



NOTICE OF MEETING

PLANNING COMMITTEE

MONDAY, 23 APRIL 2018 AT 10AM

THE EXECUTIVE MEETING ROOM, THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060
Email: jane.didino@portsmouthcc.gov.uk

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

Planning Committee Members:

Councillors James Fleming (Chair), Scott Payter-Harris (Vice-Chair), Jennie Brent, Colin Galloway, Lee Hunt, Frank Jonas BEM, Hugh Mason, Gemma New, Steve Pitt and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Alicia Denny, Suzy Horton, Darren Sanders, Lynne Stagg, Luke Stubbs, David Tompkins, Steve Wemyss, Tom Wood and Rob Wood

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

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

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

AGENDA

- 1 Apologies**
- 2 Declaration of Members' Interests**

- 3 Minutes of the previous meeting - 4 April 2018. (Pages 3 - 8)**

RECOMMENDED that the minutes of the Planning Committee held on 4 April 2018 be agreed as a correct record and signed by the Chair.

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

Planning Applications.

- 5 1800338HOU - 16 Tregaron Avenue, Portsmouth PO6 2JX. (Pages 9 - 38)**

- 6 18/00140/FUL - South Parade Pier, South Parade, Southsea PO4 0SP.**

- 7 18/00141/LBC - South Parade Pier, South Parade, Southsea PO4 0SP.**

- 8 18/00453/FUL - Land to rear of former Portland Hotel, Tonbridge Street, Southsea.**

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>

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 4 April 2018 at 1.00 pm in The Executive Meeting Room - Third Floor, The Guildhall.

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

Present

Councillors

Scott Payter-Harris (Vice-Chair, in the Chair)
Jennie Brent
Lee Hunt
Frank Jonas BEM
Hugh Mason
Steve Pitt
Suzy Horton (Standing Deputy)

Also in attendance

Councillors S Wemyss and L Symes

Welcome

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

Guildhall, Fire Procedure

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

45. Apologies (AI 1)

Apologies for absence had been received from Councillors Gerald Vernon-Jackson (who was represented by Standing Deputy Councillor Horton), Colin Galloway, Gemma New and James Fleming.

46. Declaration of Members' Interests (AI 2)

Councillor Pitt would withdraw from the room for the duration of the 2b Merton Road item as he had an interest.

Councillor Hunt recognised one of those making a deputation for the 2b Merton Road item (as someone who had acted for him in the past) so did not wish to participate in this item and withdrew from the committee for its consideration.

47. Minutes of the previous meeting - 7 March 2018 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 7 March 2018 be agreed as a correct record to be signed by the Chair.

48. Planning appeal decisions concluded up to April 2018 (information item) (AI 4)

The information report was noted.

49. Update on previous planning applications by the Assistant Director of City Development (AI 5)

There were no updates at this meeting.

PLANNING APPLICATIONS

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

<https://livestream.com/accounts/14063785/Planning-04Apr2018>

50. 17/02188/FUL - 46A Lealand Road Portsmouth PO6 1LZ - Construction of 6 semi-detached houses and a single coach house unit to include vehicle parking and cycle/refuse stores with access from Lealand Road (following demolition of existing dwelling) (amended scheme to 15/01671/FUL) (report item 1) (AI 6)

The Chair agreed to vary the agenda order for the items with deputations to be heard before the main agenda items.

A site visit had taken place for members the previous week.

The City Development Manager's Supplementary Matters report stated:

"One further representation received:

An additional representation has been received, raising objections on the following grounds:

- a) Applicant provides misleading information about existing building;*
- b) The development would be out of keeping with surrounding properties; industrial in appearance;*
- c) The development is too dense;*
- d) The development would increase parking problems in the area;*
- e) Access to site too narrow; highway safety concerns;*
- f) Increased risk of flooding to adjacent properties;*
- g) Concern about poor condition of boundary walls;*
- h) Queries about how HGVs and other vehicles will access the site during construction;*
- i) Risk of damage to neighbouring properties and safety concerns during construction;*
- j) Concern about access for emergency vehicles to units 1 and 2;*
- k) Possibility that asbestos could be present.*

The majority of the points raised within this letter have been addressed within the committee report. The recommendation for planning permission would be subject to a number of conditions, including a requirement to provide a construction management plan, further details of the drainage system and boundary treatment, and conditions to ensure that contamination is dealt with.

Additional comments received from Drainage Engineer:

The additional information includes the following:

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

The Drainage Engineer has reiterated that in light of the further information, an objection is maintained on the basis that until there is a full understanding of the causes and nature of flooding in the area, he cannot confirm that the proposed drainage strategy will not increase flood risk elsewhere.

Applicant response to Drainage Engineer Comments:

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

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

Summary - It is noted that the recommendation for permission is subject to a detailed drainage condition (Condition 6), that requires full details of the drainage strategy to be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development. Should there be a need for any amendments to the drainage strategy in light of further information gained through the Council's investigations, then this could be dealt with through Condition 6."

After the Planning Officer's presentation, the following deputations were heard:

- (i) Mr Roberts, objecting to the application

- (ii) Mrs Harding as the applicant's agent accompanied by Siri Songpravit (their drainage engineer) in support of the application
- (iii) Councillor S Wemyss spoke to raise concerns as a ward councillor.

The presenting officer reported an amendment to the recommendation which should say:

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

Members' Questions

Members asked questions on the following issues:

- Whether information submitted for the previous appeal had been "wrong" - it was reported that PCC's drainage engineer had raised queries but the applicant's drainage consultants had responded to these to resolve any inaccuracies (such as reading of graphs, as one had been produced upside-down)
- How the surface water would be removed and the capacity of the system provided by Southern Water - it was reported that not all of the information was yet available with more details expected in June. PCC's drainage engineer Mr Cable answered detailed questions on the drainage systems including dispersal to the marshes, the use of French drains and gradients on site. The Assistant Director of City Development advised that the intention was to deal with flood risk by the discharge of condition 6 relating to the submission of the detailed design of the drainage and flood risk management scheme for the site and the applicant would only need to deal with the impact of their own development, whilst officers were working with external bodies to address the wider flooding problems being experienced in the area.
- It was further asked who at PCC would be responsible for agreeing to the discharge of Condition 6; this would be by the Assistant Director of City Development on the advice of the technical experts and in liaison with Southern Water, but should the committee request it, it would be possible for this to come back to committee for a final decision on the discharge of the condition, which would be a judgement on a technical solution.

Members' Comments

Members were concerned that the wider problem of flooding in the area had not yet been solved and further information was expected. There would be an impact for neighbouring properties in their outlook onto brick walls, creating a sense of enclosure. They hoped that there could be the opportunity for the applicant to adjust the application to realign so that the impact on neighbouring properties would be reduced.

RESOLVED that consideration of this application be deferred for the applicants to revisit the siting and alignment of the proposed units and for the consideration of any additional drainage information.

51. 18/00061/FUL - 2B Merton Road Southsea PO5 2AG - Construction of three-storey dwelling over basement following demolition of existing dwelling and garage (report item 2) (AI 7)

Councillors Lee Hunt and Steve Pitt both withdrew from the room due to declarations of interest and did not participate in this item. At the start of the meeting Councillor Hugh Mason had stated that he had not objected to this application (as indicated in the report) and he had not asked to make a deputation but he had requested that it to come to committee for determination.

A site visit had taken place the previous week. After the Planning Officer's presentation deputations were heard from:

- (i) Mr Jezeph, objecting on behalf of himself and other neighbours in Merton Road
- (ii) Mr Bird the applicant in support of his application
- (iii) Councillor Linda Symes spoke to object, as a ward councillor

Members' Questions

These included:

- The size of footprint of the proposed property compared to adjacent properties.
- Whether the materials, which differed to the neighbouring properties, complement the nature of the Conservation Area?
- The suitability of the tree replacement - the Arboricultural Officer confirmed that there was enough room for this to be established at the front of the property.

Members' Comments

Members considered how the application would complement the Conservation Area and the site visit had given the opportunity to see that there was not a uniformity of buildings in the vicinity.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the City Development Manager's report.

