

# NOTICE OF MEETING

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## PLANNING COMMITTEE

**WEDNESDAY, 29 SEPTEMBER 2021 AT 10.30 AM**

## COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services  
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**

**2 Declaration of Members' Interests**

**3 Minutes of the previous meeting held on 8 September 2021 (Pages 13 - 20)**

RECOMMENDED that the minutes of the Planning Committee held on 8 September 2021 be approved as a correct record to be signed by the Chair.

**4 Update on previous applications**

Planning applications

**5 20/00913/HOU - 28 Tregaron Avenue, Portsmouth, PO6 2JX (Pages 21 - 74)**

Construction of two storey rear extension following demolition of existing conservatory

**6 20/00241/FUL - Portsmouth College, Tangier Road, Portsmouth, PO3 6PZ**

Construction of two storey building (Class D1) with associated soft and hard landscaping

**7 20/01513/CS3 - Land Site Of, 7 Karen Avenue, Portsmouth, PO6 2HR**

Construction of 2no. Four bedroom bungalows and two storey building providing 4no. Four bedroom flats, with associated parking and landscaping

**8 20/00121/VOC - Former Portland Hotel, Kent Road, Southsea, PO5 3ET**

Application to vary Condition 2 of planning reference 19/01370/MMA (amending application reference: 16/01584/FUL) to allow construction of additional vehicular access fronting Kent Road (description amended)

**9 21/00366/FUL - 51 Farlington Road, Portsmouth, PO2 0DS**

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>		

# Agenda Item 3

## PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 8 September 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)  
Chris Attwell  
Jo Hooper  
Robert New  
Judith Smyth  
Lynne Stagg  
Gerald Vernon-Jackson CBE

### Welcome

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

#### 75. Apologies (AI 1)

Apologies had been received from Councillors Matthew Atkins, George Fielding and John Smith. Councillor Jo Hooper joined the meeting at 11.10 am.

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

Councillor Vernon-Jackson declared a personal and non-prejudicial interest for agenda item 4 (Update on Planning Applications) as he lives in one of the roads mentioned (Lindley Avenue). He has no connection with the application and did not know it would arise at the meeting.

#### 77. Minutes of the Previous Meeting held on 18 August 2021 (AI 3)

**RESOLVED that the minutes of the Planning Committee held on 18 August 2021 be agreed as a correct record.**

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

The Head of Development Management gave the following updates:

- 27 Guildhall Walk - The Planning Inspector had dismissed an appeal against an application for prior approval relating to change of use from offices to ten one-bedroom self-contained flats. The appeal was accompanied by an application for costs against the decision, which the Planning Inspector refused.
- 118 Prince Albert Road - The Planning Inspector had dismissed an appeal against refusal of planning permission for change of use from an HMO (House of Multiple Occupation) (Class C4) from a six person to a seven person/seven-bedroom HMO (sui generis).
- 45 Lindley Avenue - an enforcement notice appeal is pending for a rear dormer clad in non-matching roof tiles and the alteration to a first-floor rear projection to facilitate the creation of a rear dormer by replacing a pitched roof with a flat one with a subsequent increase in height of the eaves.

The Chair urged the Committee to continue to test the quality of living environment, communal space and room sizes in HMO applications. Even though the Committee may not always make the right decisions consistently it seems that the Planning Inspector is in broad agreement.

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

The Head of Development Management introduced the report and drew attention to the Supplementary Matters which reported that:

*At paragraph 1.5 of the original report, the dimensions of the proposed sign should state "0.2m depth".*

The Head of Development Management read out a deputation from Mr and Mrs Smith, who objected to the application.

Deputations are not included in the minutes but can be viewed on the livestream on the website here

[Agenda for Planning Committee on Wednesday, 8th September, 2021, 10.30 am Portsmouth City Council](#)

Members' Questions

In response to questions from members, officers explained that

- A previous application for a sign on the north elevation sign had been refused. Consent had been granted for a sign on the west elevation and the major difference is that in the current proposal the sign would still be on the west elevation but 30 metres due south of the sign that was approved in 2007.
- The illumination level is the standard level for signage so as not to have an impact on amenity and residents.
- There are a couple of trees in a small fenced-off square in front of the site and to the right-hand side of the square there is a belt of trees. The sign is at an angle to the deputees' property and is 30 metres from the edge of their property. There are no plans to remove any of the trees.
- The area around the site looks very different now as opposed to winter when the photographs in the presentation were taken. The building is more obscured when the trees are in leaf, particularly from the road.
- There are a couple of street lights between the deputees' property and the site.
- The photographs taken by the deputees in their garden show a panoramic view.

Members' Comments

Members noted that as planning permission had been granted previously for a sign on the west elevation a refusal would be unlikely to be sustained on appeal. However, they were pleased that the operating hours in the evening had been reduced from 20:00 hrs to 19:00 hrs as it would help reduce the impact on neighbouring properties.

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

## 80. Building 1-209, Shipbuilding Road, Portsmouth - 21/00347/FUL (AI 6)

The Head of Development Management introduced the report and drew attention to the Supplementary Matters which reported that:

*A consultation response has been received from Natural England. They have raised no objection subject to appropriate mitigation being secured. The Ecology Appraisal confirms a potential effect on the SPA. In terms of visual disturbance, no further mitigation is required. No objection relating to noise subject to use of a SR-65 EVO Hydraulic Rotary Rig or similar, and noise levels not exceeding 70dB. The submitted CEMP would ensure no harm caused through pollution, run-off, dust or debris.*

*The applicant has submitted the following additional evidence in respect of contamination survey findings and mitigation already undertaken:*

- *Test results of soil suspected of being contaminated from Olfactory and Visual evidence.*
- *Construction Phase Health & Safety Plan - Updated with revised RAMS.*
- *(Asbestos & Contaminated Soil) - Waste Transfer license.*
- *Obstruction Plan*

*For archaeology, an additional recording plan has been provided detailing archaeological finds during excavation. These have been referred to the County Archaeologist who has advised that the recommended condition (7) requiring a full monitoring report remains necessary.*

### Members' Questions

In response to questions from members, officers explained that concerns about adequate daylight, fresh air and ventilation for people working in the building, particularly in view of Covid, have been incorporated into the design, which has to meet building regulations, which are undergoing a review.

The Legal Advisor advised that a condition on adequate ventilation would not be appropriate or necessary as ventilation is covered under building regulations. However, members could request an informative.

### Members' Comments

- The building is not particularly attractive but it is a warehouse and is needed to support forces who are deployed around the world. It is a working Navy, not just a historic Navy, and needs support mechanisms to operate effectively.
- The Dockyard has an interesting and important industrial heritage. The council needs to support the Navy's presence in Portsmouth.
- It is good to see photovoltaic panels on the roof; the Dockyard has done an amazing amount of work to reduce their carbon footprint.

**RESOLVED to grant conditional permission as set out in the officer's committee report and the Supplementary Matters report, and subject to an informative requiring the developer to ensure implementation of appropriate building ventilation in line with Building Regulations.**

Councillor Jo Hooper joined the meeting.

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

The New Neighbourhoods Team Leader presented the application and drew attention to the Supplementary Matters which reported that:

1. Amend condition 2 to read as follows: "*..the permission hereby granted shall be carried out in accordance with the following approved drawings and documents (including mitigation measures therein) - Drawing Nos:*"
2. Amend condition 3(a) "*...to summarise the likely ground conditions and associated risks at the site, including UXO;*"
3. Add the following conditions:

*Soft Landscaping*

*(6) Prior to implementation of planting on site, a scheme of soft landscaping works shall be submitted to the local planning authority for approval, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.*

*REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.*

*Materials*

*(7) Prior to first use of external construction materials on site (including hard landscaping), precise details of each material shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in full accordance with such details as approved.*

*REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.*

*Site Levels*

*(8) Details of final site levels, including finished floor levels for all structures, paths and natural features, and the existing and proposed site contours, shall be submitted to and agreed in writing by the Local Planning Authority prior to first opening of the development. Development shall only proceed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.*

*REASON: In the interests of visual amenity and character and appearance of the Southsea Seafront Conservation Area No.10 in accordance with Policy PCS23 of the Portsmouth Plan 2012.*

4. The Council's heritage consultant has raised no objection to the proposals.

5. A further representation has been received from 18 Cresta Court on 6 September raising the following concerns:

- "a continuing erosion of the ratepayers quality of life" , "for no perceived economic development opportunity";
- south-eastern corner of the subject site needs attention;
- "Could not the fort become the "gallery" proposed?" "Why not the two together?";
- Loss of seaview/people can get the exercise nearer seafront;
- "a precursor to stands around the tennis courts".



*RESPONSE: As set out in detail in Officer's report, it is not considered that the development would result in adverse impacts on residential amenities of adjacent neighbours and the existing conditions of the application site are acknowledged. Concerns over loss of sea view, the need for and the rationale behind the development, given the alternatives available in the nearby area, as well as how this use would operate alongside the tennis courts, have also been addressed in the Officer's report.*

Geoff Hawkins made a deputation against the application.

John Cooke, the applicant, and Natasja Jozsa, Art Curator, made a deputation.

#### Members' Questions

In response to questions from members, officers explained that:

- The plan in the presentation shows hedging in the north-west corner around the maintenance area; there is also a hedge along the road
- Although the proposed use is appropriate as the site is part of the recreational area of the seafront, planning permission is needed as the proposal involves elements of engineering such as constructing a tunnel and an overhead walkway.

#### Members' Comments

- The tennis programme in Portsmouth is strong and the proposal would complement it and the other sports nearby.
- A Heritage Lottery bid several years ago for a similar project in the area had been rejected.
- Although the Landscape Architect had some concerns they are not critical.
- Members thought the proposal would be a great enhancement to the seafront and a terrific addition to Portsmouth's cultural offer. It would be another step towards a world-class seafront.
- The proposal would provide an opportunity for cultural activities such as poetry readings and small-scale drama events in the open air. It is a wonderful opportunity and is valuable for promoting physical and mental health, particularly after Covid-19.
- A designated use for green space is less subject to littering and dog mess.
- Members noted it is a much-loved area and there can be tensions between residents and visitors. However, concerns about previous proposals in the area have not come to fruition. The applicant needs to work closely with residents to address any concerns. On balance the proposal is a significant additional improvement to the seafront offer and is positive for the area.

**RESOLVED that delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report.**

#### **82. 25 Driftwood Gardens, Southsea, PO4 9ND - 21/00207/HOU (AI 8)**

The New Neighbourhoods Team Leader introduced the application and drew attention to the Supplementary Matters which reported that:

*At paragraph 1.7 of the report, the dimension should read "7.95m in height"*

The New Neighbourhood Teams Leader read out a deputation from Councillor Luke Stubbs.

Valerie Wood made a deputation against the application.

William Freemantle, the applicant, made a deputation.

#### Members' Questions

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

- No errors have been identified in the report (apart from the reference to a height of 7.95mm in section 1.7, which should be 7.95m). Confusion may have arisen because of the concurrent application for a certificate of proposed lawful use to convert the garage under permitted development which is a separate matter.
- The window mentioned in condition no.4 is the same one referred to in Councillor Stubbs' deputation.
- It would not be possible to look into the garden of no.1 Driftwood Gardens from the proposed balcony.
- With regard to concerns over piecemeal development, the applicant could make a combined application if they wish but they are using their right to apply for a certificate of lawfulness for the south facing dormer and the conversion of the garage, which would probably be granted.
- Officers are not experts in glass but Pilkington Level 5 provides more obscurity than Level 3.
- Officers can check the exact specifications for the tilt vent window but it tilts inwards to allow ventilation and light. If obscured glazing was set to a height of 1.7 m above the finished floor level then occupants would probably only be able to see through it by standing on their toes.
- The north-facing front dormer window would only serve a stairwell.
- Building regulations for non-opening windows and fire safety would have to be applied. The balcony has French doors which would act as a fire escape for the room.

#### Members' Comments

Officers and the applicant have worked together to try to mitigate overlooking into neighbouring properties and have done as much as they can. Although there are concerns over piecemeal development a refusal would be unlikely to be sustained on appeal.

**Resolved to grant conditional planning permission as set out in the officer's committee report and the Supplementary Matters report, subject to amendment to recommended condition (4) to secure Pilkington Glass Level 5 or equivalent fixed obscure glazing to a height of 1.7m above finished floor level.**

There was a short break from 12.38 to 12.45 pm.

#### **83. 162b Copnor Road, Portsmouth, PO3 5BZ - 21/00854/HOU (AI 9)**

The New Neighbourhoods Team Leader introduced the application.

There were no questions from members.

### Members' Comments

Relocating the door is a good idea as it will prevent the property's occupants coming into contact with people using the sewing machine repair business next door, which is particularly relevant in view of Covid.

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

**84. 38 St Chad's Avenue, Portsmouth, PO2 0SB - 21/00356/FUL (AI 10)**

The New Neighbourhoods Team Leader introduced the application and drew attention to the Supplementary Matters which reported that:

*The header section of the report on page 41 has the wrong prefix year on the application number - it should be 21/00356/FUL (as it is on the contents page).*

*Paragraph 5.27 contains erroneous text and the first sentence should read: 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, the property would be used for flexible C3/C4 use. The existing...."*

Councillor Daniel Wemyss made a deputation.

The New Neighbourhoods Team Leader read out a deputation from Rob Vanderberghe, the applicant.

Rebecca Sutcliffe made a deputation against the application.

### Members' Questions

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

- The communal space in the kitchen/dining area is measured from inside wall to inside wall, not from the wall units, which complies with the SPD (Supplementary Planning Document). The cooker is at the far end of the communal area; the washing machine and tumble dryer are next to one of the bedrooms.
- It is about four to five metres from the rear extension to the end of the garden, which is acceptable under permitted development rights.
- Refusal would be very difficult to sustain. The application has to be determined against the National Planning Policy Framework and the SPD and it is well within the threshold of no more than 10% HMOs within a 50m radius. Government policy would be very unlikely to allow refusal on the grounds of the application resulting in 1.25% HMOs within a 50m radius.
- Even if bedroom no.5 was used as a double room rather than a single the application would still be Class C4.
- Under the NPPF the possibility of refusing the application on the grounds of parking is very slim as the Highways Officer has raised no objections despite the 0.5 increase in demand for car parking spaces.
- Although parking is past saturation point in Portsmouth with an average of 1.3 cars registered to each property (1.5 if commercial vehicles are included), the Parking Standards SPD specifies parking requirements which are not dissimilar to those of other local authorities and would have gone through consultation and

approval. Parking specifications are set out in the Local Plan on the advice of officers but the Plan is due to be revised.

