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# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 12 DECEMBER 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](mailto:Democratic@portsmouthcc.gov.uk)

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

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### **Planning Committee Members:**

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Jo Hooper, Suzy Horton, Donna Jones, Gemma New, Steve Pitt, Lynne Stagg, Luke Stubbs and Claire Udy

### **Standing Deputies**

Councillors Frank Jonas BEM, Leo Madden, Robert New, Scott Payter-Harris, Jeanette Smith, David Tompkins, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood

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(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](http://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](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4916.

## **A G E N D A**

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of the previous meeting - 14 November 2018 (Pages 5 - 10)**

**RECOMMENDED that the minutes of the Planning Committee held on 14 November 2018 be approved as a correct record to be signed by the**

Chair.

- 4      **Updates on previous planning applications by the Assistant Director of City Development**

Planning Applications

- 5      **17/02064/FUL - 65 Marmion Road Southsea PO5 2AX - Conversion of all floors of no.65 to form single dwelling house, external alterations to include demolition of single storey extension (former shop front) fronting Marmion Road, reinstatement of ground floor bay window and erection of front boundary wall and piers with new access onto Marmion Road; demolition of single storey structures/workshop to rear; construction of a single storey extension to rear of no.65 and a new detached 1 bedroom single storey dwelling to rear (north) of site (Report Item 1) (Pages 11 - 62)**
- 6      **18/01452/FUL - Eastney Esplanade Southsea PO4 9GE - Installation of Seafront Shelter (Report Item 2)**
- 7      **17/01171/FUL - Land At Lakeside Business Park Western Road Portsmouth - Construction of a two-storey building for car dealership use comprising showroom, valet facilities, workshop and MOT testing, with provision of car parking, associated infrastructure and landscaping (Report Item 3)**
- 8      **Enforcement Action Update (information item) (Pages 63 - 64)**

Following consideration of a report to Planning Regeneration and Economic Development (PRED) portfolio that agreed a Local Enforcement Policy it was agreed at the last Planning Committee that there would be a monthly update report on work within the Enforcement team. The purpose of the report is to update the Planning Committee on the work within the Enforcement team covering the month of November.

**The report is for information only and members are encouraged to discuss specific cases outside of this meeting.**

- 9      **Dates of Planning Committee meetings in 2019**

Dates for the first half of 2019 are proposed as:

Wednesday 9th January 2019  
Wednesday 6th February 2019  
Wednesday 6th March 2019  
Wednesday 10th April 2019\*  
Thursday 23rd May 2019\*

(\*This would mean a 5 week gap followed by a 6 week gap necessitated by the elections process and the need for a new committee to be appointed at the annual council meeting on 14 May 2019 and the timescale for the publication of papers.)

Provisional dates for the second half of 2019 are as follows, which may be revisited by the committee after the annual council meeting:

Wednesday 19th June 2019  
Wednesday 17th July 2019  
Wednesday 14th August 2019  
Wednesday 11th September 2019  
Wednesday 9th October 2019  
Wednesday 6th November 2019  
Wednesday 4th December 2019

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 Wednesday, 14 November 2018 at 1pm 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 Hugh Mason (Chair)  
Judith Smyth (Vice-Chair)  
Jo Hooper  
Suzy Horton  
Donna Jones  
Steve Pitt  
Lynne Stagg  
Luke Stubbs  
Claire Udy

### 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 where to assemble and how to evacuate the building in the event of a fire.

### 120. Apologies (AI 1)

Apologies for absence had been received from Councillors Gemma New and Rob Wood.

### 121. Declaration of Members' Interests (AI 2)

#### 18/01424/FUL - Unity Hall Social Club.

Councillor Judith Smyth declared an interest: she is a member of the Labour Party which is selling this premises. The Legal Advisor explained that as she is not a trustee it is not a pecuniary interest. Nonetheless, Councillor Smyth said that she would not be present for that item.

#### 18/00967/FUL 132 Laburnum Gove.

Councillor Donna Jones declared a pecuniary interest: Mr Brewer is a close friends and would not be present for that item.

Councillor Luke Stubbs declared a non-prejudicial interest: he also knows Mr Brewer.

### 122. Minutes of the Previous Meeting Held on the 17 October 2018 (AI 3)

**RESOLVED** that the minutes of the Planning Committee held on 17 October be agreed as a correct record and signed by the chair subject to the following corrections:

Councillor Hooper be marked as present deputising for Councillor Gemma New.

**18/01143/FUL - 58 Cromwell Rod, Southsea PO4 9PN.**

**Reason for refusal no. 2:**

The proposed internal courtyard area represents a cramped layout, lacking adequate space to sufficiently accommodate the different activities relating to the **storage** and movement of cars, bicycles and bins and would therefore represent an overdevelopment of the site contrary to Policy PCS23 of the Portsmouth Plan.

**123. Updates on previous planning applications by the Assistant Director of City Development (AI 4)**

The Assistant Director of City Development advised that:

- The Queens Hotel hearing will be held at the end of the month and the briefing will be arranged for next week.
- The enforcement policy has been agreed by the Cabinet Member for Planning, Regeneration & Economic Development and published on the website.
- The Cabinet Member also agreed the liability so members will see the assessments as part of the planning procedure and at meetings.

**124. 18/00967/FUL 132 Laburnum Grove Portsmouth PO2 0ES (AI 5)**

The Planning Officer introduced the report.

Deputations from Daryn Brewer, on behalf of the applicant and Philip Moore, the applicant were heard and a brochure circulated.

**Members' Questions.**

In response to questions, the Planning Officer clarified the following points:

- The annotated plans show the amended room sizes: the single room would be 7.5m<sup>2</sup> and the double room 11.5m<sup>2</sup>
- The waste management team had not raised any concerns regarding the number of waste and recycling bins that would be provided.
- Planning permission had already been granted for the rear extension.

Peter Heyward, Highways informed members that provision for two parking spaces was the standard requirement for HMOs and houses.

The applicant explained that the rear courtyard paving slopes towards the edges so that water flows into the drains which run along the outside.

**Members' Comments.**

Members recognised the need to maintain mixed, balanced communities and to balance loss of family housing with the increase in demand. It was noted that perhaps it would be simpler to locate shared housing together in the city centre. They were pleased to see the high standard of work and decent sized rooms and confirmed that each application is considered on its own merits not on trends.

They were however concerned that there was no extra parking provision required for shared housing; two spaces for twelve residents could be a problem. They noted that an assessment of bin provision could be requested if it was felt necessary.

Members also noted that the HMO data needs to be reviewed so that it can be reliable.

**RESOLVED that permission be granted subject to the conditions set out in the report.**

**125. 18/01424/FUL Unity Hall, Social Club, Coburg Street Portsmouth PO1 1JA (AI 6)**  
Councillor Smyth left the meeting for this item.

The Planning Officer introduced the report and added that Southern Water had requested a condition be imposed requiring that the foul and surface water drainage disposal to be resolved.

Deputations from the following people were heard:

1. Andrew Whiteley, the applicant.
2. Neil O'Donnell, on behalf of the agent.

Members' Questions.

In response to questions from members, officers clarified the following points:

- The building would be predominantly brick with bronze feature panels some perforated at lower levels to create more interest.
- The Highways Authority's concerns are capable of being resolved by a well thought through scheme.
- It might be possible to arrange parking for these residents at the deaf centre at the start and end of term.
- Pedestrians can walk around the building on the pavement.
- Wigmore House is three storeys high and Lords Court four.
- The rooms are bigger than those done by Unite: 18m<sup>2</sup> compared to 10-12m<sup>2</sup>.

In response to a question, Neil O'Donnell explained that:

- Panels or brick will be used but the aspiration is for traditional brickwork.
- The façade will have more renders and simple layering to give depth and more interest.
- Horizontal bands will allow material to fly up around the back.
- Dropping off and collection could be done at the intersection.

Andrew Whitely added that in their experience, not more than 25% of students own or ride bicycles and therefore the provision at this premises is sufficient. However, they would be happy to look into providing more spaces. He also informed members that mobility aids could be stored in the management suite.

Members' Comments.

Some members noted that the change of design was an improvement and the increased supply of specific housing would release pressure on other types of housing. However, others thought that the design was out of character with the area. Concerns were raised about the low number of bicycle spaces for the number of residents and the disruption to traffic at the start and end of term.

**RESOLVED that:**

1. Delegated authority be granted to the Assistant Director of City Development to add/ amend conditions where necessary.  
Delegated authority to grant conditional permission subject to the completion of a section 106 agreement in accord with the principle outlined in the report including an appropriate level of mitigation set out in the Solent Recreation Mitigation Strategy (so there would not be a significant effect on the SPAs).
2. Delegated authority be granted to the Assistant Director of City Development to REFUSE planning permission, if the required legal agreement has not been completed within three months of the date of the resolution.

**Subject to consideration of adequacy of cycle storage and mobility needs to accessible units.**

**126. 18/00292/FUL 92 Osborne Road Southsea PO5 3LU (AI 7)**

The Planning Officer introduced the report and referred members to the supplementary matters list. An amended drawing had been submitted showing the refuse storage facilities and conditions 2 and 9 had been amended to read:

2. The permission hereby granted shall be carried out in accordance with drawing number 002A received 6 November 2018, or in accordance with any variation that will have first been submitted to and proved in writing by the council.
6. Prior to first use of the premises as a café/ restaurant (class A3) all facilities for the storage of refuse and recyclable materials shall be provided in full accordance with drawing '002A received 6 November 2018' following the removal of all redundant plant and equipment and shall thereafter be permanently retained for the storage of refuse and recyclable materials generated by the café/ restaurant and the residential units above.

David Kitchen made a deputation against the application.

Members' Questions.

In response to questions, the following points were clarified:

- The position and route of the fire escape had not changed.
- A planning permission condition requires the kitchen door to be closed at all times.
- The extraction equipment location had been negotiated and does not block access to the bins.
- The route and location of the refuse chute could be dealt with by adding a condition.
- The flue could be installed without impeding the route and would be less noisy.
- The proposed opening hours are considerably earlier than adjoining premises.

Members' Comments.

Members expressed concern regarding how the condition requiring the door to be kept closed could be enforced. People coming down the stairs could be hurt if the door is opened suddenly. It was recommended that the tenants should inform the Planning Department of any breaches.

Members also noted that the application had been thoroughly considered previously.



**RESOLVED that conditional permission be granted.**

**Enforcement.**

The Assistant Director of City Development informed members that the Enforcement Policy had been agreed recently by the Cabinet Member for Planning, Regeneration & Economic Development.

The Chair asked members to consider that a regular update on planning enforcement be brought to this committee.

**Agreed that an update on planning enforcement be considered at each planning committee meeting.**

The meeting concluded at 3:20pm.

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Signed by the Chair of the meeting  
Councillor Hugh Mason

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# Agenda Item 5

## **PLANNING COMMITTEE 12 DECEMBER 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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**65 MARMION ROAD SOUTHSEA PO5 2AX**

**CONVERSION OF ALL FLOORS OF NO.65 TO FORM SINGLE DWELLING HOUSE, EXTERNAL ALTERATIONS TO INCLUDE DEMOLITION OF SINGLE STOREY EXTENSION (FORMER SHOP FRONT) FRONTING MARMION ROAD, REINSTATEMENT OF GROUND FLOOR BAY WINDOW AND ERECTION OF FRONT BOUNDARY WALL AND PIERS WITH NEW ACCESS ONTO MARMION ROAD; DEMOLITION OF SINGLE STOREY STRUCTURES/WORKSHOP TO REAR; CONSTRUCTION OF A SINGLE STOREY EXTENSION TO REAR OF NO.65 AND A NEW DETACHED 1 BEDROOM SINGLE STOREY DWELLING TO REAR (NORTH) OF SITE.**

**Application Submitted By:**

Stuart Bone  
PWP Architects

**On behalf of:**

Mr George Pound

**RDD:** 1st December 2017

**LDD:** 1st March 2018

**SUMMARY OF MAIN ISSUES**

The application is being presented to the Planning Committee for determination because of a) a deputation request, b) an objection from the Highway Authority on highway safety grounds and c) the creation of a residential use at ground floor level would be contrary to policy STC2 of the Southsea Town Centre Area Action Plan.

The main issues to be considered in the determination of this application are as follows:

- whether the loss of the retail and workshop uses in this location are acceptable in principle
- whether the creation of two residential units within the site are acceptable in principle, including flood risk
- whether the design of the proposed extension is appropriate
- whether the proposal would preserve or enhance the character or appearance of the Owens Southsea Conservation Area
- the likely impact on the residential amenity of those occupying nearby residential properties
- highway/parking implications
- impact on the Solent Special Protection Area (SPA)

**Site and Proposal**

The application site is located on the northern side of Marmion Road, some 26m to the west of the junction with Marmion Avenue. It lies within Owens Southsea Conservation Area and an indicative area at risk of flooding by sea water (zone 2 and 3). The southern half of the site also lies within the defined boundaries of Southsea Town Centre. The site is almost entirely covered by buildings - the southernmost section comprises a two storey, semi-detached rendered building with rooms in the roofspace and single storey flat roofed extensions to the east, west and south whilst to the rear are two shallow pitched, interconnected outbuildings.

The site as a whole is currently vacant; the upper floors of the two storey building contain a maisonette and the whole of the ground floor of the site was last used by CP Fastenings and Supplies, a fastening and hardware business with the majority of the ground floor of the site used as workshops with a retail element at the front open to the trade and public Monday-Saturdays. To the north, separated from the application site by the garden area of No.5 Marmion Avenue, are two locally listed properties at 16 and 18 Nelson Road (Hillsborough Mansions and Horatio Court respectively). To the east are numbers 1-5 Marmion Avenue (a cul-de-sac leading from Marmion Road) and to the west a residential development known as Yves Mews. A pedestrian accessway along part of the eastern boundary of the site links the rear of properties 1-5 Marmion Avenue and the application site with this highway. This strip of land is unadopted and gated at its junction with the road.

The application seeks planning permission for the conversion of all floors of No.65 to form a single dwelling house, external alterations to include the demolition of the single storey extension (former shop front) fronting Marmion Road, the reinstatement of the ground floor bay window and erection of a front boundary wall and piers with new access onto Marmion Road; demolition of the single storey structures/workshop to the rear; construction of a single storey extension to rear of No.65 and a new detached 1 bedroom single storey dwelling to rear (north) of site.

### **The relevant planning history includes:**

16/00655/FUL - Construction of single storey storage building to rear of property to replace existing - Conditional Permission 05.07.2016

A\*23411/AA - Installation of new shopfront - Conditional Permission 21.05.2004

A\*23411/B - New shop front - Permission 22.09.1973

A\*23411/A - Erection of a storage building - Conditional Permission 13.04.1967

A\*23411 - Demolition and rebuilding of a store for spare parts at the rear - permission 22.09.1960

### **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS23 (Design and Conservation), PCS12 (Flood Risk), PCS17 (Transport), STC2 (Southsea Town Centre), DC21 (Contaminated Land), PCS13 (A Greener Portsmouth),

In addition to the above policies, the aims and objectives of the National Planning Policy Framework, the Parking Standards and Transport Assessments SPD, the Solent Recreation Mitigation Strategy (December 2017) and the Owens Southsea Conservation Area Guidelines are relevant.

