

CAR PARK PROSPECT ROAD PORTSMOUTH PO1 4QY

CHANGE OF USE OF CAR PARK AND PUBLIC HIGHWAY TO PORT OPERATIONAL LAND, TO INCLUDE FENCING TO BOUNDARY AND DIVERSION OF FOOTPATH

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=ROMQ6EMOGIZ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=ROMQ6EMOGIZ00)

Application Submitted By:

Mr Steve Williams

On behalf of:

Mr Steve Williams

Portico Shipping Ltd

RDD: 18th January 2023

LDD: 20th April 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 The application has been brought to the Planning Committee for determination due to the applicant, Portico, forming part of Portsmouth City Council. Therefore, as the Council have an interest in the application, it is not possible to determine it under delegated authority.

1.2 The main issues for consideration are:

- Principle and Design
- Highways/Parking implications
- Ecological impacts
- Right of way implications
- Permitted Development rights afforded to the proposed use

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and Surroundings

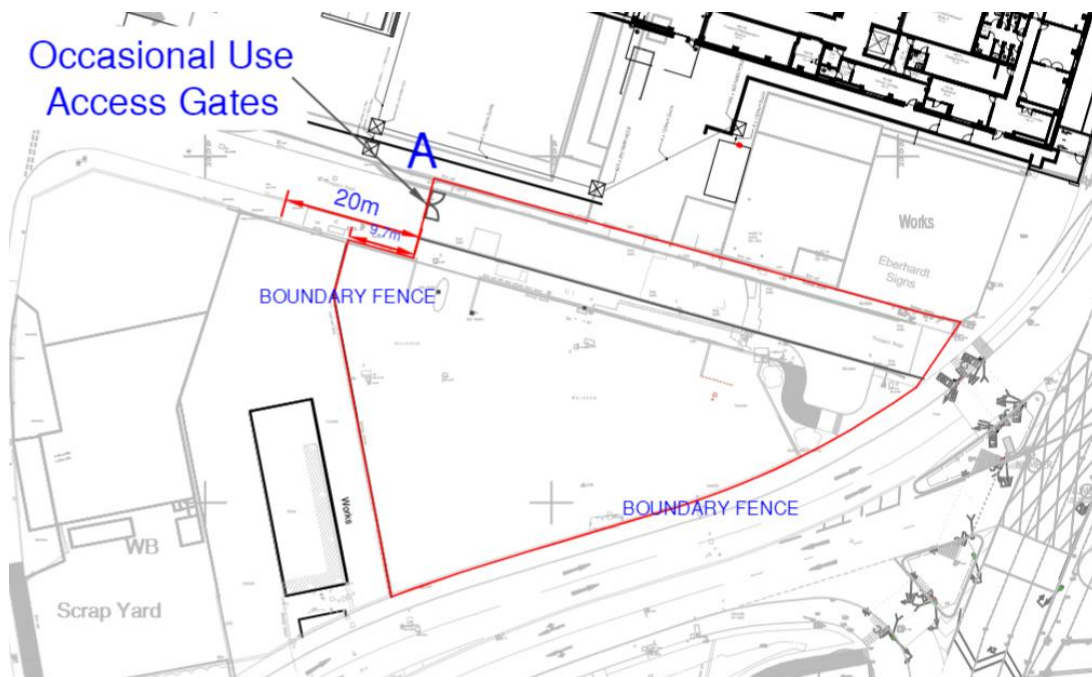
2.2 The application site comprises a car park located between Princess Royal Way and Prospect Road, with access on the northern boundary on Prospect Road. The car park shares a boundary with an industrial yard to the west (H&S Demolition Contractors) and across Prospect Road to the north is Portico House and Customs Agency, which also fall within the applicants ownership. Prospect Road cannot be accessed by vehicles from Princess Royal Way, with access being via Flathouse Road. H&S and Portico are the only users of Prospect Road to access their respective sites.

