



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 30 MAY 2018 AT 1.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith, Democratic Services Tel: 9283 4057

Email: Democratic@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Ken Ellcome, James Fleming, Suzy Horton, Donna Jones, Steve Pitt, Lynne Stagg, Luke Stubbs and Claire Udy

Standing Deputies

Councillors Jo Hooper, Frank Jonas BEM, Leo Madden, Gemma New, Scott Payter-Harris, Jeanette Smith, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (eg. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4916.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of the previous meeting held on 23 April 2018 (Pages 5 - 10)

RECOMMENDED that the minutes of the Planning Committee held on 23 April 2018 be agreed as a correct record and signed by the Chair.

4 Planning Appeal Decisions - May 2018 (Pages 11 - 18)

The report by the Assistant Director, City Development, is to advise the Planning Committee on the outcome of a selection of recent appeal decisions to May 2018.

RECOMMENDED: That individual Inspectors' decisions be noted.

5 Hampshire Fire and Rescue Authority Position Statement for Planning and Legislation

An information report **will follow** from the Assistant Director of City Development. This is in response to the Notice of Motion at the Council meeting of 20 March 2018.

6 Updates on previous planning applications by the Assistant Director of Culture and City Development

Planning Applications

7 17/02188/FUL - 46A Lealand Road Portsmouth PO6 1LZ - Construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) (Amended scheme to 15/01671/FUL) (report item 1) (Pages 19 - 84)

8 17/01284/FUL - 140-144 Kingston Road Portsmouth PO2 7PD - part demolition of former bingo hall and conversion to form retail unit (class A1/A2) and 10 dwellinghouses; conversion/extension of outbuilding to form dwellinghouse; provision of associated refuse/bicycle stores and car parking with access from St Stephens Road via undercroft at No.37 following removal of street tree and pavement build-out (report item 2)

9 17/02172/FUL - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 3)

10 17/02173/LBC - 29B South Parade Southsea PO4 0SH - External alterations/extension and construction of additional floor level to create a penthouse apartment with provision of additional car parking space (report item 4)

11 18/00193/FUL - Land Adjacent To 83 Tangier Road Portsmouth - Construction of new dwellinghouse and parking space to rear with extended vehicular access onto Lynton Grove (report item 5)

12 Dates and times of future meetings

The **provisional** dates for the rest of 2018 are for Wednesdays starting at 1pm:

20th June (not 27th)
25th July
29th August (not 22nd)
19th September
17th October
14th November
12th December

Dates for 2019 have yet to be confirmed.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Monday, 23 April 2018 at 10am in the Executive Meeting Room, third floor, the Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Scott Payter-Harris (Acting Chair)
Jennie Brent
Colin Galloway
Lee Hunt
Frank Jonas BEM
Gemma New
Steve Pitt
Gerald Vernon-Jackson CBE

Welcome

The Chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

52. Apologies (AI 1)

Apologies were received from Councillors James Fleming and Hugh Mason.

53. Declaration of Members' Interests (AI 2)

Agenda Items 6 and 7

Councillor Lee Hunt declared a non-prejudicial interest: he knows Mr Courtney who will be making a deputation on behalf of the owner. He also noted that everyone on the committee knows him.

Councillor Scott Payter-Harris declared the following prejudicial interests: he lives very close to South Parade Pier and Mr Courtney's nephew had carried out some work for him. He would absent himself for these items.

54. Minutes of the previous meeting - 4 April 2018. (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 4 April 2018 be agreed as a correct record.

55. Update on previous planning applications by the Assistant Director of City Development. (AI 4)

The Assistant Director of City Development informed the committee that at last months' Full Council meeting in light of the Grenfell Tower fire, it was decided to write to the Local Government Association and the Police and Fire Minister asking that Planning Law be changed to make it obligatory for Planning Departments and developers to consult the Fire Service on all planning applications which relate to

purpose-built student accommodation, schools, hotels, high rise office blocks, high rise housing, large development sites and NHS buildings. In the meantime, Portsmouth City Council would ask the Council's Planning Committee to consider immediately operating the voluntary process offered by Hampshire Fire and Rescue Service to look at the above-mentioned planning applications.

DECISION

The Assistant Director of City Development be instructed to approach Hampshire Fire & Rescue to seek confirmation that they are able to respond to planning consultations in a timely manner.

56. 18/00140/FUL - South Parade Pier, South Parade, Southsea PO4 0SP. (AI 6)

Planning Applications.

Deputations are not minuted in full as these are recorded as part of the web-cast of this meeting which can be viewed here:

<https://livestream.com/accounts/14063785/Planning-23Apr2018>

The Chair agreed to vary the agenda order so that the items with deputations could be heard first.

Councillor Frank Jonas was appointed Chair for both this item and the next whilst Councillor Payter-Harris withdrew from the meeting.

The Planning Officer introduced this application and included the following supplementary information:

There are references within the officer's reports for 18/00140/FUL & 18/00141/LBC to the location of the external terrace 'west' of South Parade Pier. The proposal is on land to the east of South Parade Pier and has been assessed in this location (despite references to the west, in error).

Nick Courtney made a deputation on behalf of the applicant in support of this application.

Members' Questions.

In response to questions, the following points were clarified:

The Policy PCS9 and the Seafront Master Plan Supplementary Planning Document state that the council should encourage and support redevelopment without detracting from the open character of the seafront and protecting the open nature of the area around the Common and other undeveloped areas.

The Policy, Local Plan and Supplementary Planning Document encourage a diverse offer encouraging people to travel along the seafront all year long. The committee was asked to consider the impact this terrace would have on the adjacent listed building and the character of the conservation area.

Both the reasons for the recommendations set out in the report have equal weighting.

The committee could impose conditions if it feels that these would overcome potential harm.

The debate for this application and the next one 18/00141/LBC could be covered here.

Members' Comments.

Members noted that the other cafes along the seafront had been successful and had not had a detrimental impact on the beach. Furthermore, those located in historic buildings had been important factors in their preservation.

RESOLVED that permission be granted for listed building consent subject to the following condition: the opening hours be from 08:00 until 20:00.

REASONS

1. The proposed raised terrace would not fail to preserve or enhance the special architectural or historical features of the Grade II listed pier.
2. The projection of this structure onto an area of open space within the seafront conservation area would not detract from the architectural quality of the pier.

57. 18/00141/LBC - South Parade Pier, South Parade, Southsea PO4 0SP. (AI 7)

The Planning Officer introduced the report and included the following supplementary information:

There are references within the officer's reports for 18/00140/FUL & 18/00141/LBC to the location of the external terrace 'west' of South Parade Pier. The proposal is on land to the east of South Parade Pier and has been assessed in this location (despite references to the west, in error).

The debate on this application had been carried out under the previous item.

RESOLVED that permission be granted for listed building consent subject to the following condition: the opening hours be from 08:00 until 20:00.

REASONS

1. The proposed raised terrace would not fail to preserve or enhance the special architectural or historical features of the Grade II listed pier.
2. The projection of this structure onto an area of open space within the seafront conservation area would not detract from the architectural quality of the pier.

58. 18/00453/FUL - Land to rear of former Portland Hotel, Tonbridge Street, Southsea. (AI 8)

The Planning Officer introduced the report and included this supplementary information:

Environmental Health Comments

This consultation is with regard to the impact from the B1 use, the potential impact from road traffic noise on the future residents and the potential impact on local air quality from the vehicle journeys generated as a result of the proposal.

In assessing the suitability of the locality for residential use, it is important to understand the noise environment. In support of applications for very similar proposals at the same location in 2013 (13/00409/ful and 13/01123/ful) a noise survey was submitted. The Environmental Health Team (EHT) are unaware of any development since 2013 that would undermine the conclusion of that report and the proposed minimum reduction required by the glazing elements as being 35 dB(A).

Should the LPA be minded to grant consent, it is recommended that it be a requirement that the installed residential glazing meets the above sound reduction. The EHT recommend that it be a requirement for the developer to confirm this through submitted information on the glazing specifications prior to installation.

With regards to the proposed B1 use, The EHT do not have any particular concerns about noise from this source provided the hours are restricted appropriately. Building regulations will determine the minimum standard for sound insulation between the B1 use and the residential premises above.

Due to the scale of the proposal and the limited number of parking spaces provided the impact on local air quality will be insignificant.

In light of this response a further condition relating to the operation hours of the office is included as follows: 'The ground floor commercial unit (as labelled on approved drawing 17-2252-121 Rev-P5) hereby permitted shall not operate outside of the hours of 7:00am and 8:00pm Monday to Saturday and 8:00am and 6:00pm on Sundays and any recognised bank or public holiday'.

Refuse Storage - Following comments received from the City Council's Waste Collection Service highlighting that minor changes are required to the fenestration to the refuse storage facilities, condition 13 has been amended to seek the submission of amended drawings. Condition 13 now reads as follows: 'Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use (residential or commercial) until facilities for the storage of refuse and recyclable materials have been provided in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.

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

Members' Questions.

Condition no. 7 requiring that a scheme for insulating habitable rooms against road traffic and commercial noise be submitted would address the concerns raised in the supplementary matters.

Members' Comments.

- Members noted that they are receiving better applications because developers are working better with the planning department.
- The view into the back of Portland Terrace would be ruined but there is a need for accommodation.
- The parking issues have been addressed.
- There have been no objections from nearby residents.

- One member felt that the site was being overdeveloped but noted that the Planning Inspector had agreed in principle to the development.

RESOLVED that authority be delegated to the Assistant Director City Development to grant permission, subject to no further representations raising material planning issues that have not already been addressed and subject to the conditions set out in the officer's report.

59. 1800338HOU - 16 Tregaron Avenue, Portsmouth PO6 2JX. (AI 5)

The Planning Officer introduced the report.

Members' Questions.

In response to questions from the committee, the officer explained that a number of houses in the road had similar extensions at the front and that this application had been brought to the planning committee for determination because there had been objections.

Members' Comments.

There were no comments.

RESOLVED that permission be granted subject to the conditions set out in the officer's report.

The meeting concluded at 11am.

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Signed by the Chair of the meeting

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Agenda Item 4



Agenda item:

Decision maker: Planning Committee - 30 May 2018

Subject: Summary of relevant planning appeal decisions May 2018

Report by: Claire Upton-Brown
Assistant Director City Development

Wards affected: Eastney & Craneswater, Nelson and Charles Dickens

Key decision (over £250k): No

1. Purpose of report

To advise the Planning Committee on the outcome of a selection of recent appeal decisions to May 2018.

2. Recommendations

That individual Inspectors decisions are noted.

3. Summary

Appeal Site	Proposal	PCC Decision	Inspectors Decision	Costs
167-169 London Road, Hilsea, Portsmouth, PO2 9AE (Nelson)	Conversion of ground floor retail unit to provide 2no. 2 bed dwellings and 1no. 1 bed dwelling with external alterations to include removal of canopy and replacing shopfront with new windows and doors	Officer Recommendation - Conditional Permission Committee Decision - Refusal	Allowed-Permission Granted	N/A
Cornerstone House, 120 London Road, Hilsea, Portsmouth PO2 0NB (Nelson)	Conversion of part of ground floor to create 2 no. 1 bed self-contained flats and an	Officer Recommendation - Conditional Permission	Allowed-Permission Granted	N/A

	enlargement to the cycle storage area, with external alterations to include installation of new windows and doors	Committee Decision - Refusal		
103 Manners Road, Southsea, Portsmouth, PO4 0BD (Central Southsea)	Change of use from Class C4 (house in multiple occupation) to house in multiple occupation for seven persons (Sui Generis)	Officer Recommendation - Conditional Permission Committee Decision - Refusal	Allowed-Permission Granted	Dismissed

4. Decisions in Focus

167-169 London Road, Hilsea, Portsmouth, PO2 9AE (Nelson)

The main issues for the Inspector were the effects of the proposal on (a) the safety of the users of the surrounding highway network and (b) the living conditions of future occupiers of the flats, having regard to light.

The Inspector acknowledged the concerns of the Council's Highway Engineer but concluded that having regard to the unrestricted use of the premises as a shop and the location of the site within easy walking distance of shops and services the proposal would not place significant additional pressure on the surrounding highway network:

"The Council's Highway Engineer has highlighted issues of the lack of vehicle parking in the evenings and weekends in the surrounding area. Photographs of illegally parked vehicles obstructing junctions and visibility at weekends have been provided, along with details of Penalty Charge Notices served within 200m of the site. However, the lawful use of the premises is a shop and it is located within the designated Secondary Area of the North End District Centre under the Portsmouth Plan (PP) 2012. In the absence of any specific planning restrictions on the hours of operation, there could be an alternative form of retail, carried out without the need for planning permission. Such a use could place equivalent or even greater pressure on the surrounding highway network than the existing development through longer operating hours. Given the site's lawful use and location with the district centre, considerable weight is placed upon this.

Furthermore, the development would be within easy walking distance of services and facilities, including shops for day to day needs and bus stops for public transport to other parts of the city. Such a consideration would reduce the need for the occupiers of the proposed development to have a private car and the justification for four vehicle spaces,

especially in relation to the two proposed one bedroom flats. In this respect, the Appellant has indicated that only two occupiers of the 7 flats above the ground floor retail unit own vehicles which supports this view.

For all these reasons, the development would not add significantly to the highway problems in the area and would not result in harm to the safety of the highway users in the vicinity. Accordingly, the proposal would comply with PP policy PCS17".

In terms of residential amenity the inspector opined that: "Much of the ground floor of the unit incorporates a glazed shopfront and the residential units would be single aspect facing south and east. The units have been laid out with kitchen and bathroom facilities to the rear, and bedroom and living/dining room to the front. The existing shopfront would be replaced with rendered walling and windows serving the rooms.

By reason of the planned layout, the important living areas of flats would be closest to the windows and would receive adequate daylight and sunlight given their size and number. The bathroom and kitchen areas would receive considerably less light but these areas could be provided with supplemental internal lighting. Typically, residents would spend less time in these areas and thus, their living conditions would not be adversely affected. For all these reasons, the proposal would comply with PP policy PCS23".

Cornerstone House, 120 London Road, Hilsea, Portsmouth PO2 0NB (Nelson)

In a similar application to that above, the main issues for the Inspector were the effects of the proposal on (a) the safety of the users of surrounding highway network and (b) the living conditions of the future occupiers of Apartment 2 (the larger of the two proposed residential units), having regard to light.

The Inspector again acknowledged the concerns of the Council's Highway Engineer but concluded that it had not been demonstrated that any additional vehicle parking requirement associated with the proposed development would harm the safety of highway users in the vicinity of the application site:

"On both London Road and Stubbington Avenue, vehicle parking directly outside of the appeal site is prohibited. There is street parking available further along Stubbington Avenue and residential roads leading off this road. At the time of my site visit around midday, street parking in these areas was difficult although this represents only a snapshot in time. The Portsmouth Parking Supplementary Planning Document (SPD) 2014 sets out an expected amount of two parking spaces for this development which cannot be provided due to the constraints of the site. The Highway Authority has objected to the effect of the parking space shortfall on the highway safety of users in the area.

However, the supporting census data underpinning the SPD parking standards is based on households with cars and excludes households without cars. In this instance, the accommodation to be provided is single bedroom and in a location within easy walking distance of services and facilities, including shops for day to day needs, and bus stops for public transport to other parts of the city. Therefore, it has not been demonstrated that a need of two additional car parking spaces would be required and it would be likely that only

an additional vehicle parking space would be required at most in accordance with the Appellant's analysis of the census data.

It has been agreed that the surrounding area experiences a high degree of parking stress, including weekends and evenings. Given the residential nature of the proposal, parking by future residents would be likely to be during evenings and weekends. However, an additional car parking requirement of one space would not materially worsen this situation. Photographic evidence has also been produced which shows that nearby junctions are not blocked by indiscriminate parking during the evening on certain dates. The Council also acknowledges that indiscriminate parking can be dealt with separately as traffic infringements which would act as a deterrent. In built-up residential areas, residents may not be able to park close to their properties at certain times but this is a matter of inconvenience rather than detriment to highway safety.

For all these reasons, it has not been demonstrated that any additional vehicle parking requirement would harm the safety of highway users in the vicinity and therefore, the proposal would comply with policy PCS17 of the Portsmouth Plan (PP) 2012".

In terms of residential amenity the inspector opined that: "There would be a frontage doorway for apartment 2 and the existing large glazed panels would be replaced with part glazing and part UPVC grey panels. This would be similar to the other adjacent converted units within Cornerstone House. By reason of Cornerstone House being a single aspect building, the rear kitchen and bathroom of this larger unit would have no windows serving it and the development would face north.

However, a daylight technical report details that three of the four rooms of the apartment would receive adequate natural daylight. The fourth room, a kitchen, would not receive any significant natural light but this would have supplementary lighting. The technical report includes detailed modelling and calculations following Building Research Institute guidelines and methodology taking into account room area and window dimensions and therefore, considerable weight is given to its findings and conclusions. Whilst the lighting arrangement to the kitchen is not ideal, the report show that the apartment as a whole would receive adequate daylight.

For all these reasons, the living conditions of the occupiers of apartment 2 would not be harmed and the proposal would comply with PP policy PCS23".

103 Manners Road, Southsea, Portsmouth, PO4 0BD (Central Southsea)

The main issues for the Inspector were are (a) the effect of the proposal on the living conditions of future residents of the HMO, having regard to communal internal space provision and (b) whether there would be an imbalance of HMOs in the surrounding community.

The Inspector highlighted that since the refusal of the planning application, the Council's revised Houses in Multiple Occupation Ensuring Mixed and Balanced Communities Supplementary Planning Document (SPD) 2017 had been adopted and form part of the reasoning.

In terms of the balance of uses, the Inspector acknowledged the City Council's claims that similar proposals have failed to acknowledge the cumulative impact of incremental increases in occupation within HMOs and the impact intensification on adjoining residents and local communities. However, it was concluded that the City Council had not demonstrated that cumulative increases in numbers of residents within HMOs have occurred or could occur in the area surrounding the appeal site and as such the Inspector was able to assess whether incremental changes are having a noticeable and harmful effect on the living conditions of the community's residents:

"Under the revised SPD, a change the use of Class C4 or mixed C4/C4 use to a HMO in Sui Generis use, will be refused where the concentration of HMOs already exceed the 10% threshold. The City Council's HMO database suggests that about 40.7% of properties within in a 50m radius of the application site are in use as HMO's and other roads have a higher concentration. It is indicated that previous decisions on similar proposals have failed to acknowledge the cumulative impact of incremental increases in occupation within HMOs and the impact intensification on adjoining residents and local communities. In this regard, there have been neighbour objections commenting on noise and disturbance, and inadequate vehicle parking.

Within the area, there would be an adverse impact on the community in terms of being unneighbourly if a significant number of the existing HMO's were to increase their number of residents. However, it has not been demonstrated that cumulative increases in numbers of residents within HMOs have occurred or could occur in the area surrounding the appeal site. Consequently, it is not possible to assess whether incremental changes are having a noticeable and harmful effect on the living conditions of the community's residents. Every proposal has to be considered on its planning merits based on the particular circumstances and for all these reasons, a broad concern of this nature does not justify withholding permission in this case.