The meeting concluded at 2.47 pm.

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Signed by the Chair of the meeting, Cllr Payter-Harris

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Agenda Item 5

PLANNING COMMITTEE 23RD APRIL 2018

**10AM THE EXECUTIVE MEETING ROOM,
FLOOR 3, GUILDHALL**

REPORT BY THE CITY DEVELOPMENT MANAGER 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 City Development Manager's report 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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16 TREGARON AVENUE PORTSMOUTH PO6 2JX**CONSTRUCTION OF TWO STOREY FRONT EXTENSION AND ENLARGEMENT OF EXISTING SIDE WINDOWS****Application Submitted By:**

Mr Michael Barber

On behalf of:

Mr Michael Barber

RDD: 26th February 2018**LDD:** 24th April 2018**SUMMARY OF MAIN ISSUES**

This application has been called to the Planning Committee at the request of a neighbouring resident.

Summary of main issues

This is an application for the construction of a two storey front extension so as to create additional internal accommodation, relocating the kitchen, creating a larger lounge room, and an additional bedroom with en-suite to first floor. The proposal also includes alterations to some of the existing side windows.

The determining issues in this application are whether the proposal is acceptable in design terms and whether it results in any significant impact on the amenities of the surrounding occupiers.

Site and Surroundings

A two storey detached property occupies the application site, which is located on the western side of Tregaron Avenue to the south of the junction with Havant Road. The application site benefits from a relatively large front garden including a driveway.

The surrounding area is predominantly characterised by detached properties with front gardens.

The existing property is 'L-shaped' with the original garage having been converted, by way of a planning permission in 2006, into a playroom, with the original garage doors being retained creating a storage space access from the front of the property. The 2006 permission also provided an additional bedroom at first floor.

Proposal

The proposal is to construct a two storey extension to the front of the existing property, extending to the point of the existing front building line. The extension will increase the length of the southern elevation from 6.5m to 9.5m in length. The proposed changes to the existing property are on the southern and eastern elevations only.

The proposed extension will be 6.0m in length to the front eastern elevation, creating a new front door, hall entry, kitchen to the ground floor and additional bedroom at first floor. The proposed eastern elevation will also include the removal of the original garage doors and replacement with windows integrating the storage space into the dwelling. The first floor bedroom will be provided with a window on the eastern front elevation. The windows would be of a similar appearance to the existing and would align with the existing ground and first floor windows.

The proposal includes alterations to the existing hipped roof, maintaining the maximum height at 7.0m. Due to the dimensions of the proposed property the centre ridge of the roof will be provided with a flat roof section being 6.0m x 4.0m. This flat roof section will not be discernible from the elevations of the property. The existing eaves height of 5.0m will be retained.

The extension would be constructed of brickwork and concrete roof tiles to match the existing property.

The existing dwelling has two small windows on the side southern elevation serving the existing bedroom. The applicant proposes to increase the windows from 1.3m x 0.5m to 1.3m x 1.0m. These windows would be similar in appearance to the other windows in the existing property.

Planning History

In September 2006 planning permission was granted for the construction of extension with pitched roof at first floor level over existing garage and alterations to windows on front and side (south) elevations. (Ref 06/00127/FUL). This planning permission has been implemented.

POLICY CONTEXT

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

The aims and objectives of the NPPF would also be relevant in the determination of this application.

CONSULTATIONS

None.

REPRESENTATIONS

One representation has been received from a neighbouring resident objecting on the grounds of:
a) loss of light from two storey extension; b) loss of privacy from extension and enlargement of windows; c) increased sense of enclosure; d) damage to trees e) loss of amenity from re-location of kitchen extraction system; f) disruption during building works; and, g) excessive bulk of extension.

COMMENT

The determining issues in this application relate to the design of the proposal and whether it would result in any significant impact on the amenities of the surrounding residential occupiers.

Design

Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.

Tregaron Avenue is characterised by a variety of detached dwellings, the majority of which have been altered and extended and benefit from larger plots with large front gardens. The proposed extension to the eastern elevation will not alter the existing rhythm and separation between the properties when viewed from Tregaron Avenue.

The proposed two storey extension will alter the eastern elevation of the property by removing the stepped front building line. The existing property benefited from a forward projecting garage which was, with planning permission, converted and integrated into the dwelling house, along with the first floor addition of a bedroom. The property has been altered from its original form, and the proposed extension would further alter its appearance by creating flat building line. The proposal would 'square off' the recipient dwelling with the existing two storey extension.

The proposed roof design adopts the existing ridge height and eaves height. Through the addition of a concealed flat roof section at the apex of the roof, the property appears to be of the same height.

The proposal increases the bulk of the property by way of the increased length and width, however through the adoption of the existing roof height, eaves height, and front and side building lines, the design is considered to be acceptable. The curtilage and size of the plot along with the large front garden enable the property to be extended as proposed without the resultant bulk being harmful to the recipient property, its setting and the streetscene.

The proposed design adopts matching materials and would be finished with face brick and uPVC windows. The proposed fenestration pattern has been design to consider the proportions of the elevations and would be acceptable as a design outcome for the property.

The proposal includes enlarging two existing windows on the southern elevation by 0.5m in width, taking them to 1.0m width. The proposed change in appearance of the openings on the recipient dwelling are considered to be minor in nature and would not harm the design of the property. The proposed windows are considered to be of an appropriate scale and would relate appropriately to the recipient dwelling.

Having regard to the proposed design the two storey extension and alterations to the existing dwelling are considered to be acceptable in design terms and in accordance with Policy PCS23 of the Portsmouth Plan.

Amenity

Policy PCS23 of the Portsmouth Plan states that all new development must protect the amenity and provide a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Two storey extension

The two storey extension would be located on the eastern and southern elevations of the property and would not be extending the length or altering any windows of the dwelling on the northern elevation. Therefore, it is considered that the proposal would not result in any significant impact on the amenities of the neighbouring occupiers to the north (No 12).

The existing separation distance between No.16 (subject site) and No.18 to the south is approximately 3.0m. The proposed extension will not reduce this separation distance; however will increase the length of No.16 by 3.0m, increasing the length of the dwelling parallel to the property boundary. The increase in length of the dwelling includes the increase in the length of the roof, hipped in design and to the existing height of 7.0m. Further to this, the proposal will increase the width of two of the existing bedroom windows on the southern elevation from 0.5m to 1.0m. These are the design features of the proposal which have led to the objection from No.18.

The property at No 18 has a north facing side dormer window orientated towards the application site which occupies a bedroom. It is considered that the outlook from this bedroom window would change as a result of the two storey extension. The current view is northwards up Tregaron Avenue and is long distance across the front gardens of properties. It is considered that the extension would obscure this view. However the proposed extension and roof would not include any openings at the level of the dormer, and as such there would be no window to window overlooking from the proposed development into the bedroom. It is considered that the extension would not result in any loss of privacy to the dormer windows.

On the ground floor northern side elevation of No 18 there is a small secondary window serving the living room. The living room at No.18 has bi-folding doors which are orientated into the rear garden which are the main source of light and ventilation for this room. The proposed extension would result in some loss of light to the living room from the secondary window, however the harm caused is not considered to be such as to limit the living conditions of No.18 and the use of the living room.

No.18 have raised concerns that the extension would result in loss of light and overshadowing to the garage/ utility area on the northern elevation. However, as the window does not serve a habitable room and is obscure glazed, it is not considered that the resultant harm is such to warrant refusal of the proposed development.

Enlargement of windows

The proposed enlargement of the southern elevation windows from 0.5m to 1.0m wide has led to concerns being raised from No.18. The windows would look directly down into the rear patio area for No.18 and could result in loss of privacy. The overlooking arises as No.18 is set further forward on its plot than No.16. The southern elevation of No.16 already has windows in this location providing the opportunity to directly overlook into the rear yard of No.18. The proposal does not remove the existing overlooking, however it is considered that it does not give rise to increased overlooking, and as such is neutral in terms of impact. On balance it is considered that the enlarged windows would not result in a significant increase in the loss of privacy to the neighbouring occupiers.