### **CONSULTATIONS**

#### **Highways Engineer**

UPDATED COMMENTS: 17th May 2018

I have reviewed the revised parking arrangement proposed at the property frontage as shown on drg no. 1200 C and note that whilst this does now provide two independently accessible parking spaces it does not provide adequate visibility for emerging drivers to see pedestrians walking along the footway.

As I have previously advised these should be provided as 2m by 2m splays on either side of the access which would be practically achievable if the access was located centrally on the plot. In

the absence of such provision I must object to the proposal on highway safety grounds and would note that whilst the proposed arrangement is consistent with those accesses immediately to the east of the property such accesses with inadequate pedestrian visibility should not be perpetuated.

15th January 2018

I have reviewed the drawings submitted in support of this application which proposes the conversion of the retail unit and residential accommodation above to form single dwelling house, including the demolition of single storey extension (former shop front) fronting Marmion Road to provide 2 parking spaces and demolition of single storey structures to rear; construction of a single storey extension to rear of dwelling and a detached single storey dwelling to rear of property. I would make the following observations.

The existing residential use on the site has a parking requirement of 1.5 spaces although none are provided. The proposal would increase the residential parking requirement to 3 spaces and proposes the provision of an additional 2 spaces on the property frontage. As a consequence the effect of this proposal will be to reduce the overnight on street parking demand associated with this site which is the critical consideration in this locale.

Unfortunately the proposed arrangement of the parking spaces on the frontage does not allow for those to be accessed independently nor provide adequate visibility for pedestrians.

As a consequence as this application stands I must recommend refusal although if the parking spaces were rearranged such that they could access the highway independently and provision was made to secure pedestrian visibility splays of 2m by 2m on either side of the access then I would not wish to raise a highway objection to this application.

### **Environment Agency**

The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures as detailed in the Flood Risk Assessment (September 2018) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The Environment Agency requests that the following condition be attached to any planning permission granted, and that the details in relation to these condition be submitted and approved by the Local Planning Authority.

### **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 finished floor levels of Unit 2 should be set no lower than 4.6mAOD.

### **Reasons**

- To ensure the safety of the development and future occupants.

The condition is in line with the Planning Practice Guidance ("PPG") to the NPPF for Flood Risk and Coastal Change.

### **Comments**

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) from the sea in any year. The current 1 in 200 year tide

level is given as 3.2mAOD, rising to 4.3mAOD by 2115, when considering the effects of climate change and sea level rise.

We have reviewed the submitted FRA and note that the site could be subject to significant depths of flooding over its lifetime with worst case flood depths of 1.5m which means the ground floor of the building is subject to inundation.

The road levels are identified as 2.8mAOD. 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.

#### Advice to the Local Planning Authority

Unit 2 is a self-contained new build one storey dwelling, which will be located in the garden of the main dwelling. Residents of Unit 2 will be entirely reliant on safe refuge within the building in case of a flood event. The Local Planning Authority 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.

The Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority on flood risk matters and should the Local Planning Authority be minded to refuse the application on the grounds that the mitigation proposed is not considered satisfactory, the Environment Agency would provide full support at appeal.

In reviewing the site flood response plan, we recommend that the Local Planning Authority 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.

#### Advice to Applicant

##### Flood warning and evacuation

We recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, 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.

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.



The PPG states that Local Planning Authorities should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (PPG Ref ID: 7-057-20140306).

Therefore, we recommend seeking comments from your Local Authority emergency planners.

#### Flood mitigation measures

We recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

#### **Eastern Solent Coastal Partnership**

UPDATE 2/10/18:

Following submission of the updated Flood Risk Assessment Report (dated 24th September 2018), the Eastern Solent Coastal Partnership (ESCP) are happy to remove their previous objection to the proposed development.

The site is shown to lie 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 3.2 mAOD, increasing to a predicted 4.3 mAOD by the year 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment Report, compiled by Cowan Consultancy and dated 18th June 2018, which sufficiently outlines how flood risk at the site will be mitigated. As stated within the FRA, safe evacuation of the site may not be possible during an extreme tidal flood event, therefore occupants of the site will be reliant upon the provision of safe internal refuge. No sleeping accommodation is proposed to be located on the ground floor of the main dwelling and will instead be located on the first floor, above the 1:200 year extreme tidal flood level of 4.3 mAOD for Portsmouth Harbour in 2115. In addition, the FRA advises that the finished floor level of the proposed 1-bedroom single storey unit will be set at 4.6 mAOD, allowing for a 300mm freeboard above the design tide level of 4.3m AOD.

Furthermore, a number of flood resilience measures have been proposed, as well as the installation of sealed covers for all new drainage inspection chambers. Finally, the applicant has proposed that a Flood Warning and Evacuation Plan be prepared prior to occupation of the site, in accordance with advice from the Environment Agency.

#### Southsea Coastal Defence Scheme:

The Eastern Solent Coastal Partnership on behalf of Portsmouth City Council are currently designing the next generation of coastal flood defences in Southsea. These defences are subject to funding - if the necessary contributions and consents can be secured, construction of these defences will significantly reduce the risk of coastal flooding to the area and will be of direct benefit to this proposed development.

#### **Contaminated Land Team**

UPDATED COMMENTS: Part of the site has been used for manufacturing. As a precaution given the residential end-use the following standard conditions are requested:

(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.

INITIAL COMMENTS: The Contaminated Land Team (CLT) has reviewed the above application together with information held on our GIS and given that half of the site was used for manufacturing purposes, together with the sensitive nature of the proposed development including garden areas, the following standard conditions are required:

(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.

### **Environmental Health**

No objections or recommendations to make.

### **REPRESENTATIONS**

19 letters of objection have been received from 6 neighbouring residential properties (67 and 69 Marmion Road, 14E Nelson Road, 1, 2, 3 and 4 Marmion Avenue) and Cllr David Tomkins in response to the initial scheme and subsequent revisions, raising the following issues:

a) proposed height of Unit 2 would be a significant increase as compared with current structure and permitted replacement workshop (under 16/00655/FUL),

b) the bulk, height and proximity to boundaries of Unit 2 would:

- be overbearing/unneighbourly,
- cause loss of daylight and outlook,
- increase the sense of enclosure,
- result in loss of privacy,
- create additional noise pollution

to the rear of adjacent properties in Marmion Avenue and Marmion Road

c) have an inappropriate impact on properties in conservation area and be contrary to policy PCS23

- d) the increased height of Unit 2 would result in the building being more readily visible from properties to the north (14B-E Nelson Road)
- e) proposed skylight in Unit 2 would cause light pollution and affect privacy of rear windows of Marmion Avenue properties
- f) proposed new gate from garden of Unit 2 to rear passageway serving 1-5 Marmion Avenue would compromise security and privacy of Marmion Avenue and Marmion Road properties; concern regarding its more regular use or use during event of flooding - question whether the proposed new position of gate serving Unit 2 has legal access to the alleyway (was understood to be a necessary emergency exit for former retail unit not a regular entrance)
- g) concern that as Unit 2 has no parking provision that Marmion Avenue would be used which is already overcrowded and would cause inconvenience to residents of the road (encouraged by pedestrian access into passageway)
- h) concern about potential prospect of another storey being added in the future - want condition/covenant imposed to prevent this
- i) concern that demolition of any structure containing asbestos should be disposed of properly
- j) potential negative impact on surrounding property values

Most objectors do not object to the proposals for Unit 1 and would have no objection if Unit 1 had a rear garden area extending the length of Marmion Avenue.

3 letters of representation received from 67 Marmion Road, raising the following issues:

- a) In general in favour of development, and provided that the issues raised by neighbours objections can be resolved, would consider the proposal would convert the current eyesore into much needed residential housing
- b) Removal of the rundown shopfront and the sympathetic restoration of the house would undoubtedly make a great improvement to the appearance of Marmion Road
- c) satisfied that revised plans address previous omissions and inconsistencies.

## **COMMENT**

The main issues to be considered in the determination of this application are as follows:

- whether the loss of the retail and workshop uses in this location are acceptable in principle
- whether two residential units within the site are acceptable in principle, including flood risk
- whether the design of the proposed extension is appropriate
- whether the proposal would preserve or enhance the character or appearance of the Owens Southsea Conservation Area
- the likely impact on the residential amenity of those occupying nearby residential properties
- highway/parking implications
- impact on the Solent Special Protection Area (SPA)

### **Principle of loss of retail and workshop uses:**

The proposal is located in the Marmion Road section of the Southsea Town Centre secondary frontage. The frontage of no. 65 Marmion Road is a vacant unit previously in retail use (CP Fastings and Supplies).

The proposal would be contrary to Southsea Town Centre Area Action Plan Policy STC2 which states that planning permission will be granted for residential uses at upper floors only. However, the supporting text for the policy notes that while the Primary Frontage should have a high proportion of shops, the Secondary Frontage provides more opportunities for flexibility and diversity of uses.

Southsea Town Centre Primary Frontage has a high proportion of retail uses - exceeding the policy requirement for at least 75% of the frontage to be in retail (A1) use (recorded at 77.9% in April 2017). The area of Secondary Frontage where no.65 Marmion Road is already largely

residential, in terms of both the adjoining properties (61-63 & 67 Marmion Rd) and the opposite parade of properties (Trafalgar Court, Richmond Rd). The conversion of the retail unit would result in the loss of 3.91 metres of retail frontage (currently recorded as vacant frontage), altering the approximate proportions of uses in the Secondary Frontage as follows: retail (A1): 23.6% and residential (C3): 19.9% .

In summary, whilst the proposal is contrary to the criteria of Policy STC2 this must be weighted against any potential merits of the proposal (to be discussed below), and other considerations, including the sites location in the secondary frontage where a more flexible range of uses are generally considered acceptable. The loss of the retail element is therefore not resisted.

The workshop structures to the rear are in close proximity to residential development on all sides and as such is not an ideal location for an industrial use in terms of residential amenity and access/deliveries. The loss of this industrial floorspace in this particular location is not therefore resisted.

### **Principle of two residential units:**

#### **Unit 1:**

The principle of the proposed conversion of No.65 (being the main semi-detached building within the plot) to one x 5 bedroomed dwellinghouse is supported. It would make a contribution to the city's shortage of family sized houses, would be entirely compatible with the adjoining semi-detached property which has remained in a single residential use and would facilitate the removal of the flat roofed extensions to the west and south thereby vastly improving the setting of building within the wider streetscene. In terms of flood risk, the main house is considered acceptable as no bedrooms are proposed on the ground floor and refuge can be sought on the upper two floors given that it would be a single dwelling.

#### **Unit 2:**

The creation of a separate additional dwelling within the site, located to the rear is more challenging. The site is significantly constrained by the proximity of surrounding residential development on all sides but particularly those to the east given that they face directly into the site and have limited garden depths of approximately 6.4-6.6m. In addition, the site lies within an indicative area at risk from flooding and must be considered in the context of the heritage assets of the Owens Conservation Area and the locally listed buildings to the north.

The proposal seeks to address these constraints by limiting the new dwelling to a modest sized, 1 bedroom, single storey, single aspect flat roofed unit located at the northern end of the site. The dwelling would achieve a gross internal floor area of 50.103m<sup>2</sup> thereby meeting the minimum nationally described space standards of 50m<sup>2</sup> for a 1 bed, 2 person single storey dwelling. The unit would offer an open plan kitchen/dining/living area, bathroom and double bedroom - the living area and bedroom would have an outlook southwards into a private garden area which would have a depth of 4.0-4.5m and the kitchen/dining area would be lit by a lantern style rooflight.

The height of the proposed building has been revised during the course of the application in order satisfy concerns regarding the risk to the building and those who occupy it from sea water flooding. The most recent plans demonstrate an internal finished floor level of 4.60m AOD for Unit 2. This is considered acceptable to the Environment Agency provided it is secured by condition. It is noted that the road levels are identified as 2.8m AOD and therefore safe access to and from the building would not be possible in case of a flooding. As a result, emergency services would not be able to operate and the safety occupants will be reliant on safe refuge within the building or prior evacuation.

In reply to the final paragraph of the Environment Agency consultation comments regarding emergency plans and responses, PCC has the following Plans in place to deal with an emergency in the event of flooding in the City:

- PCC Flood Response Plan - detailing the council specific response to a flooding event
- PCC Emergency Response Plan - detailing the generic council command and control arrangements for emergency response, including flooding and evacuation
- PCC Rest Centre Plan - detailing the provision of welfare support to evacuated residents and communities
- Hampshire and Isle of Wight Local Resilience Forum (HLOW LRF) Multi Agency Flood Response and Recovery Plan Part One - detailing the generic emergency responders arrangements for dealing with a flooding event
- Hampshire and Isle of Wight Local Resilience Forum (HLOW LRF) Multi Agency Flood Response and Recovery Plan Part Two - providing a summary profile of flooding in each Lead Local Flood Authority area, including Portsmouth
- Hampshire and Isle of Wight Local Resilience Forum (HLOW LRF) Multi Agency Flood Response and Recovery Plan Part Three - operational plans detailing flooding in each EA flood warning area of Portsmouth.

Given its single storey height (albeit raised to address flood risk issues) and the intervening distances (and garden area of 5 Marmion Avenue), it is not considered that Unit 1 would cause harm to the setting of the locally listed buildings to the north.

It is acknowledged that this is a small unit which has a bespoke design in order to address the physical constraints of the site. Whilst compact in its internal layout and offering only a single aspect living environment with limited out-door open space it is considered on balance that this would provide adequate living accommodation for its occupiers and would contribute, as a windfall site, to the city's housing numbers.

#### Proposed Extension to Unit 1:

Following demolition of the existing flat roofed extension and pitched roofed workshops surrounding and to the rear of No.65, it is proposed that Unit 1 would have a single storey flat roofed 'L' shaped extension to the rear, wrapping around to the east. Internally this would create an open-plan kitchen/dining area. This extension would not be dissimilar in footprint to that existing at present. The smooth rendered finish would match that on the existing building. The extension is considered acceptable in design terms in the context of the main dwelling and the wider surrounding area.

#### Conservation Area:

S.72 of the Planning (Listed Building and Conservation Area) Act 1990 states within S.72 that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

#### Unit 1:

The proposed removal of the single storey extension to the front of the main building (No.65) offers the opportunity to enhance the character and appearance of this part of the conservation area. The current flat roofed extension covers the whole of the area in front of the main building and wraps around the western side. Whilst not an unattractive shopfront, its removal would open up the original forecourt in front of the building, allow the re-instatement of the original ground floor bay window (elements of the opening still remain internally) incorporating double glazed sliding sash timber windows (within the new ground floor bay and also the existing first floor bay which currently has UPVC framing) and reveal and re-instate where necessary the pillaster features on the front elevation. In addition the forecourt would be block paved in slate grey colour with a raised brick planting bed incorporated adjacent the western wall. The east and west boundary walls would be made good following demolition and a small section of wall with

two piers to match those at No.67 adjacent would be constructed. In combination these works are considered likely to significantly improve the setting and appearance of No.65, re-balance the pair of semi-detached properties of No.65 and 67, and create a frontage consistent with others to the west at Nos. 67, 69 and 71. In turn these improvements would enhance the character and appearance of the Owens Southsea conservation area.