- The requirement of 1.5 vehicle spaces for a three-bed property is more apt when used as a multiplier, for example, building new estates, rather than individual properties.
- Based on the photographs the building work appears to have been mainly completed.
- According to the SPD shared living space is defined as a single open plan area comprising kitchen, dining, living, laundry and utility facilities.

#### Members' Comments

- Although high-quality HMOs are to be welcomed the communal space in the proposal is the bare minimum. The area has been improving in the last few months after experiencing problems but the application will not help with improvement.
- It is unrealistic to prevent occupants having cars.
- Parking is a problem in the area as it has narrow roads; parking on corners particularly impacts on people with wheelchairs and pushchairs.
- A condition could be added to restrict all bedrooms to single use.
- Having a bedroom next to the kitchen does not provide a good living environment as the occupant could be disturbed by people using it at irregular hours, for example, shift workers. The noise from appliances would have an adverse impact on the occupant.
- A refusal is unlikely to be sustainable under government policy and to refuse the application at this stage would give false hope to objectors as it would probably be overturned on appeal.
- Members were unhappy about the extension being built under permitted development rights.
- Members noted that the MP for Portsmouth North, Penny Mordaunt, had written to Planning officers in response to representations from residents, particularly about parking. They requested that the Committee should write to her to put the case for changing government policy so that there are more powers to reject applications they feel are poor quality.

**RESOLVED to refuse planning permission contrary to officer recommendation for the following reason: the proposal would give rise to unacceptable living conditions for the rearward ground floor bedroom by reason of proximity to the proposed communal living/dining area and kitchen and associated appliances, including washing machine and tumble dryer.**

The meeting concluded at 1:45 pm

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Signed by the Chair of the meeting  
Councillor Lee Hunt

# Agenda Item 5

## **PLANNING COMMITTEE 29 SEPTEMBER 2021**

### **COUNCIL CHAMBER, GUILDHALL**

#### **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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28 TREGARON AVENUE DRAYTON, PORTSMOUTH P06 2JX

**CONSTRUCTION OF TWO STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY**

**LINK TO ONLINE DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=QEYOSVMOJXK00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qeyosvmojxk00)

**Application Submitted By:**

SDA Planning Ltd

**On behalf of:**

Mr and Mrs Harris

**RDD:** 13<sup>th</sup> August 2020

**LDD:** 8<sup>th</sup> October 2020

**REPORT BACK**

Members will recall this application being discussed at the Planning Committee meeting of 18<sup>th</sup> August. Determination of the application was deferred, with Members wishing to carry out a Site Visit in order to inform their assessment, above and beyond the site photographs considered on the 18<sup>th</sup> August.

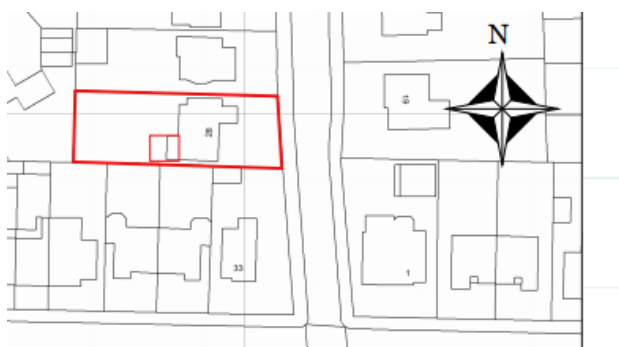
At the time of publication, that Visit is being arranged, and the visit should have been carried out prior to this particular meeting of 29<sup>th</sup> September.

Original Report to Planning Committee meeting of 18<sup>th</sup> August:

**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:
  - Design.
  - Impact upon residential amenity.
- 1.3 Site and Surroundings
- 1.4 This application relates to a two-storey, dormer detached property on the west side of Tregaron Avenue. It lies immediately north of Mansvid Avenue and shares a common boundary with four dwellings on Mansvid Avenue where their rear elevations and gardens face the side of the application site. No. 31 Mansvid Avenue faces directly at the side of the application house, and the extension would overlap the ends of the gardens to nos. 29 and 31.

- 1.5 The area is mixed residential in character with mainly two-storey semi-detached and detached dwellings.



1.6 Proposal

- 1.7 The development involves construction of a pitched roof two storey rear extension following demolition of an existing conservatory. Following negotiation with the case officer, the depth of the first floor has been reduced by a metre, to reduce the effect on neighbours to the south. Rendering has also been removed, to reduce the brightness of the proposal. The elevations shown below are what the neighbours to the south would see. The first floor element would extend by c. 4.7m at eaves level beyond the existing. The side facing towards Mansvid Avenue has two high level side-facing windows at first floor level.







### 1.8 Relevant Planning History

1.9 The dwelling was constructed in 1954 and there has been no relevant planning history subsequently.

## 2.0 POLICY CONTEXT

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

2.2 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.

## 3.0 CONSULTATIONS

Southern Gas - no objections  
 Portsmouth Water - no objections  
 S&S Electricity - no objections

## 4.0 REPRESENTATIONS

4.1 Five objections: four from Mansvid Avenue neighbours to the south, one from No 12 Tregaron Avenue, summarised as follows:

- i. Out of keeping with host property and area by reason of very large scale. Chalet bungalow will become a two-storey house. Scale, overbearing impact on rear gardens and outlooks, sense of enclosure. Application house is on land slightly elevated (approx. 0.4m) in relation to 29 and 31 Mansvid Ave;
- ii. Close to neighbours' rear boundary, and land tapers so extension might end up on the actual boundary;
- iii. Using render rather than current natural brickwork will exacerbate bulk;
- iv. Loss of daylight and sunlight;
- v. Loss of privacy to rear gardens.
- vi. Invite a site visit.

4.2 Officer comment - the objections were received prior to the receipt of amended plans. These amendments were requested by the Case Officer, to reduce the depth of the extension by 1m, and to finish it in matching brick, not the render as originally shown.

4.3 Subsequently, residents at two properties have seen the amended plans and reaffirmed their objections.

## **5.0 COMMENT**

### **5.1 Design**

5.2 The proposal involves a two-storey rear extension with a small set-down from the main ridge. Although the existing property has its first floor accommodation in the roof with dormer windows, the house is of a reasonably substantial size and I do not consider the proposed addition would be out-of-scale for the host property nor for the character of the area.

5.3 The size of the plot including width and depth of the rear garden are comparable with other properties on the estate and it is considered that site coverage as a result would not be excessive.

5.4 Objections had originally raised concerns about the use of render on the flank elevation. This was removed through negotiation and matching brickwork is now being used.

5.5 The proposal is therefore considered not to be harmful to the character and appearance of the area and accords with the aims of Policy PCS23.

### **5.6 Impact upon residential amenity**

5.7 Objections to the scheme have been made because it would entail a not insignificant increase in the size of the original dwelling.

5.8 The separation distance between the application house and the rear elevations of the properties to the south would not be altered by the extension, at c. 12-13m. Officers considered the depth of the extension as originally proposed to be a little too much with respect to neighbours' outlook to the south, and the Applicant agreed to its reduction by 1m. The bright render proposed was also considered inappropriate not only for the dwelling's character, but also as being overly bright for the neighbours' outlook, compared to the existing red brick. That has therefore been replaced with matching brick. While the amended extension is not small, and it would have an impact on the neighbours to the south, is it not considered excessive in scale or effect - there is reasonable separation, wide garden plots, and it is positioned to their north.

5.9 High level windows are proposed in the flank (south) elevation but by their nature these will not result in material overlooking. The new, west-facing first floor window would repeat the existing situation of oblique first-floor views possible to neighbours' properties to the south.

5.10 The development is well-away from the property to the north side, 26 Tregaron Avenue, so would not have an undue effect in my opinion on their amenities - outlook, light, daylight.

5.11 The proposal is therefore considered not to be harmful to the amenities of neighbours and accords with the aims of Policy PCS23.

5.12 Other points

5.13 With respect to the requested site visit, these were not carried out during the Covid period but the Case Officer was able to reach a well-informed recommendation based on aerial views and photographs provided by the Applicant and objectors.

5.14 The application was placed on the Members Information Service in April anticipating a decision delegated to Officers should there have been no Councillor call-in, but it was subsequently realised that the application needed to be determined by the Planning Committee due to the Deputation request.

5.15 Conclusion

5.16 The proposal is considered to accord with Policy PCS23 of The Portsmouth Plan and the aims and objectives of the revised NPPF and it is recommended that planning permission be granted.

## **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: Plans, elevations; location and block (revised 16/04/2021)

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 visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

## PORTSMOUTH COLLEGE TANGIER ROAD PORTSMOUTH PO3 6PZ

### CONSTRUCTION OF TWO STOREY BUILDING (CLASS D1) WITH ASSOCIATED SOFT AND HARD LANDSCAPING

#### LINK TO ONLINE DOCUMENTS:

[20/00241/FUL | Construction of two storey building \(Class D1\) with associated soft and hard landscaping | Portsmouth College Tangier Road Portsmouth PO3 6PZ](#)

#### Application Submitted By:

Jennings Design Associates Ltd  
FAO Mr Nicholas Smith

#### On behalf of:

Darren Sharkey & Paul Adams  
Portsmouth College & Elliott Group Ltd

RDD: 18th February 2020

LDD: 15th April 2020

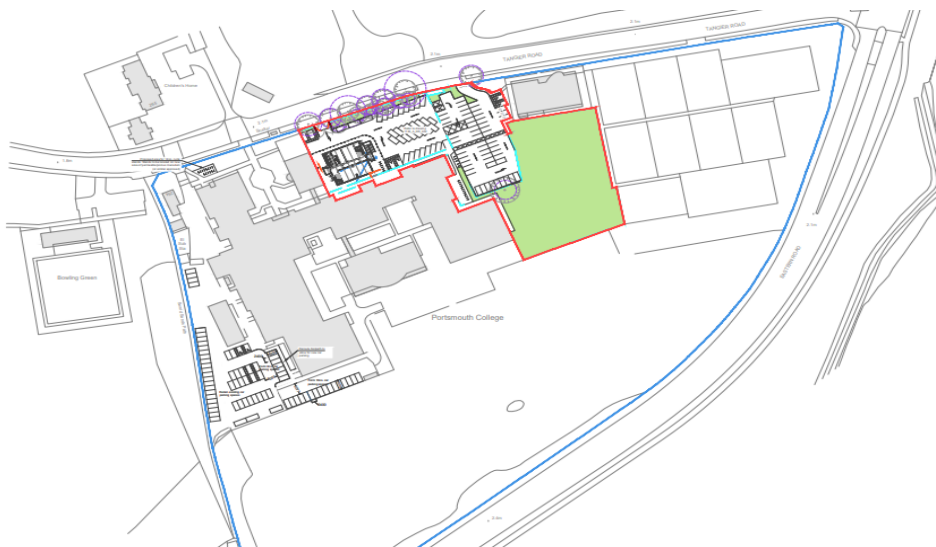
### 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is included on the agenda due to the receipt of an objection from the Local Highway Authority.

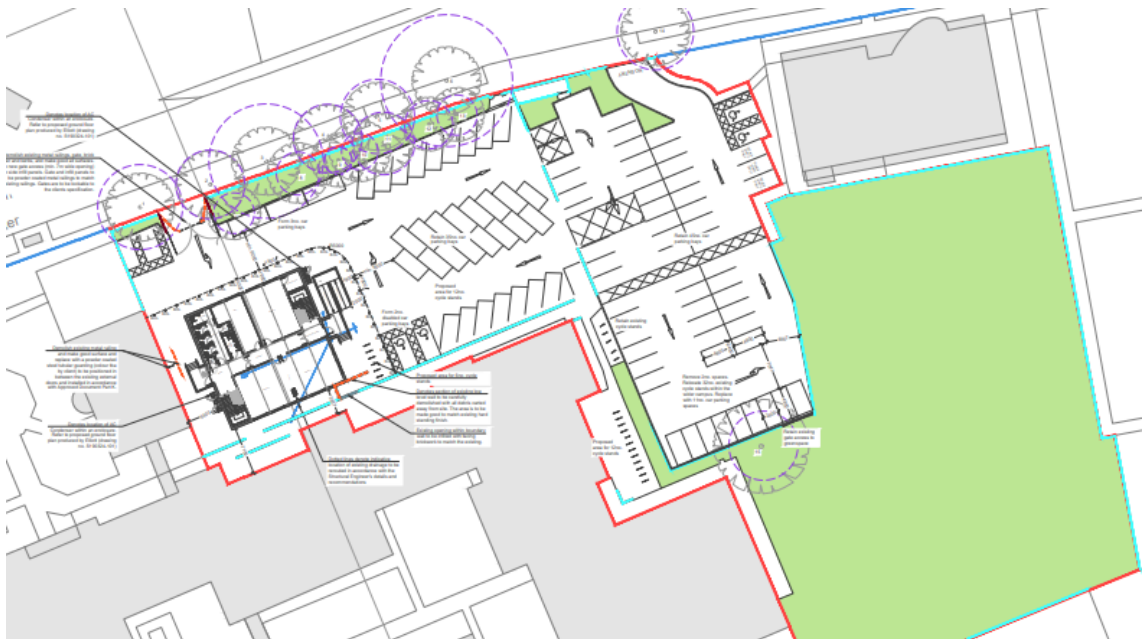
1.2 The main determining issues for this application relate to the following:

- Principle of the proposal
- Design and appearance
- Sustainable construction
- Ecology
- Access and parking
- Amenity impact
- Flood risk and drainage

1.3 Site and surroundings



- 1.4 Portsmouth College is located on the south side of Tangier Road, on the corner with Eastern Road. It is the only 6<sup>th</sup> Form College in the city and currently has capacity for 1,480 students. The existing college buildings are grouped together on the north-west side of the site, with the rest of the site occupied by playing courts, open space and car parking.
- 1.5 The site lies within Flood Zone 3 and the playing fields are identified as protected open space under Policy PCS13 of the Portsmouth Plan. The eastern and southern parts of the site are identified within the Solent Waders and Brent Goose Strategy as a Core Area for Brent Geese and wading birds (Site P52), along with an adjacent site to the west (Site P54). The site is also in an area of archaeological potential.
- 1.6 Proposal
- 1.7 Planning permission is sought for the construction of a 2-storey building to expand the teaching space at the college. The building would accommodate 7 classrooms and 1 office along with WC facilities and storage space.
- 1.8 The building would be located within part of the existing car park, to the north of the main College buildings and would measure 18.4m in length, 18m in width and 8.1m in height with a flat roof. Materials would include red brick to the lower level of the building, and cladding to the upper floor level.
- 1.9 The scheme as originally submitted included the creation of a new car parking area to accommodate an additional 45 parking spaces. This was proposed to be located to the east of the existing car park on an area of green field. However, following concerns about the impact of this on a Brent Goose Breeding site, this element of the scheme was removed. Instead, the applicants have proposed a reconfiguration of the remaining car parking to create a total of 96 spaces, representing a reduction of 21 spaces on the existing situation.