Other Concerns Raised

No.18 raised concern with the location of the proposed kitchen extractor fans as it may impact on their lounge room amenities. The installation of a kitchen extractor fan is not included in this application as it does not require planning permission. However, the installation of a kitchen extractor fan on a residential property is unlikely to result in significant impacts on the amenities of the surrounding occupiers.

Concerns were raised regarding the installation of scaffolding and disruption during the construction of the extension. The construction of any extension would result in some degree of disruption during building works, however, such impact is not considered to justify withholding planning permission.

Concerns have been raised that the proposal may result in the removal or pruning of trees on the application site and this may have an impact on the objector's property. The existing trees may be removed as part of the development, however the trees are not protected by a Tree Preservation Order and are not worthy of such protection. Any works to these trees would not require consent from the Local Planning Authority.

The objectors also have concerns over the bulk of the front extension. As mentioned previously, it is considered that the size and appearance of the extension would be acceptable to the existing property and the wider street scene.

Having regard to the above, the extension and the enlargement of the windows would on balance, not result in a significant impact on the amenities of the surrounding occupiers and is therefore in accordance with Policy PCS23 of the Portsmouth Plan.

Conclusion

Taking into consideration the design and appearance of the proposed two storey front extension and the appropriate positioning of the enlarged windows it is considered that on balance the proposal is considered to be acceptable in design and amenity terms and would be in accordance with Policy PCS23 of the Portsmouth Plan.

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: SITE LOCATION PLAN 1:500, PROPOSED ELEVATIONS AND PLANS 01, PROPOSED PLANS 01 and PROPOSED ROOF PLAN 01.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing 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) In the interests of visual amenity 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.

SOUTH PARADE PIER SOUTH PARADE SOUTHSEA PO4 0SP**CONSTRUCTION OF EXTERNAL RAISED TERRACE ANCILLARY TO A3 CAFE USE ON LAND ADJACENT TO SOUTH PARADE PIER****Application Submitted By:**

Chris Flint Ass Ltd
FAO Chris Flint

On behalf of:

Mr T Ware

RDD: 30th January 2018

LDD: 10th April 2018

SUMMARY OF MAIN ISSUES

The application site relates to an area of land to the west of South Parade Pier, South Parade, Southsea. The site adjoins the southern end of the 1908 re-build of the pavilion which followed the fire of 1904. The application site falls within the "Seafront" Conservation Area (No. 10) and the pier is a Grade II listed building. It should be noted that an application for Listed Building Consent (18/00141/LBC) has been submitted alongside this planning application, the merits of which will be considered separately.

The proposal is for the construction of an external raised terrace on land adjacent to South Parade Pier to provide an ancillary seating area to an existing A3 cafe use known as "Tea on Sea."

There is an extensive planning history on this site. Most recently planning application ref: 17/00885/ADV and the subsequent Listed Building Consent: 17/01026/LBC were granted conditional consent for the display of illuminated fascia signs to north and east elevations, and non-illuminated awnings (with printed graphics) to takeaway.

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**Highways Engineer**

This application proposes the construction of a permanent decking/terrace area associated with a refreshment kiosk adjoining South Parade Pier. I have reviewed the Design & Access statement and would make the following observations:

The site is located on South Parade, a classified road following the southern coastline of Portsmouth. The buildings in the area are predominantly used for residential or Hotel uses. The application site adjoins South Parade Pier and is accessed from South Parade promenade. The

promenade is an established visitor attraction and already has several kiosks and cafes located along it which are served mostly by pass-by trade. It is proposed to construct a deck to serve the existing kiosk which will occupy an area of beach and will also be accessed from the promenade.

The D&S statement has no assessment of existing or expected traffic levels however I am of the opinion that the proposal will not generate traffic movements in itself rather support an existing business that currently does not have its own seating area. Equally, the users of the proposed deck are likely to be in the area already and would otherwise make use of other seating provision; therefore I am satisfied that this application would have a material impact upon the Highway Network.

In reference to the above, I would not expect the proposal to generate additional traffic movements on the network and as such would not be required to provide any additional parking for either vehicles or cycles. It would however be beneficial if some cycle parking were provided for users of the terrace as there is an absence of formal cycle parking in the immediate vicinity.

I would not look to raise an objection to this application as it stands.

Environmental Health

Further to the above application I can confirm we have no objections to the proposed development.

Contaminated Land Team

The Contaminated Land Team (CLT) has reviewed the above application together with information held on our GIS and given the relatively limited scope of the works a condition relating to land contamination is not required. The site is located on/adjacent to the Little Morass which is a tidal inlet comprising in part Canoe Lake. As such there is the potential to encounter infilled ground, and as such a watching brief is required. Given the above the following informative should be added to any planning approval granted:

In the event that any signs of pollution such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean soilwater, or actual remains from a past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175:2011+A2:2017. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Mineral And Waste Consultation

The proposal is to construct a terrace at beach level adjacent to a detached single storey refreshment kiosk that is positioned on the east side of the pier deck and to the promenade. Access to the terrace would be directly from the promenade and the exposed edges to the terrace would be enclosed with suitable railings. The terrace would measure approximately 100 square metres and allow for nineteen tables to be positioned.

Policy 15 of the Hampshire Minerals and Waste Plan seeks to safeguard various mineral resources, and areas of Southsea beach are identified for safeguarding for its potential to provide supplies of superficial sand/gravel. Development may be permitted without prior extraction if it can be demonstrated that the sterilisation of mineral resources will not occur.

The application is for a minor extension to the current kiosk structure and is limited in its size and scale. It is also proposed to be entirely reversible should its removal be required at a later time. It is therefore considered that the proposed development would be unlikely to sterilise the

underlying minerals resources and as such the Minerals and Waste Planning Authority (MWPA) raises no objection to this proposal.

Seafront Manager

Culture & City Development have serious concerns about this as a proposed privatisation of currently public open space which as I am sure you will be aware is a comparatively rare commodity in the urban environment.

The sea shore is an organic and vibrant part of the overall seafront offer and the environmental impact of such a proposal would, I believe, be only detrimental.

Currently we are also putting on hold other requests for expansion and extension of demised areas onto the foreshore due to the as yet undisclosed detailed designs for the Coastal Defence programme. We believe that this area, to the east of South Parade Pier, could have some quite detailed changes and it would be unwise for us to agree to any other business changes in this area without sight of these which we will not have for at least several months.

We are also aware of a change in the way in which the shingle is moving along certain stretches of the beach and this is one in particular where there appears to be change. This is currently being monitored and assessed by Caroline Barford in the Coastal Partnership.

REPRESENTATIONS

Five representations have been received, neither objecting or supporting the planning application but rather asking for clarification on how the proposed development would operate in terms of opening hours and whether the seating would be fixed or stored. One of these representations has made a deputation request on behalf of the remaining parties on the basis that should the application be recommended for permission that they would like the chance to make a representation at a Planning Committee meeting.

Further to this, additional neutral comments were received stating concerns with regards to the potential for noise, disturbance and anti-social behaviour as a result of the proposed development. Comments have also indicated concerns relating to the impact the proposed development would have on the character and appearance of the Grade II listed pier and have suggested applying planning conditions to restrict the impact of the development should it be recommended for permission.

COMMENT

The determining issues in this application relate to whether the proposed works relate suitably to the recipient property and surrounding context in terms of its design including its impact on heritage assets. Furthermore consideration must be given to the impact on amenities these works would have for neighbouring occupiers located on South Parade, as well as the impact the proposal would have on specific policies relating to the management of the seafront.

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 existing use appears to be operating successfully without an external seating area, it is not considered that the development would affect the viability of the existing premises or result in the loss of a facility that makes a positive contribution to the seafront offer.

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.

The proposed external terrace would be located on land adjacent to the western boundary of South Parade Pier. The terrace would be built directly on top of the shingle beach and would measure approx. 10.3m in width and 15.6m in depth. The base of the structure would be elevated above the shingle by approx. 0.3m whilst the overall height of the development would be approx. 1.5m in height. The terrace would be physically attached to South Parade Pier and would wrap around the existing kiosk with a floorspace of approx. 100 sq. m enabling the provision of 19 tables and 76 seats.

