

# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 8 SEPTEMBER 2021 AT 10.30 AM**

## COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services Tel 023 9283 4870  
Email: [Democratic@portsmouthcc.gov.uk](mailto:Democratic@portsmouthcc.gov.uk)

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

### Information with regard to public access due to Covid precautions:

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by Public Health England.
- All attendees are required to wear a face covering while moving around within the Guildhall (requirement of the venue).
- Attendees will be required to take a temperature check on arrival (requirement of the venue).
- Although it will no longer be a requirement attendees may choose to keep a social distance and take opportunities to prevent the spread of infection.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

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### **Planning Committee Members:**

Councillors Lee Hunt (Chair), Chris Attwell (Vice-Chair), Matthew Atkins, George Fielding, Jo Hooper, Robert New, John Smith, Judith Smyth, Lynne Stagg and Gerald Vernon-Jackson CBE

### **Standing Deputies**

Councillors Dave Ashmore, Kimberly Barrett, Cal Corkery, Terry Norton, Kirsty Mellor, Scott Payter-Harris, Darren Sanders, Luke Stubbs and Rob Wood

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon the day before the meeting and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to [planning.reps@portsmouthcc.gov.uk](mailto:planning.reps@portsmouthcc.gov.uk) or telephone a member of the Technical Validation Team on 023 9283 4826.

## **AGENDA**

### **Meeting information: Risk assessment for the Council Chamber**

This has been published on the meeting page on the website.

**1 Apologies for absence**

**2 Declaration of Members' Interests**

**3 Minutes of previous meeting held on 18 August 2021 (Pages 13 - 20)**

RECOMMENDED that the minutes of the Planning Committee held on 18 August 2021 be approved as a correct record to be signed by the Chair.

**4 Update on previous applications**

Applications

**5 21/00383/ADV - The News Centre, London Road, Hilsea, Portsmouth, PO2 9DG (Pages 21 - 70)**

Display of high level fascia internally illuminated sign

**6 21/00347/FUL - Building 1-209, Shipbuilding Road, Portsmouth**

Construction of logistical store building, to include solar panel array to roof

**7 21/00348/FUL - Land around tennis courts, court X (formerly Canoe Lake Leisure), Canoe Lake, Eastern Parade, Southsea, PO4 0ST**

Formation of art trail around perimeter of tennis courts to the east of the tennis pavilion, including seating areas, enclosures, retaining walls, and associated

ground works and landscaping

**8 21/00207/HOU - 25 Driftwood Gardens, Southsea, PO4 9ND**

Construction of part single, part two-storey side extension to include balcony, roof alterations to include front dormer window (amended description) (amended plans)

**9 21/00854/HOU - 162B, Copnor Road, Portsmouth, PO3 5BZ**

Relocation of front door to property from east elevation to south elevation and replace with window

**10 20/00356/FUL - 38, St Chad's Avenue, Portsmouth, PO2 0SB**

Change of use from dwellinghouse (Class C3) to purposes falling within class C3 (dwellinghouse) or Class C4 (house in multiple occupation)

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.

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.

The webcast can be viewed here: <https://livestream.com/accounts/14063785>

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	<b>Coronavirus Risk Assessment for the Council Chambers</b>
<b>Company</b>	Portsmouth City Council
<b>Department</b>	Corporate Health and Safety, Housing, Neighbourhood and Building Services Directorate
<b>Activity</b>	Covid-19 operating safely in the Guildhall Council Chambers This risk assessment is a live document and will be updated as new information is issued.
<b>Date</b>	19 July 2021 (v3)
<b>Review date</b>	Ongoing
<b>Author</b>	Lynda Martin, Health and Safety Manager

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
<p>Risk of exposure to Covid-19 virus</p>	<p>Staff, contractors and attendees</p>	<ul style="list-style-type: none"> <li>• The capacity for the Guildhall Council Chamber for all attendees (including members of the public) has been calculated to be maximum of 30 people to accommodate 2 m social distancing.</li> <li>• Improvements in ventilation permits up to an additional 30 attendees. Members of the public will be advised to follow Covid safety recommendations. If 2m social distancing cannot be maintained then face coverings should continue to be worn.</li> <li>• The actions taken to maximise ventilation in the Guildhall Council Chamber includes:</li> <li>• The removal of internal casement secondary glazing windows.</li> <li>• Large casement windows will be opened.</li> <li>• Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting.</li> <li>• High level doors and window - the double doors to the high level galleries and the gallery corridor window will be opened.</li> <li>• The Guildhall deems, with the rate of infection and transmission still high that the following mitigations remain in place and will be conditions of entry: <ul style="list-style-type: none"> <li>○ The wearing of masks</li> <li>○ Temperature checks</li> <li>○ To ask for a Covid pass (double vaccination / negative lateral flow test)</li> </ul> </li> <li>• Therefore:</li> <li>• All attendees are required to wear a face covering while moving around within the Guildhall. If 2m social distancing cannot be maintained then face coverings should continue to be worn.</li> <li>• On arrival all attendees must scan the Test and trace QR code, sanitise their hands and may have their temperature checked</li> </ul>	<p>All attendees will be invited.</p> <p>Signage displayed.</p> <p>All staff to monitor and politely challenge non-conformity directly.</p> <p>Posters displayed.</p>	<p>In place</p>

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
Page 7		<ul style="list-style-type: none"> <li>• All attendees are requested to undertake an Asymptomatic / lateral flow test within 48 hours of a meeting. Information on how to access this testing can be found on the Portsmouth City Council website: (<a href="https://www.portsmouth.gov.uk/services/coronavirus-covid-19/getting-tested-for-coronavirus-in-portsmouth/community-testing-for-covid-19-in-portsmouth/">https://www.portsmouth.gov.uk/services/coronavirus-covid-19/getting-tested-for-coronavirus-in-portsmouth/community-testing-for-covid-19-in-portsmouth/</a> or <a href="https://intranet.portsmouth.gov.uk/hr/wellbeing/coronavirus/testing-for-coronavirus/">https://intranet.portsmouth.gov.uk/hr/wellbeing/coronavirus/testing-for-coronavirus/</a>)</li> <li>• If the result is positive you must not attend the meeting, you and your household must self-isolate and you must book a confirmatory PCR test</li> <li>• Further mitigations to reduce the risk of exposure and transmission:</li> <li>• Attendees should be reminded of the need to regularly wash hands for 20 seconds using soap and water or hand sanitiser.</li> <li>• Maintain good hygiene particularly when entering or leaving. Hand sanitiser will be located at the entrance of the building.</li> <li>• Practice social distancing, trying where possible to keep 2m apart. Where 2m cannot be maintained 1m+ applies, this involves additional measures i.e. Face coverings and not facing each other etc.</li> <li>• No hospitality to be provided.</li> <li>• Some members are in the clinically extremely vulnerable group or vulnerable group <a href="https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/">https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/</a> Therefore:</li> <li>• Members are advised not to use public transport to get to and from Council meetings wherever possible.</li> <li>• Council Meeting is scheduled so members can avoid peak travel times on public transport if they have not alternative option.</li> <li>• All members will be requested to sit 2 metres apart and must adhere to arrival and exit procedures as detailed above.</li> <li>• All members may be required to undertake a temperature check on arrival and will sanitise their hands.</li> <li>• All member will bring their own refreshments.</li> <li>• All members will bring and use their own pen/stationery.</li> </ul>	<p>Staff to monitor. Any non compliance will result in the attendee not be permitted entry to the building.</p> <p>Guidance sheet provided to all attendees in advance of the meeting.</p>	

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
		<ul style="list-style-type: none"> <li>The duration of the meeting should be reduced as much as possible to only consider essential business.</li> <li>Multiple exit doors will be opened at the end of the meeting to facilitate a straightforward exit from the building and minimise congestion.</li> </ul>		
<p><b>Social distancing and NHS Test and Trace - advice from Public Health Portsmouth (PHP)</b></p> <p>Maintaining 2m distance is primarily about reducing the risk of infection. However, it is important to recognise that for NHS Test and Trace, the definition of a close contact of a positive case outside of the household is either being face to face with someone for 1 minute or being within 2m of someone for 15 minutes. Therefore, people may still be asked to self-isolate for 10 days if they are not able to meet the 2m requirement (regardless of any of the 1m+ mitigations). Further details can be found here <a href="https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works">https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works</a></p>				
Hygiene and Prevention Page 8	Staff, contractors and attendees	<ul style="list-style-type: none"> <li>Cleaning staff are working at the Guildhall so each hand rail, door plate and stairwell is regularly cleaned.</li> <li>Cleaning wipes are provided at the reception desk in the Octagon.</li> <li>Sanitiser provided at entry, exit and at all lift lobbies.</li> <li>Building ventilation adjusted to provide good extraction and fresh air turnover (where possible)</li> <li>Doorways marked, where possible, with entry and exit channels.</li> <li>Only one person should use the Lifts at a time.</li> <li>Staggered arrival and exit times to minimise the number arriving and leaving in one go.</li> <li>Follow entry/exit signage to the building</li> <li>Member's seats to be located 2m distance from each other.</li> <li>Tables to be used to ensure chairs are not moved.</li> <li>Each speaker to have their own microphone. No sharing of microphones.</li> <li>All attendees are to bring their own water bottles/drinks.</li> <li>Members are to remain in their own seats throughout the meeting. There will be no swapping of chairs when elected to another position.</li> </ul>	Sanitising equipment with COSHH safety sheets are provided on arrival and in each reception area.  Posters displayed  Signage regarding hand washing placed in all restroom areas  All soap provided will be anti-bacterial soap  Gloves will be worn by staff completing	In place



Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
		<ul style="list-style-type: none"> <li>Members will be sat with their group colleagues to minimise the risk of members needing to move to speak to colleagues. .</li> <li>Attendees should only leave their seat to use the rest rooms.</li> </ul>	<p>cleaning and/or sanitising. Gloves to be disposed of appropriately after cleaning is undertaken.</p> <p>Exiting will be undertaken in a distanced manner maintaining 2m social distancing at all times.</p>	
<p>Test and trace</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 9</p>	<p>Staff, contractors and attendees</p>	<ul style="list-style-type: none"> <li>Contact details of all staff are held by the meeting organiser.</li> <li>No members of the public can just turn up on the day.</li> <li>All attendees must scan the venue's test and trace QR code on arrival.</li> <li>NHS test and trace log to be retained and maintained for those that cannot or have not downloaded the app.</li> <li>Contact details will be held securely by the event manager for 21 days and will then be securely disposed of.</li> </ul>		<p>In place</p>
<p>Symptomatic attendees</p>	<p>Staff, contractors and attendees</p>	<ul style="list-style-type: none"> <li>All attendees briefed if symptomatic they must not attend the council meeting and must self-isolate following the stay at home guidance issued by Public Health England.</li> <li>If any person displays or reports symptoms of Covid-19 they must leave the building by the closest exit, return home directly and follow the stay at home guidance for households issued by Public Health England.</li> <li>If the person is unable to leave the building safely on their own, event staff will ask them to move to the first aid room and we will call 111 for advice.</li> <li>The area will be thoroughly cleaned and sanitised that has been occupied by the person using the correct PPE.</li> </ul>	<p>First aid staff always available during working hours. Additional PPE available to first responders in the event of the person showing symptoms.</p>	<p>In place</p>

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
		<ul style="list-style-type: none"> <li>Close contacts will be notified. This is anyone who has come into face to face contact (under 1 metre) with the case for any length of time, or within 2 metres of the case for more than 15 minutes'.</li> </ul>		
Ventilation and air conditioning	Staff, contractors and attendees	<ul style="list-style-type: none"> <li>Existing ventilation systems have been reviewed and improvements have made in the Guildhall to maximise fresh air into the building and ventilation where possible</li> <li>All windows to remain open in chamber during the meeting</li> </ul>	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place/ongoing
Toilet facilities	Staff, contractors and attendees	<ul style="list-style-type: none"> <li>Access to toilet facilities will be limited to one person at a time.</li> <li>Cleaning products are provided for use by attendees to clean area after use, paying particular attention to contact points i.e. door handles, taps etc.</li> <li>Posters are displayed reminding attendees staff to clean down touch points etc. after use and 'single person use' posters displayed.</li> </ul>	<p>Facilities team to monitor</p> <p>Additional cleaning during the day and after the meeting.</p> <p>Staff to inform Line manager where there are concerns.</p> <p>Posters displayed</p>	In place/ongoing
PPE	Staff, contractors and attendees	<ul style="list-style-type: none"> <li>All attendees must wear a face covering and are encouraged to bring their own.</li> <li>Face coverings to be available at the entrance to the Guildhall if required.</li> <li>Gloves, anti-bacterial wipes and bin bags to be provide to all events staff.</li> <li>Sanitiser available at the entrance and exit of the building and in reception areas.</li> </ul>	<p>Posters displayed</p> <p>Guidance provided in advance of</p>	In place/ongoing

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
		<p>The following guidance on using face coverings should be followed:</p> <ul style="list-style-type: none"> <li>• Wash/sanitise hands prior to fitting the face covering</li> <li>• when wearing a covering avoid touching your face or mask as you will contaminate the covering</li> <li>• change your face covering if it becomes damp or contaminated,</li> <li>• continue to wash your hands regularly</li> <li>• if the material is washable then follow the manufacturer's instructions if not dispose of in your usual waste</li> </ul>	meeting to all attendees.	
Manual handling	Staff	<ul style="list-style-type: none"> <li>• Staff to follow manual handling policy and guidance</li> <li>• 2 person or more lift should be avoided where possible if participants are closer than 2m. Consider use of mechanical aids etc.</li> <li>• Where a 2 person or more lift is unavoidable the risk assessment must be revisited to ensure Covid-safe mitigation measures are in place i.e. face coverings, disposable gloves, minimising exposure time etc.</li> </ul>	Meeting to be planned in advance with alternatives to 2 man lifts provided wherever possible.	In place/ongoing
Financial Risk	Staff, contractors and attendees	<ul style="list-style-type: none"> <li>• The council meeting may need to be cancelled at short notice if the Covid-19 situation changes due to local outbreaks, local sustained community transmission, or a serious and imminent threat to public health.</li> <li>• Contact details of all attendees held by the event manager to enable easy efficient cancellation.</li> <li>• Technology in place to move to virtual council meeting if required and permitted by legislation.</li> </ul>	<p>Financial commitments minimised wherever possible.</p> <p>PCC Insurance department aware of council meeting.</p>	In Place

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
<b>Updates</b>		<ul style="list-style-type: none"> <li>This risk assessment is a live document and will be updated and a result of consultation and as new information becomes available.</li> </ul>		
<b>Further information</b>		<ul style="list-style-type: none"> <li>Further government information on support during the coronavirus pandemic can be found <a href="#">here</a></li> <li>HSE guidance, on working safely during the coronavirus pandemic can be found <a href="#">here</a></li> <li><a href="#">The Government's guidance for the safe use of council buildings</a></li> </ul>		

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 18 August 2021 at 10.30 am in the Council Chamber - The Guildhall

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

### Present

Councillors Lee Hunt (Chair)  
Matthew Atkins  
Jo Hooper  
Robert New  
John Smith  
Gerald Vernon-Jackson CBE

### Welcome

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

### 65. Apologies (AI 1)

Apologies had been received from Councillors Chris Attwell, George Fielding, Judith Smyth and Lynne Stagg (Councillor Darren Sanders deputised for her).

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

#### **21/00820/VOC - Southsea Seafront from Long Curtain Moat in the West to Eastney Marine Barracks in the East**

Councillor Gerald Vernon-Jackson declared a non-prejudicial interest as he is the Chair of the Cabinet meeting where this work had been agreed.