## 1.10 Planning history

1.11 The site has an extensive planning history dating back to the 1960s. The most relevant history relating to this application is as follows:

1.12 19/00002/EIASCR - EIA Screening opinion for the proposed construction of 2-storey teaching block and associated parking alterations - EIA Not Required, 26 April 2019

1.13 09/01333/REM - Application for approval of reserved matters for appearance, landscaping, layout and scale in respect of a five-a-side football facility (Goals) and associated car parking - Approve 7 December 2009

1.14 08/01238/OUT - Outline application for redevelopment to provide a new Further Education College and five-a-side football facility with associated open space, car parking, associated access and landscaping after demolition of existing buildings - conditional outline permission 24 September 2009

- Condition 2 required details of the provision to be made for parking to be approved as part of the reserved matters.
- Condition 14 required a Travel Plan, to include details of car park management. A Travel Plan relating solely to Goals was approved in June 2010.

## 2.0 **POLICY CONTEXT**

2.1 Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth)
- PCS17 (Transport)
- PCS23 (Design and Conservation)

2.2 Solent Waders and Brent Goose Strategy (November 2010):

- W&BG5 - Important Brent Goose and Wading Bird Sites
- W&BG6 - Management of Brent Goose and Wading Bird Sites

2.3 Other Guidance:

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

### **3.0 CONSULTATIONS**

#### **3.1 RSPB**

3.2 The RSPB objects to the proposals due to the loss of 0.4ha of wintering brent geese and wader feeding habitat, functionally linked to the Chichester and Langstone Harbours Special Protection Area (SPA). Information required to determine likely significant effects on qualifying species using the SPAs and supporting habitat is insufficient and should be fully considered as part of an appropriate assessment.

3.3 The proposed new section of car park would result in the permanent loss of suitable habitat for Solent Waders, which is part of a Core Area designation within the Solent Waders and Brent Goose Strategy. Insufficient information has been submitted to determine the impact of the partial loss and disturbance to the remaining Core Area. Suggest that the potential for reducing the number of car parking spaces could be considered.

#### **3.4 Natural England**

3.5 Originally objected due to loss of part of the Core Area for Brent Geese and Solent Waders. Following receipt of amended plans which removed the parking area from the open space, no objection is raised subject to appropriate mitigation being secured. Recommend a condition to avoid percussive piling or works using heavy machinery during bird overwintering period (October to March).

#### **3.6 Environment Agency**

3.7 No objection subject to adherence to the FRA and the finished floor levels being no lower than 3.1m above Ordnance Datum (AOD).

#### **3.8 Langstone Harbour Board**

3.9 Objection to proposed car park due to the impact on birds. The presence of a car park will bring cars and people closer to the areas used by Brent Geese, pushing them back and limiting the space they can use for feeding. The car park proposal also contravenes the Langstone Harbour Board Management Plan which states that the open area around the harbour should be retained and managed.

3.10 The college should be incentivising public transport and cycling as alternative means of accessing the college.

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

3.12 No objection. Coastal Partners would concur with the planning condition recommended by the Environment Agency for implementation prior to occupation of the site, to ensure that finished floor levels will be set no lower than 3.1m AOD, as stated in the FRA.

#### **3.13 Hampshire Fire & Rescue Service**

3.14 General advice provided for the applicants attention.

#### **3.15 Ecology**

- 3.16 Original objection removed following receipt of amended plans and further ecology information. Following submission of an updated HRA report, satisfied that impacts on designated sites and their supportive habitats can be mitigated. A CEMP should be requested and works should avoid the bird overwintering period between October and March.
- 3.17 Crime Prevention Design Advisor
- 3.18 No comments received.
- 3.19 Highways Engineer
- 3.20 Objection. The parking demand for Goals exceeds the car park capacity both in the evenings and at weekends. This results in a significant number of vehicles parking on street, generally half on the verge and half on the carriageway obstructing the cycle lane. As a consequence, the Highway Authority would wish to resist any application which reduced the parking facility available for Goals.
- 3.21 It is noted that the applicant proposes to make more parking available at the rear of the college in the evenings when classes are running, although this would not be available at weekends.
- 3.22 The practical effect of the proposed development is to reduce the parking available at the front of the college by 21 spaces whilst making no additional provision to accommodate the additional parking demand arising from the proposed development. Whilst it is credible that the additional parking demand from the College could be managed through a robust Travel Plan, this would not address the reduction in parking provision for Goals when the College is not operating, and would therefore exacerbate the parking problems already observed on street. The Local Highway Authority objection is therefore maintained.
- 3.23 Contaminated Land Team
- 3.24 No objection subject to conditions to ensure that the potential for contamination is assessed and mitigated. The college is located adjacent to the site of the Portsmouth Incinerator and there is the potential for incinerator waste to be present on site. The site also saw a period of infilling, with the previously marshy land being filled and raised through refuse disposal, which has the potential for landfill gas generation.
- 3.25 Environmental Health Officer - Air Quality
- 3.26 The development would have a negligible impact on local air quality. Air quality is not considered to be a constraint to development.
- 3.27 County Archaeologist
- 3.28 The site is recorded as having been old salterns and early mapping shows it as a coastal marsh area. The contamination report indicates that the site has been infilled from a marshy origin with modern material and this is confirmed by an archaeological evaluation in 2009 close by within the College holding. Accordingly I would not raise any archaeological issues
- 4.0 REPRESENTATIONS**
- 4.1 PCC publicity dates:
- Neighbour letters sent: 25 February 2020; expiry 20 March 2020



- Site notices displayed: 3 March 2020; expiry 24 March 2020

4.2 No representations received.

## 5.0 COMMENT

### 5.1 Principle of the proposal

5.2 The proposal is for a new building to provide additional classroom accommodation for the College. The applicants have noted that the College has grown significantly in recent years and will be at capacity by September 2020. The number of year 11 school leavers in the city is continuing to grow and there is a need for additional teaching space to allow for an increased capacity. The College has confirmed that they currently have a capacity of 1,480 students and the new building would allow for an increase in capacity to a maximum of 1,680 (increase in up to 200 students). There would also be an increase in 8 staff (from 49 teachers and 25 support staff, to 55 teachers and 27 support staff).

5.3 The Portsmouth Plan acknowledges the importance of enhancing education opportunities within the City as part of the wider objectives for increasing employment (para. 1.29). Therefore subject to considering impacts relating to traffic and transport, and other relevant policy considerations, the proposal to increase the capacity of the College is considered acceptable in principle.

### 5.4 Design and appearance

5.5 Policy PCS23 of the Portsmouth Plan requires new development to achieve high quality design appropriate to the context in which it is set.

5.6 The proposed building would be rectangular in form with a flat roof, clad in red brickwork to the lower level with a mix of white and terracotta cladding panels above. Details of the materials have been confirmed as follows:

- Brick - Britannia Range Smooth Red Multi 303
- Cladding - Rockpanel White, Terracotta, and Grey (RAL 2037 or 7012)
- Doors - power coated aluminium Grey (RAL 7037 or 7012)
- Windows and rainwater goods - White PVCu

5.7 The eastern elevation would incorporate the entrance to the building with a simple canopy over an entranced door, and disabled access ramp. Through the course of the application, the elevations have been amended slightly to add additional windows to the eastern elevation. This helps to add interest to the elevation, which would be one of the most prominent when viewed from Tangier Road and within the site.

5.8 The overall style and design of the building is considered to be in keeping with the appearance of the existing college, and would utilise the same colour palette. The new building would be set back within the site behind a boundary of trees and would be visually well related to the existing cluster of buildings on the college site. The proposal is therefore considered to be of an acceptable design in accordance with Policy PCS23 of the Portsmouth Plan.

### 5.9 Sustainable Construction

5.10 Policy PCS15 requires new development to contribute to addressing climate change by incorporating high standards of energy efficiency. For non-domestic development, the policy requires a BREEAM Excellent standard to be achieved where possible.

- 5.11 The applicant has stated that the building is not designed to meet the BREEAM Excellent standard, but an Environmental Management System used by the manufacturer ensures that it meets sustainability criteria. The building would be of modular construction, utilising materials from renewable sources and designed to achieve high levels of air tightness and thermal insulation. The majority of the building construction would take place within a factory, reducing construction related carbon emissions, waste and energy demand. It is considered that these sustainability measures would accord with the objectives of Policy PCS15.
- 5.12 Ecology
- 5.13 Policy PCS13 of the Portsmouth Plan seeks to protect and enhance the green infrastructure of the city and requires new development to assess its impact on designated areas.
- 5.14 As originally submitted, the development included the provision of a new car park on an area of grassland / open space to the east of the existing car park. This piece of land forms part of a wider area of land within the College Campus which is identified as a Brent Goose and Solent Waders Core Area, which means it is an important site for wading birds. Following concerns raised by a number of consultees regarding the impact of the loss of a section of the Core Area, the applicants amended the plans to remove the additional car park. The amended scheme now proposes no encroachment into the Core Area and following submission of additional ecology information, both Natural England and the County Ecologist have removed their original objections. Natural England has recommended that a condition be imposed to restrict noisy activities during the bird overwintering period of March to October, and the County Ecologist has requested the submission of a Construction Environmental Management Plan. These requirements can be secured by condition to ensure that the development would not have an adverse ecological impact in accordance with Policy PCS13.
- 5.15 Access and parking
- 5.16 There are 117 car parking spaces in the main car park on the existing site. The development would result in the loss of 21 parking spaces in this area, resulting in a total provision of 96 spaces, which is shared between the College and the adjacent Goals football facility. In addition, a plan has been provided showing how an area of land to the west of the College buildings could be reconfigured to provide a further 25 parking spaces on site. It is intended that this additional parking would be used by staff and students during evenings to free up the main parking area for use by Goals. These works could be carried out as permitted development under Class N of the GPDO, but it is considered reasonable to secure their provision by condition to ensure that the additional parking is provided.
- 5.17 Planning permission was granted in 2009 for a redevelopment of the College and provision of the football facility known as Goals, although only the Goals element of the scheme was implemented. At the time of the outline application, the plans showed 140 parking spaces to be shared between both facilities. An extract from the officer's report stated:
- The indicative parking layout would provide 140 spaces which would be utilised by the college and the new 'Goals' facility. The applicants have indicated that the demand for the 'Goals' facility, based on experience at other similar facilities, would be primarily during the evenings when the requirements of the college itself are reduced.*
- 5.18 The subsequent Reserved Matters submission, which only related to the Goals facility, included a parking area for 50 spaces. However, there is no information within the

application to indicate whether these 50 spaces were solely intended for Goals or to be shared with the College, and no condition was imposed restricting their use to Goals. There is therefore no previous planning condition requiring a specific number of parking spaces to be provided and retained for Goals, and the College has confirmed that all parking is shared.

- 5.19 The Highway Engineer has raised an objection to the proposal due to the overall reduction in parking on the site and its impact on the local highway network when the Goals facility is in use. The Highways Engineer has noted that the existing parking provision on the site is already insufficient to serve Goals and results in indiscriminate parking along Tangier Road, with cars parked partially on verges and obstructing a cycle way, to the detriment of highway safety. The concern is that any reduction in parking on the site would exacerbate this problem, and whilst the applicants' proposal for staff and students to use the rear parking areas during the evening would help free up more space at these times for Goals, it would not assist during the weekends.
- 5.20 Whilst the Highway Engineer's concerns are acknowledged, it must be noted that in planning terms there are no conditions in place for a minimum parking provision to be retained to serve Goals. The issue of indiscriminate parking on the public highway is something that could be enforced and managed by the Local Highway Authority and it is noted that there is alternative unrestricted parking available further to the west along Tangier Road that could be used by visitors to Goals. In any case, the applicants have expressed a commitment to preparing a Parking Strategy to manage parking at the College site in the long term, including when events are taking place at Goals. The aim would be to encourage the use of car sharing or alternative sustainable transport modes and highlight parking restrictions on the local roads to minimise disruption caused by inconsiderate parking. The Parking Strategy can be secured by condition and subject to this, it is not considered that an objection on lack of parking could be sustained. The application is therefore considered acceptable in accordance with Policy PCS17 of the Portsmouth Plan.
- 5.21 Amenity impact
- 5.22 Great Salterns Lodge is the closest residential property, which is in use as a Children's Home. This building is located around 80m away from the proposed development on the opposite side of Tangier Road, and it is not considered that the residents would be adversely affected.
- 5.23 Other residential dwellings are located further to the west along Tangier Road and would not be directly impacted by the proposed development. As the development is not predicted to result in a significant increase in traffic to and from the site, it is also not considered that nearby residents would be adversely affected by increased traffic congestion on local roads.
- 5.24 Flood risk and drainage
- 5.25 The site lies within Flood Zone 3 and the application is supported by a Flood Risk Assessment, which has been reviewed by the Environment Agency. No objection is raised provided that the finished floor levels are at least 3.1m AOD, which can be secured by condition. Full details of drainage can also be secured by condition to ensure that the development would not result in increased surface water flooding on the site. Subject to conditions, the development would accord with Policy PCS12 of the Portsmouth Plan.

