

NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 10 NOVEMBER 2021 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services - Tel 023 9283 4870
Email: Democratic@portsmouthcc.gov.uk

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

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).
- We strongly recommend that attendees should be double vaccinated.
- 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.

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, Linda Symes, Daniel Wemyss and Rob Wood

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

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

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon 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 or telephone a member of the Technical Validation Team on 023 9283 4826.

A G E N D A

Meeting information: Risk assessment for Council Chamber

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of previous meeting held on 20 October 2021 (Pages 9 - 16)**
- 4 Update on previous applications**

Planning applications

- 5 21/01095/HOU - The Boathouse, 4A Broad Street, Portsmouth, PO1 2JE
(Pages 17 - 92)**

External alterations (including installation of roller shutter to north-east elevation) and installation of 'Versadock' pontoon system with retractable gangway (to rest on existing slipway at low tide) (Resubmission of 21/00264/HOU)

- 6 20/01330/FUL - Royal Naval Club & Royal Albert Yacht Club, 17
Pembroke Road, Portsmouth, PO1 2NT**

Change of use of second floor from offices to 3no. two-bedroom apartments with associated cycle and refuse storage

- 7 20/01331/LBC - Royal Naval Club & Royal Albert Yacht Club, 17
Pembroke Road, Portsmouth, PO1 2NT**

Alterations to doors and windows and removal of 2no. staircases to facilitate conversion of second floor to residential apartments

8 21/00509/FUL - 49 Oriel Road, Portsmouth, PO2 9EG

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

9 19/01356/HOU - 15 Oyster Street, Portsmouth, PO1 2HZ

Construction of single storey rear extension and creation of a roof terrace including installation of glass balustrading (description amended)

10 21/00983/PLAREG - Land Adjacent to South Parade Pier

Retrospective application for change of use of land and construction of external raised terrace ancillary to A3 Café use on land adjacent to South Parade Pier

11 21/00984/LBC - Land Adjacent to South Parade Pier

Construction of external raised terrace ancillary to A3 Café use on land adjacent to South Parade Pier

12 21/01329/DOC - Southsea Seafront from Long Curtain Moat in the West to Eastney Barracks in the East

Application to seek approval of details reserved by conditions 2 (phasing), 5a/5b (archaeology), 17 (soft landscaping), 22 (external lighting), 23 (street furniture and walls), and 25 (hard surfacing materials) of planning permission 21/00820/VOC (for part sub-frontage 4 only, Southsea Castle)

13 20/00960/HOU - 34 Freshwater Road, Portsmouth, PO6 3HU

Construction of two storey side and rear extension (amended description)

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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Coronavirus Risk Assessment for the Council Chamber, Guildhall

Date: 21 October 2021 (based on Government Autumn and Winter Plan and associated Guidance published September 2021)

Review date: Next time Government guidance is updated

Author: Lynda Martin, Corporate Health and Safety Manager, Portsmouth City Council

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Manager's Name and Job Title completing Risk Assessment:	Lynda Martin Corporate Health and Safety Manager	Risk Assessment Dept:	Corporate Services	Date:	21 October 2021	Signature:	
		Location:	Council Chamber, Guildhall				

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
Risk of exposure to Covid-19 virus - Ventilation	Staff, contractors and attendees	<ul style="list-style-type: none"> • 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. • 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 and should only be removed when addressing the meeting. • The actions taken to maximise ventilation in the Guildhall Council Chamber includes: <ul style="list-style-type: none"> ○ The removal of internal casement secondary glazing windows. ○ Large casement windows will be opened. ○ Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting. ○ High level doors and window - the double doors to the high level galleries and the gallery corridor window will be opened. 	Security staff will be available to ensure numbers are not exceeded. Staff will ensure windows are open and fans switched on.	In place
Page 6 Risk of transmission of virus - Risk mitigation	Staff, contractors and attendees	<ul style="list-style-type: none"> • The Guildhall takes its responsibility to help limit the risk of infection seriously and has the following measures and requirements in place, attendees should: <ul style="list-style-type: none"> • Be double vaccinated. • Have a negative Asymptomatic / lateral flow device within 48 hours of a meeting. • Wear face coverings at all times, unless exempt. • Follow Track & Trace requirements - track and trace QR posters will be displayed to allow check in. • Not attend if their result is positive attendees must and follow government guidance regarding isolation: https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Risk of transmission of virus - Hygiene and prevention		<ul style="list-style-type: none"> • Wash hands for 20 seconds using soap and water or hand sanitiser. • Maintain good hygiene particularly when entering or leaving. • Hand sanitiser will be located at the entrance of the building. • Hand sanitiser and wipes will be located in the meeting room. • Additional cleaning measures are in place, door handles, surfaces, etc. • No refreshments will be provided. Attendees should bring their own water bottles/drinks. • All attendees should bring and use their own pens/stationery. • Doorways marked, where possible, with entry and exit channels. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	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"> Only one person should use the lift at a time. Attendees should follow entry/exit signage to and around the building. Each speaker to have their own microphone. No sharing of microphones. 		
PPE	Staff, contractors and attendees	<ul style="list-style-type: none"> All attendees must wear a face covering and are encouraged to bring their own. Face coverings to be available at the entrance to the Guildhall if required. Gloves, anti-bacterial wipes and bin bags to be provide to all events staff. Sanitiser available at the entrance and exit of the building and in reception areas. <p>The following guidance on using face coverings should be followed:</p> <ul style="list-style-type: none"> Wash/sanitise hands prior to fitting the face covering Avoid touching face or mask, to not contaminate the covering Change face covering if it becomes damp or contaminated Continue to wash hands regularly 	Posters displayed Guidance provided in advance of meeting to all attendees.	In place
Financial Risk	Staff, contractors and attendees	<ul style="list-style-type: none"> 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. Contact details of all attendees held by the event manager to enable easy efficient cancellation. Technology in place to move to virtual council meeting if required and permitted by legislation. 	Financial commitments minimised wherever possible. PCC Insurance department aware of council meeting.	In place

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Updates	<ul style="list-style-type: none"> This risk assessment is a live document and will be updated as new information becomes available. All managers should feel free to adapt the measures contained within this risk assessment when assessing the risks for their own department's work activities/ premises.
Further information	<ul style="list-style-type: none"> Further government information on support during the coronavirus pandemic can be found here HSE guidance, on working safely during the coronavirus pandemic can be found here Staff wellbeing advice during the coronavirus pandemic can be found here

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Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 20 October 2021 at 10.45am 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 (Vice-Chair)
Dave Ashmore
George Fielding
Jo Hooper
Robert New
John Smith
Lynne Stagg
Luke Stubbs

Welcome

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

Guildhall, Fire Procedure

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

94. Apologies (AI 1)

Apologies had been received from:

Councillor Matthew Atkins - Councillor Luke Stubbs deputised for him
Councillor Gerald Vernon-Jackson - Councillor Dave Ashmore deputised for him.

95. Declaration of Members' Interests (AI 2)

No interests were declared.

96. Minutes of the previous meeting held on 29 September 2021 (AI 3)

RESOLVED that the minutes of the Planning Committee held on 29 September 2021 be agreed as a correct record.

97. Updates on previous applications. (AI 4)

In the previous 30 days there had been no appeal decisions and 15 appeal applications lodged.

98. 21/01219/FUL - 2 Prospect Road, Portsmouth PO1 4QY (AI 5)

The Planning Officer introduced the report and drew attention to the Supplementary Matters which reported that:

Contaminated Land Team comments are attached as an appendix. Further commentary on this will be provided at the meeting.

Regulatory Services has commented on the likely impact on air quality in respect to vehicles attending the BCP, as follows:

"The BCP will be occupied by two primary responsible authorities the Animal & Plant Health Agency (APHA) and the Port Health Authority (PHA) [principally responsible for food safety checks]. The need for vehicles to attend the BCP for physical checks of goods necessary in performance of the delivery of official controls is mandated by the Government. This regime will determine the level of HGV+ traffic to the facility.

It is less clear as to the requirements placed upon APHA, however, the PHA are likely to require 1% of HGV+ to visit the BCP for product checking as of July 2022 - this equates to approximately 2 vehicles attending the facility per day. It should be noted that this checking regime only relates to vehicles containing goods of particular interest as identified through pre-notification processes and not all vehicles arriving at the Portsmouth International Port. If similar levels of vehicles attending the BCP is applied to goods of interest to APHA then the level of HGV+ movement is unlikely to be material... the above needs to be caveated by the fact that there is currently a significant level of uncertainty in respect to the APHA official control regime and any changes necessitated by the Government in respect to the % change (increases) in official controls via physical checks required by the PHA (and / or APHA) in the future."

The recommendation was unchanged.

He suggested that given the level of risk seems low, the Assistant Director be given delegated authority to determine the exact wording of the condition, working with the Land Contamination Team.

Jim Beavan gave a deputation on behalf of the applicant.

Members' Questions.

In response to questions, the following points were clarified:

It would not be feasible to remodel the access.

There are no proposals for any soft landscaping in the small site. The sustainability credentials could not be demonstrated due to the applicant's limited budget.

Mr Beavan reminded the committee that a suite of measures regarding biodiversity was set out in the condition.

Members' Comments.

Members recognised that this is essential infrastructure for the port and that there are few locations where it could be sited.

The design is not ideal in some ways as it is in a very prominent location and stands out. They suggested it could be painted black and a gateway welcome sign could be erected.

Members welcomed the fact that biodiversity enhancements were required to be in place before the building is brought into use.

RESOLVED that permission be granted subject to delegated authority being given to the Assistant Director to resolve the wording for the conditions with the Land Contamination Team

99. 21/01136/FUL - Victoria Park, Anglesea Road, Portsmouth, PO1 3HJ (AI 6)

The Planning Officer introduced the report and drew members' attention to the Supplementary Matters which reported that:

Following publication of the Committee reports, two letters of representation have been received:

The first on behalf of the University of Portsmouth. Whilst supporting improvements to the park as a matter of principle, and recognising the contribution the space makes to those living, working and studying in the area, concerns are raised in respect of the scheme's relationship with land owned by the University at the former Victoria Baths site, and increased pressure on park infrastructure. A full copy of the representation is attached.

The second from a local resident in support of the application highlighting that the 'hub' building would be a good addition to the park. The building is described as "modern and functional, well thought out, low key, offering flexible space for many different types of community and educational activities".

Officer Comment:

The closest element of the proposal would be situated approximately 80m from the southern boundary shared with the former Victoria Baths site. Having regard to the modest scale of the proposed development and degree of separation, it is not considered that the proposal would have any significant adverse impact on neighbouring occupiers, significantly affect park infrastructure or compromise development opportunities proposed by the University.

As set out within the Committee report, other works are proposed as part of the wider on-going restoration project within Victoria Park. However, these works fall outside of the scope of this planning application and are a matter for discussion between the two landowners.

The recommendation was unchanged.

Mark Harris, University of Portsmouth gave a deputation against the recommendation.

Adrian Rozier, the applicant gave a deputation.

Members' Questions.

In response to questions from members, the following points were clarified:
The university is 80m from the park.

A decision is required as soon as possible to meet the current timescales.

Much of the consultation was held virtually due to the pandemic. The Community Development Officer engaged with many community groups and residents. A series of focus groups was held. More than 1,500 responses were submitted to the consultation.

Members were reminded that the council's Master Plan that was referred to in a deputation, was outside of this committee's remit.

Members' Comments.

Members recognised that a decision was required immediately as there was a lot of funding involved.

Members were pleased to note that the views of the community had clearly informed the design which included solar panels and a green roof.

It was suggested that having a consistent colour scheme and style paving in the park and outside the surrounding buildings would give a signature style to the area.

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

100. 21/01137/LBC - Victoria Park, Anglesea Park, Portsmouth, PO1 3HJ (AI 7)

The Planning Officer introduced the report and drew attention to the Supplementary Matters which reported that:

Following publication of the Committee reports, one letter of representation has been received in support of the application highlighting that it is positive to see the memorials being cared for as they are a very valuable part of Portsmouth's heritage.

The recommendation was unchanged.

Members' Questions.

There were no questions.

Members' Comments.

Members noted the very specialist work and the engagement that had been carried out to inform these proposals.

Resolved that permission was granted subject to the conditions set out in the officer report.

101. 18/01967/OUT - 32-60 Middle Street, Southsea, PO5 4BP (AI 8)

The Planning Officer introduced the report and drew the members' attention to the Supplementary Matters which reported that:

Councillor Stagg took no part in the discussions nor the voting for this item.

The Planning Officer introduced the report and drew attention to the Supplementary Matters that reported:

*Further to the Published Officer Report, two outstanding matters relating to the prospective s.106 legal agreement Heads of Terms have now received the agreement of the Applicant:
o the provision of Public Open Space in the vicinity of the development;*

o the inclusion of a Review Mechanism, so that in the event of the scheme's actual/resultant finances improving sufficiently, Affordable Housing provision could be made.

Public Open Space:

The Applicant has agreed to this in principle, and subject to financial viability. The Parks and Open Spaces officer has verbally confirmed that monies could be spent in Victoria Park, and/or possibly in nearby Children's Play Areas. That Officer's more detailed assessment will be forthcoming (including location, purpose and amount of spend) and will be progressed with the Applicant so that a position can be set out for the Planning Inspectorate in reaching its decision on the Appeal.

Review Mechanism:

The details will be negotiated with the Applicant, again so that a position can be set out for the Planning Inspectorate in reaching its decision on the Appeal.

Mitigation for Impact on The Special Protection Area (SPA) (The Solent and Harbours):

The Published Officer Report sets out that because there is an Appeal, the Planning Inspectorate is now the 'Appropriate Authority', rather than the Local Planning Authority. For completeness, this will also be set-out in a revised set of Recommendations, in the next column of this report.

In the meantime, and to confirm to the Planning Committee: the applicant is aware and willing to mitigate the impact of the development on the SPA, both in respect of Recreational Disturbance and Nitrates. Page 50 of the Published Officer Report notes that nitrate-mitigation solutions available in the market, in addition to that provided by the Council for generally smaller developments. For the reason given above, the formal Appropriate Assessment has not been completed, but the Local Planning Authority (LPA) has confidence that mitigation can be positively resolved. This is an as-yet unfinalised financial burden on the scheme to deliver off-site nitrate mitigation, but approximate sums for the mitigation available on the market are known.

Summary:

*The remaining matters set out in the Published Officer Report are resolved in principle, albeit with important details to be progressed, as described above. The LPA therefore continue to advise the Planning Inspectorate that it would not have refused the application **subject to satisfactory completion of a legal agreement on the Heads of Terms**. This is set out in the next column of this report.*

Amendments to the Published Officer Report are underlined.

RECOMMENDATION I

That had there been no Appeal against Non-Determination, and subject to satisfactory conclusion of an Appropriate Assessment for mitigation of the effects on the SPA, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- SPA Recreational Impact mitigation;*
- SPA Nitrates mitigation;*

- *Public Open Space;*
- *Viability Review Mechanism;*
- *Implementation and monitoring of a Travel Plan;*
- *S106 Administration fee of £620 per obligation.*

[if any element is found to be not required or compliant with the tests for planning obligations, an equivalent amount may be offered towards the affordable housing contribution instead]

RECOMMENDATION II

That had there been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III

That had there been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

- *SPA Recreational Impact mitigation;*
- *SPA Nitrates mitigation;*
- *Public Open Space (**financial contribution**);*
- *Viability Review Mechanism;*
- *Implementation and monitoring of a Travel Plan;*
- *S106 Administration fee of £620 per obligation.*

Alex Tarrant gave a deputation against the application on behalf of his parents Mr & Mrs Tarrant. He also circulated photographs showing the poor state of the building that is adjacent to the premise that his parents lease.

Jamie Hanna gave a deputation on behalf of the applicant.

Members' Questions.

The council's affordable housing policy sets out the expectation that 30% of units in all new builds must be affordable housing unless providing this would put the scheme's viability at risk. The viability assessment submitted by the applicant for this scheme had been verified by an independent consultant commissioned by the council. The consultant concluded that the forecast profit was higher than the figure the applicant had submitted but would still be low at 15% and therefore the council's policy states that the developers could not be forced to provide any affordable housing. However, the review mechanism proposed would allow the profit to be assessed as the development progresses.

The Highways Authority expressed concerns regarding parking, but no actual objection.

The number of bird and bat boxes that will be installed was not known but would be looked into.

The site is just outside the area identified in the council's tall building policy. However, there are a number of tall buildings in close vicinity ranging from 5 to 18 storeys in height. It is felt that the area can support these proposed tall buildings.

The application is near local amenities such as shops, jobs, buses, trains and ferries.

The Planning Officer had advised Mr and Mrs Tarrant to take advice about leaseholders' rights.

The details of the roof top communal open space had not been seen by the Planning Officer but he was confident that it would be accessible to all the residents.

Members' Comments.

The committee thanked Mr Tarrant for his deputation and recognised the importance of artisan skills.

It was noted that the target set by the government for new housing 17,700 would drive carriage and horses over the council's parking standards.

The need for new housing and affordable housing is clear. Increasingly developers are saying that they cannot afford to provide affordable housing. A previous developer had been reluctant to provide affordable housing and the council had been obliged to push hard.

The national policy that had been introduced recently obliges local planning authorities to consider all applications for tall buildings.

Whilst recognising that this is not a planning matter, members commented that the photographs circulated by Mr Tarrant showed that poor building materials had been used in the building adjacent to the premises that his parents lease. They also noted the increase in cars and the subsequent pressure on parking that would result from this development.

When the detailed application is submitted, the committee can ensure that high quality materials will be used.

NB: there was an error in the SMAT, which can be seen above - the list of Heads of Terms was repeated, with the intended change only shown in the repeated list at the end. That intended change was to add the words 'financial contribution' after 'Public Open Space'. That error has been corrected below, to give a clear and correct final Resolution.

Resolved that

- 1. That had there been no Appeal against Non-Determination, and subject to satisfactory conclusion of an Appropriate Assessment for mitigation of the effects on the SPA, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:**
 - SPA Recreational Impact mitigation;
 - SPA Nitrates mitigation;

- Public Open Space (financial contribution);
- Viability Review Mechanism;
- Implementation and monitoring of a Travel Plan;
- S106 Administration fee of £620 per obligation.

[if any element is found to be not required or compliant with the tests for planning obligations, an equivalent amount may be offered towards the affordable housing contribution instead]

2. There been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;
3. There been no Appeal against Non-Determination, the Local Planning Authority would have granted delegated authority to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

102. 21/01150/VOC - QA Hospital, Southwick Hill Road, Portsmouth, PO6 3LY (AI 9)
The Planning Officer introduced the report.

Members' Questions.

There were no questions.

Members' Comments.

Members were disappointed to note that the tree planting could not proceed but understood the risks that prevented it.

It was noted that the draught from the helicopter when it takes off and lands on the hospital site causes branches to scatter onto Southwick Road causing a danger to the road users.

Resolved that permission be granted subject to the conditions set out in the officers' report.

The meeting concluded at 1:15pm.