Kieran Laven, Solicitor declared a professional conflict of interest as he had advised the Coastal Partners in relation to their application before the Committee. He will leave the room for this item.

### 67. Minutes of the Previous Meeting held on 21 July 2021 (AI 3)

**RESOLVED** that the minutes be agreed as a correct record.

### 68. Update on Planning Applications. (AI 4)

The Head of Development Management advised that the Planning Inspectorate had dismissed appeal applications for the following applications:

28 Manning Road  
15 Montgomerie Road  
1 St John's Road  
10 Barham Way

An appeal against an enforcement order for 36 Campbell Road was part upheld and part amended.

The Planning Inspector has also received appeals for 1c Vie Road and 18 Pains Road.

**69. 21/00820/VOC - Southsea Seafront From Long Curtain Moat in the West to Eastney Marine Barracks in the East (AI 5)**

The Development Management Team Leader introduced the report and reported in the Supplementary Matters list the following update:

*Reference to the Solent and Dorset Coast pSPA at paragraph 12 should be amended to the 'Solent and Dorset Coast SPA'.*

*In addition, reference to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in the Recommendation should be amended to read 'Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)'.*

*The views of the Council's Heritage Consultant support the proposal. Whilst noting that rock revetment is extremely functional and unrefined in its character, it is not inappropriate in this context and the proposed amendments offer a number of design enhancements over the original proposal. The new design for the rock toe allows for a reduced rock volume and a more straightforward construction for the toe structure. The split level promenade separated terraced seating is considered an enhancement, with practical advantages in terms of reducing the risk of overtopping and the need for heavy sheet piling.*

*Visually it would provide a more subtle and refined solution for this part of the scheme. It would also perhaps afford visitors an inducement to 'dwell' in the area and fully appreciate the asset in a more spacious and visually reposeful setting. Notwithstanding its qualities, the scheme would still have an impact on the heritage asset. When considered in isolation from the wider proposal its impact is considered certainly less than substantial, and closer to 'intermediate' in its effect on the setting of the asset.*

*To be clear this level of impact is considered to be more than outweighed by the standalone conservation/ heritage benefits afforded by the scheme. In light of this and in concurrence with the views of Historic England, the scheme is considered capable of conservation support. Whilst the scheme is acknowledged as convincing, a note of caution is struck in regard to any subsequent possible introduction of further street furniture or other 'paraphernalia' into the setting of the asset, which*

*should ideally be avoided altogether. It is considered a matter of great importance in securing a successful long term outcome for this scheme. If a genuinely convincing reason is provided to justify the introduction of further street furniture, this must be kept to an absolute minimum, and the number, scale, siting, colour finish, material and detailed design of any features given very careful consideration so as to ensure they do not 'clutter' or confuse/diminish the setting of the asset.*

*The recommendation did not change.*

A letter from the Seafront Campaign Group dated 6 July 2021 to the Coastal Partners was circulated to the committee. The group had in it expressed disappointment that it had not been consulted. The Development Team Leader advised Members that the above rep/notification was not formally before the Local Planning Authority in the determination of the application, so unable to comment on it.

The committee was informed that all 26 partners who had given feedback to the original presentation, including this group had been contacted again at the next stage.

#### Members' Questions

In response to questions from members, officers explained that:

Several clusters of rock pools had been created behind the rock revetment.

As the Flood Defence Scheme funding system was phased and did not fit simply into the planning system, the original application submitted in 2019 was based on information that was available at the time. Further funding has now been released so a new application has been submitted for the variations that could be done. The location being a heritage site is an important consideration the teams is working with Historical England to ensure it is improved by the work.

There have been many changes as the design has developed and investigations carried out. The most significant were on the castle promenade and terracing where the bulk revetment has been reduced take the pressure off the historic structures and the soft soil.

The developers have taken into account what is known about climate change and rising sea levels and are confident that it will do the same job as originally intended.

#### Members' Comments

Members were pleased with the designs and the improvements to this section of the seafront. It will contribute to the world class seafront which people will enjoy and protect homes.

They noted that on this part of the promenade the cycle path is on the road as the path is narrow.

This variation better reflects this location which is one of the most important heritage in the UK.

The committee thanked Councillor Hugh Mason and all the officers who have been involved in this work and expressed interest in carrying out a site visit.

**RESOLVED to grant conditional permission as set out in the officer's committee report.**

**70. 19/01323/FUL - Plot E Lakeside Business Park Western Road Portsmouth PO6 3PQ (AI 6)**

Officers informed the Committee that owing to an unforeseen change in position relating to the envisaged s.106 agreement it was not now possible for this application to be determined at the meeting.

**71. 20/01464/FUL - 12-28 Arundel Street Portsmouth PO1 1NL (AI 7)**

The Assistant Director Planning & Economic Growth, Regeneration presented the application and reported that the update from the Supplementary Matters list:

*Members are advised that the development would be liable to the Council's Community Infrastructure Levy and that, based upon the proposed floor areas, the Community Infrastructure Levy (CIL) for the proposed development has been calculated at £2,568,594.75. This may be adjusted slightly to reflect the final approved floor areas.*

*The recommendation was not changed.*

Michael Lampard, the applicant gave a deputation.

Deputations are not included in the minutes but can be viewed on the livestream on the following link [Planning Committee, 18 August, 2021 on Livestream](#)

Members' Questions

In response to questions from members, officers explained that:

The new homes target is set by the government. Accommodation for students and older people do not fit in the definition of a standard dwelling so an algorithm is used to calculate how these fit in with the target. An older person's accommodation is the equivalent to 1.8 dwellings and a student's accommodation is the equivalent to 2.5.

If the market changes and students are not taking the rooms, the layout is considered flexible enough to be changed to offer other types of accommodation.

There is no council policy which imposes a limit on the height of buildings in the city.

Staff will be on site.

Many of the suggestions by the Private Sector Housing Unit set out in the report have been incorporated in the application or conditions.



Waste management is included in the scheme but recycling [food waste] is not mentioned specifically.

The retail units could only be changed to other uses with prior consent from the Planning Committee.

It is not possible to estimate how many student Houses of Multiple Occupation might be freed up for use by families if the residents chose to move to this property. The university is growing every year, so it is anticipated that there is a need for new student accommodation.

The committee would not have the authority to impose a condition to require that the accommodation be let out to homeless people in the summer months.

There will be a sprinkler system in a building of this height.

Condition 24 would require that the roof terrace be closed from 22:00 to 09:00.

The applicant is not required to prove the need for 591 bedrooms. There is a presumption in favour of development due to the new housing target.

There is an identified need for student accommodation of all types.

Officers could see no grounds for refusal. Opinions differ regarding very tall buildings and how these fit into the cityscape.

#### Members' Comments.

Members noted the following positive points of the application:

- The anticipated migration of students from HMOs in the city to purpose built accommodation as highlighted in the report. The students would live closer to the university campus and therefore travel less.
- The high quality of the materials.
- The high quality design which fits in with the future regeneration of the commercial centre.
- This property would help meet the government new housing targets.
- The area is in need of regeneration and the increased footfall would benefit Commercial Road.

However, concern was expressed about the possible perception that the council would be prioritising the housing needs of students over residents.

They noted the importance that a recycling service including food waste is provided.

Some members did not particularly like the scheme but acknowledged that there was no reason for refusal on planning grounds.

Some members said that they would prefer to see more affordable housing being built but the CIL money would be useful for the ward.

**RESOLVED** that the application be granted permission in accordance with the officers' report and the following amendment to Condition 28:

1. The condition 28 regarding waste management be amended to include the words "recycling" and "food waste".

**AND** that the decision notice should provide the following 2 Informative Notices noting:

- 1) The Committee's interest in a 3 year review of capacity at the development with the applicant.
- 2) The Committee's interest in the Council discussing with the applicant the potential for accommodating people on the Council's housing list for a maximum of two months outside the academic year.

## **72. 20/00913/HOU - 28 Tregaron Avenue Portsmouth PO6 2JX (AI 8)**

The Head of Development Management introduced the application and reported the following supplementary information:

*Subsequent to the publication of the Committee Report, Officers recommend the frosting of a large, first floor bedroom window, due to overlooking and loss of privacy that would otherwise result. The window is on the north elevation of the proposed extension, and would face across to the patio/garden area of 26 Tregaron Avenue, at a distance of about 7m to the boundary. The Applicant has verbally stated their agreement to such a condition.*

*Further condition:*

*The north-facing first floor window hereby approved shall be fitted with frosted glazing to at least Pilkington Level 3 (or equivalent). Any opening lights in this window shall be top-hinged only and shall be at a minimum height of 1.7m above the finished floor level of the room which the window serves. The window shall be maintained as such during the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.*

*Reason: In order to safeguard residential amenity at 26 Tregaron Avenue, in accordance with PCS23 of the Portsmouth Plan [2012] and with the aims and objectives of the National Planning Policy Framework [2021].*

*The recommendation did not change.*

The Chair declared a personal and prejudicial interest: he had worked with Mr Goss twenty years ago and had no contact with him on a social level since. He decided to absent himself for this item.

Councillor Gerald Vernon-Jackson was elected Chair for this item.

Simon Goss and Andrew Sadden made deputations against the application. They also circulated drawings for the committee.

Dean Harris, the applicant, also made a deputation.

#### Members' Questions

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

The drawing circulated by Mr Sadden of the view of the proposed extension from his house was close to accurate broadly speaking but exaggerated the scales somewhat. It shows a solid wall along the boundary fence.

Following feedback from neighbours, the applicant had reduced the height by 1m and removed the rendering on the plans.

Home owners have the right to reasonable enjoyment of their home but not a right to a view.

Architectural detailing is a challenge. Condition no. 3 states that materials for the exterior should be submitted for approval prior to use. Rendering is often useful to increase light.

The window on the frosted window does overlook and impact on the privacy of the neighbour's property. Frosting will mitigate that.

The extension at no. 24 was mentioned in a deputation and backs on to the side of neighbouring properties whereas no. 28 backs on to a neighbour's rear garden.

The window on the south elevation is frosted and the one on the north elevation facing no. 26 would require frosting.

#### Members' Comments

The committee discussed various points regarding this application including massing and loss of amenity. It was agreed that a site visit would be beneficial.

**RESOLVED that this application be deferred to allow members to conduct a site visit.**

### **73. 21/00383/ADV - The News Centre London Road Hilsea Portsmouth PO2 9DG (AI 9)**

Councillor Lee Hunt retook his position as Chair.

The Head of Development Management introduced this application.

Heidi Smith made a deputation against the application.

#### Members' Questions.

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

The details of the application that had been approved in 2007 for a sign at a very similar location were not available due to a loss of Wi-Fi in the Council Chamber.

The committee could impose a condition limiting the hours that the light is illuminated that differed from the one proposed by officers.

Members' Comments.

The committee felt that they needed to consider the previous permission for a sign at this address to determine this application, and, due to continuing IT problems, this was not possible during the meeting beyond the written content of the officer report.

**RESOLVED that this application be deferred to allow information on the existing permission for a sign at this location to be brought to the committee.**

**74. 21/00731/CS3 - Landscaped Area to East of D-Day Museum Clarence Esplanade Southsea PO5 3NT (AI 10)**

The Head of Development Management introduced the application.

Members' Questions.

The application was submitted on 13 May 2021 for a statue that had been erected in the Peace Gardens.

Members' Comments.

It was noted that the council should follow its own rules that applications should be submitted before works are undertaken. However, the fact that the application was retrospective was not a reason for refusal.

Members also noted that the location was appropriate for this statue.

**RESOLVED that the application be granted retrospective planning permission.**

The meeting concluded at 2:10pm

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Signed by the Chair of the meeting  
Councillor Lee Hunt

# Agenda Item 5

## **PLANNING COMMITTEE 08 SEPTEMBER 2021**

**10.30 AM GUILDHALL COUNCIL CHAMBER**

### **REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS**

#### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

#### **REPORTING OF CONSULTATIONS**

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - Planning and Economic Growth 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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# 01

21/00383/ADV

WARD:HILSEA

THE NEWS CENTRE LONDON ROAD HILSEA PORTSMOUTH PO2 9DG

DISPLAY OF HIGH LEVEL FASCIA INTERNALLY ILLUMINATED SIGN

LINK TO ONLINE DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QPVBOMOHFY00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QPVBOMOHFY00)

**Application Submitted By:**

Prestige Signs  
FAO Mr Kevin Folkard

**On behalf of:**

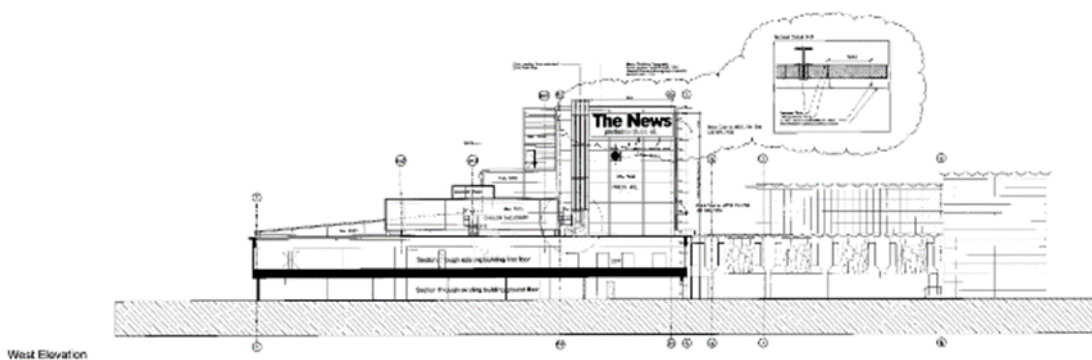
Sean Purcell  
Associated Print Holdings Limited

**RDD:** 12th March 2021

**LDD:** 21st June 2021

## 0.0 INTRODUCTION

- 0.1 Following the officer presentation and discussion, the Planning Committee on the 18th August 2021 resolved to defer this application until the next available committee meeting to allow further information relating to a previous planning advertisement consent to be presented to the committee and allow discussions regarding the operating hours of the sign, noise levels and potential for external illumination to take place with the applicant.
- 0.2 Planning permission was granted in 2007 (reference: 07/01320/ADV) for an externally illuminated sign on the west elevation of the building. However, it should be noted the approved sign was not located in the same position as the proposed sign and was located further [circa 31 metres] north towards Military Road.



- 0.3 Following the deferral of the application, discussions regarding noise levels and whether the sign could be externally illuminated have taken place with the applicant. The applicant has confirmed no noise would be emitted from the static sign and confirmed the internally illuminated has been designed to be in accordance with other print works they operate across the country. However,

the applicant has confirmed they are agreeable to the hours of luminance being reduced to 07:00hrs until 19:00hrs as opposed to 07:00hrs until 20:00hrs. Therefore condition 8 has been updated to reflect the revised operating hours. There are no other changes to the report previously published for the August Committee.

ORIGINAL REPORT published for the 18th August 2021 Planning Committee:

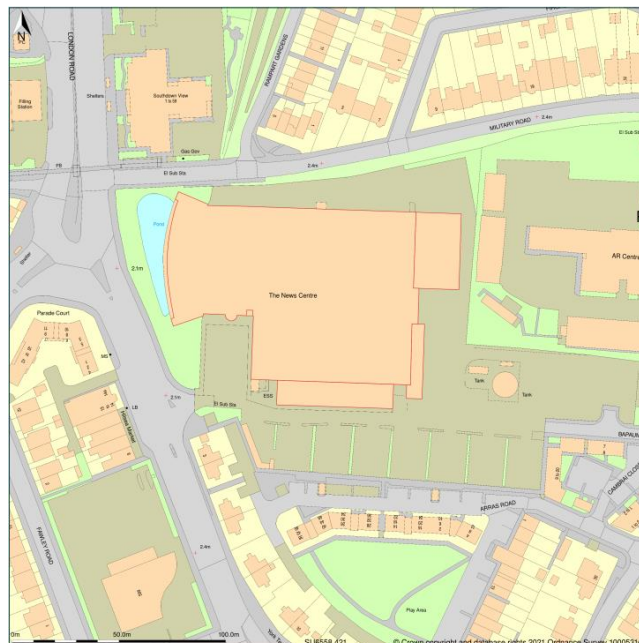
## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee following a deputation request by a local resident.