5.26 Archaeology

5.27 No objections are raised by the County archaeologist to the proposed development, having regard to the site's location within an Area of Archaeological Potential and former marshland having since been infilled over time with modern materials.

5.28 Conclusion

5.29 The proposed development would support the long term sustainability of the College and is considered acceptable in terms of layout and design. Subject to conditions, the development would not have an adverse impact on ecology, or increase flood risk and any contaminated land issues would be satisfactorily mitigated. Although the Local Highway Authority has raised objection, the applicants have proposed measures to provide additional parking on site and to secure a Parking Management Plan and subject to this, the parking provision is considered acceptable. The proposal therefore accords with the relevant policies of the Portsmouth Plan (2012) and the objectives of 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**

Unless otherwise 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:

- A DR 000 rev. A (Location Plan)
- SOR015982 01 (Utility mapping and Topographical Survey)
- FFSportscolTOPO (Topographical Survey)
- A DR 001 (Existing Site Plan)
- A DR 004 (Existing Campus Site Plan)
- A DR 002 rev. G (Proposed Site Plan)
- S190324-101 rev. K (Ground Floor Plan Layout)
- S190324-102 rev. J (First Floor Plan Layout)
- S190324-301 rev. I (Elevations)
- A DR 003 rev. D (Street Scene)

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

#### **Contaminated land**

3. No works [specifically sub-structure construction] 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) the following in sequential order:

- a) A desk study (undertaken in accordance CLR11\* 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. The report shall contain a conceptual model (diagram, plan, with network diagram) showing the potential pathways to contaminants (including any arising from asbestos removal) both during and post-construction, and summarise the sampling rationale for every proposed sample location and depth ('Phase 1' report);
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS 8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). Unless agreed in advance, the laboratory analysis of soils should include assessment for heavy metals, speciated PAHs and fractionated hydrocarbons (as accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) and asbestos. The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end use or can be made so by remediation; if so the remedial options appraisal shall include consideration of sustainability ('Phase 2' report);
- c) A remediation method statement ('Phase 3' report) detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, and shall include nomination of a competent person‡ to oversee the implementation and completion of the works.

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 (3) above, that the required remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). The report shall include a description of the remedial scheme and as built drawings, any necessary evidence to confirm implementation of the approved remediation scheme, including photographs of the remediation works in progress and/or certification that material imported and/or retained in situ is free from contamination, and waste disposal records. For the verification of gas protection schemes the approach should follow CIRIA 735 "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases". For the avoidance of any doubt, in the event of it being confirmed in writing pursuant to Condition (3) above that a remediation scheme is not required, the requirements of this

condition will be deemed to have been discharged. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under 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).

#### **Construction Environmental Management Plan**

5. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not limited to) measures to manage parking and deliveries during construction and measures and procedures to avoid or mitigate noise and visual impacts on the Brent Goose and Solent Waders Core Area. The approved CEMP shall thereafter be adhered to for the duration of construction works at the site.

Reason: In the interest of highway safety and to ensure no adverse impact on the Brent Goose and Solent Waders Core Area (P52), in accordance with Policies PCS13 and PCS17 of the Portsmouth Plan (2012).

#### **Parking Management Strategy**

6. Prior to occupation of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate how on-site parking will be managed to reduce parking on the adjacent highway, including when sporting events are taking place at the adjacent Goals Centre. The Parking Management Strategy shall thereafter be implemented and managed in accordance with the approved details.

Reason: In the interest of highway safety in accordance with Policy PCS17 of the Portsmouth Plan (2012).

#### **Parking provision**

7. Prior to first use of the building hereby permitted, parking provision shall be made and laid out in accordance with the details shown on Plan ref. A DR 005, to include additional spaces to the rear of the College building. The parking spaces shall thereafter be retained in perpetuity for vehicle parking for the college and adjacent Goals Centre.

Reason: To ensure satisfactory car parking provision in accordance with Policy PCS17 of the Portsmouth Plan (2012).

#### **Visibility splays**

8. Pedestrian visibility splays of 2.0m by 2.0m must be provided at the vehicle egress as shown on Plan ref. 002 Rev. G, and retained in perpetuity.

Reason: In the interest of pedestrian and highway safety, in accordance with Policy PCS17 of the Portsmouth Plan (2012).

#### **Piling timing restriction**

8. No percussive piling or works involving heavy machinery resulting in noise levels in excess of 69dbAmax (measured at the sensitive receptor) shall take place during the

bird overwintering period of October to March inclusive, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no adverse impact on the adjacent Brent Goose and Solent Waders Core Area (P52) to protect the integrity of the Solent Special Protection Area, in accordance with Policy PCS13 of the Portsmouth Plan (2012).

### **Adherence to Flood Risk Assessment**

9. The development shall be carried out in accordance with the recommendations of the Flood Risk Assessment and Drainage Statement prepared by Clarkebond (UK) Limited, ref. B05012-CLK-XX-XX-RP-FH-1001, dated 19<sup>th</sup> February 2020, to include finished floor levels of 3.1m AOD, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development would be safe from flooding and would not increase flood risk, in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Materials**

10. The development shall be carried out in accordance with the following external materials, unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority:

- Brick - Britannia Range Smooth Red Multi 303
- Cladding - Rockpanel White, Terracotta, and Grey (RAL 2037 or 7012)
- Doors - power coated aluminium Grey (RAL 7037 or 7012)
- Windows and rainwater goods - White PVCu

### **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.

## LAND SITE OF 7 KAREN AVENUE PORTSMOUTH PO6 2HR

CONSTRUCTION OF 2NO. FOUR BEDROOM BUNGALOWS AND TWO STOREY BUILDING PROVIDING 4NO. FOUR BEDROOM FLATS, WITH ASSOCIATED PARKING AND LANDSCAPING

## LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLHPX5MON0100>

**Application Submitted By:**

Portsmouth City Council, HN&B Services  
FAO Sam Johnston

**On behalf of:**

HN&B Services  
Portsmouth City Council,

**RDD:** 17th December 2020

**LDD:** 12th February 2021

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is included on the agenda because Portsmouth City Council is the applicant.

1.2 The main issues for consideration are:

- The principle of the proposed development;
- Design and local character;
- Standard of accommodation
- The amenity of adjoining occupiers;
- The local highway network;
- Landscaping, Ecology and trees;
- Contaminated Land
- Drainage
- Sustainable design and Construction
- Special Protection Area

**1.3 Site**

1.4 The site relates to an area of land located to the north/north west of Karen Avenue which measures approximately 0.44 hectares and benefits from a vehicular and pedestrian access from Karen Avenue. The site is bounded to the north and west by Grove Road and Lower Drayton Lane respectively, which comprise two-storey terraced dwellings and is bounded by Karen Avenue to the east and south which is principally characterised by semi-detached bungalows.

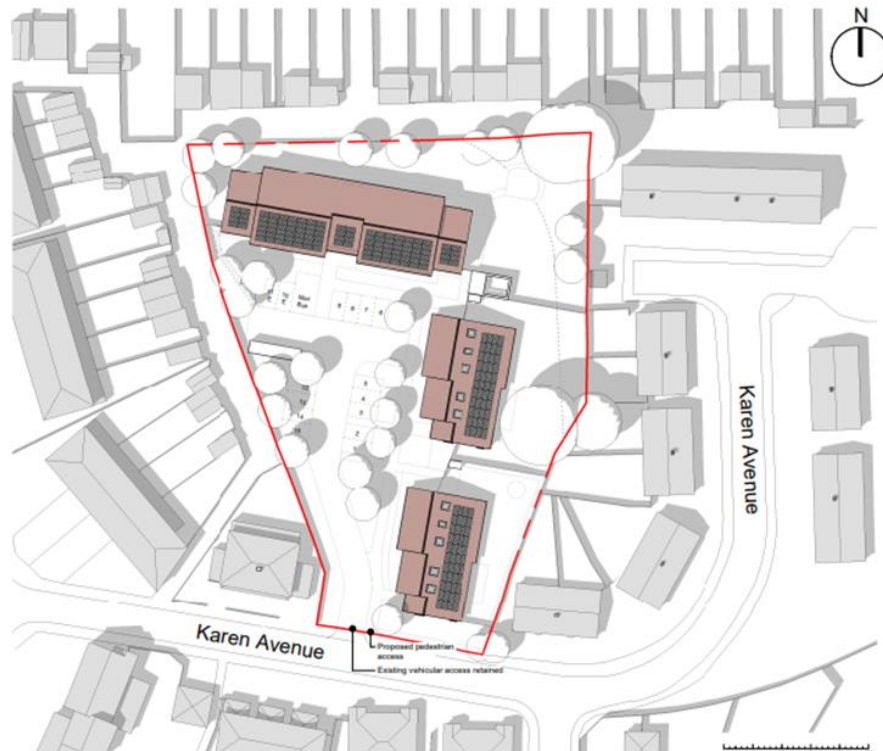
1.5 The site was formerly occupied by Highgrove Lodge, a residential care home until 2005 when it became an older person's day centre. However, following the demolition of the building in 2008, the site has remained vacant. The site is not located in a conservation



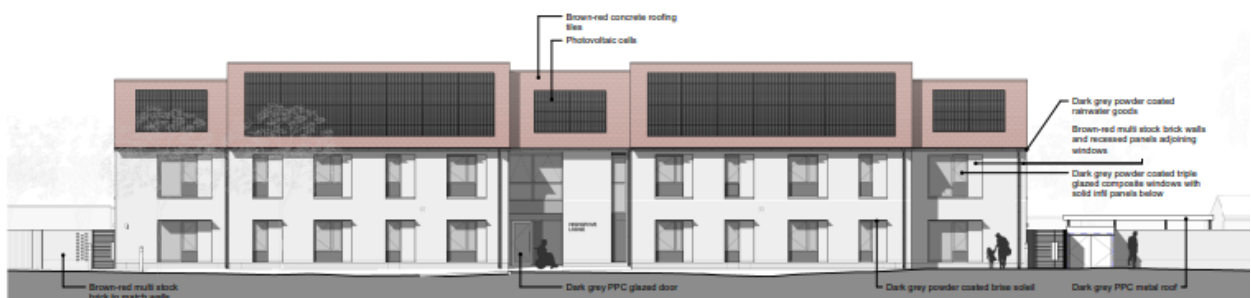
area and there are no listed buildings, known non-designated heritage assets or scheduled ancient monuments in close proximity to the site. The site is not considered to be of archaeological importance and is not subject to a Tree Preservation Order (TPO).

1.6 Proposal

1.7 Planning permission is sought for the construction of a 4 x 4-bedroom flats and 2 x 4-bedroom detached bungalows which would provide supported living accommodation (Use Class C3(b)) for 24 individuals. This would allow individuals aged 18-65 with physical and/or learning difficulties to live a semi-independent lifestyle, but with support staff based on site. 24-hour care would be provided by non-resident staff with approximately 18 members of staff on site at any one time during daytime and approximately 8 staff at night.



1.8 The two-storey rectangular building which would accommodate the four flats would be aligned approximately west to east and would be located to the northern end of the site. The building would have a gross floor area of approximately 920sqm and the internal layout would consist of a central lobby with two flats on each floor. Each flat would



② South Elevation (Flats)  
1 : 100

consist of four single bedrooms with an en-suite bathroom, a shared bathroom, a communal living area with kitchen and an office for staff.

- 1.9 The two detached bungalows would be aligned north to south and would be located to the eastern side of the site. The bungalows would similarly consist of four single bedrooms with en-suite bathrooms, a shared bathroom, a communal living area with kitchen and office for staff. The northern-most bungalow (bungalow number 2) has been designed to meet the needs of individuals with physical disabilities and therefore has a slightly larger gross floor area, 238sqm, as opposed to bungalow number 1 which has a gross floor area of approximately 225sqm. Both bungalows would be served by a private garden to the rear.



- 1.10 Building materials for the two storey flat block and bungalows would consist of red facing brickwork, interlocking roof tiles and dark grey aluminium powder coated fenestration.
- 1.11 The proposed buildings would be surrounded by soft and hard landscaped areas and new planting areas. In addition, the proposal seeks to repair the existing boundary treatment surrounding the site which currently consists of a combination of brick walls and closed board fencing.



- 1.12 Access to the site would not be altered and the proposal would include the provision of 15 car parking spaces. An additional two vehicle charging points would be provided to accommodate electric cars and a designated drop/off pick mini-bus space. The proposal would include a cycle store with provision for 6 bicycle and additional cycle hoops for visitor parking.
- 1.13 The application is accompanied by the following reports: Tree Survey Report; Preliminary Ecological Appraisal, Reptile Survey Results; Drainage Strategy; Ground Condition Assessment and Further Ground Condition Assessment.
- 1.14 Relevant Planning History
- 1.15 07/00574/CCS - Renewal of temporary planning permission (A\*19571/AA) for continued use of ground floor for advice/drop-in/training centre with ancillary offices for complementary community outreach services until 31 January 2009. Conditional Temporary Permission July 2007
- 1.16 A\*19571/AA - Change of use of ground floor for advice/drop-in/training centre with ancillary offices for complementary community outreach services. Conditional Temporary Permission July 2005.
- 1.17 A\*19571 - Erection of home for 35 aged people. Permission March 1954.

## **2.0 POLICY CONTEXT**

### 2.1 Portsmouth Plan (2012):

- PCS13 (A Greener Portsmouth);
- PCS15 (Sustainable Design and Construction);
- PCS17 (Transport);
- PCS19 (Housing mix, size and affordable homes) and
- PCS23 (Design and Conservation).

2.2 Saved policy DC21 (Contaminated Land) of the Portsmouth City Local Plan, 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 Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document 2014);
- The Solent Recreation Mitigation Strategy (2017);
- The Interim Nutrient Neutral Mitigation Strategy (2019).