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Signed by the Chair of the meeting
Councillor Lee Hunt

Agenda Item 5

PLANNING COMMITTEE 10TH NOVEMBER 2021

10.30AM GUILDHALL COUNCIL CHAMBER

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

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

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

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

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - Planning and Economic Growth if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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THE BOATHOUSE 4A BROAD STREET PORTSMOUTH PO1 2JE

EXTERNAL ALTERATIONS (INCLUDING INSTALLATION OF ROLLER SHUTTER TO NORTH-EAST ELEVATION) AND INSTALLATION OF 'VERSADOCK' PONTOON SYSTEM WITH RETRACTABLE GANGWAY (TO REST ON EXISTING SLIPWAY AT LOW TIDE) (RESUBMISSION OF 21/00264/HOU)

LINK TO ONLINE DOCUMENTS;

[21/01095/HOU | EXTERNAL ALTERATIONS \(INCLUDING INSTALLATION OF ROLLER SHUTTER TO NORTH-EAST ELEVATION\) AND INSTALLATION OF 'VERSADOCK' PONTOON SYSTEM WITH RETRACTABLE GANGWAY \(TO REST ON EXISTING SLIPWAY AT LOW TIDE\) \(RESUBMISSION OF 21/00264/HOU\) | THE BOATHOUSE 4A BROAD STREET PORTSMOUTH PO1 2JE](#)

Application Submitted By:

ACHIEVE - Town Planning And Urban Design Ltd
FAO Mr Steve Lawrence

On behalf of:

Mr G Pounds

RDD: 23rd July 2021

LDD: 20th September 2021

EOT: 12 November 2021

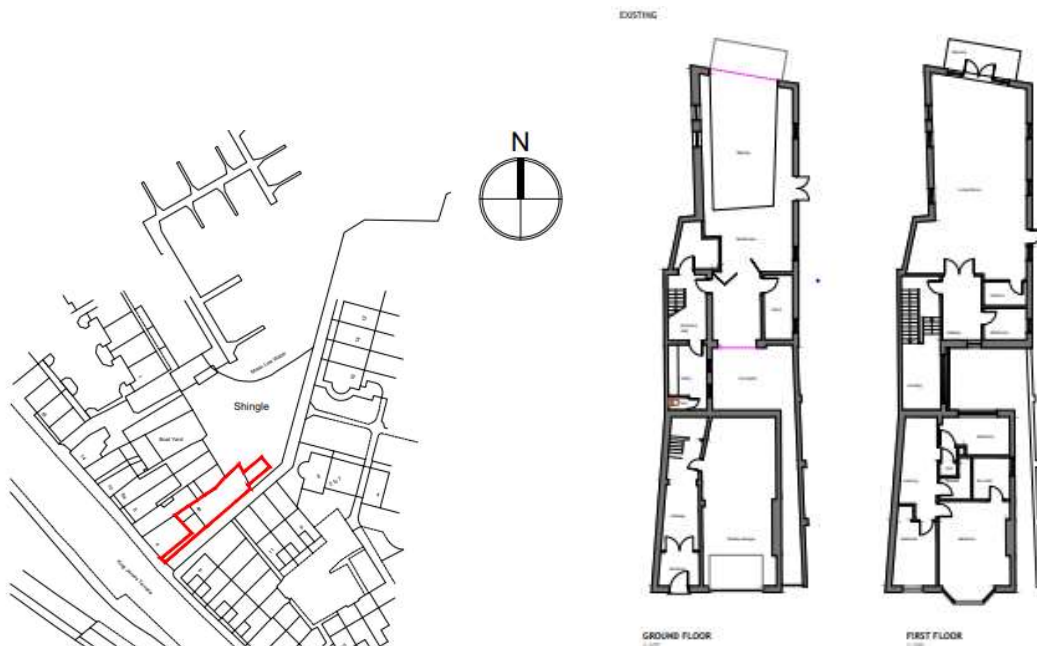
1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is being presented to the Planning Committee as a result of a deputation request from a neighbour and a call-in request from Councillor Wood.
- 1.2 This is a re-submission of the same proposals recently refused under Delegated Powers in application 21/00264/HOU. The Applicant has submitted new Supporting Information, and the application has received support from neighbours while there were no such submissions with the first application.
- 1.3 The main considerations are the impact on the recipient (locally listed) building and on the character and appearance of the Old Portsmouth conservation area.

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY**2.1 Site and Surrounding**

- 2.2 The application site comprises a two storey building located on the eastern side of Broad Street but it does not have a road frontage being set behind a three storey dwellinghouse known as no.4. Immediately abutting the south-east elevation is Feltham Row, a public footpath linking Broad Street with White Hart Road to the north-east. The rear of the property faces into the Inner Camber of Portsmouth Harbour.

- 2.3 The property is occupied as a dwellinghouse following conversion from a boathouse in 1998. The building incorporates an internal slipway for the berthing of boats sheltered by the confines of the building yet open to the Camber on its north-eastern elevation. It is included in the Local List of Buildings of Architectural or Historic Importance (updated May 2021) as a former boathouse clad in weather boarding, windows altered, dating from 1860/1900.



- 2.4 An Article 4(2) direction restricts certain alterations to the building that may otherwise be undertaken under 'permitted development' rights.
- 2.5 The site lies within the Old Portsmouth Conservation Area, which occupies a key location at the mouth of Portsmouth Harbour, situated at the south-western corner of Portsea Island. This conservation area was designated in 1969 and comprises the old town of Portsmouth, which, as home to its city's original settlement, is its most historical quarter. The guidelines state that a number of buildings on Spice Island reflect the historical use of the area and that boat yards are a particular feature of the Camber area. A number of buildings along the eastern side of Broad Street are used for storage, workshops and a chandlery.
- 2.6 On the western side of Broad Street lies the Scheduled Ancient Monument of Point Battery including Square Tower, and King Edward's Tower.
- 2.7 The site lies within Flood Zone 3, and an area identified as having archaeological potential.

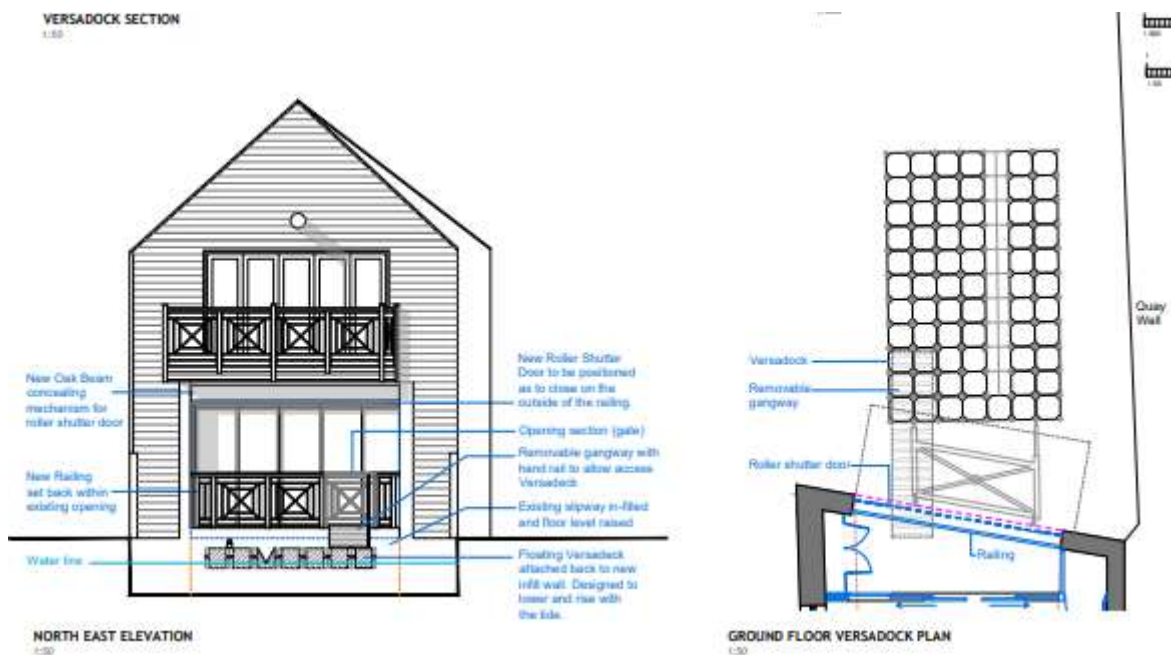


Rear (north-east) of site, in white-painted weatherboard timber cladding, facing the Inner Camber.

2.8 Proposal

2.9 The application seeks planning permission for external alterations to include:

- * **building-up** part of the existing opening in the north-east elevation (to facilitate the levelling of the internal slipway),
- * installation of **roller shutter** to north-east and south-west elevations (with **glazing** behind and also **balustrading** in the case of the north-east elevation), and;
- * the installation of an interlocking dark grey 'Versadock' **pontoon** system held in place by means of a stabilizing metal frame, affixed to the concrete base of the building by two eye hooks with a retractable metal gangway (which would be stored within a new recreational, studio space inside the building when not in use.). At high tide, the pontoon would float and at low tide, the pontoon would rest on the existing slipway.



2.10 The applicant has confirmed 'that the modified internal space would be used as an additional recreational/games room space, domestic workshop and store for his domestic items. Sleeping accommodation will remain as approved on the first floor'. Implicit in the proposals is a change of use of the ground floor since the internal slipway would no longer exist for the berthing of boats and would be levelled off internally (by laying concrete over the existing slipway). Therefore, whilst the description of development does not explicitly refer to a partial variation of Condition 3 of planning permission A*14277/AC, essentially that would be a consequence of permitting the scheme (see below for history).

2.11 The proposal is identical to that refused under delegated authority on 18/6/21. The Reason for Refusal was:

'The proposed loss of the use of the internal slipway for the berthing of boats (by reason of the levelling of the ground floor surface and the introduction of glazing and balustrading), together with the installation of the incongruous features of the roller shutter and Versadock pontoon would be harmful to the fabric, setting and character of the affected heritage assets comprising the locally listed building and the Old Portsmouth Conservation Area and as such would be contrary to Policy PCS23 of the Portsmouth Plan and the National Planning Policy Framework.'

2.12 The applicant has re-submitted the proposal unchanged but provided supporting letters from neighbours and stated that the proposal would improve the thermal efficiency and security of the building, would represent an improvement to the area's flood defences, would enable easier collection of debris floating in the water that collects by the building. He points out that there are already examples of other Versadocks in the Camber.

2.13 Planning History

The Boathouse, 4A Broad Street:

21/00264/HOU - External alterations (including installation of roller shutter to north-east elevation) and installation of 'Versadock' pontoon system with retractable gangway (to rest on top of existing slipway at low tide) - Refused under delegated authority on 18/6/21

4 Broad Street (which at the time included the building the subject of the current application):

A*14277/AA - Construction of two storey link extension, timber cladding to walls, new windows, balcony fronting Camber docks - Conditional permission dated 10.04.1992.

A*14277/AB - Removal of existing metal sheeting and glazing to walls of boat shed - Conditional Permission dated 10.04.1992.

A*14277/AC - Conversion to form house with integral garage fronting Broad Street and house with integral 'boathouse' fronting Camber Docks - Conditional permission dated 17.06.1998. Condition 2 and 3 of this permission read as follows:

Condition 2:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other enactment modifying or revoking that Order, no building or structure permitted by Classes A to H of Part 1 of Schedule 2 to that Order shall be erected or installed without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the amenities of the adjoining properties and character of Conservation Area No.4, having regard to the extent of existing coverage of the site by built form and spatial relationship to those nearby dwellings.

Condition 3:

The integral double garage (proposed to serve the house fronting Broad Street) and integral 'boathouse' (proposed to serve the house fronting the Inner Camber) shall only be used for purposes incidental to the residential use as separate dwellinghouses and shall be retained at all times for the purposes of parking vehicles and berthing boats respectively as well as for the storage of domestic items.

Reason: In the interests of the amenities of the occupiers of nearby dwellings and to ensure the retention of existing off-street parking facilities.

3.0 POLICY CONTEXT

- 3.1 The relevant policies within The Portsmouth Plan would include: PCS23 (Design and Conservation), PCS12 (Flood Risk), PCS15 (Sustainable design and construction).
- 3.2 In addition to the above policies, the aims and objectives of the National Planning Policy Framework (2021) are relevant as are the Guidelines For Conservation - Conservation Area No.4 Old Portsmouth, dated January 2004 and updated November 2006.

4.0 CONSULTATIONS

4.1 Natural England

No objection - will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.2 Environment Agency

No objection to the proposal as submitted from a flood risk perspective.

4.3 Coastal Partners

Although limited information submitted, our comments on 21/01095/HOU still stand. We echo the EA's comments - very difficult to determine whether this provides flood risk betterment without modelling but this is likely to be disproportionate to the application.

4.4 Marine Management Organisation

Works within the Marine area require licence from MMO. Applicant shall take necessary steps to ascertain whether works fall below the Mean High Water Springs mark.

4.5 Archaeology Advisor

Concern raised previously re a photographic record of the current slipway arrangement - it represents an integral part of the use and evolution of that part of historic Portsmouth. However, the applicant did forward such a photographic record prior to the determination of the previous application and that record has been forwarded to the Portsmouth Historic Environment Record. On that basis, no archaeological issues are raised.

4.6 Ecology

No concerns, provided that Natural England are satisfied there will be no adverse impacts on the Solent and Dorset Coast Special Protection Area (SPA). The replacement of the tarpaulin with roller shutters is not considered to have any adverse impacts on the notable habitats, protected species or designated sites. The pontoon is considered unlikely to affect foraging terns (common tern, sandwich tern and little tern). Furthermore, a number of other pontoons are located in this area.

4.7 Port Director

No response received.

4.8 Contaminated Land Team

A condition relating to land contamination is not required.

4.9 **Queen's Harbour Master**

No response received but the comment to the previous application was that no issue arising as there is no adverse impact on other water users or infringement on the safety of navigation.

5.0 **REPRESENTATIONS**

5.1 7 letters of support were submitted by the applicant with application. Since the application was formally publicised, the authors of each supporting letter have written direct to the Local Planning Authority (LPA) to confirm their support of the proposal.

5.2 The grounds for support are:

- a) would improve lower boathouse security
- b) would make it easier to clear unsightly floating rubbish that collects in the corner of the dock
- c) the roller shutters reflect the treatment of no.4 and 6 Broad Street; are in tune with the locality; would replace a scruffy tarpaulin
- d) many examples of Versadocks in the Camber; they reduce pollution and in no way detract from surrounding scenery
- e) by matching the ground floor to the 1st floor balcony it would be in keeping with the rest of the building and area; a tidier, more pleasant and cohesive appearance; the Camber is a mishmash of different property types, this is a tiny change
- f) the proposal makes no attempt to alter the heritage of the building re-clad in 1990's; does not prevent boat storage and does not prejudice any part of Condition 3 of the 1998 permission; alterations to the slipway are internal; the external view of the slipway - dirty and seldom used - is against all planning policies for the Camber
- g) Broad Street's capacity for flooding would be reduced by removing the slipway which is a conduit for water in the direction of the street on flood tides, at the weakest part of the flood defences
- h) the proposed use of the ground floor would be a more positive use of space.

5.3 Cllr Wood requested the application be determined by the Planning Committee: to allow the applicant/agent to present their case and to allow other deputations to be brought, unless the proposal were to be approved under delegated powers.

6.0 **COMMENT**

6.1 The main considerations are the impact on the recipient (locally listed) building and on the character and appearance of the Old Portsmouth conservation area.

6.2 Heritage

6.3 The building is an undesignated (locally listed) heritage asset, that is also situated within the 'Old Portsmouth Conservation Area' (No.4) designated in 1969. The local list entry for the building dates it between 1860-1900 and describes it as: 'A former boathouse clad in weather boarding - windows altered'. The Design and Access (D & A) statement supporting the application helpfully provides some more detail on the site's history.

6.4 Although it is agreed that within the Conservation Area guidelines nothing obviously covers the provision of new pontoons, the document does however state at guideline e) (p.22) that the Council: "*will encourage the retention and reinstatement of original architectural detail and ornament*", and that the "*the removal of any original feature or interesting original details will be discouraged*". It is suggested that the slipway, and its related opening, constitute original/ interesting features and or architectural details.

- 6.5 The LPA's Heritage Advisor has provided the following comments (para 6.6 to 6.30 below):
- 6.6 'The Boathouse is orientated NE addressing The Camber, a partially enclosed body of water, which forms one of the key historic features of, and makes a major contribution to, the conservation area. The building is clearly visible as the terminating 'apex point' within a framed arc of visibility NNW - NNE both across the water of the Camber itself, and also from Feltham Row, a popular pedestrian footpath that skirts the eastern edge of the Camber.
- 6.7 The structure contributes to the 'view' within/across the Camber, drawing the eye, and enjoying a perceptibly greater prominence than other buildings in its immediate (and wider) vicinity for a number of other aesthetic/townscape reasons including:
- 6.8 * Its siting - The building projects into the Camber (well beyond the adjacent camber wall and the prevailing building line of the terrace which it terminates). Its proximity to the adjacent Feltham Row affords it greater presence and scale particularly to pedestrians using the path. (As can be noted in images '2' and '3' under paragraph 3.3 in the accompanying Design & Access Statement).
- 6.9 * Its material - White painted weatherboard timber cladding which offers a notable contrast with the brick (in various shades) which largely (though not exclusively) dominate the materiality of the surrounding area.
- 6.10 * Its appearance - Whilst it has been subject to some alteration, (and it is acknowledged that the current cladding replaced earlier steel sheeting), the building enjoys an appearance and character largely consistent with a period timber boathouse. The retention and continued presence of its large opening or 'maw' onto the waterline of the camber, is also an historic visual signal of this.
- 6.11 Within this context and for these reasons, the Boathouse makes an appreciable contribution to the character and appearance of the conservation area. (Its townscape interest certainly exceeds the other buildings that are also read within its immediate setting). It also enjoys stand-alone architectural and historic value, providing a vestigial but readily interpreted connection to the areas once dominant maritime industrial/commercial past. (Points which are acknowledged in the applicants supporting Design & Access Statement (at para 3.9)).
- 6.12 In making any decision about the acceptability of this proposal, its impact on the significance of the designated (Conservation Area) and undesignated (recipient) asset, must be acknowledged and understood as the key material planning considerations.
- 6.13 Impact
- 6.14 It is not concurred with the agent's assertions (at para 3.3 in the Design & Access Statement) that the proposed development is: "wholly in keeping with the character and appearance of this part of the CA" or the suggestion in the conclusion (at paragraph 7.1) that "the works proposed are sympathetic to the fabric of the existing dwelling, its significance as a 'locally listed' building and enhancing the character and appearance of the wider Conservation Area".