1.2 The main considerations within this application:  
- Visual and Aural Amenity.  
- Impact upon public amenity and safety.

### 1.3 Site and Surroundings

1.4 This application relates to the News Centre which occupies a comparatively large site located on the eastern side of London Road. The principal building comprises of press halls and offices which front London Road. The surrounding area comprises residential properties to the north, west and south of the application site, however, London Road to the east of the application site hosts a mix of commercial and residential uses. The site falls within the tidal floodplain (Flood Zone 3).



### 1.5 Proposal

Advertisement consent is sought for the installation of an internally illuminated sign to the western elevation of the building which would consist of the company name and logo. The sign would measure 2.25 metres in height, 9 metres in width and 0.2 metres in height. The base of the sign would be situated approximately 10 metres from the ground. The sign would be internally illuminated to a maximum level of 450cd/m<sup>2</sup>.





### 1.5 Relevant Planning History

- 1.6 07/01320/ADV - Display of externally illuminated flood lit panel signs to north and west elevation. Split Decision August 2007. Consent was granted for the illuminated sign to the west elevation but was refused for the illuminated sign to the north elevation. However, the consent has not been implemented.

## 2.0 **POLICY CONTEXT**

- 2.1 The relevant policies within the Portsmouth Plan (2012) would include:

- PCS17 (Transport)
- PCS23 (Design and Conservation)

In accordance with the National Planning Policy Framework (NPPF) July 2021 due weight has been given to the relevant policies in the above plan.

- 2.2 Under the section 'Achieving well-designed places', paragraph 136 of the National Planning Policy Framework (July 2021) refers to advertisements, noting that the quality and character of places can suffer when advertisements are poorly sited and designed.

## 3.0 **CONSULTATIONS**

- 3.1 Highways Engineer - No comments received.

## 4.0 **REPRESENTATIONS**

- 4.1 Site notice displayed: 7/5/21, expiry 15/6/21  
4.2 Neighbour letters sent: 27/04/21, expiry 15/6/21

- 4.3 One letter of objection has been received from a neighbouring resident raising the following concerns;

a) Proposal signage would be oriented to the rear of neighbouring properties and would cause a statutory nuisance;

- b) Proposal would cause light pollution and disturbance at night;
- c) The illuminated sign would have a negative impact on birds and local wildlife.

## 5.0 COMMENT

### 5.1 Visual and Aural Amenity

5.2 Advertisement consent was granted (reference: 07/01320/ADV) for externally lit signage on the building and whilst the consent has not been implemented, the principle of lighting on this building has previously been accepted. The sign would be set back approximately 37 metres from the highway and therefore it is not considered it would form a dominant feature within the street scene. Furthermore, the proposed signage is considered to be appropriate in the context of the building and the wider area which hosts a mix of commercial and residential properties.

5.3 The statically illuminated sign is unlikely to produce audible noise and therefore aural amenity is unaffected by the proposals.

### 5.4 Impact upon Public Amenity and Safety

The sign would be located externally to the frontage of the site. The closest residential property to the proposed signage would be 3 York Terrace which at its closest point would be located approximately 27 metres from the proposed sign. Concerns have been raised by the occupier of this property regarding disturbance to the rear elevation of their property and garden as a result of the proposed illuminated sign.

5.5 Due to the height of the News Centre and the limited screening between the application site and the residential properties along York Terrace, the proposed sign would be visible from the rear elevation of these properties, in particular No.3 York Terrace. While the sign would have a modest level of luminance, the sign would be more prominent at night. Therefore, to avoid any disturbance to the occupiers of these properties at night, it is suggested a condition is imposed which would restrict the hours of luminance from 7:00hrs until 20:00hrs. The applicant has confirmed they are agreeable to this condition.

5.6 It is considered neighbouring properties to the west of the site would be sufficiently distanced so as not to be affected by the proposed sign.

5.7 In terms of any impact on highways safety, having regard to the Local Highways Authority Technical Note on Illuminated Signs, the recommended level of luminance for a sign with an area greater than 10sqm in a residential area is 400cd/m<sup>2</sup>. The proposed level of luminance is 450cd/m<sup>2</sup> and therefore exceeds the recommended level of luminance. However, the sign would be set back 37 metres from the public highway and therefore would not be easily visible by highway traffic. Nonetheless, to ensure the sign complies with the recommended level of luminance, it is recommended a condition is imposed restricting the level of luminance to 400cd/m<sup>2</sup>.

### 5.8 Other Matters

Concerns have been raised in the representations regarding the impact the proposal would have on local wildlife, particularly birds. However, the application site is located close to a main road leading into Portsmouth which is lit by street lights. Having regard to the built up character of the area surrounding the application site, it is not considered the proposal would have a harmful impact on local wildlife.

### 5.9 Conclusion

In the opinion of the Local Planning Authority, and subject to the recommended conditions, the display of the internally illuminated sign is considered appropriate in design terms and in relation

to the surrounding area and therefore not harmful to visual or aural amenity. Furthermore the display of the sign would not affect public safety. The proposal is therefore in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (July 2021).

## **RECOMMENDATION                      Conditional Consent**

### **Conditions**

All advertisements are subject to the five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, together with any additional conditions (where applicable):-

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic signal, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Additional conditions:

### **Approved Plans**

6) Unless agreed in writing by the Local Planning Authority, the consent hereby granted shall be carried out in accordance with the following approved drawings: Application form; Location Plan (dated 12.03.21); Location Plan with proposed sign (dated 12.03.21); Drawing No. 1.0; Drawing No. 1.0b; Section through standard Signcomp flex face system.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Level of luminance**

7) Notwithstanding the submitted drawings, the luminance of the sign shall not exceed 400 candelas per square metre.

Reason: In the interests of highway safety in accordance with policy PCS17 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

### **Hours of operation**

8) The signage hereby approved shall only be illuminated during the hours of 07:00 to 19:00 on any given day.

Reason: In the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

**BUILDING 1-209 SHIPBUILDING ROAD PORTSMOUTH**

**CONSTRUCTION OF LOGISTICAL STORE BUILDING, TO INCLUDE SOLAR PANEL ARRAY TO ROOF**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QPNQQVMOH BX00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qpnqqvmohbx00)

**Application Submitted By:**

Mr Giles Pritchard  
Pritchard Architecture

**On behalf of:**

Holly Emerson  
Ministry of Defence

**RDD:** 8th March 2021

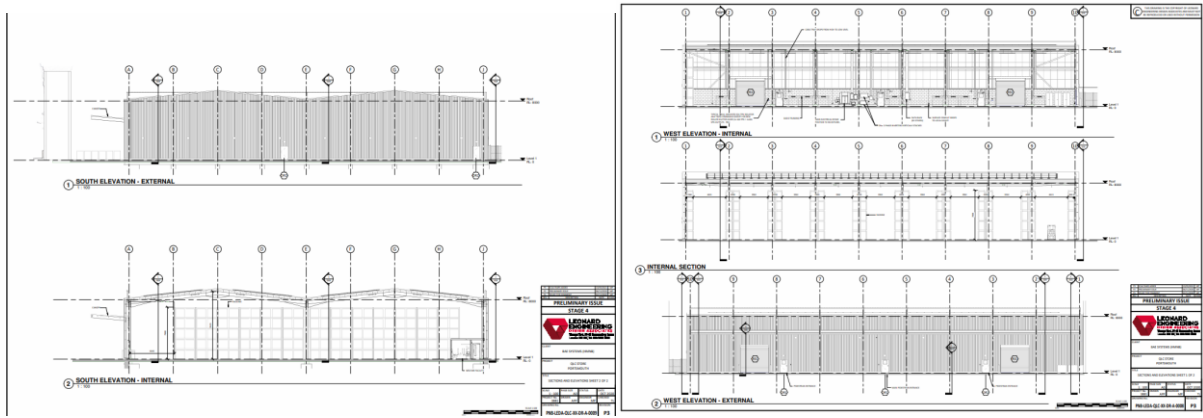
**LDD:** 23rd September 2021

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is included on the agenda due to the scale of the development, which exceeds 1,000m<sup>2</sup> of new floorspace.
- 1.2 The main determining issues for this application relates to the following:
  - Principle of the proposal
  - Scale, design and appearance and impact on heritage assets
  - Access and parking
  - Ecology
  - Contaminated land
  - Drainage
- 1.3 Site and surroundings



- 1.4 The application site lies adjacent to Shipbuilding Road within the HM Naval Base. The site was formally occupied by a large warehouse building, which was attached to the adjacent Grade II\* Ship Shop building to the east. This former workshop was demolished following the granting of listed building consent in 2018, but four chimney/tower structures were retained on each corner of the site. These towers are considered to be listed by virtue of their previous physical attachment to the listed Ship Shop building.
- 1.5 The site is identified as employment land under Policy PCS11 of the Portsmouth Plan [2012] and is in an area that has the potential for contamination and below ground archaeology. The site lies just north of the boundary of the HM Naval Base and St George's Square Conservation Area (No.22), and within 50m of the Portsmouth Harbour Special Protection Area (SPA). The surrounding area is characterised by various buildings and car parks associated with the operation of the Naval Base.
- 1.6 Proposal
- 1.7 The proposal is for the construction of a new logistical storage building, which would provide warehouse storage facilities to support the new Queen Elizabeth Class (QEC) aircraft carriers. The building would measure 56m (L) x 49m (W) x 9.8m (H) and would have a floorspace of 2,613m<sup>2</sup>. The roof would comprise a double shallow pitch and would incorporate a row of photovoltaic panels on each of the roof slopes. The building would be set in from the site boundaries by varying degrees and would not be attached to the retained listed chimneys/towers. There is no car parking proposed within the site.
- 1.8 The elevations would be clad in metal profiled cladding and there would be two roller shutter doors and three pedestrian entrance doors on the west elevation. A projecting canopy would extend the width of the west elevation above the doors.



1.9 Relevant planning history

- 1.10 18/00185/LBC - demolition of Block A section of Store 30 building complex and installation of cladding to form new external walls - Conditional consent 30 May 2018
- 1.11 18/00321/FUL - installation of cladding to form new external walls after demolition of Block A section of Store 30 building complex - Conditional permission 30 May 2018

## 2.0 POLICY CONTEXT

### 2.1 Portsmouth Plan (2012)

- PCS11 (Employment Land)
- PCS15 (Sustainable Design and Construction)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

### 2.2 Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved Policy DC21 (Contaminated Land)

### 2.3 Other Guidance

- National Planning Policy Framework (NPPF) (2021)
- National Design Guide (2019)
- National Planning Practice Guidance
- Parking Standards and Transport Assessments Supplementary Planning Document (2014)

## 3.0 CONSULTATIONS

### 3.1 Conservation Officer

3.2 The towers / chimneys on each corner of the site are considered to be listed by virtue of their physical connection to the previous building on the site, which in turn was physically connected to the adjacent Grade II\* Listed No. 2 Ship Shop building. These towers are elements of a former large Smithery and as such are surviving components of the Victorian industrial history of the dockyard site. Their scale and design make them notable architectural/historic structures within their context and they also have a number of ornamental details (notably the presence of the royal monogram), which raises their significance / value. However, the loss of the original Smithery building inevitably diminished their significance to some degree.

3.3 The proposed development would re-introduce a large warehouse/storage building into a context where this type of structure is familiar. Its physical parameters (footprint and height) would remain subservient to the retained towers/chimneys and it would not be physically connected to them. The addition of brise-soleil to the building would break up its form and provide a degree of visual interest. Overall, notwithstanding the proximity of the development to the Grade II\* listed Ship Shop building, and the HM Naval Base Conservation Area, it is a type and design of building that is considered appropriate in this location.

3.4 The level of harm generated by the proposed scheme on heritage assets is considered to be neutral and the scheme is supported in conservation / heritage terms.

### 3.5 Natural England

3.6 No comments received at the time of writing this report.

### 3.7 The Portsmouth Society

3.8 No comments received at the time of writing this report.

### 3.9 Gosport Borough Council

3.10 No comments to make.



- 3.11 Archaeology Advisor
- 3.12 Existing ground slabs would be retained but pile caps and a perimeter ground beam would be installed. It seems unlikely that these ground works would encounter any significant archaeological evidence relating to the evolution of the site. However, results of a geotechnical survey might provide more information.
- 3.13 There is also a requirement to make good some old voids. These should be investigated and an archaeological monitoring condition is recommended.
- 3.14 National Amenities Society
- 3.15 No comments received at the time of writing this report.
- 3.16 Mineral and Waste Consultation
- 3.17 No comments received at the time of writing this report.
- 3.18 Ecology
- 3.19 Further comments following receipt of additional information:
- 3.20 The Reports confirm that the site is of limited value for protected species. The submitted Construction Environmental Management Plan (CEMP) is acceptable subject to appropriate measures for safe surface water drainage are secured and site noise levels not exceeding 69dBA<sub>max</sub>. The development would not adversely affect the SPA.
- 3.21 Original comments:
- 3.22 The development has the potential to impact on the Solent Special Protection Area. The new building would be approximately 40m from the edge of the SPA and construction related noise, vibration and pollution could cause negative effects on the SPA and its ecological features. The potential impacts and mitigation need be considered by a qualified Ecologist.
- 3.23 Contaminated Land Team
- 3.24 Potential for contamination to exist due to past uses. Based upon additional geotechnical evidence supplied, no objection is raised subject to conditions securing details of a remedial method statement, conceptual model and verification to secure safe development.
- 3.25 Highways England
- 3.26 No objection. Satisfied that the development would not materially impact the safe operation of the Strategic Road Network.
- 3.27 Historic England
- 3.28 No comments to offer. Content for the application to be determined by the LPA following their own specialist conservation advice.
- 3.29 Drainage Engineer
- 3.30 Following receipt of additional details and surface and foul water drainage, no significant concerns. The details in respect of surface water management during construction, as set out in the CEMP are also considered acceptable.

## 4.0 REPRESENTATIONS

### 4.1 PCC publicity dates:

- Neighbour letters sent: No neighbour letters required
- Site notices displayed: 8<sup>th</sup> July 2021; expiry 20<sup>th</sup> August 2021
- Press advert published: 9<sup>th</sup> July 2021; expiry 20<sup>th</sup> August 2021

4.2 No representations received.

## 5.0 COMMENT

### 5.1 Principle of the proposal

5.2 Policy PCS11 of the Portsmouth Plan (Employment Land), states that land within the HM Naval Base will be protected for development that meets the needs of the Ministry of Defence. The proposal is for a storage building that would support the MoD's new aircraft carriers and is therefore supported in principle.

### 5.3 Scale and design and impact on heritage assets

5.4 The application site lies adjacent to a Grade II\* listed building (Number 2 Ship Shop Building 1/208), and there are 4 listed towers/chimneys located on each corner of the site. It also lies close to the boundary of the HM Naval Base and St George's Square Conservation Area (No.22). In determining this application, the Local Planning Authority must consider the impact that the development would have on these designated heritage assets in accordance with Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990, and paragraphs 199 - 208 of the NPPF (amended 2021).