## **3.0 CONSULTATIONS**

3.1 Ecology - No objection subject to conditions.

3.2 Environment Agency - No comment received.

- 3.3 Coastal Partners - No comment received.
- 3.4 Natural England - No objection subject to appropriate mitigation being secured.
- 3.5 Highways Engineer - No objection.
- 3.6 Contaminated Land Team - No objection subject to conditions.
- 3.7 Environmental Health - No objection.
- 3.8 Waste Management Service - No comment received.
- 3.9 Tree Officer - An arboricultural impact and method statement and landscaping plan is to be submitted for agreement by PCC prior to commencement.
- 3.10 Coastal And Drainage - Drainage Strategy is considered to be acceptable
- 3.11 Southern Water - Informative recommended.

#### **4.0 REPRESENTATIONS**

- 4.1 PCC publicity dates:
- 4.2 Neighbour letters sent: 8th March 2021; expiry 23rd April 2021
- 4.3 Site notice displayed: 15th March 2021; expiry 23rd April 2021
- 4.4 No representations received.

#### **5.0 COMMENT**

- 5.1 The principle of the development
- 5.2 The application site is not the subject of any site specific policy restrictions and has been vacant following the demolition of Highgrove Lodge in 2008. Having regard to the previous use of the site, the previous permissions at the site for similar uses and location within a residential neighbourhood, it is considered that the principle of the proposed development is acceptable and ideally suited to the vision of integrating future residents into a residential community.
- 5.3 Design
- 5.4 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and appropriate in terms of scale, layout and appearance in relation to the context in which it is set.
- 5.5 The submitted Design & Access Statement sets out the rationale for the proposed layout and design. The proposed buildings would be situated at an angle and the LPA have discussed with the applicant the possibility of repositioning the buildings so that they are parallel to neighbouring properties which would be more sympathetic to the existing pattern of residential properties in the area. However, the applicant has explained other layouts have been explored, however, this particular layout has been chosen to ensure there is adequate separation distance between buildings to avoid overlooking. Furthermore, the proposed layout would allow mature trees on the site to be retained and provide sufficient space for planting.

- 5.6 The proposed two-storey flat block would have a pitched roof and would be up to 9.6 metres in height. The scale of the building has been purposely restricted to no more than two storeys to ensure the building has a modest and unimposing appearance within its setting and is sympathetic to the two-storey residential properties to the north and west of the site. The two bungalows would have a maximum ridge height of approximately 5.7 metres and would be in keeping with the existing bungalows to the east and south of the site.
- 5.7 The ridge lines have been deliberately stepped down and part of the building line stepped back to reduce the visual impact of the individual buildings and provide a domestic feel. Materials would consist of a combination of red brick, brown interlocking roof tiles and dark grey powder coated aluminium fenestration. These materials have been chosen to complement the existing residential properties around the site. Furthermore, a soldier-course brick plinth, soldier-course cills and recessed brick panels adjoining windows have been introduced to break up the facades.
- 5.8 Overall, the scale and design approach is considered to be appropriate in relation to the surrounding buildings and with the use of appropriate high quality materials would represent a positive redevelopment of this vacant brownfield site that would contribute to the wider built form, in accordance with Policy PCS23 of the Portsmouth Plan and the design principles set out within the National Planning Policy Framework (NPPF).
- 5.9 Standard of Accommodation
- Policy PCS23 of the Portsmouth Plan requires, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.10 Whilst providing a form of residential accommodation, it is not considered that the 'Technical housing standards - nationally described space standard' (NDSS) would be appropriate in this instance. However, when used for comparison purposes, it is clear that the size of the units proposed would significantly exceed the minimum standards with the added benefit of separate shared amenity, on site accommodation for staff and access to verdant grounds.
- 5.11 With a good degree of natural light and outlook, predominantly towards the east, west and south it is considered that the proposal would provide a high standard living environment for future occupiers. The City Council's Environmental Health Team raise no objection.
- 5.12 Amenity
- 5.13 Policy PCS23 of the Portsmouth Plan states that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 5.14 The nearest neighbouring residents to the proposed development would be those located to the east on Karen Avenue with a separation distance of approximately 5 metres from the eastern site boundary and approximately 9 metres from the closest property, no.9 Karen Avenue. Having regard to the single-storey height of the bungalows, it is not considered the proposed development would result in any significant loss of outlook, light or privacy to the neighbouring properties to the south and east of the site.

- 5.15 With regards to neighbouring development to the north and west of the site, windows would be positioned within all elevations of the two-storey flat block. This would inevitably offer views towards the surrounding residential properties. However, having regard to the previous development at the site, oblique views and separation distances ranging from approximately 29.0m to 35.0m (window to window), together with existing tree screening on the boundary (notably to the north), it is not considered any impacts in respect of overlooking or loss of privacy would be significant.
- 5.16 A building of the height proposed would have the potential to cast a shadow to the north. However, having regard to the separation distances and the presence of existing trees along the boundary that would cast their own shadows across the gardens to the north, it is not considered that the impact of the proposed development would be so harmful as to sustain a reason for refusal in terms of loss of light, loss of outlook or overshadowing.
- 5.17 The Council's Environmental Health Team have been consulted on the application and have raised no objection.
- 5.18 Access, transport impact and parking
- 5.19 The existing site is accessed via a vehicular access from Karen Avenue. This access would be retained and would serve the new dwellings. This access would also serve as the primary access for cyclists and pedestrians. The proposal would include the provision of 15 car parking spaces. An additional two vehicle charging points would be provided to accommodate electric cars and a designated drop/off pick mini-bus space. The proposal would include a cycle store with provision for 6 bicycle and additional cycle hoops for visitor parking.
- 5.20 The application has been considered by the Local Highways Authority who highlight that the scale of the development would not be sufficient to trigger a requirement for a transport assessment and would not anticipate that the likely level of traffic generation would have a material impact on the surrounding highway network. It is also confirmed that the access on to Karen Avenue has adequate visibility splays and adequate parking is provided to meet parking demands.
- 5.21 Storage facilities for bicycle and refuse/recyclable materials would be located within the car park forward of the two-storey flatted building, within a flat roofed timber structure. These stores are considered to be of a robust construction and conveniently located for residents and collection services. Their provision and retention is required through suitably worded conditions.
- 5.22 In terms of accessibility, the site is situated approximately 0.2 miles from the nearest bus stop on Grove Road and Cosham railway station is approximately 1.1 miles from the site. Therefore there is the potential for staff and visitors to use public transport to travel to and from the site via established pedestrian footways.
- 5.23 Landscaping, Ecology and trees
- 5.24 Policy PCS13 of the Portsmouth Plan seeks to protect, enhance and develop the city's green infrastructure and requires development to achieve a net gain in biodiversity where possible.
- 5.25 Whilst currently vacant, site currently hosts a number of mature and semi mature trees several of which would be removed to facilitate the proposed development. The City Council's Arboricultural Officer has considered the submitted Tree Survey and advises that its content is accepted and agreed. However, the Arboricultural Officer has

requested an arboricultural impact and method statement is to be submitted for agreement by the LPA prior to the commencement of development. The submission of a tree protection plan to protect the retained features during development works is also required through condition.

- 5.26 With regards to landscaping, to ensure adequate mitigation is provided in the form of replacement planting as suggested within the DAS a suitably worded landscaping condition would be imposed.
- 5.27 This application is supported by a Preliminary Ecological Appraisal (Ecosupport, October 2020) and a Reptile Survey (Ecosupport, June 2021). The County Ecologist has been consulted on the application and has raised no objection provided that the agreed mitigation proposals are implemented and details of ecological enhancements are provided. Details of ecological enhancements could be secured under planning condition.
- 5.28 Contaminated Land
- 5.29 This application is supported by a Ground Condition Assessment and a Further Ground Condition Assessment. The Council's Contaminated Land Team have been consulted on the application and have requested a pre-commencement condition requiring a phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases identified in the risk assessment and a verification report to be submitted prior to first occupation to ensure the remedial scheme has been fully implemented in accordance with the agreed remediation method statement.
- 5.30 Drainage
- 5.31 The site lies within Flood Zone 1 and is therefore at low risk of flooding. The site is also less than 1.0ha in size thereby not triggering a requirement for a flood risk assessment. The application is supported by a Drainage Strategy which includes maintenance details and these have been reviewed and agreed with the Council's Drainage Engineer. The Drainage Strategy, which would be secured by planning condition, would ensure that surface water is properly managed to prevent any increased risk of flooding to the site or surrounding area, in accordance with Policy PCS12 of the Portsmouth Plan.
- 5.32 Sustainable Design and Construction
- 5.33 Policy PCS15 of the Portsmouth Plan requires all new development to contribute to the aims of addressing climate change through energy efficient design. The application is supported by a Design and Access Statement which sets out a number of energy efficiency features which have been incorporated into the design of the residential units:
- Use of good quality materials to improve insulation and reduce the overall energy consumption;
  - Development will be powered using electricity from the national grid and on site batteries, which store energy from photovoltaic (PV) panels. PV panels are proposed on the southern roofs of the flats and eastern roofs of the bungalows.
  - Heating and hot water will be provided from an air source heat pump.
- 5.34 The project has been designed to meet a minimum of 19% over Building Regulations Approved Document Part L requirements. The delivery of these standards can be required through a suitably worded planning condition.

- 5.35 Impact on the Solent Special Protection Areas
- 5.36 The Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth Policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
- 5.37 There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shorelines of the harbours and from increased levels of nitrogen and phosphorus entering the Solent water environment.
- 5.38 The Solent Recreation Mitigation Strategy (December 2017) was adopted by Portsmouth City Council on 1st April 2018 and replaces the Interim Solent Recreation Mitigation Strategy (December 2014) and the associated Solent Special Protection Areas Supplementary Planning Document (SPD) which was revoked by the City Council from 1st April 2018. The Strategy identifies that any development in the city which is residential in nature will result in significant effect on the Special Protection Areas (SPAs) along the Solent coast. It sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations. This development is not necessary for the management of the SPA.
- 5.39 The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England. The SRMP highlights that the need for mitigation for the recreational impact of other types of residential accommodation (other than dwellinghouses) will be assessed on a case-by-case basis with the 'key' test' based around the likelihood of the proposed development generating additional recreational visits to the SPA(s).
- 5.40 The proposed accommodation has been specifically designed to allow individuals with physical and/or learning difficulties to live a semi-independent lifestyle, but with support staff based on site. Whilst it is likely that future residents may choose to make recreational visits to the SPA(s) independently or assisted by staff/group trips, the applicant has confirmed that residents would not own dogs.
- 5.41 SRMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. When considering student accommodation where pets are not permitted, the SRMP suggests that the impact from purpose built student accommodation would be half of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing. On the basis that a reduction in mitigation has been agreed in principle on the basis of 'pet free' developments (specifically dogs), it is considered reasonable to apply a similar reduction in mitigation for the specialist form of residential accommodation (Class C3(b)) proposed where occupiers will not own dogs.
- 5.42 Therefore, based on the methodology set out within the SRMP and the points above, an appropriate scale of mitigation would be calculated as £2547.18 (6 x 4-bedroom units @ £801 with a reduction of 47% due to absence of dogs). This mitigation will be provided through a legal agreement. With this mitigation in place, the authority, as competent authority has concluded that the adverse effects arising from the proposal, in terms of recreational disturbance, are wholly consistent with and inclusive of the effects detailed



in the Solent Recreation Mitigation Strategy. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above resulting from recreational disturbance.

- 5.43 Natural England has provided guidance advising that increased development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites. A sub-regional strategy for this issue is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, to avoid a backlog of development in the city, with the damaging effects on housing supply, tourism and business, the Council has developed its own Interim Nutrient-Neutral Mitigation Strategy.
- 5.44 The Interim Nutrient-Neutral Mitigation Strategy (INNMS) (November 2019) identifies measures/approaches that can be acceptable, in principle, as means of achieving or contributing to nutrient neutrality within new developments resulting in an increase in overnight stays and the associated increased levels of nitrogen input to the water environment in the Solent.
- 5.45 The applicant's Nitrate Neutrality Statement briefly explores options 1 & 2 set out within the INNMS and concludes that neither are viable for this particular development. The developer has concluded that to achieve Nitrate Neutrality at the site, assistance will be required from the City Council by acquiring 'credits' from the Council's 'Mitigation Credit Bank'. These 'credits' are accrued through the Council's continuous programme of installation of water efficiencies into its own housing stock in the first instance with other options to add 'credits' to the 'Bank' from other sources in the future.
- 5.46 The LPA has agreed that the applicant can seek to acquire 'credits' from the 'Mitigation Credit Bank'. Based on the methodology set out within the INNMS, to fully mitigate the increased levels of nitrogen input to the water environment within the Solent, the applicant will require credits equivalent to 7.8kg/TN/yr which has been identified as the net increase in the total nitrogen.
- 5.47 'Credits' are currently available in line with the Mitigation Credit Forecast (Table 2 of the INNMS), and subject to mitigation being secured in line with the INNMS through an appropriately worded planning condition the development would not result in a net increase in the levels of nitrogen input to the water environment within the Solent. The development would not therefore affect the integrity of the SPA through deterioration of the water environment.
- 5.48 Natural England have been consulted on the application and have raised no objection subject to appropriate mitigation being secured.
- 5.49 Given the limited availability of mitigation 'Credits', the difficulty of calculating future projections and to ensure that development continues to take place with the associated economic benefits and the provision of new homes, it is also considered necessary and reasonable to restrict implementation period of any permission to one year.
- 5.50 Conclusion
- 5.51 The proposal would provide 6No. specifically designed units of accommodation for up to 24 individuals with physical and/or learning difficulties, allowing them to live a semi-independent lifestyle, but with the security of support staff based on site. This would make a positive contribution a very specific housing need within the city.

- 5.52 Having regard to all of the material planning matters which have been explored above, it is considered that the proposed development has been well conceived in terms of design, scale and layout and would sit comfortably within the wider street scene, assisted by extensive landscaping opportunities. Whilst there would be some limited impact on adjoining residents who have become accustomed to a vacant site for the last 13-years, it is considered that the proposed relationships are acceptable and any limited harm is outweighed by the significant benefits provided by the specialist form of accommodation and the positive impact it would have on the lives of future occupiers. It is recommended, therefore, that planning permission be granted subject to the conditions set out in this report.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

#### **Time Limit**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions given the limited supply of Council 'credits' forming the SPA mitigation.

