

167-169 HIGHLAND ROAD, SOUTHSEA, PO4 9EZ

CONSTRUCTION OF A THREE STOREY BUILDING WITH MANSARD ROOF TO FORM 4NO. DWELLINGS WITH ASSOCIATED PARKING AND REFUSE/CYCLE STORAGE, FOLLOWING DEMOLITION OF THE EXISTING BUILDING.

LINK TO ONLINE DOCUMENTS:

[22/01368/FUL | CONSTRUCTION OF A THREE STOREY BUILDING WITH MANSARD ROOF TO FORM 4NO. DWELLINGS WITH ASSOCIATED PARKING AND REFUSE/CYCLE STORAGE, FOLLOWING DEMOLITION OF THE EXISTING BUILDING. | 167-169 HIGHLAND ROAD SOUTHSEA PO4 9EZ \(PORTSMOUTH.GOV.UK\)](#)

**Application Submitted By:**

Mr Tristan Holt  
PLC Architects

**On behalf of:**  
Richard Harding

**RDD:** 26th September 2022

**LDD:** 22nd November 2022

**EOT:** 3<sup>rd</sup> February 2023

This application is brought to Planning Committee due to the number of objections received (16).

## 1 SUMMARY OF MAIN ISSUES

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

- Principle of Development
- Design and character
- Impact on amenity
- Highways Impacts
- Ecology & Impact on the Solent Special Protection Areas

### 1.2 Site and Surroundings

1.3 This application site relates to a single storey building which was last in use as a guitar shop. The building has a glazed shop frontage with a pitched roof. The building is situated on the northern side of Highland Road, on a corner at the junction with Hellyer Road to the west, which is a one-way street heading north. A zebra crossing is situated to the west of the site along Highland Road.

1.4 The property is lower than the attached three-storey building to the east, which comprises a block of flats with under-croft parking to the rear. The front of the site has a hard surface area with vehicle restricting bollards. The site frontage also has a number of pieces of street furniture restricting access to and from the site from both Highland Road and Hellyer Road.

Highland Road is a classified road (B2154) and has an extended run of mostly various types of commercial properties along its northern side, with Highland Road Cemetery diagonally opposite to the south-west side. Otherwise, two-storey Victorian terraced

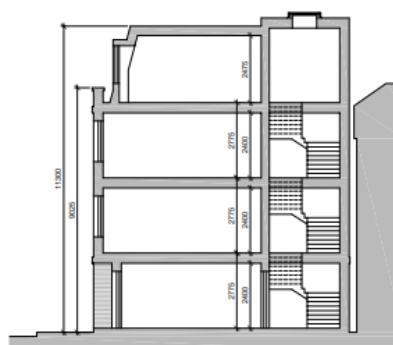
housing forms the predominant land use in the area. Off street parking is not a common feature within the site's immediate vicinity.

## 2 Development Proposal

- 2.1 The development proposal would involve the demolition of the existing building and the erection of a three storey building incorporating a mansard style roof. The building is to provide four self-contained apartments, one on each of the four floors. The building would incorporate full height windows while the mansard roof would be recessed from the buildings outer walls and set behind a parapet. The building would be clad in red bricks, with a standing seam roof.
- 2.2 The apartments would all contain 2 bedrooms, an open plan kitchen and dining area, and a bathroom, accessed via an internal stairwell. The individual units would range in internal floor space from 62m<sup>2</sup> to 93m<sup>2</sup>.
- 2.3 The ground floor apartment would have a smaller internal habitable floorspace than the others, as part of the rear of the building is to form a bin and cycle store for 8 bicycles and stairway access to the upper floor units. All four flats are to be accessed via Hellyer Road.
- 2.4 Amended plans were received 06/01/2023, reconfiguring the internal refuse storage provisions as well as the removal of the off-street parking provisions which would allow for the inclusion of meaningful landscaping, the final details of which will be controlled by condition.



Proposed South Elevation  
(Highland Road)