The proposed extension to the rear of Unit 1 is considered by reason of its single storey nature and appropriate scale, design and external treatment to preserve the character and appearance of the Owens Southsea conservation area.

#### Unit 2:

The external design of the proposed unit is flat roofed, with the higher element to the western side (closest to Yves Mews) stepping down slightly on the eastern and northern sides. In order to visually break up the building, the higher element would be clad with vertical cedar cladding whilst the lower part would be smooth white render. This is not a design typical of this conservation area and would represent a contemporary contrast to its surroundings in response to the significant constraints of the site. The use of cedar cladding would introduce a new material to the general area whilst render is found on the main building within the site, on properties within Yves Mews and on the locally listed buildings to the rear. Given its single storey height, existing and proposed boundary treatments and its northern position within the site, Unit 2 would not be readily visible from the public domain and as such would not be viewed within the wider context of the Marmion Road streetscene. This contrasting approach to the design of the building is considered appropriate for this particular site and would be considered to preserve the character and appearance of the conservation area.

#### **Residential Amenity:**

#### Unit 1:

The proposed use of No.65 as a single dwellinghouse, the removal of the extension to the front, the addition of a rear single storey extension and the works to the front of the building is not considered development likely to result in any significant adverse impact on occupiers of surrounding residential properties. Indeed representations received have not raised objection to these elements of the application.

#### Unit 2:

The existing floor levels within the site increase from south to north. The proposed unit at the rear (Unit 2) is shown to have a finished floor level of 4.6m AOD to satisfy flood risk issues. This would result in the proposed building (excluding the lantern rooflight) being a maximum of 300mm higher than the highest point of the existing workshop. The existing workshop has a shallow pitched roof with a ridge running north-south - the proposed flat roofed building would therefore increase the height on the eastern and western boundaries by approximately 700mm and 1100mm respectively.

This increased height is not considered to significantly adversely affect the properties to the north in terms of any loss of light, outlook or sense of space given the intervening distances and orientation of the properties in question. The adjacent property to the west, No.8 Yves Mews, is in close proximity to Unit 2 however it is noted that this dwelling has only 2 openings facing into the site, both at ground floor level (a window serving a cloakroom and a side door into the kitchen which has its primary window facing north) which already face onto a solid boundary wall (to be retained) exceeding a height of 2.5m within 1m. The additional height of a structure to the east of this boundary wall is not considered to have a significant impact on these openings which already have very limited outlook and light.

The main properties to be affected by the proposal would be 1-5 Marmion Avenue which lie to the east of the site. The rear of these dwellings face into the site, separated by the garden depth of between 6.4m-6.6m and a narrow passageway linking the rear of these properties (and a door leading from the existing workshop) to Marmion Avenue. The removal of the existing workshops would improve the westerly outlook from the rear of 1 and 2 Marmion Avenue but would increase the height of the building directly overlooked by 3 and 4 Marmion Avenue. However, whilst the new building would be readily visible above the existing boundary fence of these properties the proximity, bulk and height of Unit 2 and its proposed boundary treatment would not be excessive and would not be considered to result in a significant loss of available light, outlook or sense of space.

The proposed lantern rooflight is not considered of sufficient size to cause significant light pollution or disturbance to properties within Marmion Avenue. The finished floor height of Unit 2 would not be likely to cause any significant loss of privacy given the orientation of, and relationship between, the buildings involved and boundary treatments proposed.

### **Access:**

#### **Highway/Parking:**

The site currently does not benefit from any off-road parking provision. The proposal would provide 2 off-road parking spaces to serve the 5 bed property (Unit 2) and none for the 1 bed property at the rear (Unit 1).

The site lies within Southsea Town Centre and is therefore considered a sustainable location for which no car parking provision can be justified in this particular site for the rear 1 bed unit given the highly constrained nature of the site.

The revised drawings demonstrate that 2 parking spaces can be provided on the new forecourt, they do not however provide the visibility splay recommended by the Highway Authority (HA). As such the HA has raised an objection on highway safety grounds as the proposed access between the two piers does not provide adequate visibility for emerging drivers to see pedestrians walking along the footway.

Whilst a visibility splay would usually be incorporated into a new access, in this particular case it is also necessary to consider the impact of such a feature on the character and appearance of the conservation area. The access proposed is typical of entrances within this part of the conservation area, being flush with the back edge of the footway. Many also have high gates. An entrance with a 2m x 2m splay would result in virtually no meaningful length of boundary walling along the back edge of the footway and have a splayed feature that would be out of character with other entrances within the area. Given that the proposed entrance piers and walling are an essential part of the overall improvements sought to the frontage of this property it is considered that significant weight should be given to the impact on the conservation area and that, on balance, support can be given to the entrance design proposed.

### **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) and its charging schedule became effective in the Portsmouth City Council area from 1st April 2018. 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. The Strategy 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.

The proposal would result in a net increase in units within the site by the creation of the 1 bed dwelling at the rear of the site which in turn would result in an increased 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) (as set out in the Solent Recreation Mitigation Strategy). The development is not necessary for the management of the SPA.

Based on the methodology in the Strategy, an appropriate scale of mitigation would be calculated as £337 (for the proposed 1 bed unit). The applicant has provided mitigation through an agreement under S111 of the Local Government Act. With this mitigation, it is considered that there would not be a likely 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**

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 L1021\_SKE\_171130\_05, Proposed Elevations and Section 1300 Revision I, Proposed Ground Floor 1200 Revision G and Proposed Upper Floor Plans 1201 Revision E
- 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 (3)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 (3)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 (3)c.

5) The parking forecourt and boundary treatment (along east, west and southern boundaries and within the site) shall be surfaced, laid out and constructed in strict accordance with the details and materials shown on approved drawings no. 1200 Revision G (Proposed Ground Floor Plan) and 1300 Revision I (Proposed Elevations and Section), unless otherwise agreed in writing by the Local Planning Authority, and shall be fully implemented prior to the first occupation of the 3 storey dwellinghouse within the site (Unit 1).

6) Within 14 days of the demolition of the retail unit at the front of the property, a detailed scheme for the remedial measures proposed for both the boundary walls to the east and west of the site (forward of No.65) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried out prior to occupation of either of the dwellings within the site.

7) The windows within the re-instated ground floor bay opening and first floor bay hereby permitted shall be timber framed, and vertical sliding sash in design and manner of opening, and shall be constructed and finished in accordance with detailed drawings (scale 1:20) to be submitted to and approved in writing by the local planning authority, and shall thereafter be retained.

8) No development shall take place on site until a planting scheme, including maintenance responsibilities, for the raised planting bed within the parking forecourt has been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings). 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.

9) Prior to the first occupation of the 2 dwellings 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 each dwelling for that storage at all times.

10) The finished floor levels of Unit 2 shall be no lower than 4.6m AOD, as shown on approved drawings 1300 Revision I. The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the Flood Risk

**The reasons for the conditions are:**

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5) In the interests of the well planned development and preserving the character and appearance of the Owens Southsea Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.
- 6) In the interests of the well planned development and preserving the character and appearance of the Owens Southsea Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.
- 7) In the interests of the visual amenities of the area in accordance with policy PCS23 of the Portsmouth Plan and to ensure that the proposed replacement windows would enhance the character and appearance of the Owens Southsea Conservation Area.
- 8) To improve the appearance of the site in the interests of visual amenity of the area and to enhance the character and appearance of the Owens Southsea Conservation Area in accordance with policy PCS23 of the Portsmouth Plan.
- 9) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS23 and PCS17 of the Portsmouth Plan.
- 10) To ensure the safety of the development and its future occupants in accordance with Policy PCS12 of the Portsmouth Plan and Planning Practice Guidance to the National Planning Policy Framework for Flood Risk and Coastal Change.

**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.

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**EASTNEY ESPLANADE SOUTHSEA PO4 9GE****INSTALLATION OF SEAFRONT SHELTER****Application Submitted By:**

HGP Architects

FAO Mrs Cheryl Wellstead-Clarke

**On behalf of:**

South Parade Trust

FAO Mr Leon Reis

**RDD:** 24th August 2018**LDD:** 26th November 2018**SUMMARY OF MAIN ISSUES**

This application relates to a section of open beach located at Eastney adjacent to Eastney Esplanade. The site is located to the west of an existing ramp and disabled beach access. The site in its entirety is comprised of vegetative shingle and is located approx. 0.3m below the level of the Esplanade. The application site is located within "The Seafront" as defined by policy PCS 9 of the Portsmouth Plan and the Eastney Barracks Conservation Area (No. 17). To the north of the site lies Eastney Barracks- East and West Forts which is a Scheduled Ancient Monument. To the north east is Eastney Barracks and the Former Long Barracks which are both Grade II listed buildings.

The proposal is for the installation of a seafront shelter on land adjacent to Eastney Esplanade.

There is no specific planning history relating to the application site.

**POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS9 (The seafront), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS 9 (The Seafront) and PCS23 (Design and Conservation).

**CONSULTATIONS****Seafront Manager**

We welcome the integration of a number of elements which were requested at the outset such as the use of polycarbonate panels into the shelter which our experience demonstrates hold up better in such an exposed environment however there are a couple of areas where we had expected more detail and other consideration.

The original discussions referenced that suitable drainage and a soakaway needed to be incorporated within the design. We cannot see this being addressed in these plans but they will be essential in regards to the on-going maintenance of the structure which will fall to the local authority once the installation is completed. The removal of rainwater in an appropriate way from both the structure and the proposed concrete plinth needs to be addressed.

Secondly we have a concern on the location and the dependency on the proximity to the only area of shingle with an element of disabled beach access. This is currently an area of provision which is being considered in some significant detail and it is essential that the access to any disabled beach access point is through the existing dropped promenade area at this point. The future adaptations for this provision could be compromised if the shelter is put in such close proximity to the disabled access route and the foundation plinth should not abut the existing access area to allow for changes in the provision at this point including potential widening.

There are very few areas where we can deliver an access trail on our beaches that are flat enough, stable enough and long enough. The current disabled access at this point is a key access point which will be repaired this year and is well used. The current site location of this shelter should complement the current access point as much as possible, enabling wheelchair and buggies to be able to go around to its front elevation as well as off the promenade.

As a similar example the shelters near to Hovertravel have a hard concrete base leading off the promenade that have enough side width to enable wheelchair users to go around to the front elevation and shelter under the structure on the seaward side. The depth of the concrete plinth should therefore be considered in this respect, as the base should be deep enough to ensure level access with the promenade.

The height of the shelter should be carefully considered not only for its level relationship with the promenade but high enough to avoid shingle build up on the shelter which is considerable in this area. Shingle movement will be a major barrier to its continued usage for all users if not considered carefully enough and we are not certain that this has fully been taken into consideration.

Unfortunately we are aware that these shelters are prone to significant ASB and as part of the planning process would this involve investigation into the nearest CCTV and help support a case for an additional site installation in order to have effective monitoring and act as a deterrent to ASB on the re-sited structure?

## **Natural England**

No comments

## **Ecology**

Initial comments received from the County Ecologist on 22nd October 2018 stated:

I note that advice relating to ecological constraints was provided to the project in June 2018, but this has not been considered in the submission. As the proposal will result in the direct physical loss of an area of the Eastney Beach Local Wildlife Site (also known as Sites of Importance for Nature Conservation) as well as potential ecological impacts resulting from use and access, further information will be required along with consideration of Local Plan Policy PCS13 and the Seafront masterplan Supplementary Planning Document (SPD) and the Eastney Beach Habitat Restoration and Management Plan SPD.

The advice provided in June 2018 included the following:

(Recommended initial steps) obtain data relating to two issues:

1. Impacts to vegetation. The entirety of the beach within which the proposed shelter will sit is locally-designated as Eastney Beach Site of Importance for Nature Conservation (SINC). The SINC is designated due to the presence of sensitive vegetated shingle habitat, which is also listed as a Habitat of Principal Importance under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006. I am aware that HBIC, and others, have carried out detailed mapping and survey of the habitats along Eastney Beach and so I do not believe that you would need to conduct any field survey works. Rather, you will need someone with suitable expertise

to review the existing information and provide an assessment of the potential impacts of the proposals.

2. Impacts to overwintering birds. Eastney Beach is known to support several species of overwintering birds which are associated with nearby internationally-designated sites. Any planning submission will need to review existing bird data and provide an assessment of how the proposals would be likely to impact birds or their habitat. HBIC hold data relating to wintering bird species and you would need to ensure that you request relevant information from them.

In order to provide suitable information at the planning stage, you will need to use the services of a suitably-qualified ecologist. The Chartered Institute of Ecology and Environmental Management (CIEEM) ([www.cieem.net](http://www.cieem.net)) holds a database of suitably-qualified ecologists. Any report produced by an ecologist will need to assess the potential impacts of the proposal and provide a strategy for mitigating those impacts. You will need to demonstrate how your proposal is consistent with the Portsmouth Local Plan. I would suggest that Policies PCS9 (the seafront) and PCS13 (a greener Portsmouth) will be most relevant. In addition, the Eastney Beach Habitat Restoration and Management Plan SPD will be especially relevant.

The location of the proposed seafront shelter has been identified by previous surveys to support a SD1 Rumex crispus-Glaucium flavum shingle community (IHS SS31). The majority of the community within the wildlife site has pioneer shingle vegetation, which is developing into more stable coastal grassland in places. This is a mix of coastal species, grassland species, ruderals and bare shingle. The main species are rye grass, sea kale, spear-leaved orache and ribwort plantain. There is also much soft brome, sea beet, red valerian, wild carrot, sea radish, false oat-grass, yellow-horned poppy, red fescue, cock's-foot, cat's-ear, common mallow and docks. Other species noted include restharrow, hare's-foot clover, early hair-grass, squirreltail fescue, knotted clover, Babington's orache and common reed.

As provided in June 2018, the application will need to assess the potential impacts on biodiversity of the proposal and provide a strategy for mitigating those impacts. At present no ecological information has been provided and biodiversity is not considered in the submitted documents - further information will be required to assess the proposal under local and national planning policies.

Further comments from the County Ecologist on the 13th November 2018 stated:

In summary, the proposal will result in the permanent loss of approximately 70m<sup>2</sup> of the Eastney Beach Local Wildlife Site (LWS). A botanical survey of the site has been undertaken and recommendations have been made for mitigation and enhancement measures.

Eastney Beach and the LWS is covered by Policy PCS13 of the Portsmouth Plan, as well as the Eastney Beach Habitat Restoration and Management Plan Supplementary Planning Document (SPD).

Policy PCS13 sets out that for Local Wildlife Sites, the Authority should be "allowing development only if it clearly outweighs the substantive nature conservation value of the site, an impact on the site cannot be avoided or mitigated and compensatory measures are provided".

It is for you as the planning officer to advise on whether the development clearly outweighs the substantive nature conservation value of the site which cannot be avoided. My comments below are based on the appropriateness and likely success of the proposed mitigation, compensation and enhancement measures should the development be permitted.