2.3 Proposal

2.4 The principal aspect of this application is the change of use from a car park and public highway to port use, being that the proposal seeks to incorporate much of Prospect Road and the car park into one site. The applicant has described the operations that would be carried out on the land, should permission be granted, as "parking of HGV Tractor Units, trailers and other vehicles. Storage of cargo including (but not limited to) timber, palletised bricks, palletised cargoes, bagged cargoes, empty containers, steel, project cargo, cates/modules. Cargo handling would be handled by electric / diesel

mechanical handling equipment as currently used within the port area." Given that the proposal would remove around 90 parking spaces, the applicant has stated that parking provision would be relocated to other nearby PCC owned car parks at Estella Road (ground level car park - 66 spaces) and Grafton Street Block C (ground level car park - 82 Spaces).

- 2.5 The application also includes some minor operational development to enable operations. This includes alterations to boundary treatments, which are described as new 2.4m high metal palisade fencing similar to the existing port boundaries. For security reasons, this must be topped with three lines of barbed wire, measuring 0.5m, taking the overall boundary height to 2.9m. This boundary treatment is to be erected in the lengths as shown below:



- 2.6 Existing brick walls in and around the site are to be demolished to enable the new boundary treatments to be installed and remain secure. The site does not fall within a conservation area and has no heritage designations and as such the demolition of existing walls could not reasonably be resisted.
- 2.7 Due to the incorporation of a large portion of Prospect Road into the proposal site, the application also requires the stopping up of that length of highway, which also forms part of the English Coastal Footpath Route. The applicant has asserted in their planning statement that they have agreed the stopping up of the highway with Natural England, who are the promotor of the path, and agreed in principle with PCC Highways and Property Investment teams. The application proposes that the route would be redirected along Princess Royal Way. A stopping up order would be completed, if required, outside of this application.
- 2.8 Planning History
- 2.9 The site's most relevant planning history is listed below:
- A*11322/AB - USE OF LAND AS CAR PARK FOR MMD (SHIPPING SERVICES) AFTER DEMOLITION OF EXISTING BUILDING, SITING OF PORTACABIN, CONSTRUCTION OF 2.4M HIGH WALL AT REGENT STREET, RAISE HEIGHT OF EXISTING WALL AT EAST BOUNDARY. **APPROVED 1997.**