The 'Seafront' Conservation Area guidelines state that: 'The most notable feature of this conservation is that it is almost entirely open space...The open nature of this area with the retention of an extensive open space between sea and buildings is relatively unusual for seaside resort. The document makes reference to the reduction/limiting of visual clutter and the retention of existing tree cover which has become an integral part of the Southsea scene.

The proposed development by virtue of its scale and positioning would be considered to significantly detract from the character and appearance of the pier. Whilst relatively modest in scale in the context of the extensive shingle beach, the proposed terrace would detract from these qualities by introducing a structure of inferior quality in terms of design and use of materials which would create a cluttered appearance to one of the buildings most prominent elevations when approaching the pier from the east along Eastney Esplanade. The submitted drawings detail the provision of 19 tables and 76 seats to provide additional capacity for this Kiosk. This would inevitably incorporate the placement of umbrellas and patio heaters typically associated with such uses adding further clutter to this elevation. An established

conservation/heritage objective which is supported by Historic England is to reduce visual clutter wherever possible.

Matters relating to the impact of the proposed development on the Grade II Listed Pier will be considered separately under planning application reference: 18/00141/LBC however it is considered that the "tag on" nature of the proposed development would have a significant visual impact on the character and appearance of the pier and its setting within the beach and Eastney Esplanade. The existing pier, over time, has been subject to numerous extensive alterations and has been re-built twice in the last century. As a result a number of additional features have been added to the footprint of the pier over time such as the "Tea on Sea" Kiosk which the proposed development would serve. Whilst South Parade Pier represents a mixture of architecture, styles and materials it is noted that any additional structures that have been developed on the pier over the last century have been contained entirely within the existing footprint of the pier and furthermore have been constructed in a manner which is sympathetic to the adjoining listed building. As part of the assessment of this planning application, having considered historical maps as far back as 1898, it is advised that the function and form of the pier and associated ancillary buildings have largely been contained within the boundaries of the pier and has largely retained its elongated/hexagonal form throughout the years.

The proposed development would see the installation of a raised platform tagged on to the western elevation of the pier which would have a significant negative impact on the appearance of the Seafront Conservation Area and would fail to relate appropriately to the recipient building. In terms of the significance of this harm, it may be reasonably interpreted that this harm is less than substantial.

Paragraph 134 of the National Planning Policy Framework (NPPF) states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." The harm and its significance must be balanced against the public benefits that would result from the development. The appeal and desirability of the kiosk to be able to provide an enclosed external space for its customers is acknowledged. However, it is not considered that either the justification for this proposal, or the public benefit which would accrue from its implementation would outweigh the harm to heritage assets in this case.

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 Environmental Health Department have raised no objection to the proposed development however given the proximity of the site to residential uses on St Helen's Parade, South Parade and the southern side of Alhambra and Clarendon Road, the proposal would be considered to have some impact on the occupiers of those properties which would arise from increased comings and goings, noise from customers and possibly music. The Live Music Act 2012 enables all licensed premises to provide performances of regulated entertainment until 23:00hrs.

The application is not accompanied by any details in relation to the proposed opening hours of the kiosk, nor are there any details in regards to the management of tables, chairs and other associated furnishings the raised terrace would accommodate. In the absence of any other supporting information it is considered that the open plan nature of the external decking area, paired with its accessibility from the beach may result in heightened levels of noise and disturbance particularly at unsociable hours. The apparent static nature of the table/seat coverings would provide an opportunity for groups to gather outside of opening hours, which could result in increased levels of anti-social behaviour and increased comings and goings. This

is particularly relevant for neighbouring residential properties close by including: 1-10 St Helen's Mansions (St Helen's Parade); 3 St Helens Parade; 1-8 Rostrevor Mansions (St Helen's Parade), St Helen's Court; Ocean Apartments and Tudor Rose Court Retirement Apartments.

Conclusion

The proposed external terrace to provide an ancillary seating area for the users of the "Tea on Sea" kiosk (Class A3- Cafe) would by reason of its unsympathetic scale, positioning and choice of materials, amount to a visually harmful development that would fail to preserve or enhance the special architectural and historical features of the Grade II listed pier and would also have a significant, negative visual impact on the character and appearance of the "Seafront" Conservation Area contrary to identified policies within the NPPF, Policy PCS 9 and Policy PCS23 of the Portsmouth Plan. Furthermore, in the absence of any information to the contrary, the application has failed to demonstrate that the proposed construction of the external terrace would not have an adverse impact on adjoining occupiers in terms of an increased level of noise, disturbance, comings and goings which would fail to meet the requirements regarding residential amenity as identified by Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Refuse

1) The proposed raised terrace would, by virtue of its scale and positioning, fail to preserve or enhance the special architectural or historical features of the Grade II Listed pier. Furthermore the projection of this structure onto an area of open space within the "Seafront" conservation area, would detract from the architectural quality of the pier and introduce a degree of visual clutter to an otherwise uncluttered environment, resulting in the physical loss of open space within the seafront area where its significance is derived from a high degree of openness and uncluttered views. The proposal would therefore, fail to preserve or enhance the special architectural or historical features of the listed building and would also result in a negative visual impact on the character and appearance of the 'The Seafront' Conservation Area without adequate public benefit to outweigh the identified harm. The proposal would be contrary to the aims and objectives of the National Planning Policy Framework, Policy PCS9 and PCS23 of The Portsmouth Plan.

2) In the absence of any information to the contrary, the application has failed to demonstrate that the proposed construction of the external terrace would not have an adverse impact on adjoining occupiers in terms of an increased level of noise, disturbance, comings and goings which would fail to meet the requirements regarding residential amenity as identified by 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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

SOUTH PARADE PIER SOUTH PARADE SOUTHSEA PO4 0SP**CONSTRUCTION OF EXTERNAL RAISED TERRACE ANCILLARY TO A3 CAFE USE ON LAND ADJACENT TO SOUTH PARADE PIER****Application Submitted By:**

Chris Flint Ass Ltd
FAO Chris Flint

On behalf of:

Mr T Ware

RDD: 29th January 2018

LDD: 10th April 2018

SUMMARY OF MAIN ISSUES

The application site relates to an area of land to the west of South Parade Pier, South Parade, Southsea. The site adjoins the southern end of the 1908 re-build of the pavilion which followed the fire of 1904. The application site falls within the "Seafront" Conservation Area (No. 10) and the pier is a Grade II listed building. It should be noted that a full planning application (18/00140/FUL) has been submitted alongside this planning application, the merits of which will be considered separately.

The proposal is for the construction of an external raised terrace on land adjacent to South Parade Pier to provide an ancillary seating area to an existing Class A3-cafe use known as "Tea on Sea."

There is an extensive planning history on this site. Most recently planning application ref: 17/00885/ADV and the subsequent Listed Building Consent: 17/01026/LBC were granted conditional consent for the display of illuminated fascia signs to north and east elevations, and non-illuminated awnings (with printed graphics) to takeaway.

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**Historic England**

No comments.

Ancient Monuments Society

No comments.

Council For British Archaeology

No comments.

SPAB

No comments.

The Georgian Group

No comments.

The Victorian Society

No comments.

Twentieth Century Society

No comments.

The Portsmouth Society

No comments.

REPRESENTATIONS

Five representations have been received, neither objecting or supporting the planning application but rather asking for clarification on how the proposed development would operate in terms of opening hours and whether the seating would be fixed or stored. One of these representations has made a deputation request on behalf of the remaining parties on the basis that should the application be recommended for permission that they would like the chance to make a representation at a Planning Committee meeting.

Further to this, additional neutral comments were received stating concerns with regards to the potential for noise, disturbance and anti-social behaviour as a result of the proposed development. Comments have also indicated concerns relating to the impact the proposed development would have on the character and appearance of the Grade II listed pier and have suggested applying planning conditions to restrict the impact of the development should it be recommended for permission.

COMMENT

The determining issues in this case are whether the proposed works would preserve the special architectural or historic interest of the listed building.

When determining applications, the Local Planning Authority (LPA) must consider what impact a 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.