There are two main ecological receptors identified in the report. These are the habitats associated with the LWS, primarily vegetated shingle, and designated sites associated with breeding and wintering birds.

## Eastney Beach LWS

In order to mitigate the impacts of the physical loss of part of the LWS and associated impacts from public use once the shelter is constructed, an approach to mitigating the impacts has been presented. This is based on botanical surveys which, although carried out at a sub-optimal time of year, were not considered to be affected by this - "the timings of the surveys did not present any issues when classifying habitats in this circumstance".

The surveys clarified that "The grassland within the proposed shelter area is largely 'improved' in nature and in terms of the NVC falls under MG7 *Lolium perenne* leys and related vegetation. It is most similar to MG7e *Lolium perenne*-*Plantago lanceolata* grassland, characterised by the abundance of Ribwort Plantain and other species tolerant of desiccation and trampling, such as yarrow. It is also related to OV23 *Lolium perenne*-*Dactylis glomerata* community, a type characteristic of amenity grassland in urban areas". This is considered less valuable in the context of the LWS designation than the SD1 vegetated shingle community, however it is noted that the Eastney Beach Habitat Restoration and Management Plan SPD identifies these areas as likely part of the natural succession of the site and plant communities. The MG7 grassland abuts other communities, including less diverse areas dominated by perennial rye-grass, but also a habitat mosaic with patches of mossy vegetation and bare stones and (improved) acid grassland species (including mosses and a notable lichen, *Cladonia foliacea*).

This is summarised as approximately 50% of the proposed shelter footprint being made up of trampled short turf dominated by perennial rye-grass and white clover with small areas of coastal acid grassland. Loose, disturbed bare shingle makes up the remaining 50% (although there are scattered small plants associated with the SD1a community).

The mitigation strategy is based on an approach to replace and increase the area of short turf which will be lost to the shelter, particularly the ecologically more interesting stony turf which supports coastal acid grassland, mosses and at least one noteworthy lichen.

Given the recommendations of the Eastney Beach Habitat Restoration and Management Plan SPD, this would seem an acceptable goal in this location, although prioritising the stony turf habitat and promoting notable species would seem beneficial compared to any promotion of low-diversity improved grassland. The area proposed for this treatment is 125m<sup>2</sup> of largely bare unvegetated shingle, based on an approach of removing turf within the shelter footprint, adding sand and spreading the resulting material, which will then be protected by simple rope-style fencing from public access, encouraging the use of the existing formal beach access.

This is supplemented by a commitment by the applicant to the production of a management plan, which will cover the habitat around the new shelter. Details will be provided under planning condition (if approval is likely) and will include:

- scraping off the nutrient enriched grassland dominated by perennial rye-grass (and dispose of appropriately) using a team of volunteers. This will be undertaken in 5 m x 10 m sections each year, moving gradually eastwards;
- restored areas will be mixed with sand and loose stones (if required) to provide a seed substrate for appropriate plants to recolonise;
- vegetation on the restored areas will be allowed to develop naturally, which may take 2-3 years, or supplementary seed sowing can be undertaken using the existing plant community as a seed source;
- patches of bramble, scrub, invasive and weed species such as evergreen oak, spear thistle, red valerian, and ragwort will be manually removed from vegetated shingle as part of gradual removal of invasive species along Eastney Beach using a work party of volunteers.

## Statutory/Non-Statutory Designated Sites & Breeding/Wintering Birds

The submitted Ecological Assessment and Mitigation Strategy sets out that the works will comply with the Seafront Masterplan (which states that construction will need to take place outside of November-February to reduce the potential impacts on winter roost sites for wading

birds). Given the existing access to the beach and the nature of the development, which is not commercial and is unlikely to act as a "honeypot" site, the impact on birds is considered to be negligible. Enhancement recommendations have been made to encourage responsible public access to the LWS and these could be incorporated into the proposed ecological management plan.

#### Summary

The impact on the LWS is therefore understood to be the loss of the footprint of the shelter, mitigated by the re-creation of succession grassland in a surrounding 125m<sup>2</sup> zone which will be implemented to benefit coastal acid grassland and notable lichen, protected from easy public access and desire lines by appropriate (rope-style) guide fencing. Once constructed, the applicant will "adopt" the surrounding habitat as well as the shelter, following a simple habitat enhancement plan to improve the LWS habitats towards desirable vegetation communities and remove less-desirable or invasive species.

On this basis, it would seem that the loss of part of the LWS is within a location of less-valuable habitat of lower ecological value, which can be re-created in an enhanced form and protected from excessive trampling and access as part of the development. The longer-term benefit of shingle habitat enhancement and management (which could also allow for any unforeseen negative consequences as a result of the shelter) will also be beneficial and together these are considered to adequately mitigate and compensate for the impact on the LWS.

Impacts on birds are considered to be negligible as construction is not proposed for the sensitive over-wintering period.

If you were minded to grant permission, I would ask that the following conditions are attached to any decision notice:

- Development shall proceed in accordance with the recommendations, including timing of the work and work specification, set out in the submitted Ecological Assessment and Mitigation Strategy (REC, November 2018) Sections 4.1 and 4.2. Reason: to enhance biodiversity in accordance with the Seafront masterplan Supplementary Planning Document (SPD) and the Eastney Beach Habitat Restoration and Management Plan SPD, Plan policy PCS13 - a greener Portsmouth, NPPF and the Natural Environment and Rural Communities Act 2006.
- Prior to commencement, an ecological management plan designed for biodiversity benefits shall be submitted for written approval to the Local Planning Authority. The ecological management plan shall be based on the principles set out in the submitted Ecological Assessment and Mitigation Strategy (REC, November 2018) and include: a timetable for implementation; details of improved public access management; and provision for the habitat aims and management measures to be clearly displayed within the shelter or adjacent interpretation board. An updating botanical survey should be provided after 3 years to the Local Planning Authority as demonstration of compliance with this condition. Reason: to enhance biodiversity in accordance with the Seafront masterplan Supplementary Planning Document (SPD) and the Eastney Beach Habitat Restoration and Management Plan SPD, Plan policy PCS13 - a greener Portsmouth, NPPF and the Natural Environment and Rural Communities Act 2006.

#### Contaminated Land Team

The Contaminated Land Team (CLT) has reviewed the above application for the installation of seafront shelter, together with information held on the CLT geographical information system. Given the location and scale of the works a condition relating to land contamination is not required.



## REPRESENTATIONS

Two representations have been received offering support for the application on the grounds of:

- (a) it would be appropriate to bring the restored Edwardian shelter back into the public domain;
- (b) it would provide both historic and aesthetic interest as well as a practical use;
- (c) shelter will be positioned in an area where it is needed to provide cover.

One representation has been received objecting to the development on the grounds of:

- (a) the proposal is ill-conceived and would impact the protected status of the beach's flora and fauna;
- (b) installation of the shelter would encourage homeless habitation and anti-social behaviour;
- (c) the proposal would result in unpleasant smells and rubbish accumulation;
- (d) the shelter should be re-installed after plans for Southsea Coastal Defences has been finalised;
- (e) the beach should be retained in its natural form and not allow commercial/intrusive developments.

## COMMENT

The determining issues in this application relate to whether the proposed works relate suitably to the surrounding context of the defined seafront in terms of its design including its impact on heritage assets. Furthermore consideration must be given to the ecological impact of the development as a result of the removal of an area of vegetated shingle. Finally whether the proposed development would affect the amenities of any adjoining occupiers of the site.

The proposal is for the installation of a seafront shelter. The shelter would be located to the west of an existing ramp/ disabled beach access and would be sited on a raised plinth measuring approx. 16m in width and 9.2m in depth. The plinth would be constructed from concrete and would elevate to a height of approx. 0.3m to draw level with the Esplanade for ease of access. The shelter itself would measure approx. 11.3m in width 6.1m in depth and 3.4m in height. The shelter is an historical Edwardian style structure that was previously located by Southsea Rock Gardens to the west but has been previously dismantled and has been in storage for numerous years. The plans would see the restoration/ relocation of this shelter and would be constructed from cast iron, timber panelling and polycarbonate glazing panels.

## Principle

Policy PCS9 and the supporting Seafront Master Plan Supplementary Planning Document seek, amongst other things, to ensure that all new development contributes towards the revitalisation of the Seafront, tourism and wider regeneration strategy for Portsmouth. This will be achieved by, but not limited to: encouraging and supporting the redevelopment of existing buildings for leisure and tourism uses; encouraging and supporting proposals for small scale restaurants, cafes and other uses that will diversify the leisure and cultural offer without detracting from the open character of the seafront; and protecting the open nature of the area around the Common and other undeveloped areas.

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

Regard is given to the contribution the proposed development would make towards the wider objectives of the Seafront Masterplan. On the basis that the Seafront Shelter would encourage

tourism and leisure based activity in the area, it would be considered that the proposed development would be acceptable in principle.

## **Design**

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In design terms the proposed development would mimic that which was removed some years ago to facilitate the construction of the Pyramids Centre to the west of the application site. The proposed seafront shelter is currently dismantled and in storage however the plans show that it would be re-constructed on a like for like basis. The shelter would measure approx. 11.3m in width 6.1m in depth and 3.4m in height and would be comprised of an octagonal shaped flat felt roof with timber/cast iron fascia supported on 14 cast iron decorative pillars with ornamental arched detailing between each of these pillars. Centrally, beneath the canopy would be a four-branch timber panel system painted white with transparent polycarbonate sheets. This structure would rise to a height of approx. 2m and would provide sub-divided areas for future seating that would be installed in the shelter in due course. This panel/polycarbonate screen would also be finished with ornamental detailing.

The proposed development is considered to be of a suitable scale and would integrate with its surroundings appropriately. The structure would make a significant connection to the history of the seafront and is typical of other associated seaside infrastructure which has been largely maintained particularly to the west of the island. The proposed structure would complement existing Grade II listed lamp columns that denote the esplanade at regular intervals and would add an element of visual interest to users of Eastney Beach. The structure would be drawn level with the Esplanade and would therefore be highly visible from the adjacent highway, however the structure and its traditional appearance would not be visually harmful to its context.

The application site is located within the Eastney Barracks Conservation Area (No. 17) and is in moderate proximity to Scheduled Ancient Monuments and Grade II listed buildings/lamp columns. The proposed development would be considered to enhance the character and appearance of the Eastney Barracks Conservation Area and would make a positive contribution to the streetscene. Furthermore the proposed development would not be considered to have a significant impact on the setting/ historical or architectural features of designated heritage assets located in nearby.

## **Ecology and Nature Conservation**

The proposal would result in the permanent loss of an area of 70m<sup>2</sup> of the Eastney Beach Local Wildlife Site (LWS). Further to a request from Hampshire County Council Senior Ecologist a

botanical survey of the site has been undertaken and recommendations have been made for mitigation and enhancement measures.

Eastney Beach and the LWS is covered by Policy PCS13 of the Portsmouth Plan, as well as the Eastney Beach Habitat Restoration and Management Plan Supplementary Planning Document (SPD). Policy PCS13 sets out that for Local Wildlife Sites, the Authority should be "allowing development only if it clearly outweighs the substantive nature conservation value of the site, an impact on the site cannot be avoided or mitigated and compensatory measures are provided".

There are two main ecological receptors identified in the Ecological Assessment and Mitigation Strategy (November 2018). These are the habitats associated with the LWS, primarily vegetated shingle, and designated sites associated with breeding and wintering birds. In terms of the impact on the area of vegetated shingle which the proposed plinth will be constructed, it has been identified in the report that whilst this has some value in terms of species and bio-diversity, the area is largely comprised of grasses and other associated species that are not as significant as other areas of vegetated shingle located close by.

The proposed mitigation strategy is based on an approach to replace and increase the area of short turf which will be lost to the shelter, particularly the ecologically more valuable stony turf which supports coastal acid grassland, mosses and at least one noteworthy lichen.

Given the recommendations of the Eastney Beach Habitat Restoration and Management Plan SPD, this would seem an acceptable goal in this location, although prioritising the stony turf habitat and promoting notable species would seem beneficial compared to any promotion of low-diversity improved grassland. The area proposed for this treatment is 125m<sup>2</sup> of largely bare un-vegetated shingle, based on an approach of removing turf within the shelter footprint, adding sand and spreading the resulting material, which will then be protected by simple rope-style fencing from public access.

This is supplemented by a commitment by the applicant to the production of a management plan, which will cover the habitat around the new shelter. If the development is considered to be acceptable in all other regards, the Ecologist has recommended applying planning conditions to secure technical details in relation to the management of this area.

In terms of the impact of the proposal on overwintering birds species, the Ecological Assessment and Mitigation Strategy (November 2018) sets out that the works will comply with the Seafront Masterplan (which states that construction will need to take place outside of November-February to reduce the potential impacts on winter roost sites for wading birds). Given the existing access to the beach and the nature of the development, which is not commercial and is unlikely to act as a "honeypot" site, the impact on birds is considered to be negligible. Enhancement recommendations have been made to encourage responsible public access to the LWS and these could be incorporated into the proposed ecological management plan.

On the basis of the proposed mitigation/enhancements set out in the Ecological Assessment and Mitigation Strategy (November 2018) are appropriate, the proposed development would not be considered to have an adverse impact on the ecological value of the application site. It is considered appropriate to secure these commitments by way of appropriately worded planning conditions.

## **Amenity**

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The application site is located along the existing Esplanade and has a considerable separation distance from any nearby residential uses. The proposed development would result in a more intensive use of this site, however given the balance of other uses in the area including Eastney Coffee Cup, beach huts and public WC facilities, it is not considered that the proposed use would have a significant impact on the amenity of adjoining occupiers.

## **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: 18.084.100 and 18.084.200
- 3) 3) (a) Prior to the commencement of development, an ecological management plan designed for biodiversity benefits shall be submitted for written approval to the Local Planning Authority. The ecological management plan shall be based on the principles set out in the submitted Ecological Assessment and Mitigation Strategy (REC, November 2018) and include: a timetable for implementation; details of improved public access management; and provision for the habitat aims and management measures to be clearly displayed within the shelter or adjacent interpretation board.  
  
(b) An updating botanical survey shall be provided after 3 years to the Local Planning Authority as demonstration of compliance with this condition.
- 4) The development hereby approved shall proceed in accordance with the recommendations, including timing of the work and work specification, set out in the submitted Ecological Assessment and Mitigation Strategy (REC, November 2018) Sections 4.1 and 4.2.
- 5) (a) Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority, none of the proposed works shall commence until a detailed schedule of materials and finishes (including samples where appropriate) to be used for all surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; and  
(b) The works shall thereafter be carried out in full accordance with the schedule approved pursuant to part (a) of this condition.

### **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 enhance biodiversity in accordance with the Seafront masterplan Supplementary Planning Document (SPD) and the Eastney Beach Habitat Restoration and Management Plan SPD, Plan policy PCS13 - a greener Portsmouth, NPPF and the Natural Environment and Rural Communities Act 2006.
- 4) To enhance biodiversity in accordance with the Seafront masterplan Supplementary Planning Document (SPD) and the Eastney Beach Habitat Restoration and Management Plan SPD, Plan policy PCS13 - a greener Portsmouth, NPPF and the Natural Environment and Rural Communities Act 2006.