5.5 The site was formerly occupied by a large warehouse building, which was demolished following consent in 2018. The proposed building has a somewhat functional design, comprising profiled metal wall and roof covering, with the main west elevation broken up with the brise soleil canopy. The building height would remain subservient to the adjacent buildings and would not exceed the height of the adjacent listed towers. The Council's Conservation Consultant has reviewed the proposal and has commented that given the surrounding context and having regard to the previous building that occupied the site, the proposal is considered appropriate and would preserve the setting of the adjacent Grade II\* listed building and nearby Conservation Area. The development is therefore considered acceptable in accordance with Policy PCS23 of the Portsmouth Plan and the relevant paragraphs of the NPPF.

5.6 The site also has the potential for below ground archaeology and the County Archaeologist has reviewed the proposal. It has been confirmed by the applicant that all site excavation has been completed following demolition of the previous building and archaeological remains have been recorded with photographs and measurements. The County Archaeologist is satisfied that there are no further archaeological matters to resolve but has requested that a report of the recorded archaeological details is prepared and submitted to the Local Planning Authority, which can be secured by condition.

### 5.7 Access and parking

5.8 The new building would be accessed via Shipbuilding Road on the east side of the site. There is no parking proposed for the site itself but there are various car parks within the Naval Base in the vicinity of the site. Given the location of the building within an operational naval base, it is not considered that the development would have any significant impact on the local highway network or strategic road network.

## 5.9 Ecology

5.10 A Preliminary Ecological Appraisal and Habitats Regulations Assessment Report have been submitted with the application. These reports confirm that the site itself comprises entirely hard surfacing and has no features of ecological value. The County Ecologist commented that the construction of the building has the potential to impact on the ecological features of the nearby Portsmouth Harbour Special Protection Area (SPA), but following review of the submitted reports, it is considered that any impact can be satisfactorily addressed through the Construction Environmental Management Plan (CEMP) which has been submitted and is considered by the County ecologist to be acceptable. Subject to full compliance with the details of the CEMP (to be secured by condition), the development would not harm the ecological value of the SPA, and would accord with Policy PCS13 of the Portsmouth Plan (2012).

## 5.11 Energy efficiency

5.12 Policy PCS15 of the Portsmouth Plan requires new development to contribute to addressing climate change. A Design Statement has been submitted which explains that the building design has sought to optimise the efficient use of energy and minimise operation and running costs, in accordance with the objectives of Policy PCS15.

## 5.13 Contaminated land

5.14 Due to historic land uses, the site has the potential for contamination. The Contaminated Land team are satisfied with the details set out in the submitted geotechnical reports and desktop study, but require submission of a remedial method statement, conceptual model and verification measures, to be secured by conditions. Additional evidence of existing geotechnical surveys been provided at the request of the CLT and on the basis of this additional information, no objections are raised subject to the conditions proposed being applied in accordance with Saved Policy DC21 of the Portsmouth Plan (2006).

## 5.15 Drainage

5.16 It is stated in the application details that below ground drainage to deal with water run-off from the building and impermeable areas would be provided. The Council's Drainage Engineer has raised no specific concerns relating to drainage subject to implementation in line with the submitted details. This would ensure that the development would not increase flood risk to the site or surrounding area, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

## 5.17 Conclusion

5.18 The proposed building would provide important storage facilities for the operation of the Naval Base and would accord with Policy PCS11 of the Portsmouth Plan. The design and layout is considered acceptable and would preserve the setting of the adjacent listed building and Conservation Area. Subject to conditions, the development would comply with the relevant local and national policies and is therefore recommended for conditional permission.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time limit**

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

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

## **Plan numbers**

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:

- 1:5000 Location Plan
- 1:1250 QLC Location Plan
- PNB-LEDA-QLC-00-DR-A-0002 Rev. P3 (Site Location Plan)
- 3212-EV-ZZ-00-DR-S-0001 Rev. A (Location Plan)
- PNB-LEDA-QLC-00-DR-A-0001 Rev. P3 (Block Plan)
- 3212-EV-ZZ-ZZ-DR-S-3005 Rev. A (General Arrangement Details Sheet 1)
- 3212-EV-ZZ-00-DR-S-2005 Rev. A (Ground Floor Plan Showing Demolished Building Columns)
- 3212-EV-ZZ-00-DR-S-2000 Rev. A (Ground Floor General Arrangement)
- 3212-EV-ZZ-B2-DR-S-1000 Rev. A (Pile Layout and Schedule)
- 3212-EV-ZZ-B1-DR-S-1001 Rev. A (Pilecap Layout and Details)
- PNB-LEDA-QLC-00-DR-A-0003 Rev. P3 (General Arrangement Layout)
- PNB-LEDA-QLC-00-DR-A-0004 Rev. P3 (Storage Layout)
- PNB-LEDA-QLC-00-DR-A-0005 Rev. P3 (Floor Markings)
- PNB-LEDA-QLC-00-DR-A-0007 Rev. P3 (Facilities Block General Arrangement)
- PNB-LEDA-QLC-00-DR-A-0010 Rev. P3 (Fire Evacuation Plan)
- PNB-LEDA-QLC-00-DR-A-0016 Rev. P1 (North and East Elevations)
- PNB-LEDA-QLC-00-DR-E-6201 Rev. P3 (Proposed Small Power and Ancillary Services Layout)
- PNB-LEDA-QLC-00-DR-E-6301 Rev. P3 (Proposed Lighting Layout)
- PNB-LEDA-QLC-00-DR-E-6601 Rev. P4 (Proposed Containment and Fire Alarm Layout)
- PNB-LEDA-QLC-00-DR-E-6801 Rev. P3 (Proposed Security Layout)
- PNB-LEDA-QLC-00-DR-M-0013 Rev. P2 (Link Way Canopy Details)
- PNB-LEDA-QLC-00-DR-M-5301 Rev. P2 (Incoming MCWS Layout)
- PNB-LEDA-QLC-XX-DR-A-0008 Rev. P3 (Sections and Elevations Sheet 1 of 2)
- PNB-LEDA-QLC-XX-DR-A-0009 Rev. P3 (Sections and Elevations Sheet 2 of 2)
- PNB-LEDA-QLC-XX-DR-A-0011 Rev. P3 (Door Types)
- PNB-LEDA-QLC-XX-DR-A-0012 Rev. P3 (Details)
- PNB-LEDA-QLC-XX-DR-E-6002 Rev. P3 (Electrical Services Internal Elevations)
- PNB-LEDA-XX-XX-DR-A-0014 (External Visuals)
- PNB-LEDA-XX-XX-DR-A-0015 (Internal Visuals)
- 3212-EV-ZZ-R1-DR-S-2002 Rev. A (Roof Level Purlin Layout)
- SP2 (Wall Specification)
- QLC-CRD-XX-XX-DR-9253\_C01; /DR-9201\_C01; /9251\_C01; /9252-C01 (Drainage detailed layouts)

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

## **Contaminated land**

3. Within 3 months of the date of this permission, a remedial method statement report shall be submitted to the local planning authority for approval. Such method statement shall detail the risk assessment and conceptual model created in accordance with BS 10175:2011+A2:2017 Investigation of potentially contaminated sites. Code of practice, and contain a network diagram to demonstrate potential exposure linkages have been resolved. The Method Statement shall then detail works and measures to ensure safe development that will be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. It shall include the nomination of a competent person to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Reason: 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 (2006) and the aims and objectives of the NPPF (2021).

### **Contaminated land verification**

4. The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition 3c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan. Thereafter the remedial scheme shall be maintained in accordance with the details approved under condition 3.

Reason: 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 (2006) and the aims and objectives of the NPPF (2021).

### **Drainage scheme**

5. The development hereby permitted shall be implemented in full accordance with the foul and surface water drainage plans as hereby approved and as set out in condition (2) above.

Reason: To ensure satisfactory provision for drainage to prevent increased flood risk in accordance with Policy PCS12 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Construction Environmental Management Plan**

6. Construction of the development hereby permitted shall proceed in full accordance with the submitted Construction Environmental Management Plan (CEMP) (dated 15<sup>th</sup> August 2021, ref: 30Store QLC - F1055Rev.A).

Reason: In the interest of protecting the integrity of the nearby Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Archaeological report**

7. Prior to first use of the building hereby permitted, a report summarising the archaeological recording that has taken place on site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of conserving evidence of the City's early heritage in accordance with policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **Materials**

8. The development shall be constructed in accordance with the material details shown on the approved plans, including Plan Ref. SP2, to comprise Kingspan composite wall panels finished externally in grey (RAL 7038), unless alternative materials are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the NPPF (2021).

### **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.

21/00348/FUL

WARD: EASTNEY & CRANESWATER

LAND AROUND TENNIS COURTS, COURT X (FORMERLY CANOE LAKE LEISURE), CANOE LAKE, EASTERN PARADE, SOUTHSEA, PO4 0ST  
FORMATION OF ART TRAIL AROUND PERIMETER OF TENNIS COURTS TO THE EAST OF THE TENNIS PAVILION, INCLUDING SEATING AREAS, ENCLOSURES, RETAINING WALLS, AND ASSOCIATED GROUND WORKS AND LANDSCAPING

APPLICATION DOCUMENTS AVAILABLE ONLINE AT:

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QPNWBUMOHC300>

**Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**On behalf of:**

Mr John Cooke  
Court X, Eastern Parade, Southsea

**RDD: 8th March 2021**

**LDD: 9th July 2021**

## 1.0 SUMMARY OF MAIN ISSUES

This application is brought to the Planning Committee as the application site is owned by the Portsmouth City Council.

1.1 The determining issues in this application are:

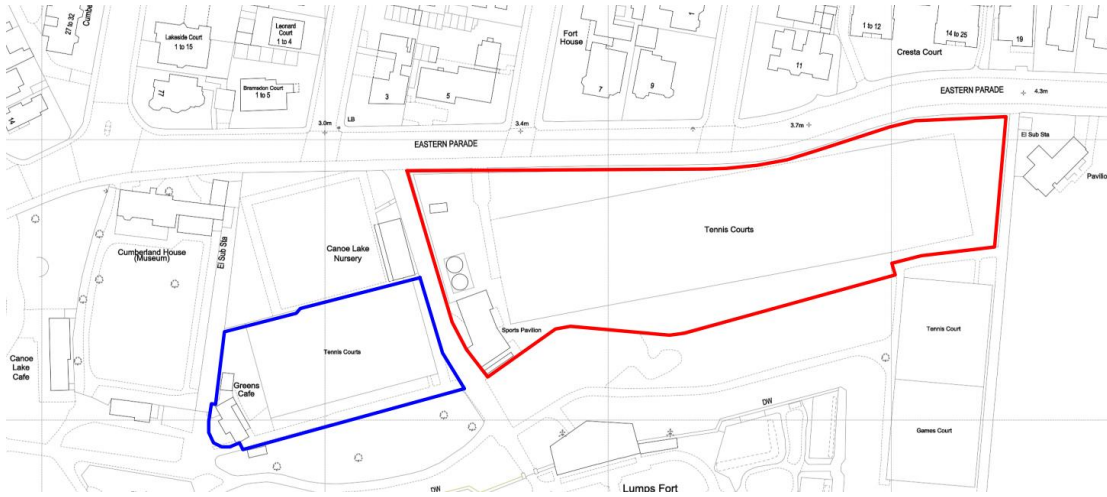
- Principle of development;
- Impact on character and appearance of the area and associated heritage assets
- Impact on residential amenity
- Impact on highway safety and car parking
- Impact on ecology including impact on sites designated for nature conservation
- Flood risk
- Other matters
- Planning balance

### 1.2 The site and surroundings

1.3 The application relates to an existing tennis facility, known as Court X (former Canoe Lake Leisure), accessed from Eastern Esplanade. The site is bounded by the Portsmouth Cricket Club facility to the east, Japanese Gardens and the Southsea Community Tennis and Basketball Courts to the south and public footpath to the west behind which there is the Canoe Lake Nursery and further tennis courts.

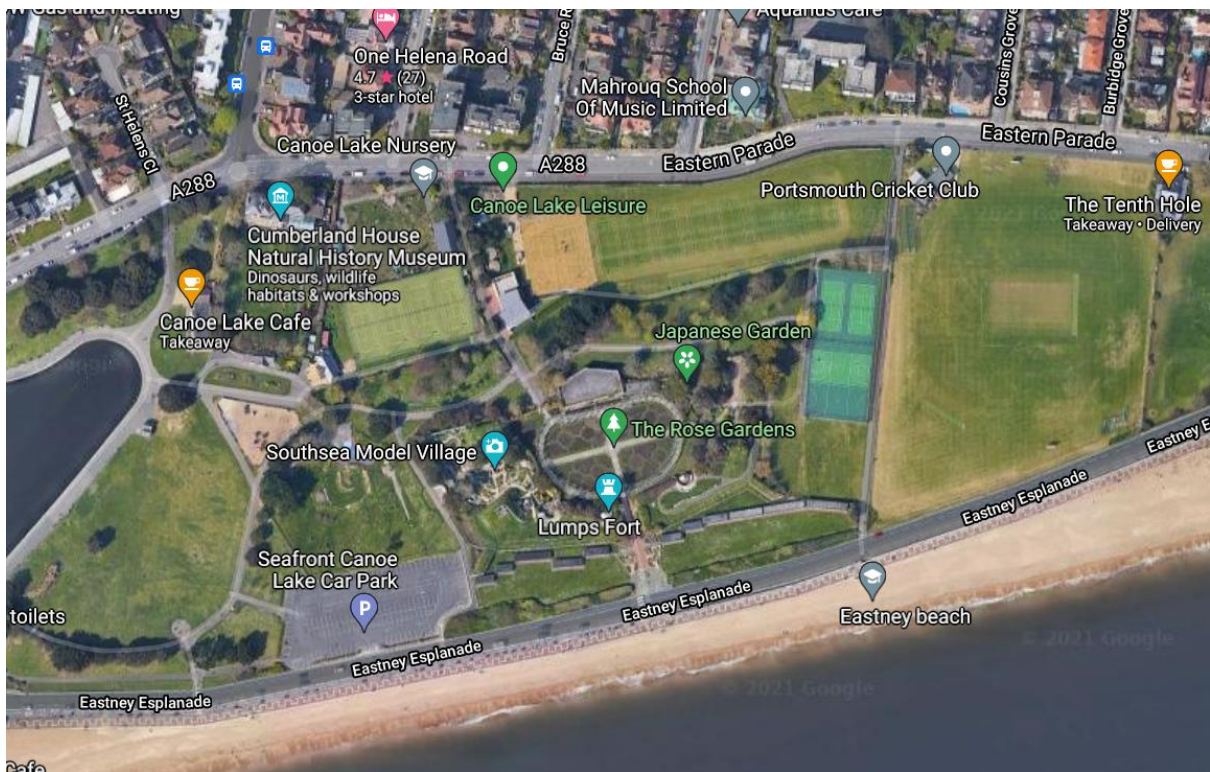
1.4 The application site consists of eight grass courts and two hard courts. There is a Pavilion in the south-western corner of the site providing a reception, a space for community events and a café. The north-western corner is occupied by a detached storage outbuilding. Public access to the site is via the reception in the Pavilion.

1.5



1.6 The wider area comprises a range of leisure uses and attractions, including sport and recreational facilities, formal gardens, a museum, child play areas, a model village and a boating lake. There are also tea rooms and cafes.

1.7



1.8 In policy terms, the application site is located in an area designated as a Protected Open Space as well as the Southsea Seafront Conservation Area No.10. It also falls within the boundary of Southsea Common that is included in the Historic England Register of Parks and Gardens of Special Interest as a Grade II entry. Finally, the site is located within the Environment Agency Flood Zones 2 and 3.