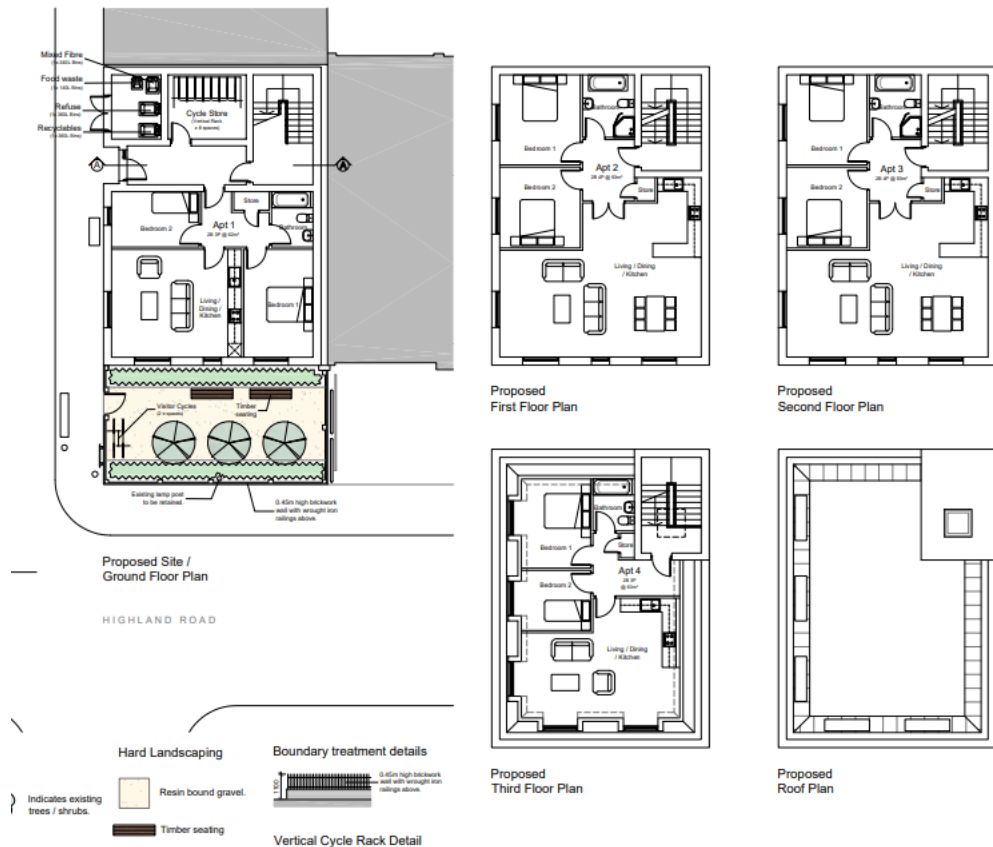


Proposed Section A-A'



Proposed West Elevation  
(Hellyer Road)

- External Materials**
- ① Red facing brickwork.
  - ② Decorative red brickwork banding.
  - ③ Grey upvc framed double glazed windows.
  - ④ Grey upvc framed doors.
  - ⑤ Grey upvc framed entrance door with sidelight.
  - ⑥ Grey standing seam single ply roof.
  - ⑦ Grey single ply downers.
  - ⑧ Reconstituted stone parapet coping.
  - ⑨ Black upvc rainwater pipes and hoppers.



### 3 POLICY CONTEXT

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

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

3.4 Other guidance:

- The Parking Standards SPD
- National Planning Practice Guidance
- National Design Guide (2019);
- 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);
- The Solent Recreation Mitigation Strategy (December 2017)
- Nitrates

### 4 Representations:

4.1 Following the display of the site notice and public notification. 15 letters of objection were received. The issues raised were as follows:

- Disruption during construction stage
- Parking congestion
- Proposed parking arrangement would be dangerous

- The ground floor commercial element should be retained for the amenity of the area
- The height is unacceptable for the site's context
- Loss of light to Hellyer Road
- Impact on sewers

4.2 Cllr Gerald Vernon-Jackson also objected on the following grounds:

- The ground floor flat's living room and kitchen are just too small for a two bed flat.
- The building is one story too tall and is out of keeping with surrounding structures.
- Three off street car parking spaces could be created at the front of the building, but only two are shown. One for each flat would be better.

## 5 CONSULTATIONS

5.1 **Highways Engineer:** Object on highway safety grounds to proposed forecourt parking.

Local highway network:

No traffic assessment has been provided however given the small scale of the development, satisfied would not have a material impact upon the function of local highway network.

Parking amount:

Requirement of 6 vehicles spaces and 8 cycle spaces. Few properties in the area have off street parking facilities with most parking accommodated through restricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends. No parking survey information has been submitted to demonstrate on street capacity could accommodate the likely additional demand resulting from the development within a 200m walking distance of the application site. The proposal would increase the local parking demand making it more inconvenient for local residents to find a place to park. This is likely to result in increased instances of residents driving around the area hunting for a parking space, although this is an issue of residential amenity. This could justify a reason for refusal and consequently you should give this due weight in your determination of the planning application

Parking forecourt: the crossover proposed would result in a unacceptable highway safety impact. Given the high flow of vehicles along Highland Road, proximity to the neighbouring junctions and limited visibility splays due to parked vehicles on the adjacent site at Hurley Court, it is considered that vehicles reversing out of the site would put other road users at risk particularly cyclists and therefore would conflict with paragraph 111 of the NPPF 2021. Object on these grounds.