One neighbour response specifically comments on noisy parties and disturbances from this property but there is no evidence that a further resident would increase the possibility of noisy parties and disturbances. Such unneighbourly activities are also not confined to just HMOs.

The appeal site does not benefit from any off-street vehicle parking and none can be provided. Nevertheless the property is already in use as HMO for up to six persons and lies in close proximity to local shops, services and transport facilities. Given this, increased demand for parking space would not be significant especially as only one additional HMO bedroom is proposed. It has not been demonstrated that the surrounding area is at full parking capacity and the Council's highway officer has confirmed no objection on vehicle parking grounds. I appreciate that parking distant from a property can be inconvenient for residents but there is no detailed evidence of how common this problem is. For all these reasons, the proposal would be acceptable in highway terms.

In summary, the proposal would not result in an imbalance in housing stock and harm to the local community for all these reasons. Accordingly, it would comply with policy PCS20 of the Portsmouth Plan, which states that applications for changes of use to a HMO will only be permitted where the development would not create an imbalance".

In terms of internal living conditions the Inspector highlighted that the adopted SPD only provided guidance and on the basis the property already accommodated six individuals, it was not considered that one additional person would significantly reduce the quality of space available for the existing occupiers or result in adverse living conditions for the additional resident:

"The submitted plans show the property having a lounge and kitchen on the ground floor, a bathroom/shower room at first floor and an ensuite for a bedroom on the second floor. In comparison with the existing layout, the main change has been the subdivision of the existing larger second floor bedroom 6 into two smaller rooms. The lounge, kitchen and sanitary facilities would serve up to 7 occupants.

The SPD requires a good standard of living accommodation for future occupiers and the communal facilities would be undersized in relation to the required SPD amenity standards. The Council has also indicated that lounge, kitchen and sanitary facilities appear cramped based on photographic images, citing a lack of storage and useable worktop space. Nevertheless, the SPD provides guidance only and the lounge, kitchen and sanitary rooms and facilities already serve six residents under the current HMO. Having assessed the plans and images myself, an additional person would not significantly reduce the quality of space available for the existing occupiers or result in adverse living conditions for just one additional new resident.

For these reasons, the development would not harm the living conditions of future residents of the HMO for the reasons indicated and would comply with policy PCS23 of the Portsmouth Plan 2012, which amongst other matters, requires the protection of amenity and the provision of a good standard of living environment for residents of development".

Costs Decision-

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In this instance whilst the Inspector disagreed with the views of the City Council, it was considered that the Council had produced appropriate sufficient evidence to substantiate its reasons for refusal and provided objective analysis. As a result the application for an award of costs against the City Council was dismissed.

4. Reason for recommendations

For information to the Planning Committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
 Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application: 17/00111/FUL (167-169 London Road, Hilsea, Portsmouth, PO2 9AE)	Planning Services
Appeal decision: APP/Z1775/W/17/3179828 (167-169 London Road, Hilsea, Portsmouth, PO2 9AE)	Planning Services
Planning application: 17/00338/FUL (Cornerstone House, 120 London Road, Hilsea, Portsmouth PO2 0NB)	Planning Services
Appeal decision: APP/Z1775/W/17/3188141 (Cornerstone House, 120 London Road, Hilsea, Portsmouth PO2 0NB)	Planning Services
Planning application: 17/00178/FUL (103 Manners Road, Southsea, Portsmouth, PO4 0BD)	Planning Services
Appeal decision: APP/Z1775/W/17/3187443 (103 Manners Road, Southsea, Portsmouth, PO4 0BD)	Planning Services
Costs Appeal decision: APP/Z1775/W/17/3187443 (103 Manners Road, Southsea, Portsmouth, PO4 0BD)	Planning Services

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Agenda Item 7

PLANNING COMMITTEE 30 MAY 2018

**1 PM THE EXECUTIVE MEETING ROOM,
FLOOR 3, GUILDHALL**

REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT 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 - City Development 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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03	17/02172/FUL	29B South Parade Southsea PO4 0SH	PAGE 41
04	17/02173/LBC	29B South Parade Southsea PO4 0SH	PAGE 53
05	18/00193/FUL	Land Adjacent To 83 Tangier Road Portsmouth PO3 6JH	PAGE 59

46A LEALAND ROAD PORTSMOUTH PO6 1LZ

CONSTRUCTION OF 6 SEMI-DETACHED HOUSES AND A SINGLE COACH HOUSE UNIT TO INCLUDE VEHICLE PARKING AND CYCLE/REFUSE STORES WITH ACCESS FROM LEALAND ROAD (FOLLOWING DEMOLITION OF EXISTING DWELLING) (AMENDED SCHEME TO 15/01671/FUL)**Application Submitted By:**

Paris Smith LLP
FAO Mrs Ruth Harding

On behalf of:

Rhema Project Management Limited

RDD: 27th December 2017

LDD: 28th February 2018

SUMMARY OF MAIN ISSUES

UPDATE

This application was deferred from the Planning Committee on 4 April 2018. The reason for deferral was for the applicants to consider if there were any further amendments that could be made to the positioning of the dwellings on the site, to seek to improve the relationship of the development to the neighbouring residential properties.

Following the deferral, the applicants have worked with their architect to consider options for repositioning the dwellings on the site. Through this additional work, it has been established that any further amendments to the positioning of the dwellings would potentially have negative implications and would not necessarily achieve the aim of improving the relationship with neighbouring properties. The following points are made:

- Given the separation distance that already exists between Units 1 and 2 and the neighbouring properties at Nos.1 and 3 Central Road, any further modest repositioning of Units 1 and 2 further south would not result in any significant improvement in the relationship with these neighbours.
- Moving Units 1 and 2 further south would also impact on the amount of amenity space for future occupants of the development, as it would reduce the garden size between the dwellings and would also result in loss of light and outlook to the adjacent units. Additionally, if all of the Units were moved further to the south, the result would be to reduce the number of parking spaces and would impact on turning space for larger vehicles e.g. fire appliances. Any reduction in parking and turning space would not be considered acceptable due to the potential increased impact on the surrounding road network.
- Whilst a shift in position of some of the Units may lessen the impact on outlook for certain neighbouring residential properties on Lealand Road, it could have the effect of worsening the impact for other neighbouring properties. On this point, it is important to note that the relationship of the dwellings to the neighbouring residential properties on Lealand Road was determined to be acceptable by the previous Appeal Inspector.

To illustrate the above points, the applicants have provided some further plans, which will be presented at the Planning Committee.

A number of queries and concerns about the proposed drainage strategy were also raised by members at the 4 April Planning Committee. In response to these queries, the applicants have provided the following summary to clarify the details of the proposed drainage scheme and how it would work.

Surface water drainage strategy:

- Surface water from the development (i.e. impermeable surfaces such as roofs and paved areas), will flow into the proposed permeable paving and be stored within the subbase/storage of the permeable paving, and then discharged at a controlled rate to a surface water sewer.
- The overland flow from the north of the site will be intercepted by the proposed French drain along the northern and eastern boundaries of the site, and then directed into a surface water sewer. The French drain will reduce the amount of water currently ponding within the low-lying area of the properties adjacent to the eastern boundary of the site and alleviate flooding in this area.

Groundwater flood risk strategy:

- All properties on the site would be constructed with reinforced concrete flooring and water-proof membrane to stop water penetrating the properties.
- A sump would be installed and connected to a surface water drain to reduce the risk of flooding to the properties.
- All properties are to incorporate flood resilience and resistance measures such as sealed service entries, non-return valve, suitable insulation and position of electrical goods above flood levels.
- The proposed French drain will also direct the groundwater away from the properties and release into a surface water sewer.
- The area in the north-eastern corner of the site which will be raised, will help reduce the risk of water ingress into the properties which are currently situated in a low lying area.

Further information has also been provided in diagrammatic form and will be made available to members as part of the Planning Committee presentation.

SUMMARY OF MAIN ISSUES

The application follows a previous refused scheme for 7 dwellings, which was subsequently dismissed at appeal. The main determining issue is whether the current scheme has addressed the concerns raised by the Inspector in dismissing the previous appeal, which specifically related to the impact of the development on the amenities of neighbouring residents.

Other matters to consider in the determination of this application include the following:

- Principle of the proposal;
- Housing mix and density;
- Layout, design and appearance and impact on the character of the area;
- Standard of living accommodation;
- Flood risk and drainage;
- Ecology;
- Access, parking and refuse storage;
- Sustainable construction;
- Impact on the Solent Special Protection Area.

Site and proposal

The application relates to an L-shaped plot of land, which lies to the rear of properties in Lealand Road, Central Road and South Road. The site is currently occupied by a vacant single-storey

dwelling (No.46A Lealand Road), which lies within the centre of the site, and a detached single-storey garage/workshop in the south-west corner, which has accommodation within the roofspace. The application site also incorporates No.46 Lealand Road, which is a two-storey dwelling with an attached garage on its southern side. The site is accessed via a driveway to the south side of No.46 Lealand Road. The site lies within Flood Zone 2.

The site has been vacant for some time and the land surrounding the dwelling and garage is currently overgrown with grass and shrubs. The boundaries of the site are predominantly enclosed by fencing, although there is a more open boundary to some of the neighbouring properties on Lealand Road to the east.

Planning permission is sought for the redevelopment of the site to provide 7 dwellings, after demolition of the existing dwelling (No.46A) and garage/workshop. The new dwellings would be laid out as three rows of semi-detached properties, with an additional dwelling created within a new coach house building in the south-west corner of the site. The coach house would accommodate parking at ground floor level, with the living accommodation on the first floor. The three rows of semi-detached dwellings have been designed to be single-aspect, with the main elevations facing south, onto southerly facing garden areas. The dwellings would extend across the majority of the width of the site, with pedestrian access to the rear dwellings gained via undercroft footpaths.

Parking facilities for the development would be provided on the southern side of the site. There would be a total 12 parking spaces, including 4 spaces within the coach house. In addition, 2 parking spaces would be retained for No.46 Lealand Road.

Access to the site would be from Lealand Road, via a widened driveway to the south of No.46, after demolition of the existing attached garage. Refuse and cycle storage facilities for each dwelling would be provided within the front gardens, with a separate refuse collection point located adjacent to the access driveway.

The application follows a previous application for 7 dwellings, which was refused in 2016 and subsequently dismissed at appeal (ref. 15/01671/FUL). The reasons for refusal of the previous scheme are set out below. The main difference between the current scheme and the previous one relates to the size and design of the two dwellings proposed on the northern side of the site (Units 1 and 2). In addition, the roof design of the dwellings has been amended and all of the properties have been repositioned slightly further south.

Planning history:

15/01671/FUL - construction of 6 semi-detached houses and a single coach house, with vehicle parking, cycle and refuse stores accessed from Lealand Road (following demolition of existing dwelling) - refused 28 April 2016 for the following reasons:

1. The proposal is not accompanied by sufficient information to demonstrate that the development would not increase flood risk elsewhere or provide the sustainable benefits that would outweigh any residual flood risk. The proposal is therefore not considered to pass the exception test and as such is contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS12 of the Portsmouth Plan.
2. The submitted ecological assessment is not supported by adequate information to demonstrate that the proposal would not adversely affect bats and other protected species or that whether sufficient measures are in place to ensure that impacts will be mitigated and compensated for as appropriate. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS13 of the Portsmouth Plan.
3. The development would, by reason of the cramped layout, exacerbated by the positioning of the waste storage facility on the internal access road, result in an over

development of the site, at odds with the prevailing character of the area. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework and to Policy PCS23 (design and conservation) of the Portsmouth Plan.

The application was subsequently taken to appeal and the appeal was dismissed on 26 May 2017. The Inspector's reason for dismissing the appeal related solely to the impact of the development on the amenities of the residents of Nos. 1 and 3 Central Road, in terms of loss of outlook and creation of a sense of enclosure. The Inspector determined that the development was acceptable in all other respects, including flood risk. Further commentary on the Inspectors decision is provided within the main comments section of this report.

14/00863/FUL - Construction of 7 dwellings to include vehicle parking and cycle/refuse stores accessed from Lealand Road (following demolition of existing dwelling) - application withdrawn 24 November 2014

A*30503/RMA1 - Erection of a bungalow - conditional permission 13 September 1978

A*30503 - Erection of a bungalow - conditional permission 11 January 1978

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS21 (Housing Density), PCS23 (Design and Conservation), PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include: PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS21 (Housing Density), and PCS23 (Design and Conservation).

CONSULTATIONS

Eastern Solent Coastal Partnership

No comments received.

Coastal And Drainage

4 APRIL PLANNING COMMITTEE UPDATE:

The Drainage Engineer provided the following additional information prior to the 4 April Planning Committee:

- Preliminary results from groundwater testing in the area around the Lealand Road site;
- Draft results from flood modelling, indicating that the Lealand Road site receives water from surrounding areas;
- Groundwater levels data, showing how the groundwater levels respond to rainfall events;
- Plan showing extent of CCTV survey;
- Photograph of flood event outside No.5 Central Road, reported by local resident, dated 29 December 2017.

The Drainage Engineer reiterated that in light of the further information, an objection is maintained on the basis that until there is a full understanding of the

causes and nature of flooding in the area, he cannot confirm that the proposed drainage strategy will not increase flood risk elsewhere.

In response to this additional information, the applicants Drainage Consultant stated that the proposed development would not make surface water flooding worse as they have proposed a surface water drainage strategy that will deal with surface water from the application site. The surface water from elsewhere and also from groundwater would be managed through flood resilience and resistance measures, as outlined in the Groundwater Flood Risk Management Report. The surface water drainage strategy also proposes a French drain around the site to intercept the surface water runoff from the northwest catchment.

The applicants have also commented that wider problems relating to the capacity of the sewer system in the area is the responsibility of Southern Water.

COMMENTS RECEIVED 16 MARCH 2018

Summary:

- The site is part of a larger flooding problem, that is rainfall related, and exhibits a particularly flashy reaction;
- There is a groundwater interaction, where evidence seems to point to an underground flowpath;
- There is a likely tidal interaction, as the surface water sewers here drain by gravity through Farlington Marshes to sea. The site is of low topography so is susceptible to tide locking at times of high tides, especially spring tides and/or storm surges;
- The repair to sewer undertaken by Southern Water has not rectified the flooding, as witnessed and evidenced since the repair date.

The LLFA is investigating the flooding in a number of ways. However, this information will not be available to view in final format until May 2018. This includes:

- Groundwater monitoring of almost a year at Central Road (just north of the site) and Station Road (south and west of the site) shows that groundwater at both locations reacts in a very similar fashion and therefore it is reasonable to assume that the site also reacts in this manner. Groundwater information is imminent and will be cross-referenced to rainfall and tide events in graph format. This information has been attained by PCC officers, and funded by a successful RFCC local levy.
- PCC is leading (and in conjunction with the Environment Agency and Southern Water Services) modelling of a range of tide and rainfall scenarios for the Farlington Marshes surface water catchment. Early draft runs of the model are showing that surface water flooding is occurring at the site, with floodwater arriving from outside the site. This work has been funded by the EA (with a contribution from PCC). The aim of the modelling is to determine how best all the agencies can mitigate flooding in the catchment, which may include other agencies such as Network Rail and Highways England, under which the catchment of surface water flows on its way out to sea. Due to the need to consult stakeholders before a final report and complexities of the model, this workstream is not likely to be available until May 2018.
- CCTV of the local sewer area in the vicinity of the site (South Road, Lealand Road, Central Road) has just been completed. This includes gullies, laterals and surface water sewers. Information expected imminently. Will be used to update the above model.

For the above reasons I cannot give approval for the development in terms of flooding and not increasing flood risk elsewhere, as the reasons and mechanisms for flooding are not fully understood.

ORIGINAL COMMENTS RECEIVED 21 JANUARY 2018

As discussed please find my OBJECTION below to the above planning application. I have serious concerns in relation to flooding here and have the following comments based on the December 2017 Flood Risk Assessment

- Section 1.17 - PCC holds a lot more information than the two referenced flood events. This includes evidence in the form of photographs and statements from residents who have witnessed flooding. I have attached a recently attained photograph showing Central Road flooding on 29th December 2017 at 11.15. this shows that the Southern Water sewer fix undertaken earlier in 2017 has not rectified the flooding. I have attached a weather station daily summary email which evidences rainfall on this day
- The recorded levels on the topographic drawing of around 49m are incorrect, what was used as the datum 0.0 level? Reference is made to the site being 2.01mAOD in section 2.2 of the FRA. This is equivalent to 4.74mCD. It would be good to confirm levels with a drawing (topo drawing not readable, page 62 of FRA)
- The groundwater trend shows Cover Level of the borehole as 5.24mCD. this is PCC owned data, and was collated in whole by PCC officers using PCC owned equipment. The below extract from the groundwater log below shows that the groundwater reaches a level of 4.40m around the time of heavy rainfall, which is 0.34m below the surface when referring to the above site level of 4.74mCD. this groundwater information has been shared previously, but not incorporated into Appendix A. It is highly likely that during a more severe storm event groundwater levels will exceed this and therefore be even closer to the surface within the site

Date and Time	Level	Surface Elevation (m)	Rainfall	Tide level
	Barometric Pressure (mBar)	Cover Level (mCD)		
12/01/2017 17:00	4.407	1.6	1.035	992.916
			5.24	

- The FRA still refers to groundwater information that is factually wrong and misleading within Jomas and Associates report dated 3rd April 2016. To clarify:
- The results as shown in the graphs are incorrect. When air pressure rises there is more pressure on water levels and therefore levels become lower. Also vice versa, when air pressure fall there is less pressure on water levels and therefore they rise. Any groundwater vs atmospheric pressure should produce a resemblance in mirror images
- This is confirmed by the statement on page 3 of the Groundwater Monitoring Results in the Drainage Survey & Groundwater Monitoring Review
- Sections 2 and 3 make references Severn Trent and repair to sewer line between manholes 5254 to 6250. however, flooding is still evidenced as occurring. The sewerage undertaker for Portsmouth is Southern Water
- Section 4.12 - statement of common ground does not state a rate. How has 5.15 l/s flow rate been calculated?
- Section 6.4 discharge rate previously agreed by PCC. Please show evidence
- Statement of Common Ground - Matters On Which Parties Disagree is still relevant for the flooding aspects
- Much of the information sent to the consultant by email 20th December 2017 as a response to a pre-app enquiry, has not been included. This is disappointing. Portsmouth City Council is actively investigating the cause of the flooding in the area, which is not known or fully understood. What is known is that there is a clear rain influence, which in turn is evidenced to influence groundwater levels. We are commissioning a CCTV survey of the surface water sewers in the Lealand Road, South Road and Central Road area, along with undertaking some modelling investigatory work over a wider area which includes the Lealand Road catchment. We should have information to work with in April 2018

- Sections 3.10 and 3.12 - these statements are speculation. I'm not understanding how fixing a broken sewer reduces groundwater flood risk. It may operate in reverse where groundwater enters the drainage system and is taken away
- Section 4.14 - storage area should be a volume or at least should include the permeable paving depth? The proximity of groundwater to the surface will require careful design of permeable paving areas. I would like to see detailed design drawings of the proposed permeable paving areas, which do not seem to be within the application pack
- Section 4.15 - finished floor levels being raised could impact surrounding residences, especially as the low spot in the rear garden of 46a Lealand Road has been evidenced as acting as a flood storage area. If this storage area is removed, the flood water will be deflected, quite possibly to surrounding property
- Section 6.3 - disagree completely with this statement
- Section 6.5 - disagree with the no flooding on or off site statement. This cannot be known if the source of present flood events is not understood, and mitigated as far as reasonably practicable
- The Drainage Strategy drawing at the end of the FRA is unreadable. The drawing should include the Microdrainage model layout node reference numbers. Therefore, I am unable to comment. This is an essential part of the FRA review by the LLFA
- Microdrainage parameters - urbanization should read as 0.37 impermeable, not 0.0

So in short, not happy with the application in terms of flooding matters in the vicinity of the application site and unable to approve. Objection stands.