- 6.15 To the extent that these comments suggest the scheme would be minor, or relatively inconsequential in its impact, they implicitly downplay or 'sets aside' both the significance of the assets affected and the impact of the proposal. For this reason, they are considered, from a conservation/heritage perspective, to be less balanced and convincing than the proposal demands, and the area justifies.
- 6.16 The application seeks a number of alterations. In conservation/ heritage terms the most impactful of these are considered and discussed below:
- 6.17 Loss of slipway and opening
* The loss of the enclosed sloped internal slipway - Indicative of the building's historic function and like the building itself a now rare vestigial feature in this area.
- 6.18 * The foreclosure and covering of the opening to the slipway - Key to the practical functionality and interpretation of the slipway, and also an original historical feature.
- 6.19 Both of these related aspects of the proposal would eliminate/erode a fundamental characteristic of this building, and one which is of importance to understanding and interpreting its historic use. As such they are considered harmful.
- 6.20 Installation of Versadock:
- 6.21 * Displacement of the space for boat storage to the exterior of the building, in what is currently (at high tide) an area of open water, and the subsequent permanent occupation of this space by a large 'Versadock' pontoon system.
- 6.22 The Camber remains a working area for boats of different types and both pontoons can be found within the dock and other examples of 'Versadock' (or similar systems) on the waterfront at Gunwharf for example.
- 6.23 Versadock is a functional product whose design offers no concessions whatsoever to the sensitivities of its potential setting. No two contexts are identical, and unlike Gunwharf (or perhaps even other parts of the Camber) its presence here directly adjacent to the boathouse would be disconcerting. It would introduce a structure who's 'ahistorical' and purely utilitarian aesthetic would contrast strongly with the more refined historic character of the building to which it would be directly attached. In combination with its material, and scale, it is a concern that its essential 'crudeness' would offer too strong a visual contrast and appear jarring/ 'discordant' in this setting.
- 6.24 Its suggested use here may have been driven by a desire for convenience, and/or economics. These are of course legitimate rationales, but under the specific circumstances pertaining here they must be balanced against a careful and sensitive 'conservation oriented' consideration of the structure's impact.
- 6.25 Precedent:
- 6.26 More peripherally, but still of importance is the possibility of 'precedent' and the initiation and gradual proliferation of applications for the use this or a similar product on neighbouring or nearby properties, which would have a very serious deleterious effect on the setting of the Conservation Area.

- 6.27 The presence of 'Versadock' in other parts of the Camber, and the addition of a roller shutter to the front elevation of No. 4 Broad Street, do not automatically serve as precedent examples. The circumstances and details of all applications are genuinely unique, and as such every application should be considered on a 'case by case' basis upon its merits. As is frequently the case with more contentious applications, the applicant has drawn the Authority's attention to similar features nearby. In the context of the specific circumstances of this application it is reasonable to assert that the examples highlighted do not represent 'like with like' comparables in terms of their impact. The various utilitarian and functional modern pontoons distributed around the camber, (to which 'Versadocks' have in some instances been connected) sit close to the surface of the water, and do not share equal contextual significance or value as a setting, or backdrop with the attractive and characterful asset which also forms the key visual focal point in the southern corner of the Camber.
- 6.28 Installation of white powder coated aluminium roller shutter:
- 6.29 Equally, the addition of a roller shutter to a garage on the ground floor front elevation of No. 4 - in the context of a comprehensive scheme to 're-face'/ 'contemporise' the front of the building, is not comparable with works to a locally unique surviving historic feature which addresses the water on the rear of the terrace.
- 6.30 Whilst the upper frame of the slipway opening would be retained by the proposal it is noted that the bottom section would be built up (to facilitate the levelling of the internal slipway behind it), and when in use a shutter would not only eliminate the ability to read and interpret any of the 'volume' behind the opening, it would also introduce another feature who's modern 'utilitarian' aesthetic would contrast strongly with the more historic character of the building. Again, it is a concern that a feature found on say the rear of a supermarket delivery truck or in a 'high crime' environment would offer too strong a visual contrast appearing 'dissonant' and/or crude in this setting. Where empowered, the Authority has consistently sought to resist the installation of these types of fitting in historic contexts.'
- 6.31 As Case Officer, the Heritage Advisor's advice is concurred with - it is considered on balance that the scheme as presented would be harmful to the fabric, setting and character of the affected heritage assets.
The NPPF requires '*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'. It is not considered such clear and convincing justification has been provided.
When harm would result, the NPPF refers to 'less than substantial harm', or 'substantial harm'. It is considered that the level of harm imposed by the scheme would not be 'substantial', but still 'high' - in the context of both the Conservation Area and the recipient building. The NPPF requires that 'less than substantial harm' should be '*weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'. It is not considered that there is any public benefit arising from the proposals. As such, the application fails the policy tests and should be refused.
- 6.32 In response to the recent refusal, the re-submitted application makes reference to the following additional matters:

- 6.33 Thermal Efficiency:
- 6.34 The application states that '*another material planning consideration for the applicant has been the desire to improve the thermal efficiency of the building envelope to meet the aspirations of the Council's Policy PCS15*'. No details are provided, so any such stated improvement cannot be tested.
- 6.35 Debris:
- 6.36 It is not disputed that sometimes detritus collects in this corner of the Camber. However, this is not considered a strong argument in favour of the Versadock when balanced against the primary heritage concerns set out above. Indeed the Agent in an email enclosing photographs of debris found in the Camber recognised himself that the issue of debris was 'not perhaps a strong material planning consideration - except in overall terms of keeping the harbour and Conservation Area as clean and tidy as it can be.'
- 6.37 The collection and removal of any build up of flotsam in this part of the Camber is not predicated on the presence of a 'Versadock to facilitate this. Indeed it could be suggested that a 'Versadock' may be expected itself to lead to the capture and collection of debris.
The frequency of any collection of rubbish is outside of the scope of planning control.
- 6.38 Security:
- 6.39 The application states that the owner has experienced attempted trespass via this opening to the Inner Camber and on one occasion youths set a fire on the internal slipway.
- 6.40 It is acknowledged that foreclosure of the opening would help to reduce any unwanted access to the slipway/ground floor of the building. It could be equally contended that enhanced security measures (a discrete barrier/ enclosure deeper within the space, and or other measures such as discreetly-sited CCTV and/or lighting for example) could provide enhanced deterrence whilst simultaneously preserving the contribution to character and setting which the slipway and opening provide.
- 6.41 The scale, siting, function and physical connection of the proposed 'Versadock' to the building also suggest that rather than enhancing security it could offer those with nefarious intent easier access to the building (particularly at high tide).
- 6.42 Other examples of Versadock-type pontoons locally:
- 6.43 The LPA has also noted the existence of some other such structures. Whether or not they needed planning permission is not certain, as it may depend on their type of fixing. In any event, they are generally positioned in-amongst other boats, and away from heritage buildings, so are distinct from the circumstances of the application. As such, they do not assist the Applicant's case.
- 6.44 Flood Defences:
- 6.45 The conclusions of the Heritage Statement and one of the letters of support refer to a potential improvement to the area's flood defences without further details.
- 6.46 The PCC Drainage Team acknowledge that this area is a weak part of the Old Portsmouth flood defences but have no records of the property flooding internally (noting that the living space is at first floor level in any event).

- 6.47 Advice was sought from the Environment Agency (EA) with respect to whether the proposals would provide a betterment to flood defences in the area. In the opinion of the EA's flood risk technical specialist, the proposals are negligible in their likely effect on flood risk i.e. it would neither increase nor decrease flood risks along Broad Street in any significant way and that the only way the applicant could prove that the proposals would provide any betterment as claimed would be to model the flood flows before and after construction, but that is likely to be disproportionate in terms of cost and time in comparison to the scale of the proposal.
- 6.48 It is not considered that these various extra, non-heritage arguments put forward by the Applicant (and neighbours) constitute convincing arguments nor outweigh the identified harm to the heritage assets.
- 6.49 Conclusion
- 6.50 The Applicant has considered the detailed heritage comments set out by the LPA with the first application, which was refused permission. He has revised his Heritage Statement to a minimal extent. It does not contain any fresh content or interpretation that substantively refutes or rebuts the significance of the building. It is considered that the points that have been raised are weak and unconvincing in planning/conservation terms. They set aside the carefully considered and articulated conservation-centric arguments against the scheme, and raise instead a number tangential points that justify little or even provide no weight at all in terms of their contribution to strengthening a rationale for consenting this proposal.
- 6.51 It is concluded that the harm arising from the proposals would not be outweighed by any public benefits, and that the application would fail the policy tests of the Local Plan, the Conservation Area Guidelines for the area, and the NPPF. As such, the Application does not constitute Sustainable Development (NPPF) and it should be refused planning permission.

RECOMMENDATION Refuse

1) The proposed loss of the use of the internal slipway for the berthing of boats (by reason of the levelling of the ground floor surface and the introduction of glazing and balustrading), together with the installation of the incongruous features of the roller shutter and Versadock pontoon would be harmful to the fabric, setting and character of the affected heritage assets comprising the locally listed building and the Old Portsmouth Conservation Area and as such would be contrary to Policy PCS23 of the Portsmouth Plan and the National Planning Policy Framework.

**ROYAL NAVAL CLUB & ROYAL ALBERT YACHT CLUB 17 PEMBROKE ROAD
PORTSMOUTH PO1 2NT**

**CHANGE OF USE OF SECOND FLOOR FROM OFFICES TO 3NO. TWO-BEDROOM
APARTMENTS WITH ASSOCIATED CYCLE AND REFUSE STORAGE**

LINK TO ONLINE DOCUMENTS: [20/01330/FUL | Change of use of second floor from offices to 3no. two-bedroom apartments with associated cycle and refuse storage | Royal Naval Club & Royal Albert Yacht Club 17 Pembroke Road Portsmouth PO1 2NT](#)

Application Submitted By:

Mr Phil Parkinson
PLC Architects

On behalf of:

The trustees of the RNC & RAYC

RDD: 13th November 2020

LDD: 11th January 2021

1.0 SUMMARY OF MAIN ISSUES

1.1 Following a site desktop inspection, a full assessment of the application has been undertaken, based on these main considerations;

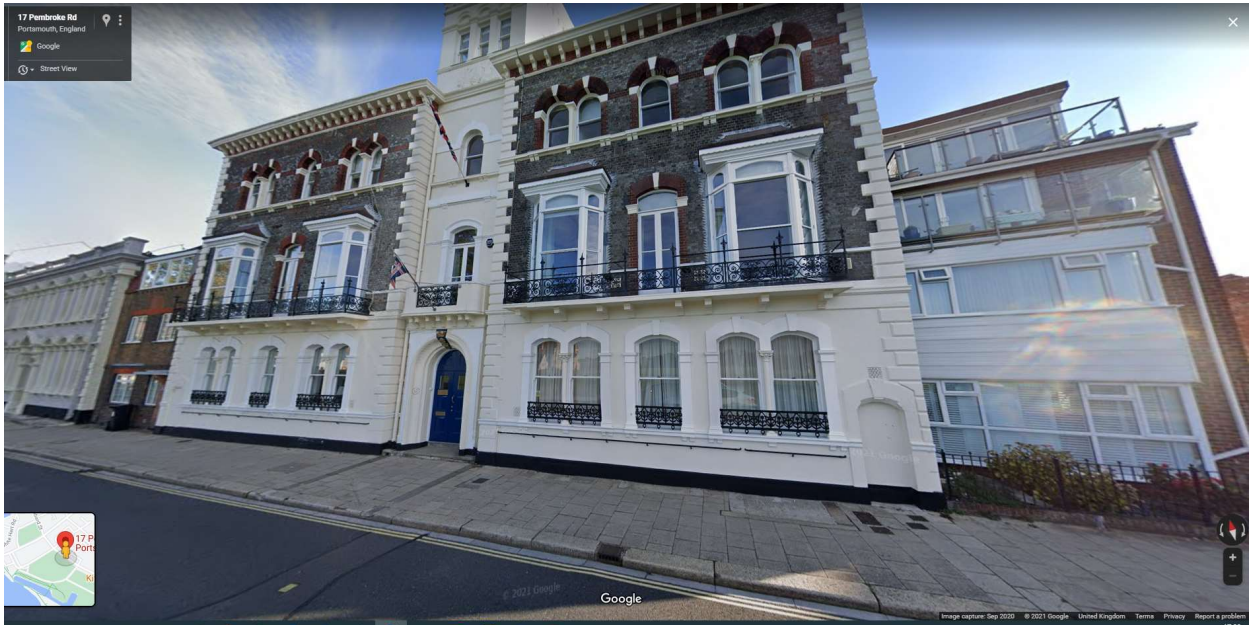
- Principle
- Design and Character
- Impact on character and appearance of the conservation area
- Standard of living accommodation
- Residential amenity
- Access and parking
- Waste and recycling
- Impacts on ecology
- Special Protection Areas (SPA) mitigation
- Other

2.0 SITE AND SURROUNDINGS

2.1 As shown on the OS extract below, The Royal Naval Club and Royal Albert Yacht Club occupies premises at 17 Pembroke Road. The building overlooks an area of open space within which is the Royal Garrison Church.



Block Plan
1:500 scale



- 2.2 The site is located within Conservation Area 4, Old Portsmouth. The existing building is a Grade II listed four storey building which is used for club functions on the ground and first floor, office space on the second floor and residential use on the third floor.
- 2.3 The building has an varied history. In April 1868, the premises of the Hampshire Banking Company were purchased for £900 and now form the western half of the present Club. At a meeting in June 1871 it was resolved to buy the property adjoining the Club, the Fitzclarence Tavern and the private residence attached for £1,400. The joining together of the three buildings was completed in 1875 and the distinctive tower extended to its full height at the same time.
- 2.4 As set out in the design and access statement submitted with the application, the main entry to the upper floors is via an internal staircase from the main entrance on Pembroke Road. There are also two lifts, one which was added in 2004 to the rear of the property and one which was added in 2011 to serve the third floor residential units. There is also

an internal escape staircase that exits into the car park and subsequently into a shared courtyard.

- 2.5 The building features grey brickwork with red brick arched window surrounds of 'Romanesque' styling, stone details, a stuccoed plinth and central feature tower, and a mixture of tile and slate roofing and cladding. To the rear is a yard which has car parking for members, residents and the adjoining properties. The total site area is approximately 0.112 hectares.

3.0 PROPOSAL

- 3.1 Planning permission (and associated Listed Building Consent elsewhere in this agenda) is being sought for the change of use of second floor from offices to form three, two-bedroom apartments with associated cycle and refuse storage.

- 3.2 The three apartments would provide the following:

Internal Area schedule	Beds	Area (m²)
Apartment 1	2	123
Apartment 2	2	96
Apartment 3	2	102

- 3.3 Suitable provision of refuse and secure cycle storage will be provided in the rear courtyard.
- 3.4 There would be no changes to the existing front elevation; two windows are proposed to be blocked up to the rear of the building with facing brickwork and mortar to match existing. Second floor windows are to be replaced with double glazed white painted timber windows to match the existing style
- 3.5 The proposed internal layout is shown below:



3.6 No on-site parking is proposed as the applicant states that there is sufficient parking available in local streets. The proposals do however include the provision of 2 secure cycle spaces per apartment.

4.0 RELEVANT PLANNING HISTORY

4.1 Planning history for this site comprises the following (most recent first):

Ref.	Year	Proposal	Decision
21/01340/FUL & 21/01341/LBC	2021	Conversion of second floor offices (Class E) to form 9-bedroom hotel (Class C1); external alterations to rear to include replacement windows, blocking up of 1 no. window to west elevation; provision of cycle and refuse storage Conversion of second floor offices to form 9-bedroom hotel; external alterations to include replacement windows to rear, blocking up of 1 no. window to west elevation; internal alterations include removal of walls, doors/doorways and staircases	Pending Consideration
11/00493/FUL & 11/00538/LBC	2011	Construction of single storey infill extension to rear to include installation of new door to existing rear elevation	Grant Planning Permission (12/07/2011) Grant Listed Building Consent (12/07/2011)
08/02142/FUL & 08/02163/LBC	2008	Construction of third floor addition to allow formation of two penthouse flats and three storey rear extension over existing flat roof to house staircase	Grant Planning Permission (11/02/2009)

			Grant Listed Building Consent (11/02/2009)
A*14316/AC	2004	Two storey extension to form lift shaft	Permit (19/03/2004)
A*14316/AD	2004	LBC app for the above	Approved (19/03/2004)
A*14316/AB	2002	Installation of floodlights at first floor	Permit (04/03/2002)
A*14316/AA	2001	Conservation area tree works	Approve (12/01/2001)
A*14316/F	1988	Alterations to enable conversion into caretakers flat of part of second floor	Permit (16/03/1988)
A*14316/E	1984	Demolition of two chimney stacks and alterations to parapet wall	Permit (14/01/1985)
A*14316/D	1975	Internal & External repairs etc.	Permit (22/03/1975)
A*14316/A	1950	The rebuilding of demolished billiard room to form ballroom	Permit (24/03/1950)
A*14316	1949	The rebuilding of demolished billiard room to form ballroom (rear of club)	Permit (08/12/1949)

5.0 PLANNING CONSTRAINTS

- 5.1 Listed Building - Grade II, building of special interest (The Royal Naval Club) Conservation Area 4 (Old Portsmouth)

6.0 POLICY CONTEXT

- 6.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies are:
 PCS13 (A Greener Portsmouth),
 PCS15 (Sustainable Design and Construction),
 PCS17 (Transport),
 PCS19 (Housing Mix, Size and Affordable Homes) and
 PCS23 (Design and Conservation).
- 6.2 Other Guidance relevant to the determination of this application comprises:
 The Parking Standards and Transport Assessments SPD,
 The Housing standards SPD
- 6.3 In addition, the Technical Housing Standards – Nationally Described Space standard (March 2015), and The Solent Recreation Mitigation Strategy (December 2017) are also relevant to the proposed development.

7.0 CONSULTATIONS

7.1 Environmental Health:

No response received

7.2 Contaminated Land Team:

No objections

7.3 Highways Engineer:

Following the submission of a Parking Technical Note by the applicant which sought to establish the accessibility of the site and parking stress levels in neighbouring streets,

the Highways Engineer is satisfied that as there are 17 spaces within the Old Portsmouth (KA) controlled parking zone within a reasonable walking distance of the site. This is in excess of the parking expectation for this development and I can confirm that future residents would be entitled to purchase parking permits for this zone.

In that light I would not wish to raise a highway objection to this application on the basis of the onsite parking shortfall.

7.4 Historic England:

The level of supporting information provided with this application falls short of that which is required to assess proposals or reach a determination.

Paragraph 189 of the National Planning Policy Framework advises local planning authorities should require an applicant to describe the significance of any heritage assets affected by planning proposals. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise. Determination of the application should be delayed and the applicant given the opportunity to provide the necessary supporting information.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirement of paragraphs 189 of the NPPF. Your authority should take this representation into account and seek further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Updated advice following receipt of the updated Heritage Statement and Addendum is being sought and will be reported to committee via Supplementary Matters

7.5 Regulatory Services:

Further to the above application there were some initial concerns with locating residential dwellings directly above licensed premises due to the potential for loss of amenity to future residents as a result of noise from activities involving amplified entertainment / functions within the first floor of the club.

The development could also potentially impact upon the licensed activities on the club itself, however in this case the club are the applicants and negotiations with the agent have revealed the following.