The proposed external terrace would be located on land adjacent to the western boundary of South Parade Pier. The terrace would be built directly on top of the shingle beach and would measure approx. 10.3m in width and 15.6m in depth. The base of the structure would be elevated above the shingle by approx. 0.3m whilst the overall height of the development would be approx. 1.5m in height. The terrace would be physically attached to South Parade Pier and would wrap around the existing kiosk with a floorspace of approx. 100 sq. m enabling the provision of 19 tables and 76 seats.

The proposed development is not considered to relate sympathetically with the recipient building appearing visually incongruous and bulky. The scale of the structure is large in comparison with other existing elements that have been previously added on to the pier over time. The proposed decking structure would be considered to dominate the northern end of the pier's western elevation by virtue of its location and the visibility of the existing pier structure from several intervals when approaching the site from the east along Eastney Esplanade and St Helen's Parade.

Further to this whilst South Parade Pier represents a mixture of architecture, styles and materials, there is a level of consistency in terms of the appearance of the pier in the context of its surroundings. It is noted that any additional structures that have been developed on the pier over the last century have been contained entirely within the existing footprint of the pier and furthermore have been constructed in a manner which is sympathetic to the adjoining listed building. Having consideration to historical maps dating from 1898, it is advised that the function and form of the pier and associated ancillary buildings have largely been contained within the boundaries of the pier and has largely retained its elongated/hexagonal form throughout the years.

In light of the above and having regard to the list description and existing appearance of the building, it is considered that whilst the proposal would cause harm to its significance, this harm could not reasonably be regarded as substantial. Paragraph 134 of the NPPF states that 'where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Whilst this outdoor area would potentially provide a public benefit for those visiting the cafe it is not considered that the public benefit would, in this instance, outweigh the harm to the special architectural or historic interest of this Grade II listed building.

In conclusion having regard to the significance of the pier and its location along the seafront it is considered that the development of this structure would fail to preserve this Grade II listed buildings special architectural or historic interest.

RECOMMENDATION Refuse

1) The proposed raised terrace would, by virtue of its position to the eastern elevation of the Grade II listed pier and projection onto an area of open space within the "Seafront" conservation area, detract from the architectural quality of the existing building, introduce visual clutter to an otherwise uncluttered environment, would result in the physical loss of open space within the seafront area where its significance is derived from a high degree of openness and uncluttered views. The proposal would therefore, fail to preserve the character and appearance of the 'The Seafront' Conservation Area without adequate public benefit to outweigh the identified harm. The proposal would therefore, fail to preserve the special architectural or historic interest of the building contrary to the aims and objectives of the National Planning Policy Framework and 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 it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

LAND TO REAR OF FORMER PORTLAND HOTEL TONBRIDGE STREET SOUTHSEA**CONSTRUCTION OF FOUR-STOREY BUILDING COMPRISING FOUR FLATS WITH GROUND FLOOR OFFICE (CLASS B1) WITH ASSOCIATED CYCLE/REFUSE STORAGE AND CAR PARKING****Application Submitted By:**

Pike Planning
FAO Mr John Pike

On behalf of:

Mr John Garrett
The Portland PO5 Limited

RDD: 14th March 2018

LDD: 10th May 2018

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are whether the principle of development is acceptable in the location proposed; whether the development is of an appropriate design; whether the proposal would preserve or enhance the character and appearance of the 'Owen's Southsea' Conservation Area and the setting of the adjoining Listed Buildings; whether the proposal would provide an appropriate standard of living accommodation for future occupiers and whether it would have any significant adverse impact on the amenity of the occupiers of the adjoining properties. Other issues to consider are whether the proposal meets policy requirements in respect of SPA mitigation, car parking and refuse/recyclable materials and bicycle storage.

The Site

The application site comprises an irregular but broadly square parcel of land located to the rear of the former Portland Hotel and numbers 3-7 Portland Terrace. The site fronts Tonbridge Street and is currently laid to hardstanding and was formerly used as a car park. Although within the same ownership as the former Portland Hotel, that development is located outside of this application boundary and is unaffected by this proposal.

The application site is located within 'Owen's Southsea' Conservation Area with the adjacent former Portland Hotel and Portland Terrace being Grade II Listed buildings and Portland Court (40 Kent Road) entered on the City Council's Local List of Buildings of Architectural or Historic Interest. The site is located on the very edge of Flood Zone 3 and just outside of the Southsea Town Centre boundary. The site excludes the car parking spaces immediately to the north at the rear of Portland Court.

Proposal

Planning permission is sought for the construction of a four-storey building comprising four dwellings and a ground floor office (Class B1a) with associated parking, bin and bike storage.

Relevant Planning History

- An application for the construction of a four-storey building comprising a healthcare clinic (within Class D1) to the ground floor and six dwellings above (ref.13/01123/FUL) was refused in December 2013. The reasons for refusal were as follows:

1. The development would by virtue of its siting, be at odds with the prevailing urban grain and appear as an incongruous and cramped form of development out of character with the contextual street scene. Furthermore the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework and to policy PCS23 of the Portsmouth Plan.
2. The proposed building would, by virtue of its scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal. The proposal is therefore contrary to Policy PCS23 of the Portsmouth Plan.

A similar application for the construction of a four-storey building comprising a coffee shop (within Class A3) to the ground floor and six dwellings above (ref.13/00409/FUL) was refused in September 2013. The reasons for refusal were identical to those for application 13/01123/FUL as detailed above.

Both planning applications (ref.13/01123/FUL & 13/00409/FUL) were allowed at appeal on 25th April 2014 (APP/Z1775/A/14/2212705 & APP/Z1775/A/13/2207845 respectively). However, these permissions were not implemented and have now lapsed.

- An application for the construction of a four-storey building comprising six dwellings and a ground floor office (Class B1a) with associated parking, bin and bike storage (ref.17/01049/FUL) similar to that allowed at appeal but with a reduced parking provision was refused in October 2017. The reasons for refusal were as follows:

1. In the opinion of the Local Planning Authority, the proposed development would fail to provide adequate off-road parking facilities in line with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document (SPD) which would exacerbate the significant parking shortfall within KC resident's parking zone that is already oversubscribed by more than 300 spaces (in terms of spaces available to permits issued). The proposal would therefore be contrary to the requirements of Policies PCS17, PCS23 and the Parking Standards and Transport Assessments SPD.
2. Without appropriate mitigation the development would be likely to have a significant effect on the Portsmouth Harbour and Chichester and Langstone Harbours Special Protection Areas and so is contrary to Policy PCS13 of the Portsmouth Plan and the Conservation of Habitats and Species Regulations (as amended).

- Planning permission and Listed Building Consent was granted in May 2017 (ref.16/01584/FUL & 16/01585/LBC) for the conversion of the adjoining former Portland Hotel to form 12 dwellings with external alterations.

- An application to vary condition conditions 2 and 7 of planning permission 16/01584/FUL to reduce the parking provision by one parking space was refused in February 2018 (ref.17/02057/VOC). The reason for refusal was as follows:

1. In the opinion of the Local Planning Authority, the proposed development would fail to provide adequate off-road parking facilities in line with the requirements of the Parking Standards and Transport Assessments Supplementary Planning Document (SPD) which would exacerbate the significant parking shortfall within KC resident's parking zone that is already oversubscribed by more than 300 spaces (in terms of spaces available to permits issued). The proposal would therefore be contrary to the requirements of Policies PCS17, PCS23 and the Parking Standards and Transport Assessments SPD.

POLICY CONTEXT

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

CONSULTATIONS

Highways Engineer

This application is for the construction of a four-storey building comprising four flats and ground floor office (Class B1), two integral garages and detached cycle store. The LHA has reviewed the Design, Planning & Access statement and supporting plans submitted in support of the application and would make the following comments;

The proposal site is currently vacant land accessed from Tonbridge Street which is primarily a service road to provide rear access to the retail units fronting Palmerston Road. The site has previously gained consent for a near identical development albeit this application includes an office use (B1) at ground floor rather than a health centre (D1). The three upper floors will contain 4 no. flats comprising 2 one-bedroom and 2 two-bedroom dwellings.