Contaminated Land Team

The original application 15/01671/FUL was submitted in 2015 and included submission of the following report:

Geo-Environmental Desk Study/Preliminary Risk Assessment for 46a Lealand Road, Portsmouth, PO6 1LY, Jomas Associates Ltd., Ref: P8893J507, October 2014.

As the report was preliminary in nature the Contaminated Land Team (CLT) requested that it be updated with some additional information in order to satisfy standard conditions relating to land contamination. This included the need for a site visit and access to the garage on site to check for signs of leaks/spills and storage of chemicals.

On 15 January 2016 the environmental consultant who carried out the desk study report (Jomas Associates Ltd.) submitted a revised desk study report and site investigation proposals planned to commence later that month. The CLT provided further comment on these reports on 22 January 2016. Subsequently not further information has been received.

As there were some outstanding amendments required to the desk study report, and that the site investigation report was not received, the following conditions should be applied to any planning approval granted:

(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:

a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013+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 showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,

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+A1:2013 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (i)b above that a remediation scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

Reason (common to all): 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>

Environmental Health

No comments received.

Highways Engineer

I have reviewed the design and access statement and drawings submitted in support of this application which proposes the construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) and I would make the following observations.

This application appears to replicate the access and parking arrangements proposed in application 15/01671/Ful to which the LHA did not raise objection although was refused planning consent and that decision upheld at appeal (although not on highway grounds).

In that light and there having been no material change in circumstances in the intervening period from a highway perspective I would not wish to raise an objection to this application on highway grounds subject to securing the parking and access arrangements detailed on the application drawing prior to the occupation of the development.

COLAS COMMENTS

Before any works take place at this location including Demolition works, can the Developer please contact Martin Thompson or Fred Willett at Colas on martin.thompson@colas.co.uk or fred.willett@colas.co.uk

Environment Agency

We have no objections to the proposed development, as submitted.

Flood risk

The site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

However, more detailed modelling has demonstrated that with the Farlington defence improvements the site is likely to remain free of flooding for the 2115, 1 in 200 year tide event (4.4mAOD).

To mitigate the residual flood risk the Flood Risk Assessment (FRA) has advised that each residential unit will have the benefit of a first floor safe refuge, which is set above the design flood level (4.4mAOD). Furthermore, flood resilient construction and site specific flood warning and evacuation procedures are recommended to help manage the residual flood risk.

It is possible that safe access and egress to the development will not be available if flooding occurs.

The LPA may decide that in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means. In coming to a decision on the proposed development, the LPA should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed.

Specifically, consideration should be given to whether or not the submitted flood warning & evacuation plan and confirmation of safe refuge contained within the FRA would enable users of the development to avoid the flood hazards identified.

If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe then planning permission should be refused.

We will support the decision of the LPA on flood risk matters and should the LPA be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory then we would provide our full support at appeal.

Waste Management Service

I have no problems with the plans overall, though I notice they have individual bins for each property, I can only assume this is for them to store the waste before taking it to the communal bins. One thing I need to make clear is that there will need to be a good surface for the bins to travel across.

Ecology

Thank you for consulting me on this application for Construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) (Amended scheme to 15/01671/FUL), which is supported by a Bat Roost Survey Report (Enims, August 2016).

I would note that the approach to ecological impacts was discussed under 15/01671/FUL and whilst elements of the design have changed for this submission, the on-site and wider ecological impacts of the scheme are considered likely to remain the same. These comments are therefore predominately aimed at updating previous comments and ensuring agreed approaches are included in the revised submission.

The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by

Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The scale of the contribution is set at £181 per new dwelling for the SRMP (from April 2017, as updated).

The bat surveys undertaken during 2016 are considered likely to remain valid and bats are not likely to be present; I would however suggest the following informative note is added to the decision notice, if you were minded to grant permission:

- Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

I am aware that previous ecological reports have made a number of recommendations for ecological enhancements, but not all reports have supported this latest planning application, notably the Ecological Constraints and Opportunities Assessment (Enims, December 2015) which supported 15/01671/FUL. Full details of ecological enhancements could be provided under planning condition if you were minded to grant permission. Suitable wording might be:

- Prior to commencement, a scheme of biodiversity enhancements to be incorporated into the development designed for biodiversity benefits shall be submitted for written approval to the Local Planning Authority. The approach shall be informed by the recommendations of the ecological assessments of the site and development shall subsequently proceed in accordance with any such approved details. Reason: to enhance biodiversity in accordance with PCS13 a greener Portsmouth, NPPF and the Natural Environment and Rural Communities Act 2006.

REPRESENTATIONS

41 representations received, objecting on the following grounds:

- a) increased traffic generation, resulting in increased congestion on local road, harmful to highway safety;
- b) increased pressure for parking on local roads, during construction and from development, creating highway safety concerns and restricting access for emergency vehicles;
- c) poor visibility at the access on a bend in the road, leading to highway and pedestrian safety concerns;
- d) increased noise and pollution;
- e) increased risk of crime;
- f) additional pressure on local services and facilities, exacerbated by potential increase in older people if dwellings designed for downsizers;
- g) design not in keeping with surrounding properties and could set a precedent for similar designs in the area;
- h) loss of privacy to neighbouring residents;
- i) loss of light / overshadowing to neighbouring properties;
- j) concern about toilet access directly from open plan living space;
- k) buildings would be overly dominant and industrial in appearance;

- l) increased risk of flooding in surrounding area and to adjacent properties; concerns about accuracy of Flood Risk Assessment;
- m) inadequate drainage/sewage system to cope with more development; frequent flooding evidenced by existing residents;
- n) revised plans not significantly different and have not overcome concerns about impact on outlook for neighbours;
- o) loss of trees and wildlife;
- p) increased light pollution;
- q) overdevelopment of the site; development too high density;
- r) potential loss of property value;
- s) inadequate refuse/recycling storage and collection facilities;
- t) concerns as to whether the access would be suitable for emergency vehicles, and whether there would be suitable means of escape for residents;
- u) disturbance to neighbours, health and safety concerns and risk of damage to properties during construction;
- v) concerns about poor weathering of cladding;
- w) misleading information in application - existing dwelling is single-storey, not two-storey;
- x) potential for bats and slow worms on the site;
- y) light pollution from external lights;
- z) potential for asbestos to be present in existing building;
- aa) query about maintenance of new boundary fencing;
- ab) concern about poor condition of boundary walls;
- ac) queries about how HGVs and other vehicles will access the site during construction;
- ad) the Ground Water Management Report appears to give no consideration to the impact of groundwater flooding on surrounding properties;
- ae) concern about noise and pollution from water pumps, and who would be responsible for maintenance.

Two further emails were received, advising the Local Planning Authority that the garage at No.46 Lealand Road has recently been removed and new fencing erected.

Since the previous Planning Committee on 4 April 2018, one further representation has been received, asking who would be responsible if the development resulted in increased flooding to neighbouring properties.

COMMENT

Principle of the proposal

The application follows a previous scheme for 7 dwellings on the site, which was refused in April 2016 and subsequently dismissed at appeal in May 2017. However, neither the planning application or the appeal were refused on principle. The development would provide an additional 7 dwellings, which would make a positive contribution towards the City's housing needs in accordance with Policy PCS10 of the Portsmouth Plan.

Some concerns have been raised in representations about the impact of the additional population on local services and facilities, particularly if the houses are to be occupied by older people as 'downsize' properties, as referenced by the applicant within the submitted Design and Access Statement. Despite this reference within the Design and Access Statement, the applicants have not applied specifically for age restricted dwellings. The proposal is for private market dwellings and it would not be considered reasonable or appropriate to place any form of restriction on the age of future occupants.

Housing mix, density and affordable housing

Policy PCS19 of the Portsmouth Plan seeks to achieve appropriate mixes of dwellings on new development sites. The policy states that, where appropriate, new development should achieve a target of 40% family homes (3-bedrooms or more), in order to meet the needs of families and larger households. The proposed scheme would provide 3 x 2-bedroom dwellings and 4 x 3-bedroom dwellings, which would accord with this policy aim.

The area around the site is of a low density at approximately 25 dwellings per hectare. The proposed development would be at a density of approximately 45 dwellings per hectare. Policy PCS21 (housing density) of the Portsmouth Plan requires that outside of identified high density areas, the housing density of new development should be no less than 40 dwellings per hectare. The proposed density would be greater than that typical of the locality, however it would not be significantly above the required minimum density to achieve the most effective and efficient use of land and to meet the housing needs of the city.

In accordance with Policy PCS19 and Government Legislation, there is no requirement for the scheme to contribute towards the provision of affordable housing as the development is for less than 10 dwellings.

Layout, design and appearance, and impact on the character of the area

The proposal is for a development of seven dwellings, comprising three rows of semi-detached properties extending east/west across the site (Units 1 to 6), with one additional coach house style dwelling located on the southern side of the site (Plot 7). The dwellings have been designed with a contemporary appearance and a bespoke layout, which seeks to maximise the development potential of the site whilst protecting the amenities of neighbouring residents. The dwellings would be two-storey, but with shallow pitched roofs creating relatively low ridge heights of up to 6m. The elevations of the dwellings would comprise brickwork at ground floor level with timber cladding on the first floor. In terms of layout, the dwellings on Units 1 to 6 would be single-aspect, with large windows and doors located on the southern elevations serving the main habitable rooms. In the case of the coach house (Plot 7), the windows would face west.

It is accepted that the proposed design of the dwellings and density of development is very different to that of the surrounding properties. This was acknowledged by the Appeal Inspector for the previous scheme (ref. 15/01671/FUL). In paragraph 26 of the Appeal Decision, the Inspector noted that whilst the proposal was for a very different style of development in relation to the surrounding area, the self-contained nature of the site allowed it to accommodate a bespoke design:

"The dwellings would be of a contemporary design with flat roofs, extensive use of glass and the upper floors would be timber clad. In all these respects the proposed development would be totally different from any of the surrounding residential dwellings. Nevertheless, as the site is self-contained and does not have strong visual links with nearby development, I consider that it could accommodate a bespoke design using an innovative layout".

The Inspector also considered the matter of density and the relationship of the development to its surroundings. In paragraph 27 of the Appeal Decision, the Inspector considered that whilst the development was not in keeping with the lower density and style of surrounding properties, it would not result in material harm to the areas character of appearance:

"The rear elevation of Units 1 and 2 would be immediately adjacent to the northern boundary of the site. In addition, the flank walls of Units 3-6 and the rear wall of Unit 7 would only be about 1m from the site's boundaries. This has enabled a development of 45 dwellings/hectare to be achieved, but would be at odds with the more traditional, low-density layout in the surrounding area where there are more generous spaces both between and around the buildings. It would

also restrict the amount of space available for landscaping, which could soften its appearance and assist with its integration into the surrounding context. However, I do not consider that these factors result in material harm to the area's character or appearance that would justify rejecting the scheme. I have also had regard to the Design Review Panel's view that there was a clear rationale for the design and concluded that the scheme should be supported".

Having regard to the conclusions of the Planning Inspector, it is considered that the proposed layout, density and design of dwellings is acceptable for the site and would not result in material harm to the character or appearance of the surrounding area.

Impact on the amenities of neighbouring residents

Policy PCS23 requires new development to protect the amenity of existing residents.

The Inspector for the previous appeal determined that the neighbouring properties most affected by the development would be Nos. 1 and 3 Central Road and Nos. 38 and 42 Lealand Road. In respect of Nos. 38 and 42 Lealand Road, the Inspector acknowledged that the outlook from these properties would be affected by the development but did not consider that the impact would be significantly harmful when taking account of the height of the dwellings and their position in relation to the garden boundaries.

With regard to the impact on Nos. 1 and 3 Central Road, the Inspector considered that the combined width, height and lack of articulation on the rear elevations of Units 1 and 2 would result in a harmful impact on the amenities of these neighbouring residents in terms of a loss of outlook and creation of a sense of enclosure. In paragraph 10 of the Appeal Decision, the Inspector specifically noted that as a result of the height, width and lack of articulation on Unit 1 and 2, the outlook from Nos. 1 and 3 Central Road would be "dominated by a large, bulky and blank timber wall". She concluded that, despite the separation distance between buildings, the introduction of a building of the scale, height and bulk proposed would "appear both un-neighbourly and overbearing". In the same paragraph, the Inspector went on to note that due to the lack of space between the rear of Units 1 and 2 and the rear boundary, there was no opportunity to provide landscaping to soften the impact.

In response to the issues raised by the Inspector regarding the impact on Nos. 1 and 3 Central Road, the following amendments have been made within the current application:

- Re-siting of all of the dwellings further south by approximately 0.7m to allow for the provision of a gap between Units 1 and 2 and the rear (northern) boundary of the site. The resulting gap would measure approximately 0.5m at its narrowest point and 2m at its widest point.
- Reduction in the width of the ground floor of Units 1 and 2 by approximately 1.1m
- Re-design of the first floor of Units 1 and 2, resulting in a reduced width of up to 8.4m on the northern side, and angled elevations.
- Amendment to the roof forms of Units 3 to 6, resulting in a reduction in height of approximately 0.5m on the eastern and western sides of the roof.

It is considered that the amendments to Units 1 and 2, which include a significant reduction in width at first floor level and the creation of angled walls, would result in a significant reduction in the visual bulk of these buildings when viewed from the rear of Nos. 1 and 3 Central Road. The impact of the dwellings would be further reduced by their re-siting further from the neighbouring boundaries and the gap could allow for some landscaping in the wider sections. Details of any landscaping/planting to this area can be secured by condition. It is therefore considered that the amended design has overcome the concerns raised by the Appeal Inspector and that the development would not result in significant harm to the amenities of the residents at Nos.1 and 3 Central Road.

The re-siting of the other dwellings and change in roof form would also result in a slightly different relationship with Nos. 42 and 38 Lealand Road, with a reduction in the building bulk immediately adjacent to the rear garden boundaries.

Whilst the coach house at Plot 7 would be sited slightly closer to the southern boundary of the site, it is considered that the separation distances that would remain between this building and the nearest neighbouring properties would be sufficient to ensure no significant impact in terms of loss of outlook or light to the neighbouring residents.

As per the previous scheme, none of the proposed dwellings would have any first floor windows facing over the gardens of the neighbouring properties. There would be some windows at ground floor level on the east and west elevations of Units 1 and 2, but these would be secondary windows and views towards the neighbouring properties would be restricted by boundary fencing. It is therefore not considered that the proposed development would result in any significant loss of privacy to neighbouring residents.

Overall, it is considered that the concerns raised by the Appeal Inspector about the impact of the development on the amenities of the neighbouring residents have been addressed in the current scheme.

Standard of living environment for future occupants

One of the requirements of Policy PCS23 is for new development to achieve a good standard of living environment for future occupants and Policy PCS19 states that dwellings should be of a suitable size for the number of people that they are designed to accommodate. Policy PCS19 previously referred to locally set size standards, although these have now been superseded by the Nationally Described Space Standards (NDSS). The NDSS set out minimum sizes for new residential dwellings, which are considered to be the minimum that is required to achieve a suitable standard of living accommodation.

The proposed scheme comprises 2 x 2-bedroom semi-detached dwellings, 4 x 3-bedroom semi-detached dwellings and 1 x 2-bedroom coach house. The internal floor areas of the dwellings, as confirmed within the Design and Access Statement, are as follows:

- 2-bedroom dwellings (2-storey) - 74m²
- 3-bedroom dwellings (2-storey) - 96m²
- 2-bedroom coach house (one floor) - 67m²

The NDSS requires 2-storey, 2-bedroom dwellings to be a minimum of 70m², and 2-storey, 3-bedroom dwellings to be minimum of 84m². For 2-bedroom dwellings over 1 floor, as per the proposed coach house, the minimum requirement is for 61m². All of the dwellings therefore meet the minimum size standards as set out within the NDSS.

The dwellings at Units 1 to 6 have been designed to be single-aspect, with light and outlook gained through large south facing windows and glazed doors. These windows and doors would face out onto southerly facing garden areas to the front of the properties. Given the limited depth of the dwellings and the design of the internal layout with all habitable rooms on the southern side of the buildings, this design is considered to provide a good level of light and outlook for the future occupants. The coach house would be also be single-aspect, but with its main elevation facing east. In addition, this building has been designed with a projecting window to maximise light to the main living and dining space.

Overall, the proposed development is considered to be acceptable in terms of the size and layout of the dwellings to provide a good standard of living environment for future occupants, in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.

Flood risk

Summary of previous reason for refusal and Appeal Decision:

One of the reasons for refusal of the previous scheme (ref. 15/01671/FUL) related to flood risk. Concerns about increased flood risk have also been raised by many local residents through representations to both the previous and current schemes. The previous reason for refusal was as follows:

'The proposal is not accompanied by sufficient information to demonstrate that the development would not increase flood risk elsewhere or provide the sustainable benefits that would outweigh any residual flood risk. The proposal is therefore not considered to pass the exception test and as such is contrary to the aims and objectives of the National Planning Policy Framework and to Policy PCS12 of the Portsmouth Plan'.

This matter was debated in detail at the subsequent Appeal Hearing. The appellant presented evidence of flood risk investigation works and prepared a detailed drainage strategy for the site. These details were reviewed by the Councils Drainage Engineer who contended that there remained uncertainty about the cause of flooding on the site and in the surrounding area and therefore it was not possible to confirm that the proposed drainage strategy would be sufficient. All of these points and the evidence prepared by both parties were considered by the Appeal Inspector and her concluding comments were set out in paragraphs 22 to 24 of the Appeal Decision. In respect of the cause of flooding, the Inspector did not consider that the Council had provided sufficient evidence to counter the information provided by the appellant. This was noted in paragraph 21 of the Appeal Decision:

"... At the hearing the Councils engineer then suggested that there could be ground water flowing beneath the surface but above the clay bands, although there was little evidence to substantiate this theory."

The Inspector went on to conclude the following in paragraph 22:

"I accept that there is a level of uncertainty about the causes of flooding in the area. However, from the evidence presented, the discussions at the hearing and the experience of local residents, it seems to me that the primary cause is surface water flooding following periods of rain. This may have been compounded by the poor state of repair of the surface water sewers in the area, which added to the problem by preventing water from flowing away. However, following the identification of blockages and collapsed sewers, Southern Water has confirmed that it has undertaken repairs which should ease the problem in the future".