- The room below the proposed flats is a drawing /meeting room and would never be utilised for the type of function suggested.
- If in the unlikely event that such a function was to take place in the building it would be in the single storey building on the ground floor at the rear of the property.
- In the leases of the Penthouse flats and any subsequent residential development as envisaged, there is/would be an obligation on the part of the "landlords" for the residential occupiers to have "peaceable enjoyment of the accommodation they occupy". Consequently based on the historical operation and reputation of the club I do not envisage any significant conflict of use therefore I have no objections to the proposed development, however I would suggest that improvements should be made to the sound insulation of the separating structure between the residential dwellings and the licensed premises therefore I would suggest the following condition should permission be considered appropriate.

Prior to the commencement of the development a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor between the first floor licensed premises and the proposed second floor residential dwellings shall be submitted to the planning authority. These measures shall ensure that the separating floor can achieve a minimum standard of Dntw+Ctr 50dB. Upon approval these measures shall be implemented and thereafter maintained.

7.6 **Waste Services:**

The bins appear to be in excess of 25 metres from the kerbside and do not seem to be separate from the bins for the club. They do not need to have separate stores for each flat, rather one communal bin store would properly be best as there are high likely to be changes in the way waste is collected as of 2023 due to proposed changes in legislation in the governments new Environment Act. Additionally, we are currently trialling food waste and it is highly likely that it will be rolled out throughout the city within the next two years. So it might be more prudent to have 1 x 360 litre refuse, 1 x 360 recycling and 1 x 140 food waste bins.

7.7 **Natural England:**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Portsmouth City Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

With regard to deterioration of the water environment, Natural England is aware that your authority has adopted an Interim Nutrient Neutral Mitigation Strategy for new dwellings for 2019-2023/24. It is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy through the purchase of mitigation 'credits'.

Provided that the applicant is complying with the requirements of the Interim Strategy for 2.3 kg/TN/yr and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

7.8 **Historic Buildings Adviser:**

Views awaited - will be reported in Supplementary Matters

8.0 **REPRESENTATIONS**

8.1 Duly made representations have been received from seven addresses raising the following issues:

- Inadequate parking and availability of parking permits to future occupiers
- Access to proposed cycle shed and bin stores across private land
- Overlooking and loss of privacy
- Noise and disturbance - during construction and by residents when in occupation

A deputation request has also been made by Mr Grahame Swinburne of the Friends of Old Portsmouth Association.

9.0 COMMENT

9.1 Principle of development

9.2 The principle to alter and convert redundant offices on the second floor to three, two-bedroom apartments is supported by the Portsmouth Plan and the NPPF.

9.3 Policy PCS10 of the Portsmouth Plan states that "new housing will be promoted through conversions, redevelopment of previously developed land and higher densities within defined areas". The conversion of the second floor of this building to flats would result in a total of five units within the building which would result in a density of approximately 44 dwellings per hectare. This is considered to accord with Policy PCS21 which states, inter alia, that, 'housing density should be no less than 40dph'.

9.4 A windfall element has been included within the housing supply because due to the particular circumstances of the city, residential development on small sites are likely to continue and this development is unlikely to have a significant impact upon infrastructure provision. The principle of conversion to provide residential accommodation is therefore considered to be acceptable.

9.5 Design and character

9.6 The revised NPPF in paragraphs 124 and 127 state that development should "add to the overall quality of the area" and "respond to local character and history and reflect the identity of local surroundings". The NPPF also requires that developments be visually attractive as a result of good architecture. It also emphasises that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

9.7 The proposed conversion of the second floor of the building to three residential units would involve changes to the internal layout but no increased footprint or floor area. Proposed Apartment 1 would be dual aspect, whereas Apartment 2 would be at the front of the building and Apartment 3 at the rear. Notwithstanding this it is considered that adequate living conditions would be provided for future occupiers.

9.8 While discussed in more detail in the associated Listed Building Applications the proposed internal alterations have an impact on the fabric of the Listed Building and the impact on these changes to the significance of this heritage asset requires consideration. With regard to the concerns raised by Historic England, the agent has provided an addendum to the Heritage Statement which clarifies the concerns, albeit without specific reference to the historic environment record having been consulted.

9.9 Notwithstanding this, it is now considered that the heritage aspects of this application have been given adequate weight. NPPF paragraphs 199 - 202 sets out the position with regard to considering potential impacts, within Paragraph 202, namely that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Officers are satisfied that the harm caused to the designated heritage asset in this case is less than

substantial. In such circumstances, great weight must still be given to the assets conservation but officers are of the opinion that this does not amount to a reason to refuse planning permission noting that the proposed development to convert the second floor of this building to three residential units would secure a viable use for this part of the building.

- 9.10 While further comments will be provided, from assessment of the application details as amended, the proposed conversion is considered to have a neutral impact upon the character and appearance of the existing listed building and as such it is considered that the proposal would be sympathetic to the character and appearance of existing building and would accord with Policy PCS23 (Design and Conservation) of Portsmouth City Local Plan 2001 - 2011.
- 9.11 Standard of Accommodation
- 9.12 Policies PCS19 and PCS23 of the Portsmouth Plan support the principles of sustainable development as set out in the National Planning Policy Framework, which includes the provision of a good standard of living environment and ensuring the protection of amenity of neighbouring and local occupiers as well as future residents and users of the development. PCS19 of the Portsmouth Plan, Housing Standards SPD and the 'Technical Housing Standards - Nationally Described Space Standard' require that all new dwellings should be of a reasonable size appropriate to the number of people the dwelling is designed to accommodate.
- 9.13 The proposed development would provide two 2-bed four person flats and one 2-bed three person flat. As set out in the table below, based on gross internal floor areas provided by the applicant, all three flats would exceed the minimum floor areas as set out in the ['Technical housing standards – nationally described space standard'](#).

Internal Area schedule	Beds	Max occupancy	Area (m²)	NDSS	Pass / Fail
Apartment 1	2	4	123	70	Pass
Apartment 2	2	4	96	70	Pass
Apartment 3	2	3	102	61	Pass

- 9.14 The proposed fenestration would provide good ventilation, natural daylighting and outlook, enhanced by the size, location and orientation (east-west facing) of windows, together with good floor to ceiling heights. The proposal does not incorporate any communal or private amenity space. However as there is accessible open space to the south west of Pembroke Road this is not considered to be grounds for refusal.
- 9.15 Residential amenities
- 9.16 Policy PCS23 of the Portsmouth Plan requires new development to protect the amenity of neighbouring residents. In terms of its impact on neighbouring residential amenity, it is considered that the proposed self-contained flats would be consistent and in keeping with the prevailing character of the surrounding area.
- 9.17 The proposed conversion of the second floor would not result in any undue loss of daylight, privacy, overlooking and feeling of enclosure to neighbouring occupiers, given the modest depth of the building and separation distance from neighbours. The proposal would sit comfortably within the residential context of surrounding properties and would not unduly impact on neighbouring residential amenity.
- 9.18 Overall, it is considered that the proposed development would be consistent and in keeping with the prevailing character of the surrounding area and would not result in a loss of residential amenities to neighbouring occupiers and excessive traffic noise sufficient to warrant refusing planning permission and is therefore considered to accord

with Policy PCS23 (Design and Conservation) of Portsmouth City Local Plan 2001 - 2011.

9.19 Access and parking

9.20 Having previously raised objection to the proposal, the Highway Authority, following the submission of a parking technical note dated July 2021 submitted in support of the application have now concluded that the development can be supported:

- The technical note seeks to establish the accessibility of the site although in so doing draws references from outdated guidance published in 2000 rather than the current IHT guidance for active travel: 'Planning for Walking' and 'Planning for Cycling' which are the relevant design references and as a consequence this section of the technical note and that detailing the accessibility of different facilities should be given little weight.
- The SPD 'Parking Standards and Transport Assessments' published in July 2014 establishes that the site is within a 400m walk of a high frequency bus corridor although is not in a high accessibility area nor that part of the city found to be so accessible so as to allow a reduction in the parking expectation.
- The parking survey undertaken overnight establishes the availability of 17 spaces within the KA controlled parking zone within a reasonable walking distance of the site. This is in excess of the parking expectation for this development and future residents would be entitled to purchase parking permits for this zone.

9.21 As a result of this, the Highway Authority do not wish to raise a highway objection to this application on the basis of the onsite parking shortfall.

9.22 Waste and Recycling

9.23 In relation to refuse requirements, the proposal would provide refuse storage and bin storage at the rear of ground floor flats and would cater for future residents of the proposed development in the same way as existing residents within the site. Notwithstanding the concerns noted by the Waste Services team above therefore this is considered acceptable and appropriate for refuse storage capacity.

9.24 Special Protection Areas (SPA) mitigation

9.25 The application site is within 5.6 miles of the Portsmouth Harbour Special Protection Area (SPA) and would lead to a net increase in residential accommodation. The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant likely effect on the interest features of the Solent Special Protection Areas, 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. There are two potential impacts resulting from this development, the first being potential recreational disturbance around the shoreline of the harbours and the second from increased levels of nitrogen and phosphorus entering the Solent water environment.

9.26 Recreational Disturbance - Wading birds

9.27 As set out in the ([Solent Recreation Mitigation Strategy - Portsmouth City Council](#)), the city council is part of the Solent Recreation Mitigation Partnership set up to coordinate efforts from local authorities to ensure that the Special Protection Areas (SPAs) continue

to be protected. SPAs are internationally recognised for their habitat value, particularly for overwintering coastal birds, which need to be able to feed and rest undisturbed. Research has shown that new homes in proximity to these areas lead to more people visiting the coastline for recreation, potentially causing additional disturbance to the birds. Within the Portsmouth area there are the Portsmouth Harbour SPA, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

- 9.28 The Solent Recreation Mitigation Strategy (December 2017) and its charging schedule is effective in the Portsmouth City Council area from 1st April 2018. The Partnership's final Solent Recreation Mitigation Strategy contains measures to protect the SPAs from recreation disturbance from proposed new housing up to 2034. The mitigation measures are to be funded by developer contributions for each net additional dwelling within a 5.6km radius of the SPAs. As such based on the quantum of development proposed in this scheme the total sum payable in this case would be £1,566.00 (3 x 2 bed units @ £522 / unit). The Applicant has confirmed their willingness to make this contribution so any adverse impact to wading birds is considered to be adequately mitigated in this case.
- 9.29 Nitrates:
- 9.30 Natural England has provided guidance advising that increased residential 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 the nitrates problem is being developed by the Partnership for South Hampshire, Natural England, and various partners and interested parties. In the meantime, Portsmouth City Council wishes to avoid a backlog of development in the city, with the damaging effects on housing supply and the construction industry, so the Council has therefore developed its own interim strategy. The Council's Interim Nutrient-Neutral Mitigation Strategy expects Applicant to explore their own Mitigation solutions first. These solutions could be Option 1: 'off-setting' against the existing land use, or extant permission, or other land controlled by the Applicant. Or it could be Option 2: mitigation measures such as Sustainable Urban Drainage Systems (SUDS), interception, or wetland creation. If, however, the Applicant sets out to the Council that they have explored these options but are unable to provide mitigation by way of these, they may then request the purchase of 'credits' from the Council's Mitigation Credit Bank. These credits are accrued by the Council's continuous programme of installation of water efficiencies into its own housing stock, and making these credits available to new development.
- 9.31 The Council's Mitigation Strategy sets out that the credit per new unit for non-major schemes will be charged at £200. The credit costs required to mitigate against this scheme in its entirety would therefore amount to £600. Natural England have confirmed they have no objection to the approach of the Council's Interim Strategy, subject to mitigation. In this case, the applicant has provided a statement, which confirms they are unable to provide nitrate mitigation via Option 1 or 2, and they would like to provide mitigation by using the Council's Mitigation Credit Bank. This is accepted in this instance. A condition is attached which prevents occupation of the development until the mitigation is provided, i.e. the credits are purchased. In accordance with the Strategy, the sum charged for the credit will be finalised and secured by way of a Section 106 legal agreement. It is also considered necessary to restrict the time implementation (condition) limit to one year, given the limited availability of Council mitigation 'credits'. Therefore, the nitrates mitigation will be provided, by way of the condition and legal agreement, and subject to further consultation with Natural England. The application is supported with a s106 agreement for Council's mitigation strategy, therefore the development have addressed the nitrate impact on the Solent Special Protection Areas.

10.0 Conclusion and Planning Balance

10.1 In view of the above, the proposal is considered to be acceptable and appropriate in this location, given its minimal impact on character and appearance, neighbour amenity, living space standards for future occupants and parking. The development is considered to have an acceptable impact on the heritage assets that make up the application site and surrounding area. The proposal is therefore in accordance with Policies PCS17, PCS20 and PCS23 of the Portsmouth Plan (2012). Approval is therefore recommended for permission, subject to conditions.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory completion of a Legal Agreement to secure the following:

- **Mitigating the impact of the proposed development on Solent Special Protection Areas (recreational disturbance) by securing the payment of a financial contribution prior to first occupation;**
- **Mitigating the impact of the proposed development on Nitrates**

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary, and;

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

Conditions

TIME LIMIT

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

NITRATES

- 2) (a) **The development hereby permitted shall not be occupied/brought into use until a scheme for the mitigation of increased nitrogen and phosphorus levels resulting from the development has been submitted to and approved in writing by the Local Planning Authority;**
(b) **The development shall then be carried out in full accordance with the scheme of mitigation approved pursuant to part (a) of this condition with any mitigation measures thereafter permanently retained'.**

APPROVED DRAWINGS

- 3) **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:**

**20.3220.101_P1
20.3220.102_P1
20.3220.103_P1
20.3220.104_P1
20.3220.105_P1
20.3220.106_P1
20.3220.107_P3
20.3220.108_P1
20.3220.109_P3
20.3220.110_P3**

MATERIALS

4) No development shall commence on site until details of the types and colours of external materials to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

OBSCURE GLAZING

5) Any windows on the elevation shall be glazed with obscured glass in accordance with details submitted to and approved by the Local Planning Authority in writing and shall be permanently maintained in that condition.

REFUSE FACILITIES

6) The facilities to be provided for the storage of refuse and recyclable materials shall be constructed and completed before first occupied, or within such extended period as agreed in writing with the Local Planning Authority, and shall thereafter be retained for the continued use by the occupants of the flats for that storage at all times.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To accord with the Council's Interim Nutrient Neutral Mitigation Strategy for New Dwellings for the 2019 - 2023/ 24 period
- 3) To ensure the development is implemented in accordance with the permission granted.
- 4) In the interests of the visual amenities of the area in accordance with policy PCS23 of The Portsmouth Plan 2012
- 5) To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of The Portsmouth Plan 2012
- 6) To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS15 of the Portsmouth Plan 2012

The reason for the Local Planning Authority's decision is:-

1) **PRO-ACTIVITY STATEMENT**

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

INFORMATIVE(S)

**ROYAL NAVAL CLUB & ROYAL ALBERT YACHT CLUB 17 PEMBROKE ROAD
PORTSMOUTH PO1 2NT**

**ALTERATIONS TO DOORS AND WINDOWS AND REMOVAL OF 2NO.STAIRCASES TO
FACILITATE CONVERSION OF SECOND FLOOR TO RESIDENTIAL APARTMENTS**

Application Submitted By:

Mr Phil Parkinson
PLC Architects

On behalf of:

The trustees of the RNC & RAYC

RDD: 13th November 2020

LDD: 11th January 2021

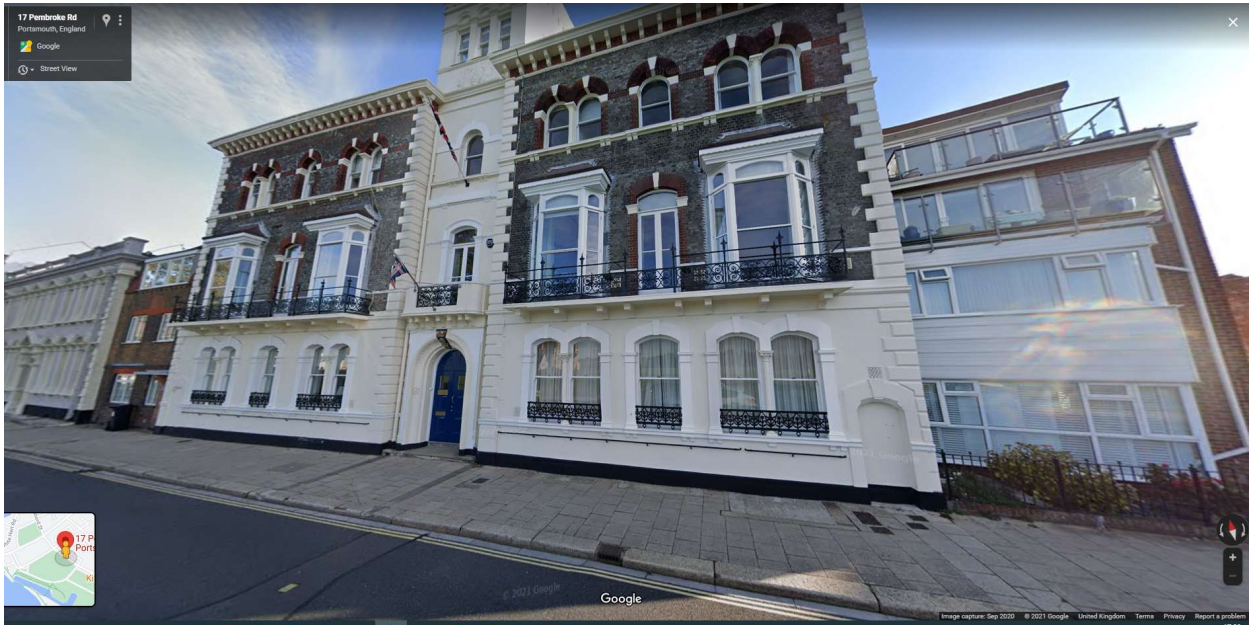
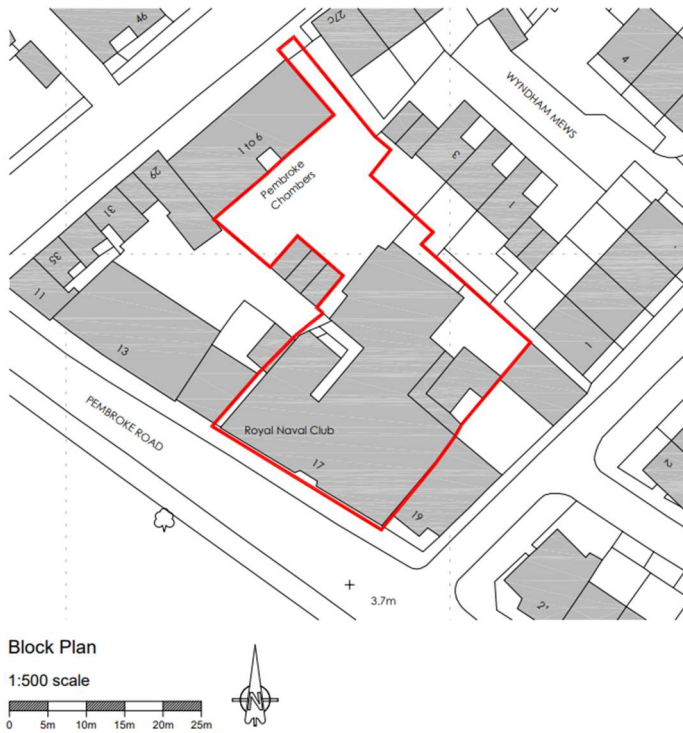
1.0 SUMMARY OF MAIN ISSUES

1.1 Following a site desktop inspection, a full assessment of the application has been undertaken, based on these main considerations;

- Principle
- Design and Character
- Impact on character and appearance of the conservation area
- Standard of living accommodation
- Residential amenity

2.0 SITE AND SURROUNDINGS

2.1 As shown on the OS extract below, The Royal Naval Club and Royal Albert Yacht Club occupies premises at 17 Pembroke Road. The building overlooks an area of open space within which is the Royal Garrison Church.