5.2 **Refuse collection** - Advised on the requirements of the refuse collections.

5.3 **Natural England** - Respond awaited.

## 6 Planning Assessment

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

- Principle of Development;
- Design and character
- Impact amenity;
- Highways Impacts;
- Sustainable Design & Construction
- Ecology & Impact on the Solent Special Protection Areas

## 6.2 Principle of Development

- 6.3 The National Planning Policy Framework (NPPF) states that decisions on planning applications should apply a presumption in favour of sustainable development (Paragraph 11). That presumption, however, does not apply where the project is likely to have a significant effect on a 'habitats site', unless an appropriate assessment has concluded otherwise (Paragraph 182). The NPPF also states that the adopted plan policies are deemed to be out-of-date in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In that case, national policy states (Paragraph 11. d) that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for restricting the overall scale, type or distribution of development in the plan area; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.4 The starting point for the determination of this application is the fact that Authority does not have a five year housing land supply (it has 3.8 years), and the proposed development would contribute towards meeting housing needs through a net gain of 4 dwellings. The proposed development would be assessed on this basis.
- 6.5 Policy PCS10 of the Portsmouth Plan (2012) states that "new housing will be promoted through conversions". This windfall scheme which will deliver 4 new housing units which would help the Council meet its housing target, albeit the proposal would result in the demolition and rebuild of the existing building.
- 6.6 There is no objection in principle to either the loss of the retail use, nor to the provision of residential units.

## 6.7 Design and character

- 6.8 The National Planning Policy Framework (NPPF) places an emphasis on achieving sustainable development, for which good design is a fundamental element, creating better places in which to live and work and helping to make development acceptable to communities. The recently updated NPPF (2021) states at paragraph 126: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."
- 6.9 The 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".
- 6.10 Paragraph 130 sets out that developments should: ensure that they function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, while not discouraging appropriate innovation or change; establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.11 Policies PCS23 (Design & Conservation) echo the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being

safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations.

- 6.12 The development proposal would see the existing single storey building replaced with a 3 storey building, with the incorporation of a mansard style roof form. The mansard roof would be recessed from the outer walls, set behind a parapet wall. The recess of the roof form would minimise the overall height of the building, minimising its perception within the streetscene's wider vistas. It is considered that a corner location such as this can readily accept a well-designed three storey building plus roof such as the proposal. The site's frontage along Highland Road, has changed somewhat during the life of the application, an opportunity has been taken to provide landscaping and planting which would see the removal of the expanse of hard surfacing. Although this would see the removal of the parking provisions, the landscaping and planting which should be controlled by condition, will make the site more inviting and soften the appearance of the development within this prominent location.
- 6.13 Subject to conditions, the resultant appearance of the development proposal as a whole is considered by Officers to be of an appropriate design, scale and height. The large windows and detailing large window openings, and deep window reveals, provide interesting and distinctive architectural features and provide a greater vertical emphasis. Overall, the proposed development is considered to be of an acceptable architectural standard in line with aims set out in the updated NPPF.
- 6.14 Impact amenity
- Policy PCS23 lists a number of criteria against which development proposals will be assessed, including the need to protect 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. In terms of residential amenity, there are two elements for consideration, these being the impact of the development on existing neighbouring residents and secondly, the impact on future occupiers of the development.
- 6.15 The increase in height of the building would not result in overbearing presence or overshadowing to the occupants of neighbouring properties. The windows within the building are also considered to be positioned so as to not result in undue degrees of overlooking or privacy loss to the occupants of neighbouring properties.
- 6.16 Each of the four proposed apartments would have good access to natural daylight. The units would all meet the minimum size requirements. For these reasons, it is considered that the development would provide an acceptable standard of living environment for the future occupiers and would provide a good standard of accommodation.
- 6.17 Highways Impacts
- 6.18 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for both a 2 bedroom dwelling is 1.5 vehicle space with 2 cycle spaces. The proposed application creates a parking requirement of 6 vehicles spaces and 8 cycle spaces.
- 6.19 Given the high flow of vehicles along Highland Road, its proximity to the neighbouring junctions and limited visibility splays due to parked vehicles on the adjacent site at Hurley Court, the Local Highways Authority considers that vehicles reversing out of the site would put other road users at risk, particularly cyclists, and therefore would conflict with paragraph 111 of the NPPF 2021. Due to the highway safety implications which would result from using the site frontage, amended plans were provided removing the off-street parking provisions, with the area being positively used instead as a landscaped amenity area. The Highways objection point has therefore been resolved.