The Inspector then went on to consider the Drainage Strategy put forward by the appellant, which included the separation of foul and surface water on the site, and the provision of an area of storage built into the sub-base of the permeable surfaces to enable water to be collected during rainfall events and discharged to the surface water sewer at a restricted rate. The Inspector considered that these measures would reduce the risk of flooding both on the site and within the downstream catchment area, and would prevent the displacement of existing water flows into the surrounding area.

The Inspectors concluding points on this matter were set out in paragraph 24 of the Appeal Decision:

"Taking all these factors into account, I conclude that the development would not result in an unacceptable residual risk of flooding on the site or increase the risk of flooding elsewhere. In these respects the proposal would meet the requirements of the Exceptions Test set out in the [National Planning Policy] Framework and the advice of the PPG. It would also comply with Policy PCS12 of the Portsmouth Plan... In coming to my conclusion I have also had regard to

the responses from the Environment Agency, Southern Water and the Eastern Solent Coastal Partnership, none of whom objected to the proposal."

Through the appeal process, it was therefore determined that the proposed development would not result in an unacceptable risk of flooding on the site or to the surrounding area and that the reason for refusal on flood risk had been addressed.

Current application

For the current application, the applicants have submitted a Flood Risk Assessment and Drainage Strategy (Mayer Brown, December 2017), which proposes the same measures as that put forward at the appeal, comprising the separation of foul and surface water and the provision of a water storage facility within the sub-base of the permeable surfaces.

In response to the information submitted by the applicants, the Councils Drainage Engineer raised a number of comments and queries about the details set out in the Flood Risk Assessment. Within his comments, the Drainage Engineer made the following specific points:

- Data collected by the Council indicated that the groundwater level rises close to the level of the site following heavy rainfall and it is likely to be even higher during more severe storm events.
- Flooding is still being evidenced in the surrounding area even following the repairs to the sewer.
- The Council is in the process of carrying out further investigations into the cause of flooding in the area. This includes a CCTV survey of the surface water sewers in Lealand Road, South Road and Central Road, along with modelling investigatory work over a wider area. The results of these investigations are not currently available.

The Drainage Engineer concluded that an objection to the development is maintained as if the source of flood events is still not known or fully understood, it cannot be determined that the proposed Drainage Strategy will be effective.

The applicants have sought to respond to the queries through submission of an Addendum to the Flood Risk Assessment and a Groundwater Flood Risk Management report (prepared by Mayer Brown). The applicants accept that the groundwater levels at the site are high and could be a source of flooding at the site. However, they consider that the mitigation measures set out within the submitted Groundwater Flood Risk Management report would address any issues relating to groundwater. These measures can be summarised as follows:

- Recommend that all dwellings on site be constructed with 150mm reinforced concrete flooring and as waterproof membrane as a preventative measure for groundwater flooding.
- Filter drain to be installed around the perimeter of the site, comprising a trench and perforated pipe to divert groundwater.
- Sump and pump systems to be installed during the construction phase as a preventable measure and to be regularly monitored and maintained.
- Flood prevention measures to be incorporated into the dwellings, including raising of door thresholds, and location of water, electricity and gas metres, electrical sockets and wiring above flood levels.

It is concluded within the Ground Water Flood Risk Management Report that with the proposed mitigation measures, the residents of the proposed development would be safe from groundwater flooding.

Having reviewed the additional information, the Councils Drainage Engineer has maintained an objection to the scheme, noting that as the cause of flooding remains unknown, it is not possible

at this stage to conclude that the proposed drainage scheme would be acceptable to mitigate flood risk or to prevent increased flooding elsewhere.

It is noted that the Environment Agency has raised no objection to the proposal, commenting that each dwelling would have the benefit of a first floor safe refuse in the case of flooding and that flood resilient construction and flood warning and evacuation procedures are recommended within the submitted Flood Risk Assessment. The Environment Agency has noted, however, that the final determination as to whether the site would be safe from flooding should be made by the Local Planning Authority.

Conclusions on flood risk:

The Inspector was very clear in her view that the Drainage Strategy put forward by the appellants during the previous appeal would be acceptable to ensure that the development would be safe from flooding and would not increase flood risk elsewhere. The current proposal incorporates the same Drainage Strategy as well as additional measures to mitigate groundwater flood risk. Whilst the Councils Drainage Engineer maintains an objection, there is currently no specific evidence available to demonstrate that the proposed Drainage Strategy would not be acceptable. Therefore, having regard to the Appeal Decision and the lack of contrary evidence, it is not considered that the Council can reasonably sustain an objection on the grounds of flood risk.

The precise design details of the drainage strategy would need to be secured by condition. This condition would require specific details to be submitted for approval by the Local Planning Authority prior to commencement of the development. It would be possible to consider and approve an amended or alternative drainage strategy through the conditions process if required. The condition would also require a scheme for maintenance of the system to be agreed.

Ecology

One of the reasons for refusal of the previous scheme related to the potential impact of the development on bats. Following the refusal, the applicants carried out further survey work, which determined that there was no evidence of the presence of bats on site. This information was reviewed and agreed by the County Ecologist and the reason for refusal was withdrawn prior to the Appeal Hearing.

The Bat Roost Survey Report (Enims, August 2016), which was prepared prior to the appeal, has been submitted in support of this current application. The County Ecologist has confirmed that the results of the survey are still considered to be relevant and accepts the conclusion that no bats are likely to be present on the site. No specific mitigation measures are therefore required, although it is recommended that an informative be added to any planning permission to make the developers aware of the need to contact an Ecologist if any evidence of bats is subsequently found.

The County Ecologist also considers that there is the potential for biodiversity enhancements to be incorporated as part of the development and such measures can be secured by condition.

It is noted within some of the representations that there could be the potential for the site to accommodate other protected species such as slow worms. It is confirmed that an Ecological Constraints and Opportunities Assessment was carried out as part of the previous planning application on the site, and this did not indicate potential for any protected species other than bats, the presence of which has since been ruled out.

A number of local residents have also raised concerns about the loss of trees on the site. These trees were removed some time ago and as the trees were not protected, their removal did not require the consent of the Local Planning Authority.

Access, parking and refuse storage

The proposed development would be accessed from Lealand Road, via a driveway alongside No.46. The plans show that the driveway would be widened by the removal of an existing attached garage at No.46, and it has recently been confirmed that the garage has already been removed. It is noted that the demolition of a domestic garage did not in itself require planning permission.

Parking for the development would be laid out on the southern side of the site. A total of 12 parking spaces would be provided, including 4 spaces within the coach house undercroft, which would accord with the requirements of the Adopted Parking Standards. The access arrangements are the same as those proposed and determined to be acceptable in the previous scheme. The number of parking spaces has been reduced by 1, but still complies with the amount required in accordance with the Adopted Parking Standards:

7 x 2 and 3-bedroom dwellings - parking requirement of 1.5 spaces per dwelling
Total spaces required = 10.5(11)

Whilst a number of local residents have raised concerns about lack of parking and potential highway safety concerns resulting from increased traffic, as the parking provision accords with the Councils Adopted Standards and there is no objection from the Highway Engineer, there would be no grounds on which to sustain a highway objection to the scheme. The provision of the parking spaces would be secured by condition. An informative would also be added to advise the applicants to contact COLAS prior to commencing any highway works.

Refuse storage facilities would be provided for each individual dwelling and a separate refuse collection point has been shown adjacent to the access driveway. These arrangements were also agreed at Appeal as part of the previous scheme and are considered acceptable.

Energy efficiency

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes.

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

The proposed dwellings have been designed to be single aspect with their main elevations facing either south or west to maximise solar gain and light. The specific requirements of Policy PCS15 in terms of energy and water efficiency can be secured by condition.

Impact on the Solent Special Protection Area (SPA)

The Conservation of Habitats and Species Regulations 2010 [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, or otherwise affect protected 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.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure. The SPD sets out how development schemes can provide mitigation to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, details of which are set out in the Bird Aware Strategy, which is to come into effect on 1 April 2018. The contribution amount per dwelling depends on the number of bedrooms. In this case, the relevant contribution is calculated as follows:

- 3 x 2-bedroom dwellings at £487 each = £1,461
- 4 x 3-bedroom dwellings at £637 each = £2,548
- Total = £4,009

The applicants have agreed to make the relevant contributions, to be secured through a Unilateral Undertaking. Subject to completion of the Unilateral Undertaking the scheme would therefore comply with the requirements of Policy PCS13 of the Portsmouth Plan.

Other matters raised within representations

A number of representations have been received from local residents, raising a variety of concerns about the scheme, most of which have been addressed in the previous sections of this report. Other matters that have been raised include concerns about the impact on existing residents during the construction phase, including potential damage to homes. A condition would be imposed to require a Construction Management Plan to be prepared and approved by the Local Planning Authority prior to commencement of development. This would include details of site access, materials storage and measures to minimise noise and pollution.

Conclusion

The proposed development is considered to overcome the concerns raised by the Inspector following the appeal against the refusal of the previous scheme (ref. 15/01671/FUL), in respect of the impact on neighbouring residents. Whilst flood risk remains a concern among the local community, there is insufficient available evidence to counter the opinion of the Inspector that the submitted Drainage Strategy would be appropriate to ensure that the site would be safe from flooding and would not increase flood risk elsewhere. The proposed development is considered to be acceptable in all other respects, including design and appearance, parking and ecology. The development is therefore considered to accord with the relevant policies of the Portsmouth Plan and the National Planning Policy Framework.

Subject to receipt of a completed Unilateral Undertaking to secure the Solent Special Protection Area mitigation:

RECOMMENDATION

Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 P553 001 P3; SITE PLAN P553 051 P8; SITE PLAN 1:200 P553 052 P6; GROUND FLOOR PLAN UNITS 1&2 P553 061 P4; FIRST FLOOR PLAN UNITS 1&2 P553 062 P5; ROOF PLAN UNITS 1&2 P553 063 P4; UNITS 1&2 ELEVATIONS P553 082 P4; UNITS 1&2 ELEVATIONS P553 081 P3; SECTION PLAN UNITS 1&2 P553 091 P3; GROUND FLOOR PLAN UNITS 3-6 P553 064 P5; FIRST FLOOR PLAN UNITS 3-6 P553 065 P5; ROOF PLAN UNITS 3-6 P553 066 P4; UNITS 3-6 ELEVATIONS P553 083 P4; UNITS 3-6 ELEVATIONS P553 084 P4; SECTION PLAN UNITS 3-6 P553 092 P4; GROUND FLOOR PLAN UNIT 7 P553 067 P5; FIRST FLOOR PLAN UNIT 7 P553 068 P5; ROOF PLAN UNIT 7 P553 069 P5; UNIT 7 ELEVATIONS P553 085 P5; UNIT 7 ELEVATIONS P553 086 P5; SECTION PLAN UNIT 7 P553 093 P5; SURVEY PLAN P553 011 P3; and SITE SECTIONS P553 094 P5.
- 3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
 - a) A desk study (undertaken in accordance with best practice, including BS10175:2011+A1:2013+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 showing the potential pathways that exposure to contaminants may occur, including any arising from asbestos removal, both during and post-construction, and unless otherwise agreed in writing by the LPA,
 - 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+A1:2013 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The laboratory analysis should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS)). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation; and, unless otherwise agreed in writing by the LPA,
 - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall take into account the sustainability of the proposed remedial approach, and shall include nomination of a competent person to oversee the implementation and completion of the works.
- 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 3c above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition 3b above that a remediation

scheme is not required, the requirements of this condition will be deemed to have been discharged.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 3c.

- 5) (a) Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on site until, a detailed schedule of materials and finishes (including samples where requested) to be used for all external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority;
- (b) The development shall thereafter be carried out in accordance with the approved details.

6) No development shall commence on site until:

a) The detailed design of the drainage and flood risk management scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of site levels, finished floor levels, storage capacity and volumes, layout, sump and pump systems layout and levels, drainage calculations, overland flow routes and types of permeable paving. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall accord with the details and recommendations outlined within the Flood Risk Assessment and Drainage Strategy and Addendum, and Groundwater Flood Risk Management Report (Mayer Brown, December 2017 and March 2018), and associated Drainage Strategy Plan ref. X/PSLealandRd(AP)10_001.

b) A strategy for the maintenance of the drainage and flood risk management scheme agreed under part (a) has been submitted to and approved in writing by the Local Planning Authority.

The drainage and flood risk management scheme shall thereafter be implemented and maintained in accordance with the approved details.

7) Prior to occupation of the development hereby permitted, a verification report confirming that the drainage and flood risk management scheme has been implemented fully in accordance with the details agreed under Condition 6(a), shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained in accordance with the details agreed under Condition 6(b).

8) Prior to commencement of the development hereby permitted, a scheme of biodiversity enhancements to be incorporated into the development designed for biodiversity benefits shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall thereafter be implemented in accordance with the approved details.

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the vehicular accesses and parking spaces have been provided in accordance with the approved Site Plan ref. P553 051 P8.

(b) The parking spaces shall thereafter be permanently retained the parking of vehicles at all times.

10) Prior to commencement of the development hereby permitted, precise details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be installed and retained in accordance with the approved details.

11) Prior to commencement of the development hereby permitted, a landscaping scheme, to include details of species, planting sizes, spacing and numbers of trees/shrubs to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings. Any trees or plants 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.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and or re-enacting that Order with or without modification) no building, structure, addition, means of enclosure or other alteration including the installation of windows permitted by Class A, Class B or Class C of Part 1 or Class A of Part 2 of Schedule 2 shall be constructed/erected/carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

13) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by the local planning authority, proving that the development has achieved:

- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
- 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.

14) (a) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include, but not limited to details of: Times of deliveries; Wheel wash facilities; Site office facilities; Contractor parking areas; Loading/off-loading areas; Method Statement for control of dust and emissions from construction and demolition; an Assessment and Method Statement for the control of construction noise.

(b) The development shall be carried out in accordance with the approved details and shall continue for as long as construction/demolition is taking place at the site.

15) Prior to first occupation of the development hereby permitted, the refuse storage and collection facilities shall be provided in accordance with the details shown on the approved Site Plan ref. P553 051 P8, and thereafter retained.

16) Prior to first occupation of the development hereby permitted, the facilities for the secure storage of bicycles shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained for the storage of bicycles.

The reasons for the conditions are:

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

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

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

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

5) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.

- 6) In order to ensure that the development is safe from flooding and does not increase the risk of flooding to the surrounding area, in accordance with policy PCS12 of the Portsmouth Plan.
- 7) In order to ensure that the development is safe from flooding and does not increase the risk of flooding to the surrounding area, in accordance with policy PCS12 of the Portsmouth Plan.
- 8) To enhance biodiversity in accordance with Policy PCS13 of the Portsmouth Plan, the National Planning Policy Framework, and the Natural Environment and Rural Communities Act 2006.
- 9) To ensure satisfactory provision for on-site parking, in the interest of highway safety, in accordance with Policy PCS17 of the Portsmouth Plan.
- 10) In the interest of visual amenity and to protect the amenities of neighbouring residents, in accordance with Policy PCS23 of the Portsmouth Plan.
- 11) In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 12) In the interests of visual and residential amenity having regard to the specific design and layout of the development and relationship with neighbouring properties, in accordance with policy PCS23 of the Portsmouth Plan.
- 13) To ensure that the development as built will minimise its need for resources in accordance with Policy PCS15 of the Portsmouth Plan.
- 14) To protect the amenity of local residents by preventing excessive nuisance and minimise adverse effects on the local environment and the adjoining highway, as far as practicable, during works of demolition/construction in accordance with policy PCS23 of the Portsmouth Plan.
- 15) In the interest of amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 16) To ensure adequate facilities for cyclists, to encourage sustainable modes of transport, in accordance with Policy PCS17 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

140-144 KINGSTON ROAD PORTSMOUTH PO2 7PD

PART DEMOLITION OF FORMER BINGO HALL AND CONVERSION TO FORM RETAIL UNIT (CLASS A1/A2) AND 10 DWELLINGHOUSES; CONVERSION/EXTENSION OF OUTBUILDING TO FORM DWELLINGHOUSE; PROVISION OF ASSOCIATED REFUSE/BICYCLE STORES AND CAR PARKING WITH ACCESS FROM ST STEPHENS ROAD VIA UNDERCROFT AT NO.37 FOLLOWING REMOVAL OF STREET TREE AND PAVEMENT BUILD-OUT

Application Submitted By:

Chris Flint Ass Ltd
FAO Chris Flint

On behalf of:

Mr R Singh

RDD: 24th July 2017

LDD: 18th January 2018

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the principle of development is acceptable in the location proposed; whether the development is of an appropriate design; whether the proposal would provide an appropriate standard of living accommodation for future occupiers and whether it would have any significant adverse impact on the amenity of the occupiers of the adjoining properties. Other issues to consider are whether the proposal meets policy requirements in respect of affordable housing, SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

The Site

This application relates to a large former bingo hall (previously a cinema) located to the eastern side of Kingston Road between its junctions with Queen's Road and Binstead Road. Whilst neither statutory nor locally listed the building incorporates an ornate elevation onto Kingston Road topped with a domed cupola that provides a prominent local landmark which makes an important contribution to the street scene. The rest of the site comprises a large two-storey auditorium that extends above most buildings within the immediate vicinity, and backs directly onto residential gardens of properties fronting St. Stephens Road to the rear. In combination with a series of ancillary structures the site is largely occupied by built form with the exception of two small areas of hardstanding served by accesses from St. Stephens Road through undercrofts.

The site is located within the Kingston Road Local Centre as defined by Policy PCS18 of the Portsmouth Plan a linear centre along Kingston Road which is characterised by a mix of small scale commercial uses at ground floor level with ancillary or residential uses above.

The Proposal

Planning permission is sought for part demolition of the former bingo hall and conversion to form a retail unit (Class A1/A2) at ground floor level fronting Kingston Road and 10 dwellings. The proposal also seeks permission for the conversion/extension of outbuilding to form a further dwellinghouse, the provision of associated refuse/bicycle stores and car parking with access

from St Stephens Road via undercroft at No.37 following removal of street tree and a pavement build-out.

Relevant Planning History

Whilst there is an extensive planning history for this site, none is considered to be directly relevant to the proposal.

POLICY CONTEXT

In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS18 (Local Shops and Services), PCS19 (Housing mix, size and affordable homes) and PCS23 (Design and Conservation). The Parking Standards SPD, the Housing standards SPD and the Technical Housing Standards - nationally described space standards and the Solent Recreation Mitigation Strategy are also relevant to the proposed development.

CONSULTATIONS

Contaminated Land Team

The Contaminated Land Team (CLT) has reviewed the above application and given the scale and sensitive nature of the proposed development, together with the site's proximity to several former potentially contaminative uses including a manufacturing chemist, planning conditions in respect of land contamination are requested.

Environmental Health

The EHT have no outright objections to the proposed development; however it is suggest that residential dwellings on the London Road façade will be exposed to traffic noise levels which may impact upon the amenity of any future residents.

Therefore if permission should be deemed appropriate the EHT would suggest a planning condition relating to the insulation of habitable rooms against traffic noise.

It is noted that objections have been raised regarding potential impacts due to dust and noise from the demolition and construction phase of the development. Inevitably there will be some element of disturbance due to these activities; however these are not grounds for the EHT to object to an application, as it is accepted contractors will ensure best practicable means are employed to reduce any impacts to a minimum and if necessary we can require further mitigation measures are undertaken using provisions under The Control of Pollution Act 1974.