2.2 The site is located within Conservation Area 4, Old Portsmouth. The existing building is a Grade II listed four storey building which is used for club functions on the ground and first floor, office space on the second floor and residential use on the third floor.

2.3 The building has a varied history. In April 1868, the premises of the Hampshire Banking Company were purchased for £900 and now form the western half of the present Club. At a meeting in June 1871 it was resolved to buy the property adjoining the Club, the Fitzclarence Tavern and the private residence attached for £1,400. The joining together of the three buildings was completed in 1875 and the distinctive tower extended to its full height at the same time.

2.4 As set out in the design and access statement submitted with the application, the main entry to the upper floors is via an internal staircase from the main entrance on Pembroke Road. There are also two lifts, one which was added in 2004 to the rear of the property and one which

was added in 2011 to serve the third floor residential units. There is also an internal escape staircase that exits into the car park and subsequently into a shared courtyard.

2.5 The building features grey brickwork with red brick arched window surrounds of 'Romanesque' styling, stone details, a stuccoed plinth and central feature tower, and a mixture of tile and slate roofing and cladding. To the rear is a yard which has car parking for members, residents and the adjoining properties. The total site area is approximately 0.112 hectares.

3.0 PROPOSAL

3.1 Listed Building Consent (and associated Planning permission) is being sought for the change of use of second floor from offices to form three, two-bedroom apartments with associated cycle and refuse storage.

3.2 The elements requiring Listed Building Consent comprise:

- The blocking up of 3 windows are proposed to be to the rear of the building, with facing brickwork and mortar to match existing.
- The replacement of windows in the rear elevation at second floor to be replaced with double glazed white painted timber windows to match the existing style.
- The retention and upgrading of windows within the front elevation.
- Internal alterations as shown below:

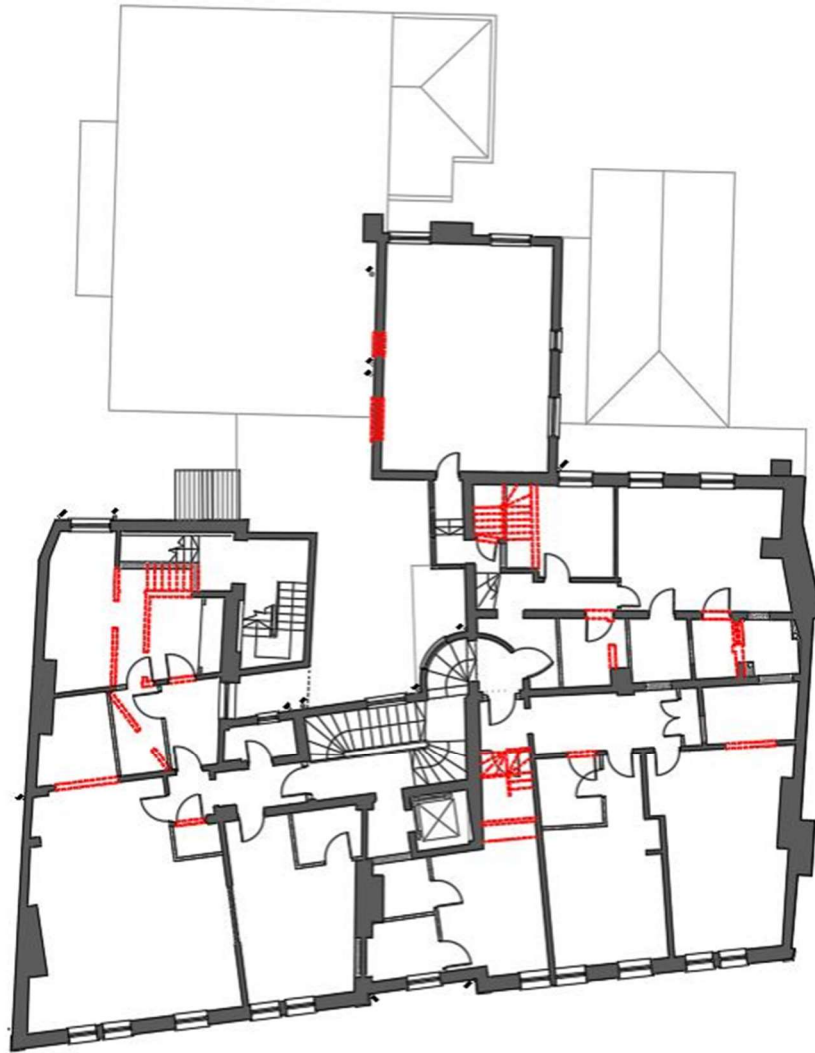


Fig 2: Walls and staircases to be removed, highlighted in red.

4.0 RELEVANT PLANNING HISTORY

4.1 Planning history for this site comprises the following (most recent first):

Ref.	Year	Proposal	Decision
21/01340/FUL & 21/01341/LBC	2021	Conversion of second floor offices (Class E) to form 9-bedroom hotel (Class C1); external alterations to rear to include replacement windows, blocking up of 1 no. window to west elevation; provision of cycle and refuse storage Conversion of second floor offices to form 9-bedroom hotel; external alterations to include replacement windows to rear, blocking up of 1 no. window to west elevation; internal alterations include removal of walls, doors/doorways and staircases	Pending Consideration
11/00493/FUL & 11/00538/LBC	2011	Construction of single storey infill extension to rear to include installation of new door to existing rear elevation	Grant Planning Permission (12/07/2011)

			Grant Listed Building Consent (12/07/2011)
08/02142/FUL & 08/02163/LBC	2008	Construction of third floor addition to allow formation of two penthouse flats and three storey rear extension over existing flat roof to house staircase	Grant Planning Permission (11/02/2009) Grant Listed Building Consent (11/02/2009)
A*14316/AC	2004	Two storey extension to form lift shaft	Permit (19/03/2004)
A*14316/AD	2004	LBC app for the above	Approved (19/03/2004)
A*14316/AB	2002	Installation of floodlights at first floor	Permit (04/03/2002)
A*14316/AA	2001	Conservation area tree works	Approve (12/01/2001)
A*14316/F	1988	Alterations to enable conversion into caretakers flat of part of second floor	Permit (16/03/1988)
A*14316/E	1984	Demolition of two chimney stacks and alterations to parapet wall	Permit (14/01/1985)
A*14316/D	1975	Internal & External repairs etc.	Permit (22/03/1975)
A*14316/A	1950	The rebuilding of demolished billiard room to form ballroom	Permit (24/03/1950)
A*14316	1949	The rebuilding of demolished billiard room to form ballroom (rear of club)	Permit (08/12/1949)

5.0 PLANNING CONSTRAINTS

- 5.1 Listed Building - Grade II, building of special interest (The Royal Naval Club)
- 5.2 Conservation Area 4 (Old Portsmouth)

6.0 POLICY CONTEXT

6.1 In addition to the aims and objectives of the National Planning Policy Framework, the relevant adopted Local Plan policies is PCS23 (Design and Conservation).

7.0 CONSULTATIONS

Historic England

The level of supporting information provided with this application falls short of that which is required to assess proposals or reach a determination.

Paragraph 189 of the National Planning Policy Framework advises local planning authorities should require an applicant to describe the significance of any heritage assets affected by planning proposals. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise.

Determination of the application should be delayed and the applicant given the opportunity to provide the necessary supporting information.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirement of paragraphs 189 of the NPPF.

Your authority should take this representation into account and seek further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Updated advice following receipt of the updated Heritage Statement and Addendum is being sought and will be reported to committee via Supplementary Matters

Ancient Monuments Society

No views received

Council for British Archaeology

No views received

SPAB

No views received

The Georgian Group

No views received

The Victorian Society

No views received

Twentieth Century Society

No views received

The Portsmouth Society

No views received

8.0 REPRESENTATIONS

8.1 Of the seven representations have been received, one raises a concern relevant to this listed building application, namely that the external pipework to the rear of the building needs to be improved to be in keeping with the status of the building as listed Grade II and within a Conservation Area.

8.2 Duly made representations have been received in respect of the associated planning application from seven addresses raising the following issues:

- Inadequate parking and availability of parking permits to future occupiers
- Access to proposed cycle shed and bin stores across private land
- Overlooking and loss of privacy
- Noise and disturbance - during construction and by residents when in occupation

9.0 COMMENT

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

9.2 As shown on the plan extract above, Listed Building Consent is being applied for to carry out some internal alterations to the building. The proposed works are set out in a series of photographs (1-18) within the Heritage, Design and Access Statement submitted with

the application, supplemented by a Heritage Statement and Addendum to Heritage Statement submitted by the applicant in response to concerns raised by Historic England. These documents explain how the proposals have been designed to be respectful of the existing internal fabric of the Grade II listed building.

- 9.3 It is considered that the proposed internal alterations have an impact on the fabric of the Listed Building and the impact on these changes to the significance of this heritage asset requires consideration. With regard to the concerns raised by Historic England, the applicant's agent has provided an addendum to the Heritage Statement which clarifies the concerns, albeit without specific reference to the historic environment record having been consulted. It is considered that the content and level of detail provided is however proportionate to the importance of the asset
- 9.4 Notwithstanding this, it is now considered that the heritage aspects of this application have been given adequate weight. NPPF paragraphs 199 - 202 sets out the position with regard to considering potential impacts, within Paragraph 202, namely that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. Officers are satisfied that the harm caused to the designated heritage asset in this case is less than substantial. In such circumstances, great weight must still be given to the assets conservation but officers are of the opinion that this does not amount to a reason to refuse planning permission noting that the proposed development to convert the second floor of this building to three residential units would secure a viable use for this part of the building.
- 9.5 The reasoning behind the proposed alterations requiring Listed Building Consent is as follows:
1. The staircase became redundant following the construction of the penthouses in the early part of this century. The access to the tower is now from the one of the penthouses. It is now just a cupboard containing part of the staircase. The photographs on later pages show the staircase and doors leading to it, Figures 1-4. The function of the staircase is now redundant. Its significance without the connection to the tower is considered to be low.
 2. Only a part of this staircase would be removed to allow for the formation of a Bedroom 2. It was a service staircase from the kitchen. It is now not functional and therefore redundant. The design of the staircase is rudimentary, as would be expected, and in itself is not considered to have any particular architectural or historic interest. The part to be removed is shown in Figure 5. The other sections of the staircase would remain. The significance of this staircase is considered to be relatively low.
 3. It is not possible to photograph this non-original window because of the hemmed-in location of the site. It is clear the window is not original nor is the opening. Matching good in matching red brickwork would be entirely appropriate. There is no particular reason for blocking the window except there are many others that would light this room. Figure 8 shows the east facing windows which reflect those on the west elevation. It is clear that the smaller windows to be removed in this later addition are not contemporaneous with the age of this part of the building.
 4. This high level window is at the top of the stairwell. It is not considered to have any special significance and following the removal of this part of the staircase would have no functional purpose.
 5. Where possible sash windows and other historic windows would be repaired and retained. The comment about slim line double glazing is noted and a proper survey would be carried out before any window replacement, repair or alteration is contemplated.

- 9.6 On this basis and having regard to paragraphs 199 - 208 in the NPPFG (June 2021), it is considered that sufficient justification has been provided for these works and that the proposed works would result in less than substantial harm to the significance of a designated heritage asset given that they are designed to facilitate securing its optimum viable use, in this case conversion of the second floor to residential apartments.

RECOMMENDATION

Grant Listed Building Consent

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.

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:

20.3220.107 P3

20.3220.109 P3

20.3220.110 P2

Received on 26 March 2021

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

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.

49 ORIEL ROAD PORTSMOUTH PO2 9EG

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

LINK TO ONLINE DOCUMENTS;

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QR59IDMOI2200>

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Mr Christian Reynolds

RDD: 6th April 2021

LDD: 2nd June 2021

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought to the Planning Committee
- At the request of Cllr Wemyss;
 - Following a deputation request from a local resident;

- 1.2 The main issues for consideration relate to:
- The principle of Development;
 - The standard of accommodation;
 - Parking;
 - Waste;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters

1.3 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surrounding

- 1.5 This application relates to a two-storey, mid-terrace property located on the southern side of Oriel Road. The dwelling is set back from the road by a small front forecourt and to the rear of the dwelling is an enclosed garden. The existing layout comprises of a living room, kitchen/ utility and second lounge with conservatory and WC at ground floor level and three bedrooms and a bathroom at first floor level.

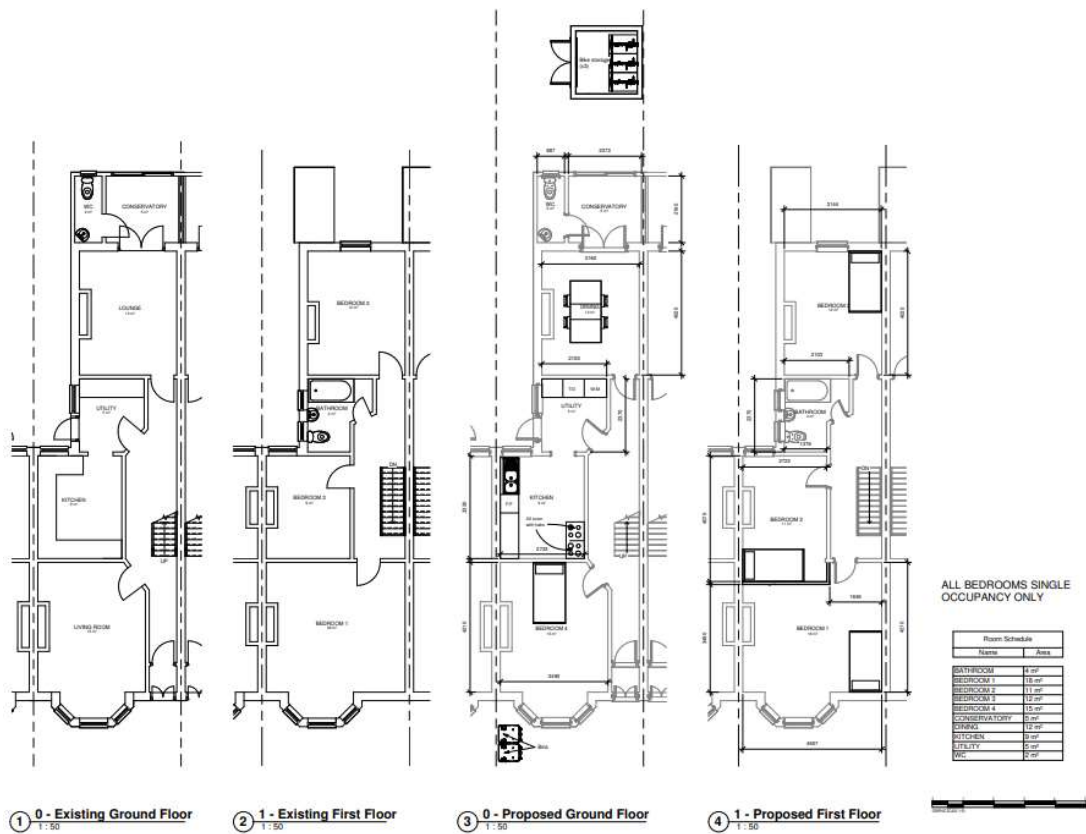
- 1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey terraced properties with a similar visual style. A number of the properties have been subdivided into flats, however, no.47 to the east and no.51 to the west are both Class C3 dwellinghouses.

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).

1.9 The internal accommodation would comprise the following:

Ground Floor - Bedroom, Kitchen/ Utility, Dining Room, Conservatory with WC
 First Floor - Three bedrooms and a bathroom



1.10 Planning History

1.11 No planning history

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) 2019 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

Private Sector Housing - No comments received

Highways Engineer - No comments received

4.0 REPRESENTATIONS

4.1 Site notice displayed 22/4/21, expiry 28/5/21

4.2 Neighbour letters sent 13/04/21, expiry 28/05/21

4.3 23 letters of objection from 21 households; one petition comprising 56 signatures; and a second petition comprising 160 signatures has been received raising the following concerns;

- a) Removal of family home from the housing stock
- b) Already high population density in the area as a result of flat conversions
- c) Too many HMOs in this and surroundings roads;
- d) Lack of parking provisions;
- e) Anti-social behaviour;
- f) Reduced air quality due to increased population density;
- g) Increase in nitrates due to population density;
- h) Limitation of the Sewage and drainage systems;
- i) Increase in waste;
- j) Level of noise;
- k) Sizes of bedrooms;
- l) Ability to develop beyond the scope due to permitted development
- m) Increased pressure on local infrastructure
- n) Concerns regarding the current HMO policy.

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;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

- 5.2 Principle of development
- 5.3 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 self-contained dwelling (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.
- 5.4 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.
- 5.5 Based on the information held by the City Council there are no other confirmed HMOs within a 50m radius of the application site. Within this 50m radius (including the application site) there are 73 properties. This number takes into account any properties which have been subdivided into flats. The addition of the proposal would result in 1.36% of properties being an HMO within the 50m radius, thus falling well within the 10% threshold. The LPA has received applications relating to no.23 Oriel Road, 78 Oriel Road, 84 Shadwell Road and 38 Ophir Road which are proposing the change of use from dwellinghouse (Class C3) to purposes falling within Class C3 or Class C4 (HMO), these applications are currently pending consideration. However, it should be noted these properties fall outside of the 50m radius and therefore do not affect the count data for this site.
- 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. During the consultation period, concerns regarding other HMO properties within Oriel Road have been raised in the representations. No addresses have been given. However, a search of the HMO database has identified 2 existing HMOs within Oriel Road which are located outside of the 50m radius.
- 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. There is no conflict caused by this proposal with this guidance.
- 5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.9 Standard of accommodation
- 5.10 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 four bedrooms meeting the minimum size standards for double occupation. Whilst the applicant has confirmed the bedrooms would be single

occupancy, on the basis the property could be occupied by up to six individuals the room sizes have been assessed against the space standards for a 6 person HMO.