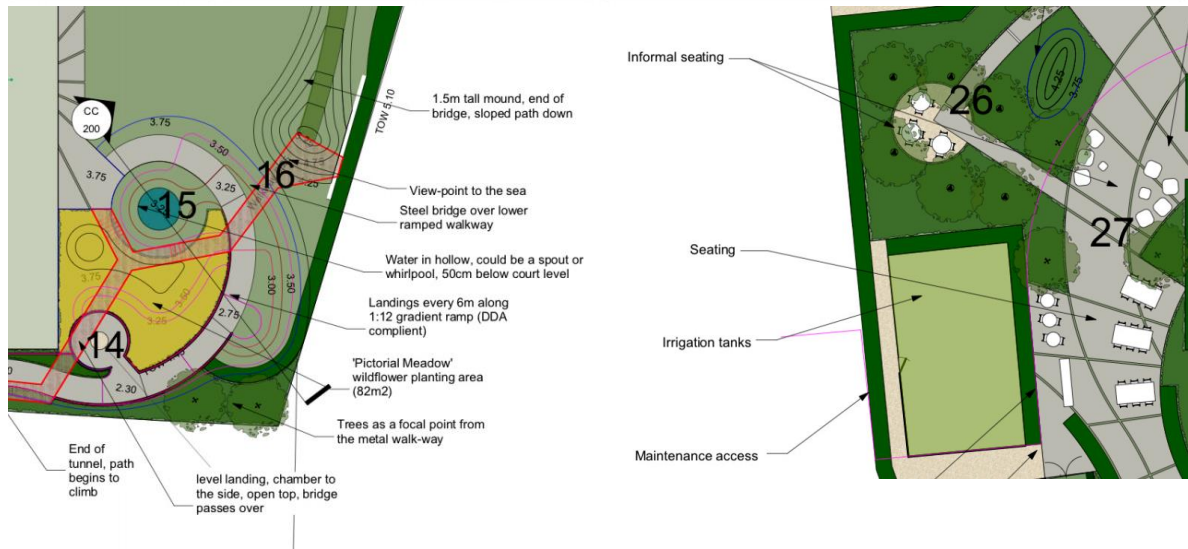
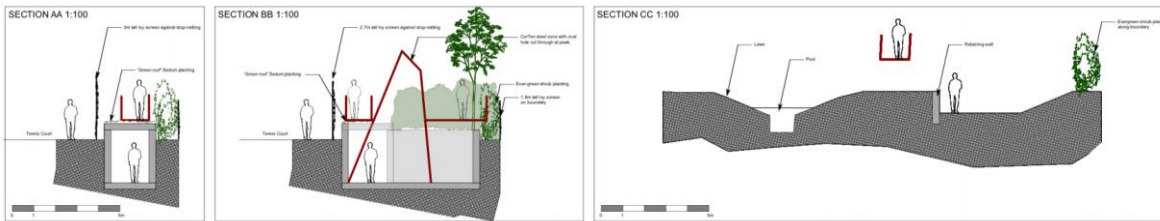
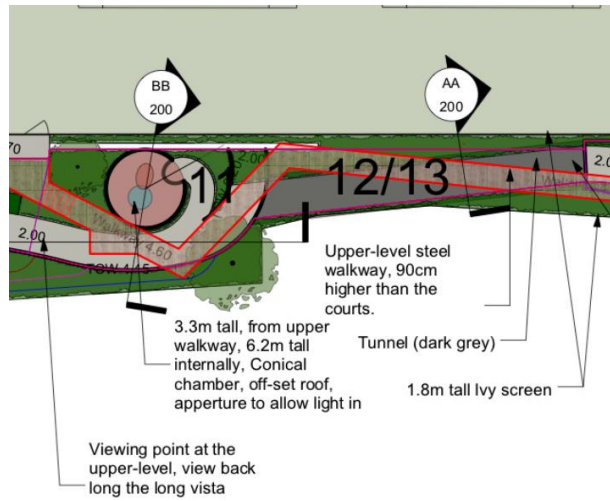
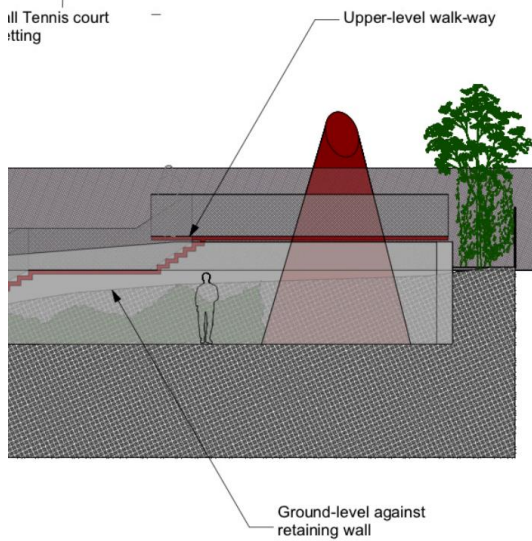
1.9 Photographs of surrounding area:



**2. PROPOSAL**

- 2.1 Planning permission is sought to create an art trail around the perimeter of the 10 tennis courts. The trail, available to the members of the public, would be accessed through the Pavilion reception area during the courts' opening times.
- 2.2 The art trail would consist of a path across which there would be a variety of structures and landscaping features, such as retaining walls, walkways, a sunken garden, water features, a pergola, turf mounds, a conical chamber, a tunnel, a viewing platform, and seating areas. To the west of the path and adjacent to the western boundary there would also be an irrigation tank. Some of the features of the trail as well as proposed materials are shown below.





### 3 RELEVANT PLANNING HISTORY

- 3.1 **19/01062/FUL** - Conversion of two grass tennis courts to artificial grass surface with installation of six, 8m high floodlights. Conditional Permission. 16.10.2019
- 3.2 **17/02164/PLAREG** - Creation of access gates onto Eastern Parade; formation of driveway and construction of outbuilding to provide storage. Conditional Permission. 02.04.2019
- 3.3 **16/00395/FUL** - Construction of temporary access road for a period of one year adjoining Eastern Parade and enabling the construction of Canoe Lake Tennis Pavilion. Conditional

- 3.4 **15/01679/FUL** - Construction of part single-/part two-storey building incorporating roof terrace following demolition of existing tennis pavilion. Conditional Permission. 10.12.2015
- 3.5 **14/00375/FUL** - Change of use of bowling pavilion to cafe and external alterations to include construction of 2 single storey side extensions and replacement cladding, formation of 4 artificial grass tennis courts to southern bowling green, installation of temporary dropped kerb and access from Eastern Parade; installation of 2.75m high chain link boundary fence; and associated landscaping. Conditional Permission. 29.07.2014

#### 4. **POLICY CONTEXT**

- 4.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS9 (The Seafront), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS17 (Transport) and PCS23 (Design and Conservation). Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan 2001-2011, The Seafront Masterplan (SPD), The Parking Standards and Transport Assessments (SPD) and Conservation Area appraisals for the 'Seafront' and 'Craneswater & Eastern Parade' Conservation Areas are also material to the determination of this application.

#### 5. **CONSULTATIONS**

- 5.1 **Highways Engineer** - no objection.
- 5.2 **Coastal Partners** - no objection.
- 5.3 **Lead Local Flood Authority** - no objection, subject to informative.
- 5.4 **HCC Ecology** - no objection subject to condition.
- 5.5 **Contaminated Land Team** - no objection subject to conditions.
- 5.6 **Landscape Architect** - While we would encourage the installation of art and applaud the creative thought behind this project, we feel that it would be of greater benefit if this was incorporated in the wider park area. The space around the tennis court is very narrow in places and the main concern with regards to this is the location of the proposed pergola and tunnel / walkway in the tightest spaces around the courts. It feels rather busy and could be a distraction to tennis players using the courts. This scheme feels like it could have the potential of overtaking and invading the primary use of the space as a tennis facility.
- 5.7 **Planning Policy** - no comments received.
- 5.8 **Asset Management** - no comments received.
- 5.9 **Seafront Manager** - no comments received.
- 5.10 **Gardens Trust** - no comments received.
- 5.11 **Hampshire Garden Trust** - no comments received.
- 5.12 **PCC Heritage Consultant** - comments awaited at time of writing this report and will be provided in supplementary papers.

#### 6. **REPRESENTATIONS**

- 6.1 Six letters of objections have been received raising the following concerns:
- Loss of sea view, green view,
  - Loss of light as a result of elevations,
  - Loss of privacy: viewing platform would give rise to people being able to look

- directly into the windows and balconies of Cresta Court,
- Environmental impacts: noise, pollution,
- Visual impact: solid black fences, concrete walls and viewing platform would be dominant within the local landscape and out of keeping with the surrounding area and would detract from the beauty and openness of the area; proposed plans would appear very cramped within the site,
- Traffic,
- Public open space should be protected from development,
- Impact on biodiversity,
- Unnecessary introduction of additional planting (trees) and the raising of the land to incorporate a viewing platform within a short walking distance of the actual seafront where these views can be much better enjoyed,
- Potential for anti-social behaviour, how this will be prevented?
- How well used tennis courts and art trail could be combined within this site?
- Lack of trees secured by landscaping condition relevant to 17/02164/PLAREG, maintenance area should be located to the south of the site and the maintenance area should be landscaped. This area is now used for storing of building rubble etc.
- Inadequate publicity

#### 6.2 Publicity dates:

- Site Notice (21.05-2021 - 02.07.2021),
- Press Notice (21.05.2021 - 02.07.2021),
- Neighbour letters (21.05-2021 - 02.07.2021 and 01.06.2021 - 13.07.2021 for additional neighbour letters).

## 7. COMMENT

### 7.1 The determining issues in this application are:

- Principle of development;
- Impact on character and appearance of the area and associated heritage assets
- Impact on residential amenity
- Impact on highway safety and car parking
- Impact on ecology including impact on sites designated for nature conservation
- Flood risk
- Other matters
- Planning balance

### 7.2 Principle of development

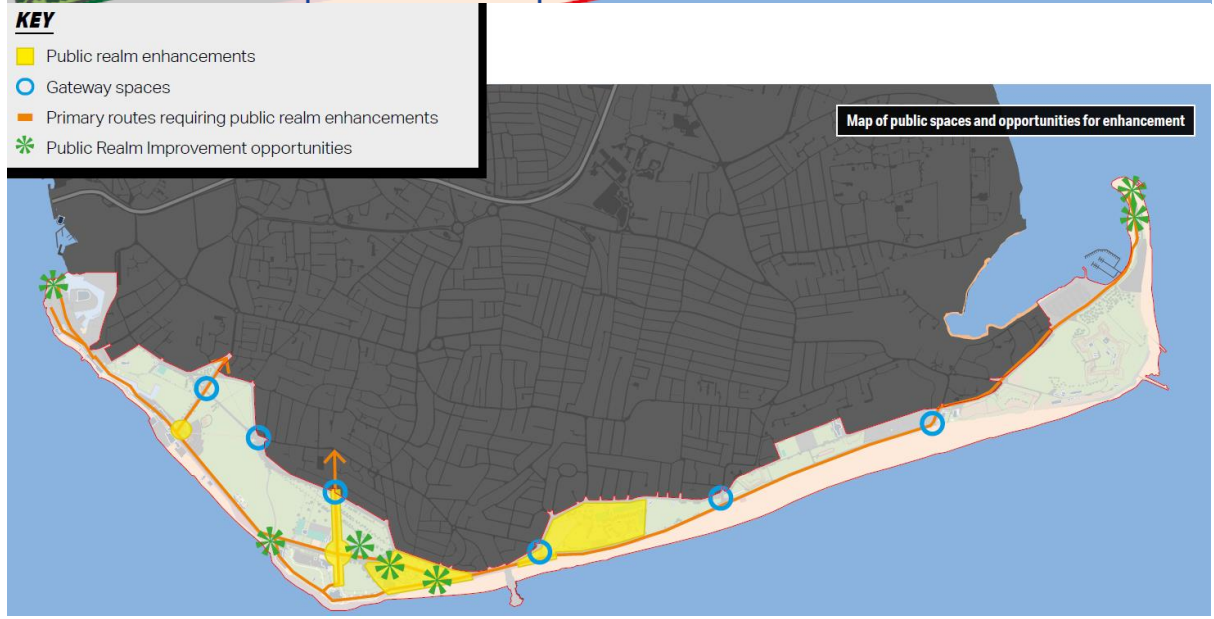
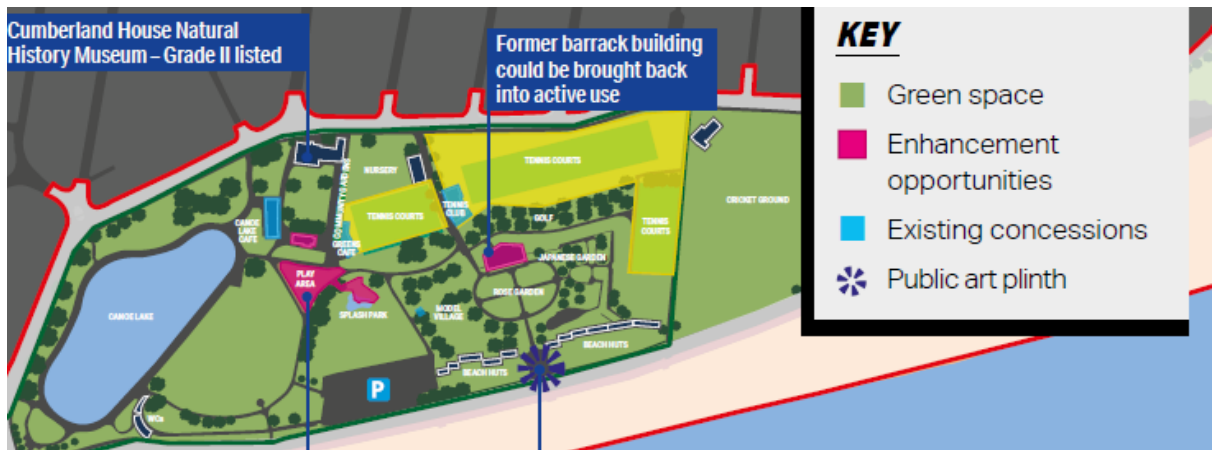
7.3 The application site is located in an area where Policy PCS9 (The Seafront) applies. The policy expects new development to "*contribute to the revitalisation of the seafront, tourism and the wider regeneration strategy for Portsmouth.*" It encourages and supports "*proposals for small scale restaurants, cafés and other uses and activities that will diversify the leisure and cultural offer without detracting from the open character of the seafront*".

7.4 The application site and the surrounding areas are also allocated as a protected open space by policy PCS13 (A Greener Portsmouth). This policy states that: "*The City Council will work collaboratively to protect, enhance and develop the green infrastructure network in the following ways: Refusing planning permission for proposals which would result in the net loss of existing areas of open space and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm*". In addition, the Policy requires development to retain and protect the biodiversity value of the development site and to produce a net gain in biodiversity wherever possible. Any unavoidable negative impacts on biodiversity as a result of development should be appropriately mitigated. The Policy aims "*to create a network of multifunctional green open space in Portsmouth for the enjoyment of residents and wildlife alike*", "*to contribute towards becoming a more sustainable city*", and "*to protect and enhance biodiversity in the city*".

7.5 The NPPF (2021) also aims to protect open space, sports and recreational land, including

playing fields from development. However, paragraph 99 allows for exceptions to be made in three situations, including when "the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

7.6 Of importance is also the recently adopted Seafront Masterplan SPD (2021) which sets out vision and development opportunities for the Southsea Seafront, including detailed guidance for Canoe Lake Park and the surrounding area. In summary, the Masterplan identifies this area as an area which accommodates a cluster of outdoor sports facilities with short-term development opportunities and public realm enhancements (as per diagrams below).