Coastal And Drainage

No objection raised.

Highways Engineer

Kingston Road forms part of the classified A2047, a major north-south route through Portsmouth. Kingston Road has a mixture of development along it; the area in which the proposal site is situated has mixed commercial and residential uses. The site has rear access from St Stephens Road, a residential road subject to a 20mph speed limit. The road is not part of any residents' parking scheme and currently experiences parking demand in excess of the capacity available on-street.

There is no vehicle access to the site available from Kingston Road however the site can be accessed from the rear via St Stephens Road. A dropped vehicle crossover into the site exists however this passes beneath a dwelling (39 St Stephens Road). The access is currently built across only allowing pedestrian access however this could legitimately be reopened to allow entry to vehicles however it should be noted that the access does not have pedestrian visibility to the required standard and access to the site could potentially be impeded by a tree located on

a small buildout that forms part of the vehicle crossover. Another access to the site exists adjacent to 29 St Stephens Road which is slightly wider and does not pass below a building however due to the configuration of the site in relation to its neighbours, it would not be possible to get vehicles into the site as the rear of the existing building is in close proximity to the boundaries of the adjacent houses.

Without use of this entrance, the 8 proposed parking spaces could not be accessed. Whilst the entrance could be opened up to re-use, the potential intensification of use is a concern however due to the narrow width of both the access and St Stephens Road, vehicle speeds are likely to be very slow. On balance, the LHA feel that the benefit of being able to provide the parking provision on the site and the reduced risk of these 8 vehicles increasing parking on double yellow lines outweighs the slight risk of a vehicle/pedestrian conflict at the site access. Should the development be consented however, the buildout and tree must be removed as is proposed on the plans. A s278 agreement would be required with the LHA prior to any works being carried out on the Highway.

A brief assessment of trip generation has been provided, and predicts that the proposal would result in approximately 74 multimodal trips per day. The LHA is satisfied that this is a reasonable assumption and additionally would be considerably less than the trip generation associated with the existing use. The LHA is therefore satisfied that the proposal would not have a material impact upon the local highway network in capacity terms.

The Portsmouth Parking SPD sets out the expected level of parking provision that should be included within residential development. The area of North End experiences severe pressure on parking provision and regularly demand exceeds the capacity available on-street leading to indiscriminate parking on yellow line restrictions. The proposed development would have an expected parking demand of 14.5(15) as per SPD standards. It is proposed to provide 8 car spaces on the site, a shortfall of 6.5(7) against the SPD standards.

As mentioned, the local area is already pressured for parking as observed in the transport assessment; "A site inspection undertaken at 01:00 on Tuesday 11 July 2017 confirmed very high levels of on-street car parking in Kingston Road (two vacant spaces between Queen's Road and Binstead Road) and in the roads behind the site parking at capacity leading to examples of inconsiderate and potentially dangerous parking behaviour. In these circumstance an over-night parking survey would not provide any information helpful to determination of the application". Evenings and overnight is traditionally the peak time for parking demand in residential areas, whilst the nearby streets are currently at capacity for parking, the existing use as a Bingo hall would have had a significant parking demand associated with it that presumably extended into the evenings. Therefore whilst the development is unable to provide for the total amount of parking expected by the SPD, a case could be made that the development would have similar or less impact than the existing use.

The Portsmouth Parking SPD also gives the level of secure, overnight cycle parking spaces that should be provided for new residential developments. The proposed development would have a demand for 20 secure and weatherproof cycle parking spaces. Cycle parking has been proposed within individual cycle lockers providing for a total of 14 cycles across 7 lockers. This falls short of the amount required and therefore further provision should be made. If individual lockers are to be installed there should be enough for one per dwelling. The LHA is satisfied that the additional cycle parking could be secured by condition however it would be useful to understand how the additional cycle parking might affect the site layout prior to determination of the application.

Summary - The main issues facing the site are those of vehicle access and parking provision. Whilst the existing access to be retained does not meet the required standard for pedestrian visibility, vehicle speeds exiting the site are likely to be very low. Should the access not be used, no parking provision would be available on the site which would almost certainly lead to further indiscriminate parking at junctions as already occurs. This in itself creates a Highway safety risk

and is arguably, more severe than any risk arising from the substandard access. Due to the pressure on parking in the local area, it is a benefit that parking can be provided on-site albeit not to SPD standards, given the proximity to shops, services and transport links, the facilities are available for some residents to live car-free. Presuming that the site will need to find a new use, given the scale of the site, residential use is the most likely and viable alternative therefore on balance, as the application stands, the LHA would not wish to raise a Highways objection however the following conditions should be secured;

- Car parking spaces to be provided prior to occupation of the development and thereafter retained for use by residents
- Cycle parking to be provided to SPD standards prior to occupation of the development and thereafter retained for use by residents
- Construction management plan to be provided to and approved by the LHA prior to works commencing on site
- No highway works to be undertaken prior to a section 278 agreement being finalised with the LHA.

Natural England

Statutory nature conservation sites - no objection

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect. We have not considered the potential for impacts to protected species to occur from this application and would recommend you refer to our standing advice when considering this application.

Other advice - Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, Natural England would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space

provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Ecology

The application is supported by a Phase 1 Ecological Survey Report (Ecosupport Ltd, Undated). The Report identified the site as having low/negligible potential to support protected species, notably roosting bats. The features identified were inspected during the survey and no protected species were recorded, although the potential for roosting bats or nesting birds could not be ruled out. No further surveys have been carried out, but the report makes a recommendation for a pre-demolition toolbox talk from an ecologist, a pre-works ecological survey and ecological supervision of some of the roof strip works.

Provided that the avoidance or mitigation measures are implemented, the Ecology Team would have no concerns over these proposals subject to a planning condition requiring the development to be carried out in accordance with the Phase 1 Ecological Survey Report.

The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

Portsmouth City Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that PCC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have.

Leisure/Arb Officer

Observations - The tree identified for removal to facilitate access from St Stephens Road as a street tree is managed by Colas through the PFI contract.

Although prominent in the street scene on closer inspection the tree features a compression fork and some areas of damage and dysfunction. Extensive suckering growth is being generated at the base and the surrounding Tarmac surfacing shows evidence of damage caused by root development.

There is no objection in principle to the removal of the tree subject to suitable mitigation planting being undertaken. If the tree is removed and subject to agreement from Colas mitigation planting could be undertaken in the three redundant tree pits at the junction of St Stephens and Queens Roads.

The creation of a central garden / courtyard offers opportunity for planting of a small ornamental tree within the landscape, which may be of some amenity value to the residents of this development.

Recommendations:

1. Colas / Highways PFI be consulted on this development.
2. The application be granted subject to identification of suitable mitigation planting sites.

REPRESENTATIONS

Seven letters of representation have been received in respect of this application, three in support and four in objection. The letters of support can be summarised as follows:

- a) This is a positive re-use of an attractive building;
- b) The proposal would provide much needed residential accommodation;
- c) The proposed use would be less intensive than the previous bingo hall use; and
- d) The proposal would reduce traffic associated with the bingo hall use on the surrounding highway network.

The letters of objection can be summarised as follows:

- a) Increased noise and disturbance particularly to occupiers adjacent to and above the new vehicular entrance;
- b) Impact on parking within the surrounding area;
- c) Land ownership issues; and
- d) Disruption and pollution during construction.

COMMENT

The determining issues in this application relate to:

1. The principle of development;
2. Design;
3. Internal living conditions and Impact on residential amenity;
4. Provision of affordable housing;
5. Highway Implications;
6. Special Protection Areas (SPA) mitigation;

Planning permission is sought for the partial demolition of the existing building including the central section of the auditorium and a series of extensions and projections to facilitate its conversion to form 10 dwellings and a small commercial unit. To the northern part of the site a new car park would be formed and an existing outbuilding would be extended and converted to form an additional dwellinghouse.

The principle of development

The application site is located within the Kingston Road Local Centre as defined by Policy PCS18 of the Portsmouth Plan. Policy PCS18 states that new development should help local centres to continue fulfilling their role in meeting the day to day needs of those living nearby including 'top-up' weekly shops reducing the need to travel by car. It highlights that whilst residential (Class C3) and office (B1a) uses will be encouraged above ground floor level, such uses would not be supported at ground floor level.

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 which reflects the public transport links and proximity to local facilities (PCS21). The supporting text to PCS10 states:

'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public

transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites.

A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites is likely to continue and this development is unlikely to have a significant impact upon infrastructure provision'.

The Council's most recent published position on housing supply is set out in the 2017 Annual Monitoring Report, approved by PRED in February 2018. The Report concludes the city has a five year supply of housing land (5.1 years), but the position remains marginal. The council is currently considering the implications of the government's standard methodology for assessing housing need and proposed revisions to the NPPF. In the meantime, it is recognised that there is an on-going need for housing in the city which this proposal would help to meet.

In balancing these issues, it is accepted that the proposal would result in residential uses at ground floor within the local centre although the proposal does seek to retain a small Class A1/A2 unit to part of the Kingstone Road frontage. The LPA does however, acknowledge the specific site constraints in this instance and the difficulties in finding a long term viable commercial operator for the building given its scale and location outside of the city's main retail centres. Therefore, on the basis that the proposal would retain part of its active frontage and a commercial presence within Kingstone Road, it is considered that the principle of converting much of the site to residential uses would be acceptable in this instance, would make a good use of a previously developed site and a positive contribution towards the city's identified housing need.

Design

With the exception of the removal of a large section of the auditorium and the construction of a small extension to an existing outbuilding, the development proposes relatively minor works to the remaining parts of the building. The greatest change would be from the creation of the internal courtyard and the closing of the internal elevations facing into this space. This would be simply closed with matching brickwork at ground to second floor level with render above. The windows would be standard in form with the exception of larger openings towards the southern sides to allow more light into the dwellings. These elevations are simple and ordered which is considered to be appropriate for this location. Landscaping within the courtyard would provide an appropriate setting for residents and can be required through planning condition.

A small extension to the outbuilding would effectively form an extrusion of the existing form towards the south in matching materials. This is again considered to be acceptable in design terms relating appropriately to the existing building and adjoining properties.

The proposal would retain the existing ornate cinema frontage onto Kingston Road with sympathetic repair and redecoration. The only changes would be at first floor level where windows would be introduced to formerly blocked openings within a projecting oriel bay and two circular openings retaining all of the existing moulding details. Drawings have been provided to demonstrate that the windows would be fabricated in timber and curved to match the form of the bay in order to preserve the character of this non-designated heritage asset. This would ensure the historic and architectural interest of the building onto Kingston Road would be retained.

Internal living conditions and Impact on residential amenity

The National Planning Policy Framework 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". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

In terms of the internal living conditions the proposed dwellings would range from 74sq.m. for the smallest 1-bedroom flat to 106sq.m. for the 3-bedroom dwellinghouse. All of the proposed units would exceed (in some instances significantly) the minimum standards set out within the nationally described space standards and would benefit from good access to natural light and ventilation. To provide adequate light and outlook the dwellings the application proposes the removal of the central section of the auditorium to create a central courtyard area that eight of the dwellings would look out onto. The existing boundary wall to the southern side of the courtyard would also be lowered to ensure additional light enters this area. This is considered to be a good design solution to make use of the existing building, would provide an adequate degree of separation across a courtyard area (14.5m between windows) that can be landscaped and would ensure sufficient light and an acceptable outlook for future residents.

The smaller dwellinghouse would take much of its light and outlook from the south to avoid overlooking of adjoining gardens. The final dwelling fronting Kingston Road would sit in the shadow of the remaining section of auditorium building. However, the applicant has sought to maximise light into this building through enlarged windows and rooflights. Whilst not ideal, with light and outlook also taken from the Kingston Road frontage this would provide an acceptable standard of living conditions for future occupiers.

In terms of impact on residential amenity, the proposal would result in a reduced built form at the site and would not introduce any additional bulk in close proximity to the nearest residential properties fronting St. Stephens Road (Nos. 29-37). All new windows have been carefully sited to avoid any potential for overlooking and loss of privacy facing either into the new car park or courtyard areas. The extension to the existing store to the north of the site would introduce additional bulk to the rear of Nos. 41 & 43 St. Stephens Road. However, having regard to the improvements this would make to the appearance of the existing structure, its limited height, the length of the rear gardens and the overall reduction in built form and general visual improvements from the scheme as a whole, it is considered that the benefits would outweigh any very limited amenity concerns.

As elaborated below, the new car park would be accessed via an existing undercroft below No.37 St Stephens Road. This would result in vehicle movements below a habitable room and adjacent to the gardens of Nos 37 and 41 St. Stephens Road. Whilst not currently used as a vehicular access, the undercroft and the adjacent area of hardstanding appears to have been used by the commercial premises in the past and there are no restrictions in planning terms preventing the access being re-established in the future, although this would be hampered by the presence of the pavement build out and street tree.

Whilst the use of an undercroft below residential accommodation is not considered to be ideal, a balance has to be made between finding a long term viable use for the site, providing adequate off road parking facilities and protecting the amenity of adjoining occupiers. In this particular instance, given the desire to find a viable new use for the site and the existing pressure for on-street parking facilities within the area, it is considered that the benefits of establishing this vehicular access would outweigh the potential impact on neighbouring occupiers. As part of this balance regard has been made to the restricted height of the access allowing only cars and

bikes to enter, the limited number of vehicle movements that would be associated with just eight parking spaces, and the overall benefits arising from the reduced built form and visual enhancements.

A planning condition is suggested requiring a scheme of insulation to be submitted, approved and implemented to minimise any potential impacts on the residential accommodation located above the undercroft as suggested within submitted drawing St Stephens Road Elevation CFA FULL BS. Following negotiations with the developer, amended drawings have been provided relocating the suggested bin and bike stores from below a similar undercroft at No.29 St Stephens Road. These are now shown in a re-arranged car park area removing any potential impact on the occupiers of No.29 and addressing concerns raised within representations.

Provision of affordable housing

Policy PCS19 of the Portsmouth Plan requires all developments resulting in a net increase of eight or more dwellings must make provision for sufficient affordable housing which will contribute to meeting the identified need in the city. However, the National Planning Policy Guidance was updated on 16th November 2016 following a Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the written ministerial statement of 28 November 2014 which states that contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. The impact of these changes are that the LPA cannot seek contributions from developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1,000 sq.m. (GIA). The current proposal does not exceed 1,000 sq.m. but would result in a net increase of eleven dwellings. As such the proposal would ordinarily be required to provide an affordable housing provision of 25% (3-units).

In this instance however, the applicant has submitted a Affordable Housing Viability Report (produced by S106 Affordable Housing) in order to demonstrate that the proposal would not be viable with an affordable housing provision either on site or through a commuted sum towards the provision of affordable housing off site. The City Council has sought an independent review (District Valuer) of the applicant's report which has concluded that the development would not be viable with an affordable housing contribution. Whilst critical of some elements of the applicant's submission, the DV's view that the scheme would be unviable is based on their own assessment of the development, including development value, development costs, associated professional costs and developer profit.

In conclusion, having regard to the difficulties developing this very large site for a limited number of dwellings due to the specific site constraints and the desire to retain the ornate façade and active frontage onto Kingston Road, it is considered that at the current time the proposal is acceptable without an affordable housing contribution, subject to reassessment of viability if the development has not been substantially completed within 18 months of the date of planning permission. It should also be noted that had the proposal been submitted with one fewer dwellings, there would be no requirement for an affordable housing contribution as part of the development.

Highway Implications

The application which is supported by a Transport statement has been considered by the Local Highways Authority who agree that the likely trip generation associated with the proposed development (74 multimodal trips per day) is reasonable and is likely to be significantly less than the existing lawful use of the site as a bingo hall. As a result the LHA is satisfied that the proposal would not have a material impact upon the local highway network in terms of capacity or trip generation.

The Portsmouth Parking SPD sets out the expected level of parking provision that should be included within new residential developments. The LHA highlight that the area of North End

experiences severe pressure on parking provision and regularly demand exceeds the capacity available on-street as suggested within representations. The proposed development would have an expected parking demand of 16 spaces (one more than suggested by the LHA) as set out in the SPD. At present the site benefits from no off-road parking facilities although the site can be accessed from St Stephens Road. In order to create 8 off-road parking spaces, the developer proposes to open an existing undercroft below No.37 St. Stephens Road following the removal of a pavement build out and street tree.

Whilst the LHA highlight concerns over creating a new vehicular access due to the narrow width of this access route and St Stephens Road, it is suggested that vehicle speeds are likely to be very slow and the benefits of providing these eight off-road spaces outweighs the slight risk of a vehicle/pedestrian conflict at the site access. A Section 278 agreement will be required between the applicant and the LHA to agree the design and construction of the access.

Whilst the creation of the car park would still result in a shortfall of 8 spaces regard is made to the existing lawful use of the site as a bingo hall which would have generated a significant parking demand that would have extended into the evenings and weekends when residential parking demand is at its highest. The LHA is therefore satisfied that whilst the development is unable to provide for the total amount of parking expected by the SPD, the development would have similar or less impact than the existing lawful use. The site is also located in a sustainable location in close proximity to shops, services and local transport links where opportunities would exist for residents to reside without reliance on car ownership.

The alterations to the access on St. Stephens Road would result in the loss of a Crab Apple tree located within a pavement build out. The tree has been surveyed by the City Council's Arboricultural Officer who highlights that whilst the tree makes a positive contribution to the street scene, it features a compression fork, some areas of damage and dysfunction and the surrounding surface shows evidence of damage caused by root development. No objection is raised to the removal of the tree subject to suitable mitigation planting taking place.

Following discussions with the Arboricultural Officer, the applicant and Colas/Highways PFI, disused tree pits have been identified at the junction of St. Stephens Road and Queens Road approximately 80m to the north that would be suitable to provide replacement planting. The applicant has agreed to make a financial contribution to cover the cost of planting and initial maintenance as mitigation for the loss of the tree. Although the loss of a tree that makes a positive contribution to the street scene is unfortunate, the proposed loss and mitigation is considered to be acceptable in this particular instance given the wider benefits of the scheme and very specific site constraints.

Facilities for the storage of bicycles and refuse/recyclable materials are shown within the car park area, the precise details of which can be required by planning condition. Whilst the bin store would be situated away from a collection point on St. Stephens Road, this is considered to be the only reasonable location for them at the site.

Special Protection Areas (SPA) mitigation

The Conservation of Habitats and Species Regulations 2010 [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.

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning

Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

Based on the methodology set out within the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation would be calculated as £5,207.00 (2x1-bed dwellings @ £337, 8x2-bed dwellings @ £487 and 1x3-bed dwelling @ £637). It is considered that, subject to the inclusion of an obligation to secure an appropriate level of mitigation within the S.106 Agreement, there would not be a significant effect on the SPAs. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

Conclusion

Overall, having regard to the scale and confined nature of the site and the buildings contained within, it is considered that the proposed design and layout have been well conceived and executed minimising impact on neighbouring residents and ensuring that the prominent and important elevation onto Kingstone Road is preserved. It is accepted that the proposal does not comfortably address all material planning issues including the provision of affordable housing, parking, access and impact on amenity. However, the proposal would provide 11 good sized dwellings contributing towards the city's identified housing need and would find a long term viable use for an existing large and derelict building. As such, it is considered that the proposal would meet the definition of sustainable development as set out within the National Planning Policy Framework.