HMO SPD (OCT 2019)	Area Provided	Required Standard
Bedroom 1 (first floor)	18 sq.m	11 sq.m (as large enough to be a double)
Bedroom 2 (first floor)	11 sq.m.	11 sq.m. (as large enough to be a double)
Bedroom 3 (first floor)	12 sq.m.	11 sq.m. (as large enough to be a double)
Bedroom 4 (ground floor)	15 sq.m.	11 sq.m. (as large enough to be a double)
Bathroom (first floor)	4 sq.m.	3.74 sq.m.
Kitchen/ Utility	13.74 sq.m. ¹	11 sq.m.
Dining Room/ Conservatory	17 sq.m.	14 sq.m.
WC	2 sq.m.	Undefined

- 5.11 A footnote to the amenity space standards set out within the HMO SPD (October 2019) refers to the PCC 'The Standards for Houses in Multiple Occupation' document dated September 2018. This guide was written to comply with the Licensing and Management of Houses in Multiple Occupation (Additional provisions) (England) Regulations 2007 in addition to the requirement of the 2006 Regulation and other parts of the Housing Act 2004. This document sets out the room space sizes expected where all bedrooms are over 10 sq.m. Where all bedrooms are over 10 sq.m, for an HMO accommodating between 6-10 people, the property is not required to include a separate living room. The required floor area requirements for a dining room is 14 sq.m and 11 sq.m for a kitchen. The proposed layout would meet the minimum size requirements.
- 5.12 With regards to bathroom facilities, the proposed change of use would exceed the requirements for a 4 person HMO and would meet the requirements for a 6-10 person HMO.
- 5.13 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 5.14 Impact on neighbouring living conditions
- 5.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.

¹ The application drawings suggest that the utility room is 5m², however as shown it is actually 4.67m²

- 5.16 Concerns have been raised in the representations regarding a potential increase in crime as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime than a Class C3 dwelling.
- 5.17 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3), would not be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The proposed layout of the property would not be significantly altered with the only change being the conversion of an existing living room into a bedroom and the addition, as permitted development of rear extension to be used as communal accommodation. It is concluded that the proposal would not create any significant harm to the amenity of immediate neighbouring residents when compared to the existing situation.
- 5.18 Whilst activity may be increased with the introduction of a HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO would have any demonstrable adverse impact to wider amenity.
- 5.19 Highways/Parking
- 5.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. In light of the same requirements set out within the Parking Standards SPD and the view that the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on car parking standards could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each owning a separate vehicle.
- 5.21 The Council's Adopted Parking Standards set out a requirement for C4 HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.
- 5.22 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.
- 5.24 Impact on Special Protection Areas
- 5.25 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 C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

5.26 Other Matters raised in the representations

5.27 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 a self-contained dwelling, 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.

5.28 Concerns have been raised regarding drainage, it is considered that the use of the property would not have a significantly greater impact on the local drainage system than the existing use of the property as a C3 dwelling which could be occupied by 6 persons.

5.29 Additional concerns have been raised regarding external works being carried out under permitted development. No external works are being proposed as part of this application, however, as the property still has its permitted development rights intact, some works can be completed under permitted development (without the need for planning permission).

5.30 Conclusion

5.31 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

- 2) Unless 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: Location Plan; Block Plan; Dual Use Plans PG6069.21.01

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

Cycle Storage

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

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

PRO-ACTIVITY STATEMENT

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.

15 OYSTER STREET PORTSMOUTH PO1 2HZ

CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AND CREATION OF A ROOF TERRACE INCLUDING INSTALLATION OF GLASS BALUSTRADING (DESCRIPTION AMENDED)

LINK TO ONLINE DOCUMENTS;

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=PX B9 MOMOJ5500](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=pxb9momoj5500)

Application Submitted By:

Design Drawn Ltd
FAO Joseph Moser

On behalf of:

Dr Jane Lloyd

RDD: 4th September 2019

LDD: 31st October 2019

1.0 SUMMARY OF MAIN ISSUES

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

1.2 The main issues for consideration relate to:

- Principle of development
- Design and Impact on heritage assets
- Impact on Residential Amenity; and
- Flood Risk

2.0 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

2.1 Site and Surrounding

2.2 This application relates to a three-storey, mid-terrace town house located to the west of Oyster Street. The dwellinghouse is set back from the highway with an open garden forward of the dwelling and to the rear of the property is an enclosed garden. The surrounding area is predominantly residential in nature, however, directly to the east of the application site is the Grade I listed Portsmouth Cathedral. The application site is located within the Old Portsmouth conservation area (no.4) and the indicative flood zone 2.

2.3 Proposal

2.4 Planning permission is sought for the following;

a) Construction of a single-storey extension to the rear of the property. The proposed extension would measure 1.7 metres in depth and would extend the full width of the dwelling. The extension would host a flat roof and would have a maximum height of 2.7 metres. Building materials would include facing brickwork to match the existing.

b) Creation of roof terrace with 1.1m high glass balustrading.



2.5 During the course of the application the scheme has been amended to remove a rear balcony from the scheme and replace with a Juliet balcony.

2.6 Relevant Planning History

2.7 No relevant planning history

3.0 POLICY CONTEXT

3.1 The relevant policies within The Portsmouth Plan would include: PCS12 (Flood Risk), PCS23 (Design and Conservation),

3.2 The aims and objectives of the revised NPPF (July 2021) and the Old Portsmouth conservation area guidelines would also be relevant in the determination of this application.

4.0 CONSULTATIONS

4.1 Contaminated Land Team - No condition required, however, an informative is requested.

5.0 REPRESENTATIONS

- 5.1 Site notices displayed: 08/10/19 and 14/11/19
- 5.2 Neighbour letters sent: 14/11/19 expiry 05/12/2019
- 5.3 Six letters of objection have been received including an objection from the Friends of Old Portsmouth Association raising the following concerns;
 - a) Proposal would have a harmful impact on the appearance of the Cathedral and the Old Portsmouth conservation area;
 - b) Overlooking and loss of privacy;
 - c) Damage caused to neighbouring properties during the construction period;
 - d) Noise and disruption during the construction period;
 - e) Proposed roof terrace will set a precedent;
 - f) Will affect views towards the Cathedral; and
 - g) Roof terrace would result in increased noise and disturbance

6.0 COMMENT

6.1 Principle of development

- 6.2 The application relates to an existing residential dwelling where development is considered acceptable in principle subject to relevant material considerations.

6.3 Design and Impact on heritage assets

- 6.4 When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is located within the 'Old Portsmouth' Conservation Area so therefore the impact that the proposal could have on the Conservation Area will be considered when determining this application.
- 6.5 An applicant should describe the significance of any heritage assets affected, including any contribution made by their setting (para 194 of the NPPF); the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. This application is supported by a heritage statement.
- 6.6 Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.7 The proposed single-storey extension is modest in scale, would be subservient in size and relate appropriately to the recipient building. The extension would be located to the rear of the property and having regard to the existing boundary treatment, the extension would not be easily visible from public viewpoints. It is therefore considered the extension would not have a harmful impact on the character and appearance of the area or nearby heritage assets.

- 6.8 With regards to the proposed roof terrace, following amendments to the scheme, the balustrading would be set back from the eastern and western elevation of the building and the Grade I Listed Church opposite. Furthermore, the balustrading would be set down from the existing parapet meaning approximately 0.6 metres of the glass balustrading would be visible. While the balustrading would be visible from public viewpoints, the proposed clear glazed balustrading is considered to be lightweight in appearance and is not considered to dominate the existing building, Old Portsmouth conservation area or have a harmful impact on the setting of nearby heritage assets such as Portsmouth Cathedral
- 6.9 Similar balustrade's and roof terrace/balconies already exist within the area, with the closest example being located at no.9 Oyster Street which was originally granted planning permission in 1987 with further applications to replace the glass balustrading granted planning permission in 2005, 2016 and 2018. Additional examples of roof terraces include 39-40, 76, 78, 81 High Street. It is therefore considered that the proposal would not be out of keeping with the general character of the area.
- 6.10 The proposal is therefore considered to preserve the character and appearance of the Old Portsmouth Conservation Area and would be compliant with Policy PCS23 of the Portsmouth Plan (2012).
- 6.11 Impact on residential amenity
- 6.12 Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.
- 6.13 This application has been the subject of a site visit where the impact on the amenity of neighbouring properties has been assessed.
- 6.14 Having regard to the modest depth (1.7 metres) and height (2.7 metres) of the proposed extension it is not considered the extension would have a significant impact on the amenity of the occupiers of 13 and 17 Oyster Street in terms of overshadowing or overlooking.
- 6.15 During the course of the application, the proposed roof terrace has been amended to set the glass balustrading in 1 metre from the west elevation and 1.25 metres from the east elevation. Following amendments to the scheme it is not considered the proposal would result in significant overlooking towards adjoining neighbouring properties or properties to the rear. A condition will be imposed to ensure the balustrade is retained in perpetuity to ensure this protection to amenity.
- 6.16 Concerns have been raised with regards to noise and disturbance caused by future occupiers of the roof terrace. The roof terrace which would be used in connection with a residential property and therefore concerns regarding noise and disturbance are not considered sufficient to withhold planning permission. Any noise and disturbance complaints would be covered by separate legislation which would be dealt with by Council's Environmental Health Team.
- 6.17 Flood Risk
- 6.18 The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult The Environmental Agency for minor development within Flood Zone 2 or 3, however, paragraph 163 of the National Planning Policy Framework (2019) states all applications should be supported by a site-

specific flood-risk assessment but in this instance a sequential or exception test is not required. The applicant has submitted a Flood Risk Assessment as part of this application.

6.19 This application relates to a dwellinghouse which is classified as being 'more vulnerable' in the flood risk vulnerability classification set out in the National Planning Practice Guidance. However, having regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance and the nature of the proposal, the development is deemed appropriate.

6.20 Other Matters raised in the Representation

6.21 Concerns have been raised by neighbouring residents regarding structural damage to neighbouring properties as a result of the works. Whilst these concerns are noted, any disturbance or damage to neighbouring properties caused during or after the construction period are not material planning considerations in the circumstances of this case. These matters are considered to be a civil matter and would be covered by separate legislation.

6.22 Furthermore, while the request to limit the hours of construction work are noted. Having regard to the modest scale of the development, a condition restricting the hours of construction is not considered to be appropriate.

6.23 Conclusion

6.24 Taking into consideration the appropriate design of the proposal and its limited impact upon the surrounding properties, it is considered that the proposal would preserve the character and appearance of the Conservation Area and is in accordance with Policy PCS23 of the Portsmouth Plan.

RECOMMENDATION Conditional Permission

Conditions

Time Limit

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

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

Approved Plans

- 2) Unless 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: Proposed Location and Block Plans 434.P099_A; Proposed Floor Plans Proposed Elevations 434.P100_C.

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

Materials

- 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.

Flat Roof

- 4) Notwithstanding the submitted drawings, the flat roof of the ground floor rear projection shall not be used as a balcony, external terrace or raised platform at any time, and access shall be restricted, other than for the purposes of maintenance and repair, by railings installed across the threshold of the northernmost dormer extension doors.

Reason: To protect the residential amenity of neighbouring occupiers from overlooking and loss of privacy having regard to the proximity of the roof to neighbouring gardens at an elevated level in accordance with PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

Roof Terrace Balustrade

- 5) The balustrade surrounding the roof terrace, shown on drawing 'Proposed Floor Plans Proposed Elevations 434.P100_C' shall be erected in strict accordance with that drawing prior to the first use of the roof terrace and thereafter retained in perpetuity in a state capable of obstructing views or access through the balustrade.

Reason: To protect the residential amenity of neighbouring occupiers from overlooking and loss of privacy having regard to the proximity of the roof to neighbouring gardens at an elevated level in accordance with PCS23 of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (2021).

PRO-ACTIVITY STATEMENT

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

06

21/00983/PLAREG

WARD: EASTNEY & CRANESWATER

LAND ADJACENT TO SOUTH PARADE PIER SOUTHSEA PO4 0SW

RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND AND CONSTRUCTION OF EXTERNAL RAISED TERRACE ANCILLARY TO A CAFE USE ON LAND ADJACENT TO SOUTH PARADE PIER

APPLICATION DOCUMENTS AVAILABLE ONLINE AT:

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=qviupemok8c00>

Application Submitted By:

Chris Flint ASS LTD
FAO Chris Flint

On behalf of:

Mr T Ware

RDD: 30th June 2021

LDD: 16th September 2021

1. SUMMARY OF MAIN ISSUES

1.2 The application is brought before the Committee as it is on land belonging to Portsmouth CC.

1.3 The application site relates to an area of land to the west of South Parade Pier, South Parade, Southsea. The site adjoins the western side of the Pier. The application site falls within the "Seafront" Conservation Area (No. 10) and the pier is a Grade II listed building. It should be noted that an application for Listed Building Consent (21/00984/LBC) has been submitted alongside this planning application, the merits of which will be considered separately.

1.4 Photographs of surrounding area:





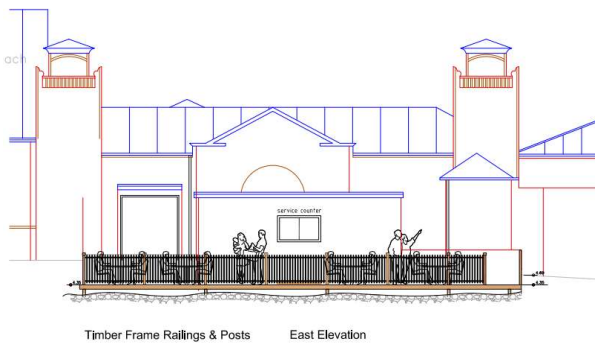
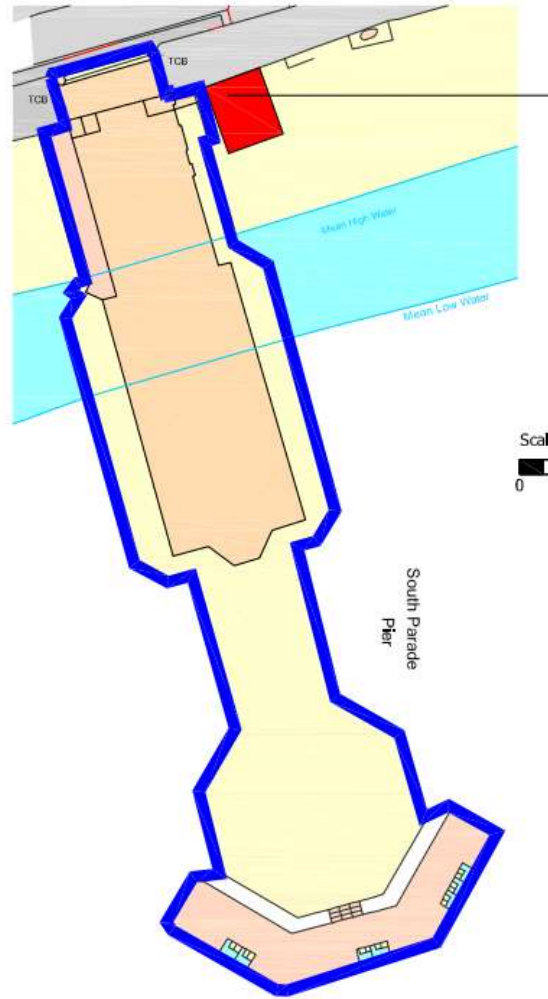
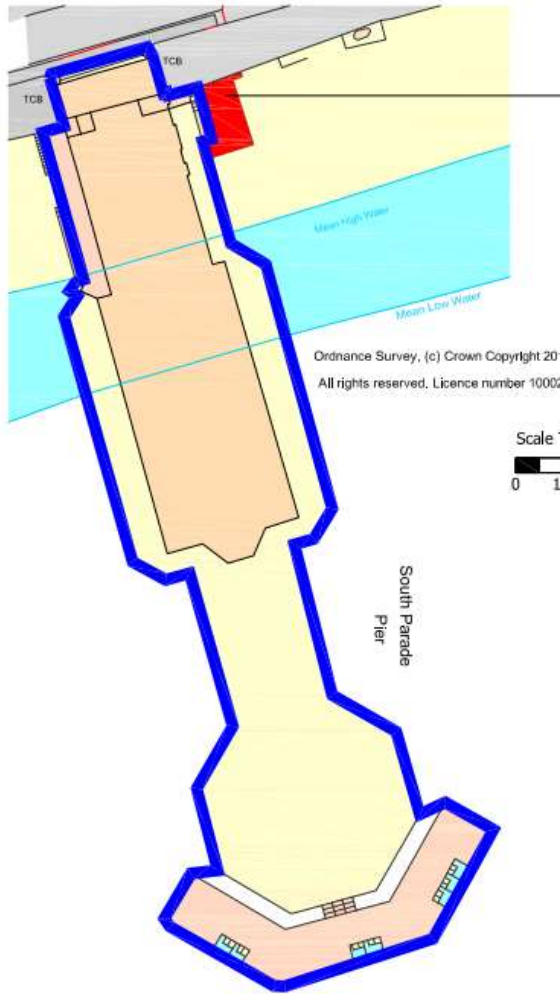
Google streetview

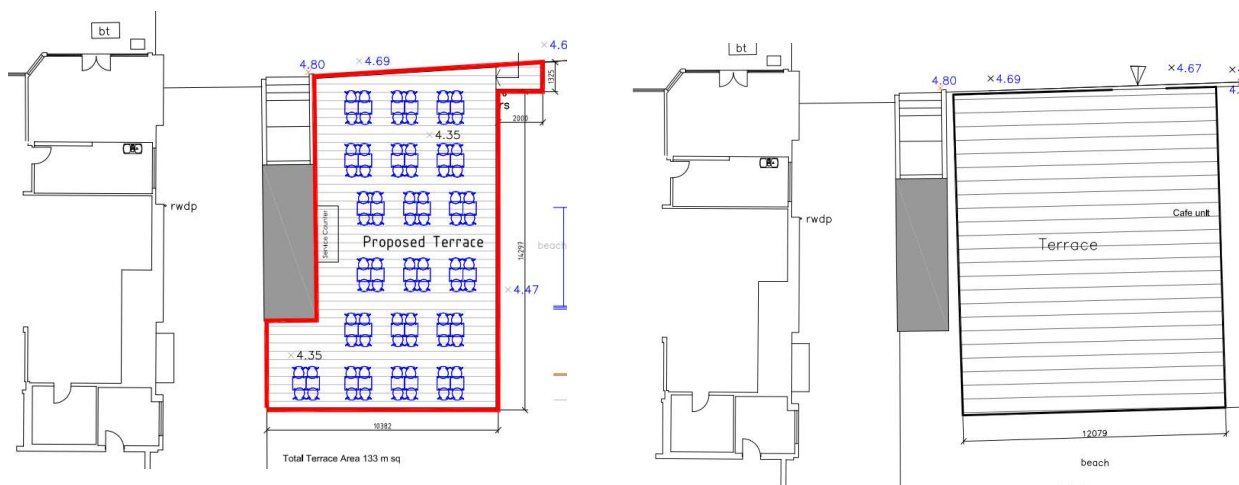
2. PROPOSAL

- 2.1 The proposal is for the retention of an external raised terrace on land adjacent to South Parade Pier to provide an ancillary seating area to an existing cafe use known as "Tea on Sea."
- 2.2 The terrace has been located on land adjacent to the western boundary of South Parade Pier. The terrace has been built directly on top of the shingle beach and measures approx. 12.07m in width and 14.73 in depth. The base of the structure is be elevated above the shingle by approx. 0.3m. The timber frame railing is approximately 1m high and the timber posts are approximately 2.4m (measured from the top of the terrace). The terrace is adjacent to the existing kiosk and is not physically attached to South Parade Pier.
- 2.3 In comparison, and as shown below, the previously approved terrace was similarly to be built directly on top of the shingle beach but measure approx. 10.3m in width and 15.6m in depth. The base of the structure was again to be elevated above the shingle by approx. 0.3m whilst the overall height of the development would be approx. 1.5m in height.