#### **Approved Plans**

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Site Location Plan 1428/1100/P1; Block Plan 1428/1101/P1; Flat Ground & First Floor Plans 1428/1202/P1; Bungalow Plans 1428 / 1201 / P1; North Elevation 1428/1302/P1; South Elevations 1428/1301/P1; East and West Elevation 1428/1303/P1; Bungalow, Bin & Cycle Store Elevations 1428/1304/P2; Bungalow Roof Plans 1428/1203/P1; Flat Roof Plan 1428 / 1204 / P1; Existing and Proposed Perimeter Fencing 1428/5302/P1; External Works 1428/5300/P2; External Electrical Services Proposed External Lighting Layout 1428/E/703; Tree Removal Plan 1428/5301/P1.

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

#### **Contaminated Land - Remediation Strategy**

- 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, the following:

A Phase 3 remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases identified in the risk assessment (Ground Condition Assessment, Karen Avenue, Drayton, Ridge Environmental Consulting, Report no. 1521872-815-01, December 2015 [rev 3 July 2016]; and Further Ground Condition Assessment, Karen Avenue, Portsmouth, Ridge Environmental Consulting, Report Reference 5013677-RDG-XX-ST-DOC-C-01-GCA, January 2021) when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. 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 2001-2011.

#### **Contaminated Land - Verification Report**

- 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 standalone verification report by the competent person approved pursuant to condition (3) above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the Phase 3 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 conditions (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 2001-2011.

#### **Materials**

- 5) Notwithstanding the details shown on the approved plans, no construction works above foundation/slab level shall take place at the site until details, including samples, of the type, colour and texture of external materials and windows (including depth of window recesses), have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality development, in the interest of visual amenity, in accordance with Policy PCS23 of the Portsmouth Plan (2012).

#### **Boundary Treatment**

- 6) Prior to occupation of the dwellings hereby permitted, boundary treatment shall be installed in accordance with the details shown on Plan ref. 1428/5302/P1, unless alternative details are first submitted to and approved in writing by the Local Planning Authority, and such details as approved shall thereafter be retained in perpetuity.

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

#### **Tree Protection**

- 7) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority or within such extended period as may be agreed with the Local Planning Authority:
  - (a) a scheme for the safeguarding of all trees and hedgerow planting not scheduled for removal during the course of the site works and building operations (in accordance with British Standard BS5837 2012) has been submitted to and approved in writing by the Local Planning Authority.
  - (b) Such methods of safeguarding and protection as agreed pursuant to part (a) of this condition shall be installed prior to the commencement of development and retained for as long as development works/construction is taking place at the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

### **Landscaping**

- 8) The development hereby permitted shall not be first occupied/brought into use until details of a soft landscaping scheme detailing species; planting sizes; spacing and density/numbers of trees/shrubs to be planted, including the net increase in trees within the site from current numbers; the phasing and timing of planting; and the provision for future maintenance have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall then be carried out in full within the first planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

Reason: To secure a high quality setting and to mitigate the loss of green infrastructure at the site as a result of the development works in accordance with Policies PCS13 and PCS23 of the Portsmouth Plan.

### **Ecology**

9 (a) Unless otherwise agreed in writing, no construction works above foundation/slab level shall take place at the site until a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority.

(b) Development shall subsequently proceed in accordance with any such approved details and with the mitigation measures set out in Sections 6.3 and 6.5-6.8 of the Preliminary Ecological Appraisal report (Ecosupport, October 2020) and subsequent reptile mitigation measures. The enhancement features shall be permanently retained and managed in accordance with the approved plan. Photographs and a report of the implemented measures shall be submitted by an ecologist for approval to the Local Planning Authority prior to occupation.

Reason: To ensure that the scheme complies with Policy PCS13 of the Portsmouth Plan and the NPPF (2021).

### **Drainage Strategy**

- 10) Unless otherwise agreed in writing with the Local Planning Authority, the drainage strategy for the development shall be implemented in accordance with the details set out within the approved Foul & Surface Water Drainage Strategy Report (Ridge, June 2021).

Reason: To ensure that the development would not increase flood risk at the site in accordance with Policy PCS12 of the Portsmouth Plan (2012).

### **Sustainable Construction**

- 11) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings has:
- (a) achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 Edition). Such evidence shall be in the form of an As

Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and

- (b) Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the Portsmouth Plan (2012).

### **Nitrates**

- 12) The development hereby permitted shall not be occupied/brought into use until a scheme each for the (i) mitigation of increased recreational disturbance resulting from an increased population within 5.6km of the Solent SPAs; and (ii) for an increase in nitrogen and phosphorus levels within the Solent water environment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with both schemes of mitigation as approved.

Reason: To ensure that the development would not have an adverse effect on the integrity of the Solent Special Protection Area in accordance with Policy PCS13 of the Portsmouth Plan, the Conservation of Habitats and Species Regulations 2017 [as amended] and the Wildlife and Countryside Act 1981.

### **Parking**

- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the development hereby permitted, all car parking spaces, internal roadways, crossing points and pedestrian routes allowing for the safe ingress and egress to/from the site shall be laid out and made available and maintained and retained thereafter for the lifetime of the development.

Reason: To ensure adequate parking and access is provided to serve the development in the interests of highway safety, in accordance with policy PCS17 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (2021).

### **Cycle Storage**

- 14) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the development hereby permitted the bicycle provisions shown on the approved plan no. 1428/5300/ P2 and 1428 / 1304 / P2 shall be provided and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure adequate provision for and to promote and encourage cycling as an alternative to use of the private motor car in accordance with Policies PCS14, PCS17 and PCS23 of the Portsmouth Plan.

### **Refuse**

- 15) Unless otherwise agreed in writing with the Local Planning Authority, prior to first occupation of the development hereby permitted, the bin store provision shown on the approved plan nos. 1428/5300/ P2 and 1428 / 1304 / P2 shall be provided and shall thereafter be permanently retained for the storage of refuse and recyclable materials at all times.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials, in accordance with Policy PCS23 of the Portsmouth Plan.

## PRO-ACTIVITY STATEMENT

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

## FORMER PORTLAND HOTEL KENT ROAD SOUTHSEA PO5 3ET

APPLICATION TO VARY CONDITION 2 OF PLANNING REFERENCE 19/01370/MMA  
(AMENDING APPLICATION REFERENCE: 16/01584/FUL) TO ALLOW CONSTRUCTION OF  
ADDITIONAL VEHICULAR ACCESS FRONTING KENT ROAD (DESCRIPTION AMENDED)

## LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4WXF3MOMPK00>

**1.0 Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**1.1 On behalf of:**

Mr John Garrett  
The Portland PO5 Limited

**1.2 RDD:** 30th January 2020

**1.3 LDD:** 27th March 2020

**2.0 SUMMARY OF MAIN ISSUES**

2.1 This application is included on the agenda due to an objection raised by the Local Highways Authority.

2.2 The main issues for consideration are:

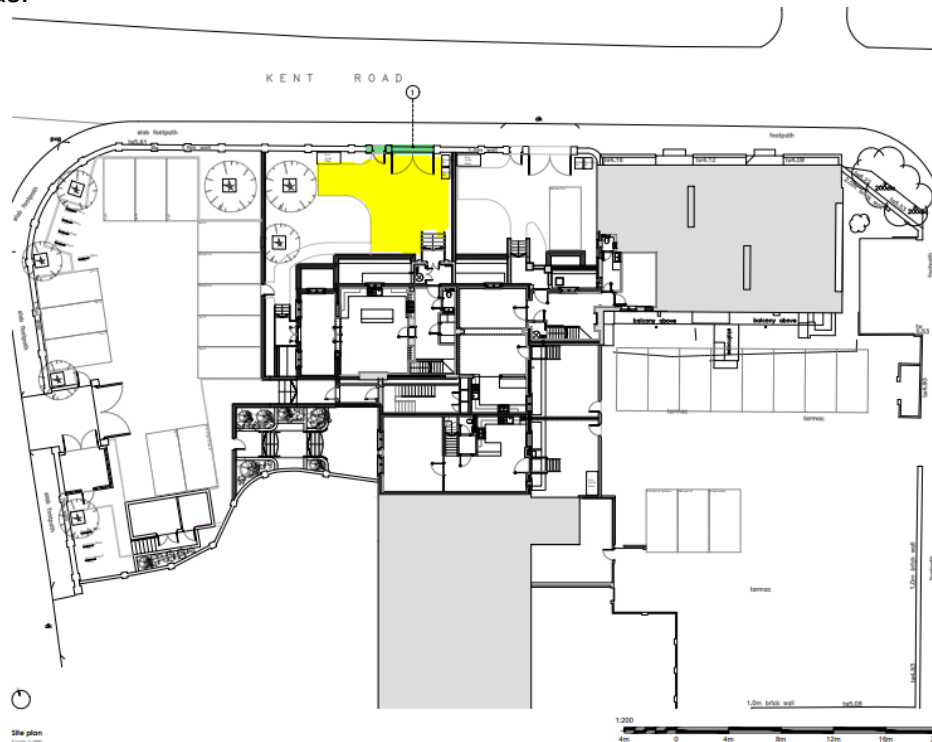
- Design and Impact on heritage assets
- The local highway network
- The amenity of adjoining occupiers

**2.3 Site, Proposal and Relevant Planning History**

2.4 The former Portland Hotel is a substantial four-storey statutorily listed building (Grade II) that occupies a 0.14ha site. It is prominently located on a corner site with street frontages to Kent Road (to the north) and Portland Road (to the west), with a tertiary frontage to Tonbridge Street (to the east) at the rear. The property lies within 'Owen's Southsea' Conservation Area (No2) and there are an extensive array of other heritage assets nearby. The nearest of those heritage assets include the immediately adjoining Portland Terrace (Grade II) and on street frontages opposite the site include Nos51-53 Kent Road, Brankesmere House, Dover Court and St Jude's Church (all Grade II); attached to the east is Portland Court 40 Kent Road, which is included in the list of locally important buildings.

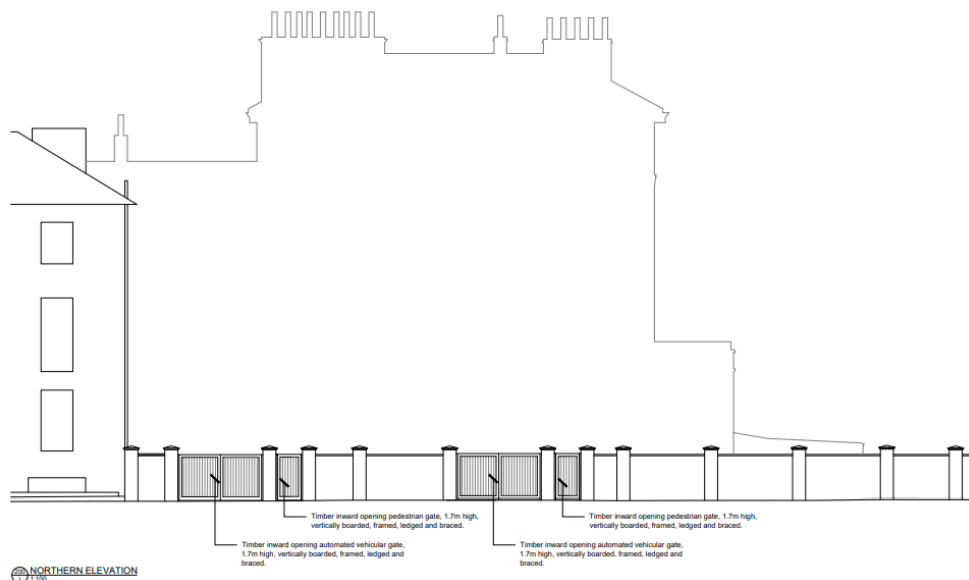
2.5 Planning permission (16/01584/FUL) and listed building consent (16/01585/LBC) were granted in May 2017 to convert the building into 12 residential units. External alterations included the construction of dormer windows/roof lights and light wells, and alterations to windows/doors & walls/gates; and associated hard/soft landscaping with parking, and construction of boiler/tank room, cycle storage and refuse enclosure.

- 2.6 In April 2021 minor material amendments (19/01370/MMA) and listed building consent (19/01371/LBC) were granted to alter the previously approved scheme. These amendments consisted of; alterations to the boundary wall dividing the application site and No.3 Portland Terrace, rebuilding of the extension and the porch to the west elevation, the rebuilding of the porch to the north elevation, alterations to the height of the boundary wall dividing 38 and 38a Kent Road, alterations to the ground floor windows to the north elevation, adjustments to the ground floor fenestration, light wells and boundary treatment to the east elevation; and removal of bin store to the east elevation.
- 2.7 This application seeks to vary condition 2 attached to planning reference: 19/01370/MMA to allow the construction of an additional vehicular and two pedestrian accesses fronting Kent Road, to service private curtilage off-street parking areas facilitated in part by the previously granted MMA application. The vehicular entrance would measure 3 metres in width and would include timber, inward opening automated gates which would measure 1.7 metres in height. In addition to the vehicular entrance, two pedestrian gates would be located to the east and west of the proposed vehicular entrance. The same style and height of timber, inward opening gates would be added to the existing vehicular entrance, thereby forming two private curtilage off-street parking bays and front garden areas.



- 2.8 In addition, the previously approved pedestrian path to the north of the application site would be widened, as highlighted in yellow above, to accommodate a driveway and space for one vehicle. Materials would include reinforced, permeable gravel surfacing.
- 2.9 A recent site visit confirmed work to the northern boundary wall had commenced and therefore this application is part retrospective.
- 2,10 This application is accompanied by an application for listed building consent, reference: 20/00122/LBC. A separate application for listed building consent is required due to no.38 Kent Road being a grade II listed building.





### 3.0 POLICY CONTEXT

- 3.1 The relevant policies within The Portsmouth Plan would include: PCS17 (Transport), PCS23 (Design and Conservation),
- 3.2 The aims and objectives of the revised NPPF (July 2021) would also be relevant in the determination of this application.
- 3.3 The Owen's Southsea Conservation Area Guidelines are also a material planning consideration.