RECOMMENDATION 1 - That delegated authority be granted to the Assistant Director of Regeneration to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following planning obligations:

1. Future review of the viability assessment;
2. Mitigating the impact of the proposed development on the Solent Special Protection Areas by securing a financial contribution before development commences (£5,207.00);
3. Securing a contribution of £2,081.52 towards the planting of replacement trees to the corner of St. Stephen's Road and Queen's Road to mitigate the loss of the street tree;
4. The payment of associated fees upon implementation of planning permission.

RECOMMENDATION 2 - That delegated authority be granted to the Assistant Director of Regeneration to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

RECOMMENDATION Conditional Permission

Conditions

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

2) Unless 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 CFA FULL BS Rev-01, Site Layout CFA FULL BS Rev-03, Elevation drawing CFA FULL BS Rev-01, 1-bed house drawing CFA FULL BS, St Stephens Road elevation CFA FULL BS and CFA FULL 02 Rev-01.

3) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development, and unless otherwise agreed in writing by the LPA;

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation, and, unless otherwise agreed in writing by the LPA;

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

4) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (3)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (3)c.

5) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a full schedule of materials and finishes (including samples where requested) to be used in the construction of the external surfaces of the development hereby permitted (also including car park surfaces, hard landscaping and the exposed southern wall facing into the courtyard) 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 of materials and finishes agreed pursuant to part (a) of this condition.

6) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a scheme for insulating habitable rooms of all dwellings hereby permitted and No.37 St. Stephens Road (immediately above the car park entrance) against external noise sources has been submitted to the Local Planning Authority for approval in writing. 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 L_{Amax} 45dB; and

(b) The scheme approved pursuant to part (a) of this condition shall be fully implemented prior to first occupation of any dwelling and shall thereafter be permanently retained.

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to details of: Construction vehicle routing; Site access management; Times of deliveries; Loading/offloading areas; Wheel wash facilities; Site office facilities; Contractor parking areas; Method Statement for control of noise, dust and emissions from construction work; and

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

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to the design and layout of the new vehicular access onto St. Stephens Road and its means of construction including, but not limited to, surface water drainage, pedestrian crossing points, signage and road markings; and

(b) The access shall be laid out and constructed in accordance with the details approved pursuant to part (a) of this condition and the requirements of any Section 278 Agreement under the provisions of the Highways Act 1980 before any of the dwellings hereby permitted are first occupied/brought into use.

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until a detailed soft landscaping scheme which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority;

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

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

10) The development hereby permitted shall be carried out in full accordance with the recommendations set out in the submitted Phase 1 Ecological Survey Report (Evaluation and Conclusion) (Ecosupport Ltd, Undated) comprising pre-works ecological survey and supervision of works.

11) The windows to the new openings within the Kingston Road elevation as shown on approved elevational drawing CFA FULL BS Rev-01 (round windows and bay windows) shall be fabricated in timber, installed prior to first occupation of Unit 9 and thereafter permanently retained in that condition.

- 12) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until the 8 car parking spaces shown on approved drawing 'Site Layout CFA FULL BS 03' have been marked out and made available for residents of the dwellings; and
(b) The car parking spaces required by part (a) of this condition shall thereafter be permanently retained for the parking of vehicles associated with the residential dwellings hereby permitted only.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings facing into the internal courtyard shall be occupied until the existing southern wall facing into the courtyard has been reduced in height and finished in accordance with drawing CFA FULL 02 01 and the requirements of Condition 5.
- 14) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until precise details of all bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority; and
(b) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development shall be occupied/brought into use until the bicycle storage facilities approved pursuant to part (a) of this condition have been provided and made available for use. The bicycle storage facilities shall thereafter be permanently retained for the storage of bicycles at all times.
- 15) (a) Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied/brought into use until precise details of all facilities for storage of refuse and recyclable materials have been submitted to and approved in writing by the Local Planning Authority; and
(b) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development shall be occupied/brought into use until the storage facilities approved pursuant to part (a) of this condition have been provided and made available for use. The facilities shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.
- 16) (a) The rooflight to the pitched roof of the detached dwellinghouse to the north of the site hereby permitted shall be both glazed with obscure glass and be non-opening to at least 1.7 metres above the floor of the room in which the window is installed; and
(b) The window shall thereafter be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and or re-enacting that Order with or without modification) no building, structure, addition or other alteration permitted by Class A, Class B, Class C Class D or Class E of Part 1 of Schedule 2 shall be constructed/carried out without the prior written permission of the Local Planning Authority obtained through the submission of a formal planning application.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.

- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interests of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) To minimise the potential for conflict with users of the surrounding highway network and to protect the amenity of adjoining and nearby occupiers in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.
- 8) In the interests of maintaining a safe and efficient highway network in accordance with Policy PCS17 of the Portsmouth Plan and Paragraph 32 of the National Planning Policy Framework.
- 9) To secure a high quality setting to the development in the interests of visual amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.
- 10) To maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan and the Natural Environment and Rural Communities Act 2006.
- 11) In the interests of visual amenity having regard to the specific design and heritage value of the Kingston Road frontage in accordance with Policy PCS23 of the Portsmouth Plan.
- 12) To ensure adequate off-road parking provision for residents of the development in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards and Transport Assessments Supplementary Planning Document.
- 13) In the interests of residential and visual amenity to secure and appropriate final appearance and to allow additional light into the courtyard area in accordance with Policy PCS23 of the Portsmouth Plan.
- 14) 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.
- 15) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with Policy PCS23 of the Portsmouth Plan.
- 16) In the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 17) In the interests of visual and residential amenity having regard to the specific design of the dwellinghouses, constrained site layout and relationship with adjoining properties in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

29B SOUTH PARADE SOUTHSEA PO4 0SH**EXTERNAL ALTERATIONS/EXTENSION AND CONSTRUCTION OF ADDITIONAL FLOOR LEVEL TO CREATE A PENTHOUSE APARTMENT WITH PROVISION OF ADDITIONAL CAR PARKING SPACE****Application Submitted By:**

Mr Ian Parkinson

On behalf of:

Visorswift Ltd

FAO Mr Feras Hamdani

RDD: 21st December 2017**LDD:** 16th February 2018**SUMMARY OF MAIN ISSUES**

The main issues in the determination of this application relate to the following:

- Principle of the proposal
- Design and appearance and impact on heritage assets
- Standard of living accommodation
- Impact on residential amenity
- Access and parking
- Flood risk
- Impact on the Solent Special Protection Area (SPA)

Site and proposal

The application relates to a five-storey building located on the north side of South Parade, to the east of the junction with Eastern Villas Road. The building was formally a hotel but is now in use as 15 residential flats. There is a parking area located in front of No.29a South Parade, which serves both buildings and is accessed from Eastern Villas Road.

The building dates from around 1885 and is Grade II Listed, along with the adjacent building, No.29a. The site is located within the 'East Southsea' Conservation Area (No.19) and is within Flood Zone 3. The site also lies opposite the 'Sea Front' Conservation Area.

To the south of the site is an area of protected open space known as The Dell, beyond which is the sea front. The buildings along South Parade to the east of the site are of a variety of styles and range in height from four to five stories. To the west, No.29a South Parade is a three-storey pitched roof building, which is set back from the South Parade frontage behind a boundary wall and parking area. This building is historically significant, having been constructed around 1860 and designed by Thomas Ellis Owen. Further to the west, there is a wide variety in the heights and styles of buildings fronting South Parade, including an eleven storey block of flats which dominates the streetscene (Fastnet House). To the north of the site there is a two-storey house located on the corner of Kirkstall Road and Eastern Villas Road. The rest of the Kirkstall Road streetscene is dominated by the rear elevations of the buildings fronting South Parade.

Planning permission is sought for the construction of an additional floor to the building to create a new three-bedroom penthouse flat, increasing the number of flats within the building from 15 to 16. The existing parking area located in front of No.29a would be formally laid out to provide

a total of 12 parking spaces and cycle and refuse storage facilities would be provided to the rear of the building, accessed from Kirkstall Road.

The plans as originally submitted were for the fourth floor of the building to have a flat fronted design, with a mansard roof above. Following concerns raised by officers regarding the visual appearance of the fourth floor and the overall bulk of the extension and roof, the plans were amended. The amended plans show a revised design for the fourth floor, comprising two bay windows extending above the existing bays and two new central windows to match those on the lower floors. The mansard roof design has also been amended to reduce its bulk by hiping the side roofslopes. The amended plans also include an extension to the existing chimneys on the east and west elevations.

The proposed development is subject to a separate application for listed building consent (ref. 17/02173/LBC).

Planning history

There is an extensive planning history relating to the site, dating back to the 1960's, including applications relating to the former use as a hotel. The most relevant planning history is outlined below.

16/01621/FUL - Change of use of six flats within Class C4 use (house in multiple occupation) to form twelve self-contained flats (Class C3) with provision of associated parking, cycle and refuse storage - conditional planning permission, 15 December 2016

14/00318/FUL - Construction of an additional storey to form 1 flat; alterations to existing third floor and formation of roof terraces (Re-submission of 13/00311/FUL) - refused, 19 June 2014, for the following reasons:

1. The proposed additional storey would, by reason of its unsympathetic appearance and inappropriate materials, be poorly related to the recipient building such that it would fail to preserve the special architectural or historic interest of the Grade II Listed Building and furthermore by virtue of its incongruous appearance within the contextual streetscene fail to preserve or enhance the character and appearance of the East Southsea Conservation Area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, to Policy PCS23 of the Portsmouth Plan and to the aims and objectives of the Guidelines for Conservation relating to the East Southsea Conservation Area.
2. In the absence of a Code for Sustainable Homes pre-assessment estimator or design stage assessment, the application does not demonstrate how the requirements of Policy PCS19 of the Portsmouth Plan would be met and how the proposal would minimise its overall demand for resources.
3. In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

14/00319/LBC - Construction of an additional storey to form 1 flat; alterations to existing third floor and formation of roof terraces - refused consent, 19 June 2014, for the following reason:

1. The proposed additional storey would, by reason of its unsympathetic appearance and inappropriate materials, be poorly related to the recipient building such that it would fail to preserve the special architectural or historic interest of the Grade II Listed Building. The proposal would therefore result in substantial harm and is therefore contrary to the aims and

objectives of the National Planning Policy Framework and to Policy PCS23 of the Portsmouth Plan.

13/00311/FUL - Construction of additional storey within new mansard roof to form 2 flats and alterations to existing third floor and formation of roof terraces - application withdrawn, 7 May 2013

A*21991/H - demolition of part of boundary wall to facilitate vehicular access to Eastern Villas Road - conditional planning permission, 26 June 1984

A*21991/AA (Listed Building application) - alterations to elevations fronting Kirkstall Road and Eastern Villas Road to enable conversion to form 17 self-contained flats - conditional consent, 22 September 1993

A*21991/AB - alterations to elevations fronting Kirkstall Road and Eastern Villas Road to enable conversion to form 17 self-contained flats - conditional planning permission, 22 September 1993

A*21991/AD - alterations to elevations fronting Kirkstall Road and Eastern Villas Road to enable conversion to form 15 self-contained flats - conditional planning permission, 26 November 1993

A*21991/AG - installation of replacement UPVC windows to north, south and west elevations - refused, 16 November 2001

A*21991/AH (Listed building application) - installation of replacement UPVC windows to north, south and west elevations - refused consent, 16 November 2001

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), PCS23 (Design and Conservation),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include:

PCS10 (Housing Delivery), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS15 (Sustainable design and construction), PCS17 (Transport), PCS19 (Housing mix, size and affordable homes), and PCS23 (Design and Conservation).

CONSULTATIONS

Highways Engineer

This application is for the construction of new upper floor to form 1 3-bed apartment with associated vehicle and cycle parking. I have reviewed the application and associated documents and would make the following comments:

The site is located on South Parade, a classified road following the southern coastline of Portsmouth. The buildings in the area are predominantly used for residential or Hotel uses. The application site occupies a prominent position at the junction of South Parade and Eastern Villas Road with vehicular access for the site taken from Eastern Villas Road. There is on-street parking along the Southern boundary of South Parade arranged in echelon bays and is subject to Pay & Display and permit holder restrictions. There is also some on street parking along the southern side of Eastern Villas road reserved for permit holders with a limited wait provision for visitors. South Parade is subject to a 30mph speed limit, Eastern Villas Road restricts traffic to one-way travel and a speed limit of 20mph.

The site has recently been subject to a separate planning application for the formation of 12 flats which was consented and has been implemented. This permission included 19 cycle parking spaces and 11 vehicle parking spaces.

Whilst no transport assessment has been provided, given the small scale of the development I am satisfied that there will be very little difference in the level of traffic generated and this proposal would not have a material impact upon the local Highway network.

The Portsmouth Parking SPD gives the expected levels of Parking that should be provided for new developments. The proposed apartment would have a parking demand of 1.5(2) spaces. It is proposed to provide an additional space within the car park shared with 29a to extend that car park to 12spaces. Whilst this represents a slight under provision, it is unlikely that a refusal on this basis would be upheld at appeal and as such I would be minded to find the proposals acceptable in parking terms.

The Portsmouth Parking SPD also gives the expected level of cycle parking that should be provided within new developments. The agent has stated in the Planning statement that the earlier implemented consent overprovided for cycle parking by 5spaces, therefore the 2 additional spaces required for the proposed new dwelling would be accommodated within this and is therefore acceptable.

As the application stands I would not wish to raise a Highways objection however the following condition should be secured;

Additional vehicle parking space should be provided as shown in plan ARC1711-250UK REV A prior to occupation of the development and thereafter retained for use by residents of this development

Eastern Solent Coastal Partnership

Response:

Thank you for your consultation on the above application. I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development, but are able to offer the following comments and advice:

The site is located within the Environment Agency's Flood Zone 3, and is therefore considered to be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Portsmouth Harbour is 3.2mAOD, increasing to a predicted 4.3mAOD by the year 2115, due to the effects of climate change.

Given the height of the proposed additional floor, however, it will result in the penthouse being well above the design flood level over its lifetime.

Recommendations:

The ESCP strongly recommend that all occupants of the building sign up to the Government's Flood Warning Service and prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, to ensure that adequate warning is received prior to an extreme tidal flood event.

The ESCP also advise that where practicable to do so, flood resistance and resilience measures be incorporated into the detailed design and construction of the development.

Environment Agency

Environment Agency Position

We have no objections to the proposed development as submitted.

However, we recommend that the Local Planning Authority do not approve the development unless they are satisfied that an adequate Flood Warning and Evacuation Plan can be provided to make the development safe.

Reasons

The site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

The elevation of the proposed residential unit will ensure that it is well above the design flood level over its lifetime. We therefore have no objections to the proposals.

However, paragraph 103 of the National Planning Policy Framework (NPPF) requires that development is shown to be appropriately flood resilient, including safe access and egress, and that any residual risks are adequately managed, including through emergency planning.

Access considerations should include the voluntary and free movement of people during a design flood, as well as the potential for evacuation before a more extreme flood.

The Flood Risk Assessment (FRA) submitted with this application states that the public esplanade lies at 4.4mAOD, above the predicted 2115 flood level of 4.3mAOD. However, the Ordnance Survey benchmark directly outside the property shows the road to be at 3.4mAOD.

We therefore recommend that the local planning authority (LPA) consult their emergency planners to determine whether they are satisfied that the dwelling will be provided with safe access and egress in the design flood event.

If not, it is up to the LPA to determine whether a Flood Warning and Evacuation Plan or equivalent procedures are required prior to making a determination, or if it is necessary to secure one by way of condition. If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit, then planning permission should be refused.

Flood Warning and Evacuation Plan

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

As such, we strongly recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). If the LPA is not satisfied, taking into account all relevant considerations, that a proposed development can be considered safe without the provision of safe access and exit, then planning permission should be refused.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Coastal And Drainage

No comments to make.

Environmental Health

Due to the height of the proposed extension it is unlikely that road traffic noise will have an impact upon the residential accommodation.

I can confirm we have no objections or recommendations to make with regards to this application.

REPRESENTATIONS

3 representations received, including one from the South Parade Management Company, raising the following objections:

- a) increased height would make building look out of place;
- b) lack of parking;
- c) loss of light to nearby residents;
- d) loss of outlook and privacy for neighbouring residents;
- e) not enough detail on plans;
- f) inappropriate design for listed building;
- g) potential for precedent to be set for other buildings to increase in height;
- h) enlarged building would overshadow and overdominate the adjacent listed building (29A South Parade);
- i) drawings do not clearly show the proposals relating to the roof;
- j) design of additional floor not in keeping with the rest of the building;
- k) impact on seafront building roofline;
- l) impact on light to Building 30;
- m) inadequate parking provision;
- n) inadequate bin and cycle storage facilities;
- o) harmful impact on the Grade II listed building and Conservation Area;

An objection has also been received from the Portsmouth Society, raising the following points:

- Concern about increased height of the building;
- Design would be top heavy and out of proportion;
- Resulting appearance would be cheap looking, incongruous and poorly related to the recipient building;
- The development would fail to preserve the special architectural and historic interest of the Grade II listed building, contrary to Policy PCS23 of the Portsmouth Plan and the objectives of the National Planning Policy Framework;
- A better solution would be to extend the bay windows to the new floor.

FURTHER COMMENTS FOLLOWING CONSULTATION ON AMENDED PLANS

Further to review of the amended plans, the Portsmouth Society has also removed their objection, commenting that the amended design to continue the full height bay windows through the three storeys would preserve the appearance of the building.

1 representation received in support of the proposal, making the following points:

- a) the design now maintains the aesthetics of the building;
- b) the first phase of development of the building has enhanced its appearance;
- c) the height would not exceed the nearby Alexandra Court

1 further representation received, commenting that the car park should be tarmaced and the spaces allocated to specific flats.

2 further objections received, on the following grounds:

- the proposal to increase the height is unacceptable and out of keeping;
- the works would disrupt neighbours;
- the amendments have not addressed concerns previously raised.

Further to review of the amended plans, the Portsmouth Society has also removed their objection, commenting that the amended design to continue the full height bay windows through the three storeys would preserve the appearance of the building.

COMMENT

Principle of the proposal

The site lies within a predominantly residential area and the principle of a new flat would make a positive contribution towards the housing needs of the city. The proposal is therefore considered acceptable in principle in accordance with Policy PCS10 of the Portsmouth Plan (housing delivery), subject to all other relevant policy considerations.

Whilst previous applications for planning and listed building consent for the construction of an additional floor on the building were refused, they were not refused on principle.

The existing building is Grade II listed and the site lies within a Conservation Area. Therefore, one of the key considerations in determining whether the proposal is acceptable is the impact of the development on these heritage assets.

Design and appearance and impact on heritage assets

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this case, the proposal is for an extension to a Grade II listed building within the East Southsea Conservation Area. The proposal would also have the potential to impact on the adjacent Grade II listed building (No.29b South Parade) and the adjacent Sea Front Conservation Area.