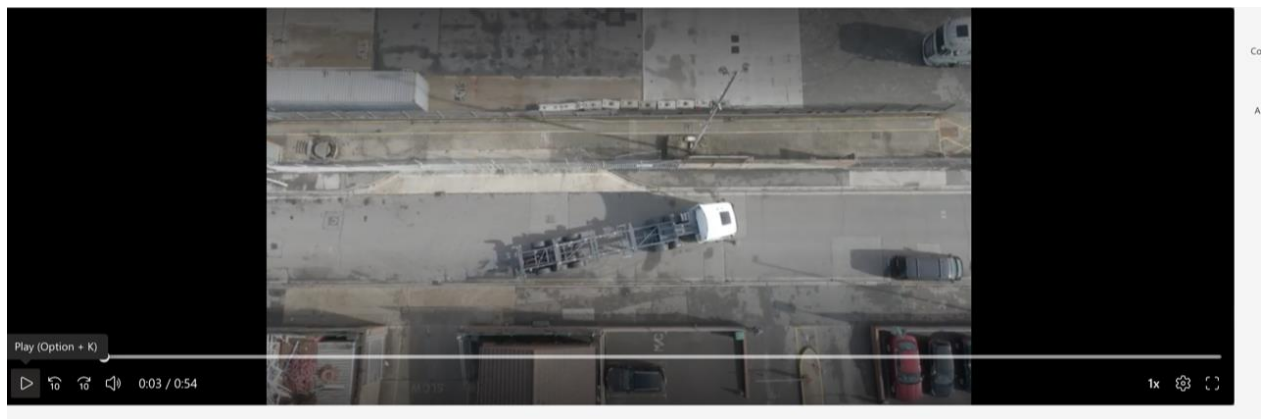
3.0 POLICY CONTEXT

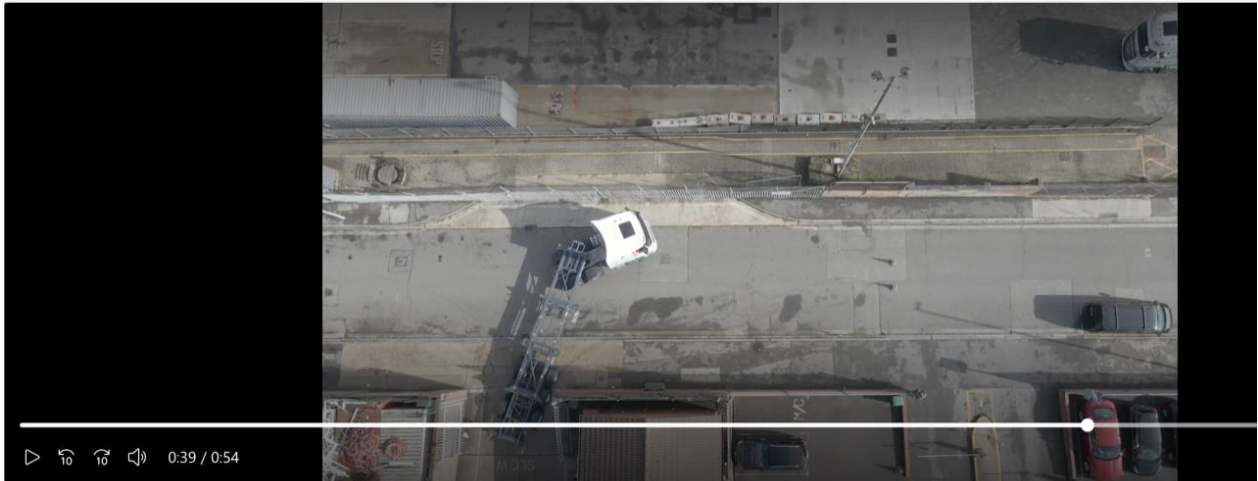
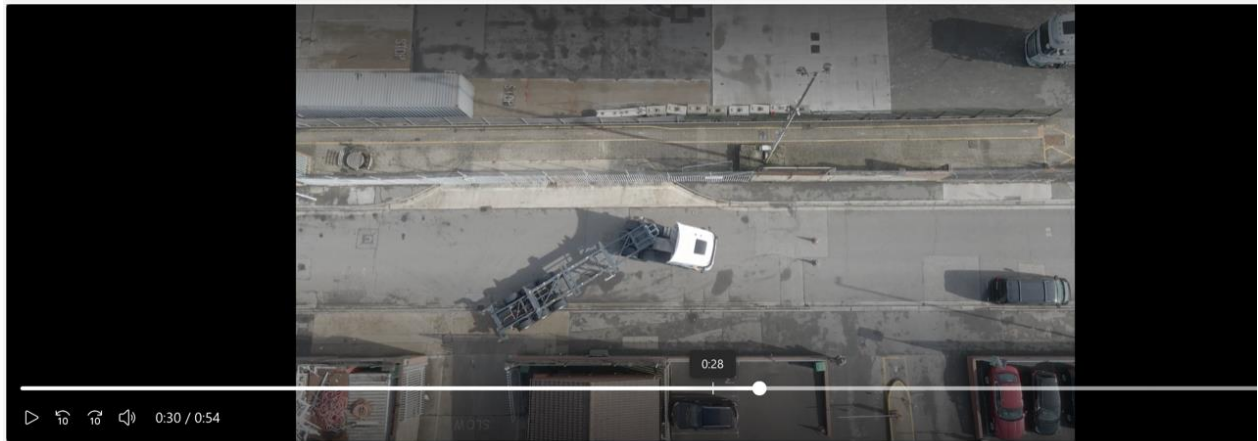
- 3.1 The Council concurs with the applicant in that the key policy relating to the proposed use, as well as the aims and objectives of the NPPF is **PCS11** (Employment Land) which, in summary, looks to ensure that land uses are retained for uses that provide employment (generally industrial uses and those that serve them). The applicant has also highlighted PCS4 but it should be noted that the site falls just outside of the City Centre boundary. As operational development is taking place, **PCS23** (Design and Conservation) should be considered, and although the application is not proposing the construction of any new buildings, it should be noted that the site falls within a designated Area for Tall Buildings, which falls under **PCS24**. While not directly relevant to this application, the General Permitted Development Order allows extensive Permitted Development rights for development on Port Operational Land.