5) In the interests of the visual amenity having regard to the location of the development within 'Eastney Barracks' Conservation Area in accordance with Policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

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

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**LAND AT LAKESIDE BUSINESS PARK WESTERN ROAD PORTSMOUTH****CONSTRUCTION OF A TWO-STOREY BUILDING FOR CAR DEALERSHIP USE  
COMPRISING SHOWROOM, VALET FACILITIES, WORKSHOP AND MOT TESTING, WITH  
PROVISION OF CAR PARKING, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING****Application Submitted By:**

Dalton Warner Davis LLP  
FAO Ms Serena Page

**On behalf of:**

Guy Salmon Limited

**RDD:** 5th July 2017

**LDD:** 23rd October 2017

**SUMMARY OF MAIN ISSUES**

The principal issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a car dealership on this protected employment site for office development, traffic/transportation implications, design and impact on heritage assets, impact on nature conservation, flood risk/drainage and sustainable design and construction/site contamination.

**Procedural**

In accordance with requirements for publicity for an application for planning permission that does not accord with the provisions of the development plan, this proposal has been advertised as a 'departure' from the Portsmouth Plan.

Policy PCS5 (Lakeside business park) allocates the site for B1a offices. In addition, Policy PCS11 (employment land) identifies relevant locations (on Map 19, p.86 of the Portsmouth Plan) where particular policy stances apply to each area (set out in a table, p's 87/88 of the local plan); it reiterates the requirement for new B1 office floorspace at Lakeside and is cross-referenced with PCS5. The proposal for a car dealership use on an allocated site for B1a offices would be contrary to policies PCS5 and PCS11.

The applicant's supporting statement references another application (see item 5 in 'Relevant Planning History' section of this report, for 18/00945/NMA, approved 27 June 2018) and offers a justification for putting aside the office allocation at the application site, which is considered further in the 'Comments' section of this report.

**The site**

The application site covers 1.62ha. It is located to the south of the main entrance into Lakeside Business Park and is adjacent to the recently completed 'Village' hotel. Lakeside is served by a major arterial route in the city - Western Road (A27) - that is a 1500m or so length of dual carriageway linking Portsbridge roundabout to the south with the M27 Junction 12 ('Marriots' traffic-light controlled junction of A3/A27/M27) to the north.

The application site is a parcel of land that forms part of a wider phased development covering 30ha. The existing office campus has an overall area of 52 ha, which was originally occupied solely by IBM as the company's UK Headquarters. The existing office buildings are located around an attractive lakeside setting, created by land reclamation in 1952-1975, with extensive tree cover predominantly but not exclusively around the boundaries.

A large proportion of the site is vacant urban grassland and surface car parking. Between the access road into the Lakeside campus and the neighbouring hotel site there is an established woodland group of mainly deciduous trees, which are included within a Tree Preservation Order. There is also an existing watercourse (drainage ditch) running alongside but outside of the northern and eastern site boundaries. Part of the application site is a Local Wildlife Site, designated as a grassland Site of Importance for Nature Conservation (SINC) and is partially within an indicative high tide roost, under the Solent Waders and Brent Goose Strategy (site, P138, as a Secondary Support Area).

Almost the entire Lakeside site is in the Indicative Floodplain, in Flood Zone 2 (since January 2011 amendment). It is separated from Ports Creek (designated as Portsmouth Harbour Ramsar Site, SPA and SSSI) by the elevated motorway embankment and from the Scheduled Ancient Monument known as 'Hilsea Lines' consisting of brick ramparts covered with an earth and chalk bank; in 1994, the ramparts and 20m wide moat were also designated as 'Hilsea Lines' Conservation Area (No27). The nearby office building at 'Lynx House' No1 Northern Road (Former IBM Pilot Head Office) was statutorily 'listed' Grade II on 26 January 2015.

The full application is supported by the following documents:

- Design and Access Statement, prepared by SRA Architects, dated 5 July 2017;
- Planning Statement, prepared by Dalton Warner Davis, dated July 2017;
- Transport Assessment, prepared by Vectos, dated June 2017;
- Heritage/Archaeological Statement, prepared by Waterman Group, dated June 2017;
- Flood Risk Assessment and Drainage Strategy, prepared by RL, dated 20 June 2017;
- BREEAM Pre-assessment (updated), prepared by Charles Andres Ltd, dated 23 May 2018;
- Lighting Assessment, prepared by Relux, dated 16 June 2017;
- Geo-Environmental Site Investigation Report, prepared by RLE, dated 31 January 2017;
- Ecological Appraisal and Arboricultural Assessment, prepared by David Archer Associates, dated July 2017, as well as Botanical Assessment of Grassland, August 2017; Invertebrate Survey, September 2017; Ornithology Assessment Report, September 2017; Reptile Survey, September 2017; Water Vole Survey Report, September 2017; Wintering Bird Assessment, April 2018; Grassland Mitigation, July 2018; and SINC Mitigation Strategy, November 2018.

## **Proposal**

Planning permission is sought for use of the 1.62ha site as a car dealership (*sui generis*). A two-storey building proposes 5,432sqm of floorspace (gross internal area) for showroom, valet facilities, workshop and MOT testing. The proposal includes the display for sale of vehicles in the open, with provision of car parking, associated infrastructure and landscaping.

The proposed tree and other planting is very limited although importantly includes 6 trees at the customer entrance, 3 each positioned on either side of the access. Other tree planting would be sited toward the eastern site boundary, adjacent the Village hotel site, and located along the northern site boundary facing but set back from the main access road into Lakeside. There is an existing raised embankment that forms landscaped mounding adjacent to this main access road that is significantly higher than ground level of the application site. Much of the site is proposed to be enclosed by 'hit and miss' 2.4m high fencing. This fencing would not be readily visible from the main entrance into the Lakeside site due to the raised embankment; the limited landscaping planted behind the 2.4m high fence would be unlikely to make any significant contribution to the setting of the development beyond the application site itself.

Access to the site is via a cul-de-sac from Western Road that also serves the Porsche Centre and Village hotel. The proposed layout includes three access points into the site, from this cul-de-sac. The two accesses furthest from the Western Road junction are designed to serve what is referred to as 'back of house' for staff and to allow a transporter to manoeuvre/deliver vehicles within the site. A separate access for customers would be the first when approaching the site.

### **Relevant planning history**

Office development of the site dates back to 1970. There is a fairly extensive planning history for alteration/additions to buildings/structures and parking areas. There are 5 relevant applications relating to the application site, neighbouring land and access thereto listed below:

**1        08/02342/OUT - Outline permission 15/10/2010**

"Outline application for 69,030sqm of gross external floorspace for Class B1(a) offices and 21,140sqm of other development (all gross external) to include: shops (Class A1) up to 1160sqm, restaurants/cafes (Class A3) up to 680sqm, 150-bedroom hotel and 40-suite aparthotel (Class C1) up to 6500sqm & 3000sqm respectively, private hospital (Class C2) up to 7000sqm and car dealership (mixed use for car display/sales showroom and servicing/repair workshop) up to 2800sqm, with access roads/footways, landscaping and associated plant (the principles of access and layout to be considered)"

Outline permission in January 2010 approved site layout and means of access only, for a total floorspace of 90,170sqm; whilst mainly for offices, other development was described by the applicants as 'enabling' uses "... essential in attracting tenants to a High Quality campus and ensuring its viability". The outline application proposed development in 5 phases over 15 years: Phase A - Some office, shops, hotel, car dealership and hospital including (second) access road to Western Road and new footpath/cycleway

Phase B - Office and aparthotel

Phase C - Office and restaurant

Phase D - Office and relocation of parking and (third) access road to Western Road

Phase E - Office and partial relocation of existing parking

A total of 2,854 car parking spaces would serve the new development that would bring the overall provision (including existing offices) to 6,083 across the Lakeside campus as a whole.

A condition was imposed to specify maximum floorspace for all development across the site including a hotel and a car dealership (since developed by Village and Porsche respectively). The reason for the condition was to meet the specific requirements of the applicant for enabling uses (in an out-of-centre location) to make up a comparatively minor proportion of the overall development overwhelmingly for the B1(a) office space allocation of the site, the primary aim for job creation and for business uses to make a significant contribution to the city's employment needs and capability of the site to accommodate such a significant quantum of development that balances the potential traffic and other impacts with protecting the quality of the environment, to accord with local plan policy.

**2        11/00354/REM - Approved 25/8/2011**

"Reserved matters application pursuant to Condition 3(1)(2)&(5) of permission ref 08/02342/OUT, for part of road access & landscaping adjacent to new access, within Phase A" The 140m length of road access serving the adjacent 'Porsche' dealership and the proposed hotel has been completed.

**3        15/01492/FUL - Conditional permission 15/12/2015**

"Construction of a six-storey hotel (Class C1) up to 7,761sqm floorspace, car parking and associated landscaping"

The 'Village' hotel was completed in October 2017.

**4        16/02108/REM - Approved 27/3/2017**



"Reserved Matters application in respect of appearance, landscaping and scale associated with the Spur Road extension of Lakeshore Drive, pursuant to Condition 3(1)(2)&(5) of outline permission 08/02342/OUT"

This extension of the spur road would follow the principle and layout established in the outline permission and existing section of spur road (approved under 11/00354/REM), facilitating future development of plots within the Lakeside site. In detail, it relates to a length of around 185m, spanning an existing ditch with a box culvert before gently curving to the north side of the existing pedestrian footpath through the Lakeside site.

5 18/00945/NMA - Approved 27/6/2018

"Application for non material amendment to planning permission 08/02342/OUT to relocate the private hospital to the south east of the site and offices to the north east of the site".

The NMA is linked to the current application for a car dealership, which is proposed to be sited on land allocated for B1a offices and considered contrary to policies PCS5 and PCS11 that the policies seek to retain for B1a office purposes. By showing how the offices could be relocated to the site of the private hospital elsewhere on the wider Lakeside site, the applicants sought to demonstrate that the car dealership application would not impact on the level of office provision on the site. Whilst the car dealership would instead replace the private hospital, there is no specific policy requirement to provide the hospital. The loss of the hospital would be addressed by the applicants through the car dealership application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include:

PCS5 (Lakeside Business Park), PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS15 (Sustainable design and construction), PCS23 (Design and Conservation), DC21 (Contaminated Land), PCS12 (Flood Risk), and saved policy DC21 (Contaminated land) of the Portsmouth City Local Plan.

Site-specific Policy PCS5 states "Lakeside Business Park is allocated as an office campus providing 69,000sqm of B1a office floorspace". The sub-text explains that the site benefits from planning permission for 69,030sqm gross floorspace for offices and other ancillary facilities.

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

- 38 Core planning principles for decision making
- 54 Consider if otherwise unacceptable development made acceptable by conditions or planning obligations
- 80 Significant weight on the need to support economic growth through the planning system
- 95 Promote public safety, reduce vulnerability, increase resilience
- 103 Locate developments generating significant movement where need to travel minimised
- 104 Development designed for sustainable travel
- 109 Highways refusal only if an unacceptable impact on safety or road network severe
- 124 High quality buildings and places is fundamental to what planning should achieve
- 130 Refuse poor design that fails to improve the character and quality of an area
- 170 Planning policies/decisions should contribute/enhance the natural and local environment
- 174 Protect and enhance biodiversity
- 175 Loss or deterioration of irreplaceable habitats should be refused unless wholly exceptional reasons and a suitable compensation strategy exists
- 177 Presumption in favour of sustainable development (para 11) does not apply where AA required under Birds or Habitat Directives
- 178 Sites should be suitable for its proposed use where affected by contamination
- 180 Impacts of noise, air quality and light pollution should be mitigated and managed
- 189 Applicants should describe the significance and potential impact on any heritage assets

Further examination of relevant NPPF guidance will be made in the comments section of this report.

Supplementary Planning Documents (SPD) also provides relevant policy guidance:

Parking Standards and Transport Assessments SPD (July 2014)

Sustainable Design & Construction SPD (January 2013)

Reducing Crime Through Design SPD (March 2006)

Solent Protection Area (April 2014)

Achieving Employment and Skills Plans (July 2013).

## **CONSULTATIONS**

### **Ecology**

Updated comments 17.08.18:

Further ecological information comprises a botanical Assessment of Potential Grassland Mitigation Areas report and a SINC Mitigation Strategy (both David Archer Associates, July 2018). The information received is positive and seems (in discussion with Natural England) an effective mitigation strategy is deliverable. Further information and commitment is required, however, to secure the required level of certainty of the effectiveness and duration of the mitigation strategy.

Loss of high-tide SPA roosts:

There is currently little detail available in the SINC mitigation strategy on this, except that the area set aside for mitigation could be enhanced for waders. The applicant is encouraged to provide further information on this loss and compensation. As competent authority, Portsmouth City Council is required to consider the Conservation of Habitats and Species Regulations 2017, as informed by recent case law and in this case, it is clear that the proposed development will have a direct effect within this supporting habitat and constitute loss, damage or deterioration of the supporting habitat. It is therefore unlikely that PCC will be able to conclude no likely significant effect on the designated sites.

The enhancement of the proposed site for waders and the certainty of its delivery and retention will need to be supported by a detailed plan of these aspects of the proposed site enhancement of the waterbody, bank profiles and vegetation management and long-term retention. It is likely that this will not be "like for like" of the grassland that is being lost, but should aim to provide a resource for SPA species and make the greatest benefit of the features available.

Loss of Local Wildlife Site (SINC) and botanical interest:

The submitted mitigation strategy provides a good level of detail on this aspect of the mitigation including baseline conditions, likely effective enhancement techniques and approach to establishment and monitoring. There is, however, little detail on what happens beyond the 5-year establishment / monitoring period and, as the loss and impact will occur for the lifetime of the development it is important that mitigation and compensation measures are effectively retained and managed. Given the challenges the Lakeside site has faced in developing and implementing a strategic ecological mitigation strategy and the outstanding non-discharged condition to this effect, the risk of future loss or damage to mitigation areas is considered to be higher, despite being land under the same ownership as the application site. Written acceptance of the mitigation measures from the landowner would be expected, but Hampshire and Isle of Wight Wildlife Trust currently have a presence in the mitigation area and may be able to take on this aspect, which it is recommended be explored.

Provided this long-term certainty can be provided it would appear that the botanical interest issues can be resolved.

Original comments, 18.08.17:

In summary, there are significant concerns over this proposal, which is sited within a SINC, partially within an indicative high tide roosts under the Solent Waders and Brent Goose Strategy

and has the potential to support a range of protected species. The majority of these constraints have been identified by the submitted Ecology Appraisal, which has recommended further detailed ecological survey work and discussion with the LPA. These recommendations have not been taken forward by the applicant to support the submission and therefore PCC does not have sufficient information to assess ecological impacts and whether the development will be able to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

In the first instance, it is suggested that the applicant and their ecologist could agree a programme of surveys in order to address the potential ecological impacts of the proposed development. This could be based on the summary of further work provided in the Non-Technical Summary of the Ecology Appraisal although further discussion with the LPA and Natural England regarding winter high-tide roosts for geese and waders and locally-designated sites may be beneficial.

Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development. The Ecology Appraisal has identified a range of protected species likely to be present and this information will therefore be required prior to determination.

The Ecology Appraisal also advises "consultation with the Local Planning Authority in respect to the SINC designation", later stating in Section 5 (Evaluation) that "The proposed development would lead to loss of 40% of the SINC and unmitigated may lead to loss of this county scarce plant in this location. The proposed development would have a detrimental impact on the integrity of the SINC". Section 6 (Recommendations) also states "The development will result in the unavoidable loss of 1.6ha of East of Lakeside SINC. In accordance with planning policy PCS13 (The Portsmouth Plan, 2012) for development to proceed on the site, it should "only if it clearly outweighs the substantive nature conservation value of the site, an impact on the site cannot be avoided or mitigated and compensatory measures are provided".

Whilst further ecological assessment of the site will no doubt provide further details of the SINC and plant communities present, the existing ecological survey work has identified that the habitats and plants for which the site was designated remain present. It is therefore advised that the applicant very carefully considers the likelihood of whether it can be demonstrated that the proposed development clearly outweighs the substantive nature conservation value of the site given that 40% will be permanently lost, or that any effective mitigation can be provided for this loss, before committing to any further work.

Further comments:

The survey information is mostly sound for the water vole, invertebrate and reptile reports (reptile surveys had some questionable timings, but this is unlikely to fundamentally change the findings). These three reports concluded that species were either absent or limited to site boundary features and it is likely we can support these findings.

It is also worth mentioning that all ecological reports recorded the site having been subject to extensive management and clearance prior to surveys commencing, which may have limited the reliability of survey findings.

There are significant concerns about the bird survey report, which does not seem to help address queries raised. The development site is identified as a high tide roost by the Solent Waders and Brent Goose Strategy (Site P138) and this was set out in my last response. The report provided, however, is based on limited bird survey observations undertaken in

September, which would not be appropriate for over-wintering bird populations. It is recommended that the applicant attempts to address this issue by conducting further surveys over the winter months (ie commencing immediately) as the status of the site in supporting the SPA will need to be assessed.

The botanical survey appears to be thorough and has confirmed that the plant populations for which the site is designated a SINC are still present, although no priority habitats were identified.

Neither the bird survey report or the botanical survey report made recommendations for mitigation or compensation for the loss of habitat. The requirement for this in relation to over-wintering birds will need to be informed by further survey, but in terms of SINC impacts a proposal should be presented by the applicant.

Note that any compensation for the loss of the SINC should only be considered once the LPA is satisfied that the development clearly outweighs the substantive nature conservation value of the site and the impact on the site cannot be avoided or mitigated.

Following review of the Portsmouth Plan policy for Lakeside and outline permission 08/02342/OUT it shows the site as allocated for development, however, this appears (from the ecological report supporting 08/02342/OUT) to have been granted permission prior to the identification of the SINC plant community and potential use as SPA supporting habitat for over-wintering birds. There is not therefore a wider ecological mitigation and compensation strategy for Lakeside that has taken the loss of these sites into account.

The submitted reports, therefore, are helpful in assisting us in understanding the current condition of the site but a detailed mitigation strategy will be required - with reference to site-wide initiatives, where appropriate - in order to assess ecological impacts and whether the development will be able to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of The Portsmouth Plan.

### **Highways England**

Highways England is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this development proposal, our interest is in the M27, specific to this application its junction 12. Having examined the above application, no objection is raised to this proposal. However, for the avoidance of doubt, all lighting inside the development that is visible from the M27 to use concealed light fittings and any external lighting to be constructed and maintained to face vertically down at all times.

### **Southern Water**

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer; the following informative is requested to be attached to any consent: "A formal application for connection to the public sewerage system is required in order to service this development - please contact Southern Water at Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul

sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The application contains a proposal for vehicle washing facilities; such areas should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

### **Environment Agency**

No objections raised, subject to the inclusion of the below conditions in any permission granted. Without the inclusion of these conditions the EA consider that the development poses an unacceptable risk of water pollution and should not be permitted.

#### **Condition - Unsuspected contamination**

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

#### **Condition - Piling**

Piling or any other foundation designs using penetrative foundation methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

(Reasons - The proposed development is located over Tidal Flat Deposits overlying Chalk Principal Aquifer. Principal Aquifers are designated for providing significant quantities of water for people. Groundwater is therefore particularly sensitive in this location).

The site is located on a historic landfill associated with the reclamation of land in Portsmouth Harbour. Development at the site, including piling foundations, poses risks to groundwater from mobilising contaminants and creating new pathways for pollutants. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment by preventing development from contributing to unacceptable levels of water pollution. Paragraph 121 also states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

The above conditions are required in order to ensure that any unsuspected contamination identified during development is investigated and if necessary remediated, and that piling foundation methods are not implemented unless it is demonstrated that there will be no unacceptable risk to groundwater.

#### **Flood Risk Standing Advice:**

The proposed development is covered by our Flood Risk Standing Advice that should be used to manage the flood risk for this planning application. The EA's standing advice includes step by step guidance on managing development and flood risk and can be viewed at the EA's website.

#### **Environmental Health**

Given the nature of the proposal and the application site it is considered that the intended use is unlikely to impact on the neighbouring uses and so no objection raised or planning condition(s) suggested.

#### **Contaminated Land Team**

The Contaminated Land Team (CLT) have reviewed the above application and given the site's location on an area of reclaimed land and former saltings, the following conditions, or similar, are requested.

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with 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 person<sup>1</sup> to oversee the implementation and completion of the works.

- (ii) 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 (i)c that any remediation scheme required and approved under the provisions of conditions (i)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 (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.

The CLT hold reports for the Lakeside Business Park which should be reviewed as part of any desk study review. These include reports for the adjacent Village Hotel site which required remedial works including gas protection. The CLT should be contact for the information they hold by the developer or their chosen environmental consultant as soon as appointed to avoid delays in the site assessment process.

### **Highways Engineer**

After review of the Transport Statement (TS) and associated plans the following comments are made:

The application site is located at the Lakeside business campus and is accessed from the A27 Western Road. There is an existing outline consent for the wider Lakeside park that encompasses the application site however this proposal to construct 5432sqm of car showroom (sui generis) space is a variation of the existing outline consent. It should be noted that the initial outline application had an obligation to provide extensive highway improvements once phase B was implemented of which the application site was intended to be a part of. Whilst this application in itself will not likely have a material impact upon the local highway network, this development combined with those already consented as a variation of the outline application will likely cumulatively result in a material impact requiring mitigation.

The TS has been carried out to consider the potential impact of the proposed development upon the local highway network. Whilst the outline permission covering the application site included a car dealership, this has already been developed albeit under a full application and is operating as a Porsche dealership. The applicant has used flows from the initial outline permission to provide background for the likely trip generation which considering the outline permission is dated 2008 is not really relevant as it appears that no background growth or other development traffic have been added. The consultant has provided traffic counts from Highways England to suggest that traffic flow along Western Road has decreased since 2008 and as such the 2008 traffic counts provide a robust assessment. The LHA disagree with this as the counter is located west of the Northarbour roundabout/gyratory and does not count vehicles coming from the east into and out of Lakeside and then u-turning at the roundabout. That said, the trip generation has been derived using the TRICS database with a peak two-way trip generation of 52 movements occurring between 9-10am and 12-1pm. Despite the flawed traffic count data, the LHA is satisfied that the trip generation associated with the proposed development is not material to the operation of the local Highway network and as such it would be inappropriate to require a full traffic survey to be undertaken. Having said that the development does form a part of the previously consented outline and should make a proportional contribution to the off-site highway improvements required therefore.

The Portsmouth Parking SPD does not give expected levels of parking that should be provided for commercial development. The outline permission for the Lakeside campus included 3,900 car parking spaces of which 3,299 are currently provided across the campus. Using the derived trip rate, it is predicted that the maximum parking accumulation of staff and visitors at the site would be approx. 55 vehicles on a weekday. It is proposed to provide circa 480spaces albeit

more than half of these will be used for storing and displaying stocked vehicles. The remainder of the spaces will be provided for servicing customers (70 spaces), Courtesy Car parking (23 spaces) and staff and visitor parking (49spaces) with others provided for handover bays, disabled parking and demonstrator parking. Whilst I am satisfied that this level of parking is adequate for the proposed use, this would effectively use up all of the remaining parking capacity available from the outline permission.

The Portsmouth Parking SPD also give the amount of secure, weatherproof cycle storage that should be provided for new development. Whilst an expected number of spaces is not required for commercial developments, it is instead expected that a commercial development achieve 2 BREEAM credits. The transport assessment makes reference to the strong cycle links to and from the Lakeside campus however the application does not indicate any cycle parking to be provided at the site. There is plentiful space to provide such parking and as such the LHA is satisfied that adequate cycle parking complying with the SPD requirements can be secured by an appropriately worded condition. Subject to securing a proportional contribution to the offsite highway improvements no highways objection is raised to the application and the following should be secured by condition:

- Vehicle parking is provided as per the submitted plans prior to occupation of the development and thereafter retained for use by the business
- Details of cycle parking to be submitted to and agreed with the LHA and subsequently provided prior to occupation of the development and thereafter retained for use by staff and visitors
- Construction management plan to be submitted to and agreed by the LHA prior to commencement of works

#### **Southern Electric**

No comments received.

#### **Coastal And Drainage**

Updated comments following additional drainage information:

The groundwater appears to have been well considered for the site. Further details of the lined porous paving to areas shown on drawing P16-313 should be provided. The indicative drainage layout appears acceptable, however, it does not appear to cover drainage of the north-west corner of the outdoor parking. It raises a question as to why are there off-site sewers being built by others that requires clarification and an opportunity to review the fully designed drainage layout is requested, once it becomes available.

Original comments:

- I am unclear on the reason for sewer connections shown on both network outlets (in green). Can both networks not be discharged straight to the lake and ditch? I believe the lake level is managed by a trigger system within the pumping station, so as not to allow flooding of the site and surrounding areas
- The paving cross sections do not match each other in terms of construction depths and materials. Please clarify
- I disagree with the cross section 1-1 where the western side of the section drains by overland flow towards the building. This should be reversed, so overland flows are directed away from the building
- Care must be taken to avoid standing water on the edge of the running lanes, where they meet the lined porous areas. The low point should be actually on the porous areas, rather than the v-shaped channel where the two meet
- The maintenance plan suggests a 5 year interval between emptying of the interceptors. Given the proposed vehicular dominated nature of the site I advise this be increased to a minimum once a year visit for emptying both interceptors. There is increased pollution risk if this does not occur
- Reference is made to reconnection of land drains on the site in the General Notes. I fail to understand the purpose of such an activity. Please clarify



- Individual outlets for each porous paved area are not shown. Would each connection require a manhole chamber?
- Invert levels, pipe sizes, gradients nor pipe construction details are not shown. These should be cross referenced to the Microdrainage calculations, numbered accordingly and designed in line with SFA 7th edition
- Climate change is noted as 20% within the calculations, however 40% is the preferred standard
- The roof drainage to the north of the building draining to pipework within the lined porous paved area seems incorrectly laid out. Can this area of roof drainage not be drained into the porous paving, or perhaps routed differently to not have separate pipework within the impermeable lined area?

The FFL and groundwater considerations seem to have been well considered. The strategy of not allowing interaction with groundwater for the site is correct in my view.

### **Eastern Solent Coastal Partnership**

No objection raised by ESCP to the proposal in principle, but comments and advice offered.

Updated comments, October 2017:

Whilst the site is currently shown to be within FZ2, changing to FZ3 by 2025, modelling undertaken as part of discharging the conditions on the Outline approval for the whole Lakeside development concluded that the site will remain free from flooding in the 2070 1in200 event. The EA agreed with this conclusion and confirmed at that time (2011) that the FFL height of 4.5mAOD specified in the original Outline condition was not necessary, stating that FFLs of 300mm higher than the surrounding ground level would be sufficient. This requirement was then taking a precautionary approach to take account of possible rising ground water levels.

Original comments:

The site is currently located within the Environment Agency's Flood Zone 2, and is therefore considered to be at risk of experiencing a 1 in 1000 year (0.1% annual probability) extreme tidal flood event. However, by 2025 it is expected that the entirety of the site will be located within Flood Zone 3, and as such will be at risk of experiencing a 1 in 200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1 in 200 year extreme tidal level for Portsmouth Harbour is 3.2mAOD, increasing to a predicted 4.3mAOD by the year 2115, due to the effects of climate change.

Ordinarily, ESCP would expect to see any flood risk data referred to in an application also form part of the submission. However, ESCP has reviewed the referenced Flood Risk Assessment (FRA) that was submitted in support of the outline application for the entire Lakeside development site (08/02342/OUT), its associated addendums and the EA's comments for the detailed application for the hotel (12/00924/FUL). In addition, the ESCP have reviewed the application for the car showroom (11/00352/FUL) on adjacent land to the east.

Whilst the site is shown to be currently located within the EA's Flood Zone 2, predicted to change to Flood Zone 3 by 2025, detailed information submitted as part of the planning application for the hotel concluded that hydraulic modelling undertaken showed no flooding to the site during a 0.5% probability event in the year 2070. It was therefore concluded that the minimum finished floor level (FFL) for the hotel development should be set 300mm above the existing ground levels. This was recommended by the EA as a precautionary approach to take account of possible rising ground water levels at the site. These levels result in the finished floor levels being set at 3.0m AOD and this was secured by planning conditions. The car showroom application submitted and approved in 2011 also proposed finished floor levels to be a minimum of 3.0m AOD.

Limited information has been submitted as part of this current application with no information provided which demonstrates what the existing ground levels are for the site, only that the FFL will be set 700mm above them. Notwithstanding the lack of site specific information submitted in

support of the current application, the ESCP raise no objection provided that the following condition be imposed, as this is consistent with the adjacent developments:

The development permitted shall only be carried out in accordance with the approved Flood Risk Technical Note (Rodgers Leask, June 2017) and finished floor levels are set no lower than 3.0m above Ordnance Datum.

ESCP also strongly advise the occupants sign up to the Government's Flood Warning Service and prepare a Flood Warning and Evacuation Plan in accordance with advice from the EA, to ensure that adequate warning is received prior to an extreme tidal flood event.

### **Natural England**

Updated comments 15 August 2018:

Additional documents reviewed - the SINC Mitigation Strategy and the Assessment of Potential Grassland Mitigation Areas.

NE welcome the submission of the SINC Mitigation Strategy. It is our view that there is significant potential within the Lakeside Business Park area to mitigate the loss of SINC habitat and provide appropriate enhancements to offset the loss of a Secondary Support Area, provided further consideration is given to long-term management and additional measures are included to enhance the lake and surrounding areas for waders.

As you are aware, the development site is classified as a Secondary Support Area and appropriate mitigation is required to offset the loss of this site. There is a preference for on-site provision to maintain a network of sites across the region and the lake and surrounding habitats present an ideal opportunity for enhancement.