In addition, Policy PCS23 of the Portsmouth Plan requires seeks to protect and enhance the city's historic landscape and requires new development to be of a high quality design and to be appropriate in terms of scale, appearance and use of materials in relation to the context in which it is set.

Where a development is considered to result in harm to a heritage asset, the Local Planning Authority is required to address the significance of the harm, in accordance with paragraphs 132-134 of the NPPF. Paragraph 134 states that where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

The East Southsea Conservation Area guidelines note that the earliest buildings in the area are by T E Owen, which include the listed three-storey stucco 38-42 South Parade, and the earlier part of the Strathearn Hotel (i.e. 29A South Parade). The Guidelines recognise that large roof additions can spoil the appearance of a building and look incongruous in the general streetscene. The guidelines state that:

- i) Extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape.
- ii) 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.
- iii) Roof extensions will be discouraged, particularly at the front, where they would have an adverse visual effect on the existing building or townscape, or where they would lead to the loss of original historic roofs or their features.
- iv) Where roof extensions are permitted they should match the existing property in respect of design materials.

The TE Owen designed 29A South Parade has a modest and almost domestic scale compared with the grander and more substantial 29B. The two buildings sit comfortably alongside each

other, however, in longer views from the west along South Parade the blank flank wall of 29B does appear visually dominant in relation to 29A. This relationship, although longstanding, is not helped by the presence of a lift tower, which currently sits above the mansard roof to 29B.

The top floor of 29B currently sits within a mansard roof, served by dormer windows. The existing roof is recessed behind a pediment and its appearance is considered to sit comfortably within the contextual streetscene.

The proposal is for an extension to provide an additional floor to the building. This would involve removing the existing mansard roof, extending the building up an additional floor, and reconstructing a new mansard roof above. The proposals for the fourth floor of the building have been amended from the plans originally submitted. The original plans were for a flat fronted façade on the south elevation, with new windows of a smaller size to those on the rest of the building. This design was considered to create a contrasting and incongruous appearance in relation to the existing architectural detailing, which includes projecting bay windows and large central windows. The amended plans propose to replicate the architectural detailing of the lower floors, including an upwards extension to the bay windows.

There were also concerns about the bulky appearance of the new mansard roof in the original plans. In the amended plans, the mansard roof has been reduced in height and its bulk has been further reduced by hipping the side roof slopes. In addition, the existing chimneys on the east and west elevations are proposed to be retained and extended to project above the new roof. The amended plans are considered to provide an appropriate and sympathetic design for the front elevation of the building, which would respect the existing architectural detailing and appearance of the Grade II listed building and preserve the character and appearance of the East Southsea conservation area and the adjacent Sea Front conservation area.

In relation to No.29A South Parade, which is also Grade II listed, the proposal would result in a further increase in the height of the building, which would be particularly prominent when viewed from the west and south-west. The original plans would have resulted in a significant increase in the extent of the brickwork wall, which would have extended up to the height of the new mansard roof. In comparison, the amended plans would retain the side wall at the same height, with a new mansard roof above. The bulk of the mansard has been reduced by hipping in the side roof slope and it is considered that this would achieve a subservient appearance, which would not be overly dominant within the streetscene and would respect the relationship with No.29A.

When viewed from the east, the visual prominence of the proposed extension would be lessened by the presence of the adjacent buildings, which range between four and six storeys in height and are positioned along the same building line as the application site.

The rear elevation of the building is read within the Kirkstall Road streetscene, which has less visual prominence in relation to the wider conservation area. The proposal for the rear elevation is to retain the fourth floor as existing, with the new mansard roof constructed above. The new mansard roof would be set back from the rear façade and it is considered that it would have a subservient appearance in relation to the existing building.

To a great extent, the success of the pastiche design proposed will depend upon the quality of the external materials and finishes, in terms of how well they match the existing building. It is therefore considered appropriate and necessary to impose a condition requiring details and samples of the precise materials to be used to be submitted to and approved by the Local Planning Authority before the development commences.

In summary, the proposed plans as amended (and subject to agreement of specific materials and details by condition), are considered to respect the architectural and historic interest of recipient building and adjacent Grade II listed building and the character and appearance of the conservation areas, in accordance with Policy PCS23 of the Portsmouth Plan. It is therefore

considered that the design reason for refusal of the previous scheme has been addressed. The development is not considered to result in harm to the heritage assets and therefore an assessment under paragraph 134 of the NPPF is not considered necessary.

Standard of living accommodation

One of the requirements of Policy PCS23 is for new development to achieve a good level of living standard for future occupants and Policy PCS19 states that dwellings should be of a suitable size for the number of people that they are designed to accommodate. Policy PCS19 previously referred to locally set size standards, although these have now been superseded by the Nationally Described Space Standards (NDSS). The NDSS set out minimum sizes for new residential dwellings, which are considered to be the minimum that is required to achieve a suitable standard of living accommodation.

The NDSS sets minimum size standards for a 3-bedroom flat at 74m² for 4 persons, 86m² for 5 persons and 95m² for 6 persons. The proposed new flat would have an internal floor area of approximately 106m². This would exceed the minimum floorspace requirements for a 3-bedroom flat as outlined within the Nationally Described Space Standards. The flat would have its main habitable room windows facing south, providing good access to light and a good outlook for the future occupants. The proposed flat is therefore considered to provide a good standard of living accommodation in accordance with Policies PCS19 and PCS23 of the Portsmouth Plan.

Impact on the amenities of neighbouring residents

Policy PCS23 requires new development to protect the amenity of existing residents.

The proposal would increase the height of the building and as such alter its relationship with neighbouring buildings. The neighbouring property to the east (number 30 South Parade) has windows which already face towards the blank flank eastern elevation of the application site. Whilst the height of this elevation would be increased, it is considered that the impact on the occupiers of number 30 from loss of light or increased sense of enclosure would not be significantly greater than currently exists. To the rear of the site lies number 23 Eastern Villas Road, which is a two storey dwelling with a side garden adjacent to Kirkstall Road. There is a separation distance of approximately 12m between the side elevation of 23 Eastern Villas Road and the rear of 29B South Parade, and given the difference in scale between the two buildings that already exists, it is not considered that the additional height of the new mansard roof would give rise to any significant increase in overlooking, loss of light or increased sense of enclosure to these neighbouring residents.

Although the height of the building would be increased in relation to No.29A, there would be no change to the depth of the building therefore the relationship with the existing windows on No.29A would not be changed.

The proposed development is considered to protect the amenities of existing residents, in accordance with Policy PCS23 of the Portsmouth Plan.

Access and parking

There is an existing car parking area in front of No.29A South Parade, which is shared by the occupants of the flats within both 29A and 29B South Parade. This car park is accessed from Eastern Villas Road and currently comprises an open gravelled surface with no defined spaces. As part of a previous planning permission for the creation of 12 new flats at the site (6 within 29A and 6 additional flats within 29B, ref. 16/01621/FUL), the car parking area was shown to accommodate 11 spaces and this was determined to be acceptable for the 12 new flats. As part of this current application, the proposal is to formally lay out the parking area to provide a total of 12 spaces (i.e. 1 additional space). The Highways Engineer has noted that the new 3-bedroom flat would have a parking requirement of 3 spaces in accordance with the Adopted Parking

Standards, therefore the 1 additional space proposed is a slight under provision. However, it is noted that there are opportunities for on-street parking along the seafront and on adjacent streets for permit holders and it is not considered that an objection on lack of parking could be sustained in this location for shortfall of 1 space.

The Adopted Parking Standards would require 2 cycle parking spaces to be provided for the new 3-bedroom flat. The submitted plans indicate that secure storage already exists for 19 bicycles on the site, with 13 spaces at the rear of 29B South Parade and a further 6 spaces within a shed in the car park adjacent to No.29A. The Highways Engineer is satisfied that there is sufficient storage available to accommodate the additional needs for the new flat.

In summary, the proposal is considered to make acceptable provision for vehicle and cycle parking in accordance with Policy PCS17 of the Portsmouth Plan.

Sustainable construction

Policy PCS15 of the Portsmouth Plan requires new development to be designed to be energy efficient and originally required development to meet specific requirements under the Code for Sustainable Homes.

The Ministerial Statement of 25th March 2015 set out that Local Planning Authorities should no longer require compliance with specific levels of the Code for Sustainable Homes (the Code) or to require a certain proportion of the Dwelling Emission Rate (DER) to be offset through Low or Zero Carbon (LZC) Energy. Policy PCS15 has required both of these in all new dwellings since its adoption in 2012. However, the Statement does set out that a standard of energy and water efficiency above building regulations can still be required from new development in a way that is consistent with the Government's proposed approach to zero carbon homes. As such, the standards of energy and water efficiency that will be required from new residential development are as follows:

- Energy efficiency - a 19% improvement in the DER over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations
- Water efficiency - 110 litres per person per day (this includes a 5 litre allowance for external water use).

These standards can be secured by condition, which would address the second reason for refusal of the previous scheme.

Flood risk

The site lies within Flood Zone 3 and is therefore considered to be at risk of experiencing a 1:200 year (0.5%) probability of extreme tidal flooding. Policy PCS12 of the Portsmouth Plan seeks to manage the impact of flood risk by encouraging development in areas at lower risk of flooding. Where development is proposed in a flood zone, it must be demonstrated that the site will be safe from flooding over its lifetime.

In this case, the application is for the construction of a new flat at fifth floor level on an existing residential building. The Environment Agency and the Eastern Solent Coastal Partnership have both commented that the development would be well above the level of any predicted flood event and have therefore raised no objection. They have, however, recommended that the occupants of the building sign up to a Flood Warning Service and prepare a Flood Warning and Evacuation Plan. The applications have noted within their submission that a flood evacuation plan is already in place for the building.

Impact on the Solent Special Protection Area (SPA)

The Conservation of Habitats and Species Regulations 2010 [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, or otherwise affect protected 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.

It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast, due to increased recreational pressure. The Bird Aware Strategy, which came into place in April 2018, sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Based on the methodology in the Bird Aware Strategy, an appropriate scale of mitigation would be calculated as £637 for an additional 3-bedroom dwelling. With this mitigation, it is considered that the scheme would not have a significant effect on the SPA. The applicant has secured the required mitigation via a S111 Agreement and therefore the proposal complies with Policy PCS13 of the Portsmouth Plan. This addresses the third reason for refusal of the previous scheme.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 ARC1711-205UK; SITE LAYOUT ARC1711-250UK A; PROPOSED FRONT ARC1711-253UK C; PROPOSED EAST ARC1711-256UK C; PROPOSED REAR ARC1711-255UK C; PROPOSED WEST ARC1711-254UK C; PROPOSED ROOF ARC1711-252UK C; PROP 3RD, 4TH ARC1711-251UK C and WINDOW DETAIL ARC1711-260UK A.
- 3) (a) The extension to the third floor and construction of the new mansard roof hereby approved shall not be commenced until a method statement giving precise details of (i) the facing brickwork [including a sample], bonding, mortar joints and pointing, (ii) the materials to be used for the cornice, and (iii) roofing materials [including a sample] has been submitted to and approved by the Local Planning Authority in writing.
(b) The development shall then be carried out in full accordance with the approved method statement and materials unless otherwise agreed in writing by the Local Planning Authority.
- 4) (a) Notwithstanding the submitted details, development shall not commence until detailed constructional drawings of key architectural features (including precise window fabrication, projecting rendered detail courses, projecting window surrounds and corbels) at a scale of 1:20 (or such other appropriate scale as may be agreed), have been submitted to and approved in writing by the Local Planning Authority.
(b) The development shall thereafter be carried out in full accordance with the approved details.
- 5) Prior to first occupation of the development hereby permitted, the car parking area shall be laid out in accordance with the details shown on Plan ref. ARC1711-250UK REv. A. The parking spaces shall thereafter be retained for vehicle parking at all times.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by the local planning authority, proving that the development has achieved:
- a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - 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.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interest of visual amenity and to preserve the architectural quality of the listed building, in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) In the interest of visual amenity and to preserve the architectural quality of the listed building, in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) To ensure adequate provision for car parking in accordance with Policy PCS17 of the Portsmouth Plan.
- 6) 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.

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.

29B SOUTH PARADE SOUTHSEA PO4 0SH**EXTERNAL ALTERATIONS/EXTENSION AND CONSTRUCTION OF ADDITIONAL FLOOR LEVEL TO CREATE A PENTHOUSE APARTMENT WITH PROVISION OF ADDITIONAL CAR PARKING SPACE****Application Submitted By:**

Mr Ian Parkinson

On behalf of:Mr Feras Hamdani
Visorswift Ltd**RDD:** 20th December 2017**LDD:** 16th February 2018**SUMMARY OF MAIN ISSUES**

The determining issues for this application relate to the impact of the development on the architectural and historic interest of the Grade II listed building.

Site and proposal

The application relates to a five-storey building located on the north side of South Parade, to the east of the junction with Eastern Villas Road. The building was formally a hotel but is now in use as 15 residential flats. There is a parking area located in front of No.29a South Parade, which serves both buildings and is accessed from Eastern Villas Road.

The building dates from around 1885 and is Grade II Listed, along with the adjacent building, No.29a. The site is located within the 'East Southsea' Conservation Area (No.19) and is within Flood Zone 3. The site also lies opposite the 'Sea Front' Conservation Area.

To the south of the site is an area of protected open space known as The Dell, beyond which is the sea front. The buildings along South Parade to the east of the site are of a variety of styles and range in height from four to five stories. To the west, No.29a South Parade is a three-storey pitched roof building, which is set back from the South Parade frontage behind a boundary wall and parking area. This building is historically significant, having been constructed around 1860 and designed by Thomas Ellis Owen. Further to the west, there is a wide variety in the heights and styles of buildings fronting South Parade, including an eleven storey block of flats which dominates the streetscene (Fastnet House). To the north of the site there is a two-storey house located on the corner of Kirkstall Road and Eastern Villas Road. The rest of the Kirkstall Road streetscene is dominated by the rear elevations of the buildings fronting South Parade.

This application seeks listed building consent for an extension to create an additional floor to the building. The plans as originally submitted showed the fourth floor extension in a flat fronted design, with a mansard roof above. Following concerns raised by officers regarding the visual appearance of the fourth floor and the overall bulk of the extension and roof, the plans were amended. The amended plans show a revised design for the fourth floor, comprising two bay windows extending above the existing bays and two new central windows to match those on the lower floors. The mansard roof design has also been amended to reduce its bulk by hiping the side roofslopes. The amended plans also include an extension to the existing chimneys on the east and west elevations.

The proposal is subject to a separate application for planning permission (ref. 17/02172/FUL).

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation),

In addition to the aims and objectives of the National Planning Policy Framework (NPPF), the relevant policies within the Portsmouth Plan would include:
PCS23 (Design and Conservation).

CONSULTATIONS

The Portsmouth Society

No comments received.

Historic England

Thank you for your letter of 22 December 2017 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Ancient Monuments Society

No comments received.

Council For British Archaeology

No comments received.

SPAB

No comments received.

The Georgian Group

No comments received.

The Victorian Society

No comments received.

Twentieth Century Society

No comments received.

The Portsmouth Society

No comments received.

REPRESENTATIONS

3 representations received, including one from the South Parade Management Company, raising the following objections:

- a) increased height would make building look out of place;
- b) lack of parking;
- c) loss of light to nearby residents;
- d) loss of outlook and privacy for neighbouring residents;
- e) not enough detail on plans;
- f) inappropriate design for listed building;
- g) potential for precedent to be set for other buildings to increase in height;

- h) enlarged building would overshadow and overdominate the adjacent listed building (29A South Parade);
- i) drawings do not clearly show the proposals relating to the roof;
- j) design of additional floor not in keeping with the rest of the building;
- k) impact on seafront building roofline;
- l) impact on light to Building 30;
- m) inadequate parking provision;
- n) inadequate bin and cycle storage facilities;
- o) harmful impact on the Grade II listed building and Conservation Area;

An objection has also been received from the Portsmouth Society, raising the following points:

- Concern about increased height of the building;
- Design would be top heavy and out of proportion;
- Resulting appearance would be cheap looking, incongruous and poorly related to the recipient building;
- The development would fail to preserve the special architectural and historic interest of the Grade II listed building, contrary to Policy PCS23 of the Portsmouth Plan and the objectives of the National Planning Policy Framework;
- A better solution would be to extend the bay windows to the new floor.

FURTHER COMMENTS FOLLOWING CONSULTATION ON AMENDED PLANS

Further to review of the amended plans, the Portsmouth Society has also removed their objection, commenting that the amended design to continue the full height bay windows through the three storeys would preserve the appearance of the building.

1 representation received in support of the proposal, making the following points:

- a) the design now maintains the aesthetics of the building;
- b) the first phase of development of the building has enhanced its appearance;
- c) the height would not exceed the nearby Alexandra Court

1 further representation received, commenting that the car park should be tarmaced and the spaces allocated to specific flats.

2 further objections received, on the following grounds:

- the proposal to increase the height is unacceptable and out of keeping;
- the works would disrupt neighbours;
- the amendments have not addressed concerns previously raised.

Further to review of the amended plans, the Portsmouth Society has also removed their objection, commenting that the amended design to continue the full height bay windows through the three storeys would preserve the appearance of the building.

COMMENT

Impact on the architectural and historic interest of the Grade II listed building

When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

In addition, Policy PCS23 of the Portsmouth Plan requires seeks to protect and enhance the city's historic landscape and requires new development to be of a high quality design and to be appropriate in terms of scale, appearance and use of materials in relation to the context in which it is set.

Where a development is considered to result in harm to a heritage asset, the Local Planning Authority is required to address the significance of the harm, in accordance with paragraphs 132-134 of the NPPF. Paragraph 134 states that where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

The East Southsea Conservation Area guidelines note that the earliest buildings in the area are by T E Owen, which include the listed three-storey stucco 38-42 South Parade, and the earlier part of the Strathearn Hotel (i.e. 29A South Parade). The Guidelines recognise that large roof additions can spoil the appearance of a building and look incongruous in the general streetscene. The guidelines state that:

- i) Extensions will be discouraged where they would have an adverse visual effect on the existing building or townscape.
- ii) 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.
- iii) Roof extensions will be discouraged, particularly at the front, where they would have an adverse visual effect on the existing building or townscape, or where they would lead to the loss of original historic roofs or their features.
- iv) Where roof extensions are permitted they should match the existing property in respect of design materials.

The TE Owen designed 29A South Parade has a modest and almost domestic scale compared with the grander and more substantial 29B. The two buildings sit comfortably alongside each other, however, in longer views from the west along South Parade the blank flank wall of 29B does appear visually dominant in relation to 29A. This relationship, although longstanding, is not helped by the presence of a lift tower, which currently sits above the mansard roof to 29B.

The top floor of 29B currently sits within a mansard roof, served by dormer windows. The existing roof is recessed behind a pediment and its appearance is considered to sit comfortably within the contextual streetscene.

The proposal is for an extension to provide an additional floor to the building. This would involve removing the existing mansard roof, extending the building up an additional floor, and reconstructing a new mansard roof above. The proposals for the fourth floor of the building have been amended from the plans originally submitted. The original plans were for a flat fronted façade on the south elevation, with new windows of a smaller size to those on the rest of the building. This design was considered to create a contrasting and incongruous appearance in relation to the existing architectural detailing, which includes projecting bay windows and large central windows. The amended plans propose to replicate the architectural detailing of the lower floors, including an upwards extension to the bay windows.