- 7.7 Finally, the NPPF (2021) defines Public Open Space as:
- 7.8 ***All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.***
- 7.9 In this case, the proposed development would be located on a grassed area which surrounds tennis courts and forms a part of an established sport facility. The proposed development would intensify and diversify the existing recreational use on this site by introducing an opportunity for the public to engage with art and physical activity in an outdoor environment, also contributing to the city's healthy living strategies as well as providing biodiversity enhancements. The proposal would not result in the existing public access to this open space being reduced but it would allow for more efficient use of the site than the current use, as a grassed area, offers. The Portsmouth Plan, as stated above, aims to provide a multifunctional open spaces for the enjoyment of the residents to create a more sustainable city, which this proposal would contribute towards to.
- 7.10 Turning to the impacts on the openness of the area and visual amenity, the proposed development would introduce areas of hard landscaping, series of physical structures, seating areas and planting therefore reducing the open feel of this site. However, Officers note that, as shown above, the surrounding landscape is not uninterrupted open. The site and the surrounding area include buildings and structures associated with the tennis courts, nearby cricket club, play areas and cafés etc. Existing trees and hedges also reduce the openness of the area as well as views towards the sea. Furthermore, the majority of the proposed structures would be located on the southern boundary of the application site, away from views from Eastern Parade and screened by planting to the south (adjacent to Japanese Gardens). Therefore, given the size of the application site and the physical scale of the proposed development, it is considered that the proposal would not have adverse visual impacts on the surrounding area and the extent of lost openness would not undermine its public value as an open space, as defined by the NPPF.
- 7.11 In light of the above, the principle of the proposed development is considered acceptable subject to no adverse impacts on the character and appearance of the area and associated heritage assets, residential amenity, highways, ecology and flooding.
- 7.12 Impact on character and appearance of the area and associated heritage assets
- 7.13 The site is located within the Southsea Seafront Conservation Area No.10 and also falls within the boundary of Southsea Common that is included in the English Heritage Register of Parks and Gardens of Special Interest as a grade II entry. The nearest listed building is the Cumberland House Museum to the west. There are other designated and non-designated heritage assets located further away from the application site.
- 7.14 The Historic England Register listing provides helpful observations in respect of the significance of the Southsea Common and the heritage assets within it:
- 7.15 *The Canoe Lake " is surrounded by lawns with scattered trees and a row of holm oaks along St Helen's Parade. To the south-east is a playground and a car-parking area adjoining the Esplanade. To the north-east of the lake is a C20 single-storey cafe and store, with the walled garden to the south of Cumberland House (listed grade II) immediately beyond to the east. Cumberland House, a two-storey villa built in c 1830?40, is now the Natural History Museum. Within the walled garden to the south is a late C20 butterfly house against the south wall of House, shrubberies around the walls, and formal bedding on the lawn in the centre.*
- 7.16 *To the east of the Canoe Lake and playground is an open stretch of grass, terminated to the east by the mid C19 Lumps Fort (...) laid out with a 1930s formal rose garden in the centre and a model village at the west end. The rose garden is laid out with formal beds on grass quarters formed between two crazy-paving paths which cross at a sundial in the centre. A path with a pergola circuits the edge of the garden and there are entrances to the north, south, and east. To the north-west of the fort and east of Cumberland House are bowling greens, with grass and hard tennis courts to the east."*

- 7.17 Considering these specific characteristics of the relevant heritage assets and in line with the guidance contained in the Council's Southsea Seafront Conservation Area No 10 Guidelines for Conservation, the small scale and detailed design of the proposed development would be sympathetic to the surrounding area and would have a neutral impact on the character and appearance of the Conservation Area. Furthermore, it would preserve the setting of the Cumberland House Museum to the west and other designated heritage assets located nearby.
- 7.18 As a result, in so far as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.
- 7.19 Third party concerns have been raised over visual impacts, including impacts of the proposed solid black fence, concrete walls and viewing platform that would be dominant within the local landscape and out of keeping with the surrounding area and would detract from the beauty and openness of the area. It has also been suggested that proposed plans would appear very cramped within the site.
- 7.20 It has been confirmed that the annotation on the plans referring to the solid black fence are incorrect and no such fence is proposed. Amended plans reflecting this have been received. Only a steel pergola is proposed in that place. Having regard to the specific characteristics of the surrounding area and the proposed development, it is not considered that the proposal would have adverse visual impacts on the character and appearance of the application site or the surrounding area.
- 7.21 Impact on residential amenity
- 7.22 The application site is located in excess of 20m away from the nearest residential properties located to the north and across Eastern Parade. Third party concerns have been raised over loss of light as result of the proposed development. However, given the separation distances between the nearest residential properties and the proposals, and relative heights, it is considered that the proposal would not cause unacceptable adverse impacts to the light levels these residential properties currently enjoy.
- 7.23 A concern has been raised over the viewing platform giving rise to people being able to look directly into the windows and balconies of Cresta Court. It is noted that the proposed platform would be located in excess of 60m away from Cresta Court and there is a public road and public footpaths between the application site and Cresta Court. Therefore, it is not considered that any views from the proposed platform towards Cresta Court would materially reduce the existing levels of privacy for the existing occupier.
- 7.24 Third party concerns over loss of view and the area's openness have been raised. Whilst the Conservation Area appraisal notes that the area is characterised by openness, the area accommodates numerous structures and tall planting. The application site and the surrounding area accommodates outbuildings associated with cricket and tennis, as well as a pavilion and a café. In addition, there are numerous trees which together with the various structures reduce the openness and long-distance views towards the seafront. The proposed structures, including the raised platform, steel pergola, conical chamber and the additional planting, would not reduce the long-distance views to an extent that could be considered to detract from the open feel of the wider area. Furthermore, as to the potential for loss of views from private properties, whilst the immediate outlook from windows is considered acceptable in planning terms, any stated 'right to a view' is not a material planning consideration.
- 7.25 Concerns over environmental impacts, including noise and pollution have been raised. However, the proposed activities would take place within a privately managed facility which also includes tennis courts and any excessive noise or pollution resulting from the activities would be dealt with by the site management. It is also noted that the site is located a sufficient distance away from the nearest residential properties which would further mitigate adverse noise impacts.
- 7.26 Impact on highway safety and car parking

- 7.27 The Highway Engineer has commented on the proposal and noted that Eastern Parade is a classified road (A288) and serves a strategic function within the local highway network. It has a wide single carriageway facilitating parking on both sides of the road and is subject to a 30mph speed restriction.
- 7.28 No traffic assessment has been provided however given the small scale of the development, this is acceptable as the proposal is considered unlikely to have a material impact upon the local highway network. Given the location and scale of the proposed development, it is only likely to be used by existing visitors to the area and would not be likely to result in an increase in parking demand.  
Portsmouth City Council's Parking SPD does not give an expected number of vehicle spaces for non-residential developments but rather requires applications to make an assessment of parking demand and demonstrate how this can be satisfied. No such assessment has been provided in support of this application and no parking can be provided on site for either staff or customers, therefore any demand associated with the site would have to be accommodated on street or via public parking facilities. Given the nature of the proposed development, it is considered that the development would be unlikely to attract a significant parking demand beyond that which could be associated with the existing use.
- 7.29 In light of the above, no highway objection has been raised.
- 7.30 Third party concerns over increased traffic are noted. However, in light of no objection from the Highway Officer on the grounds of increased traffic, refusing this application on this basis would not be sustainable.
- 7.31 Ecology including impact on sites designated for nature conservation
- 7.32 The application is supported by an Ecological Appraisal report (Arle Ecology, May 2021) including site-specific recommendations for mitigation.
- 7.33 The HCC Ecologist is satisfied with the report concluding that there will be no adverse ecological effects, including no effect on wintering brent geese on the adjacent core site identified in the Solent Waders and Brent Goose Strategy. The mitigation measures recommended for lighting in relation to bats and sensitive timing (or a nesting bird watching brief) in respect of breeding birds are also considered adequate to prevent adverse impacts on biodiversity. The planting measures proposed are considered to act as an enhancement in their own right, bringing the proposals in line with the NPPF and PCS13 in respect of biodiversity enhancements.
- 7.34 Third party concerns over impact on ecology on site and, in particular, light pollution are acknowledged; however, in light of the above comments, the proposed development is considered acceptable in terms of impact on ecology, subject to a condition securing the mitigation and enhancement measures recommended in the submitted ecological report.
- 7.35 Flood risk
- 7.36 The site is shown to lie within the Environment Agency's present day Flood Zones 2 and 3.
- 7.37 The Coastal Partners commented that the site is considered to be at risk from a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Portsmouth Harbour is 3.2m AOD, increasing to a predicted 4.3m AOD, due to the effects of climate change.
- 7.38 The applicant has submitted a Flood Risk Assessment (FRA) which sufficiently outlines how tidal flood risk at the site will be mitigated. The proposed development will retain the current "Less Vulnerable" flood risk classification of the site, which is considered compatible within Flood Zone 3. The nature of the proposed development is also unlikely to put additional people at risk of flooding.
- 7.39 The FRA advises that ground levels of the site are approximately 4.0m AOD, 0.8m above the present day 1:200 year extreme tidal flood level. Furthermore, users of the site are advised to sign up to the Environment Agency's Flood Warning Service.

- 7.40 Coastal Partners as part of Portsmouth City Council are currently constructing the next generation of coastal flood defences around Southsea. Upon completion of construction, these will be of direct benefit to this proposed development.
- 7.41 Furthermore, a detailed drainage strategy, including Ground Investigation Report has been submitted to show how rainwater run-off will be managed on site. The Lead Local Flood Authority has reviewed this information and raised no objection, subject to an informative in respect of measures to achieve effective infiltration.
- 7.42 In light of the above, the proposed development is considered to comply with the requirements of the NPPF and Policy PCS12 (Flood Risk) which expect development to be made safe for its lifetime without increasing flood risk elsewhere.
- 7.43 Other matters
- 7.44 The Contaminated Land Team has commented that the site is included in an area of former Ministry of Defence land which has been affected by World War II bombing. It is also in close proximity to land where elevated concentrations of lead (Pb) have been encountered, and as such the potential for land contamination should be considered during the works. As the proposed development involves excavating soil below current ground level and stockpiling the arisings on-site, appropriate conditions are necessary to ensure that any potential risk to future site users is considered.
- 7.45 In respect of third party comments raising concerns over the existing and proposed uses not being compatible, the submitted Statement clarifies that "*The proposal would not have any impact on the function of the tennis courts themselves. However, it would provide an additional cultural attraction that would be freely available to City residents and visitors.*" The planning agent has clarified that the introduction of the art trail would not to compromise their play in any way. This would be achieved by players having a separate path leading them to all of the courts (between the hedge and stop netting) so that they would not be required to walk the length of the trail. The hedging and stop netting provides the ideal visual backdrop for tennis to be played in the best conditions. There would be seating at the ends of the first grass court which allows spectators to watch play on the first three grass courts. There is also a good vantage point at the eastern end of the site to watch tennis on the adjacent courts. For larger tournaments, temporary seating would be located on the artificial grass court to allow many spectators to watch the show court.
- 7.46 Further concerns have been raised over the potential for anti-social behaviour. The planning agent has provided further information to clarify that the art trail would be located in a secure area contained by high fencing. The only method of entry would be through the existing pavilion which is staffed at all times. Numbers of people visiting the art trail would be strictly controlled and they would be given clear instructions before entry, e.g. no smoking, no unsupervised children. There are also security guards on site when the facilities are closed. They are stated to be present every night with no exceptions.
- 7.47 Third parties also commented that the development, including additional planting and viewing platforms is unnecessary in this location where views of the sea can be enjoyed from the seafront. However, it is noted that the proposal is for an art trail to provide an opportunity for the public to engage with art and the enjoyment of the sea views would not be the primary activity at the facility. When viewed from the application site, the sea views are already largely screened by existing structures and planting outside the application site.
- 7.48 Concerns have been raised over the proposed maintenance area, including concerns over lack of trees screening the existing shed which were secured with planning condition pursuant to permission reference 17/02164/PLAREG and that the existing maintenance area is being used for storing of rubble etc, being an eyesore and that the area should be located to the south. In respect of the trees secured by the planning condition, should planning permission be granted for this proposal then this permission would supersede the condition. Clearing of the existing rubble etc. is a part of the proposed works to use this area as a maintenance area.
- 7.49 Finally, third party comments over inadequate publicity are noted. Additional publicity has



been undertaken, including letters to residents as requested by third parties.

#### 7.50 Planning balance

7.51 The submission makes clear that the proposal would provide "*an additional cultural attraction that would be freely available to City residents and visitors.*" It is considered that, in summary, the proposal is acceptable in respect of specific policies for the Southsea Seafront and designated Public Open Space. The art trail would preserve the setting of nearby heritage assets and the character and appearance of the Southsea Seafront Conservation Area No.10. No demonstrable harm to residential amenities or highway safety have been identified and the proposed ecological mitigation measures would prevent any adverse impacts on biodiversity. Other matters, such as drainage and contaminated land have been successfully resolved during the course of the application and conditions are recommended, where appropriate. Third party concerns are acknowledged and addressed above, however, they do not outweigh the balance in favour of the proposed development.

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

#### **Time Limit**

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

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

#### **Approved Plans**

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

- Location Plan ( DL54-303 CourtX Location Plan Rev A),
- Masterplan (DL54-208 Masterplan Rev D),
- Masterplan and Sections (DL54 - 200 Sculpture Trail Rev D),
- Pergola Components (DL54-314 Art Trail),
- Drainage Plan (DL54 - 212 Art Trail),
- Sculpture Trail Materials Palette February 2021,
- Design, access and heritage statement by John Pike MRTPI IHBC (May 2021),
- Flood risk assessment by John Pike MRTPI IHBC (May 2021),
- Details of groundworks by Lobb Studio (23rd June 2021),
- Ecological Appraisal by Arle Ecology (May 2021),
- Preliminary Ground Investigation by Ground Management Ltd (January 2021).

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

#### **Contaminated Land**

3) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:

- 3a) An Initial Risk Assessment Report (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site, and considering the inclusion of preliminary site investigation (if required) to summarise the likely ground conditions and associated risks at the site; and once this report is accepted by the LPA, unless otherwise agreed in writing by the LPA,
- 3b) A Method Statement detailing the Brownfield working practices to be followed to avoid risks to site workers and the wider environment during any groundworks, and future site users on completion of the development. It shall include the nomination of a competent person to oversee the implementation of the method statement and include detail on how these measures will be recorded during the works (to include, but not be limited to a daily diary produced by the nominated competent person overseeing the works, and waste consignment notes for disposal of soils excavated from site).

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4) The development hereby permitted shall not be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, documentation to evidence implementation of the method statement as agreed in line with condition 3b above. This may include a daily diary of the nominated competent person overseeing the works, waste consignment notes for excavated soils etc.

Reason: 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.

**Ecology**

5) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall proceed in line with the measures detailed in sections 5.2 - 5.4 of the Court X Art Trail Ecological Appraisal (Arle Ecology, May 2021).

Reason: To avoid impacts to protected species and in line with the NPPF and PCS13 of the Portsmouth Plan 2012.

**INFORMATIVE**

During construction, in the areas of soakaways, it is imperative the clay band is broken to allow infiltration to occur. This may require extra excavation at soakaway locations, and backfill with porous material as necessary.