Previously approved scheme 133 sq.m

Proposed scheme 177,9 sq.m





3. RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history on this site, however, the applications most relevant to the determination of this application are:
- 3.2 **18/00140/FUL** - Construction of external raised terrace ancillary to A3 cafe use on land adjacent to South Parade Pier. Conditional Permission. 27.04.2018 - Not implemented before expiry
- 3.3 **18/00141/LBC** - Construction of external raised terrace ancillary to A3 Cafe use on land adjacent to South Parade Pier. Conditional Permission. 27.04.2018 - Not implemented before expiry

4. POLICY CONTEXT

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

5. CONSULTATIONS

- 5.1 **Environmental Health Officer** - Recommends that to ensure that a loss of amenity is not caused to nearby residential accommodation through operational noise that the terrace is used from 10:00 until 18:00pm and that the area is not used for the provision of any entertainment in the form of live or recorded music, or the provision of an outdoor cinema.
- 5.2 **Contaminated Land Team** - no objection, no condition(s) required.
- 5.3 **Seafront Manager** - no comments received.
- 5.4 **Minerals and Waste Planning Authority** - no comments received.
- 5.5 **Highways Engineer** - the proposal would not have a material impact upon the local highway network; it would unlikely to attract significant additional parking demand within the local area, rather trips are likely to be combined with other journeys or transferred from similar establishments within the seafront area; no objection on highway grounds.

6. REPRESENTATIONS

6.1 Four letters of objections have been received raising the following concerns:

- 6.2
- Already in situ;
 - In direct line of site from some of the apartments in Savoy House, impact on sea views enjoyed from Savoy House;
 - Excessive noise and possible anti-social behaviour (impact on Savoy House);
 - Loss of public beach;
 - Visual impact on listed building/detracts from the listed building;
 - Current construction in breach of previous planning permission;
 - Disposal of waste, lighting, provision opening times etc very inadequate;
 - No need;
 - Biodiversity of the area is likely to be adversely affected;
 - Unclear which café the terrace relates to; concern over potential new kiosk on the decking.

6.3 In addition, one letter of support has also been received making the following comments:

- 6.4
- This end of Southsea is in desperate need of additional outlets providing opportunity to socialise with friends;
 - It will provide the opportunity to deliver a wider diversity of food & drinks to the public, and will be well supported by the longer standing residents of the area, who have looked forward to the further development of this end of the beachfront;
 - With the continued work on the sea defences at the western end of Southsea, provision of leisure outlets at South Parade will be required to offset the loss of such areas at the Clarence Pier area, providing for the visitors who are the mainstay of many a local business.

6.5 Publicity dates:

- Site Notice (18.07.2021 - 08.08.2021)
- Press Notice (30.07.2021 - 20.08.2021)
- Neighbour letters (26.07.2021 - 08.09.2021)

7. COMMENT

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

7.2 Principle of development

7.3 Planning permission for a similar development in the same location has been previously granted under ref. no. 18/00140/FUL (27.04.2018), although it was not implemented prior to the expiry of permission earlier this year. Since the last permission was granted, the relevant local planning policy context as well as the site surroundings have not changed materially and therefore, the principle of the proposed development remains acceptable.

7.4 Policy PCS9 and the supporting Seafront Master Plan Supplementary Planning Document seek, amongst other things, to ensure that all new development contributes

towards the revitalisation of the Seafront, tourism and wider regeneration strategy for Portsmouth. This will be achieved by, but not limited to: encouraging and supporting the redevelopment of existing buildings for leisure and tourism uses; encouraging and supporting proposals for small scale restaurants, cafes and other uses that will diversify the leisure and cultural offer without detracting from the open character of the seafront; and protecting the open nature of the area around the Common and other undeveloped areas.

- 7.5 In light of these policies and supporting documents it is clear that the city council has a desire to improve facilities along the seafront for residents and visitors to the area. Whilst a balance has to be struck between providing these facilities whilst preventing the loss of existing natural features, in this case, the previously granted planning permission establishes the acceptability of this proposal in this regard.
- 7.6 Design and impact on the character and appearance of the area and associated heritage assets
- 7.7 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.
- 7.8 When determining planning applications the Local Planning Authority (LPA) must consider what impact the proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.9 The 'Seafront' Conservation Area guidelines state that: 'The most notable feature of this conservation area is that it is almost entirely open space...The open nature of this area with the retention of an extensive open space between sea and buildings is relatively unusual for seaside resort. The document makes reference to the reduction/limiting of visual clutter and the retention of existing tree cover which has become an integral part of the Southsea scene.
- 7.10 It is noted that the relevant planning policies and surrounding built context have not materially changed since the previous determination of the very similar proposal (18/00140/FUL). Therefore, the previously reached conclusions in respect of acceptability of the raised terraced are relevant to this proposal. Thus, it is considered that the proposal would have acceptable impact on the character and appearance of the area and would be in line with the expectations of the Portsmouth Plan Policy PCS23 (design and conservation).
- 7.11 In terms of the impact on the South Parade Pier, it is considered that the proposal would have an acceptable visual impact on the character and appearance of the pier and its setting within the beach and Eastney Esplanade. The existing pier, over time, has been subject to numerous extensive alterations and has been re-built twice in the

last century. As a result a number of additional features have been added to the footprint of the pier over time such as the "Tea on Sea" Kiosk which the proposed development would serve.

7.12 It is also considered that the proposed development would have an acceptable impact on the appearance of the Seafront Conservation Area and would relate appropriately to the recipient building causing no harm to its significance. Therefore, paragraph 201 of the National Planning Policy Framework is not engaged.

7.13 In summary, it is concluded that the proposed development would be in accordance with the local planning policies and the National Planning Policy Framework, and as a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.

7.14 Impact on residential amenity

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

7.16 The Environmental Health Officer has raised no objection to the proposed development, however, recommended a condition restricting the hours of use of the terrace to 10:00-18:00 and that the area is not used for the provision of any entertainment in the form of live or recorded music, or the provision of an outdoor cinema.

7.17 The previous planning permission (18/00140/FUL), which gives weight in consideration of this proposal, is relevant. It restricted the use of the terrace to 08:00-20:00 (Monday-Sunday and bank holidays).

7.18 Officers note that the likely impacts on residential amenity was a key consideration and was fully and objectively reviewed by the Planning Committee before. Members in determining the previous application acknowledged that there will be an impact, but concluded that the impact was not unreasonable. Therefore, Officers consider that a more restrictive condition as suggested now would not be justified and would undermine the importance of consistency in decision making. As such, Officers recommend that the use of the terrace is restricted in line with the previous Member's determination, and to be limited to 08:00-20:00 (Monday-Sunday and bank holidays).

7.19 Highways impacts

7.20 The Local Highway Authority has noted that the Portsmouth City Council's Parking SPD does not give an expected number of vehicle spaces for non-residential developments rather requires applications to make an assessment of parking demand and demonstrates how this can be satisfied. No such assessment has been provided in support of this application and no parking can be provided on site for either staff or customers, therefore any demand associated with the site would have to be accommodated on street or via public parking facilities. The Local Highway Authority is satisfied that given the nature of the proposed use this is unlikely to attract significant additional parking demand within the local area, rather trips are likely to be combined with other journeys or transferred from similar establishments within the seafront area.

- 7.21 The proposal would not have a material impact upon the local highway network in the Local Highway Authority view and no objection has been raised.
- 7.22 Minerals and Waste
- 7.23 Whilst at the time of writing this report, the Minerals and Waste Planning Authority has not provided comments on this proposal, comments made in respect of the previously approved application (18/00140/FUL) are still relevant. It has been previously noted that, given the size and nature of the proposal, it would be unlikely to sterilise the underlying minerals resources and as such the Minerals and Waste Planning Authority (MWPA) raised no objection.
- 7.24 Other matters raised
- 7.25 In terms of third party comments not addressed above, in particular those relating to the retrospective nature of this proposal, that it would impact on sea views from Savoy House, that there is no need for it as well as comments in relation to waste disposal, lighting and biodiversity, whilst these are acknowledged, they do not give grounds to refuse this application.
- 7.26 The objection of local residents to the loss of public beach is noted and it is acknowledged that the design and management of the structure would reduce public access or at least the perception of public access to his part of the beach. This impact does of course need to be balance against the enhancement to facilities and economic implications of the proposal. In light of the previous decision on the materially similar terrace the same balanced decision is recommend and the 'loss' of this relatively small area of public beach is not considered to be a reason to withhold planning permission in this case.
- 7.27 Planning balance
- 7.28 The application to retain the external terrace to provide an ancillary seating area for the users of the "Tea on Sea" kiosk is considered to be acceptable in principle. Previously granted planning permission gives weight in this case. It is considered that the proposal would not be harmful and would preserve the special architectural and historical features of the Grade II listed pier and would also have a neutral visual impact on the character and appearance of the "Seafront" Conservation Area. Furthermore, the proposal is considered to have acceptable impacts in respect of residential amenity and highways. Therefore, the application is recommended for a conditional permission.

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

Time limit

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

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

Approved Plans

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

Drawing numbers: CFA FULL 02.

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

Opening hours

3) The external terrace hereby permitted shall remain closed to and vacated by customers outside the following hours of operation: o 08:00-20:00 (Monday-Sunday and bank holidays)

Reason: In order to protect the amenity of the adjoining and surrounding occupiers in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT:

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

LAND ADJACENT TO SOUTH PARADE PIER SOUTH PARADE SOUTHSEA PO4 0SW

CONSTRUCTION OF EXTERNAL RAISED TERRACE ANCILLARY TO A CAFE USE ON LAND ADJACENT TO SOUTH PARADE PIER

Application Submitted By:

Chris Flint ASS LTD
FAO Chris Flint

On behalf of:

Mr T Ware

RDD: 30th June 2021

LDD: 16th September 2021

1. SUMMARY OF MAIN ISSUES

1.2 The application is brought before the Committee as it is on land belonging to Portsmouth CC.

1.3 The application site relates to an area of land to the west of South Parade Pier, South Parade, Southsea. The site adjoins the western boundary of the Pier. The application site falls within the "Seafront" Conservation Area (No. 10) and the Pier is a Grade II listed building. It should be noted that a full planning application (21/00983/PLAREG) has been submitted alongside this planning application, the merits of which will be considered separately.

1.4 Photographs of surrounding area:





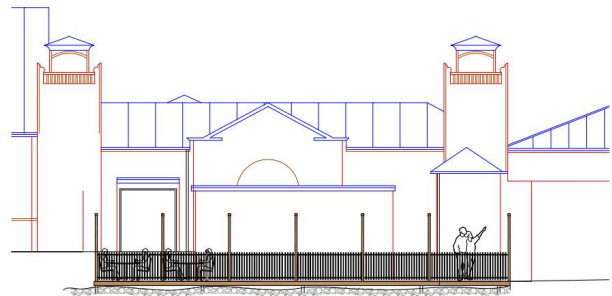
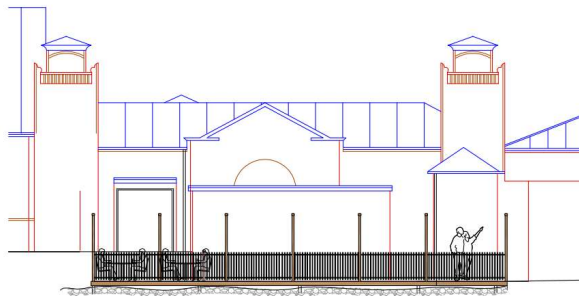
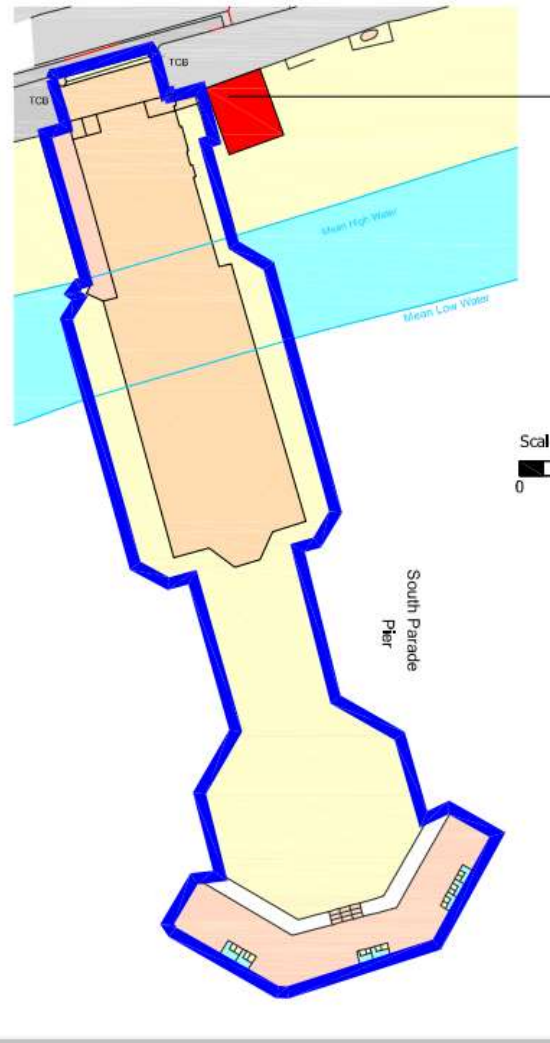
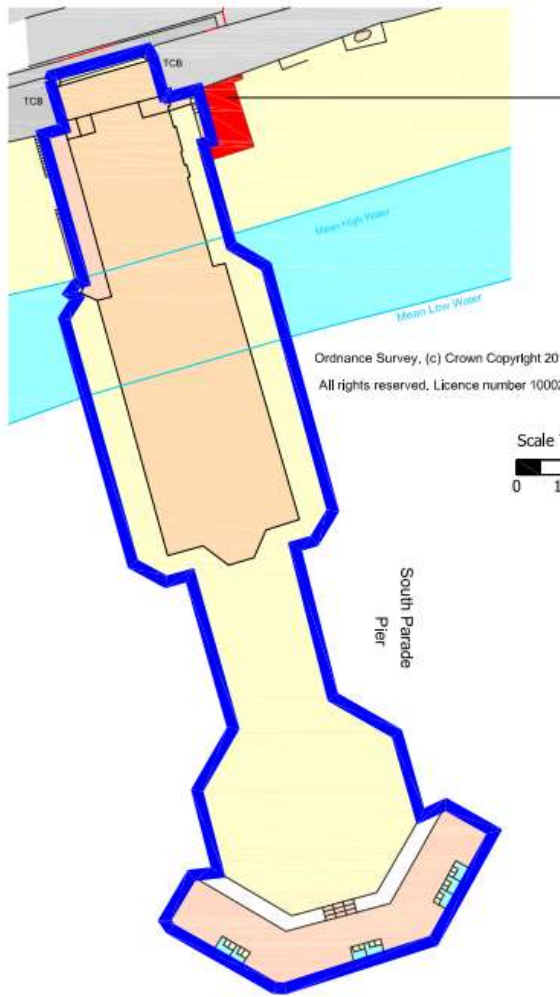
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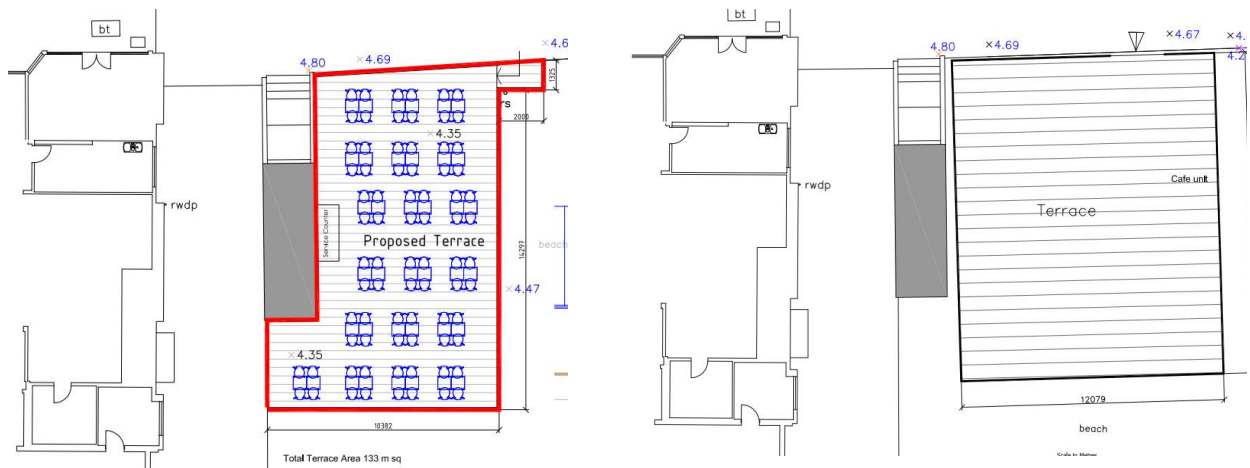
2. PROPOSAL

- 2.1 The proposal is for the retention of an external raised terrace on land adjacent to South Parade Pier to provide an ancillary seating area to an existing cafe use known as "Tea on Sea."
- 2.2 The terrace has been located on land adjacent to the western boundary of South Parade Pier. The terrace has been built directly on top of the shingle beach and measures approx. 12.07m in width and 14.73 in depth. The base of the structure is be elevated above the shingle by approx. 0.3m. The timber frame railing is approximately 1m high and the timber posts are approximately 2.4m (measured from the top of the terrace). The terrace is adjacent to the existing kiosk and is not physically attached to South Parade Pier.
- 2.3 In comparison, and as shown below, the previously approved terrace was similarly to be built directly on top of the shingle beach but measure approx. 10.3m in width and 15.6m in depth. The base of the structure was again to be elevated above the shingle by approx. 0.3m whilst the overall height of the development would be approx. 1.5m in height. The previously approved terrace was shown to be physically attached to South Parade Pier and would have wrapped around the existing kiosk.

Previously approved scheme 133 sq.m

Proposed scheme 177,9 sq.m





3. RELEVANT PLANNING HISTORY

- 3.1 There is an extensive planning history on this site, however, the applications most relevant to the determination of this application are:
- 3.2 **18/00140/FUL** - Construction of external raised terrace ancillary to A3 cafe use on land adjacent to South Parade Pier. Conditional Permission. 27.04.2018 - Not implemented before expiry
- 3.3 **18/00141/LBC** - Construction of external raised terrace ancillary to A3 Cafe use on land adjacent to South Parade Pier. Conditional Permission. 27.04.2018 - Not implemented before expiry

4. POLICY CONTEXT

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

5. CONSULTATIONS

- 5.1 **National Amenities Society** - no comments.
- 5.2 **The Portsmouth Society** - no comments.