No trip generation assessment has been carried out in support of the application. The site is currently vacant thus inevitably any proposal would increase traffic generation associated with the site. That said, given the relatively small scale of the development, the LHA is satisfied that the proposal would not result in a material impact upon the local highway network.

The application does not propose to alter the existing accesses and whilst the proposal is likely to result in increased traffic movements, the LHA is satisfied that the access would be suitable for the proposed development.

The Portsmouth Parking SPD gives the expected level of parking provision that should be included within new residential developments. This development is comprised of 2 x 1bed & 2 x 2bed apartments which would have a requirement of 5 spaces. It is proposed to include 5 parking spaces for the use of residents which meets the SPD requirements and is acceptable. It is suggested that the footpath shown on drawing 17-2252-120 P5 between parking space 2 & 3 should be relocated to split the proposed new spaces from the retained 3 spaces required for a permitted development at nearby Portland Hotel. This would make a clearer distinction between the two sets of parking spaces and reduce risk of incorrect use of spaces.

The Portsmouth Parking SPD does not specify an expected level of parking spaces that should be provided for commercial development rather it is for the applicant to determine an appropriate level of parking provision. Whilst the applicant has not done this, given the amount of on-street & off-street pay & display provision nearby and given the high accessibility of the area the LHA is satisfied that the likely demand could be accommodated off-site.

The Portsmouth Parking SPD requires new residential development to include cycle parking to an expected standard. For this development 2 spaces for each of the 2bed flats and 1 space per

1 bed flat are required (6 in total). It is proposed to incorporate a secure cycle store with 6 spaces at ground floor level which is acceptable. No expected cycle provision is required for commercial development; rather it is required that commercial developments provide adequate cycle facilities to achieve two BREEAM credits for the development. Given the small size of the commercial unit, a single cycle parking space would suffice. No cycle parking is shown related to the commercial use however the LHA is satisfied that there is sufficient space to provide this on site.

As the application stands the LHA would not wish to raise a Highways objection, however conditions in respect of parking and bicycle storage should be secured.

Environmental Health

Comments not received at the time of writing.

Contaminated Land Team

Given the scale of the proposed development, and the potentially contaminative historic use of the site including a dyers and cleaners c.1886 - c.1907, conditions relating to land contamination are requested.

Leisure/Arb Officer

Although located within areas covered by Tree Preservation Orders, there are no trees within the area of the proposed development.

T12 TPO 128 is situated approx. 5m south of the proposed development, the root area is largely protected by existing hard surfacing and unlikely to be affected by the development.

Natural England

Comments not received at the time of writing.

Ecology

Comments not received at the time of writing.

REPRESENTATIONS

None received at the time of writing.

This application has been brought to the Planning Committee for determination on the basis of previous decisions by the Planning Committee at this and the adjoining former Portland Hotel site.

COMMENT

The determining issues in this application relate to:

1. The principle of development;
2. Design including impact on heritage assets;
3. Internal living conditions and Impact on residential amenity;
4. Highway Implications;
5. Sustainable design and construction;
6. Special Protection Areas (SPA) mitigation;

Planning permission is sought for the construction of a four-storey building comprising four dwellings (2x1-bed & 2x2-bed) at upper floor levels with a small office (Class B1a) at ground floor level. A separate smaller building would provide facilities for the storage of refuse and recyclable materials which in combination with a new boundary wall would enclose a small communal garden area. An access to the rear of Portland Terrace would be maintained. Access

to the five car parking spaces associated with the development would be from Tonbridge Street via an existing car park.

Although the building would have a smaller foot print and would incorporate a reduced number of dwellings, the development is similar in terms of design, scale, massing and siting to that considered and refused by the Local Planning Authority in 2013 (13/01123/FUL & 13/00409/FUL), but subsequently allowed at appeal in April 2014 (APP/Z1775/A/14/2212705 & APP/Z1775/A/13/2207845 respectively). In allowing the appeals the Inspector concluded that: 'Both proposals would enhance the character and appearance of Owen's Southsea Conservation Area and would preserve the setting of the adjoining listed buildings including Portland Terrace and Portland Hotel. Overall these heritage assets would be conserved in a manner appropriate to their significance in line with the Framework. The living conditions of nearby residential occupiers would not be harmed. As a result the proposed developments would accord with the development plan and there are no other considerations which outweigh these findings. They are therefore acceptable for the reasons given and the appeals should be allowed'.

Whilst the current proposal does differ slightly from those previously permitted and the previous permissions have now lapsed, the views of the Inspector within these decisions must be given significant weight in the determination of this application.

The principle of development

The application site is located to the rear of commercial properties that front Palmerston Road precinct and residential properties that front Kent Road and Portland Road. These buildings effectively turn their back on the application site with service yards and car parks presenting a character that is much more austere than other parts of the conservation area.

Whilst the LPA previously concluded that the introduction of new development of a similar form to that proposed would be inappropriate in this location, would be odds with the prevailing pattern of development and would appear cramped within the street scene, the Inspector raised no concerns with the principle of development or its relationship with adjoining properties and land uses. Therefore, on the basis there have been no significant changes in circumstance since the decisions of the Inspector in 2014, and the proposal is for a slightly smaller building, it is considered that the principle of development established by the Inspector would remain.

Furthermore, regard is made to Policy PCS10 of the Portsmouth Plan states that: 'New housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas which reflects the public transport links and proximity to local facilities (PCS21).

The supporting text to PCS10 states: 'Portsmouth is a built up city with tight boundaries, numerous physical constraints and no greenfield sites available for development and as such there are a limited number of locations for new housing sites. However, the city needs to provide more homes to cater for the natural increase in population, a decrease in household size and to house those people on the council's housing register. Additional homes are also needed to support economic growth. Providing a large number of new homes in the city is in line with the PUSH strategy of focusing new homes in urban areas to regenerate the cities and to relieve pressure on the surrounding countryside...

New development in Portsmouth should help it become a more sustainable city so the first choice for housing is in locations that are close to public transport routes (or where public transport improvements can be included as part of the development) and every day facilities. Therefore the focus for development to deliver the new housing will be at the strategic sites of Tipner, Port Solent & Horsea Island, Somerstown & North Southsea and the city centre. Opportunities for housing also exist at the district centres above shops and within the secondary frontage areas. Further housing development will be distributed across the city as a whole and

will take place through conversions of existing buildings and the redevelopment of previously developed land. In order to help provide for the need for additional housing, high densities will be promoted in the city and town centres, on sites close to public transport routes / networks and on the strategic sites.

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

The previous permissions at the site proposed a Class D1 use (a healthcare clinic) and a Class A3 use (café) at ground floor level both of which were considered to be acceptable in principle. The current proposal incorporates an office (Class B1a) at ground floor level which is of a reduced floor area. Having regard to the edge of centre location and the previous permissions at the site, the principle of a small office in this location is considered to be acceptable.

No objection was raised to the principle of development within refused application 17/01049/FUL as considered by the Planning Committee in October 2017.

Design including impact on heritage assets

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework (NPPF) requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; provides protection of important views and provides active street frontages in town centre locations.

In addition, when determining planning applications the Local Planning Authority (LPA) must also consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, Section 72 of the Act requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

In considering the design merits of the previous schemes the LPA concluded in both cases that: 'the development, by virtue of its proposed appearance, represents an unimaginative pastiche that would neither complement nor harmonise with neighbouring buildings. The proposal would neither preserve nor enhance the character and appearance of 'Owen's Southsea' Conservation Area or positively contribute to the setting of adjacent Listed Buildings'.