**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.

25 DRIFTWOOD GARDENS SOUTHSEA PO4 9ND

**CONSTRUCTION OF PART SINGLE, PART TWO-STOREY SIDE EXTENSION TO INCLUDE BALCONY, ROOF ALTERATIONS TO INCLUDE FRONT DORMER WINDOW (AMENDED DESCRIPTION)(AMENDED PLANS)**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QODBLXMOG000](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qodblxmog000)

**Application Submitted By:**

Design Team Studios  
FAO Joseph Moser

**On behalf of:**

Mr William Freemantle

**RDD:** 11th February 2021

**LDD:** 8th April 2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is included on the agenda following deputation requests from Councillor Stubbs and a local resident.

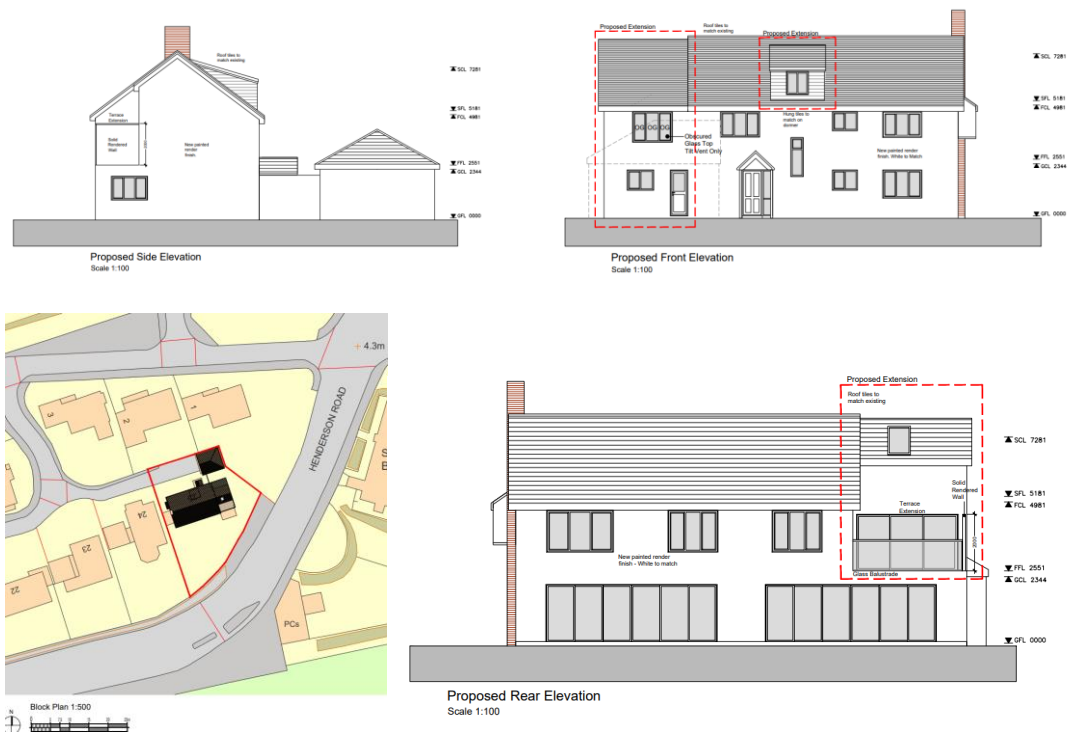
1.2 The main issues for the determination of this application are as follows:

- Principle of the proposal;
- Design and appearance;
- Impact on the amenity of neighbouring residents.

### 1.3 Site and surroundings

1.4 The application relates to a two-storey detached dwellinghouse located on the south side of Driftwood Gardens, on the corner with Henderson Road. The property has an existing single-storey side extension and conservatory, and a detached garage on the north-east side of the site. The rear garden is bound by a wall and there is mature vegetation on the frontage with Henderson Road. The site lies within The Seafront as defined by Policy PCS9 of the Portsmouth Plan (2012).

## 1.5 Proposal



1.6 The application plans have been amended during the course of the application following concerns raised by officers in relation to design and impact on the neighbouring residents. The amendments comprised the following:

- Removal of rear dormer window and balcony;
- Removal of east side facing window to first floor living room;
- Obscure glazing to north facing window to first floor living room;
- Removal of east facing window to roof space;
- Addition of privacy screen (2m rendered wall) to east side of new balcony;
- Slight reduction in ridge height of side extension

1.7 The amended scheme is for the construction of a part single, part two-storey side extension to the east side of the property, to include a first floor balcony; and construction of a dormer window to the front (north) roofslope. The extension would increase the size of the current side extension, and overall would measure 4m in width, 7.9m in depth (as per the existing dwelling), and up to 7.95m in height (marginally below the 8.1m ridge height of the existing dwelling). On the southern side, the first floor element of the extension would be set back by 2.1m to form a balcony, which would have a glazed screen to the south and a rendered wall on the east side. The front dormer would measure 2.4m in width and 1.4m in height to eaves and would be positioned roughly centrally within the north facing roofslope. The external walls of the extension and dwelling as a whole are proposed to be white painted render, to match the existing ground floor walls.

1.8 It is noted that the applicant has since submitted a separate application to determine if the dormer window to the south facing roofslope, and the conversion of the detached garage, can be constructed as permitted development (ref. 21/01104/CPL). This application is under assessment. It is noted that when planning permission was granted for the houses in Driftwood Gardens in 1978, a condition was imposed that stated: '*Provision shall be made for a garage and hardstanding within the curtilage of each dwelling*'. The condition did not require the garages to be 'retained' therefore there is no specific restriction preventing the garage converting to a new use.

## 1.9 Planning history

- 1.10 21/01104/CPL - application for lawful development certificate for the proposed construction of dormer to rear roofslope with Juliette balcony; installation of rooflight to front roofslope and conversion of garage to home office - under determination.
- 1.11 B\*30441/D - erection of sun lounge - conditional permission 24th September 1984
- 1.12 B\*30441/C - side extension to dwelling - conditional permission 27th January 1982
- 1.13 B\*30441/B - two storey extension - permission 8 September 1980
- 1.14 A\*30441/A - redevelopment of site for residential purposes - conditional permission 11 January 1978

## 2.0 **POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012)

- PCS9 (The Seafront)
- PCS23 (Design and Conservation)

### 2.2 Portsmouth City Local Plan 2001-2011 (Adopted 2006)

- Saved Policy DC21 (Contaminated Land)

### 2.3 Other Guidance

- National Planning Policy Framework (NPPF) (2021)
- National Design Guide (2019)
- National Planning Practice Guidance

## 3.0 **CONSULTATIONS**

### 3.1 Langstone Harbour Board

3.2 No objection.

### 3.3 Southern Gas Network

3.4 No comments received.

### 3.5 Contaminated Land Team

3.6 Site is located close to a number of potentially contaminative uses including former MoD land. Recommend informative to inform applicants what to do in the event contamination might be found.

## 4.0 **REPRESENTATIONS**

### 4.1 PCC publicity dates:

- Neighbour letters sent:
  - First round: 12 April 2021; expiry 26 May 2021
  - Second round (amended plans): 29 June 2021; expiry 21 July 2021

- 4.2 Following initial consultation 3 representations were received, raising the following concerns:
- loss of privacy from proposed front dormer window;
  - concern about change of garage to office and possible increase in vehicle movements and air pollution;
  - there is a clause in the house deeds that prevents a balcony facing the sea;
  - concerns about disruption during construction works;
  - overbearing impact from proposed side extension;
  - loss of light to neighbouring garden;
  - loss of privacy to neighbouring house and garden from side facing windows and balcony;
  - proposed living room window is too large and not in keeping with other windows on the property;
  - proposed dormers should be replaced with velux windows, more in keeping with surrounding area;
  - increased noise from office;
  - potential for home office to be lived in as a dwelling;
  - concern that increased number of bedrooms could lead to multiple occupancy;
- 4.3 3 representations received in support of the proposal, for the following reasons:
- the development will enhance the area;
  - several other properties have carried out works to enhance them;
  - will give the property a more modern appearance;
  - the development would not impose on other properties.
- 4.4 A representation has been received from Councillor Luke Stubbs, raising concerns about the impact of the development on neighbouring amenities in terms of overlooking from the balcony and east facing windows. Deputation request made.
- 4.5 Following consultation on amendments, a further 3 representations were received, raising concerns as follows:
- loss of privacy from dormer window on north roofslope; dormer not required;
  - concern that the plans may not accurately show the location of bedrooms;
  - overbearing impact of proposed extension;
  - loss of privacy from north facing living room window; obscure glazing could be changed to clear glazing and tilt vent could allow significant views;
  - increased noise disturbance;
  - north facing living room window is too large and out of keeping with other windows;
  - proposed timber privacy screen would be visually unattractive and may weather badly;
  - timber privacy screen not sufficient to prevent noise disturbance;
  - south facing rooflight would be out of character;
  - remaining concerns that home office could be used as a dwelling; no need for shower.

## **5.0 COMMENT**

### **5.1 Principle of the proposal**

5.2 The application relates to a dwellinghouse where alterations and extensions are considered acceptable in principle, subject to other relevant policy considerations including design and impact on neighbouring residents. The site lies within the seafront area of the city as defined by Policy PCS9 of the Portsmouth Plan. However, this policy does not include any specific requirements relating to householder developments.

### **5.3 Design and appearance**

5.4 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and to be of an appropriate scale and appearance in relation to its context.

- 5.5 The application sites lies within a visually prominent location on the corner of Driftwood Gardens and Henderson Road, with the south elevation (first floor level) visible from the seafront promenade. When viewed along the promenade, there are some variations in the design and use of materials on dwellings on the south side of Driftwood Gardens, with other examples of side extensions and balconies (e.g. No. 23). The application property already has a side extension with a balcony set within its roofslope on the southern side. The proposal would increase the height of the side extension, but the set back from the southern side would retain an element of subservience. The ridge height of the extension has also been marginally reduced to indicate a subservience to the host dwelling. A neighbouring resident has raised concerns about the size of the first floor window shown on the north side of the extension. Whilst this window would be slightly larger than those on the existing north elevation, it would be of a similar style and is not considered to be harmful to the appearance of the property.
- 5.6 The extension is proposed to be rendered as per the ground floor walls of the existing property and the plans indicate that the existing first floor tile hanging would also be replaced by render to achieve a matching finish for the whole property. Whilst the immediate neighbouring properties have tile hanging it is noted that there is a general variety of facing materials used within Driftwood Gardens, including render and weatherboarding. The painted render finish is therefore considered acceptable.
- 5.7 The proposed dormer on the north facing roofslope would be modest in size and finished in tile hanging to match the roof tiles, and it is considered that this element of the scheme would be acceptable in terms of its design and appearance.
- 5.8 Overall, the extension and dormer window are considered to be of an acceptable design to respect the appearance of the existing dwelling and wider context, in accordance with Policy PCS23 of the Portsmouth Plan (2012).
- 5.9 Impact on the amenities of neighbouring residents
- 5.10 The two-storey extension would be constructed on the east side of the property and the nearest neighbouring dwelling is No.1 Driftwood Gardens, approximately 14m to the north-east. The garden of No.1 extends adjacent to the eastern boundary of the application site and following concerns raised by the occupier, the relationship between the two properties was assessed on site. It is acknowledged that the proposed extension would increase the bulk of the application dwelling in close proximity to the garden boundary of No.1. However, in view of the separation distance and siting relative to No.1, it is not considered that the extension would materially harm the living conditions of the occupier of No.1, having regard to considerations of outlook or light. . There is also a fair amount of vegetation along the garden boundary between the two sites which offers some visual screening. The proposed side extension is therefore not considered to result in a significant impact in terms of sense of enclosure or loss of outlook. In terms of privacy, the application plans have been amended to remove two windows previously proposed for the east side elevation and a privacy screen comprising a 2m high rendered wall is proposed on the east side of the balcony. Whilst a window is still proposed for the north elevation of the extension, this would be obscure glazed and tilt vent opening only, therefore not allowing direct overlooking. On the basis of the amended plans, the development is not considered to result in a significant impact on the amenities of the neighbouring residents of No.1 Driftwood Gardens.
- 5.11 Concerns have also been raised about loss of privacy from the north-facing front dormer window. However, this window would serve a staircase only and it is not considered that there would be any significant degree of overlooking from this window.
- 5.12 To conclude, the proposal as amended is considered to be acceptable in terms of its relationship with the neighbouring properties and would not adversely impact on their amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

5.13 Other matters raised in representations

5.14 The proposed conversion of the garage to a home office is now being dealt with under a separate application for a certificate of proposed lawful use. This will determine if the conversion can be carried out under permitted development and therefore not require planning permission. Although the certificate application has not yet been determined, a provisional assessment has determined that it is likely to be considered permitted development.

5.15 Restrictions outlined in clauses / covenants are legal matters that would be addressed outside of the planning system. The presence of a covenant would not in itself prevent planning permission being granted but may affect the ability for it to be implemented.

5.16 Conclusion

5.17 The proposed extension is acceptable in terms of its design in relation to the host dwelling and surrounding area and would not have a significant impact on the amenities of neighbouring residents in terms of loss of outlook, light or privacy. The proposal therefore accords with the relevant policies of the Portsmouth Plan and the National Planning Policy Framework (NPPF).

## **RECOMMENDATION - conditional permission**

### **Conditions**

#### **Time limit**

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

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

#### **Plan numbers**

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: 500.P100\_B (Block and Location Plan); 500.E101\_A (Existing Ground Floor Plan and First Floor Plan); 500.E102\_A (Existing Roof Plan); 500.E103\_A (Existing Side and Front Elevations); 500.E104\_B (Existing Side, Rear and Garage Elevations); 500.P101\_B (Proposed Ground Floor Plan); 500.P102\_D (Proposed First and Second Floor Plan); 500.P103\_D (Proposed Roof Plan); 500.P104\_F (Proposed Front and side Elevation); and 500.P105\_F (Proposed Side, Rear and Garage Elevations).

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

#### **Materials**

3) The development shall be carried out in accordance with the materials shown on the approved plans and particulars, to include white painted render, unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan (2012).

#### **Obscure glazing**

4) The first floor window on the north elevation of the extension hereby permitted shall be glazed with obscure glass to Pilkington Level 3 or equivalent and shall be non-opening other than tilt vent as shown on Plan ref. 500.P104\_F, and retained thereafter.

Reason: To protect the privacy of neighbouring residents in accordance with Policy PCS23 of the Portsmouth Plan (2012).



**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.

21/00854/HOU

WARD:BAFFINS

162B COPNOR ROAD PORTSMOUTH PO3 5BZ

RELOCATION OF FRONT DOOR TO PROPERTY FROM EAST ELEVATION TO SOUTH  
ELEVATION AND REPLACE WITH WINDOW

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QU5CQRMOJKE00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=QU5CQRMOJKE00)

**Application Submitted By:**

Mr Lee Martin

**On behalf of:**

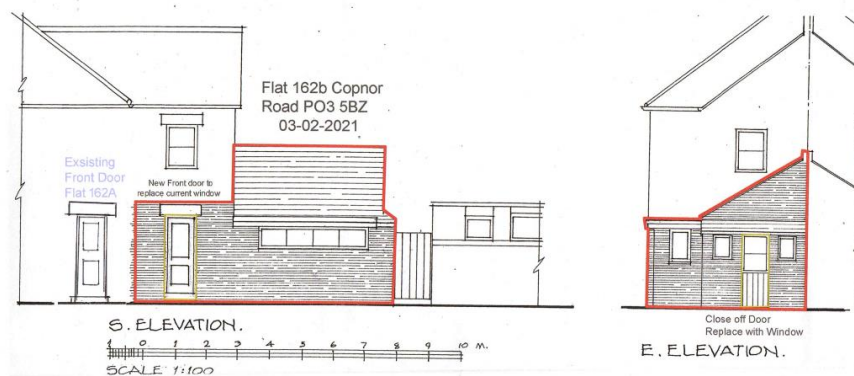
Mr Lee Martin

RDD: 4th June 2021

LDD: 17th August 2021

**1.0 SUMMARY OF MAIN ISSUES**

- 1.1 This application is being presented to the Planning Committee as the applicant's partner is a Portsmouth City Council employee.
- 1.2 Site
- 1.3 The application relates to a single storey residential unit, located to the east of 162 Copnor Road. The entrance to the application property is currently accessed via Seafield Road, via an off-street gated courtyard immediately west of No.1 Seafield Road. The entrance for 162A Copnor Road is located on the southern elevation of No.162. The building is finished in red facing brick with white upvc fenestration and stone lintels below a clay tile roof.
- 1.4 Proposal
- 1.5 Relocation of the front door of the property from the east elevation to the south elevation and replacement of existing east-facing door with a window. As this is a flat, it does not benefit from permitted development rights.