There were also concerns about the bulky appearance of the new mansard roof in the original plans. In the amended plans, the mansard roof has been reduced in height and its bulk has been further reduced by hipping the side roofslopes. In addition, the existing chimneys on the east and west elevations are proposed to be retained and extended to project above the new roof. The amended plans are considered to provide an appropriate and sympathetic design for the front elevation of the building, which would respect the existing architectural detailing and appearance of the Grade II listed building.

In relation to No.29A South Parade, which is also Grade II listed, the proposal would result in a further increase in the height of the building, which would be particularly prominent when viewed from the west and south-west. The original plans would have resulted in a significant increase in the extent of the brickwork wall, which would have extended up to the height of the new mansard roof. In comparison, the amended plans would retain the side wall at the same height, with a new mansard roof above. The bulk of the mansard has been reduced by hipping in the side roofslope and it is considered that this would achieve a subservient appearance, which

would not be overly dominant within the streetscene and would respect the relationship with No.29A.

To a great extent, the success of the pastiche design proposed will depend upon the quality of the external materials and finishes, in terms of how well they match the existing building. It is therefore considered appropriate and necessary to impose a condition requiring details and samples of the precise materials to be used to be submitted to and approved by the Local Planning Authority before the development commences.

In summary, the proposed plans as amended (and subject to agreement of specific materials and details by condition), are considered to respect the architectural and historic interest of the listed building. It is therefore considered that the reason for refusal of the previous scheme has been addressed. The development is not considered to result in harm to the heritage assets and therefore an assessment under paragraph 134 of the NPPF is not considered necessary.

Subject to receipt of a S111 Agreement for the SPA mitigation,

RECOMMENDATION Conditional Consent

Conditions

- 1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this consent.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: LOCATION PLAN ARC1711-205UK; SITE LAYOUT ARC1711-250UK A; PROPOSED FRONT ARC1711-253UK C; PROPOSED EAST ARC1711-256UK C; PROPOSED REAR ARC1711-255UK C; PROPOSED WEST ARC1711-254UK C; PROPOSED ROOF ARC1711-252UK C; PROP 3RD, 4TH ARC1711-251UK C and WINDOW DETAIL ARC1711-260UK A.
- 3) (a) The extension to the third floor and construction of the new mansard roof hereby approved shall not be commenced until a method statement giving precise details of (i) the facing brickwork [including a sample], bonding, mortar joints and pointing, (ii) the materials to be used for the cornice, and (iii) roofing materials [including a sample] has been submitted to and approved by the Local Planning Authority in writing.
(b) The development shall then be carried out in full accordance with the approved method statement and materials unless otherwise agreed in writing by the Local Planning Authority.
- 4) (a) Notwithstanding the submitted details, development shall not commence until detailed constructional drawings of key architectural features (including precise window fabrication, projecting rendered detail courses, projecting window surrounds and corbels) at a scale of 1:20 (or such other appropriate scale as may be agreed), have been submitted to and approved in writing by the Local Planning Authority.
(b) The development shall thereafter be carried out in full accordance with the approved details.

The reasons for the conditions are:

- 1) To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent an accumulation of unimplemented consents.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interest of visual amenity and to preserve the architectural quality of the listed building, in accordance with Policy PCS23 of the Portsmouth Plan.

4) In the interest of visual amenity and to preserve the architectural quality of the listed building, in accordance with Policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

LAND ADJACENT TO 83 TANGIER ROAD PORTSMOUTH PO3 6JH**CONSTRUCTION OF NEW DWELLINGHOUSE AND PARKING SPACE TO REAR WITH EXTENDED VEHICULAR ACCESS ONTO LYNTON GROVE****Application Submitted By:**

D84 Architects Ltd
FAO Mr Keith Russell

On behalf of:

Mr Ralph Evans

RDD: 6th February 2018

LDD: 20th April 2018

SUMMARY OF MAIN ISSUES

The application is being considered by the Planning Committee as the applicant is a close family member of Cllr Donna Jones.

The main determining issues are whether:

- the principle of an additional dwelling in this area is acceptable,
- the proposal adequately addresses flood risk,
- the design of the proposed new dwelling would be appropriate in the context of the adjoining property and wider surrounding area,
- the parking and highway implications are satisfactory,
- the proposed development would result in any significant loss of residential amenity to occupiers of neighbouring properties,
- the proposal complies with policy requirements in respect of Solent Protection Area (SPA) mitigation.

The Site

The application site is located on the northern side of Tangier Road on a corner plot at the junction with Lynton Grove, a one way street travelling north. The site accommodates an end-of-terrace dwellinghouse within a terrace of four, all of which have double height bay frontages. The dwelling currently benefits from a front and side garden and a double length garage to the rear with access onto Lynton Grove. The building is predominantly brick faced with a rough rendered side elevation.

The site lies within Zone 3 of the indicative flood risk area (0.5% chance of flood by sea, 1 in 200 years) and is identified as a low/medium hazard area.

Proposal

The application seeks planning permission for the construction of a new dwellinghouse and parking space to the rear with an extended vehicular access onto Lynton Grove.

Planning History

There is no relevant planning history for this site.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation), PCS12 (Flood Risk), PCS17 (Transport), PCS13 (A Greener Portsmouth),

In addition to the above policies, the aims and objectives of the National Planning Policy Framework and the Parking Standards SPD are relevant.

CONSULTATIONS

Eastern Solent Coastal Partnership

Response not received at the time of writing.

Highways Engineer

UPDATED COMMENTS 17/04/2018

Following my initial comments (displayed below); the applicant has submitted revised plans to indicate the provision of an on-site parking space to the rear of the proposed new dwelling.

In order to achieve the visibility required from the new parking space, the existing garage is to be removed however the tandem parking arrangement will be retained. This would result in the existing property having two allocated spaces and the proposed property having one allocated space totalling 3 across the wider site. Even if considered in isolation, the parking provision for the proposed property falls short by 0.5 space which in my opinion could not be deemed a "severe" impact as is required by National Planning Policy in order to refuse a planning application on Highway grounds.

It should be noted that no works to the highway should commence without agreement of the Highway Authority and/or their appointed maintenance contractor, Colas LTD.

Therefore, as the application stands, I would not wish to raise a highways objection however the following conditions should be secured;

- Vehicle parking and extension of dropped kerb as shown on the site plans are to be provided prior to occupation of the development and thereafter retained for use by residents.
- Details of cycle parking to SPD standards to be provided prior to occupation of the development and thereafter retained for use by residents.

INITIAL COMMENTS 20/03/2018

This application is for the construction of a new 3-bedroom dwelling on land adjacent to 83 Tangier Road. I have reviewed the submitted documents and would make the following observations:

Tangier Road is a predominantly residential road although does have a small Local centre within 100m of the application site. The road has some unrestricted on-street parking within this area and is subject to a 30mph speed limit. The application site occupies a corner location and is bounded to the east by Lynton Grove, a one-way road subject to a 20mph speed limit. Lynton Grove has on-street parking along both sides of the road for its entire length controlled in places by double yellow line restrictions.

No assessment of the likely traffic impact has been made however given the small scale of the proposal it is my opinion that the proposals will not have a material impact upon the operation of the local Highway network in capacity terms.

The Portsmouth Parking SPD sets out requirements for parking provision in relation to new residential development. The site has an existing 3-bedroom property and proposes an additional 3-bedroom property. The SPD requires 1.5 spaces per 3-bed dwelling giving the wider site an expected parking demand of 3spaces. The current parking demand associated with the site is 1.5(2) spaces which can be accommodated on the site at present within a tandem garage, these spaces are to be retained.

The applicant has indicated that an additional space could be accommodated on the site which would meet the 3 spaces required to meet the parking demand of the wider site. It has been acknowledged that given the presence of a telegraph pole, this space would be difficult to access in a forward gear, however in my opinion could be accessed satisfactorily by reversing into the space. I agree with the applicant that some of the available on street space would be lost by extending the dropped kerb however I am of the opinion that this would likely only be a maximum of 1m and it would still be possible to accommodate 4 vehicles parked parallel to the kerb as is currently possible.

Should the space be provided, adequate pedestrian visibility will be required. This will likely require the demolition of the existing garage to facilitate the 2m x 2m pedestrian visibility needed for the new space. The existing 2 spaces would therefore be retained as a tandem hardstanding rather than a tandem garage.

The Portsmouth Parking SPD also gives the expected level of secure cycle parking provision for new residential developments. Whilst no provision is shown on the submitted plans, I am of the opinion that the 2 spaces required could be accommodated in the rear garden and the provision of such can be secured by condition.

At this stage I would not wish to raise a Highways objection subject to receiving revised plans to show an on-site parking space as shown within the Parking statement.

Environment Agency

Environment Agency Position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk and we would wish to object to the application.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment (83 Tangier Road, Portsmouth, Revision P2) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA.

- The first floor finished floor level should be set no lower than 5.97mAOD and all sleeping accommodation must be located on the first floor level or above.

Reasons

To ensure the safety of the development and future occupants.

The proposed development is located within tidal flood zone 3 and is considered to have a high probability of flooding (0.5%, 1 in 200 years) from the sea in any year. The current 1 in 200 year

tide level is given as 3.2mAOD, rising to 4.4mAOD by 2115, when considering the effects of climate change and sea level rise.

We have reviewed the submitted Flood Risk Assessment (FRA) and note that the site could be subject to significant depths of flooding over its lifetime with worst case flood depths of 1.7m.

The road levels appear to be at 2.7mAOD. Therefore safe access to and from the building will not be possible in case of a flooding. As a result, emergency services will not be able to operate and the safety occupants will be reliant on safe refuge within the building or prior evacuation.

Mitigation

To reduce risk of internal flooding, the following mitigation measures are required to be implemented as a condition in order for the building to be considered safe from a flood risk perspective.

All sleeping accommodation must be located on the first floor level or above. The first floor should be set no lower than 5.97mAOD.

Internal access is to be provided throughout the dwelling to provide an area of safe refuge on the upper floors of the property.

The provision of flood resilient construction measures has been submitted with the FRA and a site specific flood warning and evacuation plan is in place and to be implemented.

LPA needs to be satisfied that safe refuge within the building is adequate and that the building will remain structurally sound given the potential depth of flooding possible at the site.

Advice to the LPA

The LPA may decide that in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means. In coming to a decision on the proposed development, the LPA should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed. Specifically, consideration should be given to whether or not the availability of safe refuge, the submitted flood response plan contained within the FRA and recommended resilience measures would enable users of the development to avoid the flood hazards identified.

If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.

The Environment Agency will support the decision of the LPA on flood risk matters and should the LPA be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory the Environment Agency would provide our full support at appeal.

In reviewing the site flood response plan, we recommend that the LPA consult their emergency planners, the emergency services and the Local Resilience Forum. It is essential that this consultation takes place prior to the granting of planning permission, as the agreement and securing of a suitable flood response plan will be crucial for the safety of the development.

REPRESENTATIONS

Four letters of objection have been received, raising the following concerns:

- a) objection to the principle of an additional dwelling in the area; development is unnecessary;
- b) increased pressure on already limited on-street parking availability in the area, which has already been exacerbated by recent car free residential conversions at 75 Tangier Road and 61-

63 Tangier Road (above Spar) and increased popularity of The City Life Church; 2 parking spaces are inadequate to serve 2 three bed properties;

c) the addition would not be in-keeping with existing properties; it would destroy the balance of Tangier Road and Lynton Grove making it look an eyesore for local residents;

d) it would block sun and light to the gardens of neighbouring properties within the terrace to the west;

e) noise and disturbance during the construction phase; vibration could cause damage to existing properties; construction vehicles would cause further traffic congestion.

COMMENT

The main determining issues are whether:

- the principle of an additional dwelling in this area is acceptable,
- the proposal adequately addresses flood risk,
- the design of the proposed new dwelling would be appropriate in the context of the adjoining property and wider surrounding area,
- the parking and highway implications are satisfactory,
- the proposed development would result in any significant loss of residential amenity to occupiers of neighbouring properties,
- the proposal complies with policy requirements in respect of Solent Protection Area (SPA) mitigation.

Principle

The site lies within the established developed area of Baffins, just outside of the Tangier Road local centre as defined by Policy PCS18 of the Portsmouth Plan. There are no site specific land use policies that would discourage a suitably designed additional dwelling providing that it satisfactorily addresses flood risk issues and highway requirements, is of sufficient quality in terms of appearance and materials and has an acceptable relationship with the wider streetscene and nearby residential properties (including the residential amenities of those occupying the existing dwelling at No.83).

The proposed dwelling would have 2 storeys accommodating 1 double and 2 single bedrooms (according to the Nationally Described Space Standards (NDSS)) and could therefore accommodate 4 persons. Under the NDSS, a two storey, 3 bed house offering accommodation for 4 persons should achieve a minimum gross internal floor area of 84m². The proposal demonstrates a floor area of approximately 110m² which significantly exceeds this minimum requirement (and in fact would exceed the 102m² required for a two storey, 3 bed house accommodating 6 people).

Flood Risk

The site lies within an identified area at risk of flooding by sea water (zone 3). The Strategic Flood Risk Assessment shows the site as a low or medium hazard area. Whilst Policy PCS12 of the Portsmouth Plan considers the sequential test met on non-allocated brownfield sites in those parts of zones 2 and 3 that the Strategic Flood Risk Assessment shows as low or medium hazard areas, it is noted that garden areas of houses within urban areas are not considered 'brownfield'. As such a sequential test would normally be required for this proposal. However, a sequential approach to finding another site for a single dwelling at a lower risk of flooding would result in large areas of the developed part of the city being contrary to this policy.

The Council has strong evidence that there is a high level of housing need which will be extremely difficult to meet. The PUSH Position Statement was published in 2016 and showed a housing need for Portsmouth of 17,020 homes but identified capacity for only 14,560 homes 2011-2034. Since then, the government has published its proposed new housing methodology which would result in a housing need of over 19,000 home for the same period. Therefore the

onus is on the Council to continue to look at all available sites in the city to meet the identified housing need, including sites which are constrained by flooding, and consider how those constraints may be overcome.

The Environment Agency (EA) has considered the application and the accompanying amended plans identifying floor levels and the amended Flood Risk Assessment provided by the applicant. The EA consider that planning permission should only be granted subject to a specific condition that requires the development to be carried out in accordance with the amended FRA and sets the first floor level at 5.97m AOD (Above Ordnance Datum) and that sleeping accommodation must be located on the first floor level or above to ensure the safety of the development and its future occupants. These conditions are considered appropriate and necessary to impose to address the flood risk issue.

Design

The external appearance and scale of the development proposed takes its reference from the adjoining terrace, with a matching double height bay window, matching ridge height and similar porch detail. The building would be externally clad in face brickwork to match the existing on the front and (east) side elevations and at ground floor level on the rear and west elevation; the first floor rear and west sides would be rendered. The roof would be tiled to match those tiles on the rest of the terrace. It is considered that this approach is entirely appropriate for its setting and the terrace to which it would adjoin.

The building would sit directly on the back edge of the footway to Lynton Grove and as such this proposal would reduce the space about this junction. However, this is a very common form of development throughout the immediate area and the wider city, and is not considered harmful to the streetscene. It is noted that the footprint of the new dwelling would project further east than those properties in Lynton Grove however given the intervening distances this is not considered harmful to the streetscene or the setting of these properties to the north.

Two 'ghost' windows have been incorporated in the otherwise blank east elevation to add interest to this side.

Parking/Highway Issues

During the course of the application the scheme has been amended to remove the garage at the rear of the existing garden to No.83 in order to provide sufficient space for two cars to be parked in tandem to serve No.83, improve visibility splays and provide a single space within the curtilage of the proposed new dwelling.

This would result in the existing property having two allocated spaces and the proposed property having one allocated space totalling 3 across the wider site. The Parking Standards and Transport Assessments SPD requires 1.5 spaces for a 3 bed house and therefore the 3 spaces proposed would meet the requirements of the existing and proposed house within the plot. The pressure on on-street parking availability within the area is acknowledged however, even if considered in isolation, the parking provision for the proposed property would fall short by only 0.5 space which is not considered a "severe" impact as is required by National Planning Policy in order to refuse a planning application on Highway grounds.

Objections have raised concern about construction traffic adding to congestion within the area. Unfortunately some degree of noise, disturbance and inconvenience is almost inevitable for local residents near to a construction site however this is a temporary short term impact and is not of sufficient harm to justify refusal.

Residential Amenity

The proposed dwelling would have a handed but very similar footprint to the property it would adjoin, with an identical first floor depth. As such, and given its location on the north side of Tangier Road it is not considered likely to result in any significant reduction in light to the rear gardens of either the adjacent properties to the west or the garden to the north in Lynton Grove. Given the pattern and orientation of development and intervening distances it is not considered that the proposed house would result in any significant loss of privacy (actual or perceived) or outlook to any nearby properties.

SPA Mitigation

The Conservation of Habitats and Species Regulations 2010 [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.

The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

This proposal would lead to a net increase in population, which would be likely to lead to a significant effect as described in section 61 of the Habitats Regulations on the Portsmouth Harbour and the Chichester and Langstone Special Protection Areas (SPAs). The development is not necessary for the management of the SPA.

The proposal would represent a net increase of one 3 bed dwelling. Therefore, an appropriate scale of mitigation would be calculated as £637. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

The applicant has provided mitigation through an agreement under S.111 of the Local Government Act. With this mitigation, it is considered that there would not be a likely significant effect on the SPAs.

Conclusion

On balance the proposal is considered capable of support.

RECOMMENDATION Conditional Permission

Conditions

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

- 2) Unless 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 (received 23 February 2018), Amended Proposed Site and General Arrangement Plan D8417_29/05 Revision P3, and Amended Proposed Elevations D8417_29/20 Revision P3

- 3) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 4) Prior to occupation of the dwelling hereby permitted, the provision of flood resilient construction measures and warning provisions as set out within the amended Flood Risk Assessment (Revision P2) shall be fully implemented and retained thereafter, including having a site specific flood warning and evacuation plan.
- 5) The first floor internal finished floor level of the dwelling hereby permitted shall be no lower than 5.97m AOD and all sleeping accommodation shall be located on the first floor level or above.
- 6) Prior to occupation of the dwelling hereby permitted, the vehicle parking provision for 3 cars and extension of the dropped kerb as shown on the approved site plan (D8417_29/05 Revision P3) are to be provided prior to occupation of the development and thereafter retained for use by residents.
- 7) Prior to the first occupation of the dwelling hereby permitted bicycle storage facilities shall be provided in accordance with a detailed scheme to be submitted to and approved by the local planning authority in writing, and those facilities shall thereafter be retained for the continued use by the occupants of the dwelling for that storage at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To ensure the safety of the development and its future occupants, in accordance with policy PCS12 of the Portsmouth Plan.
- 5) To ensure the safety of the development and its future occupants, in accordance with policy PCS12 of the Portsmouth Plan.
- 6) To ensure adequate on-site parking provision for the dwelling hereby permitted and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 7) To ensure that adequate provision is made for cyclists using the dwelling in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

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

Assistant Director of City Development
22nd May 2018