### 4.0 CONSULTATIONS

- 4.1 Highways Engineer - This proposal reflects that suggested in a pre-planning application enquiry (19/00346/PAPA02), application 19/00789/MMA and application 19/01370/MMA to which the LHA noted that the proposal would result in the addition of an additional private access to Kent Road which in common with some other access at this frontage would have inadequate pedestrian visibility and would require vehicles to wait in the carriageway obstructing the free flow of traffic whilst the proposed gates are operated. Notwithstanding that this replicates similar arrangements elsewhere on the frontage I would not be comfortable to consent yet a further access in this locality with substandard pedestrian visibility with scope to cause obstruction on the highway
- 4.2 There has been no material change in circumstance since the LHA consideration of the proposal at the pre-planning application stage nor 19/00789/MMA nor 19/01370/MMA and as a consequence I would maintain that position and must recommend that the application be refused on the basis of the highway safety concerns detailed above.
- 4.3 Contaminated Land Team - No objection subject to conditions.
- 4.4 Environmental Health - No objection.
- 4.5 Arboricultural Officer - No comment received.

### 5.0 REPRESENTATIONS

- 5.1 PCC publicity dates:

- 5.2 Neighbour letters sent: 4th February 2020; expiry 6th March 2020
- 5.3 Site notice displayed: 11th February 2020; expiry 6th March 2020
- 5.4 No representations have been received.

## **6.0 COMMENT**

- 6.1 The determining issues in this application are whether the proposed alterations to condition 2 are acceptable in terms of design, amenity and highway impact. Whilst the approval of this application would result in the grant of a new planning permission, there are no material changes in circumstances that would lead the LPA to reach any different conclusion in respect of the principle of the development reached by planning permission 16/01584/FUL and 19/01370/MMA.
- 6.2 Design and Impact on heritage assets
- 6.3 Particular obligations fall upon the Council in determining any application which might affect a listed building or its setting or a conservation area. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.4 Policy PCS23 of the Portsmouth plan states that all new development must be well designed and, in particular, respect the character of the city whilst ensuring development relates well to the history of Portsmouth, particularly the city's conservation areas and listed buildings.
- 6.5 The Owen's conservation area guidelines (updated October 2006) state that 'This area was designed principally by Thomas Ellis Owen and its value has been increasingly recognised in recent years. The combination of buildings, walls, trees, shrubs and road layout have given this area a distinctive picturesque character which makes a notable contribution to the character of Southsea as a whole. Unfortunately since its inception there has been a gradual erosion of this distinctiveness due to redevelopment, new uses, road widening and many other factors.'
- 6.6 The guidelines identify that 'A variety of factors have combined to erode the special character of this Conservation area, ranging from major to very minor changes. However the effect has been cumulative leading to a gradual (though occasionally more rapid) decline in the area's distinctive character due to the loss of original buildings, boundary walls, trees, shrubs and gardens (for parking or development) and the use of unsympathetic materials and alterations to buildings.'
- 6.7 Properties with spacious driveways are a common characteristic of Kent Road. Whilst it is noted that the partial demolition of the existing boundary wall to provide an additional access are identified within the guidelines as cumulatively leading to a gradual decline in the conservation area's distinctive character, in this particular case the modest loss of wall and the provision of solid timber gates would ensure that the sense of enclosure felt both within the site itself and from within Kent Road itself would be retained. As such it is considered that the proposal would preserve the character and appearance of the Owen's Southsea Conservation Area.

- 6.8 With regards to the impact on the listed building, the proposal would result in the loss of part of the northern boundary wall. The removal of part of the wall is considered to be a relatively minor alteration which would not have any significant impact on the overall appearance of the heritage asset. Whilst there would be a partial loss of historic fabric, this is considered to result in 'less than substantial harm', thus not triggering paragraphs 200-201 of the NPPF (2021).
- 6.9 No.38 Kent Road has been subject to extensive renovations since planning permission was originally granted for 12 dwellings in 2017. The works which have been carried out are to a high standard and are considered to have significantly improved the appearance of the former Portland Hotel and the wider appearance of the Owen's Southsea conservation area. The proposed alterations would improve the viability of the scheme further and are considered capable of officer support.
- 6.10 Impact on highways
- 6.11 The Local Highways Authority have been consulted on this application and have raised an objection to the proposal on the grounds the proposed access would not provide adequate pedestrian visibility and would require vehicles to potentially wait in the carriageway while the proposed gates are operated which would obstruct the free flow of traffic. The Highways Engineer acknowledges that the proposal would replicate similar arrangements elsewhere along the site frontage. However, the Highways Engineer has maintained an objection on grounds of highway safety.
- 6.12 Kent Road is unclassified and due to the close proximity of Portsmouth High School to the west of the site, traffic is restricted to a 20mph speed limit. The current traffic management system of 2-way vehicular traffic within the part of the road occupied by the application site, would require visibility splays to both sides of the proposed access in order to accord with Manual for Streets 2. However, this needs to be balanced against the need to minimise the extent of removal of the listed wall and thereby protect the character and appearance within the conservation area.
- 6.13 Paragraph 10.5.9 of the MfS2 (2010) states 'that based on the research..unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem.' As such, the objective standards in MfS2 are not determinative. It is noted that many residential properties within close proximity to the application site do not meet the MfS2 visibility splay standards. Furthermore, it is noted that there have been no recorded accidents in the last five years relating to the existing accesses. Furthermore, the LPA has not been presented with any substantive evidence to demonstrate that the existing site accesses have resulted in traffic incidents that have endangered the safety of vehicular and pedestrian users of Kent Road.
- 6.14 In addition to this, on-street parking is limited within the vicinity of the appeal site with double yellow lines on both side of the road for most of the length between Grove Road South and Elphinstone Road. As such, the proposal to enable the provision of on-site parking for the appeal property, where none currently exists, would help relieve pressure for illegal on-street parking within the site vicinity. This potential highway safety benefit is another factor in support of the proposal.
- 6.15 Having regard to recent appeal decision (reference: APP/Z1775/W/20/3262472) for a similar proposal relating to 7 Villiers Rod (0.4 miles from the application site) which was refused due to substandard visibility and later dismissed, the LPA is not convinced that the failure to meet the MfS2 visibility splay standards in this instance would result in such a highway danger that it would warrant withholding planning permission.

6.16 Amenity

6.17 It is not considered that the changes would result in any significant impact on the relationship of the development with neighbouring properties.

6.18 Conclusion

6.19 In conclusion, the proposal would facilitate the on-going refurbishment and enhancement to this listed building and notwithstanding the partial loss of north-facing boundary wall to provide some off-street curtilage parking and concerns raised by the local highway authority in respect of pedestrian visibility splays, it is considered that refusal of permission on highway grounds would not be reasonable and as such the proposal is recommended for approval subject to conditions.

## **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.

**[The development has commenced in accordance with this condition]**

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 - Site Location Plan 63\_16\_01; Site Plan A102; Northern Elevation A201; Northern Elevation Proposed NE\_200\_I; Eastern Elevation A203; Eastern Elevation A203; Eastern Elevation A204; Southern Elevation A205; Western Elevation A206; Proposed porch to 38 Kent Road; Lower Ground Floor Plan (demolition) - 63\_16\_P\_20; Lower Ground Floor Plan Key 200-G; Ground Floor Plan (demolition) - 63\_16\_S106\_30; Ground Floor Plan Key 200-E; First Floor Plan (demolition) - 63\_16\_P\_40; Proposed First Floor Plan - 63\_16\_P\_41; Second Floor Plan (demolition) - 63\_16\_P\_50; Proposed Second Floor Plan - 63\_16\_P\_51; Third Floor Plan (demolition) - 63\_16\_P\_60; Proposed Third Floor Plan - 63\_16\_P\_61\_RevD; Fourth Floor Plan (demolition) - 63\_16\_P\_70; Proposed Fourth Floor Plan - 63\_16\_P\_71\_RevD; Roof Plan (demolition) - 63\_16\_P\_80; Proposed Roof Plan - 63\_16\_P\_81; Proposed boiler room/tank room & site sections - 63\_16\_P\_91; Proposed cycle stores - 63\_16\_P\_93\_RevA; Proposed cycle stores - 63\_16\_P\_94; Proposed Landscape Layout - 192/004\_RevB; and Window Sections.

**[Varied by this permission]**

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

#### **Contaminated Land - Pre commencement**

3) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the provisions set out within the Contaminated Land Remediation Statement, reference SES/TPPL/TPH/1#2RS FINAL (Soil Environment Services Ltd, September 2017) as approved by the Local Planning Authority 11.12.17.

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 2001-2011.

### **Contaminated Land - Pre-occupation**

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

Unless otherwise agreed in writing by the LPA such verification shall comprise (but not be limited to):

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

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

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 2001-2011.

### **Landscaping**

5) No development shall take place until details of hard/soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority (based on the approved Landscape Layout drawing no.192/004\_B) to specify the following:

- (a) species, planting sizes, spacing and numbers of trees/shrubs to be planted of the proposed scheme of landscaping;
- (b) tree pit specification;
- (c) type, colour and finish of materials for all external surfacing and edging treatments, within the curtilage of the listed building; and,
- (d) Landscape Management Plan and management responsibilities/maintenance schedules for all landscape areas.

### **[Details approved 10.08.2017. Condition discharged]**

Reason: To ensure a high quality landscape setting and replacement trees of suitable stature within the curtilage of the listed building and to preserve the character and appearance of 'Owen's Southsea' Conservation Area that justifies the loss of existing substantial trees which make an important streetscape contribution to the amenity of the area at this conspicuous corner site, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **Planting**

6) The scheme of hard/soft landscaping including tree pit specification approved under condition 5 shall be carried out in full within the first planting season following the occupation of

the building or following the removal of existing trees at the site, whichever is the sooner. The landscaping shall be maintained in accordance with the approved Landscape Management Plan. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved external surface treatments shall thereafter be retained.

Reason: To maintain a high quality landscape setting and replacement trees of suitable stature within the curtilage of the listed building and to preserve the character and appearance of 'Owen's Southsea' Conservation Area that justifies the loss of existing substantial trees which make an important streetscape contribution to the amenity of the area at this conspicuous corner site, to accord with policies PCS13 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF

### **Parking**

7) Before first occupation of the dwellings the proposed car parking spaces shown on the approved plans shall have been surfaced (in accordance with details approved under condition (5) and made available for use; and the car parking spaces shall thereafter be retained for use in connection with the development hereby permitted and for no other purpose, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate on-site car parking provision remains available for those purposes to meet the future transport requirements of the occupiers and to discourage parking on the adjoining highway, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the Parking Standards SPD.

### **Cycle Storage**

8) Before first occupation of the dwellings cycle storage facilities (in the form of individual secure/weatherproof cycle stores to 3 dwellings and black powder-coated 'Sheffield' hoops to serve the other dwellings) shall be provided in accordance with the detailed scheme shown on approved drawings 63\_16\_P\_19C and 63\_16\_P\_94 (or such other details as may be submitted to and approved in writing by the Local Planning Authority). These cycle parking facilities shall thereafter be retained for use in connection with the development hereby permitted and for no other purpose, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate cycle storage is provided for occupiers of the development and in order to promote and encourage alternative transport modes to the private car, in accordance with policies PCS17 and PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **Details**

9) No development shall take place until details at 1:10/1:20 (or other, as relevant) scale of the proposed new doors and windows (including a cross section indicating the type of glazing, and glazing bar details), roof dormers, flush-fitting (conservation-style) rooflight windows, ramped entrance/railings and retaining walls (to lightwells) shall have been submitted to and approved in writing by the local planning authority. The new windows and doors shall be constructed of painted timber. The development shall be carried out in accordance with the approved details.

**[Details approved 31.07.2017. Condition remains in force].**

Reason: To preserve the special architectural or historic interest of the Grade II listed building and the visual amenities of the surrounding 'Owen's Southsea' Conservation Area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **Materials**

10) The alterations to external walls proposed to be carried out in a painted stucco finish (shown rusticated on the Kent Road frontage) and natural slate roofing material to be used on the proposed dormers shall match as closely as possible in type, colour and texture those on the existing building.

Reason: To preserve the special architectural or historic interest of the Grade II listed building and the visual amenities of the surrounding 'Owen's Southsea' Conservation Area, in accordance with policy PCS23 of the Portsmouth Plan and the aims and objectives of the NPPF.

### **Plant Equipment**

11) Prior to the installation of any plant or equipment an assessment of noise from the operation of the plant shall be undertaken using the procedures within British Standard BS4142:2014 and a report submitted to the local authority for approval. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant shall be implemented.

Reason: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity in accordance with policy PCS23 of the Portsmouth Plan.

### **1) 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.

2) NB This permission is granted in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

51 FARLINGTON ROAD PORTSMOUTH PO2 0DS

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=QPSXCTMOHER00>

**Application Submitted By:**

Applecore PDM Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr Rob Vandenberghe

**RDD:** 21<sup>st</sup> April 2021

**LDD:** 16<sup>th</sup> June 2021

## 1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee following a request made by Cllr

Robert New and deputation requests from local residents. The application is now the subject of an appeal on grounds of non-determination (ref: APP/Z1775/W/21/3280800) and as such this report seeks a resolution by the Committee as to its likely determination should it had retained jurisdiction over the application.

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.

## 1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surrounding

1.5 This application relates to a two-storey, mid-terrace 3-bedroomed property with a double height bay window to the front that is separated from the road by a small front forecourt. To the rear of the dwelling is an enclosed garden. The property is currently being refurbished and has been extended to the rear with a single storey rear extension and a rear dormer roof extension utilising permitted development rights. The site is located on the west side of Farlington Road,



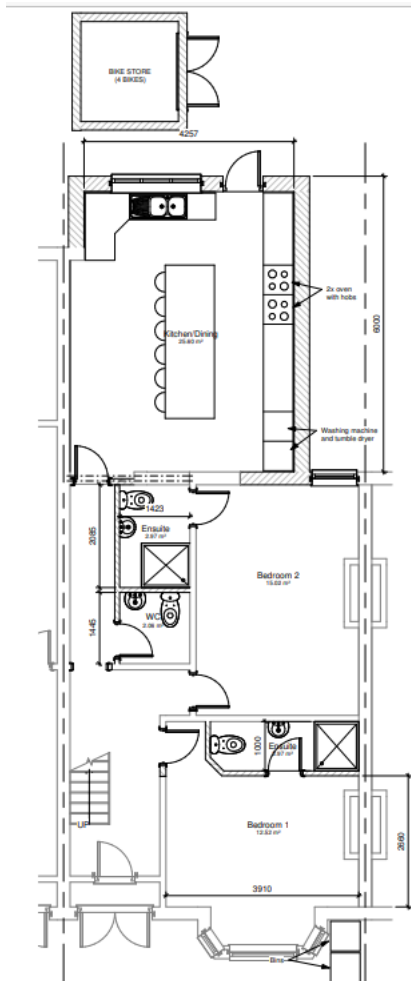
north of its junction with Chichester Road.