6. REPRESENTATIONS

- 6.1 One letter of objections have been received raising the following concerns in relation to the listed building consent application:
- 6.2
- The visual impact of the Grade2 listed pier from the East is already compromised by food advertising on the Old Pier Hut and Funfair structures seen from the west for miles from the unspoiled beach.
- 6.3 Publicity dates:
- Site Notice (18.07.2021 - 08.08.2021)
 - Press Notice (30.07.2021 - 20.08.2021)
 - Neighbour letters (26.07.2021 - 08.09.2021)

7 COMMENT

- 7.1 The determining issues in this case are whether the proposed works would preserve the special architectural or historic interest of the listed building. The previously granted listed building consent (18/00141/LBC) for the construction of external raised terrace ancillary to A3 Cafe use on land adjacent to South Parade Pier is also relevant in determination of this application.
- 7.2 When determining applications, the Local Planning Authority (LPA) must consider what impact a proposal would have on both designated and non-designated heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 In terms of the impact on the South Parade Pier, it is considered that the proposal would have an acceptable visual impact on the character and appearance of the pier and its setting within the beach and Eastney Esplanade. The existing pier, over time, has been subject to numerous extensive alterations and has been re-built twice in the last century. As a result a number of additional features have been added to the footprint of the pier over time such as the "Tea on Sea" Kiosk which the proposed development would serve.
- 7.4 In light of the size, scale and detailed design of the terrace as well as the significance of the pier, it is considered that the proposed development would have acceptable visual impact on the pier without causing harm to its setting or any features of special architectural or historic interest.
- 7.5 Thus, it is concluded that the proposed development would preserve this Grade II listed building's special architectural or historic interest.
- 7.7 As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings are satisfied.

RECOMMENDATION - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Listed Building Consent subject to the following conditions:

Time limit

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

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

Approved Plans

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

Drawing numbers: CFA FULL 02.

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

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.

SOUTHSEA SEAFRONT FROM LONG CURTAIN MOAT IN THE WEST TO EASTNEY MARINE BARRACKS IN THE EAST

APPLICATION TO SEEK APPROVAL OF DETAILS RESERVED BY CONDITIONS 2 (PHASING), 5A/5B (ARCHAEOLOGY), 17 (SOFT LANDSCAPING), 22 (EXTERNAL LIGHTING), 23 (STREET FURNITURE AND WALLS), AND 25 (HARD SURFACING MATERIALS) OF PLANNING PERMISSION 21/00820/VOC [FOR PART SUB-FRONTAGE 4 ONLY, SOUTHSEA CASTLE]

LINK TO DOCUMENTS: [21/01329/DOC | Application to seek approval of details reserved by conditions 2 \(phasing\), 5a/5b \(archaeology\), 17 \(soft landscaping\), 22 \(external lighting\), 23 \(street furniture and walls\), and 25 \(hard surfacing materials\) of planning permission 21/00820/VOC \[for part sub-frontage 4 only, Southsea Castle\] | Southsea Seafront From Long Curtain Moat In The West To Eastney Marine Barracks In The East \(portsmouth.gov.uk\)](#)

Application Submitted By:

Portsmouth City Council

On behalf of:

Coastal Partners (on behalf of Portsmouth City Council)

RDD: 9th September 2021**LDD:** 18th November 2021**SUMMARY OF MAIN ISSUES**

The Southsea Coastal Scheme is a Flood and Coastal Erosion Risk Management (FCERM) scheme to upgrade the existing coastal defences along a 4.5km length of frontage at Southsea. It extends from Long Curtain Moat in the west to the Eastney Barracks in the east.

A planning application for the proposed flood defence works was submitted in July 2019. It constituted Environmental Impact Assessment (EIA) development and was accompanied by an Environmental Statement. It was determined by the Planning Committee on 4 December 2019 and planning permission granted, subject to conditions. The decision notice (dated 5 December 2019) includes the conditions worded such that the required information could be submitted and approved *prior to each phase* of flood defences commencing.

At that Planning Committee meeting, Members also requested that certain conditions, relating to public realm elements, came back to Members for a decision rather than being determined under officer's delegated powers. The specified conditions were:

17 (soft landscaping), 22 (lighting), 23 (street furniture), 25 (hard surfacing), 26 (feature walls), 27 (roads and footpaths) and 38 (public art and interpretation).

For sub-frontage 1, the Planning Committee determined an application for approval of details pursuant to relevant specified conditions on 4 November 2020. In late 2020, Phase 1 works commenced at Long Curtain moat.

Following funding approval, detailed design has been on-going. This work led to design changes at sub-frontage 4 - Southsea Castle; in short, it proposed less rock armour and an extra lower promenade. An amended scheme for works around Southsea Castle was submitted in June 2021 and planning permission for this S73 application was granted in August 2021.

The Coastal Partners (CP) seek approval of details reserved by condition for the second phase of the scheme, along the frontage of Southsea Castle.

POLICY CONTEXT

The relevant policies within The Portsmouth Plan would include:

PCS9 (The seafront), PCS12 (Flood Risk), PCS13 (A Greener Portsmouth), PCS14 (A Healthy City), PCS16 (Infrastructure and community benefit), PCS17 (Transport), PCS23 (Design and Conservation),

In addition, the Seafront Masterplan SPD (adopted 19.8.21) and National Planning Policy Framework (updated July 2021) are also relevant considerations.

CONSULTATIONS

Historic England

Historic England supports the application on heritage grounds and consider that the application meets the requirements of the NPPF.

Heritage Consultant

Any comments received will be reported at the meeting.

Archaeology Advisor

The changes offered within the revised Historic Environment Mitigation Strategy are endorsed.

Landscape Group

In summary, the detailed landscape proposals are comprehensive, well considered and nicely developed from earlier presentations/discussions with Council stakeholders. It is pleasing to see the quality of concrete work, the attention to detail in the aggregates, the choice of anodised aluminium metalwork and the combination of hardwood and softwood in timber materials for lighting, handrails, street furniture. Design elements are notably robust and should cater well to the tough marine environment.

Whilst the soft landscape works (perennial mix) to the bandstand field edge are pleasing in concept, there is a concern whether they will stand up to the trampling and wear from the public. It is a very popular area in the summer months. However, they are still worth pursuing to see what survives, with the proviso that there is a monitoring and review for replacements in the first year to assess best long-term solution. In other words, some species may not survive well, and should be replaced with the hardiest species, possibly looking at more ornamental grasses, which may prove more sustainable.

Leisure/Arb Officer

No arboricultural concerns.

REPRESENTATIONS

Applications for details reserved by planning condition(s) are not normally subject to publicity. Discretionary publicity by site notices have been displayed seeking comments by 18 October.

COMMENT

The public realm elements that were specified to be determined by the committee and relevant to Phase 2 works are as follows:

17 (soft landscaping), 22 (lighting), 23 (street furniture) and 25 (hard surfacing)

CP rightly point out that "The section of the seafront around Southsea Castle faces some very hostile wave conditions and so any materials used need to be extremely durable and robust in the marine environment." Furthermore, a very significant proportion of Phase 2 comprises a Scheduled Ancient Monument (SAM), for which consent is required from Historic England to undertake any works.

- Condition 17 (soft landscaping)

The submission includes full details and plans for the proposed soft landscaping within Phase 2; a Landscape Specification has further details and includes maintenance information.

Due to the existing site context, structures, and assets within Phase 2, there is limited scope for soft landscaping. Additional landscaping is proposed in the form of small areas of wildflower planting amongst natural stone boulders (for play), along the landward edge of Bandstand Field. The planting selection seeks to reflect the existing character of vegetated shingle along the seafront. A mixture of native and non-native plants would increase biodiversity and include space for existing self-colonisers within the local area. The planting bed would comprise of varying depths of flint gravel, providing a natural barrier against weeds and reducing future maintenance requirements. There three distinct species groups – evergreen, seasonal and annual wildflowers. The evergreens would provide year-round structure and colour. The seasonal plants form a mixture of those existing on the local beaches and additional plants with biodiversity interest. The annual wildflowers would provide sparks of colour through the year, where the flowering periods ebb and flow, changing locations year after year as they self-seed and colonise.

- Condition 22 (lighting)

These details relate to the functional lighting of this stretch of the scheme, ensuring adequate lighting levels along the promenade. There is no existing lighting on the promenade around Southsea Castle. There is no purely decorative lighting proposed. There is, however, to be architectural lighting to enhance the interpretation of the SAM, particularly to enhance the night views of the castle from the sea, but this lighting will be dealt with separately under Condition 38, in conjunction with the other public art and interpretation features. Consistent with approval at Long Curtain moat, the proposed new lighting consists of 5m twin lamp timber lighting columns at intervals of approximately 18m, except for the area in front of Southsea Castle. This area, where the terracing begins, is designed to be lit by low-level lighting bollards. No listed lamp columns require removal or reinstatement as part of this construction phase.

- Condition 23 (street furniture)

The street furniture for Phase 2/sub-frontage 4 has been designed to both provide resistance to the harsh exposed coastal conditions around Southsea Castle and complement the existing heritage assets.

o Balustrading and handrails

Balustrading is only proposed adjacent to the two sets of pedestrian steps that link the top promenade to the bottom promenade. One set would be sited either side of the Castle. The design has been kept simple, in anodised aluminium to overcome existing problems of rust encountered by using steel and stainless steel. The balustrading top rail will be in softwood timber. This condition does not include details of the works to remove or replace the existing railings around the castle – to be dealt resolved separately later under Condition 34.

o Seating

The formal seating design comprises a mix of timber benches in a variety of styles. Some have accompanying single seats, and some have tables. Also proposed is a timber swing bench. This formal seating will be located on the back edge of the promenade. Incidental seating, in the form of the terraces in front of Southsea Castle, would have slim timber slats placed on the seaward edge.

- o Bollards

These would be limited to timber low level lighting bollards.

- o Bins

Powder-coated bins would be located to avoid visual clutter to the promenade, to match the balustrading.

- o Life buoy

To be provided.

- o Play areas

Natural play features are to be created consisting of small areas of stone boulders, within gravel and planting. As part of wider public art and interpretation elements, to come forward later, the boulders will have some ecology-related sandblasting on to create a nature trail and provide additional interest.

- Condition 25 (hard surfacing)

The key promenade material of exposed aggregate concrete was identified in both the original planning application and S73 application for amendments around Southsea Castle; this material was also approved by condition for Phase 1 at Long Curtain Moat.

The materials have been reviewed in detail as part of the ongoing discussions with Historic England. Due to a SAM occupying a significant proportion of this construction phase, the material choices, and design details, must be acceptable to Historic England.

At the heart of the design intent for the public realm surfacing is a requirement to complement the historic setting of the SAM. It is considered appropriate that the public realm be restrained and uncluttered, for the historic asset be visually understood and appreciated. Alongside this, the surfacing must fulfil fundamental requirements of longevity in a harsh coastal environment and the functional requirements of a 100 year-life flood defence scheme. In-situ decorative surfacing has been chosen to fulfil this. By making a bespoke mix not only can CP make the surface suit the colouration of the historic walling, but we can also adjust the texture, grain and jointing in order to ensure it creates an appropriate setting for the SAM. In addition to the decorative local aggregate surfacing, a line of red brick would be set into the promenade, to delineate the line of the historic tunnels below. This design detail will assist in the interpretation of the designated asset, in addition to other proposed interpretation measures under development. In terms of future maintenance requirements, the surfacing would outlast any other surface that could be used within such a harsh marine environment. By removing the requirement and reliance for regular future maintenance visits and repairs, CP seek to ensure that a high-quality setting to the monument is retained, for as long as possible.

Summary

The details pursuant to conditions 17 (soft landscaping), 22 (lighting), 23 (street furniture) and 25 (hard surfacing), for Phase 2 only, are considered acceptable.

As an aside, this submission also seeks approval for conditions 2 (phasing) and 5a/5b (archaeology); the amended phasing plan and updated Historic Environment Mitigation Strategy are also considered acceptable and will be approved.

RECOMMENDATION

Approve

20/00960/HOU

WARD:COSHAM

34 FRESHWATER ROAD PORTSMOUTH PO6 3HU

CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION (AMENDED DESCRIPTION)

[20/00960/HOU | Construction of two storey side and rear extension \(Amended description\) | 34 Freshwater Road Portsmouth PO6 3HU](#)

Application Submitted By:

Innovative Options Ltd
FAO Mr Geoff Galloway

On behalf of:

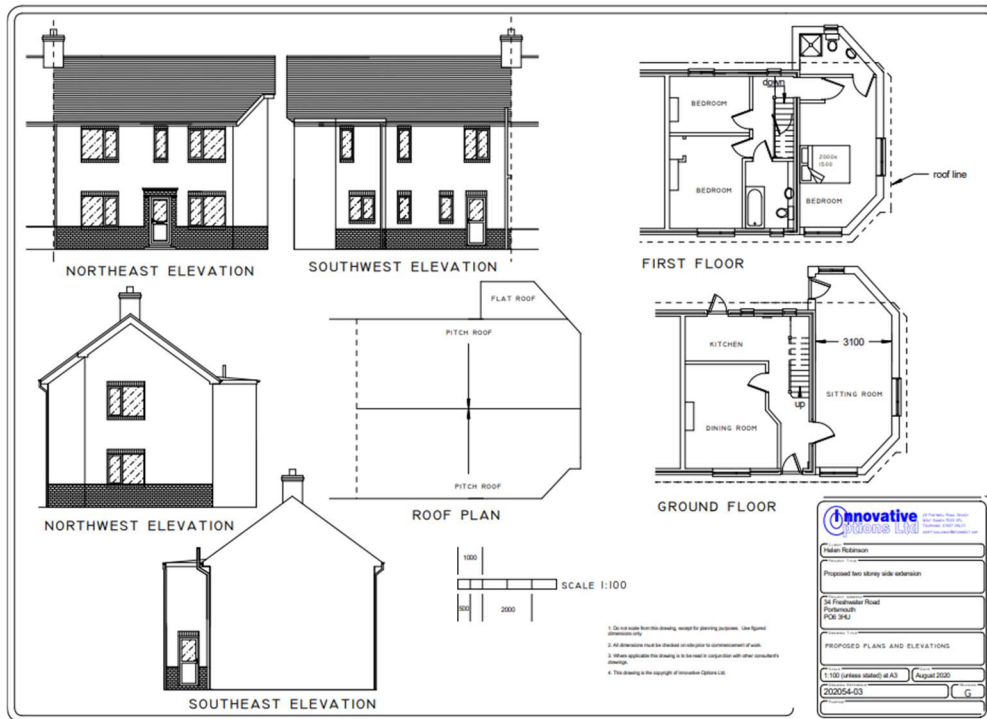
Helen Robinson

RDD: 25th August 2020

LDD: 10th February 2021

SUMMARY OF MAIN ISSUES

- 1.1 This application is presented to the Planning Committee as the applicant is a PCC employee.
- 1.3 Site and Surroundings
- 1.4 This application relates to a two storey semi-detached dwelling on a corner site the south side of Freshwater Road close to the junction with Gurnard Road. There is a single storey attached garage on the north side. The dwelling is attached to 2 Gurnard Road which is also two-storeys. No 32 Freshwater Road which adjoins the application site is a two-storey semi-detached dwelling with a two-storey flat roofed rear extension.
- 1.5 Proposal
- 1.6 Permission is sought for a two-storey side and rear extension. As shown on the plan extract below, the development would be hexagonal in footprint due to the constraints of the site and project some 3.1 metres to the rear and extend to the side by about 1 metre. In terms of height it would maintain the existing eaves and ridge height with a gable end.



1.7 Relevant planning history

1.8 07/00822/PREAPP - Single storey rear extension to garage

2.0 **POLICY CONTEXT**

2.1 The relevant policies within would include Policy PCS 23 of the Portsmouth Plan 2012. In addition to the above policy, the aims and objectives of the National Planning Policy framework are relevant.

3.0 **CONSULTATIONS**

3.1 Highways

This application is for the construction of two storey side and rear extension. Freshwater Road is an unclassified residential road with the majority of terraced dwellings along its entirety. A number of the dwellings have converted the front forecourts to provide off road parking spaces. Footway edges have been dropped on both the north and south side to accommodate on street parking on both sides of the carriageway.

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 upon the local highway network.

The site currently comprises of a 2 bedroom dwelling with an external garage to the west. The application proposes to construct a rear and side storey extension, converting the garage into a ground floor living room and creating an extra bedroom on the first floor. The application also proposes to relocate the existing on site parking space to the front of the property.

Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 2 bedroom dwelling is 1.5 vehicle space and 2 cycle space. This proposal creates a 3bedroom dwelling of which the parking requirement is the same as a 2bedroom dwelling. The proposal

reduces the off street parking provision by 1 space through the conversion of the garage, with one parking space provided on site to the front of the dwelling.

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.

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 the officer does not believe refusal of this application on these grounds could be upheld in the event of an appeal and therefore there is no highway objection to this proposal.

Additionally, no secure cycle storage has been provided. The absence of cycle parking will limit opportunities for future occupants to use sustainable transport modes and consequently is contrary to the SPD and would justify a reason for refusal. However, the officer is comfortable that there is adequate space to accommodate the cycle parking on site and should you be minded to approve this application this should be secured by condition.

3.2 Southern Gas - no objections

3.3 Portsmouth Water - no objections

4.0 REPRESENTATIONS

4.1 None

5.0 COMMENT

5.1 Determining Issues

- a) Principle of development
- b) Design
- c) Impact on the amenity of neighbouring properties

5.2 Principle of development

5.3 The application relates to an existing dwelling house, where extensions and alterations to such are considered acceptable in principle subject to relevant material considerations.

5.4 Design

5.5 Policy PCS23 of the Portsmouth plan (2012) states that all new development must be well designed and, in particular, respect the character of the city.

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

5.7 With regards to impact on the character of the area, the extension will be prominent in the street scene. It will bring development forward of the return building line associated with No. 32 and its attached neighbour. It will also close the visual gap to No. 32 which is considered to be an important feature of the street scene. The proximity of the extension to its neighbour will materially reduce this gap with an unattractive prominent and contrived form of development and will result in harm to the character of the area.

5.8 It is also considered that this proposal by reason of scale, height, depth and design would result in an overall appearance which would fail to create a subordinate extension and which fails to harmonise with the host dwelling, as required by Policy PCS23 of the Portsmouth Plan.

5.9 Impact on Residential Amenity

5.10 Policy PCS23 of the Portsmouth Plan (2012) includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development. No 32, adjoining has no side facing windows and it is not considered that the development will result in material loss of privacy, overbearing impact or loss of daylight or sunlight. The extension is on the far side of the dwelling from No. 2 Gurnard Road and no material loss of amenity is considered to arise.

5.11 Conclusion

5.12 The proposed side extension, by reason of its width, height, depth, scale and design, would result in an incongruous, excessive and visually intrusive form of development, failing to respect the original character of the host building and the character of the local area. The proposal would therefore not be in compliance with Policy PCS23 of the Portsmouth Plan (2012).

RECOMMENDATION: Refuse for the following reason:-

(1) The proposed side extension, by reason of its width, height, depth, scale and design, would result in an incongruous, excessive and visually intrusive form of development, failing to respect the original character of the host building and the character of the local area. The proposal would therefore not be in compliance with Policy PCS23 of the Portsmouth Plan (2012).

PRO-ACTIVITY STATEMENT Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