- 6.20 The revised plans now propose a car-free development, which would be below the policy requirement. The Local Highways Authority raised concern (but not objection) to the originally-submitted parking level of two spaces. 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. It is considered that the site is sited in a very sustainable location - bus services on Highland Road, 1 mile to Fratton Station, shops, services, employment and leisure easily available and accessible across the southern half of the city
- 6.21 Very few in the area have off street parking facilities with most of the parking accommodated through restricted on street parking - much of the surrounding area lies within different permit zones. It is understood that the demand for parking on street regularly exceeds the space available, particularly in the evenings and weekends.
- 6.22 The proposed amended floorplans now indicate that secure storage would be provided for up to 8 bikes, which would now make the proposal compliant from a cycle provision perspective. The site's location together with the provision of a good standard of bicycle storage facilities and good pedestrian and cycle routes to a wide range of shops, services, recreational facilities and employment opportunities, it is reasonable to assume that residents could reside comfortably within the development without the need to own a private vehicle. It is not considered that the lack of on-site car parking for this development at this location could warrant planning consent being withheld or refused.
- 6.23 Ecology & Impact on the Solent Special Protection Areas
- 6.24 Recreational Disturbance - Wading birds  
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.
- 6.25 The proposed development is within 5.6km of the Solent SPAs. In accordance with advice from Natural England and as detailed in the *Solent Recreation Mitigation Strategy (2017)* and *Portsmouth Local Plan Core Strategy (2012) Policy PCS13: A Greener Portsmouth*, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.
- 6.26 Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of these designated habitat sites.
- 6.27 Natural England has also provided further guidance advising that it is likely that increased residential development may be 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 nationally and internationally designated sites.

- 6.28 The project being assessed would result in the net gain of 4 dwellings within 5.6km of the Solent SPAs. In line with *Solent Recreation Mitigation Strategy (2017)* and *Portsmouth Local Plan Core Strategy (2012) Policy PCS13: A Greener Portsmouth*, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 6.29 Portsmouth City Council formally approved and agreed the *Solent Recreation Mitigation Strategy* for implementation from 1 April 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
- 6.30 The Solent Recreation Mitigation Strategy charges effective from 1 April 2022 require £563 per 2 bedroom properties. The development comprises of 4 X 2 bedroom units, so the total contribution towards recreation disturbance is £2,252.
- 6.31 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;
- 6.32 The applicant has shown a willingness to enter into a S111 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.
- 6.33 Refuse and collection
- 6.34 Following advice received from the Council's Waster Reduction Officer, the applicant has provided amended plans. Theses show the provisions of 1x240L mixed fibre bin, 1 x 140L food waste bin, 1 x 360L refuse bin and 1 x 360L recycling bin. The refuse store will be required to provide lighting, ventilation and no step or lip on the entrance door way to the bin store, which should also include a combination code.
- 6.35 The site is considered to provide an appropriate level of waste storage provisions and therefore is generally considered acceptable from a waste perspective.

Other matters raised in objection not yet addressed in this report

Disruption during construction stage - this matter can be controlled by condition.

Impact on sewers - site drainage would be addressed by the Building Regulations.

- 6.36 Community Infrastructure Levy
- 6.37 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2023 basic rate is £167.15sqm. 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.
- 6.38 The proposal would result in the creation of 4 new dwellings totalling 398sqm of GIA floorspace. If existing building discount can be applied to the 114sqm of existing GIA floorspace, the likely CIL chargeable amount will be £44,395.70.



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

6.40 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.

6.41 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.

7. Conclusion

7.1 The site is well-located within the urban area for a range of shops, services, employment and public transport and is acceptable in principle for residential development. The development would provide the benefit of contributing towards the city's housing supply, which currently does not meet the 5 year requirement. Nearby residents' amenities would not be unduly affected. It is considered that scale and design is appropriate. The lack of on-site parking is considered acceptable. As such, the proposals constitute sustainable development, and complies with the NPPF and therefore should be approved.

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

- (a) the receipt of a formal reply of 'no objection' from Natural England to the Local Planning Authority's Habitats Regulations Assessment.
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

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

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

**Conditions**

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

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

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

22-3331-101 P4  
22-3331-102 P4  
22-3331-103 P4

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

- 3) Prior to first occupation, the internal refuse store must include lighting, ventilation and a no step or lip on the entrance door way to the bin store. The bin store must also include a combination entrance code.

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

- 4) No development above foundation level shall commence on site until a schedule and samples of all 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

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

- 5) Prior to above ground construction works, details of the external materials and finishes within the development hereby approved shall be provided in writing (including the submission of a sample board to include brick bonding and mortar) and approved by the local planning authority. The development shall be implemented thereafter in accordance with such details as may be approved.

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).

- 6) The development works hereby permitted shall not commence until a 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.

Reason: To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of nearby occupiers having regard to the absence of any site curtilage and proximity to sensitive uses in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan (2012).

## **INFORMATIVES**

**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.