It is noted that the Strategy includes a programme of management of the bankside scrub to provide enhanced access to the lakeside and shallow muddy banks for waders. Natural England strongly recommends that additional measures are included in the management plan. For example, it may be beneficial to widen the area to include other banks adjacent to the lake and consider opportunities to create scrapes, shingle islands and tern platforms.

NE also advise that the Mitigation Strategy incorporates the improved management of the remaining areas of SINC on-site (adjacent to the development site) to ensure the nature conservation value of this grassland is retained and enhanced.

It is noted that the SINC management plan is only for 5 years post-construction. We strongly recommend that the Mitigation Strategy is supported by an agreed costed habitat management plan and funding secured in perpetuity (a minimum of 80 years). The sites identified within the Solent Waders and Brent Goose Strategy contribute to the achievement of the Solent Special Protection Areas' conservation objectives and are therefore protected in this context. Any mitigation is therefore required in perpetuity in accordance with the Conservation of Habitats and Species Regulations 2017.

The provision and ongoing management of the Mitigation Area might be delivered by a suitable third party (such as HIWWT, RSPB, Local Planning Authority, Hampshire County Council, Land Trust etc) through a legally binding management agreement. Consideration can also be given to the use of a management company, provided the local planning authority is satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full delivery of the agreed management plans for the 80 year period.

It is noted in the Mitigation Strategy that consideration may be given to the designation of the Mitigation Area as a Local Wildlife Site in due course. NE welcomes this approach.

NE would also welcome the opportunity to discuss the enhancement options and long term management of the site. We are aware that Hampshire and Isle of Wight Wildlife Trust host

walks at the site and would be available to offer advice on enhancements and long term management options.

Previous comments - July 2018:

Following the recent update of the Solent Waders and Brent Goose Strategy (SWBGS) further information is required to address the impacts on the wader and brent goose network and to address the loss in biodiversity arising from the loss of grassland SINC.

NE advise that detailed mitigation strategies are submitted to address these impacts prior to determination.

- Solent Waders and Brent Goose Strategy

The updated SWBGS identifies the site, P138, as a Secondary Support Area. The earlier 2010 strategy identified the site as 'uncertain'. Secondary Support Areas offer a supporting function to the Core and Primary Support ecological network, but are generally used less frequently by significant numbers of SPA geese and waders. These sites become important when wader or brent goose populations are higher or when the habitat is in suitable management. In combination, these sites are essential to secure a long term, permanent network as this ensures a geographical spread of sites across the wider ecological network.

Loss of or damage to Secondary Support Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. However, where impacts cannot be avoided or adequately mitigated on-site, there may be scope for a more flexible approach to off-setting the impacts, provided the continued ecological function of the network is maintained and significant enhancements additionally delivered, for example by improved long term management.

It is recommended that a detailed offsetting and mitigation strategy is submitted for agreement to address this loss of Secondary Support Area. This could be off-set by the provision of suitable replacement habitats, which are supported by an agreed costed habitat management plan and funding secured in perpetuity (a minimum of 80 years). Options for consideration include enhancing the wetland areas at Lakeside Business Park for waders, with funding secured for long term management by an appropriate organisation, and providing off-setting funding for the management and enhancement of the wider wader and brent goose ecological network. There may be opportunities to secure enhancements to other SWBGS sites, such as providing temporary fencing over the winter to reduce disturbance to the areas where brent geese forage or roost.

- Biodiversity Mitigation and Enhancement Plan

It is noted that the development proposals will result in the loss of SINC for Narrow-leaved Bird's-foot-trefoil *Lotus tenuis* and Pale Flax *Linum bienne*. No mitigation strategy has been included in the application to address this loss of biodiversity and this is required prior to determination. NE strongly recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan, or equivalent that has been agreed by a Hampshire County Council (HCC) Ecologist to address this residual loss of biodiversity in the first instance, and then provide a net gain for biodiversity.

Avoidance and mitigation options should be considered in the first instance. Where impacts cannot be avoided or adequately mitigated on-site, measures for compensating for the loss of habitats that cannot be fully replaced on site should be included. This might include the provision of offsite replacement habitats, or an agreed financial contribution for biodiversity enhancements elsewhere calculated using a Biodiversity Compensation Framework, Environment Bank, or similar mechanism. NE would welcome further discussions with the applicant on how this can be achieved and recommends that further advice on these aspects is sought through our Discretionary Advice Service (DAS).

Paragraph 8 of the NPPF identifies net gains for the environment and biodiversity as one of the three essential pillars required to achieve sustainable development through the planning system that should be pursued in a mutually supportive way to the social and economic needs. Para 170 states "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures". Para 175 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Para 175 (d) states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### **Fareham Borough Council**

The application site is well away from the boundary with Fareham and as such it would not appear that the proposal would have any direct negative impact on the interests of the Borough. However, FBC note the contribution that this site could have towards the office floorspace targets which have been agreed through the PUSH Position Statement for the sub-region and would therefore support the development of the site for offices in accordance the approved outline planning application (08/02342/OUT).

#### **Havant Borough Council**

No objection to the proposed development.

### **REPRESENTATIONS**

One representation has been received from the Lakeside owners in support of the proposal that comments:

- (a) Lakeside is an office-led campus that has made progress through a difficult economic market that continues to be challenging;
- (b) marketing of the plot in September 2016 received no viable enquiries for office use proposals, only car showrooms, with their office market report showing there has not been sufficient demand to make office development viable and is not anticipated any time soon given the quantum of existing stock available at Lakeside;
- (c) wish to reassure PCC that Lakeside remains a priority as an office location and deliverable with other uses in place;
- (d) the site was carefully chosen for its proximity to another showroom, its separate access and will not preclude the development of future office space; and
- (e) the proposal will bring a high quality and prestigious brand to Lakeside delivering 120 skilled jobs, by Sytner, named as the UK's Best Big Company to Work For in the 2017 (Sunday Times award) to complement existing high quality tenants and will contribute to the City economically.

### **COMMENT**

The principal issue is whether this proposal would contribute to the achievement of sustainable development, in accordance with national and local planning policy. Key issues for consideration are the principle of a car dealership on this protected employment site for office development, traffic/transportation implications, design and impact on heritage assets, impact on nature conservation, flood risk/drainage and sustainable design and construction/site contamination.

#### **Principle of car dealership use/protected site for offices**

Policy PCS5 (Lakeside business park) allocates the site for B1a offices. In addition, Policy PCS11 (employment land) identifies relevant locations (on Map 19, p.86 of the Portsmouth Plan) where particular policy stances apply to each area (set out in a table, p's 87/88 of the local plan) that reiterates the requirement for new B1 office floorspace at Lakeside and is cross-referenced

with PCS5. The proposal for a car dealership use on an allocated site for B1a offices would be contrary to policies PCS5 and PCS11.

The applicant's assertion at para 5.5 of their Planning Statement that the proposal accords with the Council's development plan policies PCS5 and PCS11 cannot be accepted. The proposal has the potential to constrain delivery of B1a office floorspace at Lakeside.

An application for a non material amendment has, however, intentionally sought to vary a component part of the 'enabling uses' in the extant outline planning permission (08/02342/OUT). It sought to substitute B1a office use previously granted on the site of the current dealership application with the private hospital consented on nearby land (to the north), in order to demonstrate that the proposed car dealership would not remove any potential office capacity on the wider Lakeside site. In an addendum Statement, dated 15 June 2018, the agents comment: "If the NMA application is approved then the proposed development would effectively replace the consented medical use which has for many years now been increasingly unlikely to come to fruition. The medical use was included in the outline planning application because, at the time... the owners had engaged with an operator who wished to establish the private hospital at this location; however due to external factors the operator concluded the development was unviable... Northwood [site owners] considers that there is no reasonable prospect of a medical use coming forward on the application site and we are not aware of any evidence to the contrary."

The application for a non material amendment (18/00945/NMA) was approved on 27 June 2018. In summary, substitution of the two land uses (private hospital switched with offices) was not considered to result in a material change to the overall amount, type or location of development on the wider Lakeside site. Provided the previously proposed private hospital is no longer required then a substituted car dealership would not prevent the site from accommodating the quantum of B1a offices granted under the extant outline planning permission to avoid conflict with Policy PCS5.

### **Traffic/transport**

The application site is located at the Lakeside campus and is accessed from the A27 Western Road, a dual carriageway linking Portsbridge roundabout to the south with the M27 Junction 12.

Highways England interest relates to the M27 and raises no objection to this proposal, subject to any external lighting visible from the M27 uses concealed light fittings that are constructed and maintained to face vertically down at all times.

The Local Highways Authority comments are set out in full in the 'Consultations' section of the committee report and follow consideration of the supporting Transport Assessment (TS). Despite identifying shortcomings with traffic count data in the TS, the LHA is satisfied that the trip generation associated with the proposed car dealership is not material to the operation of the local highway network and conclude it would be inappropriate to require a full traffic survey to be undertaken.

The LHA refer to the planning history of the site. Existing outline consent for the wider Lakeside park included the application site but this car showroom (sui generis) proposal represents a variation to it. The LHA noted that the existing outline consent had an obligation to provide extensive highway improvements once phase B was implemented of which the application site was intended to be a part of. Whilst this application in itself will not likely have a material impact upon the local highway network, this development combined with those already consented as a variation of the outline application will likely cumulatively result in a material impact requiring mitigation suggesting a proportional contribution to the off-site highway improvements is therefore required.

Within the 'Principle of car dealership use/protected site for offices' section of this report above, it describes the non material amendment (18/00945/NMA) approved in June 2018 and substitution for a private hospital up to 7000sqm also intended as 'enabling uses' within Phase A of the outline permission (08/02342/OUT, October 2010). Extensive highway improvements are required for Phase B at Lakeside. The substitution of the private hospital for this car dealership is not considered to trigger the highways improvements.

The Parking Standards SPD does not give expected levels of parking that should be provided for commercial development. The outline permission for the Lakeside campus included 3,900 car parking spaces of which 3,299 are currently provided across the campus. Using the derived trip rate, it is predicted that the maximum parking accumulation of staff and visitors at the site would be approx. 55 vehicles on a weekday. It is proposed to provide circa 480 spaces albeit more than half of these will be used for storing and displaying stocked vehicles. The remainder of the spaces will be provided for servicing customers (70 spaces), courtesy car parking (23 spaces) and staff and visitor parking (49 spaces) with others provided for handover bays, disabled parking and demonstrator parking. Whilst satisfied that this level of parking is adequate for the proposed use the LHA take the view this would effectively use up all of the remaining parking capacity available from the outline permission.

The Parking Standards SPD also covers the provision of secure/weatherproof cycle storage for new development and whilst an expected number of spaces is not specified for commercial developments, it is covered by achieving 2 BREEAM credits. The TS makes reference to the strong cycle links to and from the Lakeside campus, however, the application does not indicate any cycle parking to be provided at the site. There is space to provide such parking and the LHA is satisfied that adequate cycle parking complying with the SPD requirements can be secured by an appropriately worded condition. The LHA conclude "Subject to securing a proportional contribution to the offsite highway improvements no highways objection is raised to the application and the following should be secured by condition:

- \* Vehicle parking is provided as per the submitted plans prior to occupation of the development and thereafter retained for use by the business
- \* Details of cycle parking to be submitted to and agreed with the LHA and subsequently provided prior to occupation of the development and thereafter retained for use by staff and visitors
- \* Construction management plan to be submitted to and agreed by the LHA prior to commencement of works."

### **Design/impact on heritage assets**

Policy PCS23 echoes the principles of good design set out within the NPPF, stating that all new development must be well designed and in particular, respect the character of the city. It sets out a number of criteria which will be sought in new development, including excellent architectural quality, public and private open spaces which are clearly defined, safe, vibrant and attractive, appropriate scale, density, layout, appearance and materials in relation to the particular context, creation of new views and juxtapositions that add to the variety and texture of a setting, amongst others.

The applicant's supporting 'Planning Statement' advocates the proposed building a high quality design to meet the specific requirements of the applicants for a combined car dealership facility (two sales operations) with elevations/materials to break up its appearance and compensate for any functional aspects of the design. It references the flat roof with parapets to all sides to reduce view to vehicles located on the roof and its scale and massing to complement the neighbouring hotel and Porsche developments. The Design & Access Statement (DAS) describes the showroom as largely clad using a flat, metallic grey metal cladding system; the chamfered edges around the windows and break between the two brands will be in the same flat cladding, but in silver colour. Pedestrian walkways around the building would be in resin bonded gravel in buff coloured finish.

The showroom/workshop is orientated to 'front' onto the access/egress of the car park to the 'Village' hotel. It would be glimpsed between the hotel and 'Porsche' centre from Western Road (A27). The site would not be widely visible from the M27, despite its elevated position due to the dense tree covered embankment. The side (north) of the building would be more readily visible from the main access road into the Lakeside campus and, having regard to the present undeveloped nature on land immediately to the west, on its 'rear' facing 1000 Building. The unrelieved appearance for much of the sides/all of the rear elevations, in horizontal trapezoidal cladding (light grey colour finish), represent the "functional aspects of the design" described in the applicant's Planning Statement. This aspect of the design solution is considered to present a rather utilitarian and dispiriting appearance. Limited tree and other planting along with 'back of house' enclosure of the site, by high fencing at 2.4m, would contribute little to improving or softening the setting of the development on those more prominent north and west sides. The proposal would not represent excellent architectural quality. The simple order of the showroom (east) side of the building has a broadly suitable appearance but would not present the same quality as the car dealership on the neighbouring site. However, viewed in the context of the hotel and other car dealership the overall design is considered, on balance, good enough to support.

The Heritage Statement appropriately identifies relevant heritage assets proximate to the application site. Furthermore, it offers the following assessments:

"The site is within 300m of the Grade II listed Lynx House but is not inter-visible with the site due to landscaping embankments and does not form part of the listed building's setting. The other listed buildings scheduled monuments and conservation areas within the search area are not inter-visible with the site and the site does not contribute to their setting. The proposed development is a low-lying development and is not likely to be visible from any of the designated heritage assets within the search area. It is therefore considered that the development will have no impact upon the designated built heritage assets within the search area or their settings."

"The site is in an area which demonstrates a low level of activity during the Prehistoric and early Roman period. There is very little evidence for activity within the site from the Roman period up to the 1960s due to the site being within an area of marshland during this time. The site and the surrounding area was reclaimed in the late twentieth century and comprises c.1.9m of made ground below ground level... The maximum depth of the proposed development is unlikely to exceed 1.9m below current ground level and therefore is unlikely to disturb any previously undisturbed ground. Further clarification is required [but] should this be the case then it is recommended that no further archaeological work is required..."

Further clarification has been sought since the contention in 5.3 of the Heritage Statement is probably right that if it does exceed 1.9m then a watching brief should take place. In such circumstance, the imposition of a suitably worded planning condition would be reasonable and necessary.

The requirements set out in para 189 of the NPPF for an applicant to describe the significance and potential impact on any heritage assets will have been satisfactorily undertaken, subject to clarifying any necessity for an archaeological watching brief.

### **Nature conservation**

Policy PCS13 seeks to ensure that development retains and protects the biodiversity value of the development site and produces a net gain in biodiversity wherever possible. Part of the application site has been designated as a Site of Importance for Nature Conservation (SINC).