4.0 CONSULTATIONS

Highways

- 4.1 The Highways Officer has been involved in the application to overcome concerns. Initially, concerns had been raised around whether the proposal would lead to a net loss of parking spaces and whether the proposed relocation of parking allocation was sufficient. Plans of the proposed new parking allocation locations were provided, and as explained in p2.5 above, there is no shortfall.
- 4.2 Further concerns were raised by the Highways Officer following an objection (as below). The concerns from both parties were around whether a large lorry could be manoeuvred into H&S' yard next door. The applicant undertook a test run, which was filmed from above using a drone, which showed that a large lorry could be backed into H&S yard from the location of the proposed fence, which was marked out using bollards. This led to an amended drawing being submitted to clearly show the location of the new boundary treatment, which overcomes the concern with regards to manoeuvrability. Screengrabs of the test run video can be viewed below for reference:





Ecology

- 4.3 In summary, no concerns have been raised by the Council's ecological advisor. The site itself contains limited ecological value is approximately 110m to the south-east of the Solent and Dorset Coast SPA. Diversion of the existing highway and England Coast Path and installation of perimeter fencing is not considered to create noise and visual disturbance levels which are likely to affect the qualifying features of the SPA.

- 4.4 Contaminated Land do not require a condition but recommend an informative.

5.0 REPRESENTATIONS

- 5.1 1 objection received from H&S to the west, who were concerned that the new boundary treatments would not allow for enough space to manoeuvre lorries into their yard. This has been overcome through amendments to the plans, which is discussed previously in this report in para. 4.2.

6.0 COMMENT

- 6.1 The main issues for consideration are:

- Principle and Design
- Highways/Parking implications
- Ecological impacts
- Right of way implications
- Permitted Development rights afforded to the proposed use

6.2 Principle of the development

- 6.3 The site falls within PCS11 Employment Land, and is surrounded by industrial uses, mostly associated with the Port. As such, it is considered to be a highly appropriate location for Port use and the proposal is considered acceptable in principle.

6.4 Design

- 6.5 Very little operational development is proposed apart from the new boundary treatment. Metal fences topped with barbed wire will not be attractive in their appearance, but it is acknowledged that they are required for security purposes and are very much an existing feature of the area (and would be in any industrial/port setting). While some aspects of the existing wall have higher aesthetic value than the proposal (mostly in the small pieces of artwork on the boundary wall) no part form a heritage asset and therefore the LPA would have no scope to require their retention, especially in such an area and in light of the operational security needs specific to the Port.

6.6 Highways Implications

Parking and manoeuvring:

- 6.7 The submission of further information and amended drawings has overcome concerns. The concern that there would be a net loss of parking as a result of the development has been addressed through the submission of plans showing that the proposed parking locations will be more than sufficient to prevent any issues associated with a lack of car parking. The concern raised by the adjacent commercial premises, that the installation of new boundary treatments on Prospect Road would make it difficult to manoeuvre into the neighbouring yard, which has been addressed through a recorded test run and the submission of an amended boundary plan.
- 6.8 The intention to relocate, principally employee, parking on to the adjacent residential area of the undercrofts of residential blocks at Grafton Street and Estella Street results, from the perspective of the operation of this important employment site, in a neutral parking provision in close proximity. This management strategy does of course result overall in a loss of parking provision in this part of the city. Any inconvenience to alternative users, such as the originally intended users (residential occupiers of the blocks) on these sites is considered, on balance to be outweighed by the economic benefits arising from the provision of an enlarged Port estate. This balance is reinforced by the overall beneficial outcome of reducing parking for private cars in the city as part of the wider encouragement to shift to sustainable and active transport.