1.6 History

1.7 09/00796/CPE  
Application for a Certificate of Lawful Development for existing use as a flat  
Granted (12 August 2009)

**2.0 POLICY CONTEXT**

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

**3.0 CONSULTATIONS**

3.1 None.

**4.0 REPRESENTATIONS**

4.1 None received.

**5.0 COMMENT**

5.1 The main considerations within this application are:

- Principle of Development
- Design
- Amenity

5.2 Principle of Development

5.3 The application site is a converted dwellinghouse, whereby alterations and extensions are considered acceptable in principle subject to relevant material considerations.

5.4 Design

5.5 Policy PSC23 of the Portsmouth Plan specifies that proposals should be respectful in terms of the host building, being of an appropriate design and size, appearing appropriate when read in context.

5.6 The external alterations proposed comprise the alteration of an existing door on the eastern elevation to be replaced with a window, and the existing window on the southern elevation to be replaced by a new entrance door. The proposals would incorporate the same materials, which are also reflected within the wider surroundings and would align with a similar entrance door on the same elevation serving Flat 162A. The proposal is considered to be of a minimal nature not having an adverse impact upon the host building nor the surrounding vicinity. To conclude, the proposal is considered to be acceptable in terms of overall design, as such being in line with national and local policies.

5.7 Amenity

5.8 Due to the limited nature of development proposed, comprising external alterations to the existing building and fenestration, the surrounding amenities are not considered to be impacted upon.

5.9 Conclusion

5.10 To conclude the proposal is considered to be in accordance with both local and national policies, and would be recommended for approval subject to conditions.

## **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.

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

- 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:

Flat 162b, Copnor Road, Portsmouth, City Of Portsmouth, PO3 5BZ

Existing Elevation, Flat 162b Copnor Road, PO3 5BZ

Flat 162b Copnor Road, PO3 5BZ, 03-02-2021

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

- 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.

Reason: In the interests of the visual amenities of the area in accordance with Policy PCS23 of the Portsmouth Plan (2012).

### **PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the pre-application process to achieve an acceptable proposal without the need for further engagement.

38 ST CHADS AVENUE PORTSMOUTH PO2 0SB

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION).

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q73A3VMOG3I00>

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Rob Vandenberghe

**RDD:** 13<sup>th</sup> April 2021

**LDD:** 8<sup>th</sup> June 2021

## 2.1 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee following a request made by Cllr Wemyss and a deputation request from a local resident.

1.2 The main issues for consideration relate to:

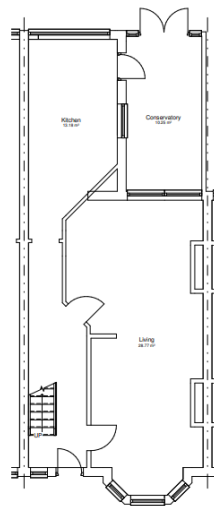
- The principle of development;
- The standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

## 1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

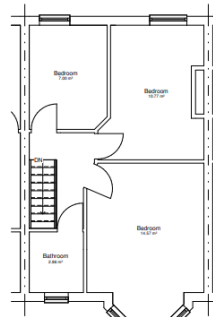
### 1.4 Site and Surrounding

1.5 This application relates to a two-storey, mid-terrace property located on the south side of St Chad's Avenue, Hilsea. Typical of the prevailing character, the property has a two-storey front bay window and is separated from the road by a small front forecourt. To the rear of the dwelling is an enclosed garden. The property is currently a three-bedroom single dwellinghouse. It has recently been the subject of two single storey rear extensions pursuant to permitted development rights and prior approval under reference 20/00129/GPDC), which replaced a previous single storey extension and conservatory. The new extensions were substantially completed at the time of the officer site visit on 11<sup>th</sup> June 2021.

1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey Victorian-era terraced properties with a similar visual style. A number of the properties have been subdivided into flats. There are no recorded HMOs within a 50m radius of the property.



1 Existing Ground Floor  
1:50



2 Existing First Floor  
1:50

### 1.7 Proposal

- 1.8 Planning permission is sought for the change of use from a dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).

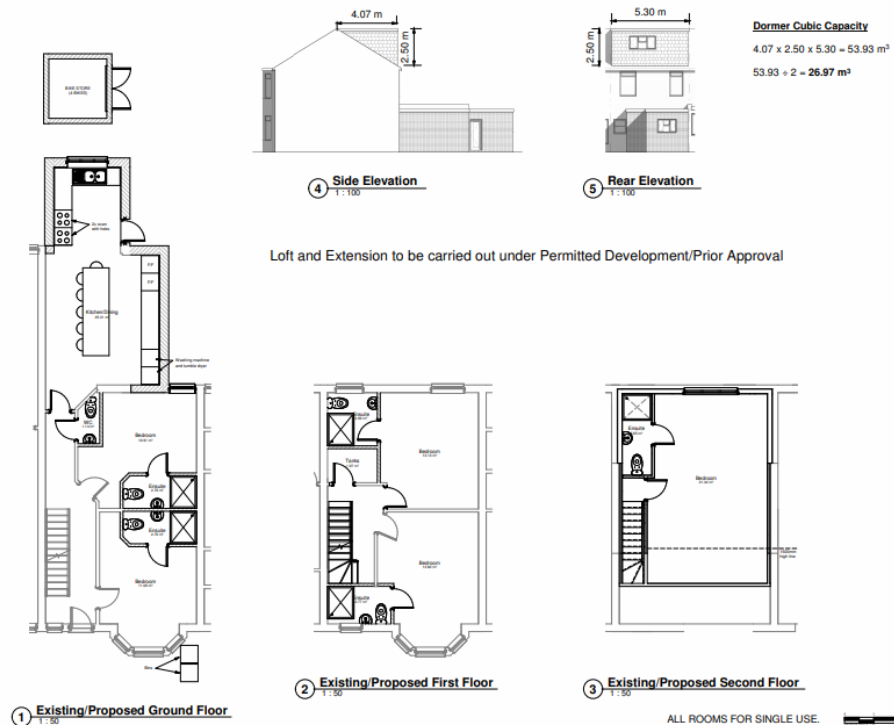
The internal accommodation would comprise the following:

Ground floor - Two bedrooms with ensuites, WC, study, communal kitchen/dining area

First floor - Two bedrooms all with ensuites.

Second floor (Loft) - One bedroom with ensuite.

- 1.9 The originally submitted plans were amended to show the recently constructed rear extension approved pursuant to 20/00129/GPDC.



## 1.10 Planning History

- 1.11 20/00129/GPDC - Construction of Single Storey Rear Extension. Prior approval not required. 27.1.21

## 2.0 POLICY CONTEXT

### 2.1 Portsmouth Plan (2012)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation)

- 2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

### 2.3 Other guidance:

- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

## 3.0 CONSULTATION

- 3.1 **Private Sector Housing** - no comments received.

- 3.2 **PCC Highways** - Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The

requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 4+ bedroom HMO is 2 spaces and 4 cycle spaces. Consequently this proposal increases the parking demand by 0.5 spaces and secure cycle spaces by 2. A cycle store is provided to the rear of the property for 4 cycles, however no parking is proposed as part of this application. No parking survey information has been submitted to demonstrate on street capacity to accommodate this shortfall within a 200m walking distance of the application site.

- 3.3 Notwithstanding the policy conflict and absence of information regarding availability of on street parking, given the quantum of the additional shortfall being only half a parking space I do not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore I would not wish to raise a highway objection to this proposal.

#### **4.0 REPRESENTATIONS**

- 4.1 Site notice displayed by applicant, expiry 31.5.21. Neighbour letters sent: 14.4.21, expiry 31.5.21.

- 4.2 Letters of representation have been received from 28 households objecting on the following grounds;

- Parking;
- Excess of HMOs in the area;
- Unregistered HMOs in the area noted at No.1 and 10 St Chad's Ave;
- Also an AirB&B in the road;
- Additional pressure on drainage system;
- Commercial vehicles park on the road overnight;
- Already flats built at end of the road;
- Noise and anti-social behaviour;
- Rubbish;
- Safety in the area compromised;
- Existing sewage issues in area will be exacerbated;
- Loss of family home for which there is market demand by families;
- This is a family area, close to schools, not suited for HMOs;
- Impact on value of properties in the road;
- Impact on air quality;
- Works on the property have already started without planning permission;
- Extensions to the dwelling are larger than any in the road;
- Problems accessing data on Council website

- 4.3 A letter has also been received from Penny Mordaunt MP in response to representations from local residents. She queries whether the absence of off-street car parking is sufficient for the proposed HMO and considers resident parking concerns to be well founded. In addition, the LPA is requested to investigate the number of HMOs in the locality of the property to address resident concerns in this regard.

#### **5 COMMENT**

- 5.1 The main determining issues for this application relate to the following:
- The principle of development;
  - The standard of accommodation;



- Impact upon neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

5.1 Principle of development

5.2 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a single 3-bedroomed dwelling house (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people who shared basic amenities such as a kitchen or bathroom.

5.3 Policy PCS20 of the Portsmouth Plan states that application for the change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use. Based on the information held by the City Council there are no other confirmed HMOs within a 50m radius of the application site. Within this 50m radius (including the application site) there are 61 properties. This number takes into account any properties which have been subdivided into flats, which records indicate to be applicable only at No.20 St Chad's Avenue and 43 Hewett Road. The addition of the proposal would result in 1.25% of properties being an HMO within the 50m radius, thus falling within the 10% threshold.

5.4 Whilst the above HMO count is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. During the consultation period, two addresses were raised in the representations as being potential HMOs, at No.1 and 10 St Chad's Road. However these sit outside the 50m radius.

5.5 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs.

5.6 In this instance, there are not adjoining HMOs to the application property. Therefore, the proposed development would not result in three or more Class C4 HMOs being adjacent to each other nor would it result in any residential property (Class C3 use) being 'sandwiched' between two HMOs.

- 5.7 The existing C3 lawful use permits up to six residents to occupy a dwelling as a single household. As such, it is not considered that objections to the increase in potential occupiers can reasonably be sustained. Furthermore, the proposal would create flexible C3/C4 accommodation which would help support the housing needs in the city.
- 5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).

Standard of accommodation

- 5.9 The application seeks, in addition to a continuing C3 use, the opportunity to use inter-changeably the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six unrelated individuals with each of the five bedrooms meeting the minimum size standards for double occupancy. Whilst the applicant has confirmed the bedrooms would be single occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.
- 5.10 The communal living areas exceed the communal space requirements for a four person HMO and meet the requirements for a six person HMO. In addition, all of the bedrooms are above the minimum space requirement and are above the additional standard of 10m<sup>2</sup> as defined within the 'Standards for Houses in Multiple Occupation' guidance document (2019).

HMO SPD (OCT 2019)	Area Provided m <sup>2</sup>	Required Standard m <sup>2</sup>
Bedroom 1 (Gr Floor)	10.91	6.51
Bedroom 1 Ensuite	2.76	Undefined
WC	1.14.	Undefined
Combined Living/kitchen area (3-5 persons)	25.31	24 sq.m
Bedroom 2	11.09	6.51 sq.m
Bedroom 2 Ensuite	2.76	Undefined
Bedroom 3 (FF)	13.13	6.51 sq.m
Bedroom 3 Ensuite	3.09	Undefined
Bedroom 4 (FF)	13.82	6.51 sq.m
Bedroom 4 Ensuite	2.77	Undefined
Bedroom 5 (double)	21.24	11
Bedroom 5 ensuite	5.85	Undefined

- 5.11 In summary, it is considered that the proposal is in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (October 2019) and is considered to provide an adequate standard of living accommodation to facilitate up to 6 persons sharing.

5.12 Impact on neighbouring living conditions

- 5.13 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.

- 5.14 It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) that HMOs often result in an increased number of neighbour complaints. The issue of noise disturbance has also been raised within the objections received. Appendix 5 of the amended HMO SPD identifies that 9% of all known HMOs in Portsmouth have received complaints with regard to issues such as waste, noise and disturbance. This is significantly above the 1% of complaints that are registered against all non-HMO properties. This highlights the importance of considering the potential amenity impacts of HMO proposals in all cases and of assessing specific impacts, such as noise, traffic, privacy and general disturbance as described in paragraph 2.17 of the amended HMO SPD.
- 5.15 It is considered the intensity of the use of the property would not be significantly altered by the proposal as the proposed use would accommodate a similar number of occupants to that already lawfully permitted under class C3. It is not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance / disturbance.
- 5.16 Concerns have been raised in the representations regarding a potential increase in crime as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime than a Class C3 dwelling.
- 5.17 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 5.18 As there is not considered to be an overconcentration of HMOs within the street currently, it is considered that the impact of a proposed C4 HMO would not be significantly harmful at this particular point in time.
- 5.19 Highway/Parking Implications
- 5.20 The City Council's Parking Standards SPD sets out the level of off-road parking facilities for new developments within the city whereby there is a requirement of 2 off-road spaces for C4 HMOs. The same requirement applies to dwellinghouses with 2 or more bedrooms.
- 5.21 The site does not benefit from off-street parking and there is no ability to provide parking on the site. It is recognised that the street is heavily parked and the comments made in representations are noted. However, the existing lawful C3 use is capable of accommodating 6 persons in a single household and it is not considered that objections on grounds of increased parking pressure from a C4 HMO use could reasonably be sustained on this basis.
- 5.22 The Council's highways engineer raises no objection to the proposals on the basis of there being an increase of only 0.5 space requirement for the development, relative to the existing use.

- 5.23 The Council's Adopted Parking Standards sets out a requirement for C4 HMOs with four or more bedrooms to provide space for the storage of at least 4 bicycles. The submitted drawings indicate provision of a cycle store for 4 bicycles in the rear garden which is considered acceptable.
- 5.24 Waste
- 5.25 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.26 Impact on Special Protection Areas
- 5.27 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from three self-contained flats to one dwellinghouse which would be used for flexible C3/C4 use. The existing and proposed use would both allow up to 6 people and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 5.28 Other Matters raised in the representations
- 5.29 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local infrastructure. However, having regard again to the existing lawful use of the property as a C3 dwelling house and permitted number of occupants, it is considered that such concerns are not sustainable. Concerns raised in terms of property values are not valid material planning considerations
- 5.30 It is noted that concerns are raised about the erection of the rear extensions at the property. The case officer has visited the site and these appear to have been built in compliance with the drawings given prior approval under application reference 20/00129/GPDC.
- 5.31 Conclusion
- 5.32 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time limit**

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

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

**Approved plans**

- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Site Location Plan and Existing/Proposed Plans PG5164.20.04revB and PG5164.20.01

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

**Cycle storage**

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided in line with the approved drawings and retained thereafter for the use of residents.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

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

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