However, in considering both appeals, the Inspector opined that: 'Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that special attention should be paid to the desirability of preserving or enhancing its character or appearance. This is a matter that should be given considerable importance and weight. Many of the houses in the area were built and laid out by Thomas Ellis Owen from the 1830s onwards. The Conservation Area can be best characterised as a planned and picturesque villa suburb and this is the particular significance of the heritage asset. The proposals would be located on the very edge of the designated area facing Tonbridge Street. This provides vehicular access to the flats in Portland Terrace and also rear servicing for the premises in Palmerston Precinct which were re-developed in the post war period. There is documentary evidence that a building stood on the appeal site in the past. This is referred to as Portland Hall and was apparently a ball room associated with the hotel. It was demolished in the 1950s following war damage. Although having a large footprint there are no details of its scale. It is also evident that the nature and function of Tonbridge Street has changed markedly since that time. However, what can be said is that the existing openness of the site is not part of its historic character. Tonbridge Street is at

a point of transition between two contrasting styles of architecture. As the buildings turn their backs on the road there is little sense of place. Indeed, because it is undeveloped the appeal site makes a negative contribution to the qualities of the Conservation Area and the townscape at the entrance into Tonbridge Street from Kent Road is weak. The Council is not opposed to development in principle but considers that by addressing Tonbridge Street the proposals would create an artificial street scene. The Council's Guidelines for Conservation of 2006 note that Owen's Southsea is by design a densely built up area. The prevailing urban grain is of buildings close to one another facing onto streets. The proposals would therefore be entirely consistent with the existing pattern and layout of development. Tonbridge Street is not typical but the introduction of an additional built presence would be positive and would strengthen the identity of the Conservation Area. Furthermore, by reason of their proximity to existing buildings and their design, the proposals would be sufficiently connected with their surroundings to avoid an isolated or alien appearance. The proposals would be 4-storeys high but lower than their most immediate neighbours. They would therefore be subservient in scale. Structures of this magnitude would also hold their own against their taller neighbours and would not be 'lost' visually. Other buildings would be nearby but this is usual for the locality as is the position of the proposals on the back edge of footway. However, there would be space around the proposed developments on all sides so that they would not appear cramped. The proposals are designed in a traditional, classical style with render and a slate roof as well as other features that are compatible with the 'family' of buildings in this part of the Conservation Area. The windows would gradually reduce in size as they ascend to accord with the usual hierarchy for openings. The Council is critical on the basis that the proposals are too much of a slavish replication. However, by utilising ingredients from nearby buildings the proposals would harmonise with their surroundings. The proposals would reflect the identity of the surroundings and respond to local history and character thereby reinforcing local distinctiveness. Indeed, this is a site that in many ways is 'crying out' for redevelopment. By furthering and consolidating the type of development most associated with the Conservation Area the proposals would bring about an improvement to this heritage asset as referred to in paragraph 137 of the National Planning Policy Framework. Therefore the character and appearance of the Owen's Southsea Conservation Area would be enhanced. Moreover, the aims expressed in Policy PCS23 of the Portsmouth Plan would be met in that the proposals would be well designed, respect the character of the city, relate well to the geography and history of Portsmouth and be appropriate to their context'.

In terms of impact on the setting of the adjacent Listed Buildings the Inspector continued: 'Section 66 of the Act sets out a general duty to have special regard to the desirability of preserving listed buildings or their settings. The setting of a heritage asset is defined by the Framework as the surroundings in which it is experienced. St Jude's Church has a distinctive Gothic form. Although there would be a direct line of sight between the church and the proposals there are existing buildings that are much closer to it. Indeed, the status of St Jude's as a dominant focal point would remain unaltered and the important views of its spire identified in the Guidelines for Conservation would not be impeded. Therefore having regard to their separation the setting of the listed building would not be degraded by the proposals even on a cumulative basis. Portland Terrace and Portland Hotel have a grand Italianate front and this is its main significance. The rear elevation is less prepossessing. This façade has been compromised aesthetically by the removal of the original rear wings and the introduction of replacement windows and metal external stairs. Clearly there would be buildings of some stature where currently there are none. That said, historically Portland Hall would have stood behind the terrace. Indeed, the proposals would not be so near to the back of this listed building that its identity would be confused or impaired. Views of it would be interrupted but not removed altogether and, in any event, the rear elevation is not one of its attributes. In these circumstances the proposals would not detract from the significance of the heritage asset. In conclusion the setting of adjoining listed buildings would not be adversely affected but would be preserved. By relating well to the geography and history of Portsmouth in this respect the relevant proviso within Policy PCS23 would also be complied with'.

Externally the current proposal is very similar in terms of overall appearance to proposals previously considered by both the LPA and the Planning Inspector. Whilst the design remains a

pastiche, the reduction in footprint and alterations to the internal layout has resulted in positive changes to the external appearance improving the building's proportions particularly to the Eastern elevation.

Having regard to the very strong views of the Inspector that very similar proposals at the site were of a high quality design that would have enhanced the character and appearance of the conservation area, it is considered that relatively minor changes would not change the view that the building is of an acceptable design for this site. On the basis the building retains many of its previous design characteristics, it is considered that the changes would not alter its relationship with the adjoining heritage assets.

Therefore, placing weight on the previous decisions of the Inspector, it is considered that the proposal would preserve the character and appearance of the conservation area and the setting of the nearby heritage assets. As such the requirements of paragraphs 132-134 of the NPPF, which seeks to address the significance of any harm caused by development, would not be applicable in this instance.

Internal living conditions and Impact on residential amenity

The National Planning Policy Framework states at paragraph 9 that "pursuing sustainable development involves seeking positive improvements ... in people's quality of life, including ... improving the conditions in which people live ... and widening the choice of high quality homes". Paragraph 17 states that one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Policy PCS19 of the Portsmouth Plan, the supporting Housing Standards SPD and the 'Technical housing standards - nationally described space standard' requires that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.

In considering the impact of the previous schemes on the amenity of neighbouring occupiers, the LPA concluded that the proposed buildings would by virtue of their scale, bulk and siting, result in an unacceptable loss of outlook and increased sense of enclosure to the detriment of the living conditions of the occupiers of neighbouring residential properties, particularly those flats in Portland Terrace that face the proposal.

However, in considering the two appeals, the Inspector opined that: 'The east facing elevation of Portland Terrace contains a series of windows to habitable rooms including some at semi-basement level. Clearly the proposals would be visible from many of these and the existing outlook would change but this does not necessarily mean that harm would occur. Indeed, whilst the proposed buildings would be near to this fenestration they would not be in such proximity that those inside would be entirely enclosed. For some it would be possible to see around the proposals whilst those on the upper floors in particular would be able to see the sky above them. This is also a locality where closely spaced buildings are the norm. Overall I am satisfied that the proposals would not be so overpowering that permission should be withheld for this reason. There are also misgivings about privacy but the schemes have been devised so that the closest rear windows would serve bathrooms. The rear facing bedroom windows would be about 20m away and this inter-relationship is acceptable as no significant overlooking would occur. The Study also confirms that the rear windows at Portland Court would not be deprived of daylight or sunlight to an unreasonable degree having regard to BRE guidance. The proposals would not be sited directly behind this block and the proposed bedroom windows in the side would be positioned forward of the back elevation of these adjoining flats. For these reasons the juxtaposition between existing and proposed buildings would be satisfactory. In conclusion on this issue the proposals would not harm the living conditions of the occupiers of Portland Terrace. They would not infringe the relevant criterion in Policy PCS23 of the Portsmouth Plan which seeks to protect amenity and the provision of a good standard of living environment for neighbouring occupiers. In common with the Council I have also reached similar findings in relation to occupiers of Portland Court'.

Whilst the LPA did not reach the same conclusion as the Inspector, on the basis the proposed building is very similar in terms of scale, bulk and siting; would occupy a smaller footprint; and there have been no significant changes in circumstance since the decision of the Inspector, it is considered that any reason for refusal based impact on the amenity of neighbouring occupiers could not be sustained. The reduction in the building's footprint and reconfiguration of the internal layout has also resulted in the removal of habitable room windows from the western elevation reducing opportunities for overlooking.

Internally, all of the proposed units would exceed the minimum space standards set out within the nationally described space standards and would benefit from a good standard of natural light and outlook. A small communal garden would provide some external amenity space with a wide range of recreation facilities located within a short walk along the seafront.

The City Council's Environmental Health Team have previously highlighted that the Building Control regime would ensure adequate sound insulation between the commercial use at ground floor level and the dwellings above and a suitably worded planning condition relating to window specification could be imposed to ensure noise levels are of an acceptable level within habitable rooms.