Stopping-up:

- 6.9 The road is a dead-end, blocked at the eastern end and with a turning head. It does not provide access to any other sites. As such, the stopping-up of the highway to traffic raises no concerns. With respect to pedestrians, the closure of this stretch of road also is not a concern, as routes remain to the west and south on Flathouse Road and Princess Royal Way. Stopping up of highways and rights of way is achieved outside the process of applying for planning permission and the applicant will need to consider making the appropriate separate application under the applicable legislation. Additionally, the applicant states that the diversion of the same stretch of Prospect Road with regard to its status as Coastal Path has been agreed with Natural England and this is considered to be reasonable being that Prospect Road does not offer a particularly beneficial route and would offer no intrinsic amenity value to any walkers. An alternative routing for the Coastal Path is considered to be capable of agreement outwith the planning application and would also be considered under separate legislation.

6.10 Ecology

- 6.11 No concerns are raised by the Council's ecology advisor. It was advised that the Council may wish to impose a condition requiring that a CEMP (Construction Environment Management Plan) be submitted and complied with but being that there is such a small amount of operational development proposed, this is not deemed to be necessary or reasonable in this case.

6.12 PD (Permitted Development) Rights Afforded to Port Operational Land

- 6.13 While only a small amount of operational development is proposed and no real building work has been included as part of this application, members should be aware that the General Permitted Development Order allows for extensive works to be carried out on Port Operational Land under Part 8, Class B. For completeness, this allows for:

Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required (a) for the purposes of shipping, or (b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.

- 6.14 As such, there is no restriction of the size, design or otherwise of any building that could be erected on the site in the future under permitted development in connection with the operation of the port. Members may choose to impose a condition restricting any future development on the site but it is not recommended that this is either necessary or reasonable being that the site is designated as an area for tall buildings and no particular sensitive neighbours, likely to be affected by such development have been identified.

6.15 Other Considerations and Conclusions

- 6.16 The proposed development is relatively modest in size, and falls below the threshold that requires direct consideration under Environmental Implication Assessment. The Applicant has suggested that the project can be considered as an independent and discrete matter and as such does not require consideration in combination with other development proposals by Portsmouth International Port or its occupiers. Officers have reviewed this contention and are satisfied that this matter can be considered in isolation as no other development directly leading to the need for, or outcomes of, the proposal has been identified to the LPA.

- 6.17 As such the proposal, as a relatively minor reallocation of land already functionally occupied by an element of port activity and reallocation of land currently in sole Port use within the highway is not considered to result in any demonstrable adverse impacts that would prevent the grant of planning permission. The development supports the NPPF and local policy (PCS11) aspirations to support economic growth and the operational implications on local parking can be adequately accommodated within the alternative parking strategy and overall parking reduction proposed and controlled by planning condition.

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: Plan 3 Footpaths - POR012/003, Plan 2 (Revised) Showing Access Point A - POR12/001 H, Details of boundary treatments contained within Planning Statement (20230117), Block C (Ground Level Car Park), Estella Road (Ground Level Car Park)

Parking

3) Unless otherwise agreed in writing with the LPA, prior to the change of use occurring, the off-site parking shown in the approved plans (Block C (Ground Level Car Park) and Estella Road (Ground Level Car Park)) shall be made available for car parking for employees/users of the Port as the operator sees fit. The off-site parking spaces shall be maintained for the use of the employers and users of the port only thereafter.

Reason: In order to prevent parking issues as a result of the change of use from a car park, in accordance with Policy PCS17 of the Portsmouth Plan.

Informatives:

- a) Effort should be made to preserve the artwork on the existing brick boundary wall if possible.
- b) The Contaminated Land Team (CLT) has reviewed the above application and a condition relating to land contamination is not required. As the site is has previously been used for industrial purposes, arisings should be disposed of off-site appropriately in line with Technical Guidance WM3.
- c) The applicant should seek advice regarding stopping-up and diversion orders, and appropriation.