This particular issue has given rise to delay in the determination of the planning application following a holding objection from Natural England (NE). In summary, NE advised that there are significant concerns over this proposal, which is sited within a SINC, partially within an indicative high tide roosts under the Solent Waders and Brent Goose Strategy and has the potential to support a range of protected species. The majority of these constraints were identified by a

submitted Ecology Appraisal that recommended further detailed ecological survey work and discussion with the LPA. However, these recommendations had not been taken forward by the applicant to support the submission and consequently there was not sufficient information to assess ecological impacts and whether the development will be able to maintain, protect and produce a net gain in biodiversity in accordance with Policy PCS13 of the Portsmouth Plan.

Further information was provided by the applicant's ecologist in order to address the potential ecological impacts of the proposed development comprising a botanical Assessment of Potential Grassland Mitigation Areas report and a SINC Mitigation Strategy (both David Archer Associates, July 2018).

The SINC Mitigation Strategy (amended, November 2018) concludes:

"As summarised on Figure 4, with mitigation, the development will result in loss of 38% of East of Lakeside SINC (1.5ha). A buffer zone 3m wide will be retained at the site's eastern boundary, retaining an area of diverse vegetation (0.12ha). The mitigation area within the wider Lakeside Business Park site is 1.93ha in size, will provide a larger area of land than that being lost, which will be retained, protected and managed to the benefit of wildlife in the long term. The grassland already supports narrow-leaved bird's-foot-trefoil and will be managed to support and grow this population. Pale flax is not currently present within the mitigation area but through seeding, it is hoped that it can be introduced, and a population supported to compensate for the loss of this species within the proposed development site. The proposed development and mitigation areas will be subject to a HMP for a period of at least 80 years after the completion of development. Overall, with mitigation, residual impacts are likely to be minor negative at a Site level but minor positive at a Local level."

The development will result in partial loss of Solent Waders and Brent Goose Strategy (SWBGS) site P138 which is classified as a 'Secondary Support Area' for the Portsmouth Harbour Ramsar and Special Protection Area (SPA) comprising around 44% of site P138 (0.90ha of 2.05ha). Interim mitigation guidance published in March 2018 states 'loss of or damage to Secondary Support Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. However, where impacts cannot be avoided or adequately mitigated on-site, there may be scope for a more flexible approach to off-setting the impacts to these sites, provided the continued ecological function of the network is maintained and significant enhancements additionally delivered'. Loss of this site is recognised as certain and long-term. Natural England has advised that compensation will be required for the loss of the functional area of the P138 site.

A planning obligation is considered necessary and reasonable to secure (a) the mitigation area of 1.93ha to be retained, protected and enhanced through appropriate grassland management, removal of scrub and seeding with pale flax (with post and rail fencing to demarcate the area) as shown on Fig.4 of the SINC Mitigation Strategy, for at least 80 years following completion of the development and (b) payment of a financial contribution of £73,000 as compensation for the loss of the functional area of the P138 site (for the purpose of enhancing, managing and monitoring the wider Solent Wader and Brent Goose ecological network, as identified in the SWBGS). It is noted that prior to accepting this financial contribution to resolve the impact, a lakeside habitat enhancement scheme was explored in principle but insufficiently detailed at this stage - there remains enhancement opportunities within the Lakeside site and a potential for it to be eligible for funding.

### **Flood risk/drainage**

The site is currently located within the Environment Agency's Flood Zone 2, and is therefore considered to be at risk of experiencing a 1 in 1000 year (0.1% annual probability) extreme tidal flood event.

Both the Environment Agency and Eastern Solent Coastal Partnership raise no objection, with the ESCP requesting imposition of a planning condition requiring finished floor levels of the



building to be set +300mm above existing ground level. Following receipt of additional information the Drainage Team, as Local Lead Flood Authority, is also satisfied with the proposal.

### **Sustainable design & construction/site contamination**

Policy PCS15 requires new development (non-domestic) of more than 500sqm to contribute to addressing climate change in Portsmouth by achieving (a) at least BREEAM 'Excellent' and (b) to use Low or Zero Carbon (LZC) energy technologies to reduce the total carbon emissions by 10%, as part of the selection of measures to meet the overall BREEAM level. The Sustainable Design & Construction SPD encourages BREEAM pre-assessment.

A BREEAM pre-assessment accompanies the application that recognises the requirement of policy PCS15 to achieve 'Excellent'. In its originally submitted form it only just demonstrated the minimum score of 55 credits for 'Very good'; after completion of the ecological survey of the site, however, the implications of a significant impact on the previous commitments become apparent making it extremely difficult and impractical for the site. As amended and based on current assumptions the building can only achieve 50.3 credits the applicant's now advise that it is unfeasible to meet the minimum score of 55 ('Very good') bringing the BREEAM level down to 'Good'. Disappointingly, as part of the selection of measures to meet the overall BREEAM level the pre-assessment does not achieve at least 2 credits in Ene04 for use of LZC energy technologies to reduce the total carbon emissions by 10%. The pre-assessment does, however, identify 2 credits in Tra03 (compliant cycle storage and cyclist facilities).

A planning condition would be necessary requiring post-construction certification to demonstrate a minimum score of 50 ('Good'), to include at least 1 credit in Ene04 and two in TRA03 from the selection criteria, to minimise as far as practicable the conflict with policies PCS15 and PCS17.

Given the site's location on an area of reclaimed land and former saltings, as well as a requirement for gas protection measures to the recent hotel development on the adjoining site, the imposition of planning conditions for site investigation, remedial strategy and its subsequent implementation/verification of any approved remediation are considered to be reasonable and necessary.

### **Conclusions**

Notwithstanding aspects of the design and pre-assessment achieving a BREEAM score of only 50 ('Good') the proposal is considered, on balance, to be acceptable and to contribute to the achievement of sustainable development, in accordance with national and local planning policy subject to planning obligations for the following provisions:

- Habitats mitigation/compensation -

- (a) the mitigation area of 1.93ha to be retained, protected and enhanced through appropriate grassland management/removal of scrub etc as shown on Fig.4 of the SINC Mitigation Strategy (before the car dealership is first brought into use) and

- (b) payment of a financial contribution of £73,000 as compensation for the loss of the functional area of the P138 site (before development commences); and,

- Prepare and implement an Employment and Skills plans (to help develop resident workforce skills and provide a route to employment for local people); which are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale to the development.

**RECOMMENDATION I:** Delegated Authority to grant **Conditional Permission** subject to the completion of a Section 106 Agreement in accord with the principles outlined in the report including habitats mitigation/compensation (so there would not be a significant effect on nature conservation interests) and employment and skills plan.

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of City Development to add/amend conditions where necessary.

**RECOMMENDATION II:** That delegated authority be granted to the Assistant Director of City Development to refuse planning permission if the legal agreement has not been completed within three months of the date of the resolution.

### **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:

Site Location Plan - 3242/105-B;

Existing Site Plan - 3242/106-A;

Proposed Site Plan - 3242/150-T;

Proposed Level 0 Plan - 3242/200-K;

Proposed Level 1 Plan - 3242/201-I;

Proposed Roof Plan - 3242/202-H;

Proposed Sections AA, BB, CC - 3242/204-B;

Proposed Sections DD, EE - 3242/241-B;

Proposed North & East Elevations - 3242/232-H;

Proposed South & West Elevations - 3242/233-H;

Proposed Site External Lighting Layout - 8611-ME01-P1; and,

Proposed Drainage Strategy Plan - P16-495-200-B.

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with 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 person<sup>1</sup> 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) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

6) Piling or any other foundation designs using penetrative foundation methods shall not be carried out unless otherwise agreed in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater; and the development shall be carried out in accordance with the approved piling details.

7) No development shall take place at the site until a detailed schedule of the type, texture and colour of all external materials/finishes to be used for the external walls and roof of the proposed building and screening to the service yard area (based on the Material Legend shown on the approved elevation drawings) shall have been submitted to and approved in writing by the local planning authority; and the development shall be carried out in accordance with the approved materials/finishes.

8) Prior to the first occupation of the car dealership the proposed car parking shown on the approved Site Plan drawing 3242/150-T (in addition to the ancillary spaces for the display of vehicles for sale/new and used car storage) and including provision of 'disabled' bays shall be surfaced (in materials to be agreed as part of condition 15), marked out and made available for use; and those parking facilities shall thereafter be retained at all times for the parking of vehicles to serve the proposed development (excluding ancillary vehicle display and storage associated with car sales).

9) No development shall take place at the site until details of the height, appearance and luminaires to external lighting columns in the positions shown on approved drawing Site External Lighting Layout ref 8611-ME01-P1 shall have been submitted to and approved in writing by the local planning authority; the external lighting shall be carried out in accordance with the approved details and retained in such condition, unless otherwise agreed in writing by the local planning authority.

10) No development shall take place at the site until both a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority; all works carried out during the period of construction at the site shall be undertaken strictly in accordance with the approved Construction Management Plan, unless otherwise agreed in writing with the local planning authority.

11) No development shall take place at the site until a drainage scheme based on the Drainage Strategy Plan ref P16-495-200-B shall have been submitted to and approved in writing by the Local Planning Authority of:

- (a) the detailed layout of all existing sewer and drainage infrastructure at the site;
- (b) the proposed means of foul and surface water sewerage disposal; and,
- (c) measures to be undertaken to protect any existing public sewer and other drainage infrastructure;

and the approved drainage scheme shall be implemented in full (unless otherwise agreed in writing by the Local Planning Authority).

12) The development shall only be carried out in accordance with the approved Flood Risk Technical Note (produced by Rodgers Leask and dated June 2017) and the following mitigation measure:

- Finished floor levels are set 300mm above existing ground level;
- The mitigation measure shall be fully implemented before the development is first brought into use.

13) Within 4 months of the car dealership being first brought into use, written documentary evidence shall be submitted to and approved in writing by the local planning authority proving that the development has achieved a minimum score of 50 in the Building Research Establishment's Environmental Assessment Method (BREEAM), including one credit in issue ENE 04 and two credits in issue TRA 03, which will be in the form of a post-construction assessment which has been prepared by a licensed BREEAM assessor and the certificate which has been issued by BRE Global, unless otherwise agreed in writing by the local planning authority.

14) Prior to the first use of the car dealership facilities secure/weatherproof bicycle storage facilities for staff (long-term) and visitors (short-term) shall be provided, in accordance with a detailed scheme for their siting and appearance to be submitted to and approved by the local planning authority in writing beforehand; and those facilities shall thereafter be retained for bicycle storage at all times.

15) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted as well as the type, texture, materials and colour finishes of all external hardsurface treatments. The soft landscaping works approved shall be carried out in the first planting and seeding seasons following the occupation of the building. 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. All external treatments shall only be undertaken in accordance with the approved hardsurfacing details of the landscape scheme before first occupation of the building.

**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) The scheme is located over Tidal Flat Deposits overlying Chalk Principal Aquifer (designated for providing significant quantities of water for people) and where groundwater is particularly sensitive, to accord with policies PCS14 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

- 6) The scheme is located over Tidal Flat Deposits overlying Chalk Principal Aquifer (designated for providing significant quantities of water for people) and where groundwater is particularly sensitive, to accord with policies PCS14 & PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 7) In the interests of the visual amenities of the area and the attractive parkland setting of the Lakeside site, in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interests of highway safety and to ensure a balance of adequate on-site parking provision against encouraging workplace travel by alternative modes of transport to the private car including the necessity for major off-site highways mitigation measures to offset additional traffic in order for the development of the Lakeside site to achieve a nil detriment effect, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan 2001-2011 and the aims and objectives of the NPPF.
- 9) To ensure any external lighting visible from the M27 is constructed/maintained to face vertically down in the interests of highway safety, in accordance with policies PCS17 & PCS23 of the Portsmouth Plan.
- 10) To prevent nuisance and minimise adverse effects on the local environment from highway impacts onto a major arterial route through the city (A27), as far as practicable, during works of demolition/construction, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 11) To protect existing drainage apparatus and to reduce the risk of flooding by the proposed development, without increasing flood risk elsewhere, to accord with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 12) To reduce the risk and impact of flooding to the proposed development within tidal Flood Zone 2, in accordance with policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 13) To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy PCS15 of the Portsmouth Plan.
- 14) To promote and encourage alternative transport modes to the private car by ensuring that adequate provision is made for cyclists, in accordance with policies PCS14 and PCS17 of the Portsmouth Plan and the aims and objectives of the NPPF.
- 15) To secure a well-planned and quality setting to the development, in the interests of the amenities and parkland character of the Lakeside campus, in accordance with policies PCS13, PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

#### 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.

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Assistant Director of City Development  
4<sup>th</sup> December 2018

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# Agenda Item 8

## THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Equality Impact Assessments, Legal or Finance Comments as no decision is being taken)



Portsmouth  
CITY COUNCIL

**Title of meeting:** Planning Committee  
**Subject:** Planning Enforcement  
**Date of meeting:** 12<sup>th</sup> December 2018  
**Report by:** Claire Upton-Brown, Assistant Director of City Development  
**Wards affected:** All

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1. **Requested by** - the Planning Committee on 14 November 2018.

### 2. Purpose

2.1 Following consideration for a report to Planning Regeneration and Economic Development (PRED) portfolio that agreed a Local Enforcement Policy it was agreed at the last Planning Committee that there would be a monthly update report on work within the Enforcement team. The purpose of the report is to update the Planning Committee on the work within the Enforcement team covering the month of November. The report is for information only and members are encouraged to discuss specific cases outside of this meeting.

### 3. Recommendation

3.1 This report is for noting.

### 4. Information Requested

4.1 In November, Planning Enforcement received **87** enquiries in total. This includes circular emails and additions to email chains regarding already known issues.

4.2 From the enquiries it was established that there are **43** cases in which breaches of planning control may have occurred.

4.3 Of these 43 cases, **29** were resolved before they needed to be officially opened. This was due to:

- 3 PLAREG application submissions,
- 6 breaches solved without formal action (through negotiations),
- 1 Not planning related (forwarded to other departments after investigation)
- 18 No breach found after investigation
- 1 Not expedient to pursue

**THIS ITEM IS FOR INFORMATION ONLY**  
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4.4 The remaining 13 cases were deemed serious enough to formally open a file.  
These cases were:

- 12 Unauthorised developments
- 1 Unauthorised development in a conservation area

Of these cases, 4 were located in the Drayton & Farlington ward, Hilsea, Milton and Baffins had 2, and Central Southsea, Paulsgrove, St. Jude and Eastney and Craneswater had 1.

4.5 **Enforcement Notices** were served in November.

In general:

- We currently have **65 open cases** that are under investigation.
- 6 enforcement notices have been served or are ready to be served at the time of writing
- 7 PCNs have been served or are ready to be served
- 3 Section 215 notices have been drafted and are ready to be served should the land owners not take action.

If members wish to discuss the details of a specific case, please do not hesitate to contact planning enforcement on [planningenforcement@portsmouthcc.gov.uk](mailto:planningenforcement@portsmouthcc.gov.uk).

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Signed by (Director)

**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 |
|-------------------|----------|
|                   |          |
|                   |          |