ramsar;
 - Chichester and Langstone Harbours Ramsar/SPA; and
 - the Solent Maritime SAC.
- 8.97 Section 3 of the SHRA includes the Screening of Likely Significant Effects and Table 1 includes a summary of those European Designated Sites within 5 km, their reason for designation, conservation objectives and identified threats and pressures. An assessment of the risk resulting from the project at both the construction and operation phase in reference to those identified as 'threats' and 'pressures' is then presented within Table 1 of the SHRA.
- 8.98 The SHRA concludes that '*In summary, on the basis that there is no direct connectivity between the Site and the European Sites within 5 km of the Site and that the project will not result in an increase in traffic, any potential effects have been screened out within this SHRA. Section 3.2 of the SHRA considers in-combination effects.*'

8.99 The Screening Stage of the SHRA has identified that the '*proposed Project will not result in any Likely Significant Effects on the qualifying features of any European Sites within 5 km. Subsequently, as there are no Likely Significant effects resulting from the project alone, it has been determined that there will be no in-combination effects with other plans or projects. On this basis it has been determined that there is no need to progress this SHRA to the Appropriate Assessment Stage.*'

8.100 No objection has been raised by either Natural England or the Council's Ecology Officer to the proposal. The application has considered the international designations in proximity to the site and is accompanied by a SHRA. The EAR considers the impact of the proposal on ecology and in the context of enhancing biodiversity.

8.101 As such, the proposal is considered to be in accordance with the NPPF and Policy PCS13 of the Portsmouth Local Plan.

Community Infrastructure Levy (CIL)

8.102 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

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

8.103 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

8.104 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

9.1 Having regard to all material planning considerations and representations it is concluded that the proposed development 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

That Portsmouth City Council Planning Committee resolve to grant unconditional planning permission with the following conditions suggested:

Conditions

Time Limit:

12) 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:

13) 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:

- 49902-2004-0100 Rev P02 Proposed Layout Plan;
- 49902-2004-0101 Rev P03 Site Location Plan;
- 49902-2004-0102 Rev P02 Existing Layout Plan;
- 49902-2004-0103 Rev P04 Proposed Cross Sections;
- 49902-2004-0104 Rev P02 Proposed Layout Plan with insets;
- 49902-2004-0500 Rev P02 Proposed Drainage Layout.

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

Contamination - prior to ground works:

14) No ground works hereby approved 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 and potential contaminants associated with those uses. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for a site investigation scheme, with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).
- b) A 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. 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, monitoring and arrangements for contingency action as necessary (Phase 3 report). 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. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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. This is in line with paragraph 174 of the National Planning Policy Framework (2021).

Contamination - prior to bringing into use:

- 15) The development shall not be brought into use until 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 and demonstrate that site remediation criteria have been met. Thereafter the remedial scheme shall be maintained in accordance with the details approved under condition (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. This is in line with paragraph 174 of the National Planning Policy Framework (2021).

Landscaping Details (hard and soft):

- 16) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All details shall be fully dimensioned and shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, cycle parking, refuse or other storage units, signs, lighting); accurate proposed and existing functional services above and below ground (e.g. drainage including rain gardens and swales, power, communications cables, pipelines indicating lines, manholes, supports. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF

Implementation of landscape works:

- 17) All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Landscape Management for a period of 5 years:

- 18) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity and accords with the requirements of policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Construction Environment Management Plan:

- 19) No works shall take place at the site until a Construction Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of:

- Site storage of construction materials/chemicals and equipment;
- Location of construction compound;
- Movement of construction traffic/routes and delivery times;
- Contractor's parking area;
- Wheel washing facilities;
- Method Statement for dust suppression and control of emissions from construction and Demolition;
- Assessment and Method Statement for the control of construction noise/visual/vibrational impacts for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols;
- Chemical and/or fuel run-off from construction into nearby drains or watercourse(s);
- Demolition and waste disposal;
- Percussive piling or works with heavy machinery (i.e., plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor*) should be avoided during the bird overwintering period (i.e., October to March inclusive).

*Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g., high tide roosting site). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and shall continue for as long as construction/demolition is taking place at the site.

Reason: To ensure that measures are in place to ensure the amenities of surrounding areas are adequately protected during construction in accordance with the requirements of policies PCS14 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Tree Protection:

- 20) No development shall commence on site until a scheme for the safeguarding of all trees, shrubs and other natural features not scheduled for removal during the course of the site works and building operations in accordance with the Tree Protection measures set out in

the Griffiths Arboricultural Impact Assessment dated 18th May 2022 (Ref: 49902-100-002) and with British Standard:5837 (2005) has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs or features to be protected shall be fenced along a line to be agreed with the Local Planning Authority with:

- a. 1.5 m high chestnut paling securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact; or
- b. 2.4 m high heavy duty hoardings securely mounted on scaffold framing which is firmly secured in the ground and braced to resist impact.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance in accordance with policies PCS13 and PCS23 of the Portsmouth Plan (2012) and NPPF.

Drainage:

- 21) Prior to commencement of the development, a full drainage strategy (in line with the Proposed Drainage Layout - Drawing 49902/2004/0500 Rev P02) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained for the lifetime of the development.

Reason: To prevent environmental and amenity problems arising from flooding and to comply Policies PCS12 and PCS16 of the Portsmouth Plan 2012 and NPPF.