Highway Implications

Planning application 17/01049/FUL, which was refused in October 2017, sought planning permission for a development comprising six dwellings and a ground floor office served by a total of 4 parking spaces (2 external and 2 within integral garages). The application was refused on the basis that the inadequate off-road parking facilities would have exacerbated the significant parking shortfall within KC resident's parking zone that is already oversubscribed by more than 300 spaces (in terms of spaces available to permits issued).

Subsequently, the applicant sought to vary Condition 2 and 7 of planning permission 16/01584/FUL associated with the adjoining development at the former Portland Hotel site to reduce the parking provision associated with that development by one space. This was with the view of re-allocating the parking space for development at the current application site. However, the application was refused in February 2018 for the same highways reason as application 17/01049/FUL as detailed above.

In order to accommodate off-road parking provision in accordance with the requirements of the Parking Standards SPD, the applicant has reduced the footprint of the proposed building at the application site allowing for the inclusion of five spaces immediately to its north within the existing car park area. A reduced number of dwellings (previously 6) has also resulted in a reduced demand for parking at the site. As a result the current proposal incorporating 2x1-bed dwellings and 2x2-bed dwelling would generate a demand for five off-road parking spaces. As a result the residential element of the development is now in accordance with the requirements of the Parking Standards SPD overcoming the previous reason for refusal on parking grounds.

In considering previous appeals (APP/Z1775/A/14/2212705 & APP/Z1775/A/13/2207845) for similar proposals which included clinic (Class D1) and cafe (Class A3) uses at ground floor level the Inspector opined that: 'Staff, customers and patients for the proposed ground floor uses would have to park elsewhere but this is the case for most commercial uses in Southsea and the site is in an accessible location on the edge of the town centre'. Having regard to the previous view of the Inspector, the absence of any parking provision to serve the commercial use at ground floor level would not amount to a sustainable highways objection.

The Local Highways Authority has previously highlighted that as the site is currently vacant, any proposal would inevitably increase traffic within the area. However, given the limited scale of the development and the number of dwellings proposed, it is considered that the increased trip

generation would not result in a material impact on the local highway network and the proposed access to the site would be suitable.

Both bicycle and refuse storage facilities are considered to be adequate to serve the development and can be secured through suitably worded planning conditions.

Sustainable design and construction

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

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

These standards will remain in place until the zero carbon homes policy is brought into force and can be required through suitably worded planning conditions.

Special Protection Areas (SPA) mitigation

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

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

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

Based on the methodology set out within the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation would be calculated as £1,648.00 (2x1-bed dwellings @ £337 and 2x2-bed dwellings @ £487). It is considered that, subject to the inclusion of an appropriate level of mitigation within a unilateral undertaking or payment through an agreement under S111 of the Local Government Act, there would not be a significant effect on the SPAs. The requirement for a payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development.

RECOMMENDATION A: That delegated authority be granted to the Assistant Director of City Development to grant Conditional Permission subject to receipt of no further representations raising material planning issues that have not already been addressed (by 4th May 2018) and first securing a planning obligation or an agreement for payment of a financial contribution of £1,648.00 to mitigate the impact of the proposed residential development on the Solent Special Protection Areas.

RECOMMENDATION B: That delegated authority be granted to the Assistant Director of City Development to refuse planning permission if the agreement referred to in Recommendation A has not been secured within two weeks of the date of the resolution pursuant to Recommendation A.

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: 17-2252-126 Rev-P2, 17-2252-120 Rev-P5, 17-2252-121 Rev-P5, 17-2252-122 Rev-P4, 17-2252-123 Rev-P3, 17-2252-124 Rev-P3 and 17-2252-127 Rev-P2.
- 3) Unless otherwise agreed in writing with the Local Planning Authority, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;
and unless otherwise agreed in writing by the LPA,
 - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;
and, unless otherwise agreed in writing by the LPA,
 - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.
- 4) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person

approved under the provisions of condition (3)c that any remediation scheme required and approved under the provisions of conditions (3)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

5) (a) Notwithstanding the submitted details, development shall not commence until a full schedule of materials and finishes (including samples where necessary) to be used in the construction of all external surfaces (included the main building, bicycle store, areas of hardstanding and boundary treatments) has been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall then be carried out in full accordance with the approved schedule of materials unless otherwise agreed in writing by the Local Planning Authority.

6) (a) Notwithstanding the submitted details, development shall not commence until detailed constructional drawings of key architectural features (including precise window fabrication, struck courses/rustication at ground floor level, projecting rendered detail courses, projecting window surrounds, chimney, corbels and railings) at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall thereafter be carried out in full accordance with the approved details.

7) (a) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development a scheme for insulating habitable rooms against road traffic and commercial noise shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be designed to ensure that the following acoustic criteria will be achieved in all habitable rooms: Daytime: LAeq(16hr) (7:00 to 23:00) 35 dB, Night-time: LAeq(8hr) (23:00 to 07:00) 30 dB and LAmax 45dB.

(b) The development shall then be carried out in full accordance with the approved scheme prior to first occupation of any of the dwellings hereby permitted.

8) (a) Unless otherwise agreed in writing with the Local Planning Authority, the proposed railings shall be installed before the development hereby permitted is occupied/brought into use and shall be colour treated in black; and

(b) The railings shall thereafter be permanently retained in that condition.

9) (a) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied/brought into use until a detailed hard and soft landscaping scheme for the external areas which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance has been submitted to and approved in writing by the Local Planning Authority.

(b) The approved landscaping scheme shall then be carried out within the first planting and seeding seasons following the first 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 damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

10) (a) Prior to the first occupation of any dwelling hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority) the parking facilities (5 parking spaces) shall be provided in accordance with approved drawings; and
(b) The approved parking provision shall thereafter be permanently retained for the continued use by the occupiers of the dwellings hereby permitted for the off-road parking of vehicles only.

11) The dwellings hereby permitted shall not (unless otherwise agreed in writing by the Local Planning Authority) be occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority demonstrating that the development has:
a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

12) (a) Unless otherwise agreed in writing with the Local Planning Authority, none of the dwellings hereby permitted shall be occupied/brought into use until secure and waterproof bicycle storage facilities have been provided in accordance with the approved drawings;
(b) The bicycle storage facilities shall thereafter be retained for the storage of bicycles at all times.

13) (a) Unless otherwise agreed in writing with the Local Planning Authority, no part of the development hereby permitted shall be occupied/brought into use (residential or commercial) until facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved drawings; and
(b) The approved facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.

14) The ground floor commercial unit (as labelled on approved drawing 17-2252-121 Rev-P5) hereby permitted shall be used as an office within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose without the prior written permission of the Local Planning Authority sought through the submission of a formal planning application.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 4) To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy DC21 of the Portsmouth City Local Plan 2001-2011.
- 5) In the interests of visual amenity having regard to the site's location within the 'Owen's Southsea' Conservation Area and in close proximity to a number of statutory listed buildings in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.

- 6) In the interests of visual amenity having regard to the specific and significant contribution these features make to the overall design concept of the building and its location with 'Owen's Southsea' Conservation Area and in close proximity to a number of statutory listed buildings in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 7) To ensure that acceptable noise levels within the dwelling are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.
- 8) In the interests of visual amenity to provide a suitable setting for the building having regard to the site's location within the 'Owen's Southsea' Conservation Area and in close proximity to a number of statutory listed buildings in accordance with the aims and objectives of the National Planning Policy Framework and the provisions of policy PCS23 of the Portsmouth Plan.
- 9) To secure a high quality setting to the development in the interests of visual amenity in accordance with policies PCS13, PCS23 and PCS24 of the Portsmouth Plan.
- 10) To ensure that adequate provision is made for the parking of cars in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the Parking Standards SPD.
- 11) To ensure that the development as built will minimise its need for resources and be able to fully comply with policy PCS15 of the Portsmouth Plan.
- 12) To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.
- 13) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan.
- 14) To control the scope of the permission granted in the interests of amenity having regard to the proximity of the application site to residential properties within the same building 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.

Assistant Director of City Development
13th April 2018