- 1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey Victorian terraced properties of a similar design.



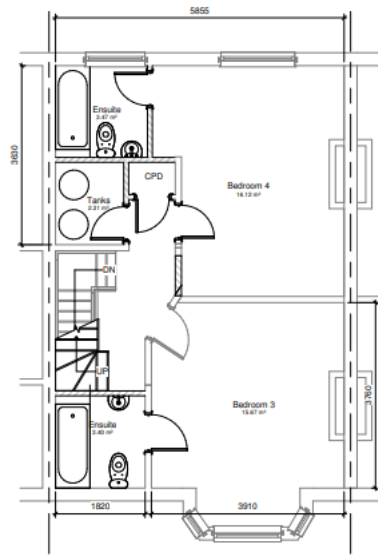
1.7 Proposal

- 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 property has been extended by way of ground floor single storey extension and rear roof dormer in order to facilitate the proposed development and these works have been implemented with the benefit of permitted development rights. The property would comprise 6 bedrooms identified for single person occupancy on the submitted drawings. A detached cycle store would be built in the rear garden, serving 4 cycles.

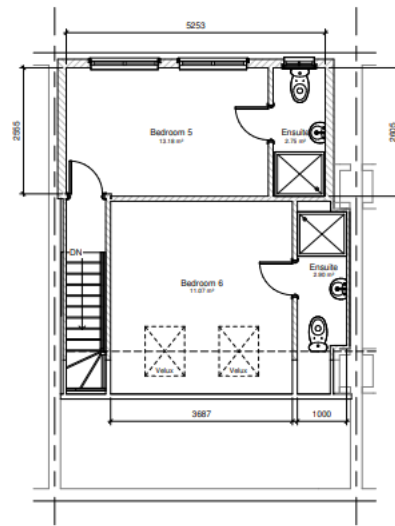


① Existing/Proposed Ground Floor  
1 : 50

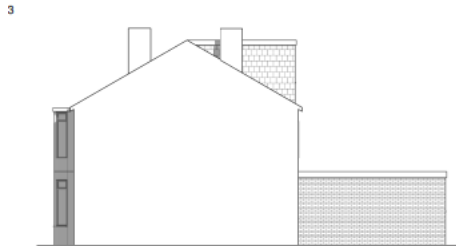
- 1.9 The internal accommodation would comprise the following:
- Ground floor - Two Bedrooms, both with WC-shower en-suites, a shared WC, and communal kitchen/dining area.
  - First floor - Two bedrooms with WC-shower en-suites.
  - Second Floor - Two bedrooms with WC-shower en-suites.



**2 Existing/Proposed First Floor**  
1 : 50



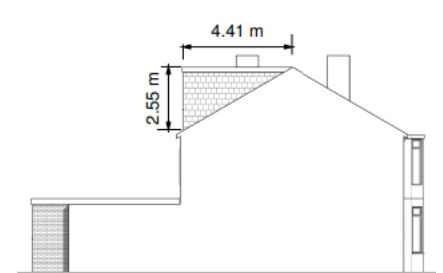
**3 Existing/Proposed Second Floor**  
1 : 50



**6 Proposed Side**  
1 : 100



**5 Proposed Rear**  
1 : 100



**4 Proposed Side**  
1 : 100

### 1.10 Planning History

1.11 Recorded planning history comprises the following:

20/00130/GPDC, Single storey rear extension (Prior Approval application),  
Outcome: Prior Approval Not Required, 8/2/21.

A\*33713 - Ground floor rear extension, Approved 30<sup>th</sup> March 1988.

## 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 Policy Framework (2021)
- National Planning Practice Guidance (2014)
- The Parking Standards and Transport Assessments Supplementary Planning Document(2014)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document

## 3.0 CONSULTATIONS

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

3.2 **Highway Authority** - Farlington Road is an unclassified residential street with the majority of terraced dwellings along its entirety. Few of the properties have off street parking facilities with the majority of parking accommodated through unrestricted on street parking. The demand for parking on street regularly exceeds the space available particularly in the evenings and weekends. No traffic assessment has been provided however given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.

3.3 The proposed application seeks to convert a single residential dwelling to a 6 bedroom HMO. The submitted plans do not confirm the number of existing bedrooms and as such I have made my assessment on the assumption that the existing dwelling comprises of 3 bedrooms. 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 6 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.

3.4 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.

3.5 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 21 April 2021 expired 09 June 2021

4.2 Neighbour letters sent: 21 April 2021, expiry 09 June 2021

4.3 23 letters of representation from 20 addresses have been received objecting on the following grounds;

- Excessive parking demand - up to 10 extra cars possible;
- Excess of HMOs in the area;
- Dropped kerbs in neighbouring roads push parking into Farlington;

- Additional pressure on water supply and drainage system;
- Increased demand on public transport;
- Commercial vehicles park on the road overnight;
- Already properties converted to flats in Chichester Road;
- Noise and anti-social behavior and housing benefit occupants are likely;
- Not possible to control potential occupiers eg. to nursing staff.
- If nurses occupying, they wouldn't be able to find parking space at night;
- Overlooking increasingly likely as residents will rely more upon single outlook windows;
- Rubbish;
- Safety in the area compromised;
- Foul language likely in gardens;
- Not policy compliant due to loss of family home;
- Increased risk of sinkholes due to infrastructure pressures;
- Council taxes paid over years should protect existing family homes;
- Applicant is simply after financial gain;
- Loss of family home for which there is market demand by families;
- This is a family area, close to schools, not suited for HMOs;
- Already HMOs in Laburnum Grove and other unauthorized ones in Farlington and Chichester Rds;
- No Party Wall Agreement sought for rear extension;
- Should re-purpose city centre buildings instead;
- Garages in the road do not store cars;
- There is an HMO at 155 Chichester Road and this lies within the 50m zone;
- Works on the property have already started without planning permission;

Cllr Robert New called the Application for determination by the Planning Committee, due to residents' concerns about impact on parking and on the local area.

Cllr Swann has objected on many of the same grounds as residents, namely parking, road congestion, massive strain on doctor and dental practices, loss of badly-needed family homes, increase in anti-social behaviour and noise nuisance. He also does not consider the HMO register to be accurate or up-to-date. He states that until it is reliable, HMO applications should not be approved. Cllr Swann requests the local community be listened to.

Penny Mordaunt MP has spoken with local residents and understands the majority are objecting about parking, that the conversion of homes is not in-keeping with the family nature of the area, and that community fabric will be destroyed. She notes the mapping of HMOs by the Local Authority and requests the Planning Committee consider the scale of over-development. The MP is aware of Cllr New's call-in request and asks that his and residents' concerns are accepted and considered by the Committee.

## **5.0 COMMENT**

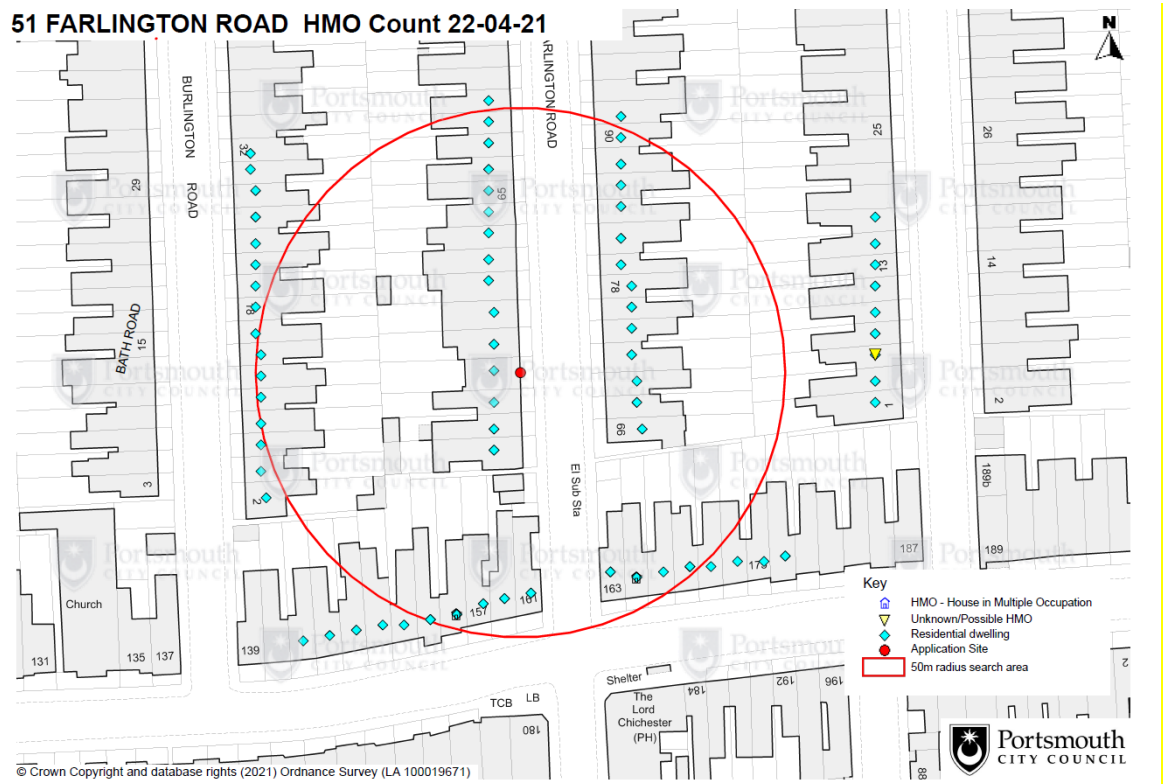
- 5.1 The main determining issues for this application relate to the following:
- The principle of development;
  - The standard of accommodation;
  - Impact upon amenity neighbouring residents;
  - Parking;
  - Waste and infrastructure;
  - Impact upon the Solent Protection Areas.

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 dwellinghouse (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.

5.4 Based on the information held by the City Council there are two HMOs within a 50m radius of the application site, being at 155 Chichester Road and 165 Chichester Road:



5.5 Within this 50m radius (including the application site) there are 80 properties. This number takes into account any properties which have been subdivided into flats. The addition of the proposal would result in 5% of properties being an HMO within the 50m radius, thus falling within the 10% threshold.

5.6 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. From public consultation responses, three existing HMOs within the 50m radius have been highlighted, notably at 155 and 165 Chichester Road and 5 Lyndhurst Road and these have already been taken into account in the above calculation.

- 5.7 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. In this instance, the application property would not give rise to such a 'sandwiching' effect.
- 5.8 The proposal would create flexible C3/C4 accommodation which would help to support the housing needs in the city.
- 5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.10 Standard of accommodation
- 5.11 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals with each of the six bedrooms meeting the minimum size standards for single occupation.

HMO SPD (OCT 2019)	Area Provided m2	Required Standard m2
Bedroom 1	12.52	6.51
Bedroom 1 Ensuite	2.97	Undefined
WC	2.06	Undefined
Combined Living Area	25.6	34
Bedroom 2	15.02	6.51
Bedroom 2 Ensuite	2.79	Undefined
Bedroom 3	15.67	6.51
Bedroom 3 Ensuite	3.40	Undefined
Bedroom 4	16.12	6.51
Bedroom 4 Ensuite	3.47	Undefined
Bedroom 5	13.18	6.51
Bedroom 5 Ensuite	2.75	Undefined
Bedroom 6	11.07	6.51
Bedroom 6 Ensuite	2.9	Undefined

- 5.12 The combined living space area proposed falls significantly short of the requirement for a six person HMO. Whilst all of the bedrooms would be above the minimum space requirement and above the additional standard of 10m2 as defined within the 'Standards for Houses in Multiple Occupation' guidance document (2019), the shortfall in the combined living space standard is such that the development is considered to be contrary to the adopted standards and is unacceptable in planning terms.

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

Impact on neighbouring living conditions

- 5.14 The HMO SPD is supported by an assessment of the need for, and supply of, sharedhousing in Portsmouth and of the impacts of high concentrations of HMOs on local communities.
- 5.15 It is acknowledged in Appendix 5 of the House in Multiple Occupation SPD (Oct 2019) thatHMOs 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 significantlyabove 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.
- 5.16 Concerns have been raised in the representations regarding a potential increase in crimeas 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 an individual property as a dwellinghouse (Class C3 - allowing up to 6 persons to live together as a single household) would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a registered 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.

Highway Implications

- 5.19 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 spacesfor C4 HMOs. The same requirement applies to dwellinghouses with 2 or more bedrooms.
- 5.20 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.
- 5.21 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.



- 5.22 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.

#### Waste

- 5.23 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.

#### Impact on Special Protection Areas

- 5.24 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 dwelling house 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.

#### Other Matters Raised in Representations

- 5.25 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. However, having regard again to the existing lawful use of the property as three, self-contained flats, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by three separate households.
- 5.26 Other issues raised are otherwise to have been addressed in this report or relate to non-planning matters and are covered under separate legislation.

#### Conclusion

- 5.27 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) (2019).

**RECOMMENDATION:** That the Secretary of State be advised, in respect of the ongoing appeal referenced APP/Z1775/W/21/3280800, that the Local Planning Authority would have **REFUSED** the application for the following reason:

1. The proposed ground floor combined living space/kitchen area would fall significantly below the expected minimum size standard for such accommodation, having regard to the identified provision of 6 single bedrooms and as set out in the Council's adopted Supplementary Planning Document "Houses in Multiple Occupation" (Oct 2019) and would accordingly fail to provide an acceptable standard of living accommodation contrary to policies PCS20 and PCS23 of the Portsmouth Local Plan 2012

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